



City of Hamilton

CITY COUNCIL ADDENDUM

20-016

Friday, July 17, 2020, 9:30 A.M.

Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

4. COMMUNICATIONS

4.9 Correspondence respecting the by-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces:

*4.9.n Thomas Brooks

*4.9.o Katy Bennett

*4.9.p Mike Errington

*4.9.q Valerie Warren

*4.9.r Johanne Guilbault

*4.9.s Amanda Fudge

*4.9.t Susann Coston

*4.9.u Julia Horton

*4.9.v Tina and Doug Copeland

*4.9.w Trevor Lee

*4.9.x Julia Alfaro

*4.9.y Sherry Clause

*4.9.z Nadia Mastroianni

*4.9.aa Kathleen O'Brien

*4.9.ab Joan Vernon

*4.9.ac Peter Kelly

*4.9.ad James Buss

*4.9.ae Patrick Sohier

*4.9.af Sean Everingham

*4.9.ag Ana Banjavcic

*4.9.ah Suzi Spelic, Nick's Journey

*4.9.ai Edward Baumgartner

*4.9.aj Michelle Leon

*4.9.ak The Fluit Family

*4.9.al Klaus Kaiser

*4.9.am Linda Yousif

*4.9.an Ruth Olson

*4.9.ao Peter Kelly

*4.9.ap Rev. Dr. James Miklos

*4.9.aq Colin Fox

*4.9.ar Suzi Spelic, Nick's Journey

*4.9.as Andrew & Nadine Smith (Petra, Daniel, Fanny)

*4.9.at Tobi Bos

*4.9.au Carla Buss

*4.9.av Lindsey Sieders

*4.9.aw Lazlo and Julia Toth

*4.9.ax Bruce Walker

*4.9.ay Aaron Dedrick

*4.9.az Ryan Andre

*4.9.ba Frank McKenzie

*4.9.bb Sandra Spracklin

*4.9.bc Sarah Warry

*4.9.bd Steve Marta

*4.9.be Frank and Carol McKenzie

*4.9.bf Trevor Lee

*4.9.bg Melanie Scholtens

*4.9.bh Melanie Scholtens

*4.9.bi Fred Zipeto

*4.9.bj Melanie Scholtens

*4.9.bk Andrew Smith

*4.9.bl Duane Dahl, Boys and Girls Clubs of Hamilton

- *4.10 Correspondence from Rachel Yantzi respecting backyard chickens.
Recommendation: Be received and referred to the consideration of Item (d)(i) of Planning Report 20-005.
- *4.11 Correspondence from Rebecca Mills requesting that Council revisit the decision made on June 24, 2020 respecting Report PW20010/PED20077 Making Upper James Street More Pedestrian Friendly.
Recommendation: Be received.
- *4.12 Correspondence from Bryan Dykstra, Blacks Point Development Inc. respecting the recommendation to designate 127 Hughson Street North, Hamilton.
Recommendation: Be received and referred to the Item 5 of Planning Committee Report 20-006.
- *4.13 The Association of Municipalities of Ontario (AMO) and the Ontario Federation of Indigenous Friendship Centres (OFIFC) Declaration of Mutual Commitment and Friendship (FINAL).
Recommendation: Be received and referred to the consideration of Item 7 of Emergency & Community Services Committee Report 20-004.
- *4.14 Memorandum from Dr. Nihn Tran, Associate Medical Officer of Health respecting the Hamilton Face Covering By-law.
Recommendation: Be received and referred to the consideration of Item 6 of Board of Health Report 10-004 and Bill 155.
- *4.15 Correspondence from Laura Palumbo respecting helping the community members living in Encampments in Hamilton.
Recommendation: Be received and referred to the consideration of Item (d) (ii) of Emergency and Community Services Committee Report 20-004.
- *4.16 Correspondence from J.J. Clarke respecting an email forwarded to the Honourable Doug Ford, Premier of Ontario respecting Teachers.
Recommendation: Be received.

7. NOTICES OF MOTIONS

- *7.2 Amendment to the Bill List
- *7.3 Building Security Plan for the Long and Bisby Building
- *7.4 Waiving of the Marriage Licence Fee

10. BY-LAWS AND CONFIRMING BY-LAW

*10.14 152

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 1218 and 1226 Barton Street & 1219 Highway No. 8, Stoney Creek

ZAC-17-076

Ward: 10

*10.15 153

To Amend Zoning By-law No. 6593, Respecting Lands Located at 323 Rymal Road East, Hamilton

ZAC-19-031

Ward: 8

*10.16 154

To Amend Zoning By-law No. 6593, Respecting Lands Located at 370 Concession Street, Hamilton

ZAC-18-008

Ward: 7

*10.17 155

A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to Amend City of Hamilton By-law No. 17-225, Being a By-law to Establish a System of Administrative Penalties

Ward: City Wide

*10.18 156

To Amend By-law No. 01-215, Being a By-law to Regulate Traffic

Schedule 6 (One-Way Streets)

Schedule 8 (No Right Turns)

Schedule 9 (No Right Turns on Red)

Schedule 11 (No Left Turns on Red)

Schedule 18 (Bicycle Lanes)

Ward: 1, 2, 3

*10.19 157

To Expropriate a Portion of 347 Parkside Drive, Hamilton, Being Part of Lot 6, Concession 4, East Flamborough, as in CD 260033, S/T & T/W CD260033, S/T EF23444, Flamborough, City of Hamilton, Designated as Part 2 on Plan 62R-20823, being Part of PIN 17514-0100(LT), known municipally as 347 Parkside Drive, Hamilton, for the purposes of Development and Construction of North Waterdown Drive (Waterdown East-West Arterial Road)

Pilon, Janet

Subject: FW: Church Restrictions eg singing etc

From: Thomas R. Brooks

Sent: July 8, 2020 6:17 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: Church Restrictions eg singing etc

Our family vehemently disagree with facemask wearing, ban on singing praises etc. , draconian social distancing requirements etc. We won't accept any more evil measures. We have had it with these unnecessary laws.

Pilon, Janet

Subject: To Whom It May Concern

From: Katy Bennett

Sent: Wednesday, July 8, 2020 11:30 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: To Whom It May Concern

To Whom It May Concern,

My name is Katy Bennett and I'm writing in regards to the meeting taking place to discuss the mandatory wearing of masks in public places in Hamilton.

I am greatly concerned that this is even being discussed as an option given all the latest information from the CDC and WHO. The original concerns and data found on the virus are no longer concerns and the latest information on these organizations websites clearly states that.

To take away someone's freedom to choose, especially if they are healthy and carry no symptoms is deeply alarming and concerning to me. This evening I was reflecting on Canada's national anthem... 'the True North strong and free... keep our land glorious and free'. Passing a motion such as this one that is being tabled is sadly in opposition to all this country stands for.

It's unfortunate that we live in a world where we have the liberty and freedom to choose ones gender/orientation but we don't seem to have the same liberties and freedoms with respect to covering or not covering our faces. It's truly fascinating and alarming to me that this is even being discussed and I would please ask that you give Hamiltonians their freedom and choice to make informed decisions for themselves and their families and not make the wearing of masks mandatory.

Thank you for your time and consideration.

Many thanks,
Katy Bennett

Pilon, Janet

Subject: Mandatory masks

From: Mike Errington (Symphony of the Damned)

Sent: Friday, July 10, 2020 11:11 AM

To: Office of the Mayor; clerk@hamilton.ca; Office of Ward 3 City Councillor Nrinder Nann

Subject: Mandatory masks

Today's city council meeting, you considered the opinions of everyday people, on matter of medical science. If you don't understand how absolutely ridiculous this is, please resign immediately so we can have a responsible municipal government.

The only peoples opinions who actually matter on matters of medical science are medical professionals and scientists. It is absolutely disgusting that you would consider the opinions of these loud mouthed, selfish, ignorant useless people.

Do better.

Sent from my iPhone

Pilon, Janet

Subject: No Mandatory Facemasks

From: Valerie Warren

Sent: July 8, 2020 7:58 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: No Mandatory Facemasks

Dear Hamilton Council,

I think implementing mandatory facemasks in indoor locations is ridiculous, especially at this point in the Covid curve. At the beginning when it was spreading like wildfire then this may have made sense. But instead you chose to make locking everyone in their homes mandatory.

Now is the time to get the economy moving, re-open public bathrooms, allow doctors offices and dental offices and healthcare to get back to business.

I don't know why you are wasting your time with this motion. It won't stop anything. And people may get sicker breathing in and out their own carbon dioxide.

I think Hamilton has lost enough money that's where your focus needs to be. Not on making ridiculous social rules.

Just expressing my opinion.

Sincerely,

Valerie Warren

Pilon, Janet

Subject: Mandatory masks

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

From: Jo

Sent: Wednesday, July 8, 2020 7:13 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: Mandatory masks

Hello,

I have never felt so convicted enough to send an email but this is against my rights! I have a voice. My body my choice. This is going way to far. The curve is flattening. I do not agree/want to where a mask inside public place and ESPECIALLY my CHURCH. I love Jesus and we sing and lift praise him. What kind of life is this?? NO MANDATORY MASKS.

Sincerely,

Johanne Guilbault

Sent from my iPhone

Pilon, Janet

Subject: No to mandatory face masks

From: Amanda Fudge

Sent: Wednesday, July 8, 2020 7:52 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: No to mandatory face masks

City Council

I am saying no to mandatory facemasks and persecution on the church! I do not agree with this and won't accept it! It infringes on personal freedoms. Thank you.

Sincerely,
Amanda Fudge

Pilon, Janet

Subject: Mandatory face Masks

From: Susann Coston

Sent: Wednesday, July 8, 2020 9:00 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: Mandatory face Masks

Dear Mayor and City Council of Hamilton

I would like to address the issue of your council trying to force Mandatory Face Masks to citizens .

1) I already gave health issues

Mask actually endure and make breathing more difficult headaches worsen due to CO2 being forced back and lack of oxygen. It also causes your heart to work harder and some have been put into cardiac events.

2) Forcing us to wear a mask is over reach and totalitarianism. It is against the charter of right and Freedoms.

3) If people are concerned they can choose to wear a Mask. I can't be a risk to them if they have a mask and anyone not wearing one it would be fair to say they feel the same way I feel.

4) The curve has been flattened and it is not necessary and you are promoting and enduring fear and divisiveness in our community.

5) We are mature responsible residents and don't need big brother to tell us how to live our lives.

6) I refuse to wear a mask or if you try and tell our churches we can't worship. We will see you in the court system a the way to the supreme court if necessary. I promise I will initiate a class action human rights law suit.

A VERY DISAPPOINTED CITIZEN OF CANADA AND RESIDENT OF HAMILTON ONTARIO,

SUSANN COSTON

Pilon, Janet

Subject: Do not agree with mandatory masks and persecution on the church

From: Julia Horton

Sent: Wednesday, July 8, 2020 9:32 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: Do not agree with mandatory masks and persecution on the church

Peter Marshall I emailed this

Dear Mayor Fred and City Council of Hamilton

I do not agree with Mandatory Face Masks indoors and no worship in churches. Forcing us to wear a mask is over reach.

Thank you in advance for your re-consideration.

Julia Horton

Pilon, Janet

Subject: FW: Mask and Worship in Church

From: Doug Copeland

Sent: July 9, 2020 9:37 AM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Cc: Doug Copeland

Subject: Mask and Worship in Church

Dear Mayor and City of Hamilton

I would like to address the issue of trying to force face masks to be worn for all citizens of Hamilton

There are many health issues involved with this and many can not wear a face mask. It is also hard on your breathing and gives you lack of oxygen in your body. This has been a proven fact.

Forcing someone to wear a face mask is against the Charter of Rights and Freedoms

I feel that if someone choses to wear a face mask that is ok but NO ONE should be FORCED to wear one. If a person is concerned than they have the right to wear a face mask just as another has the right to not wear one.

The curve has been flattened for quite some time now without the force of wearing a face mask. The vast majority of people are very responsible and do their social distancing and our numbers keep going down.

I will refuse to wear a mask as it is my right not to do so.

Also the no worship in church is also against the Charter of Rights and Freedoms. I will continue to worship in my church as i see fit.

I am very disappointed with the proposed by law that you want to put in effect. We as the city of Hamilton has done very well in controlling and flattening the curve.

Tina and Doug Copeland

Pilon, Janet

Subject: Mandatory Mask Bylaw

From: Trevor Lee

Sent: Friday, July 10, 2020 2:50 PM

To: DL - Council Only

Subject: Mandatory Mask Bylaw

Good afternoon Hamilton City Councillors,

I hope you are all well.

Thank you for your time and patience with me during this time. I wanted to share just one more video with you all, that if you have any spare time, can watch. You all have a very important decision to make next week regarding the Mandatory Mask bylaw. And maybe your choice in this matter is more persuaded by popular opinion polls instead of fact. Have a watch. <https://youtu.be/ySmURvSQ2O4> Dr. Marissa Heisel speaking with Mark Friesen. Most doctors and scientist who do speak out on the health dangers of wearing masks are being either removed from platforms like YouTube and Facebook, or are being discredited as being false. And the media continues to drive the narrative.

Active cases are now down to 27. And I'm almost sure that by the time you vote, it will be lower.

I know you can't please all the people all of the time, but if the mask bylaw is passed, I'm afraid that in a very short while, you will see that most of the people will be very angry. It has started already.

Thank you for your time, and enjoy the weekend.

Trevor Lee

Your neighbor in Ward 7

Pilon, Janet

Subject: Concerns about worship/ masks

From: Julia Alfaro

Sent: Wednesday, July 8, 2020 8:59 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: Concerns about worship/ masks

Hello Hamilton council,

The reason for my email is that I am concerned about not been able to worship the Lord. Specially in these hard times. I feel that it is essential, to the city of Hamilton.

My other concern is the policy of the mandatory mask, why is it needed now? If we have survived without it, since the beginning of the outbreak in the city. Thanks for take the time to read my concerns.

Pilon, Janet

Subject: My concerns over making masks mandatory.

From: Sherry Clause

Sent: Sunday, July 12, 2020 8:47 AM

To: clerk@hamilton.ca

Subject: My concerns over making masks mandatory.

I have big concerns over the city trying to make people wear masks and making it mandatory! First off if they wanted to do this and had big concerns about spreading the virus it should have been done right from the beginning not 4 month's later! I work in the hospital and wearing these masks all day at work tires me out it causes me to have a dry irritated throat and it makes it hard for me to breathe. We are breathing in our air which is not good and I refuse to wear this in public and will not be forced to do it! People with asthma or breathing problems can not wear masks especially for long lengths of time! I will protest this and will continue to fight for my rights. This is not healthy for anyone we are not even protecting ourselves little lone other's.

Pilon, Janet

Subject: Followup: Mental Health Challenges and Mask Exemptions

From: Nadia-Eva Mastroianni

Sent: Friday, July 10, 2020 6:07 PM

To: Office of the Mayor

Subject: Followup: Mental Health Challenges and Mask Exemptions

Hello,

Due to the recent decision made today of mandatory masks in Hamilton, I want to share a sincere thank you to Lloyd Ferguson and Esther Pauls for reading between the lines and understanding how much fear over hope is being communicated in this process, and what makes sense in the reality that cases are falling in Hamilton. I hope this is something highly taken into consideration on the 17th.

In regards to my email sent yesterday on mental health and the mandatory masks, I am eager to hear what exemptions will look like for Hamilton, and if people living with mental health challenges will be included.

A poll created today with my community resulted in **100% of responses** sharing that YES, mental health challenges should be included in the exemption, "those with underlying health conditions that prevents them from wearing a mask". It is in hopes that this is acknowledged, especially in the basic understanding that our mental health is just as important as our physical health.

Questions as follows:

- Will mental health challenges (ie. anxiety, claustrophobic, past trauma related to face covering, etc) be included in the exemption list?
- If not, please explain why.
- If yes, will individuals upon entry be required to provide proof of exemption?
- If yes, why are locations in Hamilton in the future urged to ask for proof, when other cities (example Guelph) are able to access public establishments, with no proof required under the order? Public Health is not asking businesses to check or require documentation.

I appreciate your response to this, following my previous email sent yesterday, thank you.

Nadia Mastroianni

National mental health education in Hamilton

Pilon, Janet

Subject: Submission for July 17 City Council Meeting on COVID and Masks By Law

From: Kate O'Brien

Sent: Sunday, July 12, 2020 11:09 AM

To: Pilon, Janet <Janet.Pilon@hamilton.ca>

Subject: Submission for July 17 City Council Meeting on COVID and Masks By Law

City Council

Thank you for the opportunity to make my voice heard on the issue of mandatory masks. I watched the recent Board of Health meeting on line, and extend my appreciation to our Medical Officer of Health and her team for a solid and clear submission to Council, and her plain language and thoughtful responses to their questions. This is probably the most significant issue that Council will face this year, and decisions require a well informed and serious Council.

I am strongly in favour of mandatory masks. I do not frequent any establishment that does not have staff wearing masks properly, does not have hand sanitizer available, and I avoid any situation in an indoor space where others without masks do not maintain that 2 metre distance. It is disrespectful to not do everything possible to follow those simple guidelines. I was in Italy when the pandemic started and various measures were put in place. We have no idea what lock down means, and we have been fortunate so far. A real lockdown, as was enforced in Europe, if COVID surges here, will have debilitating consequences. We should consider ourselves fortunate to only be asked to keep a social distance and wear a mask.

We are past the time of education. If a few citizens of Hamilton don't get it yet, then no amount of further education will help. We are in month six of this as a national and global concern. Perhaps the only education needed is that the mask should be worn properly, to cover both the nose and mouth, should not be worn to cover the chin only, and is a mask, not a fluffy scarf.

Masks are the only tool left in the tool box to prevent the spread of this virus, beyond a significant lock down. Most Municipalities in Ontario have already put a mandatory mask by law into effect. Hamilton is in fact late to the table on this.

Masks are essential for our seniors to feel safe leaving their homes, to open businesses, including movie theatres, for religious institutions, and for Generation Xers and Millenials to be out and about, and not be faced with peer pressure to not wear a mask, which could cause themselves or others harm.

With respect to religious institutions, it may be instructive to note that the Vatican signed an agreement with the Government of Italy making masks and social distance mandatory in order to resume religious services in the Catholic Churches in Italy. The link to that follows at the end of this email. If it is good enough for the Catholic Church to do the right thing, then in my view, there are no reasonable arguments that other religious institutions can make to not follow by-laws to protect their congregation.

As for those who suggest that we are over the risk from this virus, one only has to look to Florida, Arizona and Texas to see what happens when you think that you have no risk. As for Canada being in a good place, well, Canada ranks 39th in terms of global population, and we are not densely populated compared to most nations. However, and despite the wide open spaces that we enjoy, we rank 20th in terms of COVID cases, and sadly 14th in terms of COVID deaths. We should be 39th in both those numbers.

We share a border with the USA, and what is happening there is a direct result of inaction and lack of enforcement of things like social distancing, mandatory masks, and a careful phased reopening of businesses and activities. Although that border is currently closed until July 21, 2020, there is substantial American pressure to reopen that border. At some point that border will reopen. When it does, it will be impossible to enforce masks for Americans and not for Hamiltonians. Neighbouring Municipalities have unanimously voted in favour of a mandatory mask by-law. That is the right side of history.

We have by-laws for dog licences, snow shovelling, noise levels, parking, dogs on leashes, tobogganing and who knows what else. Surely a mandatory mask during a global pandemic ranks among a dog licence or tobogganing. By-Laws are in place to protect the vast majority of responsible citizens from the few who refuse to behave properly in civil society. These are not infringements on any Constitutional rights.

Finally, at during the Board of Health meeting there was a suggestion from one Councillor that there should be a by-law on hand washing. I assume that that was intended as a joke. It is unfortunate that any member of City Council views any aspect of a global pandemic that has resulted in the deaths of far too many of the most vulnerable citizens of Hamilton as a joke. Front line workers, health care workers, who wear N95 masks all day, every day, face shields, and other PPE, sometimes being asked to reuse PPE due to critical shortage, faces bruised from wearing PPE, as they risk their lives to keep us safe, deserve better.

This is a serious issue. City Council's Vision is that we aspire "To be the best place to raise a child and age successfully". Council should accept the advice of our Medical and Scientific experts, and do like other Municipalities, vote unanimously in favour. That's the Vision, isn't it? Or were those just platitudes on the City website?

Kathleen OBrien
Ward 7 Resident.

<https://www.vaticannews.va/en/church/news/2020-05/public-masses-in-italy-will-resume-on-18-may.html>

Pilon, Janet

Subject: Corona Virus

From: Joan Vernon
Sent: Friday, July 10, 2020 7:45 AM
To: DL - Council Only
Subject: Corona Virus

Please do not mandate face masks. We Hamiltonians seem to be careful and responsible regarding social distancing and appropriately using masks. Please do not use your power for something that is not necessary. Also, please allow us all to worship as we choose...let's keep Canada free.

Thank you for listening and representing me and many other Hamiltonians justly and wisely.

Sincerely,

Joan Vernon

Pilon, Janet

Subject: Against mandatory face masks

Subject: Against mandatory face masks

Date: 2020-07-11 08:22

From: Pete Kelly

To: esther.pauls@hamilton.ca

Esther,

Thank you for voting against the face mask bylaw. I am also against this order.

Please read the attached article by Dr. Russell Baylock regarding the scientific evidence against face masks, share it with other councilors.

This information needs to be made public, for public safety.

Regards,

Peter Kelly
Hamilton



Blaylock: Face Masks Pose Serious Risks To The Healthy

Dr. Russell Blaylock warns that not only do face masks fail to protect the healthy from getting sick, but they also create serious health risks to the wearer. The bottom line is that if you are not sick, you should not wear a face mask.

As businesses reopen, many are requiring shoppers and employees to wear a face mask. Costco, for instance, will not allow shoppers into the store without wearing a face mask. Many employers are requiring all employees to wear a face mask while at work. In some jurisdictions, all citizens must wear a face mask if they are outside of their own home. □

TN Editor

With the advent of the so-called COVID-19 pandemic, we have seen a number of medical practices that have little or no scientific support as regards reducing the spread of this infection. One of these measures is the wearing of facial masks, either a surgical-type mask, bandana or N95 respirator mask. When this pandemic began and we knew little about the

virus itself or its epidemiologic behavior, it was assumed that it would behave, in terms of spread among communities, like other respiratory viruses. Little has presented itself after intense study of this virus and its behavior to change this perception.

This is somewhat of an unusual virus in that for the vast majority of people infected by the virus, one experiences either no illness (asymptomatic) or very little sickness. Only a very small number of people are at risk of a potentially serious outcome from the infection—mainly those with underlying serious medical conditions in conjunction with advanced age and frailty, those with immune compromising conditions and nursing home patients near the end of their lives. There is growing evidence that the treatment protocol issued to treating doctors by the Center for Disease Control and Prevention (CDC), mainly intubation and use of a ventilator (respirator), may have contributed significantly to the high death rate in these select individuals.

By wearing a mask, the exhaled viruses will not be able to escape and will concentrate in the nasal passages, enter the olfactory nerves and travel into the brain.

Russell Blaylock, MD

As for the scientific support for the use of face mask, a recent careful examination of the literature, in which 17 of the best studies were analyzed, concluded that, “None of the studies established a conclusive relationship between mask/respirator use and protection against influenza infection.”¹ Keep in mind, no studies have been done to demonstrate that either a cloth mask or the N95 mask has any effect on transmission of the COVID-19 virus. Any recommendations, therefore, have to be based on studies of influenza virus transmission. And, as you have seen, there is no conclusive evidence of their efficiency in

controlling flu virus transmission.

It is also instructive to know that until recently, the CDC did not recommend wearing a face mask or covering of any kind, unless a person was known to be infected, that is, until recently. Non-infected people need not wear a mask. When a person has TB we have them wear a mask, not the entire community of non-infected. The recommendations by the CDC and the WHO are not based on any studies of this virus and have never been used to contain any other virus pandemic or epidemic in history.

Now that we have established that there is no scientific evidence necessitating the wearing of a face mask for prevention, are there dangers to wearing a face mask, especially for long periods? Several studies have indeed found significant problems with wearing such a mask. This can vary from headaches, to increased airway resistance, carbon dioxide accumulation, to hypoxia, all the way to serious life-threatening complications.

There is a difference between the N95 respirator mask and the surgical mask (cloth or paper mask) in terms of side effects. The N95 mask, which filters out 95% of particles with a median diameter $>0.3 \mu\text{m}^2$, because it impairs respiratory exchange (breathing) to a greater degree than a soft mask, and is more often associated with headaches. In one such study, researchers surveyed 212 healthcare workers (47 males and 165 females) asking about presence of headaches with N95 mask use, duration of the headaches, type of headaches and if the person had preexisting headaches.²

They found that about a third of the workers developed headaches with use of the mask, most had preexisting headaches that were worsened by

the mask wearing, and 60% required pain medications for relief. As to the cause of the headaches, while straps and pressure from the mask could be causative, the bulk of the evidence points toward hypoxia and/or hypercapnia as the cause. That is, a reduction in blood oxygenation (hypoxia) or an elevation in blood CO₂ (hypercapnia). It is known that the N95 mask, if worn for hours, can reduce blood oxygenation as much as 20%, which can lead to a loss of consciousness, as happened to the hapless fellow driving around alone in his car wearing an N95 mask, causing him to pass out, and to crash his car and sustain injuries. I am sure that we have several cases of elderly individuals or any person with poor lung function passing out, hitting their head. This, of course, can lead to death.

A more recent study involving 159 healthcare workers aged 21 to 35 years of age found that 81% developed headaches from wearing a face mask.³ Some had pre-existing headaches that were precipitated by the masks. All felt like the headaches affected their work performance.

Unfortunately, no one is telling the frail elderly and those with lung diseases, such as COPD, emphysema or pulmonary fibrosis, of these dangers when wearing a facial mask of any kind—which can cause a severe worsening of lung function. This also includes lung cancer patients and people having had lung surgery, especially with partial resection or even the removal of a whole lung.

While most agree that the N95 mask can cause significant hypoxia and hypercapnia, another study of surgical masks found significant reductions in blood oxygen as well. In this study, researchers examined the blood oxygen levels in 53 surgeons using an oximeter. They measured blood oxygenation before surgery as well as at the end of surgeries.⁴ The researchers found that the mask reduced the blood oxygen levels (paO₂) significantly. The longer the duration of wearing the mask, the greater the fall in blood oxygen levels.

The importance of these findings is that a drop in oxygen levels (hypoxia) is associated with an impairment in immunity. Studies have shown that hypoxia can inhibit the type of main immune cells used to fight viral infections called the CD4+ T-lymphocyte. This occurs because the hypoxia increases the level of a compound called hypoxia inducible factor-1 (HIF-1), which inhibits T-lymphocytes and stimulates a powerful immune inhibitor cell called the Tregs. . This sets the stage for contracting any infection, including COVID-19 and making the consequences of that infection much graver. In essence, your mask may very well put you at an increased risk of infections and if so, having a much worse outcome.^{5,6,7}

People with cancer, especially if the cancer has spread, will be at a further risk from prolonged hypoxia as the cancer grows best in a microenvironment that is low in oxygen. Low oxygen also promotes inflammation which can promote the growth, invasion and spread of cancers.^{8,9} Repeated episodes of hypoxia has been proposed as a significant factor in atherosclerosis and hence increases all cardiovascular (heart attacks) and cerebrovascular (strokes) diseases.¹⁰

There is another danger to wearing these masks on a daily basis, especially if worn for several hours. When a person is infected with a respiratory virus, they will expel some of the virus with each breath. If they are wearing a mask, especially an N95 mask or other tightly fitting mask, they will be constantly rebreathing the viruses, raising the concentration of the virus in the lungs and the nasal passages. We know that people who have the worst reactions to the coronavirus have the highest concentrations of the virus early on. And this leads to the deadly cytokine storm in a selected number.

It gets even more frightening. Newer evidence suggests that in some cases the virus can enter the brain.^{11,12} In most instances it enters the

brain by way of the olfactory nerves (smell nerves), which connect directly with the area of the brain dealing with recent memory and memory consolidation. By wearing a mask, the exhaled viruses will not be able to escape and will concentrate in the nasal passages, enter the olfactory nerves and travel into the brain.¹³

It is evident from this review that there is insufficient evidence that wearing a mask of any kind can have a significant impact in preventing the spread of this virus. The fact that this virus is a relatively benign infection for the vast majority of the population and that most of the at-risk group also survive, from an infectious disease and epidemiological standpoint, by letting the virus spread through the healthier population we will reach a herd immunity level rather quickly that will end this pandemic quickly and prevent a return next winter. During this time, we need to protect the at-risk population by avoiding close contact, boosting their immunity with compounds that boost cellular immunity and in general, care for them.

One should not attack and insult those who have chosen not to wear a mask, as these studies suggest that is the wise choice to make.

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Dr. Russell Blaylock, author of [*The Blaylock Wellness Report*](#) newsletter, is a nationally recognized board-certified neurosurgeon, health practitioner, author, and lecturer. He attended the Louisiana State University School of Medicine and completed his internship and neurological residency at the Medical University of South Carolina. For 26 years, practiced neurosurgery in addition to having a nutritional practice. He recently retired from his neurosurgical duties to devote his full attention to nutritional research. Dr. Blaylock has authored four books, *Excitotoxins: The Taste That Kills*, *Health and Nutrition Secrets That Can Save Your Life*, *Natural Strategies for Cancer Patients*, and his most recent work, *Cellular and Molecular Biology of Autism Spectrum Disorders*.

Pilon, Janet

Subject: Mandatory face coverings

From: James Buss

Sent: Monday, July 13, 2020 9:43 AM

To: clerk@hamilton.ca

Subject: Mandatory face coverings

I would like to submit the following comments for Council to consider with respect to the debate and vote on mandatory face coverings.

First, I would like to stat that I am not against face coverings per se. I have a cloth mask that I carry with me. Sometimes I wear it; sometimes I don't. As a healthy individual, it depends on the situation that I am in, whether I choose to wear it or not. Part of that consideration is how others around me would feel.

However, I do object to a blanket policy all across the entire city. In recent months we have had some of our Charter rights and freedoms stripped away from us. And that is understandable. We have been in a serious pandemic and the health of the nation certainly takes some precedence over individual rights and freedoms. However, it is incumbent on legislators and councils to justify their actions. So far, I have not seen any justification for mandatory face coverings at all times.

I would point to this article: https://www.greenmedinfo.com/blog/should-you-wear-mask-prevent-covid-19?fbclid=IwAR1R8hyU-htL_eXYoYOFB8wEn9vFOXlshrKrS8a0s35y8Wt0xl4-FBCoYsc. In it, they state several studies and published journal articles, including one in a journal published by the CDC in May where they "found no significant reduction in influenza transmission with the use of face masks" (despite the CDC urging people to wear one). If science itself is divided on the issue, how can you justify stripping away more rights from the people?

I have heard it said that a mandatory face covering by-law would be no different than a by-law that dictates that food preparation workers wash their hands after visiting the bathroom. I'm sorry, but the two are not the same. The science is clear. There is no debate. If people do not wash their hands, people will get sick. In the case of mandatory face coverings, the science is not clear. Science is still arguing over whether face coverings are helpful and if they are, how helpful they really are.

I also take note that since the number of cases spiked, the number of cases has been on the decline (only 4 new cases in Hamilton Friday (I think)). This decline has been happening, despite not having a mandatory face covering policy, even though for the last four to six weeks more establishments have been opening up and more people are getting out and about. With so few new cases and most of the cases in Hamilton now being resolved, I'm not sure what advantage a mandatory face covering policy is going to have. There possibly could be justification if we were having troubles keeping our numbers down, but Hamilton has done a fantastic job of reducing transmission without a mandatory policy, so why start now?

I read in the Mountain News in the letters section of a lady who is a survivor of domestic abuse and that one of the things that her abuser did was cover her face. Why would City Council want to support something that would re-traumatize victims of abuse? I shake my head. I do not understand.

Rather than supporting something that is highly controversial among the voting people of Hamilton that has not been conclusively proven to be beneficial at all, I would urge City Council to come out in support of something that has proven to work: **Stay home if you can. If you can't, socially distance; if you can't wear a mask.** We know this works. Hamilton has been doing this and the evidence is in the daily updates, where the numbers are coming down.

James Buss

Pilon, Janet

Subject: The obsession with face masks

From: Patrick Sohier
Sent: Monday, July 13, 2020 10:52 AM
To: Office of the Mayor
Cc: clerk@hamilton.ca
Subject: Re: The obsession with face masks

Paul,

Thanks for your reply.

I will not read the medical report because there is nothing that anyone can tell me that will change my mind about this issue.

It is unnecessary coercion of citizens and I object to this infringement on my most private right to breathe unobstructed.

Yes, I want my email added to the record and I hope that councillors will pause and think before they vote.

This mask hype came out of nowhere and it will not change anything other than make people angrier about the mismanagement of the COVID fabricated crisis.

Sincerely,

Patrick Sohier

From: Patrick Sohier
Sent: July 11, 2020 3:40 PM
To: Office of the Mayor <mayor@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>
Cc: horwatha-gp@ndp.on.ca; pmiller-gp@ndp.on.ca; Sshaw-CO@ndp.on.ca; doug.fordco@pc.ola.org; Scott.Duvall@parl.gc.ca; media@ccla.org
Subject: The obsession with face masks

Dear Mayor, Councillors,

I am a resident of Hamilton and to my dismay I read today that Hamilton is now considering the implementation of the moronic by-law to require face masks in stores and public buildings. This allegedly is an attempt to make reopening the city safe for everyone.

I want to condemn in the strongest terms possible this idea to make the wearing of masks mandatory. God gave me lungs with the intention for me to breathe oxygen and there is not a single politician who can take that right away from me.

I will now drive to Cambridge to buy groceries until common sense prevails and this by-law is rescinded. It is worth a lot to me to defy this stupidity and assault on my most personal freedom to breathe.

I can understand the need for social distancing but now, all of a sudden four months after the onset of this COVID debacle, the medical experts find it necessary to arbitrarily impose even more restrictions that serve no real purpose. You cannot explain to me why this is now necessary while in March it was not and the Chief Medical Officer of Canada flip flopped a number of times on the benefits of wearing face masks. There are plenty of medical arguments against wearing face masks.

This crisis is being used and abused to destroy personal rights and freedoms in this country, with no end in sight and without any legal consequence. This crisis has been mismanaged from day one, used as an excuse for just about anything, with knee jerk reactions like closing down an entire economy and running up public debt I as a taxpayer will be paying for for many years to come. You have betrayed the basic rights of Canadian citizens.

Canada is turning into a totalitarian regime. The Charter of Rights and Freedoms is not worth the paper it is written on. The obsession with political correctness and the witch hunt against people who oppose this new naziism is deeply disturbing.

I was reading that people should accept this idea of masks and that it is comparable to wearing seat belts. This is total nonsense, epic bullshit. Seat belts save lives, I agree. Face masks are a symbol to make people submit to the COVID hype. It is sad to see you feel you have no common sense and you feel the need to copycat Kingston, Toronto, Burlington and other cities and make us all turn into sheep.

I will not comply.

I would love to see a few cases go to court so this abuse of power can be exposed.

If I have to enter a Hamilton business in the next few weeks and months and I am being charged the fine of \$200, I will not pay it. Take me to court. This could become very interesting. I am sure I will find many lawyers willing to take my case for free so that the truth can be exposed, because it is a needless assault on my sacred right to breathe, the most basic and sacred right any human possesses and yes that right is above any by-law you feel necessary to pass.

Sincerely,

Patrick Sohier

4.9 (af)

Pilon, Janet

Subject: Do NOT Make Masks Mandatory

Importance: High

From: Sean Everingham

Sent: Saturday, July 11, 2020 2:47 PM

To: maureen.wilson@hamilton.ca ; mayor@hamilton.ca

Cc: loyd.ferguson@hamilton.ca ; esther.pauls@hamilton.ca

Subject: Do NOT Make Masks Mandatory

Councillor Wilson, Mayor Eisenberger and Council,

I have been a resident in Hamilton for over 20 years (now residing in Ward 1), run a successful business that brings tens of thousands of dollars into the city each year and an MBA graduate of McMaster University.

I am writing you out of concern that Hamilton is headed in the same non-sensical position of mask wearing as other municipalities.

I am in full agreement with Councillor Ferguson that it makes no sense to be imposing a mask by-law 4 months into a pandemic. If we wanted to try to eliminate the virus, it would have made more sense to have this law in place as soon as we knew of its presence in Canada. There is **zero sound science guiding the decision** of this kind of bylaw at this point and the constant moving target of guidelines and recommendations suggests that the **experts are simply guessing** through this entire province.

I also want to point out several of the following points:

- the use of disposable masks is going to lead to far more litter in the city and even if used correctly, will do significant harm to the environment
- most people don't know how to wear a mask properly (ie: either nose exposed or simply not fitted) therefore lulling the public into a false sense of security
- most people will wear disposable masks more than once or will not wash fabric masks on a regular basis, putting them at more risk for contracting respiratory infection and defeating the purpose; they will touch them and put them on and off several times. All of the same things that made the mask wearing during the Spanish flu completely futile.
- Hamilton's vulnerable communities will suffer disproportionately as a result of this by-law
- the response to this pandemic has led many to depression and fear for the future; this mask by-law will only reinforce these negative consequences
- Hamilton's cases of covid-19 are decreasing despite partial re-opening and are in no worse a position than communities that have had mask by-laws in effect for 2+ weeks (ie: Kingston)
- you will begin to create conflict between citizens who have opposing beliefs about the consequences of this virus. Note that there is strong evidence from experts who don't believe any of the lockdown responses have been necessary

Most of all, if there was intelligence guiding these decisions, they would understand you CAN flatten the curve, which we have done successfully! You CANNOT eliminate a virus until there is a vaccine (which isn't happening) or let it run its course until there are not sufficient hosts in which to spread.

We have met the goalpost of flattening the curve. To try and bring in measures to eliminate any spread will only slow the inevitable and leave a wake of depression and destruction in its path. Remember this virus started with just ONE person coming into our country with the virus and we have well surpasses 100,000 cases despite lockdown measures. We WILL get surges in this virus no matter what – it IS what viruses do. Any expert saying otherwise needs to have their credentials re-assessed.

Hamilton is fortunate to be one of the most equipped cities in the province to handle the need to help patients who may need extra help as a result of complications. At this point, its time to re-open and restore hope to people – not create more fear and conflict among your citizens.

I want to applaud Councillors Ferguson and Pauls for voting AGAINST a mask bylaw. I encourage my Ward 1 Councillor, Mayor and remaining Councillors to do the same.

Respectfully,

Sean Everingham

4.9 (ag)

Pilon, Janet

Subject: NO MANDATORY MASK BYLAW

From: Ana Everingham

Sent: Monday, July 13, 2020 12:26 PM

To: Wilson, Maureen; Office of the Mayor; clerk@hamilton.ca

Cc: Ferguson, Lloyd; Pauls, Esther

Subject: NO MANDATORY MASK BYLAW

Good afternoon Mayor Eisenberger and Councillor Wilson,

As a Hamilton resident, I am writing you to please consider not following the senseless decisions of some of the other municipalities in the GTA and Ontario. Please DO NOT implement a mandatory mask bylaw. Residents are finally starting to feel hopeful that the worst of this pandemic is behind us, and there is absolutely no science that shows that wearing masks will help to stop the spread of COVID-19.

I have seen such a negative response to the mandatory mask bylaws from friends, family, and acquaintances and I fear that this will greatly harm our small businesses, as many people will turn to online shopping rather than supporting their local business in order to avoid wearing a mask. This is not a speculation, I have already seen this response from friends and family who live in Mississauga and Toronto.

I am also including the city clerk in this email, as I would like this letter considered as council debates the by law.

Sincerely,

Ana Banjavcic

4.9 (ah)

July 12, 2020

To: The City of Hamilton Council Members

Re: Mandatory Mask By-law

Dear Councillors,

I am the founder and owner of a registered Canadian Childhood Mental Health not for profit, Nick's Journey, located in Hamilton, Ontario. Everyday we advocate, support and fight for the rights of children and families who are affected by mental illness, physical and psychological barriers, learning disabilities and more. It is our responsibility to ensure that those who struggle to have their voices heard, do not go unnoticed. This is why, I feel very strongly that the proposed mandatory mask by-law that will be voted on this week, has big holes in it and a number of concerns for those who battle mental illness.

Imagine that you are a 7, 12, 15 or 17 year old child, who suffers from an anxiety disorder, PTSD, depression, OCD or other mental illness and having anything that covers your face, creates a tremendous amount of stress to your mental and physical body. That your breathing is obstructed because you are hyperventilating, your heart is under stress because it is beating so rapidly and that you are deprived of oxygen to your brain, which leads to you passing out, which causes you to hit your head on the floor or a shelf, all while you are in the middle of a store. This happens on the time that you decided to get out of your house after five months of being isolated because the media has created so much fear that as a child, you will carry this virus, give it to older people and they will die. Whether these were the exact words said, this is how you have perceived what is happening outside of your house.

Now imagine, wanting to go shopping for half an hour with your family, to walk around a store, look at a few toys or video games but before you even leave the house, you suffer from day long anxiety attacks, that lead to lack of sleep and a low appetite. You suffer from a headache and your stomach is constantly upset. Why? Because all you can think about is the fact that you cannot wear a mask in a public place but if you don't a by-law officer will stop you, ask you a lot of personal questions and give you a \$200 ticket. That you will be centred out and you are now a criminal. If you think that this is an exaggeration, then you do not have a true understanding of mental illness. This will also create a number of issues for people with real medical conditions as anyone can say they cannot wear a mask if they do not want to. It is against human rights to ask about and discriminate against a person's health and/or medical status. Creating a by-law that has this factor in part of determining the validity of a fine, is going to cause a lot of problems and legal issues.

This letter is not about the validity of a mask as another strategy in ensuring we stay ahead of Covid and ensure we do not have another wave of the illness, it is an appeal to not make wearing a mask a mandatory, legal issue, which is exactly what a by-law is. We have to take the lead of the top medical experts who have been advising our provincial government and making the state of emergency regulations. They have not made mask wearing mandatory for a reason so it is confusing why our municipality would. I have reached out via Twitter to Mayor Eisenberg and Counsellor Danko, requesting more details regarding the fines, the process of deeming the legitimacy of an illness or reason for exemption, the qualifications of the by law officers, which I know are not qualified to

4.9 (ah)

determine this etc., and after many attempts I have heard nothing back. This is concerning to us and many others as it seems that there are not answers to these important questions and therefore questioning how it can be voted on without all of the details and/or framework.

We know what a by-law officer can and cannot ask a person and as this is a municipal decision and not covered under the provincial state of emergency, there is no change to this. A by-law officer is unable to make you show ID and cannot ask you any medical questions as this is a direct violation of human rights. There is nothing stopping a store from adopting a mask policy if they so choose and people will be able to decide if they can and/or want to shop at that location. There is no need, as per Mayor Eisenberg suggested was one reason in making this mandatory, to make this a bylaw so you can provide signs to businesses so they can point at the sign and say it's not their personal decision. This is an unacceptable reason to vote yes for this by-law. I question if big businesses such as Costco, Walmart, Fortino's, etc. have chosen not to make this their policy already and therefore mandating it will force them to do so, or they will be fined \$500 for not enforcing it and posting signage. As you can see, the perceived reasons have nothing to do with our actual health. I have been to stores that refuse entry unless you wear a mask, that you comply to their policies or you do not enter the store. I have respected that they have made that decision and I shopped elsewhere. I understand that there is hope that making this a by-law people will comply but as you have already seen, this is adding to the anger, discrimination, judgement and shaming of others. It is turning citizens into social vigilantes and has already exposed the many issues. Such an encompassing policy that effects people's human rights, cannot be made effectively within a few weeks just to appease the public out cry.

We respect laws and those who uphold them, coming from a family who has officers within it, but we will not back down in ensuring that those who cannot stand up for themselves, who do not understand what this means and are subjected to the reality of regression and further medical struggles, are supported. This should not be a decision based on political acceptance or popularity. Unfortunately, as shown to this point, there is a lack of acceptance of those with mental and physical barriers. Over the past few months, we have witnessed our council members advocating and standing up for the human rights of our residences in a number of ways and this is no different. The current policy suggestions and making this a legal matter needs to be adjusted.

I hope that you take this under advisement when deciding to either vote no to making it a by-law and/or take the time needed to come up with a better, more fair and feasible strategy.

Thank you

Suzi Spelic

Founder/Owner

Nick's Journey

Email: suzi@nicksjourney.ca

Pilon, Janet

Subject: "mandatory" mask bylaw

From: Ed Baumgartner

Sent: July 12, 2020 9:34 AM

To: Office of the Mayor <mayor@hamilton.ca>

Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>

Subject: "mandatory" mask bylaw

Dear Sir,

I am writing this letter not just to express my complete dissatisfaction with you and the majority of city council but also as an act of civic duty to call out elected officials whenever they overreach on authority granted to them by the electorate. My issue is specifically with a "mandatory" mask bylaw which seems well in process of being foolishly hoisted upon tax paying law-abiding citizens of Hamilton.

Without wondering deep into the weeds of arguing whether or not the medical benefits of such an unenforceable policy actually justify an infringement on a citizen's personal liberties, as demonstrated through multiple conflicting theories throughout the ongoing pandemic, most reasonable people would agree, the science is not settled. This brings me to a simple question. Why would council consider imposing a bylaw on citizens, most notably business owners, which I'm sure your legal department explained has no serious enforce-ability? As I'm sure you are aware, a shop owner for example, CANNOT refuse service to a "non-compliant" customer once they declare an exemption due to a medical condition without the onus of a possible human rights complaint and having to prove a potential risk to staff and other customers to justify the refusal of service. To muddy the waters further, as I'm sure you are also aware, a shop keeper or bylaw officer CANNOT legally ask for proof of said medical condition. Simply put, any citizen at any time can declare a medical condition and have exemption from this "bylaw".

What you and council are considering is quite nonsensical, draft an unenforceable bylaw, then insist that already suffering business enforce it while absolving yourselves of the responsibility of actually policing it? This is folly at best, at worst you have just paved the way for independent businesses to be potentially bogged down in possible human rights complaints, legal actions etc.

I strongly suggest you reconsider this bylaw. For months, most citizens and business voluntarily complied with all orders, regulations, and suggestions passed down from various levels of government and through those actions clearly have had a direct effect on controlling the spread of this virus. To suggest now, after four months of "flattening the curve" and bringing down the number of infections, that the hard work of suffering citizens and businesses wasn't enough and further impositions on their personal liberties are required seems to be more an act of virtue signaling than anything resembling solid public policy based on science.

If council decides to proceed with enacting this bylaw, I would hope that yourself and council will at least have the decency to properly educate business owners as to what their rights and legal obligations actually are and explain the potential risks, they face by trying to "enforce" this bylaw.

Thank you for your time and consideration.

Respectfully

Edward Baumgartner (Hamilton)

Pilon, Janet

Subject: Mask By-Law Concern

From: Michelle Leon

Date: July 13, 2020 at 2:44:48 PM EDT

To: mayor@hamilton.ca

Cc: ward8@hamilton.com

Subject: Mask By-Law Concern

Dear Mr. Eisenberger:

While I understand that this email may be too late or otherwise ignored, I feel compelled to reach out to you despite these likelihoods.

In my profession, advocacy is a large part of what I do, and as such, I must inform you that I am deeply concerned with the upcoming possible passing of a mandatory mask by-law. Mask by-laws have been the subject of many 'viral videos' posted on social media, whereby so-called 'mask vigilantes' feel that it is within their rights as a citizen to uphold the by-law by shaming, harassing, assaulting, berating, and otherwise being verbally and sometimes physically abusive to those who are not wearing masks, despite the fact that they do not know why the non-wearer may not be wearing one. The public has taken it upon themselves to post abusive interactions with non-mask wearers as a sign of their righteousness, and this is a very serious health and safety issue for all members of the public.

Despite the fact that there are numerous valid reasons for a person to be exempt from wearing a face mask, the general public seems to believe that this is a very rare exemption and that there are no truly valid reasons. This has been evidenced by numerous comments that I have read on your Twitter account and other councillors'. It is incredibly disturbing that one of the councillors (John-Paul Danko) would state in a Tweet "it's not complicated" when referring to mask wearing, when, in fact, it's very complicated. The number of folks with invisible illness and disability in our community is in the thousands. These folks may be exempt, but because they appear to the average person as 'healthy', they face the possibility of harassment, especially when a councillor is suggesting that the matter of masks is very straight-forward. There are serious Human Rights violations that establishments will be facing for denying service to someone with a disability that requires accommodation, which would be exemption from mask-wearing in this particular case. This is not the same as "no shoes, no service" or "no shirt, no service". This is a very real issue with legislation demanding that folks cover their mouth and nose from where they breathe, which is how we remain alive. The issues that folks face range from sensory issues (as experienced by those with autism or certain medications); mental health issues; cognitive issues; developmental challenges; post-traumatic stress disorder; anxiety; severe asthma; compromised breathing capacity; diminished lung capacity; hearing loss or impairment; and etc. The list is quite extensive. As you can see and I'm sure have read over, most of these are invisible to the average community member. When a by-law is put in place that mandates something, it is almost providing a potential 'mask vigilante' with support for their abusive and ignorant behaviour towards a non-mask wearer. I am concerned that this could lead to lawsuits, physical assaults, or worse. The community is not educated or aware enough (and apparently, neither is Mr. Danko) on the incredibly large number of residents who will be unable to abide by this by-law. The fact remains that any denial of service will result in a Human Rights lawsuit, as this is a violation by denying this accommodation.

I understand that there is a great deal of political pressure, however, you are putting our most vulnerable residents at risk by mandating masks. If a resident were to catch Covid when there is no by-law, that is never going to be able to be directly related to having not had a by-law. However, if a resident is murdered or severely assaulted for not wearing a mask by a mask vigilante, this will be directly related to the by-law and

the city will be held accountable. There are serious consequences for both mask vigilantes and folks who are unable to mask. I hope that you will reconsider this by-law and put good faith in the residents of Hamilton to mask as much as they are able to and trust that this will happen without a by-law that will certainly have very serious unintended and unwanted consequences for a large number of residents here. Further, with the lawsuit that was filed in Superior Court against other municipalities (Toronto and Wellington, as they were the only municipalities with mandatory masks at the time of the Application), in addition to the province, the federal government, and several Chief Health Officers, I would suggest that Hamilton saves its money on this by-law (signage, enforcement, etc) until this Application is heard in court. It is a strong case, and if an injunction is made, it will bind all municipalities. This will be a huge waste of our city's finances and an unnecessary waste. The city has done very well in terms of cases and managing social distancing in public spaces, and I believe that your efforts would be better suited educating the public and asking them to wear a mask than mandating them. Further, I would suggest that councillors be mindful of their language, as comments such as Mr. Danko's may be used in a negative manner against someone who is unable to mask, as the vigilante feels supported by such harmful comments (ie. "it's not complicated").

I trust that you will do the right thing for our community and show the province that Hamilton does not need a by-law for its able-residents to wear a mask in public. This will ensure the safety of all of our residents, especially those with invisible illness or invisible disability.

Best Regards,

Michelle Leon
BA,BSW, MSW

Pilon, Janet

Subject: Mandatory Mask Wearing

From: JimRosalyn Fluit

Sent: Monday, July 13, 2020 3:00 PM

To: clerk@hamilton.ca

Subject: Mandatory Mask Wearing

Mayor Fred Eisenberger,

I understand that City of Hamilton council members are considering passing a new bylaw requiring mandatory masks in all indoor public areas.

If this had been presented and implemented back in March, and imposed during the build up and peak period in "the curve", it would have been more acceptable and made practical sense.

Now that the curve has flattened to the point of "flat line", and case numbers are currently at an all time low, it seems we are closing the barn door after the horse has already escaped.

Let's ignore the actual, negligible statistics and assume the virus is as virulent and contagious as your health director is purporting. If this is the case, then every mask being worn becomes potentially contaminated in very little time, whether being worn in solitude or among a store full of shoppers. By virtue of the fact every breath potentially draws in contaminated, infectious particles against the front of a mask, and every exhale potentially pushes contaminated,

infectious particles against the face side of the mask, this potentially, and quickly becomes the most contaminated item any one of us can have on our person, or hanging from the rear view mirror awaiting the next point of use.

So here's what I expect your council to fulfill as commitment of their concern for the health of the general public...

1) Every public indoor area (all stores included) hand out appropriate, new face masks, provided for free by the City of Hamilton, no exceptions. This will be the ONLY way the general public can be assured contamination is not being transferred from store to store, home to store, store to home, car to store, store to car, car to home, home to car, etc., etc..

2) Every public indoor area (all stores included) must have a medical grade disposal unit located at the exit, and, every patron must dispose of their masks upon leaving. Every time! Once again, this will eliminate the transfer of contaminates from store to store, store to car (rear view mirror decor), car to store, car to home, home to car, etc., etc.. This disposal bin and monitoring of mask disposal must be provided free by the City of Hamilton and not become incumbent on the merchant.

3) Failing to provide this level of service and concern for the general well being of City of Hamilton citizens renders the mandatory mask bylaw null and void. Setting all collateral health consequences aside as a result of mask wearing, requesting citizens to participate in an invalid campaign to minimize spread of a contagion during a "crisis" is fraudulent in nature, and inviting cause for liability suits against city and council.

Your consideration on this matter is duly required.

Respectfully,

The Fluit Family

4.9 (al)

Dr. rer. nat. Klaus L.E. Kaiser, FCIC, C.Chem.
Hamilton, Ontario

[REDACTED]

12 July 2020

City of Hamilton Ward Councillors and the Mayor
[List of email addresses at bottom]

Dear Councillors and Mayor,

This is in response to the proposed COVID-19 mask bylaw, as described in yesterday's post in the *Hamilton Spectator*, p. A6, by Teviah Moro.

There is increasing evidence of face masks being counter-productive to their intended (or thought of) purpose and efficacy. In fact, there are valid arguments against their use, especially by elderly folks whose immune system may already be weakened. For reference, please see the website www.principia-scientific.org and the numerous posts about this issue there.

The City of Hamilton, nor the Province for that matter, need any "mask" bylaw to curb COVID-19 and its effects on the population. To the contrary -- build-up of "herd-immunity" should be of prime consideration.

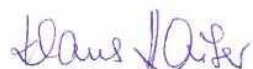
Indeed, any "second wave" of COVID-19 "cases" would, most likely be a direct consequence of the proposed mask bylaw. This "pandemic" (never called such but an "epidemic" by the Government of Canada) is already on the way out -- thanks to lots of hot summer weather and sunshine.

The term "[COVID]-cases" is already a misnomer, as it portrays anyone "testing positive" (to an undefined corona-virus antibody in their saliva) as a potential carrier or distributor of an infection that is entirely harmless to the majority of people. For example, Hamilton's population (all numbers rounded) of 500,000 at the **typical rate of death** of approximately 1% of the population per annum would be 5,000 per annum, or 500 deaths per month.

This rate may well be increasing -- not due to COVID-19 infections -- but to the (Province-) prescribed shutdowns of many vital enterprises, including routine health services.

To summarize: More COVID-based restrictions and/or bylaws in regard to that are not only not needed, in fact they are likely to exacerbate the corollary health problems coming with any such idea -- as well-intended as they may appear.

With best regards,



DISTRIBUTION LIST:

Ward Councillors and the Mayor

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Judi Partridge	judi.partridge@hamilton.ca
Fred Eisenberger	mayor@hamilton.ca

Pilon, Janet

Subject: No Mandatory Masks!

From: linda yousif
Sent: July 14, 2020 12:42 AM
To: clerk@hamilton.ca
Subject: No Mandatory Masks!

Hello, I'd like to state my opinion and say that I oppose the law of making it mandatory to wear a mask out in public. I have a child who is 7 years old who absolutely can not breathe in the heat with a mask on. Please DO NOT MAKE IT MANDATORY! Thank you for your time!

Best regards,
Linda

Pilon, Janet

Subject: LEGAL CHALLENGE TO COVID-19 MEASURES FILED IN ONTARIO SUPERIOR COURT - Rocco Galati

From: Ruth is happy

Sent: July 13, 2020 11:48 PM

To: clerk@hamilton.ca; Ruth Mills

Subject: Fw: LEGAL CHALLENGE TO COVID-19 MEASURES FILED IN ONTARIO SUPERIOR COURT - Rocco Galati

No mandatory masks. Please read below.

Thanks,

Ruth

From: Ruth is happy

Sent: Sunday, July 12, 2020 3:57 PM

To: mayor@hamilton.ca ; maureen.wilson@hamilton.ca ; jason.farr@hamilton.ca ; nrinder.nann@hamilton.ca ; sam.merulla@hamilton.ca ; chad.collins@hamilton.ca ; tom.jackson@hamilton.ca ; esther.pauls@hamilton.ca ; ward8@hamilton.ca ; brad.clark@hamilton.ca ; maria.pearson@hamilton.ca ; brenda.johnson@hamilton.ca ; lloyd.ferguson@hamilton.ca ; arlene.vanderbeek@hamilton.ca ; terry.whitehead@hamilton.ca ; judi.partridge@hamilton.ca ;

Subject: LEGAL CHALLENGE TO COVID-19 MEASURES FILED IN ONTARIO SUPERIOR COURT - Rocco Galati

Hi Team Hamilton!

Please do consider this legal action before voting on Friday for the unnecessary and illegal mandatory face masks. Every action taken during the virus was/is an illegal act against the people who live in Canada.

Kind Regards,

Ruth Olson

Ward 7 Esther Pauls

LEGAL CHALLENGE TO COVID-19 MEASURES FILED IN ONTARIO SUPERIOR COURT

Rocco Galati, B.A., LL.B., LL.M. , ROCCO GALATI LAW FIRM PROFESSIONAL CORPORATION

July 8, 2020

We are living in unprecedented times. The mass and indiscriminate containment of citizens, the restriction of access to parliament, the courts, medical and educational services, the destruction of local economies and livelihoods, and the requirement to physically distance, along with the forced use of non-medical masking are extraordinary measures that have never before been imposed on the citizens of Canada. The impact of these aberrant measures on our physical, emotional, psychological, social and economic well-being is profoundly destructive and these actions are unsustainable, unwarranted, extreme and unconstitutional.

During times of emergency, Constitutional rights do not stop being important.

They become even more important.

Vaccine Choice Canada has made numerous formal requests of the Government of Canada and various provincial governments to provide evidence that justifies the declaration of an emergency, the imposition of unscientific and unwarranted measures, and the violations of our Charter rights and freedoms, to no avail.

An over-hyped COVID-19 pandemic narrative is being utilized to create unnecessary panic and to justify the systemic violation of the rights and freedoms that form the basis of our society, including our Constitutional rights, sovereignty, privacy, rule of law, financial security, and even our very democracy.

Many recognized global health and research experts have offered their severe and valid criticism of government overreach and the draconian and unjustifiable measures taken in response to COVID-19. The warning bells are being rung about the dire consequences of these unwarranted, irresponsible, and extreme actions that are in violation of the rights and freedoms well established in Canadian and international law. All this continues to fall on the deaf ears of governments.

On Monday, July 6, 2020, **Vaccine Choice Canada** formally filed legal action in the Ontario Superior Court to hold multiple parties accountable for their actions with respect to COVID-19 measures. The defendants include: the Government of Canada, the Government of Ontario, the Municipality of Toronto, various public health officers, the Canadian Broadcasting Corporation, among others. **Vaccine Choice Canada** has a long history and enviable reputation of advocating for and defending the rights and freedoms of Canadians when it comes to public and individual health.

The plaintiffs are inviting the press to a Press Conference on Thursday, July 9, 2020 at 11:15 AM EDT at the office of their lawyer, Rocco Galati, B.A., LL.B., LL.M. , ROCCO GALATI LAW FIRM PROFESSIONAL CORPORATION. Due to limited space considerations, the Press Conference is an in-person event for accredited press only.

Please pre-register to view the Press Conference live at the Zoom Link indicated below where the press, VCC members and the public can attend via Zoom.

<https://us02web.zoom.us/meeting/register/tZ0qceCugzopE9LONBwaUdfI-Nt35xR6cptT>

After registering, you will receive a confirmation email containing information to join the conference.

We also hope to stream the event live on our Facebook and Instagram.

A copy of the issued statement of claim will be available on our website following the press conference. Any questions with respect to the claim are to be addressed to our legal counsel, Mr. Rocco Galati at 416-530-9684.

Ted Kuntz, President, Vaccine Choice Canada

Pilon, Janet

Subject: face masks health dangers

From: Pete Kelly

Sent: July 14, 2020 9:32 AM

To: DL - Council Only <dlcouncilonly@hamilton.ca>; clerk@hamilton.ca

Subject: face masks health dangers

Face Masks Are Lethal - Canadian Workplace Test Confirms Dangerous Oxygen Deprivation

according to OSHA, 19.5% blood/oxygen level is minimum for work spaces, wearing a surgical mask creates a hazardous level of 17.5%

Masks are a danger to health.

n 2020-07-13 13:27, Pete Kelly wrote:

> Brad,

>

> I just spoke to some employees at Fortinos on Mall Rd, they're being

> forced to wear the same surgical mask for the entire 8 hour shift.

> Those masks are not even recommended for virus protection and pose

> danger to your breathing.

>

> clearly not safe for people.

>

> Please vote against mandatory face masks.

>

> Regards,

>

Pilon, Janet

Subject: Mandatory mask issue a violation of Charter of Rights and Freedoms

From: Rev. Dr. James Miklos

Sent: Friday, July 10, 2020 7:57 AM

To: DL - Council Only

Cc: Office of the Mayor; Johnson, Brenda; Clark, Brad

Subject: Mandatory mask issue a violation of Charter of Rights and Freedoms

Dear Mayor and City Council of Hamilton,

The reason for my email is to bring to your attention that as a voting citizen of Hamilton the forcing of citizens to wear masks poses a number of serious issues and concerns:

- 1) Many already have health issues that will worsen or exasperate by the wearing of a mask.
- 2) Forcing us to wear a mask is overreach and is very reminiscent of the days of communist Russia (USSR). It is against the Charter of Rights and Freedoms.
- 3) We are supposed to be a free society not ruled and dictated to by “Big Brother”. People should be given the choice not forced to wear a mask or any such thing.
- 4) The curve has already been flattened and is declining. According to the City of Hamilton website showing current active positive cases of Covid-19, as of this morning there are only 20 known and active cases, which means that **0.000082 %** of the population is currently knowingly affected. There are more cases of other viruses than of COVID-19. Where is the logic in this? Therefore masks are not necessary.
- 5) It is illegal that politicians allow medical people to run our country and society. They are not elected officials. They are essential and valuable but they know nothing about running society and a city.
- 6) My understanding of separation of church and state is that the state cannot tell the church how to worship, order of worship, what is preached and its beliefs. This is currently being done in China and was formerly done in the Soviet Union. The state has no right in the church to mandate whether or not it can worship.

A voting citizen of Canada and resident of Hamilton, Ontario.

Rev. Dr. James Miklos

Pilon, Janet

Subject: Mandatory masks

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

From: Colin

Sent: July 9, 2020 11:47 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Cc: Office of the Mayor <mayor@hamilton.ca>

Subject: Mandatory masks

Dear Mayor and City Council of Hamilton,

I would like to address the issue of your Council trying to force Mandatory Face Masks to Hamilton residents.

1) I already have health issues.

Masks actually induce and make breathing more difficult. Headaches worsen due to CO2 being forced back and from a lack of oxygen. Some individuals have already gone to emergency with fungal lung conditions.

It also causes your heart to work harder and some people have gone into cardiac events.

2) Forcing us to wear a mask is overreach and totalitarianism. It is against the Charter of Rights and Freedoms.

3) If people are concerned, they can choose to wear a Mask. I can't be a risk to them if they have a mask and anyone not wearing one, it would be fair to say they feel the same way I feel.

4) The curve has been flattened. Therefore masks are not necessary and you are promoting fear and divisiveness in our community.

5) We are mature responsible residents and don't need "big brother" to tell us how to live our lives.

6) Black Lives Matter, can hold protests and rallies, and they don't have to or are forced to wear masks or abide by social distancing rules. Are they any better than us Hamiltonian's.

Enough is enough

7) I refuse to wear a mask and if you try and tell our churches that we cannot worship then we will see you in the court system and all the way to the supreme court if necessary. I promise I will initiate a class action human rights law suit.

A VERY DISAPPOINTED CITIZEN OF CANADA AND RESIDENT OF HAMILTON, ONTARIO.

Colin Fox

4.9 (ar)

Pilon, Janet

Subject: Mandatory Mask Follow Up

Importance: High

From: Suzi Spelic

Sent: July 14, 2020 1:10 PM

To: Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; clerk@hamilton.ca

Subject: Mandatory Mask Follow Up

Importance: High

Good Afternoon Mayor Eisenberger and Councillors,

I am following up on my previous email sent to all of you on July 12th, as I have only heard back from one of you.

My original correspondence, along with this email, is not an attempt to change your mind on voting for the by-law as it is apparent that there is nothing that our organization or any other group, organization or person can say that will change your thinking. This is another attempt to ensure that you understand how this will negatively affect a big portion of Hamilton residents who have real struggles. It is also an effort in getting more information regarding the actual by-law and why this needs to be a legal matter.

I have watched the Health Committee meeting and I am concerned, as the owner of a mental health not for profit, that some very important and real issues are being overlooked. That those with mental illness and mental health struggles have not been taken into real consideration. When you make something a by-law, you are adding an element of enforcement to it that can be abused and cause great intimidation and fear to vulnerable people. What is the benefit in people calling MLE when they see someone without a mask on? How is this a positive use of our resources in the City?

If you feel that people need to do better in ensuring we do not fall into a second wave of this virus, why has it been determined to use the law and an element of intimidation and enforcement to help make this happen? Mayor Eisenberger, during the meeting you were very focused and seemed to be disturbed with the fact that people emailed their concerns about religious practices. This was actually brought up by a few councillors with confusion as to why this would be a question. The responses to these questions during this meeting, showed to me that there is a disconnect between the perception of the public and the understanding of the councillors. This was a valid question and concern from the community as it is contradictory to wear a mask or face covering and then removing it in the same space to receive things such as communion. This is the same for visiting a restaurant. You are to wear a mask, take it off to eat, then put it back on. If you are not putting others in danger during the times of removing the mask then how are you putting people in danger by not wearing one at other times? The problem is that there are too many contradictory statements being made and there needs to be much more education first.

I am not against wearing masks, for those who can as an extra level of protection and I agree with continuing to recommend this, along with more proven to be effective strategies. I am however, opposed to attaching fines to this and making it a legal issue. As communicated by the MLE during the meeting our bylaw officers are already faced with big case loads and adding these extra items, other bylaw matters will be put off and/or on hold. There was reference to

things such as when the smoking bylaw came into effect, which was a time that a new department and extra people were hired to enforce this. So, I have to challenge that this will not cost our city any extra money and will not have other detrimental effects. I have asked numerous times for information regarding the actual by-law, training of officers to ensure they are handling those with medical barriers appropriately, enforcement etc., and continue to be ignored. If this is something that is being voted on, how can this be done without all of this information? If all of this is available, then why is it not being provided to the public, especially when being asked? You speak about the need for transparency but by not providing people and organizations with this upon request, transparency becomes questionable.

As I mentioned in my previous communication, using the fact that stores/businesses can now have signage posted that they can then say it's not their decision but a law, must be a factor in your decision because they are not wanting to do this as individual policies. Saying that this will stop people from being rude and disrespectful to store employees is not a valid argument as we already know, no amount of signage will stop that. You cannot ask a person about their medical conditions or histories and anyone can just say I am exempt. They can argue about that if they choose and adding the fear of being fined will not change this as it cannot be truly enforced. I am surprised that your legal department has not already advised you of this. Are you depending on the people who do not know their legal rights in complying blindly and paying for fines that may be given? I am sorry, but I cannot truly understand why a bylaw is necessary.

There is a call right now to defund our police department and reduce their resources as well. The only way that a bylaw officer will be able to enforce this is with police back up. Do you feel that the police will show up to give a person a \$200 fine if they don't have a mask on and refuse to give you their ID and medical history? This is not realistic and is irresponsible to think that our police department are not needed elsewhere for real emergencies.

I applaud your commitment to helping us stay safe and I know none of this has been an easy task but when you jump quickly and make snap decisions, you are not doing your job in ensuring you are taking everyone into consideration. Everyday, my life and the lives of others that we support, are drastically effected by fear, anxieties, stress etc., because of what is going on in the world around them now and prior to Covid. It is not fair to advocate for certain people and groups and ignore others. Unfortunately with your lack of communication and follow up, this is exactly what is being done now. We have a number of residents and families who are looking for answers and more information. We are trying to educate them as much as we can but they feel abandoned by those in power. Whether you agree with my opinions, facts, thoughts or not, it is your responsibility as an elected official to respond when residents have questions and concerns, at all times, not just about things that you feel are important or support your views.

When you only hear back from only one councillor, who themselves have been provided with little information but asked to vote on an important issue, that creates more concern for us. I am an advocate for those who are pushed aside to often. Those with mental illnesses that result in isolation, self harm and suicide, all of which are on the rise daily for the past five months. So , if you, in good faith can tell me that their fears about this proposed by-law and what it means for them, is not important then please do so. If this matters to you, then please be respectful enough to show that.

Thank you,

Suzi Spelic
Nick's Journey
Co-Founder/Director
Canadian Not-for-profit Corporation #1072219-7
905-978-1240
www.NicksJourney.ca

4.9 (as)

Pilon, Janet

Subject: Hamilton Mask Wearing - Mandatory???

From: Andrew Smith

Sent: July 11, 2020 12:05 PM

To: Office of the Mayor <mayor@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Re: Hamilton Mask Wearing - Mandatory???

Dear Honorable Councillors,

I see that the by-law was approved at the Board of Health committee meeting yesterday. I have to say that I am disappointed, however I understand many of you are doing what you feel is necessary.

With respect to the by-law itself, one item is conspicuously missing and that is a description of the temporary nature of the by-law.

What metric are we using to decide when mask wearing can be ended?

Why was it not specifically noted that this is a temporary by-law, to be repealed at a later date?

When will the by-law be repealed? Toronto at least included a September end date from what I read in the media.

We have been open for pretty well a whole month now and the cases continue to decline despite far more widespread testing being carried out. There has been no second wave. No one is hospitalized at present.

The bylaw document refers to cases in the United States. That is far from here. Ontario cases continue to decline, despite the farm outbreak in Essex county cases in our province were down by 430 in the past week (reference Ontario19.com for the numbers).

We have been on a downward trajectory in our province on cases since April 22nd, and death-rate since approximately May 9th.

How long we will have to endure this draconian and unnecessary by-law being enforced?

I for one have asthma, and a mask gives me a severe inability to breathe adequately. I am expecting to be stigmatized and shunned if I cannot wear my mask at times.

Another consideration - is the City opening themselves to liability? The staff report notes that "if worn improperly, facial coverings use can present the opportunity to contaminate the wearer; lack of hand hygiene may also cross contaminate the environment" - if someone gets a bacterial infection with a bad outcome, can the City be held liable since you have A) Enforced mandatory mask use and B) Not provided adequate training for their appropriate use.

What happens if someone passes out while in a store due to poor oxygen uptake and hits their head? Will the City then be liable since you have enforced this by-law?

What about people who cannot afford masks? Will the City supply masks to our poorer population - people should not have to choose between food and masks.

Please consider the timing of the repeal of this by-law, and the possible liabilities you are subjecting the City to once this Bylaw is ratified by Council.

Best Regards,

Andrew Smith

On Tue, Jun 30, 2020 at 10:41 PM Andrew Smith wrote:

Dear Mayor and Councilors,

I was so startled to see the news in our Spectator today that our Mayor has come out in support of mandatory masks in our City.

Can this be true?

There is no scientific evidence that mask wearing can impact the transmission of coronaviruses or any other influenza like respiratory illnesses.

This is acknowledged by the World Health Organization, the American Medical Association and many other renowned experts in influenza and other health matters.

From the **WHO**:

https://www.who.int/influenza/publications/public_health_measures/publication/en/

Non-pharmaceutical public health measures for mitigating the risk and impact of epidemic and pandemic influenza" (pg.20) - ***'Masks worn by asymptomatic people are conditionally recommended in severe epidemics or pandemics, to reduce transmission in the community. Although there is no evidence that this is effective in reducing transmission, there is mechanistic plausibility for the potential effectiveness of this measure.'***

And if you look further at the Appendix which contains the scientific literature review that led to their recommendation it notes: ***"Ten RCTs (randomized control trials) were included in meta-analysis, and there was no evidence that face masks are effective in reducing transmission of laboratory-confirmed influenza."***

Further from the **WHO**:

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/when-and-how-to-use-masks>

"Non-medical, fabric masks are being used by many people in public areas, but there has been limited evidence on their effectiveness and WHO does not recommend their widespread use among the public for control of COVID-19..."

From the Journal of the **American Medical Association**:

<https://jamanetwork.com/journals/jama/fullarticle/2762694>

"When Should a Mask Be Used?... Face masks should not be worn by healthy individuals to protect themselves from acquiring respiratory infection because there is no evidence to suggest that face masks worn by healthy individuals are effective in preventing people from becoming ill."

It is amazing to me that our councillors would suggest a significant intrusion into the details of the lives of your constituents and the operations of our many important businesses where there is NO SCIENTIFIC EVIDENCE that such measures will have any benefit.

If people want to wear a mask that is fine. I am not even that opposed to seeing their use "encouraged" or opposed to businesses requiring them. I wore one while I got my haircut on Saturday, no problem. However, I take strong issue with passing of By-laws, complete with punitive measures and fines in support of something for which there is no scientific evidence for the efficacy.

What we need from our councillors is reassurance that this virus is nearly beat in our community - we are down to 90 (ish) cases the last time that I checked and the numbers keep going down. Our death count is very low when reviewed against comparable Municipalities and for this we should be thankful.

If this matter proceeds to discussion at a Council meeting I will be entering my letter into the record and may attempt a delegation request so that this can be discussed further.

Please do the right thing. Mandatory masks are not right for Hamilton.

Best Regards,

Andrew & Nadine Smith (Petra, Daniel, Fanny)

Pilon, Janet

Subject: Mandatory Mask By-law

From: Tobi Bos

Sent: Wednesday, July 15, 2020 8:56 AM

To: clerk@hamilton.ca; Johnson, Brenda; DL - Council Only

Subject: Mandatory Mask By-law

Good day... I have attached the "Enforcement of a By-Law" from the Ontario.ca website. I am hoping you get the opportunity to go through it and answer each one of the questions. Navigating the legal complexities of passing a by-law is only the first step. In practice, a by-law will have little value unless your municipality has the determination and the means to enforce it. Before a by-law is passed, careful consideration of the by-law – including its intended purpose and outcome – may be helpful.

1. **How will the by-law affect the community?** I can guarantee you it will cause an increase in division in the community. If 50% (or more, by the number of letters you are receiving against this mandate) of your citizens are against something, how do you figure that will play out when you enforce them to do it?
2. **Will it impose restrictions or hardships on particular areas or groups of people?** For those with hearing impairments, anxiety, claustrophobia, facial burns or severe acne, speech impediments, asthma, lung illnesses, financial hardships, and PTSD because of face coverings. You will now have imposed a mandate that will exacerbate their disability and put them at a disadvantage in society.
3. **Will public reaction be favourable? If not, how will council respond?** Again, as you have said yourselves, 50% of your citizens are not *for* this by-law being mandated. Already name calling abounds. You will be feeding the fire by mandating this and removing the choice. How are you going to respond to this? I look forward to hearing your response.
4. **What will it cost to administer the by-law?** Financially? I am assuming the city of Hamilton of will be providing safe and suitable masks to the business requiring them so that we know they are clean and not transferring this deadly virus from place to place. There are many who simply cannot afford the extra expense of purchasing masks... disposable masks in a non sterile environment have to be changed every hour (because of bacterial shedding buildup) in order for them to be effective. (Surgeons in a sterile environment can wear them for two hours before changing them). Cloth masks need to be washed after each use, (mould will develop in the moist environment of the mask in 24 hours) so people, will be needing a number of them. (I have a husband and four kids... if we each need three masks, at five dollars each, that is a cost of \$90 for us) Or are you expecting the already struggling stores, churches, libraries, swimming pools etc. etc. to be providing them for their customer's? So another expense for them in addition to the notices and staff required to enforce this by-law. Since this virus is so dangerous, I am assuming bio-hazardous waste containers will be placed at a number of locations outside the places requiring face masks. (Perhaps you have noticed as well, the amount of used face masks disposed of in parking lots is astounding and quite disgusting, so much more virus spreading!). In the local community, we are seeing people who will no longer be shopping locally and will be ordering from amazon or other online shopping institutions instead, another hit to local small businesses.
5. **Can existing staff be expected to handle the additional responsibilities, or will more staff be required?** How will you respond when the stores who already can't keep employees (because they don't want to wear a mask for their eight hour shift) and are now short staffed, enforce something

many of them don't even want or can't do, themselves. (I overheard two employees at Winners yesterday say they were going to stop working and go back on CERB so they wouldn't have to deal with this).

6. ***Is the municipality prepared to enforce the by-law and enforce it consistently?*** First off, since the bylaw will likely include specific exemptions for those who cannot wear a mask from a medical perspective, as it should from a discrimination standpoint. How are you going to enforce it when 50% of your voters all of a sudden have a medical exemption? Secondly when those people not wearing masks are confronted by the mask vigilantes and disputes arise, do you have the officers to diffuse the situation or is that another task the business owners are going to have to accrue?

This is separate from the requirements you will need to fulfill in order to pass this by-law:

Please do not compare this by-law with passing of real, proven, life saving laws such as seat belt wearing, and smoking laws. We know those laws are life saving. The mandating of masks is in no way life saving... in fact when not used and worn properly they can be quite dangerous. Some counties, the ones who have been wearing masks for years and are educated in wearing them, have shown a decrease in cases and deaths when masks were worn at the outset of this virus. However the countries and areas that have implemented them later, without educating people have seen an increase in cases and deaths. (See Ecuador, UAE, California). If you need to see charts and graphs showing this data I would be more than willing to pass it along. I would also love to see the data showing that they do work as I have yet to find any.

Regarding Worship:

You have also mentioned that did not understand the reason why people were upset and felt they, as worshipers, they were being persecuted. 2 Corinthians 3:18

“So all of us who have had that veil (mask) removed can see and reflect the glory of the Lord. And the Lord—who is the Spirit—makes us more and more like him as we are changed into his glorious image”. Masks hide our identity as persons made in God's image. We also speak through our faces, by which we communicate, dialogue and build up friendships and community. So, we should think and reflect before we cover our faces. After all, masking is often done for nefarious purposes. Ponder your reaction – outside of the present context - if someone were to walk into your house wearing a mask. People hide their own face when they want to do evil, and they hide the faces of those to whom they may wish to do evil. And whatever one thinks of the death penalty – whether justified in some cases – we also cover the faces of the condemned.

Regarding the Environment:

When speaking with someone who works for a car manufacturing plant in southern Ontario, with 8,000 employees, all of whom are now bound to mask up. Many go through 8-12 or more disposable masks in a day. Even at a low estimate, that's about 64,000 saliva-and-mucous covered masks dumped in landfills *per diem*, 448,000 per week, which is 5,376,000 from now until the proposed “end date” of this by-law. That's from *one* factory. And for those places that burn their garbage, what will those toxic clouds contain, as they drift over towns and cities? Whatever happened to the message to limit waste and protect the environment?

Thank you to those who took the time to read through this, I know it was long. I appreciate it. I believe as councillors of this city you want to do the best to take care of your citizens. Thank you for that. Please think long and hard of the consequences of passing this by-law. Just because surrounding regions have done it is not a good reason. Show us that you value your citizens enough to put them first. Please consider educating instead of mandating. Physical distancing and hand washing have emptied our hospitals of Covid patients as well as lowered our cases and deaths. Do we really want to add another unknown variable to this equation that has already shown very good results?

Thank you for your time, With all respect.

Tobi Bos

Pilon, Janet

Subject: Should You Wear a Mask to Prevent COVID-19? | GreenMedInfo | Blog Entry

From: carlabuss

Sent: Tuesday, July 14, 2020 9:28 PM

To: clerk@hamilton.ca

Subject: FW: Should You Wear a Mask to Prevent COVID-19? | GreenMedInfo | Blog Entry

As a concerned citizen of this city, please consider this article regarding the wearing of masks.

<https://www.greenmedinfo.com/blog/should-you-wear-mask-prevent-covid-19>

I find it very difficult to wear one, as do many other people I know. The reasons vary...trauma, asthma, migraines, claustrophobia, and others. Also, the masks promote fear!

Why are we considering mandatory masks when numbers are dropping and the wearing of them is currently mostly voluntary?

To me, it does not make any sense to require masks at this stage.

With respect,

Carla Buss

Pilon, Janet

Subject: mask by-law

From: Linds S

Sent: Wednesday, July 15, 2020 9:15 AM

To: clerk@hamilton.ca

Cc: DL - Council Only; Pauls, Esther

Subject: mask by-law

Good morning, last week I was concerned when I read that the city of hamilton is looking at making masks mandatory. I'm concerned as a member of Hamilton that the consequences of this have not been well thought out.

My primary reaction was on what this will mean for schools in September. I have a child who has been in speech therapy since she was 3, she turns 7 this year. She has worked so hard to overcome this thanks to the help of Lear Communications. The idea of her wearing a mask is devastating, how will people be able to understand her? When people cannot read the face/lips a person with a speech impediment will be greatly compromised. This bylaw will force us as parents to start homeschooling, simply the psychological damage to her being in a mask is terrifying. She is right now a healthy 7 year old with confidence, if she is in an environment where she is not being understood this can shatter that. I have 5 children, and the impact of kids wearing masks is a huge concern.

I have also noticed the amount of masks laying on the ground in Hamilton, this is disgusting and should be a concern. Cotton masks have been scientifically proven to cause bacterial throat infections if not cleaned properly every day. I could go on, however these are my primary concerns.

Hamilton has done so well with COVID and I believe that is due to the leadership we have. Please continue to look out for the well being of your citizens and not make a rash decision that will cause serious consequences.

Thank you for reading this,

Lindsey Sieders

Pilon, Janet

Subject: Hamilton's board of health votes to make public mask wearing mandatory indoors

From: Laszlo Toth

Sent: July 11, 2020 6:31 PM

To: Pauls, Esther <Esther.Pauls@hamilton.ca>

Subject: Hamilton's board of health votes to make public mask wearing mandatory indoors

Dear Esther,

We are proud of you that you have common sense and voted against the mandatory public mask indoor wearing in Hamilton.

This outdated bylaw confuses people.

One day we are hearing that Hamilton has zero COVID 19 infection and nobody is on ventilator in the Hamilton hospitals and that the Day Cares are safe to reopen for small children.

Next day we are hearing about mandatory indoor public mask wearing.

Mixed messages do not help the public or the business in the Hamilton area.

By now the city should ease up restrictions instead of bringing in a bylaw, which creates false sense of safety. Only the N95 mask provides some kind of protection the rest of them are just fashion pieces.

If City of Hamilton cares so much about public safety the city also should mandate the correct type of the mask, in this case N95, and supply it to the public or mandate the business to provide it. Otherwise, everything else is a shortcut on public safety.

Please note that there was/is a short supply of the N95 masks and currently the Canadian market is being flooded by counterfeit products.

For conclusion:

We are against the mandatory indoor mask wearing and those who support it at city hall should have answers for the following questions:

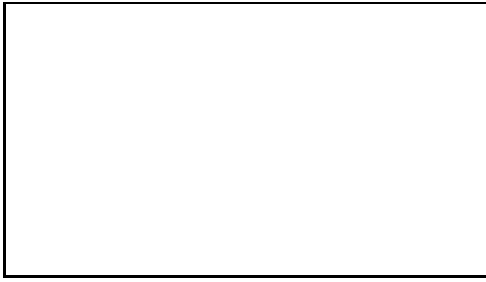
Why now and not back in March 2020 when the virus started to spread?

Why now in Hamilton when Air Canada is selling out the middle seats on their flights by ignoring any social distancing/safety measures?

Kind Regards,

Laszlo and Julia Toth

<https://www.cbc.ca/news/canada/hamilton/mandatory-mask-bylaw-vote-1.5644046>



Hamilton's board of health votes to make public mask wearing mandatory indoors | CBC News

Hamilton is a step closer to having a bylaw that makes it mandatory for people to wear a mask or face covering indoors when they're in public.

www.cbc.ca

BY EMAIL

Clerk
Hamilton City Council
clerk@hamilton.ca

Dear Sir/Madam,

Re: Face Coverings in Enclosed Public Spaces (BOH20014)

I wish to object to the proposed bylaw requiring the mandatory wear of masks in public buildings.

Any bylaw associated with public health should be rooted in clear science given the potential infringement on constitutional rights and civil liberties. This bylaw fails to meet this standard as it does not properly address the risk—a function of the likelihood of an event and the impact of the event—of COVID-19 in the Hamilton area. The probability of becoming infected is now very low as indicated by the number of active cases continuing to trend downwards (24 or 0.005% of the population at the time of this letter). While there are undoubtedly more cases given those individuals that are either asymptomatic or have symptoms but choose not to get tested, this reservoir cannot be significant as a potential source of infection of the general population (for example, if the reported cases represent only 10 percent of actual cases, then only 0.05% of the population is currently infected). This low incidence means that the air of public buildings can hardly be expected to contain significant numbers of viral particles even if one does accept the possibility that COVID-19 can exist in an aerosol. As for the impact of infection, COVID-19 has clearly been shown to be non-life threatening to the vast majority of the population thus further decreasing the ultimate risk. It should be noted that the past four months has demonstrated that vulnerable populations can be protected without mandatory masking of the general population.

The effectiveness of masks must also be considered. The science here is not clear as even the Medical Officer of Health admitted. Not only is there considerable debate in the scientific literature about the effectiveness of N95 masks, the limited effectiveness of non-medical masks is recognized by the Government of Canada's website which states "[homemade masks] may not be effective in blocking virus particles that may be transmitted by coughing, sneezing or certain medical procedures. They do not provide complete protection from virus particles because of a potential loose fit and the materials used. Some commercially available masks have exhalation valves that make the mask more breathable for the person wearing it, but these valves also allow infectious respiratory droplets to spread outside the mask." Furthermore, the statement of "growing evidence" contained in Dr. Richardson's report is often based on theoretical considerations such as the modelling articles or epidemiological reports that may show correlation but do not prove causation (based on the references contained in the report) as opposed to actual research studies. It should also be noted that the report ignores all the peer-reviewed scientific literature showing that masks are not effective. This lack of objectivity on the part of Dr. Richardson and her team is highly inappropriate as the report is serves only to politicize the issue given

its lack of proper scientific analysis. Given these limitations, the bylaw simply provides a false sense of security and is a form of virtue signalling.

With respect to the potential infringement on civil liberties, the comparisons of the bylaw to airport security and/or the wearing of seatbelts are specious arguments. First, the risk associated with a lack of security screening has been clearly demonstrated by the events of 9/11 and other terrorist activities, and a person has the choice as to whether to submit to a screening knowing that the failure to do so will prevent them from flying despite this being technically a breach of one's Charter rights. Second, the risk of not wearing a seatbelt is also very real and demonstrable to the degree that it is a reasonable limit that can be justified in a free and democratic society. However, whereas an individual has the choice to enter or not enter a private business that requires the wearing of a mask as there are other options to obtain goods and services at locations that do not require the wearing of masks (e.g., Longo's vs. Fortinos for groceries), a government-imposed restriction removes this choice. The subsequent barring from *all* buildings accessible to the public is a clear infringement on both a person's Section 2(b) right to freedom of thought, belief, opinion and expression, and Section 7 right to liberty contained with the Canadian Charter of Rights and Freedoms. This breach of Charter rights cannot be justified given the analyses of the risk of COVID-19 and the efficacy of masks presented above.

Requiring mandatory masks at the current time is nothing more than pandering to ungrounded fears during these days of COVID-induced mass hysteria, something that individuals not wishing to wear masks have no social responsibility to do. The peak of the pandemic in Hamilton has been passed without mandatory masking leaving the question why are they needed now. Furthermore, the past four months suggest that there will not be a need for mandatory masking in the future. Notwithstanding, Council has clearly demonstrated that mandatory masking can be implemented very quickly if that need did arise. *That need does not currently exist.*

Yours sincerely,

Bruce Walker
Ancaster, ON

Pilon, Janet

Subject: NO MASKS!

From: Aaron Detrick
Sent: Wednesday, July 15, 2020 5:07 PM
To: clerk@hamilton.ca
Subject: NO MASKS!

Good afternoon, I am emailing regarding my support for not mandating masks in the city of Hamilton.

With a population of almost 580,000 and with only ~860 cases and just 44 deaths, mandating masks to the residents of Hamilton at this point in time seems very extreme and unwarranted. Hamilton is doing a great job with slowly reopening and should continue doing what it's doing without the mandating of masks.

Sincerely,
Aaron Detrick

Pilon, Janet

Subject: Against Mandatory Masks

From: Ryan Andre

Sent: Wednesday, July 15, 2020 6:48 PM

To: clerk@hamilton.ca

Subject: Against Mandatory Masks

Good afternoon, I am emailing regarding my support for not mandating masks in the city of Hamilton.

With a population of almost 580,000 and with only ~860 cases and just 44 deaths, mandating masks to the residents of Hamilton at this point in time seems very extreme and unwarranted. Hamilton is doing a great job with slowly reopening and should continue doing what it's doing without the mandating of masks.

Sincerely,
Ryan Andre

Pilon, Janet

Subject: mandatory masks

From: frank mckenzie

Sent: Wednesday, July 15, 2020 9:46 PM

To: clerk@hamilton.ca

Subject: mandatory masks

Hello Clerk

Please convey to the Mayor and all the Councillors our gratitude for all their hard work in the past months helping our City address the Covid 19 crisis. We appreciate you.

We understand the Council is addressing the subject of mandatory face coverings this Friday and we would like to add this correspondence to the public record for Council consideration.

I am a retired registered nurse who is concerned to see so many people out and about with their faces covered. THIS IS VERY UNHEALTHY. Our bodies need a continuous supply of oxygen. covering our faces impedes this flow. Any covering of our mouth causes carbon dioxide to build up inside that breathing space and this is not good for our brains.

The residents of our City have complied with the public health protocols of social distancing and good hand washing which has curtailed the spread of Covid 19.

Pilon, Janet

Subject: Mandatory Masks

From: Sandra Spracklin

Sent: July 14, 2020 11:13 PM

To: mayor@hamilton.ca <mayor@hamilton.ca>

Cc: arlene.vanderbeek@hamilton.ca <arlene.vanderbeek@hamilton.ca>

Subject: Mandatory Masks

Dear Mayor Eisenberger:

I'm a resident of Dundas and I am writing to you in regards to the bylaw to make it mandatory to wear masks. From what I've read in the news, it seems council is going to go ahead with this. At this time, when Covid-19 cases are declining it does not make sense to me to force everyone to wear masks, especially healthy people. I feel our freedom to choose is being taken away and is going against our constitutional rights. If someone has Covid-19 then they should be quarantined, and those that are healthy should be free to go about their business.

There have been many medical doctors, who have not been reported in the main stream media, who have said that prolonged wearing of masks is unhealthy for us. When we wear those masks normal bacteria, viruses, carbon dioxide and whatever particles are in your lungs get trapped in the mask and we breathe that in over and over again. This can affect our immune system and therefore make us more susceptible to disease.

Mr. Mayor, I do not agree with this bylaw and I hope that you will reconsider this decision.

I've included two video links below, which I hope you will watch. One shows a medical doctor explaining Covid-19 and mask wearing. The second is an interview with a lawyer explaining our constitutional rights. It is in French and English. The English part is at approximately 33 minutes.

Mr. Mayor I hope you will watch them and again, I ask that you will reconsider your position about this bylaw. Thank you.

Sincerely,

Sandra Spracklin

<https://www.youtube.com/watch?v=BYcgfgM33uQ&feature=youtu.be>



The Truth and Facts about COVID 19 from Dr Kelly Victory - YouTube

Official PPC Youtube:

https://www.youtube.com/channel/UCMR4SQfGkEoiNfyaG_22Baw/videos

People's Party of Canada: <https://www.peoplespartyofcanada.ca>
Maxime B...

www.youtube.com

https://www.youtube.com/watch?v=d6o_CsDgOuM&feature=youtu.be&app=desktop



ENTREVUE - STÉPHANE BLAIS ET ROCCO GALATI - YouTube

Stéphane Blais, Président de la Fondation pour la Défense des Droits et Libertés du Québec, discute avec l'avocat constitutionnaliste Rocco Galati de la pour...

www.youtube.com

Pilon, Janet

Subject: FW: Fridays council meeting

From: Sarah Warry-Poljanski

Sent: Wednesday, July 15, 2020 2:53 PM

To: clerk@hamilton.ca

Subject: Fridays council meeting

Good morning,

As we are all aware, this Friday, council will hold a vote to determine the implementation of a by law regarding the mandatory use of face masks within public areas.

As many know, I am against such a move as it is an infringement on my rights including my human rights. However, since we are fearing for the lives of not only ours and our family's, but that of society, I propose we extend the by law to also now include the removal of all processed foods from stores and impliment a fine for those selling them and those buying them. Also, it is well documented that smoking decreases and depresses the immune system, as does excessive alcohol use. Again, as we face such a public health crisis, the general public's well being now is the focus. With this, it's reasonable to say we should enforce a ban on smoking , not only in public places, but the ban of sales and purchase of all inhaled nicotine products. In regards to alcohol, a limit should be placed in the same regrad, and consumption of all alcohol products during this time should be limited.

Again, this is for the safety of the general public and we need to think of the whole during this crisis. I am sure that people in the city, as well as those in city hall and council, will support these measures as we understand the need for protection during this time.

Please consider implementing these measures into Fridays vote as we need to do as much as possible to protect those around us. Even if it means giving up stuff in our own lives.

Please contact me for further information and to let me know whether you support the above.

Please review the following articles and documents supporting the above information.

<https://time.com/2941167/fast-food-may-hurt-immune-system/>

<https://www.hsph.harvard.edu/nutritionsource/nutrition-and-immunity/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4074336/>

<https://blog.bioticsresearch.com/does-sugar-weaken-the-immune-system>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5352117/>

Thank you
Sarah Warry

Pilon, Janet

Subject: FW: Hamilton Face Covering By-law

From: Steve Marta <sgmarta@sympatico.ca>

Sent: Wednesday, July 15, 2020 1:41 PM

To: clerk@hamilton.ca

Cc: Office of the Mayor; Pauls, Esther; Johnson, Brenda

Subject: Hamilton Face Covering By-law

Hi City of Hamilton Clerk,

I just had a very good phone discussion with Paul (Mayor Fred Eisenberg's assistant) with respect to the impending Hamilton Face Covering By-law ("the By-law") and my concerns as a small business owner in Hamilton, as well as Grimsby.

Our family (me, my wife and our 3 sons) designed, owns and operates Binbrook Gym in Binbrook and Grimsby Gym in Grimsby. We are also in the process of starting a third gym in the nearby Niagara region.

The gyms are boutique fitness facilities that are accessible 24/7 to members only and operate in a unit that is only 3,600 square feet.

The words of support and encouragement from our gym members have been overwhelming during this extremely difficult time for all family-run small businesses.

Many of our members have been struggling (as many others in the world) with the mental and physical health issues created by the lack of physical exercise, and they absolutely cannot wait for the time that we are allowed by the Ontario government to reopen the clubs.

First of all I totally understand the requirement and health care benefits of the By-law.

However, these are my concerns as a small business owner with the current draft of the By-law;

- Sections 2.3 to 2.4- Enforcement- It is not fair at all to "deputize" all small business owners to enforce a Hamilton by-law. We are not trained in situation or conflict de-escalation and should not be asked to take on the potential business, physical and verbal risks that may accompany this task. People have lost their lives recently as a direct result of carrying out the enforcement of the face mask requirement at their place of business. We also do not have the anonymity of a Hamilton By-law officer and in many cases

personally know our members or customers. We should not be exposed to the risk of retaliation or vandalism, or the potential business ending thrashing that can result from the many forms of social media.

- Section 2.5- requirement to be present at all times the business is open to the public- Our business model is dependent on the club being accessible 24/7 to all members and limited staffing by a family member from 9 a.m. to 10 p.m. during the week and from 10 a.m. to 2 p.m. on weekends (“staffed office hours”). We also have several controls in place that allow us to operate the club without having to physically be on-site. The 24/7 accessibility allows members to exercise when it is convenient for them (i.e. due to work or family commitments, etc.) or when physically required (i.e. due to stress, anxiety, insomnia, etc.). Also, our family personally operates each club and is staffed by one person for a limited number of hours per day. We have made substantial investments in membership and door access software, as well as security cameras to allow us to remotely monitor the operations of the gym 24/7. The physically present requirement will force our business to reduce the operating hours of the gym from being open 24/7 to only being open from 9 a.m. to 10 p.m. on weekdays and from 10 a.m. to 2 p.m. on weekends and thereby eliminate the 24/7 accessibility option that is so vital to all our members. Our gyms should not be required to have a family member present on-site 24/7 when it has controls to ensure its safe operation after staffed office hours. The club can only be accessed by members with an activated door access card. Also, since anyone inside the club is exempt from the By-law (please see Section 4.1(h) below) then Section 2.5 does not apply to the club.
- Section 4.1(h)- Exemption for a person who “is actively engaged in an athletic or fitness activity”. The interpretation of this exemption is vital. I am of the view that as soon as a member walks through the main entrance door to the club then that member is actively engaged in an athletic or fitness activity. A member will only come to the club to exercise and only a member can gain access to the club since all doors to enter the club are locked 24/7. The club does not have a lounge or any other social gathering area. The entire physical motion or movement of walking through the main entrance

doors, into the open coat rack/locker area, over to all the pieces of equipment and free weight area, using any piece of equipment in the club, as well as visiting any of the individual private washrooms, in my view, constitutes active engagement in an athletic or fitness activity. I am also of the view anyone that works inside the club or enters the club to obtain or cancel a membership at the club is actively engaged in an athletic or fitness activity. Consequently, I believe that anyone inside the four walls of our entire fitness club and business qualifies for the Section 4.1(h) exemption to the By-law.

Based on my discussion with Paul it is my understanding that our gyms, as well as all other fitness gyms in Hamilton, are effectively exempt from the By-law.

Consequently, I respectfully request the Hamilton City Council to consider my comments above during the Council meeting taking place this Friday, July 17, 2020 (“the Friday Meeting”) for the purposes of finalizing the By-law.

Thank-you for taking the time to read my email and considering including its content on the Agenda for the Friday Meeting.

Steve Marta

Pilon, Janet

Subject: Mandatory masks

From: fwcjmckenzie

Sent: Wednesday, July 15, 2020 12:22 PM

To: clerk@hamilton.ca

Subject: Mandatory masks

Hello

I sent an e-mail this morning to the mayor concerning the subject of mandatory masks. The Mayor's office stated in their reply that I could contact you about making my letter a matter of public record to be considered by council.

How do I go about that?

Thank you for your response.

Frank & Carol McKenzie

Pilon, Janet

Subject: Mandatory Mask bylaw

From: Trevor Lee

Sent: July 16, 2020 12:27 AM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: Mandatory Mask bylaw

Good morning Councillors,

Down to 23 active cases, and no mandatory mask bylaw. Why now? Why not back at the end of April or May? But I'm a "keyboard warrior" right? The science is settled.....yeah, sorry, science is never settled. Do your homework, and vote with actual common sense, not based on fake main stream media Polls because you "think" it's what the public wants. Wake up!!

Thanks

Your neighbor and Hamiltonian, Trevor.

Ps. Open the climbing structures for children please at the parks. Based on the settled science, children under 9 have 0% chance of dying, and 100% chance of having mental issues due to your idiocies. This is the smartest virus known to man. Won't affect you at BLM protest, Walmart, Costco, and LCBO line ups, but can be suppressed from aunt Betty's homemade cotton mask, social distancing (CIA torture tactic), and 6 feet distancing (totally made up). Anyone who votes in favour watch's to much main stream media. Welcome to Communism!

Pilon, Janet

Subject: FW:

From: Melanie Scholtens

Sent: Thursday, July 16, 2020 9:19 AM

To: clerk@hamilton.ca

Subject:

I would also like to point out a couple of other things that you should not force people to wear masks.

1. The deaf and hard of hearing can no longer lip read.

2. The cloth masks need to be washed daily otherwise mold will grow. Are we prepared for hospitals to handle this, cause you know people are not washing their masks daily.

3. Disposable masks should only be worn for 30 min at a time. I am pretty sure people are not switching masks every 30 min and washing their hands in between uses

4 masks give people a false sense of security. Unless it's an n92 it's useless.

5 the amount of disposable masks that are laying on the streets, do you have a plan for those as they wash into our city sewers? Now that's disgusting. Never mind the gloves.

6 stop trying to be like Toronto. They have triple the amount of people we do.

7 children are not good with masks. Plus the chances of them getting covid is next to impossible so why are you forcing them. Children are suppose to build up their immunity, so are the hospitals prepared for all our children who will be flooding the hospitals in the future. It's not right. When you were a child would you have worn a mask.

8 mask won't let people sing in church. And that is a really sad day when you take away people's rights to worship. Plus it's against the freedom of rights act.

9 no one will smile anymore, it's hidden under the mask of mold. Depression will set on quickly. Are the hospitals prepared for this?

10 masks do more harm than good. Our cases are next to nil without you enforcing masks. There are worse diseases out there than this pandemic.

Pilon, Janet

Subject: FW:

From: **Melanie Scholtens**

Date: Fri., Jul. 10, 2020, 8:56 p.m.

Subject:

To: <mayor@hamilton.ca>

I am so angry about the government forcing us to wear masks. This so called pandemic is already a political move and has screwed my family business and now you want us to wear masks for no good reason. Science says that if the mask is non medical it does not wear, plus giving people a false sense of security. Science says it's almost impossible for you to get covid through touch. But nobody cares about the science. Nobody cares about mental health. We just all have to follow the government laws even though they make no sense. Communism at it's best.

I guess that starting this weekend I will be shopping in Burlington. I refuse to wear a mask. My asthma does not agree with it, but you don't care about that.

I feel so sorry for our kids. This so called pandemic has wreaked havoc with their lives and now you are forcing them to wear masks.

My cancer child , even when neutropenoc refused to wear a mask. How are you going to get kids to wear them.

This has gotten out of hand.

You are doing more harm then good.

Pilon, Janet

Subject: Mask By law

From: Fred Zipeto

Sent: July 16, 2020 9:53 AM

To: DL - Council Only <dlcouncilonly@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>

Subject: Mask By law

Respectful Mayor/Councillors

I would like to share a concern and opinion regarding the passing of the Mask Bylaw. Working in the law enforcement field I can assure you that we will have problems identifying people who commit crimes. Gas stations will have more gas drive offs, robberies, thefts, driving complaints (unable to identify the driver) etc.....Victims will be unable to have their situation resolved. Even though the majority of people in our community have cameras, the police will have a difficult time identifying the suspects with this Mask Bylaw in place. I also have noticed while shopping, masks are being discarded in the parking lots. I do believe that we are being influenced by politics.

I hope that this concern will be brought forth to other councilors .

Thank you

Fred Zipeto

Pilon, Janet

Subject: FW:

From: **Melanie Scholtens**

Date: Mon., Jul. 13, 2020, 10:10 a.m.

Subject: Re:

To: Office of the Mayor <mayor@hamilton.ca>

So the news has been banned in our home because it false reports and causes my children and myself mental anxiety.

The only reason you are talking about masks is because Toronto did it. More people die from everything else but covid and yet you refuse to acknowledge this.

I can't even get into my doctor's office to get immunizations for measles for my kids because they are still closed but all other immunizations must not matter because they are not covid.

My sons neuro exam will be virtual which is not the same as actually having a doctor exam him because it's not covid. Cancer is nothing compared covid. Covid is so much worse right?

Science has proven that it's not and yet the government refuses to admit that they are wrong.

So instead we will let our small businesses and restaurants go bankrupt. We will make our children illiterate because they cannot go to school. We refuse our children to see their extended family or play sports or play on that horrid covid filled play structure. Even though science has already proven that there is such a minimal risk of children getting covid or spreading it. Like enough is enough. Stop the fear you are instilling in people. Our children our suffering from mental health. Suicide is up. But wait that's not covid so it's really not that bad if a child is so depressed it just wants to exit life.

Numbers are down for covid. If people stopped getting tested there would be 0 because our hospitals are empty of covid cases. It's a virus. Remember when you went to the doctor and he would say, oh it's a virus, go home, rest drink lots of fluids. Yes it's more serious for the elderly but so is everything else. The future is not in our elderly but our children.

And their future looks like one with mental anxiety and paying extreme amount of tax dollars to pay for all the government handouts.

Again, more harm than good. So let's put masks on everyone (and you know this wont be temporary). Not let people talk to each other because we would not want people to realize how wrong the government is, So muzzle them like dogs.

I believe we should be more like the states. Stop paying the political party of the WHO and open our borders. Align ourselves with the States and not China. China does not care about us.

Let's put our covid money to good use, like fixing roads, helping the homeless shelters, investing in our children's future and so much more.....

Open churches fully because God is the only one that can save us. Since Jesus Christ, no one has escaped dying. It's a guarantee that we will all die one day so maybe it's time to live. Glorious and free. The elderly if you ask them don't want to live in isolation. They would rather enjoy their last days and years with their families, making memories and passing on wisdom and history because they have lived through worse times then these.

I appreciate the fact that you replied to my previous email.

I hope you have a great day.

Melanie

Dear Honorable Councilors,

I am deeply concerned by the passage of the proposed Mask Bylaw at our Board of Health meeting last Friday.

The proposal for a mask bylaw within our City is not supported by science and the present situation in our City does not warrant it. It is an egregious affront to our civil liberties and personal autonomy and is not likely to survive a challenge under our Charter of Rights and Freedoms. Mask use in the general public is dehumanizing, alienating and a sign of separation and oppression that has no place in Canada, Ontario and specifically in our great City of Hamilton which I love.

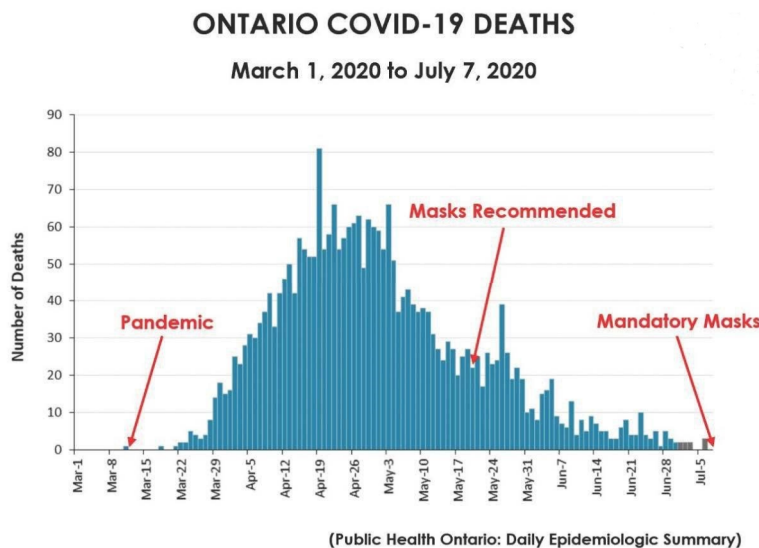
Firstly, the situation in Hamilton does not warrant this Bylaw:

As I am writing this letter I checked the Status of Cases information on the City of Hamilton website and it appears there are only 14 cases left in our community. From 860 confirmed positive cases, 802 resolved, and there were 44 deaths, this leaves a balance of 14 remaining cases, with only one individual hospitalized.

Hamilton entered Stage 2 of the Ontario reopening plan on June 19th, 2020 – that is nearly 4 weeks ago. Since that time there have been only 74 new cases in our City. In contrast, in the 4 week period before June 19th (May 22 to June 19th) there were 173 new cases and during the 4 week period before May 22nd (April 24th to May 22nd) there were 236 new cases.

Suffice to say that although we have opened our City significantly and although we have increased the availability of testing for Covid19 significantly, the number of Covid19 cases has not increased. We are on a positive trajectory and there is no reason to assume that this will change in the near future.

On the provincial level we can see that we are at the end of the curve of this pandemic



There is no reason for preemptive masking measures, as can be seen, despite our province's reopening, on the whole the number of cases has continued to decline. Given the potential harms that go along with mask wearing I believe that our City should consider the option of waiting to see whether there is any uptick in cases before enacting such strong measures as universal masking.

Secondly, the current science behind mask use is questionable at best as you will see in the following paragraphs:

The science regarding mask use pre-pandemic has always been clear – the reduction in the spread of influenza and other respiratory illnesses due to the use of cloth masks is not detectable.

In 2019 the World Health Organization compiled a document entitled *“Non-pharmaceutical public health measures for mitigating the risk and impact of epidemic and pandemic influenza”*¹ – the purpose of this document was to provide recommendations for the use of *Non-pharmaceutical interventions* (NPIs) in future influenza epidemics. The method for the development of the document was to identify NPIs that had potential to mitigate pandemics, evaluate the evidence for their effectiveness and provide recommendations for their use / non-use. Masks are an NPI which was evaluated in this document.

In order to evaluate the effectiveness of the Masks the Who undertook a systematic review of the scientific literature i.e. studies that evaluated the benefits of mask use in controlled settings. Their conclusion regarding mask use was as follows:

“Ten RCTs were included in the meta-analysis, and there was no evidence that face masks are effective in reducing transmission of laboratory-confirmed influenza.”

4.3. Face masks

Summary of evidence

Ten relevant RCTs were identified for this review and meta-analysis to quantify the efficacy of community-based use of face masks, including more than 6000 participants in total (42-47, 50, 68-70). Most trials combined face masks with improved hand hygiene, and examined the use of face masks in infected individuals (source control) and in susceptible individuals. In the pooled analysis, although the point estimates suggested a relative risk reduction in laboratory-confirmed influenza of 22% (RR: 0.78, 95% CI: 0.51–1.20, I²=30%, P=0.25) in the face mask group, and a reduction of 8% in the face mask group regardless of whether or not hand hygiene was also enhanced (RR: 0.92, 95% CI=0.75–1.12, I²=30%, P=0.40), the evidence was insufficient to exclude chance as an explanation for the reduced risk of transmission. Some studies reported that low compliance in face mask use could reduce their effectiveness. A study suggested that surgical and N95 (respirator) masks were effective in preventing the spread of influenza (71).

OVERALL RESULT OF EVIDENCE ON FACE MASKS

1. Ten RCTs were included in the meta-analysis, and there was no evidence that face masks are effective in reducing transmission of laboratory-confirmed influenza.

The recommendation regarding masks in the originally published document was for use by symptomatic people only. Since that time the recommendation has been updated and it notes that masks are recommended for asymptomatic people only in severe pandemics or epidemics, and the recommendation notes:

“There is no evidence that this (wearing of surgical masks) is effective in reducing transmission”

It is not clear why the WHO would recommend mask wearing when they themselves admit that there is no scientific evidence for their efficacy.

In any case, what we have in Hamilton cannot be classified any longer as a ‘severe pandemic’ – with only one individual in hospital, and 14 live cases identified in the community. The spread of the virus has been decreasing and continues to do so despite the fact that our City is opening up.

The general advice regarding mask wearing prior to Covid19 has always been that masks are for the symptomatic only; or those caring for symptomatic individuals. For example the Journal of the American Medical Association notes the following in their guidance on the use of masks:

When Should a Mask Be Used?

Face masks should be used only by individuals who have symptoms of respiratory infection such as coughing, sneezing, or, in some cases, fever. Face masks should also be worn by health care workers, by individuals who are taking care of or are in close contact with people who have respiratory infections, or otherwise as directed by a doctor. Face masks should not be worn by healthy individuals to protect themselves from acquiring respiratory infection because there is no evidence to suggest that face masks worn by healthy individuals are effective in preventing people from becoming ill. Face masks should be reserved for those who need them because masks can be in short supply during periods of widespread respiratory infection. Because N95 respirators require special fit testing, they are not recommended for use by the general public³

The WHO changed that advice on June 5, 2020 when they released the document entitled: “Advice on the use of masks in the context of COVID-19, Interim guidance²”

This document notes: *“Many countries have recommended the use of fabric masks/face coverings for the general public. At the present time, the widespread use of masks by healthy people in the community setting is not yet supported by high quality or direct scientific evidence and there are potential benefits and harms to consider (see below).”*

The potential disadvantages are listed as follows:

- *potential increased risk of self-contamination due to the manipulation of a face mask and subsequently touching eyes with contaminated hands;(48, 49)*
- *potential self-contamination that can occur if non-medical masks are not changed when wet or soiled. This can create favourable conditions for microorganism to amplify;*
- *potential headache and/or breathing difficulties, depending on type of mask used;*
- *potential development of facial skin lesions, irritant dermatitis or worsening acne, when used frequently for long hours;*
- *difficulty with communicating clearly;*

- *potential discomfort*
- *a false sense of security, leading to potentially lower adherence to other critical preventive measures such as physical distancing and hand hygiene;*
- *poor compliance with mask wearing, in particular by young children;*
- *waste management issues; improper mask disposal leading to increased litter in public places, risk of contamination to street cleaners and environment hazard;*
- *difficulty communicating for deaf persons who rely on lip reading;*

The document goes on to note:

“If masks are recommended for the general public, the decision-maker should:...

- *inform/train people on when and how to use masks safely (see mask management and maintenance sections), i.e. put on, wear, remove, clean and dispose;*
- *consider the feasibility of use, supply/access issues, social and psychological acceptance (of both wearing and not wearing different types of masks in different contexts);*
- *evaluate the impact (positive, neutral or negative) of using masks in the general population (including behavioral and social sciences).*

In light of this information, I have the following concerns:

Why is the City of Hamilton recommending this violation of our Civil Liberties without strong scientific support that the measures proposed will be effective?

Why is our Board of Health using the World Health Organization as a reference in their report to Council, when their recommendation does not match the WHO's own documents?

Has the City clearly considered all the potential disadvantages to mask use as noted above?

What is the City of Hamilton doing to mitigate these disadvantages?

Since mask use leads to relaxing of other measures, will this universal mask bylaw actually have a negative effect and cause an increase in cases in our community?

How is the City of Hamilton going to train our 600,000 citizens in the proper use of masks?

Has the City considered the psychological harms of mask use? Both for wearers; an increased sense of fear and foreboding danger; and for non-wearers; vilification, shaming, shunning etc.?

Has the City considered the impact to deaf individuals within our City and those who are hard of hearing who will no longer be able to lip-read in Public?

Is the City of Hamilton opening themselves up to possible litigation due to negative consequences of mask wearing?

I now wish to turn my attention to the Board of Health report which was presented at the committee meeting on Friday July 10th. I have reviewed the report and I have the following observations and concerns:

The report notes that the by law: *“shall be reviewed by the Board of Health every 3 months unless directed otherwise by City Council.”*

What criteria will the Board of Health be using to determine whether this Bylaw can be repealed? What criteria will City Council use to direct Public Health to review this Bylaw? There is no documentation within this bylaw to note that it is a temporary measure or that it should be repealed at the earliest opportunity.

There is no criteria in the bylaw to call for its own removal. Given we are enacting this bylaw in a setting in which community spread is declined, hospitalizations are nearly at zero and there are only 14 active cases, what else can we see happen that will make our City comfortable that this is not necessary?

The Executive Summary of the Board of Health report notes that: “Some jurisdictions around the world, including many in the United States, are experiencing a resurgence of cases since re-opening.”

The primary examples given for this in the media are Texas and Florida, however it is also being widely reported in the media that the case counting in these States is far from accurate. In any case, Florida and Texas have far fewer deaths for their population than Ontario. Why should what is happening in the southern states have any bearing on the conversation relating to our City? Hamilton has started opening and the number of cases has declined. There are a myriad of factors, which could be affecting case transmission in such distant jurisdictions, and so I fail to see why this is relevant to Hamilton. Hamilton is opening and our cases are continuing to decline, information from the southern states is irrelevant.

Throughout the document the word ‘Enclosed’ is used, however a definition of enclosed is not provided. Presumably, this word means ‘indoor’ spaces, however indoor spaces vary significantly in size, space, airflow etc. Given the differences that can exist, why are all enclosed spaces being painted with the same ‘danger’ brush?

The Executive Summary notes that the science on non-medical masks is not definitive. As in my question above - How can our City Council impose a bylaw which severely infringes the rights of Hamiltonians to personal autonomy on the basis of science that is ‘not definitive’?

The Executive Summary notes that jurisdictions with ‘mandates’ have seen more people complying. Yes – the threat of punitive measures will get you forced compliance. Make no mistake about what you are doing, you are no longer encouraging – the passing of a bylaw means you are forcing me and my family to wear a mask in public. I take strong exception to this.

The Executive Summary notes that - “More widespread wearing of masks and face coverings may act as a visual cue that public health measures, including maintaining a physical distance from others, are still required”

This contradicts the idea that masks use is for enclosed areas where social distancing cannot be practiced. This also contradicts the WHO’s warning that masks provide a heightened

perception of 'security' which may lead to relaxing of other measures such as physical distancing. It is very likely that what you are doing will actually lead to greater spread of Covid19 due to an assumed safety behind an ineffective mask.

Within the Historical Background section of the Board of Health report it fails to mention that on June 23rd Dr. Ninh Tran was quoted in the Hamilton Spectator as saying: "We are not looking at making masking mandatory"


On June 29th however, our Mayor, seemingly without the support of Public Health, made a political statement together with other GTHA mayors asking the province to enact mandatory masks.

This leaves me wondering whether Public Health was driving the bus with respect to our Public Safety, or was this report compiled after the fact as political support for our Mayor, who stepped out on his own accord to score political points? To what degree are politics playing into this recommendation for mandatory masks? Was the Board of Health report prepared before or after these statements from our Mayor?

Within the Analysis and Rationale portion of the report it is noted that "the World Health Organization strongly recommend the wearing of masks or face coverings where physical distancing cannot be maintained". However if you refer to my quotations from the official WHO documents above, this statement is a stretch. They conditionally recommended them in severe pandemics where there is widespread community spread, while noting the lack of evidence for their efficacy as well as the associated dangers.

The Board of Health report discusses the spread of Covid19 – however they do not note significant information relating to the spread of Covid19.

The New England Journal of Medicine has noted in a study published on May 21, 2020⁴ that the transmission of the virus requires prolonged contact. An excerpt from the study is contained below -



The NEW ENGLAND
JOURNAL of MEDICINE

May 21, 2020
N Engl J Med 2020; 382:e63
DOI: 10.1056/NEJMp2006372

Excerpt:

We know that wearing a mask outside health care facilities offers little, if any, protection from infection. Public health authorities define a significant exposure to Covid-19 as face-to-face contact within 6 feet with a patient with symptomatic Covid-19 that is sustained for at least a few minutes (and some say more than 10 minutes or even 30 minutes). The chance of catching Covid-19 from a passing interaction in a public space is therefore minimal. In many cases, the desire for widespread masking is a reflexive reaction to anxiety over the pandemic.

The accepted mechanism for the spread of Covid19 is prolonged contact with an infected person for at least several minutes - the mask bylaw does nothing to address this. The mask bylaw will cover our faces for brief passing moments in indoor commercial settings. This is not how the virus is spreading; it spread through long term contact with infected individuals in places like retirement homes and Long-term Care facilities.

The evidence provided within the Board of Health report regarding the effect of masking in certain jurisdictions around the globe is anecdotal at best. While areas such as Hong Kong, Japan and South Korea did better in terms of total cases, the degree to which masks played into that outcome is unknown.

China is also a nation which uses masks readily and culturally, however that was the epicenter of the pandemic and the virus spread from through and around China, and from China to the world despite China's widespread mask use.

The Board of Health report noted that face coverings can act as a visual cue for other measures such as physical distancing, however the WHO has cautioned that masking actually provides a false level of security and will lead to a decrease in such practices as physical distancing. This has been my observation – when people wear masks they feel safe and don't hesitate to get into each other's space, when in fact a better option would be to physically distance from each other.

The Board of Health report notes that there are numerous potential negative unintended consequences to universal masking, such as:

- *There may be in individual level impacts such as facial dermatitis, facial lesions, itchiness and skin irritation, worsening acne, fogging of glasses, difficulty in clear communication;*
- *If worn improperly, facial coverings use can present the opportunity to contaminate the wearer; lack of hand hygiene may also cross contaminate the environment*
- *Individuals who may not be able to tolerate face coverings (e.g. underlying medical conditions) may be stigmatized;*
- *Depending on how policies are enforced, income and other inequities may be exacerbated (e.g. for those who lack access to masks and face coverings); and,*
- *Impact on the PPE supply chain should individuals use medical masks in non-health care settings.*

These are significant consequences and are almost certain to occur given the requirement for widespread masking.

Personally, I have mild asthma; however it is exacerbated by mask use and especially in hot temperatures. I have seen the vitriol in online forums against those who question the need for universal masking and I am anticipating that I will be the subject of vilification, shaming and shunning if I am unable to wear my mask.

As I noted above – the question as to what degree the City are opening themselves to legal challenges and lawsuits due to negative impacts from masks within our City needs to be

considered. If residents sue the City of Hamilton who will ultimately be paying for their settlements? The tax-payers, or the Board of Health and city councilors who enacted this Bylaw despite the protests of tax paying citizens?

Other questions that I have related to these possible negative impacts are as follows:

To what degree is the City providing adequate training for the proper wearing of masks?

To what degree will the City be held liable for not providing proper training?

What about those citizens who cannot afford masks?

The Board of Health report notes that the science on face coverings continues to evolve, they then go on to cite numerous studies that were completed since the start of the Pandemic.

While I understand the need for 'live-science' in such a situation as our Pandemic, the 'Hard-science' i.e. random control tests which were designed to remove bias have always shown that masks DO NOT work. Science does not change just because there is a pandemic, the rush to publish new work without peer-review and without oversight leaves these studies very open to possible biases and unrepeatable conclusions.

The Board of Health study also references 'modelling studies' however after the debacle which was our province's reliance on modelling I hope we are not continuing to base public policy on models. We were told that we could experience up to 100,000 deaths in our province based on 'modelling' – that number now appears so ridiculous that it was a crime for it to be presented to the public. I deny that the City should or can even legally curtail our rights to personal autonomy based on theoretical modelling, and in the face of the 'Hard-science' that shows that masks do not work.

At best the masks will provide some source control for coughing and sneezing. However, those who are coughing and sneezing should be tested for Covid19 and stay home as these are symptoms of the virus. In any case, your sleeve or elbow are just as effective in blocking a cough or sneeze as a mask. Masks need to be discarded after you cough into them or sneeze into them as they become a wet breeding ground for bacteria and other viruses.

On a personal note:

Personally I find masks to be dehumanizing and alienating. Showing your face is a beautiful part of our culture that I value highly. You cannot connect with someone or communicate well on a personal and empathetic level with your face covered. Face coverings are for thieves and robbers aren't they? Not for open, healthy, friendly Canadians with nothing to hide - they are a sign of separation and oppression.

To overcome the fears we need to keep opening up and getting back to normal so people can see there is little to be afraid of. We have a City that is paralyzed by fear and a presentation of

the facts, such as where we are on the curve, the decrease in cases and the decrease in hospitalizations – these items are better ways to encourage our City to get back to business.

Given the facts I have outlined above I wish to summarize as follows:

1. The requirement for universal masks is a violation of personal autonomy, our Civil liberties and Charter rights, it is dehumanizing, alienating and a sign of separation and oppression that has no place in Canada, Ontario and specifically in our great City of Hamilton which I love.
2. The situation within Hamilton and our Province does not warrant the proposed measures we are doing fine as we continue to open up and cases continue to decline.
3. The science regarding mask use is clear that they do not work. The evidence provided by the Board of Health in support of mask use is anecdotal at best and contradicts other valid Health authorities such as the New England Journal of Medicine, the Journal of the American Medical Association and the World Health Organization.
4. It is very problematic that there is no clear metric within the Board of Health Report or the Bylaw itself to note when this bylaw will be repealed. The Bylaw is not even noted specifically as a temporary bylaw. How will Council determine that these measures can be ended?
5. Due to the potential negative impacts of masks, their disadvantages and problems noted by various health authorities the City of Hamilton is opening the public up to lawsuits and litigation which will have to be settled by tax payer contributions. Our City cannot afford this in our weakened fiscal position due to the virus.
6. The City is not valuing equity and the rights of those who cannot afford masks or cannot wear masks due to health reasons. Your bylaw has the effect of vilifying and shaming those who cannot wear masks due to the cost or other health issues.

Given these facts, I ask that our Council reconsider universal mask use within our City. It is unjustified and unwarranted and I and my family am strongly against these measures. I want what is best for my City and this bylaw is not in the best interests of the City of Hamilton.

Thank you for your consideration.

Best Regards,



- 1 - <https://apps.who.int/iris/bitstream/handle/10665/329438/9789241516839-eng.pdf?ua=1>
- 2 - https://www.who.int/docs/default-source/coronaviruse/corrigendum-to-ig-2020-4-ipc-masks-2020-06-05-pp-15-16-2020-06-06-e.pdf?sfvrsn=c5992b89_2
- 3 - <https://jamanetwork.com/journals/jama/fullarticle/2762694>
- 4 - <https://www.nejm.org/doi/full/10.1056/NEJMp2006372>

Pilon, Janet

Subject: Indoor mask by-law

From: Duane Dahl

Sent: Thursday, July 16, 2020 11:58 AM

To: clerk@hamilton.ca

Subject: Indoor mask by-law

Good morning,

We are pleased to support the indoor mask by-law proposed to Council for consideration on Friday, July 17. With our long history of supporting children, youth, and families in Hamilton who frequently face health, economic, and participatory barriers, Boys and Girls Clubs of Hamilton sees such a by-law as a reasonable, effective, and increasingly evidence-based approach to slowing the spread of the pandemic in our community. We also believe this will help to reduce health risks for the families we serve, particularly in lower income neighbourhoods where people are significantly less likely to be able to work from home and who are disproportionately exposed to the public in retail and similar sectors.

While we applaud the inclusion of both child care facilities and schools as exemptions from the by-law, we are asking for the explicit inclusion of both day camps and authorized recreation after-school programs (as defined under the Child Care and Early Years Act and funded through the Ministry of Heritage, Sport, Tourism, and Cultural Industries' Ontario After School Program) as exemptions. Each of these program settings is governed by COVID guidance documents from the Province and they are both structured with cohorts, screening, and cleaning mirroring those of licenced child care.

We appreciate Council's consideration of these revisions to the by-law and wholeheartedly support its effective implementation.

Duane Dahl, Assistant Executive Director
Boys and Girls Clubs of Hamilton
45 Ellis Ave., Hamilton, ON L8H 4L8
(905)549-2814 ext. 240
duane@kboysandgirlsclub.com

Pilon, Janet

Subject: backyard chickens

From: Rachel Yantzi

Sent: July 13, 2020 10:36 PM

To: Nann, Nrinder <Nrinder.Nann@hamilton.ca>

Cc: clerk@hamilton.ca

Subject: backyard chickens

Dear Ms. Nann-

I am a resident of the Stipley neighborhood in Hamilton. It has come to my attention that there is a vote planned in city council this Friday related to the current bylaw prohibiting backyard chickens. I was unable to find mention of this in the council agenda but I wanted to write to express my support for a change in the bylaw allowing small flocks (for example under 5 chickens, and no roosters) within the city of Hamilton. I do not know where you stand on this issue, but I would request that you vote in favor of allowing backyard chickens in Hamilton.

As with any other pet, it is important to ensure that they are well-cared for, that waste is cleaned up, and that animals are not disturbing neighbors. If dogs, which cause far more noise disturbance in my neighborhood are allowed, then I do not understand why small flocks of chickens are a problem. I think it is critical for urban residents to have a closer connection to how food is produced, and caring for animals that nourish your family is one way to deepen that connection.

Thank you for your consideration,

Rachel Yantzi

Pilon, Janet

Subject: Correspondence to be read during July 17, 2020, Council Meeting

From: Rebecca Mills

Sent: July 14, 2020 11:03 AM

To: clerk@hamilton.ca; Davenport, Alicia <Alicia.Davenport@hamilton.ca>

Subject: Correspondence to be read during July 17, 2020, Council Meeting

Re: City of Hamilton Staff Report #PW20010/PED20077

Dear Honourable City Council Members,

I am writing to ask you to revisit the resolution entitled, "Making Upper James Street More Pedestrian Friendly" which you ratified on June 24, 2020. By adding some planter boxes and shifting two sets of lights one block south (Churchill/Duff to Queensdale and Brantdale to Brucesdale), Upper James is supposed to become more pedestrian friendly. However, the plan won't actually achieve its goal, it does not reflect community needs, and it will be a waste of money.

First, this project won't achieve its goal because it does not address speeding, the biggest problem for pedestrians on Upper James. As a resident of the area, I would welcome authentic measures to make things safer for pedestrians by slowing down the traffic. Transformative change could include a road diet (two lanes with a turning lane), on-street parking, bikes lanes, wider sidewalks, etc.

Second, this project does not reflect the needs of the community. Some of my neighbours and I attended the meeting at Queensdale Elementary last year and gave feedback in good faith in person and remotely. I realize now that the report done by Public Works was most likely *fait accompli*, but the team of city planners was also tasked with an unachievable goal. The root of the problem lies in the past when Council ratified a motion brought forward by then Cllr. Skelly which proposed that a better environment be created for pedestrians "without diminishing the traffic along the vital route." The sentiment is in the right place, but the needs of pedestrians and cars are in competition with each other.

Third, this plan is a waste of money. Why spend over half a million dollars on a project that is unlikely to improve pedestrian safety, especially at a time when the City is struggling financially? In addition, no provision was made in the resolution for the unintended consequences that will result in traffic being redirected in between West 5th and Upper James. Right now there is a direct line between the two major arteries via Brantdale, but this project would alter that situation forcing cars onto residential streets ill equipped to handle the influx.

Thus, the current project will *not* make things better for pedestrians, it does not support their needs in the community, and it squanders taxpayer dollars. The plan as it stands benefits *cars* more than pedestrians. Please consider revisiting the resolution (as well as Cllr Skelly's legacy) to make credible changes or save the money for something else. In closing, I would appreciate Council answering this question on the record: What will Council do to make things better for pedestrians on Upper James...for real?

Sincerely,
Rebecca Mills

Pilon, Janet

Subject: 127 Hughson Street North, Hamilton

From: Bryan Dykstra

Sent: July 9, 2020 10:42 AM

To: Farr, Jason <Jason.Farr@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>

Cc: Addington, David <David.Addington@hamilton.ca>; McKie, Shannon <Shannon.McKie@hamilton.ca>; Holland, Andrea <Andrea.Holland@hamilton.ca>; Robichaud, Steve <Steve.Robichaud@hamilton.ca>

Subject: 127 Hughson Street North, Hamilton

Attention:

Mayor Fred Eisenberger
Councillor Jason Farr, Ward 2

July 9, 2020

Dear Mayor and Councillors,

RE: Recommendation to Designate 127 Hughson Street North, Hamilton

As the owner of the subject property, I am writing to comment on the Heritage Designation of 127 Hughson Street North, Hamilton. My comments are as follows:

1) I object to the insertion of item (c) by the Heritage Committee. The "Description of Heritage Attributes" already documents the specific items in the lobby which are of historic value or interest (note the section starting "Key heritage attributes associated with the split level foyer..."). Further declaration of the entire Foyer is unnecessary and is a broad brush stroke where more specific verbiage was already contemplated through consultation between the heritage planner, heritage consultant and owner. The lobby has already undergone significant changes during the course of our interior demolitions work. I request this insertion to be removed.

2) I object to the insertion of the words "with operable openings" in relation to the window replacement. This is an unnecessary differentiator. Operability of windows will, in many cases, result in a negative impact on the design quality of the window as the casings around modern operable windows are extremely thick and unsightly. The operability of the historic steel windows is unique due to the fact that they are constructed with steel and there is no thermal break. Windows are no longer built with steel and they are required to be thermally broken. The materiality of modern windows does not allow for the thin site-lines with operable windows. Ultimately, this cannot be achieved with modern glazing and if it is REQUIRED, it may actually result in a reduction in design value of the finished product. I would ask that this insertion be removed.

The above changes were made without any consultation as I was given no opportunity to address the Heritage Committee (I understand this is a result of the pandemic). In both instances, if given the opportunity, I could have provided background to the Heritage Committee on why the insertions are not suitable. The process, as it was followed, has not permitted me to make such feedback and leaves me to appeal to council to have them removed without the opportunity to provide more detailed reasoning.

I have otherwise been a proponent of this designation and the original verbiage of such as agreed upon by the heritage planner, heritage consultant and myself.

Regards,

Bryan Dykstra
Blacks Point Development Inc.
(m) 416.523.2788
www.blackspoint.ca

Declaration of Mutual Commitment and Friendship (FINAL)

Improving the Quality of Life of Indigenous People Across Ontario's Municipalities Joint and Ongoing Commitment Between Signatories: the Association of Municipalities of Ontario (AMO) and the Ontario Federation of Indigenous Friendship Centres (OFIFC)

1. WHEREAS in Ontario, over 85 percent of Indigenous people live in municipalities;
2. WHEREAS the growing percentage of Indigenous people living in municipalities and the Friendship Centres that serve them participate in and contribute to municipal community life;
3. WHEREAS the Friendship Centres have existed in Ontario municipalities for over half a century and have vital roles to play in community development, social cohesion, and improving the quality of life for Indigenous people living in urban and rural areas;
4. WHEREAS the Friendship Centres receive their mandate from their communities and are inclusive of all Indigenous people;
5. WHEREAS municipal governments have a growing and critical role in human and social services and community development and many have shown leadership in working in partnership with Indigenous organizations;
6. WHEREAS the Truth and Reconciliation Commission defines reconciliation as “an ongoing process of establishing and maintaining respectful relationships”;
7. WHEREAS strengthening relations between Indigenous and non-Indigenous people is essential to municipal governments, Friendship Centres, and communities across Ontario;
8. WHEREAS municipal governments play an important role in providing and delivering valuable programs and services to meet the needs of their residents, as well as being responsible, in all or some part, for over two hundred and eighty (280) pieces of provincial legislation that impact daily life of all who live in Ontario;
9. WHEREAS many municipal governments and Friendship Centres have taken up the responsibility to collaborate on a variety of initiatives that improve Indigenous quality of life and have had tangible community impacts;
10. WHEREAS municipal governments are on the front-lines working directly with all individuals to support and determine social determinants of health, demonstrating a notion of direct responsibility contributing to community wellbeing and prosperity;
11. WHEREAS the AMO has developed the Indigenous Relations Task Force to advise the AMO Board of Directors on municipal-Indigenous relationship building;
12. WHEREAS the OFIFC was founded in 1971 and works to support, advocate for and build the capacity of member Friendship Centres across Ontario;
13. WHEREAS the Friendship Centre Movement is the largest Indigenous service network in the province supporting the vibrant and quickly-growing Indigenous population through programming, research, education, and policy advocacy;

14. WHEREAS AMO and OFIFC are partnering on a variety of initiatives to improve collaboration and information sharing amongst our membership, not limited to the work of the AMO-OFIFC Indigenous Relations Working Group and the AMO-OFIFC Memorandum of Understanding (*signed on date*); AND
15. WHEREAS this declaration is a living document that municipal governments and Friendship Centres can sign onto or use as a framework for the development of local or regional declarations that can be added to this declaration;

THAT SIGNATORY MUNICIPAL GOVERNMENTS RECOGNIZE:

16. THAT Indigenous people reside and build community and resilience in municipalities across Ontario;
17. THE value of Indigenous knowledge and expertise to design, plan, implement, and evaluate public policy and programs that impact the wellbeing of Indigenous people is paramount;
18. THE responsibility taken up by Indigenous Friendship Centres to meet Indigenous community need;
19. THE value of building relationships and partnerships with Friendship Centres to improve the quality of life of Indigenous people in their municipality; AND
20. THAT the exchange of information and skills within and between municipal governments and related associations contribute to improved understanding in the area of Indigenous relations.

THAT SIGNATORY ONTARIO INDIGENOUS FRIENDSHIP CENTRES RECOGNIZE:

21. THAT they are and have been leaders in urban Indigenous community development and in reflecting and responding to the needs of Indigenous people in municipalities for over half a century;
22. THAT they are engaged in local and regional affairs and that they contribute to municipal life and that they lead the Indigenous social, community, economic, and cultural development of municipalities across Ontario;
23. THE responsibility taken up by municipal governments to meet and serve Indigenous communities;
24. THAT municipal governments provide essential services that Friendship Centre community members rely on to thrive;
25. THAT municipal governments are leaders in Ontario in meeting community needs through local programs, services and community development, be they in human and social services, public safety or public works/infrastructure, and are integral to community well-being and the social determinants of health;
26. THAT the development and maintenance of good relationships and partnerships with municipal governments is essential to achieving long-term positive impact on Indigenous communities; AND
27. THAT Friendship Centres acknowledge that they operate in a municipal landscape and rely on municipal governments.

ALL SIGNATORIES RECOGNIZE:

28. THAT we are uniquely positioned to improve community-wellbeing through local policy development, programs and services as we are well-equipped to be responsive to community needs;
29. THAT community-identified needs and priorities should provide the basis for policy and program development, and that we are uniquely positioned to improve the quality of life of Indigenous people living in municipalities;
30. THAT mutual respect, responsibility, trust, transparency and collaboration to meet common community priorities are key principles of relationship building between non-Indigenous and Indigenous organizations;
31. THAT the Friendship Centres and municipal governments play key roles in working against racism, inequality, discrimination, and stigma within and between communities;
32. THAT the goal of this declaration is to provide municipal governments and Friendship Centres with a framework for relationship-building to advance reconciliation in communities across Ontario;
33. THAT the goal of this declaration is to enhance social cohesion between Indigenous and non-Indigenous people and support closer cultural, social and civic ties between Indigenous and non-Indigenous people;
34. THAT we can play a leadership role and set a standard by advancing reconciliation locally and regionally through partnerships and collaboration;
35. THAT fostering local and regional partnerships is integral to improving the quality of life for all communities; AND
36. THAT we establish and maintain an ongoing dialogue and working relationships at the local and provincial orders.

SIGNATORIES AND ADJACENT DATES:

AMO

OFIFC

Ongoing Signatures:

Municipal Governments (Elected Officials)

Friendship Centres (Presidents)



Memorandum

Public Health
Services

Date: July 15, 2020
To: Mayor and Members of Council
From: Dr. Ninh Tran, Associate Medical Officer of Health

On Friday, July 10th, 2020, the Board of Health voted in favour of the draft Hamilton Face Covering By-law attached as Appendix "A" to Report BOH20014.

In response to issues raised by Councillors and others, staff members are proposing minor changes to the by-law to assist in clarification as summarized below:

1. a second sentence will be added to the signs to be posted by Operators to read:

All persons entering or remaining in these premises shall wear a face covering which covers the nose, mouth, and chin as required under City of Hamilton By-law _____-2020 (unless exempt).

Please also respect the rights of those persons who are exempt from the requirement to wear a face covering in accordance with this By-law.

2. the Director of Licensing is granted the discretion to approve any Operator's sign that meets the general intent of the by-law to permit minor variations from the preferred wording;
3. amongst the exemptions, an individual may now remove his/her face covering to *provide* (as well as receive) services. This change recognizes that some service providers may have to remove their face covering to, for example, provide information to those that communicate by reading lips or speak publicly (e.g. religious leaders); and
4. minor grammatical/housekeeping changes.

Staff are also preparing a communications protocol that will assist members of the public in better understanding the bylaw and will be in attendance at Council this coming Friday to answer any further questions Councillors may have.

Sincerely,

Dr. Ninh Tran

Attachment – By-law with tracked changes

Authority: Item,
Report
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

A by-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS under section 10 of the *Municipal Act, 2001*, the City may pass by-laws respecting health, safety, and well-being of persons and the economic, social, and environmental well-being of the City;

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

AND 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* related to the COVID-19 Pandemic and has been extended pursuant to section 7.0.7 of the *Emergency Management and Civil Protection Act* due to the health risks to Ontario residents arising from COVID-19;

AND WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) of the *Emergency Management and Civil Protection Act* to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials;

AND WHEREAS Novel Coronavirus is present within the city of Hamilton, and it causes the disease COVID-19 that is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death;

AND WHEREAS physical distancing is difficult to maintain in enclosed public spaces and there exists a pressing need for establishments to implement appropriate measures and regulations to better prevent the spread of COVID-19 and protect the health, safety and well-being of the residents of the city of Hamilton within enclosed public spaces;

AND WHEREAS it is believed that the existence of an enforceable by-law requirement will help ~~to~~ educate the public on the importance of a properly worn Face Covering and encourage voluntary compliance;

AND WHEREAS the City considers it desirable to enact a by-law to impose the following regulations requiring businesses and organizations that have enclosed spaces open to the public to ensure that persons wear a Face Covering as it is a necessary, recognized, practicable, and effective method to limit the spread of COVID-19 and thereby help protect the health, safety and well-being of the residents of the city of Hamilton;

NOW THEREFORE the Council of the City enacts as follows:

PART 1- DEFINITIONS

1.1 For the purposes of this by-law:

"APS By-law" shall mean the City's Administrative Penalties By-law No. 17-225;

"Authorized Staff" means a Municipal Law Enforcement Officer or any employee of the City whose duties include those provided for or assigned under this by-law, and shall include without limitation the Director, the Medical Officer of Health, any public health inspector, and any Police Officer;

"City" means the City of Hamilton;

"Director" means the Director of Licensing and By-law Services, or their designate(s), for the City;

"Enclosed" means any enclosed space, whether or not doors, windows, or other parts of the enclosed [space](#) have been opened;

"Emergency Management and Civil Protection Act" means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 and any regulations or Orders thereunder;

"Establishment" means any municipal bus or transit shelter and any enclosed space where members of the public are ordinarily invited or permitted access, either expressly or by implication, and whether or not a fee is charged for entry and shall include without limitation ~~enclosed~~:

- (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services and includes a mall or similar structure which contains multiple places of business;
- (b) churches, mosques, synagogues, temples, or other places of worship;
- (c) community centres including indoor recreational facilities;
- (d) libraries, art galleries, museums, aquariums, zoos, and other similar facilities;
- (e) facilities operated by community service agencies which are attended by members of the public;

- (f) banquet halls, convention centres, arenas, stadiums, and other ~~indoor~~ enclosed event spaces;
- (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- (h) common areas of hotels, motels, and other multi-unit short term rentals, such as lobbies, elevators, meeting rooms, or other common use facilities;
- (i) concert venues, theatres, cinemas, casinos, and other entertainment facilities;
- (j) homeless shelters; and
- (k) municipal public transportation facilities including, for clarity, all vehicles owned or operated by Hamilton Street Railway and DARTS Transit;

For clarity “**Establishment**” shall not include:

- (a) airports or other facilities under the jurisdiction of the federal government;
- (b) provincial public transportation facilities;
- (c) schools or post-secondary institutions;
- (d) child care facilities;
- (e) portions of an Establishment that are not open to members of the public;
- (f) hospitals, independent health facilities, or offices of regulated health professionals; and
- (g) any portion of a property used primarily as a private dwelling;

“**Face Covering**” means a medical or non-medical mask or other face covering such as a balaclava, bandana, scarf, cloth, or other similar item that covers the nose, mouth, and chin without gapping;

“**Medical Officer of Health**” means the City’s Medical Officer of Health or their designate(s);

“**Human Rights Code**” means the *Human Rights Code*, R.S.O. 1990, c. H. 19;

“**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c. 25;

“**Operator**” means a person or organization who/which is responsible for or otherwise has custody, or control over the operation, of an Establishment and shall include without limitation a supervisor, manager, or owner of an Establishment;

"**Personal Health Information**" shall mean personal health information as defined by the *Personal Health Information Protection Act, 2004*, S.O. 2003, c. 3, Sched. A;

"**Police Officer**" includes an officer of the Hamilton Police Service; and

"**Provincial Offences Act**" means the *Provincial Offences Act*, R.S.O. 1990, c. P33.

PART 2 – OPERATOR REQUIREMENTS

2.1 Every Operator shall ensure that a clearly visible sign is posted at all entrances to their Establishment that contains the following wording:

All persons entering or remaining in these premises shall wear a face covering which covers the nose, mouth, and chin as required under City of Hamilton By-law [REDACTED]-2020 (unless exempt).

Please also respect the rights of those persons who are exempt from the requirement to wear a face covering in accordance with this By-law.

2.2 To assist with visual recognition, the wording in the signage referred to in section 2.1 shall be in a colour that contrasts with the sign's background such as black text on white background, shall be in a sans serif font such as Arial or Verdana, and shall have a font size of at least 24 points.

2.3 Notwithstanding the above, the Director may approve any signage that meets the intent of this By-law.

2.43 Every Operator shall take reasonable steps to ensure that no member of the public is permitted entry to, or otherwise remains within, the Establishment unless the member of the public is wearing a Face Covering in a manner which covers their mouth, nose, and chin. This requirement shall not apply to members of the public that state that they fall within an exemption of this by-law or appear to fall within one of the exemptions.

2.54 Every Operator shall ensure that any person who refuses to comply with the requirements of this by-law is promptly asked to leave their Establishment and is reported to Authorized Staff upon failure to comply with this direction.

2.65 Every Operator shall ensure that a person responsible for ensuring compliance with this by-law is present at the Establishment at all times when it is open to the public.

2.76 Every Operator shall ensure that all persons working at the Establishment are aware of the requirements of this by-law.

2.87 Every Operator shall ensure that its employees and every person working within the Establishment wears a Face Covering while working in any part of the Establishment that is open to members of the public.

2.98 For the purposes of this by-law, no Operator shall require any employee or member of the public to provide proof that any exemption set out in section 4.1 applies to that employee or member of the public or request any Personal Health Information from any individual.

PART 3 – CUSTOMER PERSONAL REQUIREMENTS

3.1 Every person shall ~~comply with signage posted that requires them to~~ wear a Face Covering while in ~~the an~~ Establishment.

3.2 -Every parent, guardian, caregiver or person accompanying a child of at least two years of age to an Establishment shall ensure that the child wears ~~complies with signage posted that requires the wearing of~~ a Face Covering while in the an Establishment.

PART 4 - EXEMPTIONS

4.1 The requirements of sections 3.1 and 3.2 shall not apply to a person who:

- (a) is a child under the age of two;
- (b) is a child at least two years ~~in of~~ age but under the age of 5 years who refuses to wear a Face Covering and cannot be persuaded to do so by their caregiver;
- (c) has an underlying medical condition which inhibits their ability to wear a Face Covering;
- (d) is unable to place or remove a Face Covering without assistance;
- (e) is an employee or agent of the Operator and is within an area designated for them and not for public access, or is within or behind a physical barrier;
- (f) is reasonably accommodated by not wearing a Face Covering in accordance with the *Human Rights Code* including a person with a disability that makes it difficult to wear, or communicate while wearing, a Face Covering;
- (g) is in a swimming pool;
- (h) is actively engaged in an athletic or fitness activity;
- (i) who removes the ~~mask~~ Face Covering for the period necessary to provide, or receive, services or treatment;
- (j) who is sleeping or in bed at a homeless shelter; or

(k) states that one of the exemptions of this by-law applies to them.

4.2 The requirements of sections 2.43 and 2.54 shall not apply to an Operator with respect to a person who is exempt from wearing a Face Covering in accordance with this by-law.

PART 5 - ADMINISTRATION AND ENFORCEMENT

5.1 The Director is responsible for the administration and enforcement of this by-law and may appoint delegates or assign duties to City staff under this by-law.

5.2 City staff who carry out any action under this by-law are deemed to be Authorized Staff for the purposes of this by-law, in the absence of evidence to the contrary.

5.3 Authorized Staff may, at any reasonable time, enter and inspect all lands, buildings, structures or parts thereof that are subject to this by-law for the purposes of determining compliance with this by-law. Inspection of any dwelling unit shall be in accordance with the requirements of the *Municipal Act, 2001*.

5.4 For the purposes of this by-law, Authorized Staff may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to an inspection for the purposes of making copies or extracts;
- (c) require information from any person concerning a matter related to an inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of an inspection.

5.5 Despite section 5.4, no Authorized Staff shall request or require any Personal Health Information from any individual.

5.6 Where any person contravenes any provision of this by-law, Authorized Staff may direct such person, verbally or in writing, to comply with this by-law. Every person so directed shall comply with such direction without delay.

5.7 No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct any Authorized Staff in the exercise of any power or the performance of any activity or duty under this by-law.

PART 6 – OFFENCES AND PENALTIES

- 6.1 Every person who contravenes any provision of this by-law is guilty of an offence and is liable to pay a fine, and such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*.
- 6.2 Every person, other than a corporation, who contravenes any provision of this by-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first conviction; and not more than \$25,000 for any subsequent conviction.
- 6.3 Every corporation which contravenes any provision of this by-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$25,000 for a first conviction and not more than \$50,000 for any subsequent conviction.
- 6.4 If an offence under the by-law is continued on more than one day, the person who committed it is liable to be convicted for a separate offence for each day on which it is continued.
- 6.5 Without limiting the above, every person who contravenes this by-law may also be liable, upon issuance of a penalty notice, to pay an administrative penalty in an amount specified in the APS By-law.
- 6.6 An administrative penalty imposed by the City on a person under section 434.1 of the *Municipal Act, 2001*, constitutes a debt of the person to the municipality. If an administrative penalty is not paid within 15 days after the day that it becomes due and payable, the City may add the administrative penalty to the tax roll for any property in the city of Hamilton for which all of the owners are responsible for paying the administrative penalty and collect it in the same manner as municipal taxes.

PART 7 – AMENDMENTS TO THE APS BY-LAW

7.1 Schedule A of By-law No. 17-225 is amended by adding the following table:

TABLE 25: BY-LAW NO. XX- XXX to Require the Wearing of Face Coverings Within Enclosed Public Spaces				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	xx-xxx	2.1	As Operator failed to post mandatory Face Covering Sign at entrance of Establishment	\$500.00
2	xx-xxx	2.3	As Operator failed to prohibit entry to Establishment to person not wearing a Face Covering	\$500.00

TABLE 25: BY-LAW NO. XX- XXX to Require the Wearing of Face Coverings Within Enclosed Public Spaces				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
3	xx-xxx	2.4	As Operator, failed to ask person not wearing a Face Covering to leave Establishment	\$500.00
4	xx-xxx	2.7	As Operator failed to ensure person working in Establishment wears Face Covering	\$500.00
5	xx-xxx	5.7	Obstructing an Officer or Authorized Staff	\$500.00
6	xx-xxx	3.1	Fail to wear a required Face Covering in an Establishment	\$200.00
7	xx-xxx	3.2	Fail to ensure child under your care wears a required Face Covering in an Establishment	\$200.00

7.2 In all other respects the APS By-law is confirmed.

PART 8 – MISCELLANEOUS

8.1 Conflict: In the event a discrepancy between this by-law and any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada, the provision that is the most restrictive prevails. This by-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an order made under the *Emergency Management and Civil Protection Act*.

8.2 Severability: Should any section of this by-law be declared by a court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

8.3 Short Title: This by-law may be referred to as the Hamilton Face Covering By-law.

8.4 Effective Date: This by-law shall become effective at 12:01 a.m. on July 20, 2020.

PASSED this _____, _____, _____

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item,
Report
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

A by-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS under section 10 of the *Municipal Act, 2001*, the City may pass by-laws respecting health, safety, and well-being of persons and the economic, social, and environmental well-being of the City;

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

AND 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* related to the COVID-19 Pandemic and has been extended pursuant to section 7.0.7 of the *Emergency Management and Civil Protection Act* due to the health risks to Ontario residents arising from COVID-19;

AND WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) of the *Emergency Management and Civil Protection Act* to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials;

AND WHEREAS Novel Coronavirus is present within the city of Hamilton, and it causes the disease COVID-19 that is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death;

AND WHEREAS physical distancing is difficult to maintain in enclosed public spaces and there exists a pressing need for establishments to implement appropriate measures and regulations to better prevent the spread of COVID-19 and protect the health, safety and well-being of the residents of the city of Hamilton within enclosed public spaces;

AND WHEREAS it is believed that the existence of an enforceable by-law requirement will help ~~to~~ educate the public on the importance of a properly worn Face Covering and encourage voluntary compliance;

AND WHEREAS the City considers it desirable to enact a by-law to impose the following regulations requiring businesses and organizations that have enclosed spaces open to the public to ensure that persons wear a Face Covering as it is a necessary, recognized, practicable, and effective method to limit the spread of COVID-19 and thereby help protect the health, safety and well-being of the residents of the city of Hamilton;

NOW THEREFORE the Council of the City enacts as follows:

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“**Authorized Staff**” means a Municipal Law Enforcement Officer or any employee of the City whose duties include those provided for or assigned under this by-law, and shall include without limitation the Director, the Medical Officer of Health, any public health inspector, and any Police Officer;

“**City**” means the City of Hamilton;

“**Director**” means the Director of Licensing and By-law Services, or their designate(s), for the City;

“**Enclosed**” means any enclosed space, whether or not doors, windows, or other parts of the enclosed [space](#) have been opened;

“**Emergency Management and Civil Protection Act**” means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 and any regulations or Orders thereunder;

“**Establishment**” means any municipal bus or transit shelter and any enclosed space where members of the public are ordinarily invited or permitted access, either expressly or by implication, and whether or not a fee is charged for entry and shall include without limitation ~~enclosed~~:

- (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services and includes a mall or similar structure which contains multiple places of business;
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- (f) banquet halls, convention centres, arenas, stadiums, and other ~~indoor~~ enclosed event spaces;
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- (h) common areas of hotels, motels, and other multi-unit short term rentals, such as lobbies, elevators, meeting rooms, or other common use facilities;
- (i) concert venues, theatres, cinemas, casinos, and other entertainment facilities;
- (j) homeless shelters; and
- (k) municipal public transportation facilities including, for clarity, all vehicles owned or operated by Hamilton Street Railway and DARTS Transit;

For clarity “**Establishment**” shall not include:

- (a) airports or other facilities under the jurisdiction of the federal government;
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- (e) portions of an Establishment that are not open to members of the public;
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- (g) any portion of a property used primarily as a private dwelling;

“**Face Covering**” means a medical or non-medical mask or other face covering such as a balaclava, bandana, scarf, cloth, or other similar item that covers the nose, mouth, and chin without gapping;

“**Medical Officer of Health**” means the City’s Medical Officer of Health or their designate(s);

“**Human Rights Code**” means the *Human Rights Code*, R.S.O. 1990, c. H. 19;

“**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c. 25;

“**Operator**” means a person or organization who/which is responsible for or otherwise has custody, or control over the operation, of an Establishment and shall include without limitation a supervisor, manager, or owner of an Establishment;

“**Personal Health Information**” shall mean personal health information as defined by the *Personal Health Information Protection Act, 2004*, S.O. 2003, c. 3, Sched. A;

“**Police Officer**” includes an officer of the Hamilton Police Service; and

“**Provincial Offences Act**” means the *Provincial Offences Act*, R.S.O. 1990, c. P33.

PART 2 – OPERATOR REQUIREMENTS

2.1 Every Operator shall ensure that a clearly visible sign is posted at all entrances to their Establishment that contains the following wording:

All persons entering or remaining in these premises shall wear a face covering which covers the nose, mouth, and chin as required under City of Hamilton By-law [REDACTED]-2020 (unless exempt).

Please also respect the rights of those persons who are exempt from the requirement to wear a face covering in accordance with this By-law.

2.2 To assist with visual recognition, the wording in the signage referred to in section 2.1 shall be in a colour that contrasts with the sign’s background such as black text on white background, shall be in a sans serif font such as Arial or Verdana, and shall have a font size of at least 24 points.

2.3 Notwithstanding the above, the Director may approve any signage that meets the intent of this By-law.

2.43 Every Operator shall take reasonable steps to ensure that no member of the public is permitted entry to, or otherwise remains within, the Establishment unless the member of the public is wearing a Face Covering in a manner which covers their mouth, nose, and chin. This requirement shall not apply to members of the public that state that they fall within an exemption of this by-law or appear to fall within one of the exemptions.

2.54 Every Operator shall ensure that any person who refuses to comply with the requirements of this by-law is promptly asked to leave their Establishment and is reported to Authorized Staff upon failure to comply with this direction.

2.65 Every Operator shall ensure that a person responsible for ensuring compliance with this by-law is present at the Establishment at all times when it is open to the public.

2.76 Every Operator shall ensure that all persons working at the Establishment are aware of the requirements of this by-law.

2.87 Every Operator shall ensure that its employees and every person working within the Establishment wears a Face Covering while working in any part of the Establishment that is open to members of the public.

2.98 For the purposes of this by-law, no Operator shall require any employee or member of the public to provide proof that any exemption set out in section 4.1 applies to that employee or member of the public or request any Personal Health Information from any individual.

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3.1 Every person shall ~~comply with signage posted that requires them to~~ wear a Face Covering while in ~~the an~~ Establishment.

3.2 -Every parent, guardian, caregiver or person accompanying a child of at least two years of age to an Establishment shall ensure that the child wears ~~complies with signage posted that requires the wearing of~~ a Face Covering while in the an Establishment.

PART 4 - EXEMPTIONS

4.1 The requirements of sections 3.1 and 3.2 shall not apply to a person who:

- (a) is a child under the age of two;
- (b) is a child at least two years ~~in of~~ age but under the age of 5 years who refuses to wear a Face Covering and cannot be persuaded to do so by their caregiver;
- (c) has an underlying medical condition which inhibits their ability to wear a Face Covering;
- (d) is unable to place or remove a Face Covering without assistance;
- (e) is an employee or agent of the Operator and is within an area designated for them and not for public access, or is within or behind a physical barrier;
- (f) is reasonably accommodated by not wearing a Face Covering in accordance with the *Human Rights Code* including a person with a disability that makes it difficult to wear, or communicate while wearing, a Face Covering;
- (g) is in a swimming pool;
- (h) is actively engaged in an athletic or fitness activity;
- (i) who removes the ~~mask~~ Face Covering for the period necessary to provide, or receive, services or treatment;
- (j) who is sleeping or in bed at a homeless shelter; or

(k) states that one of the exemptions of this by-law applies to them.

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PART 5 - ADMINISTRATION AND ENFORCEMENT

5.1 The Director is responsible for the administration and enforcement of this by-law and may appoint delegates or assign duties to City staff under this by-law.

5.2 City staff who carry out any action under this by-law are deemed to be Authorized Staff for the purposes of this by-law, in the absence of evidence to the contrary.

5.3 Authorized Staff may, at any reasonable time, enter and inspect all lands, buildings, structures or parts thereof that are subject to this by-law for the purposes of determining compliance with this by-law. Inspection of any dwelling unit shall be in accordance with the requirements of the *Municipal Act, 2001*.

5.4 For the purposes of this by-law, Authorized Staff may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to an inspection for the purposes of making copies or extracts;
- (c) require information from any person concerning a matter related to an inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of an inspection.

5.5 Despite section 5.4, no Authorized Staff shall request or require any Personal Health Information from any individual.

5.6 Where any person contravenes any provision of this by-law, Authorized Staff may direct such person, verbally or in writing, to comply with this by-law. Every person so directed shall comply with such direction without delay.

5.7 No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct any Authorized Staff in the exercise of any power or the performance of any activity or duty under this by-law.

PART 6 – OFFENCES AND PENALTIES

- 6.1 Every person who contravenes any provision of this by-law is guilty of an offence and is liable to pay a fine, and such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*.
- 6.2 Every person, other than a corporation, who contravenes any provision of this by-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first conviction; and not more than \$25,000 for any subsequent conviction.
- 6.3 Every corporation which contravenes any provision of this by-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$25,000 for a first conviction and not more than \$50,000 for any subsequent conviction.
- 6.4 If an offence under the by-law is continued on more than one day, the person who committed it is liable to be convicted for a separate offence for each day on which it is continued.
- 6.5 Without limiting the above, every person who contravenes this by-law may also be liable, upon issuance of a penalty notice, to pay an administrative penalty in an amount specified in the APS By-law.
- 6.6 An administrative penalty imposed by the City on a person under section 434.1 of the *Municipal Act, 2001*, constitutes a debt of the person to the municipality. If an administrative penalty is not paid within 15 days after the day that it becomes due and payable, the City may add the administrative penalty to the tax roll for any property in the city of Hamilton for which all of the owners are responsible for paying the administrative penalty and collect it in the same manner as municipal taxes.

PART 7 – AMENDMENTS TO THE APS BY-LAW

7.1 Schedule A of By-law No. 17-225 is amended by adding the following table:

TABLE 25: BY-LAW NO. XX- XXX to Require the Wearing of Face Coverings Within Enclosed Public Spaces				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	xx-xxx	2.1	As Operator failed to post mandatory Face Covering Sign at entrance of Establishment	\$500.00
2	xx-xxx	2.3	As Operator failed to prohibit entry to Establishment to person not wearing a Face Covering	\$500.00

TABLE 25: BY-LAW NO. XX- XXX to Require the Wearing of Face Coverings Within Enclosed Public Spaces				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
3	xx-xxx	2.4	As Operator, failed to ask person not wearing a Face Covering to leave Establishment	\$500.00
4	xx-xxx	2.7	As Operator failed to ensure person working in Establishment wears Face Covering	\$500.00
5	xx-xxx	5.7	Obstructing an Officer or Authorized Staff	\$500.00
6	xx-xxx	3.1	Fail to wear a required Face Covering in an Establishment	\$200.00
7	xx-xxx	3.2	Fail to ensure child under your care wears a required Face Covering in an Establishment	\$200.00

7.2 In all other respects the APS By-law is confirmed.

PART 8 – MISCELLANEOUS

8.1 Conflict: In the event a discrepancy between this by-law and any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada, the provision that is the most restrictive prevails. This by-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an order made under the *Emergency Management and Civil Protection Act*.

8.2 Severability: Should any section of this by-law be declared by a court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

8.3 Short Title: This by-law may be referred to as the Hamilton Face Covering By-law.

8.4 Effective Date: This by-law shall become effective at 12:01 a.m. on July 20, 2020.

PASSED this _____, _____, _____

F. Eisenberger
Mayor

A. Holland
City Clerk

Pilon, Janet

Subject: Helping community members living in Encampments in Hamilton

From: Laura Palumbo

Sent: July 14, 2020 12:57 PM

To: Office of the Mayor <mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Helping community members living in Encampments in Hamilton

Dear Councillors,

I'm respectfully sharing the concerns around how to help folx living in the encampments in Hamilton as written by HAM SMaRT. I understand that some of you are already on board, and that is extremely promising. As a private citizen, I am going to be supporting these community members financially through donation to Keeping Six and ticket sales from the Hamilton Fringe. In addition, I'm going to participate in safe water drops for those living in my community of Corktown.

I hope that you please acknowledge these concerns and requests publicly, and if public support is needed to see any of this through, I am happy to be included in this.

Our requests are:

1. Stop ticketing people who are homeless.
2. Enact a moratorium on clearing encampments on public lands as per available public health guidance.
3. Work to quickly open more washrooms, showers, and physical spaces for people to safely be throughout downtown and east Hamilton.
4. Ensure that people have adequate access to potable water.
5. Take a housing first approach to helping people access non-congregate housing options.

Thank you,
Laura Palumbo

Pilon, Janet

Subject: Teachers

From: J.J. Clarke

Sent: Wednesday, July 15, 2020 12:00 PM

To: clerk@hamilton.ca

Subject: Fwd: Teachers

Good day,

I submitted the below email to the Premier of Ontario and that office suggested I share it with the city of Hamilton for discussion.

----- Forwarded message -----

From: J.J. Clarke

Date: Wed., Jul. 15, 2020, 11:44

Subject: Teachers

To: <doug.fordco@pc.ola.org>

Mr. Ford,

Ive heard that 66% of parents feel comfortable sending their kids back to school full time. Ive heard that 71% of students feel comfortable going back to school full time. Ive heard that a mere 41% of teachers feel comfortable going back to school full time.

Lets be frank here. Teachers have enjoyed their extra log vacation and the pay increase you gave them during a time when people were losing their jobs. Is it really a wonder why they don't want to go back to the classroom? COVID has nothing to do with this. I would argue that many of them have picked up side jobs because they have more liberties in their day.

All while parents have had to pick up the slack at the detriment of their own careers.

Now, I see the TDSB asking for more money to hire more teachers because of the reduced class sizes. This money could have come from the pay increase you gave them. What a mess Mr. Ford.

As it turns out, the teachers are getting all their demands met with more money and smaller class sizes. None of it to benefit our children.

Kids need to go back to school full time and the teachers don't need anymore money. They need to suck it up and do their jobs like the rest of us.

If I have to stay home to help teach my son, I deserve a portion of his teachers wage.

Let me also ask you this. What do you think gym teachers, music teachers, shop teachers, librarians, etc, have been doing this while time of remote learning? I can tell you that at my sons school, they have been doing nothing in the way of teaching the children.

Just food for thought Mr. Ford.

CITY OF HAMILTON NOTICE OF MOTION

Council: July 17, 2020

MOVED BY COUNCILLOR T. JACKSON.....

Amendment to the Bill List

WHEREAS, at its meeting of July 6, 2020, the General Issues Committee approved the following, which is before Council for consideration, as Item 9 of the General Issues Committee Report 20-010, at the July 17, 2020 Council meeting:

9. Application for Approval to Expropriate Property in Ward 15 (LS19026(a)) (Ward 15) (Item 12.4)

(Partridge/Pearson)

- (a) That the inquiry officer’s report, attached as Confidential Appendix “B” to Report LS19026(a), as required by s. 8(1) of the *Expropriations Act*, be received;
- (b) That the Expropriation By-law, to Expropriate a Property in Ward 15, attached as Appendix “C” to Report LS19026(a), be enacted;**
- (c) That, upon approval by Council, Report LS19026(a), respecting the Expropriation of a Property in Ward 15, and its appendices be made public; and,**
- (d) That the direction provided to staff in Closed Session, respecting Report LS19026(a), respecting the Expropriation of a Property in Ward 15, be approved.

THEREFORE, BE IT RESOLVED:

That the Bill list be amended by adding Bill No. 20-157, being the by-law to to Expropriate a Property in Ward 15, attached as Appendix “C” to Report LS19026(a).

CITY OF HAMILTON

MOTION

Council: July 17, 2020

MOVED BY COUNCILLOR E. PAULS.....

SECONDED BY MAYOR / COUNCILLOR

That the Rules of Order be waived to allow for the introduction of a Motion respecting an amendment to the Bill list.

CITY OF HAMILTON

MOTION

Council: July 17, 2020

MOVED BY COUNCILLOR E. PAULS.....

SECONDED BY MAYOR / COUNCILLOR

Amendment to the Bill List

WHEREAS, at its meeting of July 6, 2020, the General Issues Committee approved the following, which is before Council for consideration, as Item 9 of the General Issues Committee Report 20-010, at the July 17, 2020 Council meeting:

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(Partridge/Pearson)

- (a) That the inquiry officer's report, attached as Confidential Appendix "B" to Report LS19026(a), as required by s. 8(1) of the *Expropriations Act*, be received;
- (b) That the Expropriation By-law, to Expropriate a Property in Ward 15, attached as Appendix "C" to Report LS19026(a), be enacted;
- (c) That, upon approval by Council, Report LS19026(a), respecting the Expropriation of a Property in Ward 15, and its appendices be made public; and,
- (d) That the direction provided to staff in Closed Session, respecting Report LS19026(a), respecting the Expropriation of a Property in Ward 15, be approved.

THEREFORE, BE IT RESOLVED:

That the Bill list be amended by adding Bill No. 20-157, being the by-law to to Expropriate a Property in Ward 15, attached as Appendix "C" to Report LS19026(a).

CITY OF HAMILTON

NOTICE OF MOTION

Council: July 17, 2020

MOVED BY COUNCILLOR T. WHITEHEAD.....

Building Security Plan for the Long and Bisby Building

WHEREAS the City of Hamilton Fence By-law restricts the height of fences in residential and open space areas to 2.0m in height;

WHEREAS an exemption to the height can be approved where a plan or Planning Act approval has been granted by the City of Hamilton; and

WHEREAS City of Hamilton staff have been working with the owner of 828 Sanatorium Rd, known as the Long and Bisby building, to secure the building as a result of vandalism and fire damage to develop a plan to provide for the protection of the building and to secure the building from unauthorized entry;

THEREFORE BE IT RESOLVED

That the General Manager of Planning and Economic Development be authorized to approve a building security plan for the Long and Bisby building, including the provision of security fencing that exceeds 2.0m in height and any other required measures to secure the building from unauthorized entry, including, at minimum, motion sensor lighting, video camera and alarm system.

CITY OF HAMILTON

NOTICE OF MOTION

Council: July 17, 2020

MOVED BY COUNCILLOR B. JOHNSON.....

Waiving of the Marriage Licence Fee

WHEREAS, By-law No. 19-160 A By-Law To Establish Certain 2019 User Fees and Charges For Services, Activities or the Use of Property, requires that fees and charges contained in the By-Law be applied to the issuance of Marriage Licences;

WHEREAS, By-law No. 19-160 A By-Law To Establish Certain 2019 User Fees and Charges For Services, Activities or the Use of Property does not give staff the authority to waive the fees and charges;

WHEREAS, the Ontario Government has recently introduced *Bill 197, The COVID-19 Economic Recovery Act* and plans to amend the *Act* to provide that if the three-month validity period includes a period in which there is an emergency declared throughout Ontario, the licence remains valid throughout the period of emergency and until 24 months after the emergency ends;

WHEREAS, if the proposed amendments to the *Marriage Act* receive Royal Assent, Ontario will waive the provincial fee for licences if a couple requires a new licence because critical information on the licence purchased during that timeframe is no longer accurate, or the original unused licence has been lost or destroyed;

WHEREAS, Royal Assent of *Bill 197, The COVID-19 Economic Recovery Act* is expected in August of 2020;

WHEREAS, Couples with an existing expired marriage licence who plan to marry prior to *Bill 197, The COVID-19 Economic Recovery Act* receiving Royal Assent will need to purchase a new marriage licence; and

WHEREAS, the Province will not waive the provincial fee for the replacement of expired licences prior to *Bill 197, The COVID-19 Economic Recovery Act* receiving Royal Assent;

THEREFORE, BE IT RESOLVED:

That Council delegate the authority to the City Clerk to waive the Marriage Licence fee as outlined in By-Law No. 19-160 A By-Law To Establish Certain 2019 User Fees and Charges For Services for the replacement of expired licences purchased in the City of Hamilton for couples who plan to marry prior to *Bill 197, The COVID-19 Economic Recovery Act* receiving Royal Assent.

CITY OF HAMILTON

BY-LAW NO. 20-

**To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 1218 and 1226 Barton Street & 1219 Highway No. 8,
Stoney Creek**

WHEREAS the *City of Hamilton Act*, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act*, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 2 of Report 20-006 of the Planning Committee at its meeting held on the 17th day of July, 2020, which recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. That Map No. 8 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:

- (a) by changing the zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-35” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 1);
- (b) by changing the zoning from the Rural Residential “RR” Zone to the Single Residential “R4-35” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 2);
- (c) by changing the zoning from the Single Residential “R1” Zone to the Single Residential “R4-35” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 3);
- (d) by changing the zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36” Zone, Modified, on the lands to the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 4);
- (e) by changing the zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36(H)” Zone, Modified, Holding, on the lands to the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 5); and,
- (f) by changing the zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-37” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 6);
- (g) by changing the zoning from the Agricultural Specialty “AS” Zone to the General Commercial “GC-30(H)” Zone, Modified, Holding, on the lands to the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 7).

2. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-35", as follows:

**"R4-35" 1218 and 1226 Barton Street and 1219 Highway No. 8, Schedule "A"
Map No. 8 (Blocks 1, 2 and 3)**

Notwithstanding the meaning of "Lot – Corner" in Part 2, Definitions, on those lands zoned "R4-35" by this By-law, the following shall apply:

Lot - Corner

Means:

- (a) A lot situated at the intersection of and abutting on two or more streets and which streets have an angle of intersection of not more than 135 degrees, but does not include streets which have 0.3 metre reserves; or
- (b) A lot abutting a curve of a street the adjacent sides of which curve contain an angle facing the lot of not more than 135 degrees, and such angle shall be formed by their tangents drawn from the points where the side lot lines meet the lot line abutting a street but does not include a lot abutting the bulb of a cul-de-sac or a turning circle, but does not include streets which have 0.3 metre reserves.

In addition to Part 2, Definitions, on those lands zoned "R4-35" by this By-law, the following shall apply:

Swale

Means a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route.

Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale.

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), and (g) of Subsection 6.5.3 of Section 6.5, Single Residential “R4” Zone, on those lands zoned “R4-35” by this By-law, the following shall apply:

(a) Minimum Lot Area

Interior Lot	-	310 square metres
Corner Lot	-	370 square metres

(b) Minimum Lot Frontage

Interior Lot	-	11.0 metres
Corner Lot	-	12.7 metres

(c) Minimum Front Yard

For Lots Fronting onto Barton Street and Highway No. 8 -

9.5 metres to the dwelling, except 10.0 metres to an attached garage.

For All Other Lots -

4.5 metres to the dwelling, except 6.0 metres to an attached garage.

(d) Minimum Side Yard - 1.2 metres, except:

1. On an interior lot where a swale is provided in the side yard, the minimum side yard shall be 0.6 metres measured from the uppermost interior edge of the swale's slope to the nearest wall of any building or structure on the lot, provided that the distance between the side lot line and the nearest wall of the principal building on the lot shall not be less than 1.2 metres.
2. On a corner lot, the minimum side yard abutting the flankage lot line shall be 3 metres, except that an attached garage or attached carport which fronts on the flankage lot line shall not be located within 6.0 metres of the flankage lot line.

(g) Maximum Lot Coverage - 48 percent

In addition to Subsection 6.5.3 of Section 6.5, Single Residential "R4" Zone, on those lands zoned "R4-35" by this By-law, the following shall apply:

(h) The minimum width of the front elevation of a dwelling, not including the attached garage, shall be 2.4 m measured along the foundation of the porch.

Notwithstanding the provision of Paragraph a) of Subsection 4.10.3 "Dimensions of Parking Spaces" and the provision of Paragraph d) of Subsection 6.1.8 "Parking

Restrictions in Residential Zones”, on those lands zoned “R4-35” by this By-law, the following shall apply:

- (a) Parking spaces for 90° perpendicular parking and parking spaces located within a residential garage shall have a minimum width of 3.0 metres and minimum length of 6.0 metres. Stairs, to a maximum height of 0.54 m, up to 0.6 metres, shall be permitted to encroach into an interior garage parking space.

Notwithstanding the provisions of Section 4.13.1 “Special Setbacks - Daylight Triangles” and Paragraphs a) and d) of Subsection 4.19 “Yard Encroachments”, the following shall apply:

- (a) Sills, belt courses, cornices, chimney breasts, decorative brick facing or pilasters, which may project into any required yard a distance of not more than 0.5 metres.
- (b) Canopies and decks, including a cold cellar underneath same, may project into any required front yard 1.5 metres. Canopies and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard.
- (c) Unenclosed porches may project into a required front yard a distance of not more than 3.0 metres and into a required flankage yard a distance of not more than 1.8 metres, exclusive of eaves and gutters.
- (d) Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2 metres for a

building; 0.5 metres for a porch, including porch foundations walls; and, 0.0 metres for eaves or gutters.

- (e) Bay windows, either with or without foundations, may project into a required front, rear, or flankage yard not more than 0.9 metres.
- (f) Balconies may project into any required front yard a distance of not more than 2.0 metres.

In addition to the regulations of Subsections 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- (a) Stairs may project into a required front yard not more than 4.5 metres.

- 3. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-36", as follows:

**"R4-36" 1218 and 1226 Barton Street and 1219 Highway No. 8, Schedule "A"
Map No. 8 (Blocks 4 and 5)**

All provisions of the "R4-35" Zone provisions in Section 2 above shall also apply on those lands zoned "R4-36" by this By-law.

In addition to Subsection 6.5.3 of Section 6.5, Single Residential "R4" Zone and Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4-35" Zone, Modified, on those lands zoned "R4-36" by this By-law, the following shall apply:

(i) The maximum width of a driveway and the maximum interior width of an attached garage or an attached carport shall not be more than 4.5 metres.

4. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-36(H1, H2)", as follows:

"R4-36(H)" 1218 and 1226 Barton Street and 1219 Highway No. 8, Schedule "A" Map No. 8 (Block 5)

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4-36(H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "R4-36" Zone provisions in Section 4 above, upon completion of the following:

(a) That the Owner prepare and implement an Emergency Overland Flow Route and dedicate an easement of suitable width for the Emergency Overland Flow Route to the City, all to the satisfaction of the Manager of Development Approvals.

5. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-37", as follows:

"R4-37" 1218 and 1226 Barton Street and 1219 Highway No. 8, Schedule "A" Map No. 8 (Block 6)

All provisions of the "R4-35" Zone provisions in Section 2 above shall also apply on those lands zoned "R4-37" by this By-law.

In addition to the uses permitted in Subsection 6.5.2 of Section 6.5, Single Residential "R4" Zone, those lands zoned "R4-37" may also be used for a storm water management pond.

6. That Subsection 8.3.8, "Special Exemptions" of Section 8.3, General Commercial "GC" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "GC-30(H)", as follows:

"GC-30(H)" 1223 Highway No. 8, Schedule "A", Map No. 8 (Block 7)

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "GC-30(H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "GC-30" Zone provisions, upon completion of the following:

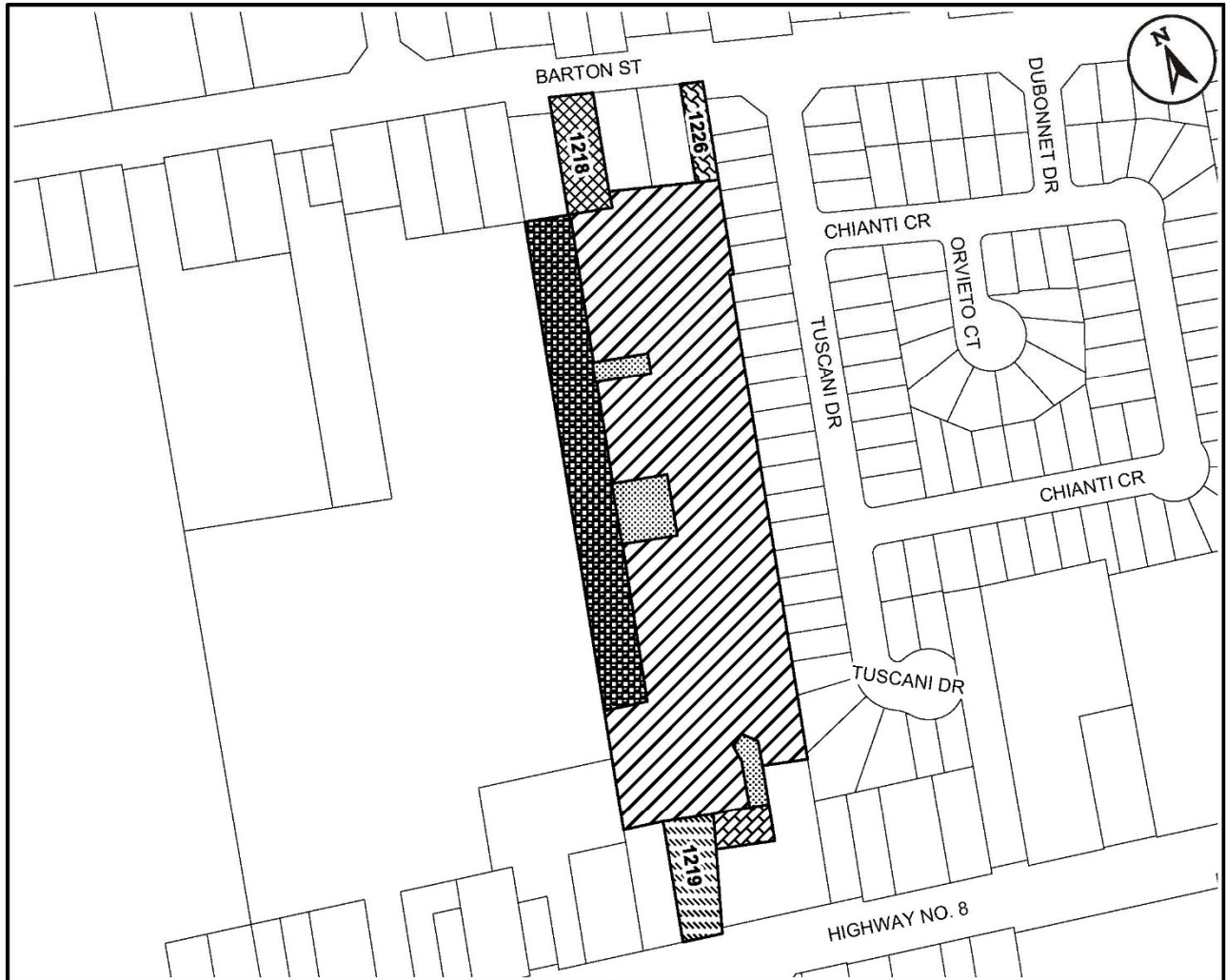
- (a) That land assembly occur in order to provide commercial zoned frontage, to the satisfaction of the Director of Planning and Chief Planner.
7. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R4" Zone and the General Commercial "GC" Zone provisions, subject to the special requirements referred to in Sections 2 through 6 of this By-law.
8. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 17th day of July, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-17-076



This is Schedule "A" to By-law No. 20-

Passed the day of, 2020

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 20-_____

to Amend By-law No. 3692-92

Subject Property

1218 and 1226 Barton Street & 1219 Highway No. 8



Block 1 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-35" Zone, Modified



Block 2 - Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R4-35" Zone, Modified



Block 3 - Change in Zoning from the Single Residential "R1" Zone to the Single Residential "R4-35" Zone, Modified



Block 4 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-36" Zone, Modified



Block 5 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-36(H)" Zone, Modified, Holding



Block 6 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-37" Zone, Modified



Block 7 - Change in Zoning from the Agricultural Specialty "AS" Zone to the General Commercial "GC-30(H)" Zone, Modified, Holding

Scale:
N.T.S.

File Name/Number:
ZAC-17-076 / 25T-201711

Date:
February 21, 2020

Planner/Technician:
JL/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Authority: Item 3, Planning Committee
Report 20-006 (PED20060)
CM: July 17, 2020
Ward: 8

Bill No. 153

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend Zoning By-law No. 6593, Respecting Lands Located at 323 Rymal Road East, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 2 of Report 20-006 of the Planning Committee, at its meeting held on the 17th day of July, 2020, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Sheet No. E18e of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from “AA” (Agricultural) District, to the “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, provisions as contained within Section 10B of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following special requirements:

- a) Notwithstanding Section 10B(3)(i)(b), for every multiple dwelling, a front yard of a depth of at least 3 metres.
 - b) Notwithstanding Section 10B(3)(ii)(b), for every other building or structure, a westerly side yard width of not less than 3 metres.
 - c) Notwithstanding Section 10B(3)(iii)(b), for every other building or structure, a rear yard of a depth of at least 15 metres.
 - d) Notwithstanding Section 18(3)(vi)(cc)(i) and (ii), the following provisions shall apply:
 - (i) A bay, balcony or dormer may project into a required front yard not more than 1.5 metres, provided that no such projection shall be closer to street line than 1.5 metres.
 - (ii) A bay, balcony or dormer may project into a required rear yard not more than 1.5 metres.
 - e) Notwithstanding Section 18A(1)(a) and Section 18A(1)(b) Table 1 and 2, a parking ratio of 1.23 spaces per dwelling unit shall be provided.
 - f) Section 18A(1)(c) shall not apply.
 - g) Section 18A(32) shall not apply.
 - h) Section 18A(33) shall not apply.
3. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- i) The Owner achieving Ministry of the Environment Conservation and Parks (MECP) Noise Guidelines NPC-300 by screening the Turner Park Library HVAC equipment, and/or providing an updated Noise Feasibility Study which provides further evaluation of the Turner Park Library's HVAC, equipment to the satisfaction of the Director of Planning and Chief Planner; and,
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-2/S-1798-H" (Multiple Dwellings) District, Modified, Holding, subject to the special requirements referred to in Section 2.

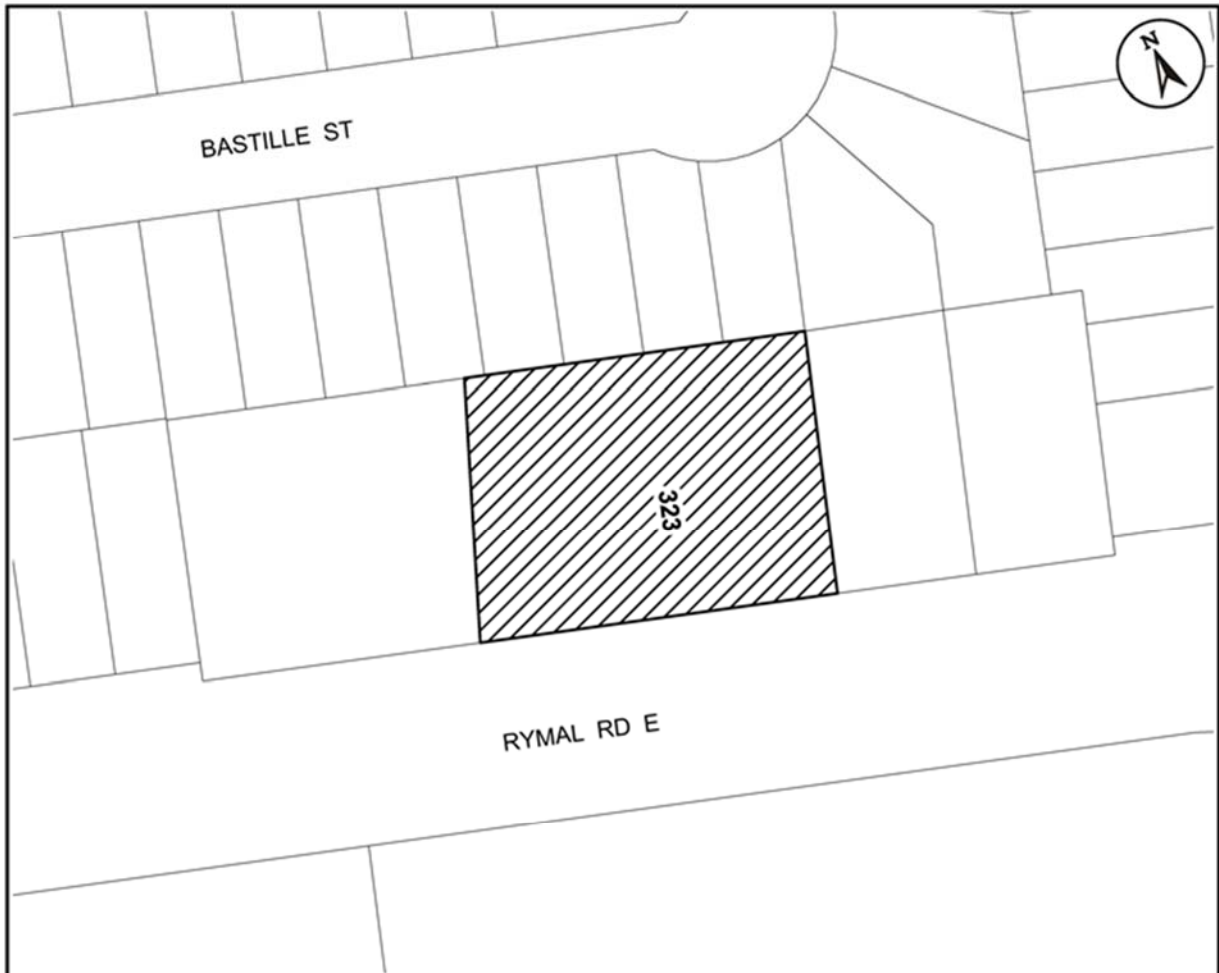
5. That Sheet No. E18e of the District Maps is amended by marking the lands referred to in Section 2 of the By-law as “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 17th day of July , 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-19-031



This is Schedule "A" to By-law No. 20- Passed the day of, 2020	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 20-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property 323 Rymal Road East</p> <p> Change in Zoning from the "AA" (Agricultural) District to the "DE-2/S-1798-H" (Multiple Dwelling) District, Modified, Holding</p>
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Scale: N.T.S.	File Name/Number: ZAC-19-031	
Date: Dec. 17, 2019	Planner/Technician: JVR/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 4, Planning Committee
Report 20-006 (PED19158(a))
CM: July 17, 2020
Ward: 7

Bill No. 154

CITY OF HAMILTON

BY-LAW NO. 20- To Amend Zoning By-law No. 6593, Respecting Lands Located at 370 Concession Street, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 4 of Report 20-006 of the Planning Committee, at its meeting held on the 17th day of July, 2020, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Sheet No. E15 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended as follows:
 - a) By changing the zoning from “DE-2/S-5” (Multiple Dwellings) District, Modified to the “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding (Block 1);
 - b) By changing the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding (Block 2); and,

- c) By changing the “DE-2/S-5” (Multiple Dwellings) District, Modified to the “RT-30/S-1781-H2” (Street – Townhouses) District, Modified, Holding (Block 3);

on the land the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding provisions as contained within Section 10B of Zoning By-law No. 6593 applicable to the subject lands (Blocks 1 and 2), be modified to include the following special requirements:

- a) Schedule A of By-law No. 10637 shall not apply.
- b) Notwithstanding Section 10B(3)(i)(b), the existing multiple dwelling shall have a front yard depth of not less than 7.15 metres.
- c) Notwithstanding Section 10B(5), the existing gross floor area of 2,995.3 square metres for the existing multiple dwelling on the subject land shall be deemed to conform as of the date of the passing of the By-law.
- d) Notwithstanding Section 18(3)(vi)(b)(i) and (ii), and (cc)(i) and (ii), the following provisions apply:
- a. A canopy, cornice, eave or gutter may project into a required front yard not more than 5.23 metres;
- b. A canopy, cornice, eave or gutter may project into a required rear yard not more than 1.6 metres;
- c. A bay, balcony or dormer may project into a required front yard not more than 1.6 metres;
- d. A bay, balcony or dormer may project into a required rear yard not more than 1.6 metres.
- e) Notwithstanding Section 18A(1)(a) and Section 18A(1)(b) Table 1 and 2, 0.9 parking spaces per Class A dwelling unit shall be provided.
- f) Section 18A(1)(b) shall not apply.
- g) Section 18A(1)(c) shall not apply.
- h) Notwithstanding Section 18A(7), a maximum 23 parking spaces, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.

- i) Notwithstanding Section 18A(11), the boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed:
 - i) not less than 1.0 metre from the western adjoining “C” (Urban Protected Residential, etc.) District and “E-2” (Multiple Dwellings) District, boundary;
 - ii) not less than 4.0 metres from the southern adjoining “C” (Urban Protected Residential, etc.) District boundary;
 - iii) not less than 1.0 metre from the eastern adjoining “C” (Urban Protected Residential, etc.) District boundary; and,
 - iv) not less than 1.0 metre from the “RT-30” (Street - Townhouse) District boundary;
 - j) Section 18A(25) shall not apply.
3. That the “RT-30/S-1781-H2” (Street - Townhouses) District, Modified, Holding provisions as contained within Section 10F of Zoning By-law No. 6593 applicable to the subject lands (Block 3), be modified to include the following special requirements:
- a) Notwithstanding Section 10F(4)(b), a rear yard depth of not less than 6.0 metres shall be provided.
 - b) Notwithstanding Section 10F(4)(c), a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than,
 - i) 1.0 metre from the lot line for a Street Townhouse Dwelling, not exceeding two storeys in height.
 - c) Notwithstanding Section 10F(6)(c)(i), in a “RT-30” District every lot or tract of land upon which Street Townhouse Dwelling is erected, altered extended or enlarged shall have a lot area not less than 140.0 square metres.
 - d) Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project into a required front yard not more than 1.5 metres.
 - e) Section 18(3)(vi)(e), shall not apply.
4. That the ‘H’ symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:

- a) The holding provision “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2 be removed conditional upon:
 - i) The Owner applying for a Building Permit to legalize the two (2) units that were not part of the original 39 unit multiple dwelling, to the satisfaction of the City’s Chief Building Official.
 - ii) The Owner receiving Conditional Site Plan Approval for the proposed changes to the parking lot, to the satisfaction of the Manager of Development Planning, Heritage and Design.
 - b) The holding provision “RT-30/S-1781-H2” (Street – Townhouses) District, Modified, Holding applicable to Block 3 be removed conditional upon:
 - i) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding and “RT-30/S-1781-H2” (Street - Townhouses) District, Modified, Holding the provisions, subject to the special requirements referred to in Sections 2 and 3.
 6. That Sheet No. E15 of the District Maps is amended by marking the lands referred to in Section 2 of the By-law as “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding and “RT-30/S-1781-H2” (Street - Townhouses) District, Modified, Holding.
 7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 17th day of July, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk



This is Schedule "A" to By-law No. 20- Passed the day of, 2020	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 20-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>		<p>Subject Property</p> <p>370 Concession Street, Hamilton</p> <div style="margin-bottom: 10px;"> Block 1 - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "DE-2/S-5a-H1" (Multiple Dwellings) District, Modified, Holding </div> <div style="margin-bottom: 10px;"> Block 2 - Change in zoning from the "C" (Urban Protected Residential, etc.) District to the "DE-2/S-5a-H1" (Multiple Dwellings) District, Modified, Holding </div> <div> Block 3 - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "RT-30/S-1781-H2" (Street-Townhouses) District, Modified, Holding </div>
Scale: N.T.S.	File Name/Number: ZAC-18-008	
Date: March 5, 2020	Planner/Technician: MS/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

CITY OF HAMILTON
BY-LAW NO. 20-

A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to amend City of Hamilton By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS under section 10 of the *Municipal Act, 2001*, the City may pass by-laws respecting health, safety, and well-being of persons and the economic, social, and environmental well-being of the City;

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

AND 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* related to the COVID-19 Pandemic and has been extended pursuant to section 7.0.7 of the *Emergency Management and Civil Protection Act* due to the health risks to Ontario residents arising from COVID-19;

AND WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) of the *Emergency Management and Civil Protection Act* to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials;

AND WHEREAS Novel Coronavirus is present within the city of Hamilton, and it causes the disease COVID-19 that is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death;

AND WHEREAS physical distancing is difficult to maintain in enclosed public spaces and there exists a pressing need for establishments to implement appropriate measures and regulations to better prevent the spread of COVID-19 and protect the health, safety and well-being of the residents of the city of Hamilton within enclosed public spaces;

AND WHEREAS it is believed that the existence of an enforceable by-law requirement will help educate the public on the importance of a properly worn Face Covering and encourage voluntary compliance;

AND WHEREAS the City considers it desirable to enact a by-law to impose the following regulations requiring businesses and organizations that have enclosed spaces open to the public to ensure that persons wear a Face Covering as it is a necessary, recognized, practicable, and effective method to limit the spread of COVID-19 and thereby help protect

the health, safety and well-being of the residents of the city of Hamilton;

NOW THEREFORE the Council of the City enacts as follows:

PART 1- DEFINITIONS

1.1 For the purposes of this by-law:

“APS By-law” shall mean the City’s Administrative Penalties By-law No. 17-225;

“Authorized Staff” means a Municipal Law Enforcement Officer or any employee of the City whose duties include those provided for or assigned under this by-law, and shall include without limitation the Director, the Medical Officer of Health, any public health inspector, and any Police Officer;

“City” means the City of Hamilton;

“Director” means the Director of Licensing and By-law Services, or their designate(s), for the City;

“Enclosed” means any enclosed space, whether or not doors, windows, or other parts of the enclosed space have been opened;

“Emergency Management and Civil Protection Act” means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 and any regulations or Orders thereunder;

“Establishment” means any municipal bus or transit shelter and any enclosed space where members of the public are ordinarily invited or permitted access, either expressly or by implication, and whether or not a fee is charged for entry and shall include without limitation:

- (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services and includes a mall or similar structure which contains multiple places of business;
- (b) churches, mosques, synagogues, temples, or other places of worship;
- (c) community centres including indoor recreational facilities;
- (d) libraries, art galleries, museums, aquariums, zoos, and other similar facilities;
- (e) facilities operated by community service agencies which are attended by members of the public;
- (f) banquet halls, convention centres, arenas, stadiums, and other enclosed event spaces;

- (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- (h) common areas of hotels, motels, and other multi-unit short term rentals, such as lobbies, elevators, meeting rooms, or other common use facilities;
- (i) concert venues, theatres, cinemas, casinos, and other entertainment facilities;
- (j) homeless shelters; and
- (k) municipal public transportation facilities including, for clarity, all vehicles owned or operated by Hamilton Street Railway and DARTS Transit;

For clarity “**Establishment**” shall not include:

- (a) airports or other facilities under the jurisdiction of the federal government;
- (b) provincial public transportation facilities;
- (c) schools or post-secondary institutions;
- (d) child care facilities;
- (e) portions of an Establishment that are not open to members of the public;
- (f) hospitals, independent health facilities, or offices of regulated health professionals; and
- (g) any portion of a property used primarily as a private dwelling;

“**Face Covering**” means a medical or non-medical mask or other face covering such as a balaclava, bandana, scarf, cloth, or other similar item that covers the nose, mouth, and chin without gapping;

“**Medical Officer of Health**” means the City’s Medical Officer of Health or their designate(s);

“**Human Rights Code**” means the *Human Rights Code*, R.S.O. 1990, c. H. 19;

“**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c. 25;

“**Operator**” means a person or organization who/which is responsible for or otherwise has custody, or control over the operation, of an Establishment and shall include without limitation a supervisor, manager, or owner of an Establishment;

“**Personal Health Information**” shall mean personal health information as defined by the *Personal Health Information Protection Act, 2004*, S.O. 2003, c. 3, Sched. A;

“**Police Officer**” includes an officer of the Hamilton Police Service; and

“**Provincial Offences Act**” means the *Provincial Offences Act*, R.S.O. 1990, c. P33.

PART 2 – OPERATOR REQUIREMENTS

2.1 Every Operator shall ensure that a clearly visible sign is posted at all entrances to their Establishment that contains the following wording:

All persons entering or remaining in these premises shall wear a face covering which covers the nose, mouth, and chin as required under City of Hamilton By-law No. 20-155 (unless exempt).

Please also respect the rights of those persons who are exempt from the requirement to wear a face covering in accordance with this By-law.

2.2 To assist with visual recognition, the wording in the signage referred to in section 2.1 shall be in a colour that contrasts with the sign’s background such as black text on white background, shall be in a sans serif font such as Arial or Verdana, and shall have a font size of at least 24 points.

2.3 Notwithstanding the above, the Director may approve any signage that meets the intent of this By-law.

2.4 Every Operator shall take reasonable steps to ensure that no member of the public is permitted entry to, or otherwise remains within, the Establishment unless the member of the public is wearing a Face Covering in a manner which covers their mouth, nose, and chin. This requirement shall not apply to members of the public that state that they fall within an exemption of this by-law or appear to fall within one of the exemptions.

2.5 Every Operator shall ensure that any person who refuses to comply with the requirements of this by-law is promptly asked to leave their Establishment and is reported to Authorized Staff upon failure to comply with this direction.

2.6 Every Operator shall ensure that a person responsible for ensuring compliance with this by-law is present at the Establishment at all times when it is open to the public.

2.7 Every Operator shall ensure that all persons working at the Establishment are aware of the requirements of this by-law.

2.8 Every Operator shall ensure that its employees and every person working within the Establishment wears a Face Covering while working in any part of the Establishment that is open to members of the public.

2.9 For the purposes of this by-law, no Operator shall require any employee or member of the public to provide proof that any exemption set out in section 4.1 applies to that

employee or member of the public or request any Personal Health Information from any individual.

PART 3 – PERSONAL REQUIREMENTS

- 3.1 Every person shall wear a Face Covering while in an Establishment.
- 3.2 Every parent, guardian, caregiver or person accompanying a child of at least two years of age to an Establishment shall ensure that the child wears a Face Covering while in an Establishment.

PART 4 - EXEMPTIONS

- 4.1 The requirements of sections 3.1 and 3.2 shall not apply to a person who:
- (a) is a child under the age of two;
 - (b) is a child at least two years of age but under the age of 5 years who refuses to wear a Face Covering and cannot be persuaded to do so by their caregiver;
 - (c) has an underlying medical condition which inhibits their ability to wear a Face Covering;
 - (d) is unable to place or remove a Face Covering without assistance;
 - (e) is an employee or agent of the Operator and is within an area designated for them and not for public access, or is within or behind a physical barrier;
 - (f) is reasonably accommodated by not wearing a Face Covering in accordance with the *Human Rights Code* including a person with a disability that makes it difficult to wear, or communicate while wearing, a Face Covering;
 - (g) is in a swimming pool;
 - (h) is actively engaged in an athletic or fitness activity;
 - (i) who removes the Face Covering for the period necessary to provide, or receive, services or treatment;
 - (j) who is sleeping or in bed at a homeless shelter; or
 - (k) states that one of the exemptions of this by-law applies to them.
- 4.2 The requirements of sections 2.4 and 2.5 shall not apply to an Operator with respect to a person who is exempt from wearing a Face Covering in accordance with this by-law.

PART 5 - ADMINISTRATION AND ENFORCEMENT

- 5.1 The Director is responsible for the administration and enforcement of this by-law and may appoint delegates or assign duties to City staff under this by-law.
- 5.2 City staff who carry out any action under this by-law are deemed to be Authorized Staff for the purposes of this by-law, in the absence of evidence to the contrary.
- 5.3 Authorized Staff may, at any reasonable time, enter and inspect all lands, buildings, structures or parts thereof that are subject to this by-law for the purposes of determining compliance with this by-law. Inspection of any dwelling unit shall be in accordance with the requirements of the *Municipal Act, 2001*.
- 5.4 For the purposes of this by-law, Authorized Staff may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to an inspection for the purposes of making copies or extracts;
 - (c) require information from any person concerning a matter related to an inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of an inspection.
- 5.5 Despite section 5.4, no Authorized Staff shall request or require any Personal Health Information from any individual.
- 5.6 Where any person contravenes any provision of this by-law, Authorized Staff may direct such person, verbally or in writing, to comply with this by-law. Every person so directed shall comply with such direction without delay.
- 5.7 No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct any Authorized Staff in the exercise of any power or the performance of any activity or duty under this by-law.

PART 6 – OFFENCES AND PENALTIES

- 6.1 Every person who contravenes any provision of this by-law is guilty of an offence and is liable to pay a fine, and such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*.

- 6.2 Every person, other than a corporation, who contravenes any provision of this by-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first conviction; and not more than \$25,000 for any subsequent conviction.
- 6.3 Every corporation which contravenes any provision of this by-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$25,000 for a first conviction and not more than \$50,000 for any subsequent conviction.
- 6.4 If an offence under the by-law is continued on more than one day, the person who committed it is liable to be convicted for a separate offence for each day on which it is continued.
- 6.5 Without limiting the above, every person who contravenes this by-law may also be liable, upon issuance of a penalty notice, to pay an administrative penalty in an amount specified in the APS By-law.
- 6.6 An administrative penalty imposed by the City on a person under section 434.1 of the *Municipal Act, 2001*, constitutes a debt of the person to the municipality. If an administrative penalty is not paid within 15 days after the day that it becomes due and payable, the City may add the administrative penalty to the tax roll for any property in the city of Hamilton for which all of the owners are responsible for paying the administrative penalty and collect it in the same manner as municipal taxes.

PART 7 – AMENDMENTS TO THE APS BY-LAW

7.1 Schedule A of By-law No. 17-225 is amended by adding the following table:

TABLE 25: BY-LAW NO. 20-155 to Require the Wearing of Face Coverings Within Enclosed Public Spaces				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	20-155	2.1	As Operator failed to post mandatory Face Covering Sign at entrance of Establishment	\$500.00
2	20-155	2.3	As Operator failed to prohibit entry to Establishment to person not wearing a Face Covering	\$500.00
3	20-155	2.4	As Operator, failed to ask person not wearing a Face Covering to leave Establishment	\$500.00

TABLE 25: BY-LAW NO. 20-155 to Require the Wearing of Face Coverings Within Enclosed Public Spaces				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
4	20-155	2.7	As Operator failed to ensure person working in Establishment wears Face Covering	\$500.00
5	20-155	5.7	Obstructing an Officer or Authorized Staff	\$500.00
6	20-155	3.1	Fail to wear a required Face Covering in an Establishment	\$200.00
7	20-155	3.2	Fail to ensure child under your care wears a required Face Covering in an Establishment	\$200.00

7.2 In all other respects the APS By-law is confirmed.

PART 8 – MISCELLANEOUS

8.1 Conflict: In the event a discrepancy between this by-law and any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada, the provision that is the most restrictive prevails. This by-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an order made under the *Emergency Management and Civil Protection Act*.

8.2 Severability: Should any section of this by-law be declared by a court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

8.3 Short Title: This by-law may be referred to as the Hamilton Face Covering By-law.

8.4 Effective Date: This by-law shall become effective at 12:01 a.m. on July 20, 2020.

PASSED this 17th day of July, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 9, Public Works Committee Report
07-016 (PW07153)
CM: December 12, 2007
Ward: 1, 2, 3

Bill No. 156

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215.

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

1. Schedule 6 (One-Way Streets) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "G" (Former Regional Roads) thereof the following items, namely:

Queen Street	Southerly	Barton Street	Main Street
Locke Street	Northerly	Main Street	King Street

And by adding to section "G" (Former Regional Roads) thereof the following items, namely;

Queen Street North	Southerly	Barton Street West	King Street West
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2. Schedule 8 (No Right Turns) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "E" (Hamilton) thereof the following items, namely:

Hunter Street	Westerly	Queen Street	Anytime
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3. Schedule 9 (No Right Turn on Red) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "E" (Hamilton) thereof the following item, namely:

Herkimer Street	Easterly	Queen Street	Anytime
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And by removing from Section "G" (Former Regional Roads) thereof the following item, namely;

Queen Street	Northerly	Herkimer Street	Anytime
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And by adding to Section "G" (Former Regional Roads) thereof the following item, namely;

Queen Street South	Northerly	Main Street West	Anytime
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4. Schedule 10 (No Left Turns) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "G" (Former Regional Roads) thereof the following item, namely:

Queen Street	Northerly	Jackson Street	Anytime
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And by adding to Section "E" (Hamilton) thereof the following item, namely;

Herkimer Street	Easterly	Queen Street South	Anytime
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5. Schedule 11 (No Left Turns on Red) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "G" (Former Regional Roads) thereof the following item, namely:

Queen Street	Southbound	Main Street	Anytime
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And by adding to Section "E" (Hamilton) thereof the following item, namely;

Bay Street South	Northbound	Charlton Avenue	Anytime
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And by adding to Section "G" (Former Regional Roads) thereof the following item, namely;

King Street West Westbound Queen Street North Anytime

6. Schedule 13 (Designated Traffic Lanes) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "E" (Hamilton) thereof the following item, namely:

Locke Street	100 ft. south of King and King	West	Anytime	Northerly to Westerly
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And by removing from Section "G" (Former Regional Roads) thereof the following item, namely;

Queen Street	50 m south of Main Street and Main Street	East	Anytime	Northerly to Easterly
Queen Street	50 m south of Main Street and Main Street	East	Anytime	Southerly to Easterly
Queen Street	200 ft. north of King and King	2 nd lane from west curb	Anytime	Southerly and Southerly to Westerly
Sherman Avenue	30 m south of Cannon Street to Cannon Street	2 nd lane from east curb	Anytime	Northerly to Easterly

And by adding to Section "E" (Hamilton) thereof the following items, namely:

Hunter Street West	Queen Street South and 50 m east of Queen Street South	North	Anytime, Buses Excepted	Westerly to Southerly
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And by adding to Section "E" (Hamilton) thereof the following items, namely:

Barton Street East	24 m west of Wellington Street East and Wellington Street East	South curb lane	Anytime	Easterly to Southerly
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And by adding to Section "G" (Former Regional Roads) thereof the following items, namely:

Queen Street	45 m south of King Street and King Street	East	Anytime	Northerly to Westerly
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7. Schedule 18 (Bicycle Lanes) of By-law No. 01-215, as amended, is hereby further amended by removing thereof the following items, namely:

Locke Street	George Street to Hunter Street	East curb lane	Anytime	Northbound
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Locke Street	George Street to Hunter Street	West curb lane	Anytime	Southbound
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And by adding to thereof the following item, namely:

Locke Street	Hunter Street West to King Street West	East curb lane	Anytime	Northbound
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Locke Street	Hunter Street West to King Street West	West curb lane	Anytime	Southbound
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8. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

9. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 17th day of July, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 9, General Issues
Committee Report 20-010
(LS19029(a))
CM: July 17, 2020
Ward: 15

Bill No. 157

CITY OF HAMILTON

BY-LAW NO. 20-157

Being a By-law to Expropriate a Portion of 347 Parkside Drive, Hamilton, Being Part of Lot 6, Concession 4, East Flamborough, as in CD 260033, S/T & T/W CD260033, S/T EF23444, Flamborough, City of Hamilton, Designated as Part 2 on Plan 62R-20823, being Part of PIN 17514-0100(LT), known municipally as 347 Parkside Drive, Hamilton, for the purposes of Development and Construction of North Waterdown Drive (Waterdown East-West Arterial Road)

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

AND WHEREAS the City of Hamilton, as expropriating authority, made application to the Council of the City of Hamilton on the 12th day of July, 2019 for approval to expropriate, 347 Parkside Drive, Hamilton, being Part of Lot 6, Concession 4 East Flamborough, as in CD260033, S/T & T/W CD260033, S/T EF23444, Flamborough, in the City of Hamilton, designated as Part 2 on Plan 62R-20823 , being Part of PIN 17514—0100 (LT), being the land described in Schedule “A” attached hereto (and forming part of this by-law) in accordance with the *Expropriations Act*, R.S.O. 1990, Chapter E.26;

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

AND WHEREAS 2441066 Ontario Inc. and 2441069 Ontario Inc., being registered owners of the land described in Schedule “A”, requested an Inquiry Hearing pursuant to the *Expropriations Act* and the same was held on June 3, 2020.

AND WHEREAS the inquiry officer’s report was considered by City of Hamilton Council at its meeting on July 17, 2020 and its approval to proceed with expropriation was granted on the same date.

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

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

1. That, as approving authority under the *Expropriations Act*, the said Application for Approval to Expropriate the lands more particularly

Being a By-law to Expropriate a Portion of 347 Parkside Drive, Hamilton, Being Part of Lot 6, Concession 4, East Flamborough, as in CD 260033, S/T & T/W CD260033, S/T EF23444, Flamborough, City of Hamilton, Designated as Part 2 on Plan 62R-20823, being Part of PIN 17514-0100(LT), known municipally as 347 Parkside Drive, Hamilton, for the purposes of Development and Construction of North Waterdown Drive (Waterdown East-West Arterial Road)

Page 2 of 3

described in Schedule "A" attached hereto (and forming part of this By-law), made by the City of Hamilton as expropriating authority, be and the same is hereby granted and Part Lot 6, Concession 4 East Flamborough, as in CD260033, S/T & T/W CD260033, S/T EF23444, Flamborough, in the City of Hamilton, designated as Part 2 on Plan 62R-20823, being Part of PIN 17514-0100 (LT) is hereby expropriated for the purposes of development and construction of North Waterdown Drive (Waterdown East-West Arterial Road).

2. That the Mayor, Clerk and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this By-law and this authority shall include the taking of all necessary proceedings to enter and to take possession of the lands hereby expropriated.

PASSED this 17th day of July 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

SCHEDULE "A" TO BY-LAW NO. 20-147

CITY OF HAMILTON EXPROPRIATION OF PART OF 347 PARKSIDE DRIVE,
HAMILTON, BEING:

Part Lot 6, Concession 4 East Flamborough, as in CD260033, S/T & T/W CD260033,
S/T EF23444, Flamborough, in the City of Hamilton, designated as Part 2 on Plan 62R-
20823, being Part of PIN 17514-0100 (LT).