



City of Hamilton

CITY COUNCIL AGENDA

20-023

Wednesday, October 28, 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

Call to Order

1. APPROVAL OF AGENDA

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

2. DECLARATIONS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1. October 14, 2020

4. COMMUNICATIONS

4.1. Correspondence from the Honourable Caroline Mulroney, Minister of Transportation in response to the Mayor's letter requesting changes to the province's automated speed enforcement (ASE) framework and the Highway Traffic Act.

Recommendation: Be received.

- 4.2. Correspondence from the Town of Plympton-Wyoming requesting support for the Municipality of Tweed's Cannabis Production Facilities, the Cannabis Act, and Health Canada Guidelines.

Recommendation: Be endorsed.

- 4.3. Correspondence from the Township of Lake of Bays requesting support for their resolution requesting a reform to the Municipal Insurance Policy.

Recommendation: Be received.

- 4.4. Correspondence from the Ministry of the Solicitor General respecting Court Security and Prisoner Transportation Program Review.

Recommendation: Be received.

- 4.5. Correspondence from Anthony Rizzuto, Blue Line Transportation Limited respecting Outstanding Taxi Licence Fees.

Recommendation: Be received.

- 4.6. Correspondence from Craig Burley respecting an article on ongoing encampment of homeless persons in Northern Ontario.

Recommendation: Be received.

- 4.7. Correspondence from Dr. Sonya Carl respecting Chicken keeping in the capital - BBC London.

Recommendation: Be received and referred to the consideration of Item (h) (i) of Planning Committee Report 20-012.

- 4.8. Correspondence from Carlee Kantautas respecting Mask wearing while exercising:

4.8.a. October 22, 2020

4.8.b. October 23, 2020

Recommendation: Be received.

- 4.9. Correspondence from the Township of Oro-Medonte requesting support for their resolution requesting that the Province of Ontario consult the ski industry through the Ontario Snow Resorts Association to review re-opening policy

considerations currently impacting the industry.

Recommendation: Be received.

- 4.10. Correspondence from Helen Downey, President, SportHamilton noting SportHamilton's full support of the Commonwealth Games and the Hamilton 2026 Bid Corporation.

Recommendation: Be received.

5. COMMITTEE REPORTS

- 5.1. Board of Health Report 20-006 - October 19, 2020
- 5.2. Public Works Committee Report 20-010 - October 19, 2020
- 5.3. Planning Committee Report 20-012 - October 20, 2020
- 5.4. General Issues Committee Report 20-016 - October 21, 2020
- 5.5. Hamilton Renewable Power Inc. Annual General Meeting Report 20-001 - October 21, 2020
- 5.6. Audit, Finance and Administration Committee Report 20-009 - October 22, 2020
- 5.7. CityHousing Hamilton Shareholder Annual General Meeting Report 20-001 - October 27, 2020

6. MOTIONS

- 6.1. Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against

a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
- 6.2. Amendment to Item 7.6 of Council Minutes 18-018, respecting the Hamilton Municipal Heritage Committee Report 18-009, the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building)

Under Part IV of the Ontario Heritage Act (PED18214) (Ward 8)
- 6.3. Protection of Century Manor
- 6.4. Amendment to Sub-Sections (c), (d) and (i) of Item 5.4(e) of Council Minutes 20-010, May 13, 2020, respecting Report LS20010 – 2020 Property and Liability Insurance Renewal Report

7. NOTICES OF MOTIONS

8. STATEMENTS BY MEMBERS

9. PRIVATE AND CONFIDENTIAL

9.1. Closed Minutes - October 14, 2020

Pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

9.2. City of Hamilton Transfer Stations and Community Recycling Centres Contract Update (PW20068(a))(City Wide)

Pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

10. BY-LAWS AND CONFIRMING BY-LAW

10.1. 219

A By-law to Amend By-law No. 12-031, a By-law for Responsible Animal Ownership
Ward: City Wide

10.2. 220

Being a By-law to Permanently Close a Portion of Road Allowance Abutting 1479 Baseline Road, Stoney Creek, being part of the Unopened Road Allowance between the Townships of Saltfleet and North Grimsby (Closed by By-law CD416970), lying North of Baseline Road, Stoney Creek, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-5036, being All of PIN 17370-0062(LT), City of Hamilton

Ward: 10

10.3. 221

To Repeal and Replace By-law No. 09-067, as amended, being a By-law to Provide for and Regulate a Waste Management System for the City of Hamilton

Ward: City Wide

- 10.4. 222
To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 5 (Stop Control)
Ward: 2, 13, 14
- 10.5. 223
To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street
Parking
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 20 (School Bus Loading Zones)
Schedule 23 (Special Enforcement Area)
Ward: 2, 4, 6, 7, 9, 10, 12, 15
- 10.6. 224
To Establish City of Hamilton Land Described as Block 18 on Plan 62M-640, Park 4
on Plan 62R-17671 and Parts 2, 5, and 8 on Plan 62R-20885 as Part of Arvin
Avenue
Ward: 10
- 10.7. 225
To Rename a Portion of Mosaic Drive to North Waterdown Drive
Ward: 15
- 10.8. 226
To Establish City of Hamilton Land Described as Parts 1, 2, 3, 4, 9, 10, 11, 12, 13,
14, 15, 20, 21 and 22 on Plan 62R-20684, as a Public Highway to form Part of North
Waterdown Drive
Ward: 15

10.9. 227

To Adopt Official Plan Amendment No. 138 to the Urban Hamilton Official Plan Respecting 35 Londonderry Drive, Ancaster

Ward: 12

10.10. 228

To Amend Zoning By-law No. 87-57, with Respect to Lands Located at 35 Londonderry Drive, Ancaster

Ward: 12

ZAC-17-072

10.11. 229

To Adopt Official Plan Amendment No. 139 to Urban Hamilton Official Plan Respecting 235 Main Street West, 74 Queen Street South, 2444 and 246 Jackson Street West (Hamilton)

Ward: 1

10.12. 230

To Amend Zoning By-law No. 05-200 Respecting Lands 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West

Ward: 1

ZAC-18-012

10.13. 233

To Confirm the Proceedings of City Council

11. ADJOURNMENT



CITY COUNCIL MINUTES 20-022

9:30 a.m.
October 14, 2020
Council Chamber
Hamilton City Hall
71 Main Street West

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

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

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

4. COMMUNICATIONS

4.3. Correspondence in response to Council's decision respecting the Integrity Commissioner's Report at the September 30, 2020 Council meeting:

(d) Lyla Miklos

Recommendation: Be received.

4.15 Report FCS20086(a) respecting the Integrity Commissioner Follow-Up.

Recommendation: Be received.

- 4.16. Correspondence from the Ministry of the Solicitor General and the Ministry of Municipal Affairs and Housing respecting the Enforcement of Orders under the Reopening Act, 2020.

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

7. NOTICES OF MOTION

- 7.1 Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

(Ferguson/Pearson)

That the agenda for the October 14, 2020 meeting of Council be approved, ***as amended***.

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

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

DECLARATIONS OF INTEREST

Councillor Clark declared an interest to Item 6 of Planning Committee Report 20-011 respecting an Application for a Zoning By-law Amendment for lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton (PED20153) (Ward 2), due to his son's business interest with Sergio Manchia.

Councillor Clark declared an interest to Item 4.11 respecting correspondence from the Honourable Doug Downey, Attorney General in response to the Mayor's letter regarding radial separation of authorized cannabis retail stores, due to his son's business interest with Sergio Manchia.

Councillor Clark declared an interest to Item 4.14 respecting Correspondence from the Township of Asphodel-Norwood requesting support for their resolution requesting that the governing body in cannabis production enact legislation to support local governments with land use management and enforcement issues, due to his son's business interest with Sergio Manchia.

Councillor Ferguson declared an interest to Item 5 of Planning Committee Report 20-011 respecting an Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1), as a family member is an owner.

APPROVAL OF MINUTES OF PREVIOUS MEETING

3. September 30, 2020 (Item 3.1)

(Pearson/Danko)

That the Minutes of the September 30, 2020 meeting of Council be approved, as presented.

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

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

COMMUNICATIONS

(Ferguson/Johnson)

That Council Communications 4.1 to 4.16 be approved, as **amended** as follows:

- 4.1. Correspondence from the Regional Municipality of York requesting support for their resolution asking the federal and provincial governments for a commitment to fund further, future costs resulting from fare integration in the Greater Toronto and Hamilton Area, as a means of accelerating the required economic and transit ridership recovery following the COVID-19 pandemic.

Recommendation: Be received.

- 4.2. Correspondence from Darren Mullin requesting improvements to the bus service to Ancaster and for bus stops on Garner at Munay Lane, Ancaster.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 4.3. Correspondence in response to Council's decision respecting the Integrity Commissioner's Report at the September 30, 2020 Council meeting:

- (a) Graham Crawford
- (b) Doreen Stermann
- (c) Hugh Tye, Executive Director, Hamilton Community Legal Clinic and Michael Blashko, Project Lead, Queer Justice Project
- (d) Lyla Miklos

Recommendation: Be received.

- 4.4 Correspondence from Joseph Minor respecting big, toxic mess of PFAS/PFOS at the Hamilton International Airport (43.1668 - 79.9398)

Recommendation: Be received.

- 4.5. Correspondence from Selena Visser respecting the debate about de-funding police in the City of Hamilton.

Recommendation: Be received,

- 4.6. Correspondence from the Honourable Sylvia Jones, Solicitor General, Minister Responsible for Anti-Racism respecting the anti-racism initiatives of the Solicitor General and the Anti-Racism Directorate, the regulatory work being done to bring the Community Safety and Policing Act, 2019, into force, new police oversight measures, police training as it related to de-escalation, mental health and diverse communities, mental health and addictions initiatives and investments, Community Safety and Well-Being (CSWB) Planning and the police-hospital transition protocol.

Recommendation: Be received **and forwarded to the Hamilton Police Services Board.**

- 4.7. Correspondence from Danny Kraftcheck M.D. respecting winter washroom facilities.

Recommendation: **Be received and referred to the General Manager of Public Works for appropriate action.**

- 4.8. Correspondence from Sheila Drury respecting the Application for a City-wide Amendment to the Urban Hamilton Official Plan and an Area-Specific Amendment for Lands Located in the Twenty Road West Area (PED20163) (Citywide).

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 20-011; ***the Planner and the Ward Councillor to provide proper notification to the area residents for any future applications coming forward.***

4.9. Correspondence respecting the Climate Change Declaration:

- (a) Carole Arsenault
- (b) Valerie Cousens
- (c) Glen Brown
- (d) Hibbert "Fawn" Briscoe

Recommendation: Be received and referred to Item 3 of Public Works Committee Report 20-009.

4.10. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Safe Restart Agreement.

Recommendation: Be received.

4.11. Correspondence from the Honourable Doug Downey, Attorney General in response to the Mayor's letter regarding radial separation of authorized cannabis retail stores.

Recommendation: Be received.

4.12. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Helping Tenants and Small Businesses Act, 2020, which received Royal Assent on October 1, 2020.

Recommendation: Be received.

4.13. Correspondence from John Mills requesting that Council press the federal government to make immediate investments in housing and ending homelessness.

Recommendation: Be received.

4.14. Correspondence from the Township of Asphodel-Norwood requesting support for their resolution requesting that the governing body in cannabis production enact legislation to support local governments with land use management and enforcement issues.

Recommendation: ***Be endorsed and forwarded to the local MPP.***

4.15 Report FCS20086(a) respecting the Integrity Commissioner Follow-Up.

Recommendation: Be received.

4.16. Correspondence from the Ministry of the Solicitor General and the Ministry of Municipal Affairs and Housing respecting the Enforcement of Orders under the Reopening Act, 2020.

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

Due to a declared conflict, Items 4.11 and 4.14 were voted on separately as follows:

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- CONFLICT - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the Communication Items, as amended, CARRIED by a vote of 16 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Ferguson/Johnson)

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

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

- YES - Ward 1 Councillor Maureen Wilson

- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeeck
- YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

PUBLIC WORKS COMMITTEE REPORT 20-009

(Danko/Merulla)

That Public Works Committee Report 20-009, being the meeting held on Monday, October 5, 2020, be received and the recommendations contained therein be approved.

(Whitehead/Nann)

That the first WHEREAS of Item 3, Hamilton Cycling Committee’s Recommendations for the Development of Cycling Infrastructure be **amended** to read as follows:

WHEREAS, Hamilton has declared a Climate Emergency ***that threatens our city, region, province, nation, civilization, humanity and the natural world on March 27, 2019;***

Result: Motion on Item 3 as Amended, CARRIED by a vote of 15 to 1, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeeck
- NO - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

Mayor Eisenberger relinquished the Chair to Councillor Ferguson to move the following amendment:

(Eisenberger/Pearson)

That Item 5 of Public Works Committee Report 20-009, respecting Proposed City Hall Forecourt Security Enhancements (PW20168), be **amended**, to read as follows:

That the Proposed City Hall Forecourt Security Enhancements contained in Report PW20064, be referred back to staff to review the security issues in order to ensure the safety of those who attend events at the City Hall Forecourt and the budget required to facilitate the security enhancements necessary.

Result: Motion on Item 5, as amended, CARRIED by a vote of 12 to 4, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
NO - Ward 5 Councillor Chad Collins
NO – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NO - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Mayor Eisenberger assumed the Chair for the remainder of the meeting.

Result: Motion on the balance of the Public Works Committee Report 20-009, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PLANNING COMMITTEE REPORT 20-011

(Farr/Collins)

That Planning Committee Report 20-011, being the meeting held on Tuesday, October 6, 2020, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 5 was voted on separately as follows:

Result: Item 5 of the Planning Committee Report 20-011, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Due to a declared conflict, Item 6 was voted on separately as follows:

Result: Item 6 of the Planning Committee Report 20-011, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson
CONFLICT - Ward 9 Councillor Brad Clark

Result: Motion on the balance of Planning Committee Report 20-011, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 20-015

(Ferguson/Johnson)

That General Issues Committee Report 20-015, being the meeting held on Wednesday, October 7, 2020, be received and the recommendations contained therein be approved.

Result: Motion on the General Issues Committee Report 20-015, CARRIED by a vote of 15 to 0, as follows:

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

(Pearson/Johnson)

That Council recess at 12:35 p.m.

CARRIED

Council reconvened at 1:05 p.m.

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 20-008

(Clark/Pearson)

That Audit, Finance and Administration Committee Report 20-008, being the meeting held on Thursday, October 8, 2020, be received and the recommendations contained therein be approved.

Result: Motion on the Audit, Finance and Administration Committee Report 20-008, CARRIED by a vote of 12 to 0, as follows:

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

EMERGENCY AND COMMUNITY SERVICES REPORT 20-008

(Nann/Pauls)

That Emergency and Community Services Committee Report 20-008, being the meeting held on Thursday, October 8, 2020, be received and the recommendations contained therein be approved.

Result: Motion on Emergency & Community Services Committee Report 20-008 CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
NOT PRESENT - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls

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

(Johnson/Pearson)

That Section 5.7(2) of the City's Procedural By-law 18-270, which provides that a minimum of 48 hours shall pass before a Committee Report is presented to Council, be waived in order to consider the Hamilton Enterprises Holding Corporation Shareholder Annual General Meeting Report 20-001 and the Hamilton Utilities Corporation Shareholder Annual General Meeting Report 20-001.

CARRIED on a 2/3rds Majority

<p>HAMILTON ENTERPRISES HOLDING CORPORATION SHAREHOLDER ANNUAL GENERAL MEETING REPORT 20-001</p>

(Johnson/Pearson)

That the Hamilton Enterprises Holding Corporation Shareholder Annual General Meeting Report 20-001, being the meeting held on Tuesday, October 13, 2020, be received and the recommendations contained therein be approved.

CARRIED

<p>HAMILTON UTILITIES CORPORATION SHAREHOLDER ANNUAL GENERAL MEETING REPORT 20-001</p>

(Johnson/Pearson)

That the Hamilton Utilities Corporation Shareholder Annual General Meeting Report 20-001, being the meeting held on Tuesday, October 13, 2020, be received and the recommendations contained therein be approved.

Result: Motion on Hamilton Utilities Corporation Shareholder Annual General Meeting Report 20-001, CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
NOT PRESENT - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead

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

(Johnson/Pearson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

6.1 Demolition Permit and Development Charges Credit Extension for 696, 716, 718 and 720 Barton Street in Stoney Creek

(Pearson/Johnson)

WHEREAS 696, 716, 718 and 720 Barton Street, Stoney Creek is in the Fruitland/Winona Secondary Plan and major development is intended in this area.

WHEREAS the owner is part of a consortium of developers who will be pursuing building intensification on these lands and surrounding lands.

WHEREAS the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable.

WHEREAS it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate; and,

WHEREAS the timelines for such development at this point is not finite due to potential delays that may be beyond the developers' control.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demotion permit for 696, 716, 718 and 720 Barton Street, Stoney Creek, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208; and

That the City Development Charges (DC) demolition credits for 696, 716, 718 and 720 Barton Street in Stoney Creek be extended for a period of up to 10 years to the effect that all demolition credits will expire on or before November 1, 2030.

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

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

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

6.2 Demolition Permit and Development Charges Credit Extension for 832 Barton Street, Stoney Creek

(Pearson/Johnson)

WHEREAS 832 Barton Street, Stoney Creek is in the Fruitland/Winona Secondary Plan and major development is intended in this area.

WHEREAS the owner is part of a consortium of developers who will be pursuing building intensification on these lands and surrounding lands.

WHEREAS the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable.

WHEREAS it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate; and,

WHEREAS, the timelines for such development at this point is not finite due to potential delays that may be beyond the developers' control.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demotion permit for 832 Barton Street, Stoney Creek, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208; and

That the City Development Charges (DC) demolition credits for 832 Barton Street in Stoney Creek be extended for a period of up to 10 years to the effect that all demolition credits will expire on or before November 1, 2030.

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

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann

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

NOTICES OF MOTION

- 7.1 Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.**

Councillor Nann introduced the following Notice of Motion:

That the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and reads as follows, be reconsidered:

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct as per Item 4.8, respecting the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that Cameron Kroetsch be and is hereby formally reprimanded as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

- 7.2 Feasibility of a Fee Free Connectivity Service**

Councillor Merulla introduced the following Notice of Motion:

WHEREAS, Hamilton Enterprises Holding Corporation is actively researching and developing a City-Wide fee free Connectivity system in partnership with staff and the City Hamilton for use of Hamilton residents;

WHEREAS as a direct result of the COVID 19 pandemic as well as the future necessity to accommodate at home work; and

WHEREAS, the social implications and the affordability of Connectivity networks in some neighborhoods are not equitable.

THEREFORE BE IT RESOLVED:

That staff be directed to study the feasibility of a fee free Connectivity service available to Hamilton city residents

STATEMENTS BY MEMBERS

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

PRIVATE & CONFIDENTIAL

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

9.1 Closed Session Minutes – September 30, 2020

(Johnson/Ferguson)

That the Closed Session Minutes dated September 30, 2020 be approved, as presented, and remain confidential.

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

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

(Pearson/Partridge)

That Council move into Closed Session respecting Item 9.2, pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

CARRIED**9.2 City of Hamilton Transfer Stations and Community Recycling Centres Contract Update (PW20068) (City Wide)****(Ferguson/Pearson)**

That Confidential Report PW20068, respecting the City of Hamilton Transfer Stations and Community Recycling Centres Contract Update, be received and remain confidential.

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

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

BY-LAWS
(Ferguson/Johnson)

That Bills No. 20-207 to No. 20-218 be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- | | |
|--------|---|
| 20-207 | To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Garner Road West from Hamilton Drive to Approximately 420m Westerly, in the City of Hamilton
Ward: 12 |
| 20-208 | To Amend By-law No. 01-215
Being a By-law to Regulate Traffic
Schedule 31 – Designated Areas – Reduced Speed Limit – 40KM/h Schedule 2 – Speed Limits
Schedule 3 – Flashing School Zones Ward: City Wide |
| 20-209 | To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking
Schedule 5 – Parking Meters |

Schedule 8 – No Parking
Schedule 12 – Permit
Schedule 13 – No Stopping
Schedule 15 – Commercial Vehicle Loading Zone
Ward: 1,2,3,15

- 20-210 To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 2 – Speed Limits
Schedule 3 – Flashing School Zones
Schedule 13 – Designated Traffic Lanes
Schedule 18 – Bike Lanes
Ward: 2,3,6,7,8,9,12,14
- 20-211 Respecting: Removal of Part Lot Control
Block 89 (Parts 1-8), Registered Plan No. 62M-1249 “Empire Caterini, Phase 1”, municipally known as 240, 242, 244, 246, 248, 250, 252 and 254 Kinsman Drive
Ward: 11
- 20-212 To Adopt:
Amendment No. 244 to the City of Hamilton Official Plan Respecting: 282 MacNab Street North, Hamilton
Ward: 2
- 20-213 To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street North, Hamilton
Ward: 2
- 20-214 Respecting Temporary Use By-law for Temporary Tents
Ward: City wide
- 20-215 To Amend By-law No. 05-200 As amended by By-law No. 20-181
Respecting an Addition to and an Extension of the
Temporary Use By-law for Outdoor Commercial Patios
Ward: City Wide
- 20-216 To Repeal By-law No. 78-237 and to Amend Zoning By-law No. 6593
Respecting Lands Located at 175 Catharine Street South and 117 Forest Avenue, Hamilton
- 20-217 To Designate Land Located at 127 Hughson Street North, City of Hamilton as
Property of Cultural Heritage Value
Ward: 2
- 20-218 To Confirm Proceedings of Council

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

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

(Pearson/Partridge)

That, there being no further business, City Council be adjourned at 2:23 p.m.

Result: Motion CARRIED by a vote of 12 to 1, as follows:

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

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk

Ministry of
Transportation

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

Ministère des
Transports

Bureau de la ministre

777, rue Bay, 5^e étage
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transports



107-2020-3001

His Worship Fred Eisenberger
Mayor
City of Hamilton
71 Main Street West, 2nd Floor
Hamilton ON L8P 4Y5

OCT 14 2020

Dear Mayor Eisenberger:

Thank you for your letter requesting changes to the province's automated speed enforcement (ASE) framework and the *Highway Traffic Act*. I appreciate this opportunity to respond.

I want to reassure you that the Ministry of Transportation (MTO) takes the safety of our roads and Ontarians very seriously. Ontario has been consistently ranked as having among the safest roads in North America for the last 20 years and we are working hard to ensure they stay this way for many years to come.

As indicated in my letter of December 1, 2019, the province enacted O. Reg. 398/19 and implemented changes to the *Highway Traffic Act* to permit municipalities to use ASE camera technology in designated school zones and community safety zones with speed limits under 80km/h. For several years, the government has worked closely with municipalities to develop an operational framework and regulatory regime to permit the use of ASE as a tool they can use to make their communities safer to protect their most vulnerable citizens, including young children.

The ministry appreciates the desire for an administrative monetary penalty (AMP) program for ASE and is committed to working with municipalities through a future review of the ASE program, including exploring the potential for establishing an AMP framework.

I also wish to reiterate that the Ministry of Transportation will continue to support the Ministry of the Attorney General and municipalities in their efforts to ensure that courts are not over-burdened and that matters are heard efficiently and expeditiously.

.../2

Thank you again for writing.

Sincerely,

A handwritten signature in cursive script that reads "Caroline Mulroney".

Caroline Mulroney
Minister of Transportation

c. The Honourable Doug Downey, Attorney General



OFFICE OF THE MAYOR
CITY OF HAMILTON

February 26, 2020

The Honourable Caroline Mulroney
Minister of Transportation
5th Floor
777 Bay Street
Toronto, ON
M7A 1Z8

Dear Minister Mulroney:

Subject: Bill 65, Safer School Zone Act - Automated Speed Enforcement

We write to request, on behalf of the City of Hamilton, that the appropriate changes be made to allow municipalities to implement Automated Speed Enforcement in a more timely manner with regard to the notification and signage requirements.

Hamilton City Council, at its meeting held on January 22, 2020, approved Item 4 of Public Works Committee Report 20-001, which reads as follows:

4. Automated Speed Enforcement (PW20002) (City Wide) (Item 10.4)

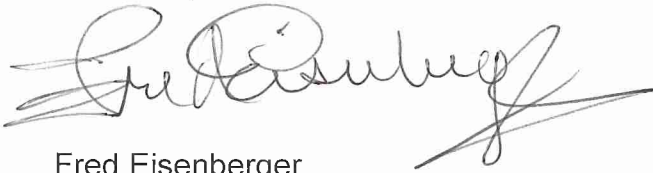
- (f) That the Mayor submit a letter to the Minister of Transportation Ontario, on behalf of City Council, seeking amendments to the Automated Speed Enforcement Guidelines and MTO Agreement for Automated Speed Enforcement with municipalities to reduce or remove the 90 day requirement related to signage used for the purpose of advising the public of the implementation of the system, at or in advance of every location where cameras are deployed or intended to be deployed.

The City of Hamilton is confident that the implementation of Bill 65 will have a significant positive impact on roadway safety in the Province of Ontario and throughout municipalities. Implementing these programs to operate in a less restrictive manner will only support the goal of eliminating injury and fatal collisions on roadways.

Your consideration of Council's request is appreciated. We would ask that you reference File #C20-001 when responding to this correspondence.

.../2

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred Eisenberger". The signature is fluid and somewhat stylized, with a large initial "F" and a long, sweeping underline.

Fred Eisenberger
Mayor



Municipality of Tweed (via e-mail)
255 Metcalf St.
Tweed ON K0K 3J0

October 8, 2020

Re: Support of Resolution from the Municipality of Tweed – Cannabis Production Facilities, the Cannabis Act, and Health Canada Guidelines

Please be advised that on September 30th 2020 the Town of Plympton-Wyoming Council passed the following motion to support the Municipality of Tweed's motion (attached) regarding Cannabis Production Facilities, the Cannabis Act, and Health Canada Guidelines that was passed on August 25th 2020:

Motion #12 – Moved by Netty McEwen, Seconded by Tim Wilkins that Council support the correspondence item 'o' from the Municipality of Tweed regarding Cannabis Production.

Motion Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at ekwarciak@plympton-wyoming.ca.

Sincerely,

Erin Kwarciak

Clerk

Town of Plympton-Wyoming

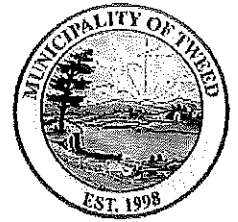
Cc: (all sent via e-mail)
Municipality of Tweed
Prime Minister of Canada
Health Canada
Premier of Ontario
Minister of Municipal Affairs and Housing
Ontario Provincial Police
AMO
All municipalities within the Province of Ontario

The Corporation of the Town of Plympton-Wyoming

P.O. Box 250, 546 Niagara Street, Wyoming Ontario N0N 1T0

Tel: 519-845-3939 Ontario Toll Free: 1-877-313-3939

Municipality of Tweed Council Meeting



Resolution No.

343.

Title:

County of Hastings and County of Lennox & Addington

Date:

Tuesday, August 25, 2020

Moved by

J. Flieler

Seconded by

J. Palmateer

WHEREAS the Government of Canada passed the *Cannabis Act S.C. 2018, c. 16* legislation legalizing properties to grow a maximum of 4 plants without a licence; and

WHEREAS Health Canada issues licences for medicinal cannabis production that are specific to set properties without municipal consultation and regardless of land use zoning by-laws; and

WHEREAS pharmaceutical companies and industries are required to follow strict regulations and governing legislation to produce medicinal products including *Narcotic Control Regulations C.R.C., c 1041* and *Controlled Drugs and Substances Act (Police Enforcement) Regulations SOR/9-234*; and

WHEREAS Municipalities are authorized under the *Planning Act, R.S.O. 1990, C. P 13* to pass a comprehensive zoning by-law that is in compliance with the appropriate County Official Plan which must be in compliance with the Provincial Policy Statement, Under *The Planning Act, 2020*; and

WHEREAS the Provincial Policy Statement, Official Plan and Zoning By-Law in effect for each area is designed to secure the long-term safety and best use of the land, water and other natural resources found in that area's natural landscape; and

WHEREAS the Municipality of Tweed has passed *Comprehensive Zoning By-Law 2012-30* and further amended it by the *Cannabis Production By-Law 2018-42*, limiting cannabis production facilities to rural industrial zoned lands with required setbacks from residential zoned properties; and

WHEREAS the Municipality of Tweed has not been consulted by Health Canada prior to the issuance of licences for properties not in compliance with the Municipal zoning by-laws for a cannabis production facility; and

WHEREAS the Province needs to amend legislation to establish a new Provincial Offence Act fine regime that creates an offence(s) when unlicensed cannabis operations break planning and environmental regulations, ignore Building Code requirements and build without a permit at a fine of at least \$100,000 per offence;

NOW THEREFORE BE IT RESOLVED THAT the Municipality of Tweed requests that immediate action be taken by all levels of government for medical cannabis licencing to follow similar regulations and guidelines as all other pharmaceutical industries;

AND FURTHER, that the Association of Municipalities of Ontario advocate with the Federation of Canadian Municipalities for advocacy to the Government of Canada for similar regulations and guidelines for medical cannabis licencing in alignment with other pharmaceutical industries;

AND FURTHER, that the distribution of medical cannabis be controlled through pharmacies in consistency of all other medications;

AND FURTHER, that Health Canada withhold licencing until the potential licence holder can provide evidence of acceptable zoning of the intended property in question;

AND FURTHER, that licenced locations be disclosed in advance to the municipalities hosting the licenced locations; and

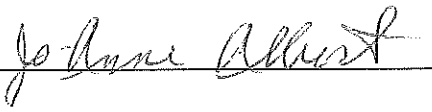
AND FURTHER, that this resolution be circulated to the Prime Minister of Canada, Health Canada, the Premier of the Province of Ontario, the Minister of Municipal Affairs and Housing, the Ontario Provincial Police, the Association of Municipalities of Ontario, and all upper, lower and single tier municipalities within the Province of Ontario.

Carried

Defeated by a Tie

Defeated

Mayor





T 705-635-2272
TF 1-877-566-0005
F 705-635-2132

TOWNSHIP OF LAKE OF BAYS
1012 Dwight Beach Rd
Dwight, ON POA 1H0

October 9, 2020

Via Email

Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON 1A1

Dear Honourable Premier Doug Ford:

RE: Reform to the Municipal Insurance Policy

On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that Council would like to express their concern and request a reform to the Municipal Insurance Policy.

As outlined in the Association of Municipalities of Ontario (AMO) report entitled, "[Towards a Reasonable Balance: Addressing Growing Municipal Liability and Insurance Costs](#)", dated October 1, 2019, joint and several liability creates a higher insurance cost for municipalities. Local municipalities within Muskoka have experienced a 20% increase in municipal liability for 2019 and are expecting at least 20% increase for 2020.

Throughout the Township of Lake of Bays, the area of concern is the Errors and Omissions for building code claims. There is a much higher value of newly built cottages/seasonal residences within Lake of Bays and it is populated by a commanding number of ratepayers who possess the financial means to sue and will endure the protracted legal process. The Township has a lower than average number of building claims, however a higher than average payout.

Please consider an amendment to Bill 124 to make it a requirement that the building contractor name be disclosed and that the contractor must provide proof of insurance, thus providing greater accountability and responsibility and ensuring that municipalities will not bear the burden alone.

...2

Page 2

Kindly review and consider the recommendations as outlined in the above-noted AMO report. Should you have any questions or concerns, please do not hesitate to contact the Municipal Office at 705-635-2272.

Sincerely,



Carrie Sykes, *Dipl. M.A., CMO, AOMC,*
Director of Corporate Services/Clerk.

CS/cw

Copy to: MP, Scott Aitchison
MPP, Norm Miller
Association of Municipalities of Ontario
Municipalities in Ontario

Ministry of the Solicitor General

Public Safety Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**

Division de la sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037**October 15, 2020****MEMORANDUM TO:** Municipal CAOs**SUBJECT:** Court Security and Prisoner Transportation Program Review

The Ministry of the Solicitor General (ministry) is committed to keeping communities across Ontario safe, supported and protected.

As you may recall, in August 2020, the ministry communicated to stakeholders and municipalities that a Request for Services would be issued to retain an external vendor to review programs that support the delivery of court security and inmate transportation across the province, including the Court Security and Prisoner Transportation (CSPT) Transfer Payment (TP) Program. Under the CSPT TP Program, the ministry allocates funding to municipalities to offset costs associated with both court security and prisoner transportation services to and from courts.

The ministry has now retained an independent consultant, Goss Gilroy Inc. (GGI), with expertise in public safety and security to conduct the review, following a competitive procurement process.

In the upcoming weeks, Goss Gilroy Inc. will engage ministry stakeholders – including municipalities, police services and other justice sector partners – to help assess and identify improvements to the court security and inmate transportation process and the design of the CSPT TP Program.

The review will explore best practices and ways to improve the delivery of services, streamline processes and maximize effectiveness to ensure the continued safety of Ontarians. This continuous improvement effort is part of the government's ongoing work to build a more responsive and resilient justice system.

Throughout this process, the safety of Ontarians and frontline staff will remain the ministry's top priority.

Be well and stay safe,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, slightly slanted style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division



160 John Street South | Hamilton ON L8N 2C4

October 9, 2020

To whom it may concern,

This letter is in follow up to a letter dated September 29th, 2020 sent to all Members of Hamilton Council and the Licensing and By-Law Service Team. The letter is also in response to the Letter received from the Licensing and By-Law Service group on October 7th, 2020 related to Outstanding Taxi License Fees.

In our letter of September 29th Blue Line Transportation Limited (BLTL) made a clear and compassioned appeal to speak with City Council and the Licensing Office to arrive at solutions that could assist the Taxi Industry in the City of Hamilton operating under extremely harsh conditions as a result of both Covid-19 and relative Commercial Insurance challenges that happened to coincide with the timing of the pandemic.

We are now very specifically writing and responding to the issue surrounding Taxi Plate Licensing. The Taxi Industry is thankful that Council agreed to defer this issue to a September 30th 2020 date, in the hopes that impacts from Covid-19 would decrease by this time. This remained the aspirational hope of all members of the Taxi industry also.

The reality on the ground remains dramatically different. At the beginning of the pandemic the industry only had some 20% of the City's taxi vehicles on the streets of Hamilton. Since March, there has been a very slow and steady increase in the number of Vehicles operating, together with a very slow and steady increase in customer demand. Even during the most difficult times, Hamiltonians could rely on Taxi service to provide them with transportation. At the outset of the pandemic nearly 100% of taxi vehicle travel was dedicated to those in Hamilton who are vulnerable, those needing to make a trip for food, prescription drugs and necessities of life. Blue Line partnered with Hamilton grocery stores to enable easier distribution of groceries to those unable to venture out.

At the present time, Blue Line is operating with a little over 58% of its "normal" fleet size servicing Hamilton customer demand that has grown since March, but only sits at roughly 60% of where it was in October of 2019. The pandemic has created a long-term shift in operations and consumer behaviour. At the present time, Blue Line Transportation together with the entire worldwide Taxi industry is forecasting a longer than expected return to full operation. Like so many other businesses, we are hopeful that there will be a return to normal at some point in the future. Until than, we continue to work with all partners to arrive at interim solutions that are practical given the change in conditions. The City of Hamilton is the most important partner the Taxi Industry has here in the City.

Blue Line Transportation Limited, on behalf of the taxi operators in the city is asking the City to work together to arrive at both an immediate solution to the issue of Licensing and to prepare a longer term framework aimed at getting as many vehicles back on the road. As a made in Hamilton Company, Blue Line had over 600 Hamiltonians employed

directly and indirectly in 2019. This number is hardly one-third of that at the moment. The issue of Taxi Plates is substantially more profound than just the issue around licensing.

SPECIFIC SHORT TERM REQUESTS OF HAMILTON CITY COUNCIL

In an effort to arrive at a sensible outcome with the City of Hamilton, Blue Line Transportation Limited (BLTL) is making the following suggestions to Council and the City's Licensing and By-Law Service team:

- 1) BLTL is asking Council to pass a motion to defer the September 30th licensing deadline date to December 31st 2020 to ensure there is no ACCIDNETAL abandonment of taxi plates.
- 2) BLTL is asking both Council and/or the City's Licensing and By-Law team to meet virtually between now and this new deadline date, to arrive at a sensible program around the issue of Taxi Plate licensing, operations, fees etc. given the drastic changes in the market as a result of Covid-19.
- 3) As a sign of good faith and cooperation, BLTL would be ready to volunteer a 15% deposit for all Outstanding Plates listed in the City's letter dated October 7th paid to the Licensing office by the end of the month of October 2020, with the intention of continuing conversation aimed at finding a viable longer-term solution.

Blue Line Transportation Limited is proud of a very long and meaningful history in the City. Thousands of people in the city have been given the opportunity of employment as a result of Blue Line's commitment to Hamilton. Millions of passenger trips have been completed. Blue Line remains the ONLY company in this area of Taxi and personal transportation that remains a fully Hamilton owned and operated business. Ownership, Dispatch and Call Centre Operations and Taxi Owners, Operators and Drivers are Hamiltonians.

Over the course of time, there have always been Taxi Plates that might have sat dormant for a short period of time. The City and the Licensing office would never have noticed this as those respective Taxi Plates would invariably drop into circulation quickly and owners and operators would have happily paid their respective licensing fees.

This Covid-19 reality with Taxi Plates sitting dormant is fundamentally different. We ask for some understanding in light of these very unique circumstances, and appreciate tremendously the support the City is able to provide.

Regards,

Anthony Rizzuto
Blue Line Transportation Limited
On behalf of the City of Hamilton's Taxi Industry

Cc: City of Hamilton Licensing and By-Law Services, City Councilors, Clerk & Mayor

Pilon, Janet

Subject: Next GIC - correspondence

From: Craig Burley

Sent: Wednesday, October 7, 2020 11:53 AM

To: clerk@hamilton.ca

Subject: Re: Next GIC - correspondence

Dear Clerk, please add this as a second item of correspondence for the next GIC meeting and please attach the news story attached as a pdf to the correspondence (please do the same with the last item in case it was not clear, thank you)

Dear Members of the General Issues Committee,

Regarding my previous correspondence on Councillor Whitehead's endless campaign of lies about homelessness and our City's response to it, I attach another story regarding an ongoing encampment of homeless persons in Northern Ontario, again on the grounds of a City Hall, this one in North Bay. This story is available at <https://www.baytoday.ca/local-news/homeless-tents-at-city-hall-a-bad-sign-that-the-homeless-population-is-growing-2748823>.

I refer to my earlier letter. Councillor Whitehead's crude lies and deliberate attempts to deceive this Committee are deplorable and should be met with censure.

With thanks and regards,

Craig Burley

On Wed, Oct 7, 2020 at 11:43 AM Craig Burley wrote:

Dear Clerk,

Please add this to the agenda for the next General Issues Committee.

Dear Members of the General Issues Committee,

On October 7, 2020, during debate on an item before this Committee, Councillor Whitehead stated that there are no encampments of homeless people in Northern Ontario communities.

This of course was a crude lie. I attach the Sudbury Star's September 28 story about an ongoing encampment on the grounds of Sudbury City Hall. The story is available at <https://www.thesudburystar.com/news/local-news/city-hall-encampment-draws-attention-to-homelessness>

The continual practice of Councillor Whitehead of making misrepresentations to this committee is tiresome and deplorable. The need for the public to continually correct his misrepresentations is an imposition of an unfair burden upon us. I ask that the Committee please censure Clr. Whitehead for his attempts at deliberate deception of the Committee, in furtherance of his continued attacks on homeless persons in our community.

Sincerely and with thanks,

Craig Burley

--

Craig Burley
Barrister & Solicitor

Homeless tents at city hall a bad sign that the homeless population is growing

Sep 28, 2020 4:00 PM By: [Chris Dawson](#)



Photo courtesy Stu Campaigne/BayToday

The homeless situation in North Bay took a unique turn this weekend when tents were popping up in and around North Bay City Hall.

It's symbolic of a growing problem in the Gateway City.

Dave Mendicino is the chair of Nipissing District Housing Corporation and a board member with the District of Nipissing Social Services Administration Board (DSSAB).

He's upset to find out one particular person camped in front of city hall got a free bus ticket from her Toronto area social worker to come to North Bay.

"You have the city and all these agencies doing such great work, along with the province; we are all working together and we are all working hard to address the complex needs of these individuals in our district. But the keywords here are 'in our district,'" stated Mendicino.

Shane Moyer, a homeless advocate who is now homeless himself claims the growing homeless population is up to 120 at last count.

See related: [Homeless pitch tents City Hall's front yard to advocate for change](#)

Dennis Chippa, Executive Director of the Gathering Place soup kitchen, is not surprised at those numbers and he has seen new people arriving and needing free meals.

"Our numbers are incredibly high already and I'd say within the past 10 days we have seen a dozen new faces with five new ones just today," Chippa told BayToday Monday afternoon.

The low barrier shelter at Pete Palangio arena was closed in August and replaced currently by a 12-bed low barrier shelter on Chippewa Street. As well, a new 16-bed transitional housing facility next to the low barrier shelter is not open yet.

Mendicino admits that they need to find more solutions but adding to the population from outside the district is not one of them.

"We are being proactive in dealing with this," he said.

"The Mayor's roundtable is an example of that. When a social worker from southern Ontario gives a client a one-way ticket to North Bay and ends up at our city hall that's not right. How did that social worker do what's best for her client?"



***About the Author:* Chris Dawson**

Chris Dawson has been with BayToday.ca since 2004. He has provided up-to-the-minute sports coverage and has become a key member of the BayToday news team.
[Read more](#)

Comments (22)

Pilon, Janet

Subject: Chicken keeping in the capital - BBC London

From: Sonya Carl

Subject: Chicken keeping in the capital - BBC London

Date: October 21, 2020 at 8:47:34 PM EDT

To: arlene.vanderbeek@hamilton.ca

Hi Arlene, I am sending you this brief YouTube video which portrays the benefits and challenges of keeping backyard chickens. I understand that you will soon be voting on this issue, and I was very surprised to learn that is not allowed in Hamilton. I cannot understand why having a few chickens in your backyard is seen as risky. I see only benefits for both the owners and the environment. The rest of the world seems to agree. I have travelled extensively in Europe and many other parts of the world, and keeping chickens is a non issue.

If you would kindly watch even the first couple minutes I would be grateful. Thank you so much for your time.

https://youtu.be/ldjyV6kBh_4

Dr. Sonya Carl, ND

Pilon, Janet

Subject: Mask wearing while exercising

From: C Kantautas

Sent: October 22, 2020 10:20 PM

To: clerk@hamilton.ca

Subject: Fwd: Mask wearing while exercising

Hello,

Below is an email message I recently addressed to Mayor Eisenberger, my city councillor, Sam Merulla, and Dr. Elizabeth Richardson. Please consider discussing the content of this message at a city council meeting.

Thank you.

Regards,

Carlee Kantautas

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

From: **Carlee Kantautas**

Date: Wed, Oct 21, 2020 at 23:15

Subject: Mask wearing while exercising

To: <mayor@hamilton.ca>, <sam.merulla@hamilton.ca>, <elizabeth.richardson@hamilton.ca>

Dear Mayor Eisenberger, Councillor Merulla and Dr. Richardson,

I am writing to you as a very concerned citizen of Hamilton who is an avid gym-goer. I live in Ward 4 (246 Province Street South) and I am a member of Orangetheory Fitness at Eastgate Square (75 Centennial Parkway North).

On Monday you came to the decision to enforce mask wearing while exercising in fitness facilities. Although I greatly appreciate the fact that the gyms are still open, this decision frustrates me because it is NOT, in any way, based on science. In my opinion this was a knee-jerk reaction based on fear stemming from the unfortunate outbreak at one fitness facility in Hamilton.

In case you haven't done your research, there is MUCH scientific data to support that masks are ineffective in preventing the transmission of CoVID-19. Below I have provided three links where you will find information proving you have made a decision that will not help, but harm the health of Hamiltonians.

Guidelines by the World Health Organization stating that masks should NOT be worn while exercising.

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters#exercising>

A scientific article explaining the ill effects on the body caused by exercising while wearing a mask.

<https://www.sciencedirect.com/science/article/pii/S0306987720317126#b0055>

A review article with a plethora of information and references explaining why mask wearing is ineffective.

<https://www.meehanmd.com/blog/2020-10-10-an-evidence-based-scientific-analysis-of-why-masks-are-ineffective-unnecessary-and-harmful/>

In particular, the information in the above links explains the HARM caused by wearing cloth masks. Even before CoVID happened, Orangetheory - Eastgate Square was the cleanest gym I had ever been in. It was part of their regular protocol to provide members with multiple cleaning wipes during the class to wipe equipment clean before another person started using it. Since re-opening at the end of August, they have increased their already stellar cleaning protocols, and went above and beyond to ensure members were kept at a 6-ft distance from each other. Masks were only allowed to be taken off while exercising.

Since the announcement to enforce mask wearing while exercising, Orangetheory has provided members with complimentary cloth masks. These masks are similar to what other sport companies such as Reebok, Under Armour, and Bauer are selling - a so called breathable, moisture wicking fabric. This morning was the first time I wore one of these masks for the entirety of my workout. I don't know if any of you have been to an Orangetheory gym, but their workouts are akin to high intensity interval training. Everyone wears a heart rate monitor and every workout consists of a block of time on a treadmill, a rowing machine and in a weight room. The classes are typically 60 minutes long, but they have been altered to 45 minutes since mask wearing became mandatory. During the workout you are encouraged to obtain a heart rate of 84% of your maximum or higher - it is in this "orange zone" that you are burning the most calories and continue to burn calories after you leave the gym. The number of minutes you are in this zone is tallied and your stats are displayed on a screen during the class. The coaches encourage members to challenge and push themselves to reach the orange zone. Anyone who has their heart rate in this zone is SWEATING. Because the use of fans in gyms is prohibited (due to CoVID), one sweats even more than they're used to. During my class this morning, in no time, my mask was soaked with sweat. I was touching my mask more than I do outside of the gym because I had to pull it away from my face frequently for fresh air, to drink water, and to wipe the sweat from my face. You will read in the information I attached, that wearing any mask while exercising is harmful for one's health; and wearing a wet cloth mask is MUCH worse. Almost everyone in my gym wears a cloth mask and I am sure by mid-class, everyone's cloth mask is wet with sweat.

I invite you to pop into Orangetheory - Eastgate Square and try a class while wearing a mask. Or, just come in to see how well the cleaning and social distancing guidelines are maintained.

Below I have listed some highlights from the articles in the links I provided. These bullet points are directly from the aforementioned links and are not my own thoughts.

- Individuals exercising with a mask would have physiological effects similar to a Chronic Obstructive Pulmonary Disease (COPD) person exercising such as discomfort, fatigue, dizziness, headache, shortness of breath, muscular weakness and drowsiness.
- Exercising with facemasks induces an acidic environment, and thus mobility of hypoxic natural killer cells to the target cells would be affected, aggravating the chances of infection during the pandemic. A further change in humidity and temperature in the upper airway causes immotile cilia syndrome predisposing individuals to lower respiratory tract infections by deep seeding of oropharyngeal flora
- Cloth masks are absolutely ineffective. Worst yet, they may increase the incidence of disease in wearers and the population.
- Despite the high-level scientific evidence against cloth masks, the CDC made the inexcusable mistake of telling us cloth masks worked. They even provided directions on their website for making homemade cloth masks.
- Wearing masks while exercising decreases oxygen levels in the blood and increases carbon dioxide levels the blood
- Decades of the highest-level scientific evidence (meta-analyses of multiple randomized controlled trials) overwhelmingly conclude that medical masks are ineffective at preventing the transmission of respiratory viruses, including SAR-CoV-2.
- Those arguing for masks are relying on low-level evidence (observational retrospective trials and mechanistic theories), none of which are powered to counter the evidence, arguments, and risks of mask mandates.
- The majority of the population is at very low to almost no risk of severe or lethal disease from CoVID-19.

There are many points in the attached information that support the ineffectiveness of mask wearing so it is obvious to me that your decision to have people wear masks in fitness classes was NOT BASED ON SCIENCE. This is disappointing, especially considering a medical doctor was involved in making this decision.

I beg you, please rescind this decision. Just because someone CAN wear a mask while exercising doesn't mean it's good for their health. I can smoke cigarettes while I exercise but we all know that's not good for me.

Sincerely,

Carlee Kantautas

Pilon, Janet

Subject: Hamilton gym CoVID rules

From: Carlee Kantautas

Sent: October 23, 2020 8:25 AM

To: clerk@hamilton.ca

Subject: Hamilton gym CoVID rules

Good morning,

I forwarded you an email message last night, that I had addressed to Mayor Eisenberger, my city councillor and Dr. Elizabeth Richardson, regarding the recently implemented rule forcing gym members to wear masks while exercising.

This message is to further express my concerns with yet another "rule" I learned today when I showed up for my 7:30 am gym class.

When I arrived at the gym I was told I could not bring my water into the studio with me. I was told I had to leave my water with my personal belongings and if I needed to drink water during my workout I had to stop what I was doing, leave the studio, and drink water outside the studio. As I explained in my previous email message, this is a HIGH INTENSITY workout. How is it safe to not be allowed to have water by my side? I was told if I had a straw, I could bring my water in, because then I would not have to lower my mask to take a drink of water; I could slide the straw under my mask to drink water. So, if I had a straw, I was not allowed to breathe properly while I was drinking water. Needless to say, I left the gym without doing the class.

I am having a very hard time understanding how lowering my mask to drink out of a regular water bottle is so dangerous. Each fitness facility is required to ask screening questions to every member upon entry; members are kept now 3 meters apart at all times; cleaning of all equipment, and touch points is done excessively, including floors; change rooms and showers are closed; the bathroom is cleaned after each use; hand sanitizer is forced upon entry; and members wear masks at ALL times (which is insane, and is the reason for my previous email message). Is that not enough? Now we have to bring a particular type of water vessel and cannot lower our masks to take a drink of water. I am very worried that all of this is going to be permanent. The outbreak at SpinCo is done. It happened. There is nothing we can do to take that back. What happened at SpinCo has not happened at any other gym in the city. So, what is going to change, that will have you take away the rule that people have to wear masks while exercising? One CANNOT breathe properly when wearing a mask while working out. The masks are HOT and wearing one while exercising makes you want to drink even more water than normal. If you are waiting for a vaccine - that could be years!

Again, I invite Mayor Eisenberger, Dr. Richardson, and all members of city council to come to Orangetheory and participate in a class while wearing a mask and drinking water without lowering your mask.

The rules of wearing masks while exercising and not being allowed to lower your mask to take a drink of water NEED to be addressed in a city council meeting. Enforcing this rule is harmful to the health of every gym member in this city. It is torture, in my opinion, and it disgusts me that a medical doctor has allowed this to happen.

Regards,

Carlee Kantautas



October 21, 2020

Via email: george.cornell@simcoe.ca

Warden George Cornell
1110 Highway 26
Midhurst ON L9X 1N6

Dear Warden Cornell and County Councillors:

Re: Request for Support from Mount St. Louis Moonstone/Skyline Horseshoe Resort and Hardwood Ski & Bike for their efforts to Declare Snowsports, Skiing and Snowboarding, Alpine and Nordic Deemed Essential in Stage 2.

The Council of the Township of Oro-Medonte, at its October 14th Council meeting, passed the following motion with respect to the above-noted matter:

Be it resolved:

that the correspondence dated October 9, 2020 from Sarah Huter, Assistant General Manager, Mount St. Louis Moonstone Ski Resort re: Request for Support from Mount St. Louis Moonstone/Skyline Horseshoe Resort and Hardwood Ski & Bike for their efforts to Declare Snowsports, Skiing and Snowboarding, Alpine and Nordic Deemed Essential in Stage 2 be received.

And whereas on March 11, 2020 the World Health Organization declared COVID-19 a global pandemic;

And whereas the Government of Ontario, County of Simcoe and Township of Oro-Medonte remain in declared state of emergency in response to the COVID-19 pandemic;

And whereas all levels of Government are effectively working collaboratively in response to the evolving COVID-19 situation;

And whereas the Government of Ontario has developed a comprehensive *Framework for Reopening our Province*;

And whereas many low risk outdoor activities were permitted to re-open in Stage 1 and 2 of the *Provincial re-opening framework*;

And whereas the timing of the release of *Stage 3 framework* and Ontario Regulation 364/20 made under *Reopening Ontario(A Flexible Response to COVID-19) Act, 2020* has not fully considered outdoor winter recreation and the operations of Ontario's ski industry;

And whereas Ontario's ski industry generates approximately \$420 million annually to the provincial economy and supports over 14,000 jobs;

And whereas nordic skiing, alpine skiing, snowboarding and snowshoeing provide low risk opportunities and outlets for participation in outdoor based activities that improve physical and mental health and overall well-being;

And whereas the ski industry has developed comprehensive operating plans and established best practices through its *Ski Well, Be Well* program to ensure compliance with regulations and public health directives and reduce the risk of COVID 19 transmission;

And whereas the Township of Oro-Medonte is the proud home to three of Ontario's largest ski resorts, Hardwood Ski and Bike, Horseshoe Resort and Mount St Louis Moonstone which provide significant local, regional and provincial economic benefits.

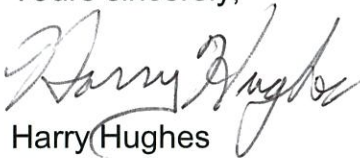
And whereas MPP Downey has advocated on behalf of these businesses.

Now therefore

On behalf of Hardwood Ski and Bike, Horseshoe Resort and Mount St. Louis Moonstone, the Council of the Township of Oro-Medonte hereby respectfully requests that the Government of Ontario consult with the ski industry through the Ontario Snow Resorts Association to review re-opening policy considerations currently impacting the industry.

And Further that a copy of this resolution be sent, under the Mayor's signature, to the County of Simcoe and Ontario municipalities for their consideration.

Yours sincerely,



Harry Hughes
Mayor

/vc

Cc: MPP Doug Downey

MPP Jill Dunlop

MP Doug Shipley

MPP Jim Wilson

Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture Industries
Council

Shawn Binns, Director Operations & Community Services

Ontario Municipalities



P.O. Box 57060 Jackson Square Post Office

2 King St. West, Hamilton ON L8P 4W9

September 29, 2020

Re: Hamilton 2026 Commonwealth Games Bid Corporation

SportHamilton is in full support of the Commonwealth Games and the Hamilton 2026 Bid Corporation which includes many Hamilton volunteers, highly experienced and skilled individuals who have worked so diligently and professionally to outline the details and incredible potential of hosting the Commonwealth Games in Hamilton.

I have communicated on many occasions, SportHamilton truly values being part of the Hamilton2026 Commonwealth Games Bid Corporation, as both myself, as President and Val Sarjeant VP are active SportHamilton representatives having contributed in many ways. SportHamilton has garnered the support of many Hamilton sport organizations to attend key council presentations regarding the Games and to encourage each sport group to provide letters of support for the Bid. SportHamilton has worked for the past years to communicate details and ways of getting involved with the Games via the SportHamilton website, newsletter, emails and social media and supporting all Bid members.

As the plans for the Games have evolved over this time, it has become very apparent that these Games are not just about two weeks of outstanding international sport competition, but so much more for all Hamiltonians.

In this unprecedented pandemic time, these Games will create much needed jobs, provide affordable housing, and most of all revitalize the economy in the Hamilton and region. Infrastructure will be developed that will last for generations as a legacy to enhance the lives and inspire so many. Local tourism and businesses will benefit into the multi millions of dollars.

Hamiltonians will not only be inspired by these games, but will glow with pride and enthusiasm about the City of Hamilton when they see what these Games can and will bring.

As the official sport council for the City of Hamilton, SportHamilton volunteers are community leaders fully supporting the 2026 Commonwealth Games and committed to bringing the Games home to Hamilton.

I urge all Hamiltonians to embrace this unique opportunity being offered to our beautiful city and join the effort to support the 2026 Commonwealth Games.

Sincerely,

Helen Downey, President

SportHamilton

Official Sport Council for the City of Hamilton

www.sporthamilton.com



BOARD OF HEALTH REPORT 20-006

9:30 a.m.

Monday, October 19, 2020

Council Chambers

Hamilton City Hall

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

THE BOARD OF HEALTH PRESENTS REPORT 20-006 AND RESPECTFULLY RECOMMENDS:

1. **Correspondence from Anita Dubeau, Board Chair for the Simcoe Muskoka District Health Unit regarding COVID-19 and Long-Term Care Reform (Item 5.1)**

That Correspondence from Anita Dubeau, Board Chair for the Simcoe Muskoka District Health Unit regarding COVID-19 and Long-Term Care Reform, be endorsed.

2. **2019 Public Health Services Annual Performance & Financial Report to the Public (BOH20020) (City Wide) (Item 7.1)**

That Report BOH20020, respecting 2019 Public Health Services Annual Performance & Financial Report to the Public, be received.

3. **Social Determinants of Health in COVID-19 (BOH20015) (City Wide) (Item 9.2)**

That Report BOH20015, respecting the Social Determinants of Health in COVID-19, be received and referred to City of Hamilton Advisory Committees for their information and feedback.

4. Residential Care Facility Update (BOH20019/LS20026) (City Wide) (Item 14.1)

That Report BOH20019/LS20026, respecting Residential Care Facility Update be received and remain confidential.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

There were no ceremonial activities.

(b) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised the Board of the following changes:

6. DELEGATION REQUESTS (Item 6)

- 6.1 Delegation from Kaley Metler respecting a 5G Roll-out (for a future meeting)

The agenda for the October 19, 2020 Board of Health was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) September 21, 2020 (Item 4.1)

The Minutes of the September 21, 2020 meeting of the Board of Health were approved, as presented.

(e) COMMUNICATIONS (Item 5)

(i) Correspondence from the Hamilton Niagara Haldimand Brant Local Health Integration Network respecting Funding to Support One-time Mental Health & Addictions Services due to COVID-19 and its Related Impacts – Round 2 Support for People and Jobs Funds (Item 5.2)

Correspondence from the Hamilton Niagara Haldimand Brant Local Health Integration Network respecting Funding to Support One-time Mental

Health & Addictions Services due to COVID-19 and its Related Impacts – Round 2 Support for People and Jobs Funds, was received.

(f) DELEGATION REQUESTS (Item 6)

(i) Delegation Request from Kaley Metler respecting a 5G Roll-out (for a future meeting) (Added Item 6.1)

The Delegation Request from Kaley Metler respecting a 5G Roll-out, was approved, for a future meeting.

(g) STAFF PRESENTATION (Item 9)

(i) Overview of COVID-19 Activity in the City of Hamilton 11 Mar to present (Item 9.1)

Stephanie Hughes, Epidemiologist, Healthy and Safe Communities, addressed the Board with an Overview of COVID-19 Activity in the City of Hamilton 11 Mar to present, with the aid of a PowerPoint presentation.

The Presentation respecting an Overview of COVID-19 Activity in the City of Hamilton 11 Mar to present, was received.

(ii) Social Determinants of Health in COVID-19 (BOH20015) (City Wide) (Item 9.2)

Mackenzie Slifierz Epidemiologist, Healthy and Safe Communities, addressed the Board respecting Social Determinants of Health in COVID-19 (BOH20015), with the aid of a PowerPoint presentation.

The presentation respecting Social Determinants of Health in COVID-19 (BOH20015), was received.

For further disposition, refer to Item 3.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

The Board move into Closed Session respecting Items 14.1, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**(i) Residential Care Facility Update (BOH20019/LS20026) (City Wide)
(Item 14.1)**

For further disposition of this matter, refer to Item 4.

(h) ADJOURNMENT (Item 15)

There being no further business, the Board of Health be adjourned at 12:41 p.m.

Respectfully submitted,

Mayor F. Eisenberger
Chair, Board of Health

Loren Kolar
Legislative Coordinator
Office of the City Clerk



PUBLIC WORKS COMMITTEE REPORT 20-010

1:30 p.m.
Monday, October 19, 2020
Council Chambers
Hamilton City Hall
71 Main Street West

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

Also Present: Councillor B. Johnson

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 20-010 AND RESPECTFULLY RECOMMENDS:

1. Intersection Control List (PW20001(b)) (Wards 2, 13 and 14) (Item 6.1)

That the appropriate By-law be presented to Council to provide traffic control as follows:

Intersection		Stop Control Direction		Class	Comments / Petition	Ward
Street 1	Street 2	Existing	Requested			
Section "B" Dundas						
(a)	Glendrummond Drive	Westmoreland Road	NC	EB	A	Housekeeping – missing t-type stop sign 13
(b)	Westmoreland Road	Romar Drive	NC	SB	A	Housekeeping – missing t-type stop sign 13
Section "E" Hamilton						
(c)	Astra Court	Juanita Drive	NC	NB	A	Housekeeping – missing t-type stop sign 14

Intersection		Stop Control Direction		Class	Comments / Petition	Ward	
Street 1	Street 2	Existing	Requested				
(d)	Barton Street West	Park Street North	NB/SB	EB/WB	B	Converting to all-way – Cllr approved	2
(e)	MacAulay Street West	MacNab Street North	NB/SB	EB/WB	B	Converting to all-way – Cllr approved	2
(f)	Burlington Street West	Wood Street West	NB/SB	EB/WB	A	Converting to all-way – Cllr approved	2

Legend

No Control Existing (New Subdivision) - **NC**

Intersection Class: **A** - Local/Local **B** - Local/Collector **C** - Collector/Collector

2. Consent Items (Item 6)

(a) That Consent Items 6.2 to 6.4 be received, as presented:

- (i) **Sustainable Mobility Programs Annual Report 2019 (PED19124(a)) (City Wide) (Item 6.2)**
- (ii) **Airport Employment Growth District Capital Works Update (PW19079(a)) (City Wide) (Item 6.3)**
- (iii) **Feasibility of Accelerated Lead Water Service Line Replacement Options (PW19094(a)) (City Wide) (Item 6.4)**

3. Transit Passenger Shelter Advertising Agreement (PW15071(d)) (City Wide) (Item 9.1)

- (a) That the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the extension of the Hamilton Street Railway (HSR) Transit Passenger Shelter Agreement to December 31, 2022 be approved; and,
- (b) That the General Manager of Public Works be authorized and directed to negotiate and execute an amendment to the Agreement and any ancillary documents required to give effect thereto with Outfront Media in a form satisfactory to the City Solicitor.

4. Solid Waste Management By-law Update (PW20066) (City Wide) (Item 9.2)

- (a) That City of Hamilton By-law 09-067, being a by-law to provide for and regulate a waste management system for the City of Hamilton, be repealed, and that Appendix "A" attached to Report PW20066 replace By-law 09-067 as the new Solid Waste Management By-law, and;
- (b) That the General Manager of Public Works or designate(s) be granted the authority to amend or replace, in whole or in part, the schedules of this Solid Waste Management By-law, attached as Appendix "A" to Report PW20066.

5. Retaining Wall Repair at 9 Patrick Street, Hamilton (Ward 2) (Item 10.1)

WHEREAS, the property at 9 Patrick Street in Ward 2 is owned by the City of Hamilton and where the grade meets the sidewalk, debris that includes rocks, blocks, bricks, sticks and continues to fall and block safe passage for residents;

WHEREAS, Patrick Street is located along the escarpment and the grading is steep – hence, every property owner, but the City of Hamilton, has built a retaining wall as a means of addressing slope stability, aesthetics, accessibility and community safety; and,

WHEREAS, recent weather changes and erosion has resulted in this historic issue becoming serious to the residents of Corktown and especially Patrick Street;

THEREFORE, BE IT RESOLVED:

- (a) That the appropriate staff be authorized and directed, as a priority, to construct a retaining wall along the frontage of 9 Patrick Street, Hamilton, to address roadway and sidewalk safety concerns which negatively impact accessibility;
- (b) That the estimated cost of \$15,000 to construct a retaining wall at 9 Patrick Street, Hamilton, be funded from Ward 2 Special Capital Re-Investment Reserve (108052); and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

6. Appeal to Metrolinx to Resume All Day GO Bus Service in Hamilton (Item 10.2)

WHEREAS, GO Bus service is operated by Metrolinx and is the only public bus

transportation choice for Hamiltonians wishing to travel between Hamilton and Toronto;

WHEREAS, on April 8th, 2020, Metrolinx ceased much of the operation of the traditional all-day frequent express GO Bus service from Hamilton to Toronto;

WHEREAS, Metrolinx ceased valuable aspects of this express service near the start of the COVID-19 pandemic and there is no sign of resumption of service; and,

WHEREAS, for off-peak times, the consolation GO Bus service Metrolinx offers is an hourly double-decker bus to Aldershot, where accessibility is a troubling issue for passengers that can only be accommodated on the much smaller footprint lower-level of the bus (the more spacious upper level is inaccessible to many passengers who are disabled, elderly or wanting to keep a close eye on luggage that can only be stored on the lower level);

THEREFORE, BE IT RESOLVED:

That the Mayor be requested to submit correspondence to the Ministry of Transportation, Metrolinx and the Premier of Ontario to call for the resumption of All-Day Express Bus Service levels from Hamilton to Toronto at the service level observed prior to April 8, 2020.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

The agenda for the October 19, 2020 Public Works Committee meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) October 5, 2020 (Item 3.1)

The Minutes of the October 5, 2020 meeting of the Public Works Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 5)

(i) Peter McAlister, Stelco Canada, respecting a Request to Amend By-law 06-026 and By-law R84-026 (for today's meeting) (Item 5.1)

The delegation request, submitted by Peter McAlister, Stelco Canada, respecting a Request to Amend By-law 06-026 and By-law R84-026, was approved for today's meeting.

For further disposition of this matter, refer to Item (f)(i).

(e) CONSENT ITEMS (Item 6)

Councillor Danko relinquished the Chair to Councillor Merulla at 1:36p.m. due to technical difficulties.

Councillor Danko assumed the Chair at 1:47p.m.

(i) Feasibility of Accelerated Lead Water Service Line Replacement Options (PW19094(a)) (City Wide) (Item 6.4)

Staff were directed to report back to the Public Works Committee on funding options for a 5 year and 10 year funding plan utilizing Water, Wastewater and Stormwater rates, general levy or any other level of government subsidy opportunities related to the capital and operating costs.

For further disposition of this matter, refer to Item 2(a)(iii).

(f) PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)

(i) Peter McAlister, Stelco Canada, respecting a Request to Amend By-law 06-026 and By-law R84-026 (Added Item 7.1)

Peter McAlister, Stelco Canada, addressed the Committee respecting a Request to Amend By-law 06-026 and By-law R84-026, with the aid of a presentation.

The delegation from Peter McAlister, Stelco Canada, respecting a Request to Amend By-law 06-026 and By-law R84-026, was received.

Staff were directed to review the request from Peter McAlister, Stelco Canada, for a water and sewer servicing solution and report back to the Public Works Committee no later than December 7, 2020.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 12)

(i) Amendments to the Outstanding Business List (Item 12.1)

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

- (a) Items Considered Complete and Needing to be Removed:
 - (i) Sustainable Mobility Program Annual Update
Addressed as Item 6.2 on today's agenda – Report PED19124(a)
Annual reporting requirement added to the Transportation Planning Division's annual workplan, so the Outstanding Business List Item can be removed.
Item on OBL: AAC
 - (ii) Airport Employment Growth District (AEGD) Servicing Update
Addressed as Item 6.3 on today's agenda – Report PW19079(a)
Item on OBL: AAI
 - (iii) Feasibility of Accelerated Lead Water Service Line Replacement Options
Addressed as Item 6.4 on today's agenda – Report PW19094(a)
Item on OBL: ABA
- (b) Items Requiring a New Due Date:
 - (i) To Create a Hamilton General Hospital Safety Zone
Item on OBL: U
Current Due Date: November 2, 2020
Proposed New Due Date: December 7, 2020
 - (ii) Operations and Maintenance of the Central Composting Facility
Item on OBL: AV
Current Due Date: December 7, 2020
Proposed New Due Date: February 1, 2021
 - (iii) Road Safety Review and Appropriate Measures at the York Road and Newman Road Intersection
Item on OBL: AAE
Current Due Date: October 5, 2020
Proposed New Due Date: November 16, 2020
 - (iv) Eligibility Audit of Clients Registered for DARTS

Item on OBL: AAQ
Current Due Date: Q3 2020
Proposed New Due Date: December 7, 2020

(h) ADJOURNMENT (Item 14)

There being no further business, the Public Works Committee was adjourned at 3:34 p.m.

Respectfully submitted,

Councillor J.P. Danko
Chair, Public Works Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



PLANNING COMMITTEE

REPORT

20-012

October 20, 2020

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors J.P. Danko (Acting Chair), J. Farr, C. Collins
M. Pearson, B. Johnson, L. Ferguson, J. Partridge and
M. Wilson

Also in Attendance: Councillors B. Clark and N. Nann

THE PLANNING COMMITTEE PRESENTS REPORT 20-012 AND RESPECTFULLY RECOMMENDS:

1. **To Incorporate City Lands into Arvin Avenue by By-Law (PED20157) (Ward 10) (Item 6.1)**
 - (a) That the following City Lands designated as Block 18 on Plan 62M-640, Part 4 on Plan 62R-17671 and Parts 2, 5, and 8 on Plan 62R-20885, be established as a public highway to form part of Arvin Avenue, as shown on Appendix "A" attached to Report PED20157;
 - (b) That the By-Law to incorporate the City lands to form part of Arvin Avenue be prepared to the satisfaction of the City Solicitor and be enacted by Council;
 - (c) That the General Manager of Public Works be authorized and directed to register the By-Law.
2. **To Incorporate City Lands into North Waterdown Drive by By-Law (PED20166) (Ward 15) (Item 6.2)**
 - (a) That the following City lands designated as Parts 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 20, 21, and 22 on Plan 62R-20684, be established as a public highway to form part of North Waterdown Drive;

- (b) That the By-Law to incorporate the City lands to form part of North Waterdown Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the portion of Mosaic Drive designated as Parts 5, 6, 7, and 8 on Plan 62R-20684, be renamed North Waterdown Drive as identified on Appendix "A" attached to Report PED20166;
- (d) That the By-law to rename the portion of Mosaic Drive designated as Parts 5, 6, 7, and 8 on Plan 62R-20684 to North Waterdown Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council.

3. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5th, Hamilton (PED20171) (Ward 8) (Item 6.3)

That Report PED20171 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5th, Hamilton, be received.

4. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-17-006 and Zoning By-law Amendment application ZAC-17-016 for Lands Located at 909 North Waterdown Drive (Flamborough) (PED20167) (Ward 15) (Item 6.4)

That Report PED20167 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-17-006 and Zoning By-law Amendment application ZAC-17-016 for Lands Located at 909 North Waterdown Drive (Flamborough), be received.

5. New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) (Item 6.5)

- (a) That Planning staff be directed to develop and implement a program to address Duplicate Street Names and Municipal Address Issues as outlined in Report PED20175; and,
- (b) That Report PED20175, be forwarded to Bell Canada for their information.

6. **Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9) (Item 7.2)**
- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-011 by Wellings Planning Consultants, Agent, on behalf of Royal Living Developments, Owner, for an amendment to the Rymal Road Secondary Plan to redesignate the lands known as 1912 Rymal Road East from “Low Density Residential 2h” to “Medium Density Residential 2c”, as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-18-029, by Wellings Planning Consultants, Agent, or behalf of Royal Living Developments, Owner, for a change in zoning for the lands known as 1912 Rymal Road East from the Agricultural “A1” Zone to the Residential Multiple “H-RM4-319” Zone, Modified to permit a five storey, 92 unit multiple dwelling as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding “A” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix “C” to Report PED20164.

The Holding Provision Residential Multiple “H-RM4-319” Zone, Modified applicable to lands shown on Schedule “A” to Appendix “C” to Report PED20164 be removed conditional upon the submission and implementation of a revised Traffic Impact Study to the satisfaction of the Manager of Transportation Planning;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will

comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

- (c) That the public submissions received on this matter did not affect the decision.

7. Demolition Permit for 1355, 1359, 1375 Upper James St. and 16, 24, 34, 40, 48 Stone Church Rd. East (Added Item 11.1)

WHEREAS, the owner has received zoning approval and is currently working through site plan approvals.

WHEREAS, the owner has boarded up the vacant properties but continues to have untoward activity at the properties that are uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of these building as prescribed by the Property Standards By-law or maintain the properties on the Vacant Building Registry and demolition is appropriate; and,

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton, Ontario, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

1. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)

7.2 Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9)

(a) Written Submissions:

(i) Tony and Shannon Porcaro

7.3 Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road East, Glanbrook (PED18077) (Ward 11)

(b) Written Submissions:

- (ii) Kunal Kanani
- (iii) Sonia Pronek

7.4 Urban Hen Backyard Pilot Program – Written Delegations

(ix) Maria Mule

2. NOTICES OF MOTION (Item 11)

11.1 Demolition Permit for 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East

The agenda for the October 20, 2020 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict with Item 4.1, correspondence from Ahmad David respecting Taxi Drivers and Licensing, as he is the owner of a taxi licence.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) October 6, 2020 (Item 3.1)

The Minutes of the October 6, 2020 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 4)

(i) Ahmad David respecting Taxi Drivers and Licensing (Item 4.1)

The correspondence from Ahmad David respecting Taxi Drivers and Licensing, was received.

(e) DELEGATION REQUESTS (Item 5)

(i) Mike Bozzo respecting the Urban Hen Backyard Pilot Program (For today's meeting) (Item 5.1)

The Delegation Request from Mike Bozzo respecting the Urban Hen Backyard Pilot Program was approved for today's meeting, to be heard after Item 7.1.

(f) CONSENT ITEMS (Item 6)

- (i) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5th, Hamilton (PED20171) (Ward 8) (Item 6.3)**

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 3.

- (ii) New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) (Item 6.5)**

Alvin Chan, Manager of Legislative Approvals / Staging of Development, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 5.

(g) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7)

Due to technical difficulties, Mike Bozzo (Item 5.1) was heard before Heather Bond (Item 7.1).

- (i) Mike Bozzo respecting the Urban Hen Backyard Pilot Program (For today's meeting) (Item 5.1)**

Mike Bozzo addressed the Committee respecting the Urban Hen Backyard Pilot Program.

The Delegation from Mike Bozzo respecting the Urban Hen Backyard Pilot Program, was received.

For disposition of this matter, refer to Item (h)(i).

- (ii) Heather Bond respecting Changes to the Urban Hen By-law (Approved at the October 6 meeting) (Item 7.1)**

Heather Bond addressed the Committee respecting Changes to the Urban Hen By-law.

The Delegation from Heather Bond respecting Changes to the Urban Hen By-law, was received.

For disposition of this matter, refer to Item (h)(i).

Item 7.4, Urban Hens Backyard Pilot Program – Written Delegations, and Item 10.1, Urban Hen Backyard Pilot Program Motion, was moved up in the agenda to be considered at this time.

For disposition of this matter, refer to Item (h)(i).

(iii) Urban Hens Backyard Pilot Program (Item 7.4)

The following written delegations respecting Urban Hens Backyard Pilot Program were received:

- (i) Giselle Burt
- (ii) Aly Livingston
- (iii) Scott Mclaughlin
- (iv) Daegan McNeaney
- (v) Lauren Moroz
- (vi) Joanne Fenbow
- (vii) Fred Patterson
- (viii) Vicki Racz
- (ix) Maria Mule

(h) MOTIONS (Item 10)

(i) Urban Hen Backyard Pilot Program (Item 10.1)

WHEREAS, through the COVID-19 pandemic, it will continue to be crucial for cities to enable food resilience and improve access to inexpensive and nutritious foods close to home;

WHEREAS, to reduce negative impacts on the climate, Canadians and Hamiltonians are encouraged to reduce consumption of high carbon & processed foods;

WHEREAS, since 2018, at least 8 other Canadian Cities, many neighbouring Hamilton, have released restrictions on Urban Hens in favour of Urban Hen programs, reporting successes;

WHEREAS, pilots across the country have resulted in best practices which can be adapted to meet the needs of Hamiltonians interested in raising hens and to address public health and safety concerns, including

registration of 4 hens maximum, non-commercial use only, to not be housed in front yards, age of hens, odour and noise assumptions, etc.;

WHEREAS, the most effective way to mitigate negative effects of urban hen-keeping is to regulate it according to best practices in other municipalities;

WHEREAS, ticks and associated illnesses continue to be a major health concern and can be mitigated by keeping hens in urban areas;

WHEREAS, it is suggested that chickens create rich fertilizer which may be composted with yard waste or used to enrich soil;

THEREFORE, BE IT RESOLVED:

- (a) That the appropriate staff be directed to provide the Planning Committee with a Pilot Urban Hens Program report that integrates:
 - (i) A food resilience framework;
 - (ii) A review and analysis of best practices and by-laws from the additional municipalities which have permitted urban hens since the initial report Keeping of Chickens in Urban Areas (PED12247/BOH12039) was considered by Council in 2012;
 - (iii) Regulatory considerations which could permit up to a maximum of 10 hen keepers in each Wards 1, 2 & 3 as urban Wards with a plan for licensing and evaluation that address previously identified issues including, but are not limited to, health, odour, nuisance, etc.; and,
- (b) That fines associated with the current bylaw prohibiting the keeping of urban hens be suspended until this report is received.

The above Motion was DEFEATED.

(i) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7) - Continued

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Official Plan Amendment, applications before the Committee today, the person or public body

is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9) (Item 7.2)

No members of the public were registered as Delegations.

The staff presentation was waived.

Glenn Wellings with Wellings Planning Consultants, was in attendance and indicated support for the staff report, and requested two amendments to the staff report (respecting the removal of a Holding provision and underground parking modifications) which were not considered by the Committee.

The delegation from Glenn Wellings with Wellings Planning Consultants, was received.

The following written submission was received:

1. Tony and Shannon Porcaro (Item 7.2 (a)(i))

The public meeting was closed.

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-011 by Wellings Planning Consultants, Agent, on behalf of Royal Living Developments, Owner, for an amendment to the Rymal Road Secondary Plan to redesignate the lands known as 1912 Rymal Road East from “Low Density Residential 2h” to “Medium Density Residential 2c”, as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-18-029, by Wellings Planning Consultants, Agent, or behalf of Royal Living Developments, Owner, for a change in zoning for the lands known as 1912 Rymal Road

East from the Agricultural “A1” Zone to the Residential Multiple “H-RM4-319” Zone, Modified to permit a five storey, 92 unit multiple dwelling as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding “A” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix “C” to Report PED20164.

The Holding Provision Residential Multiple “H-RM4-319” Zone, Modified applicable to lands shown on Schedule “A” to Appendix “C” to Report PED20164 be removed conditional upon the submission and implementation of a revised Traffic Impact Study to the satisfaction of the Manager of Transportation Planning;

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

The recommendations in Report PED20164 were **amended** by adding the following sub-section (c):

- (c) ***That the public submissions received regarding this matter did not affect the decision.***

For disposition of this matter, refer to Item 6.

- (ii) **Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road East, Glanbrook (PED18077) (Ward 11) (Item 7.3)**

Report PED18077 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road East, Glanbrook, was deferred to the November 17, 2020 Planning Committee meeting.

- (j) **NOTICES OF MOTION (Item 11)**

Councillor Danko relinquished the Chair.

(i) Demolition Permit for 1355, 1359, 1375 Upper James St. and 16, 24, 34, 40, 48 Stone Church Rd. East (Added Item 11.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit for 1355, 1359, 1375 Upper James St. and 16, 24, 34, 40, 48 Stone Church Rd. East.

For disposition of this matter, refer to Item 7.

Councillor Danko resumed the Chair.

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

(i) General Manager's Update (Added Item 13.1)

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee with a general update.

The General Manager's Update, was received.

(l) ADJOURNMENT (Item 14)

There being no further business, the Planning Committee was adjourned at 12:15 p.m.

Councillor J.P. Danko
Acting Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 20-016

9:30 a.m.

Wednesday, October 21, 2020

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

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

Absent: Councillor T. Jackson - Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 20-016, AND RESPECTFULLY RECOMMENDS:

**1. Capital Projects Work-in-Progress Review Sub-Committee Clerk's Report
20-002, September 29, 2020 (Item 6.1)**

That the Capital Projects Work-in-Progress Review Sub-Committee Clerk's Report 20-002, September 29, 2020, be received.

2. Airport Sub-Committee Report 20-002, September 15, 2020 (Item 9.1)

**Tradeport / City Lease Negotiation Status Update (PED19084(c)) (City Wide)
(Item 12.2)**

- (a) That the direction provided to staff in Closed Session, respecting Report PED19084(c) - Tradeport / City Lease Negotiation Status Update, be approved; and,
- (b) That all recommendations, appendices and contents of Report PED19084(c), respecting TradePort / City Lease Negotiation Status Update, remain confidential.

3. Safe Restart Provincial Funding Agreement, Phase 2 (FCS20088) (City Wide) (Item 9.2)

- (a) That staff be authorized and directed to prepare, execute and submit any required documentation to support the City's application for Phase 2 funding under the Safe Restart Agreement;
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute and submit any required documentation to support the City of Hamilton's application for funding under the Safe Restart Agreement; and,
- (c) That staff be directed to report back to the General Issues Committee with details of the City of Hamilton's application for funding under the Safe Restart Agreement, Phase 2 for municipal operating pressures related to COVID-19.

4. Waiver of Park Rental Permit Fees for Winterfest Events on City Owned Property (PED20178) (City Wide) (Item 9.3)

That annual rental permit fees associated with non-profit organizations executing community Winterfest events and activities in City of Hamilton parks, consistent to the parameters of the Recreation Fee Waiver/Reduction Policy, be waived permanently.

5. Advisory Committee for Persons with Disabilities Report 20-004, September 8, 2020 (Item 9.4)

(a) DARTS Eligibility Audit (Item 8.4)

WHEREAS, the City Auditor General was directed to complete an eligibility audit of clients registered for the Disabled and Aged Regional Transportation Service (DARTS) and report back to the Public Works Committee (Item (i)(iii) of Public Works Committee Report 19-016);

THEREFORE, BE IT RESOLVED:

That the Public Works Committee be requested to forward the City Auditor General's report respecting an eligibility audit of clients registered for the Disabled and Aged Regional Transportation Service (DARTS) to the Advisory Committee for Persons with Disabilities for review and comment.

(b) Gage Park Wheelchair Swing Ribbon Cutting Event (Added Item 11.5)

That Aznive Mallett, Chair of the Advisory Committee for Persons with Disabilities, be approved to represent and speak on behalf of the Advisory Committee for Persons with Disabilities at the Gage Park Wheelchair Swing Ribbon Cutting Event on September 19, 2020.

6. LaSalle Park Disposition Review (PED20156) (City Wide) (Item 13.1)

- (a) That Report PED20156, respecting the LaSalle Park Disposition Review, be received; and,
- (b) That Report PED20156, respecting the LaSalle Park Disposition Review, remain confidential.

7. Strategic Property Acquisitions for Public Works Operations (PW20065) (Ward 3) (Item 13.2)

- (a) That an annual net operating allowance of \$150,000 per annum for all costs related to the ongoing facility operations and maintenance of the properties to be acquired, as identified in Appendices “A” and “B” to Report PW20065, be approved upon the acquisition of the properties;
- (b) That staff be authorized and directed to sell surplus City-owned properties at 938-940 and 950 Burlington Street East, with the net proceeds after repayment of the temporary funding, as identified in Appendix “E”, to be directed to the Facilities Reserve #108039 to be used to offset acquisition and renovation costs of the properties to be acquired, as identified in Appendices “A” and “B” to Report PW20065;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to borrow \$1,465,000 from the Unallocated Capital Levy Reserve (#108020), at an annual interest rate of 2.0%, for the purposes of financing the purchase of the property referenced in Appendix “A” to Report PW20065, to be repaid with proceeds from sale of 938-940 Burlington Street, 950 Burlington Street, 125 Barton Street West and 1255 Centre Road;
- (d) That, at the time of the future sale, the net proceeds of the northern portion of 125 Barton Street West (Public Works Yard), after repayment of the temporary funding, as identified in Appendix “E”, be directed to the Facilities Reserve #108039 to be used for the acquisition and renovation costs of the properties to be acquired, as identified in Appendices “A” and “B” to Report PW20065;

- (e) That staff be authorized and directed to sell 1255 Centre Road, Flamborough (Public Works Yard) with the use of the net proceeds of sale, after repayment of the temporary funding, as identified in Appendix “E”, to be directed to the Facilities Reserve #108039 to be used for the acquisition and renovations costs of the properties to be acquired, as identified in Appendices “A” and “B” to Report PW20065;
- (f) That the City Solicitor be authorized and directed to complete any transactions, on behalf of the City, for the acquisition and renovation of the Strategic Property Acquisitions for Public Works Operations, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (g) That the Mayor and City Clerk be authorized and directed to execute all necessary documents for the acquisition and renovation of the Strategic Property Acquisitions for Public Works Operations, in a form satisfactory to the City Solicitor;
- (h) That the direction provided to staff in Closed Session, respecting Report PW20065, Strategic Property Acquisitions for Public Works Operations, be approved; and,
- (i) That Report PW20065, respecting the Strategic Property Acquisitions for Public Works Operations, including Appendices “A” to “F” remain confidential and not be released as a public document until completion of the Real Estate transactions, with the exception of Appendices “E” and “F”, which shall remain confidential.

8. Amending Agreement - 75 Catharine Street South, Hamilton (PED20177) (Ward 2) (Item 13.4)

- (a) That an Amending Agreement, respecting Municipal Real Property Restrictions between the City of Hamilton (the “City”), Catharine Street Holdings Inc. (the “Owner”) and Coletara Development Inc., in trust (the “Purchaser”) for the amendment of certain registered real property restrictions and covenants on lands sold by the City to the Owner on February 5, 2019, municipally located at 75 Catharine Street South, Hamilton, as depicted in Appendix “A” attached to Report PED20177, based substantially on the terms and conditions outlined in Appendix “B” attached to Report PED20177, and on such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department or designate, be approved;

- (b) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City, be authorized and directed to provide any consents, approvals, and renewal notices related to the Amending Agreement, respecting Municipal Real Property Restrictions at 75 Catharine Street South, Hamilton;
- (c) That the City Solicitor be authorized to amend and waive such terms and conditions to the Amending Agreement respecting Municipal Real Property Restrictions for 75 Catharine Street South, Hamilton, as she considers reasonable;
- (d) That any Real Estate and Legal fees that may be recovered through the completion of the Amending Agreement, respecting Municipal Real Property Restrictions for 75 Catharine Street South, Hamilton, be credited to Account No. 45408-812036 (Real Estate – Admin Recovery);
- (e) That the Mayor and Clerk be authorized and directed to execute the Amending Agreement, respecting Municipal Real Property Restrictions for 75 Catharine Street South, Hamilton, or such other forms and all other necessary associated documents, with such documents to be in a form satisfactory to the City Solicitor; and,
- (f) That Report PED20177, Amending Agreement - 75 Catharine Street South, Hamilton, and its appendices remain confidential.

9. Notice of Motion - Potential Opportunity for Economic and Community Development of Waterdown Lands (Item 13.5)

- (a) That the direction provided to staff in Closed Session, respecting the matter of a Potential Opportunity for Economic and Community Development of Waterdown Lands, be approved; and,
- (b) That the Motion respecting the matter of a Potential Opportunity for Economic and Community Development of Waterdown Lands, remain confidential until completion of the real estate transaction.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

4. COMMUNICATIONS

- 4.1 Correspondence from Michael Corsini, respecting Mental Health as it relates to COVID-19

Recommendation: Be received.

5. DELEGATION REQUESTS

- 5.1 David Carter, of the Innovation Factory, respecting the Innovation Factory's Funding Request (For the November 18, 2020 GIC)
- 5.2 Bryan Crawford, Tournament Director and Garrett Ball, Chief Financial Officer, RBC Canadian Open, Golf Canada, respecting the 2019 RBC Canadian Open (For the November 18, 2020 GIC)
- 5.3 Cullen McDonald respecting the Benefits and Risks of Face Masks and the Mandatory Face Mask By-law (For the November 4, 2020 GIC)

9. DISCUSSION ITEMS

- 9.4 Advisory Committee for Persons with Disabilities Report 20-004, September 8, 2020

13. PRIVATE AND CONFIDENTIAL

- 13.3 Background Information for Item 9.1 - Airport Sub-Committee Report 20-002
- 13.4 Amending Agreement - 75 Catharine Street South, Hamilton (PED20177) (Ward 2)
- 13.5 Notice of Motion - Potential Opportunity for Economic and Community Development of Waterdown Lands

The agenda for the October 21, 2020 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) October 7, 2020 (Item 3.1)

The Minutes of the October 7, 2020 General Issues Committee meeting were approved, as presented.

(d) COMMUNICATIONS (Item 4)

(i) Correspondence from Michael Corsini, respecting Mental Health as it relates to COVID-19 (Item 4.1)

The correspondence from Michael Corsini, respecting Mental Health as it relates to COVID-19, was received.

(e) DELEGATION REQUESTS (Item 5)

The following delegation requests were approved:

- (i) David Carter, of the Innovation Factory, respecting the Innovation Factory's Funding Request (For the November 18, 2020 GIC) (Item 5.1)
- (ii) Bryan Crawford, Tournament Director and Garrett Ball, Chief Financial Officer, RBC Canadian Open, Golf Canada, respecting the 2019 RBC Canadian Open (For the November 18, 2020 GIC) (Item 5.2)
- (iii) Cullen McDonald respecting the Benefits and Risks of Face Masks and the Mandatory Face Mask By-law (For the November 4, 2020 GIC) (Item 5.3)

(f) STAFF PRESENTATIONS (Item 8)

(i) COVID-19 Verbal Update (Item 8.1)

Paul Johnson, General Manager of Healthy and Safe Communities; and, Dr. Elizabeth Richardson, Medical Officer of Health, addressed Committee and provided a verbal update respecting COVID-19.

The verbal update respecting COVID-19 was received.

(g) PRIVATE & CONFIDENTIAL (Item 13)

Committee moved into Closed Session respecting Items 13.1, 13.2, 13.4 and 13.5, pursuant to Section 8.1, Sub-sections (c) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (c) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land by the municipality or local board; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(i) Background Information for Item 9.1 - Airport Sub-Committee Report 20-002 (Item 13.3)

This information was provided as background information only.

For disposition of this matter, please refer to Item 2.

(h) ADJOURNMENT (Item 14)

There being no further business, the General Issues Committee adjourned at 3:34 p.m.

Respectfully submitted,

Deputy Mayor Lloyd Ferguson
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



HAMILTON RENEWABLE POWER INC. SHAREHOLDER REPORT 20-001

3:56 p.m.

October 21, 2020

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

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

Absent: Councillor T. Jackson, T. Whitehead – Personal
Councillor A. VanderBeek, B. Johnson – Other City Business

THE HAMILTON RENEWABLE POWER INC. SHAREHOLDER PRESENTS REPORT 20-001 AND RESPECTFULLY RECOMMENDS:

1. **Consolidated Financial Statement of the Corporation for the year ended December 31, 2019; 2020 Budget of the Corporation; September 17, 2020 Board of Directors Resolution; and, Appointment of Auditors (Item 5.1)**
 - (a) That the audited Consolidated Financial Statements of the Corporation for the year ended December 31, 2019, as approved by the Board of Directors of the Corporation, be received;
 - (b) That the 2020 budget of the Corporation, be received;
 - (c) That the September 17, 2020 Board of Director's Resolution, be received;
 - (d) That KPMG LLP, Chartered Accountants, be appointed auditors of the Corporation for the fiscal year 2020 at a remuneration to be settled by the President of the Corporation; and,
 - (e) That all by-laws, resolutions, contracts, acts, and proceedings of the Board of Directors, Sole Shareholder and Officers of the Corporation enacted, passed, made, done or taken since the last meeting of the Sole Shareholder as the same are set forth or referred to in the minutes of the Corporation or in the financial statements submitted to the Sole

Shareholder of the Corporation are hereby approved, ratified, sanctioned and confirmed.

FOR THE INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

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

The agenda for the October 21, 2020 Hamilton Renewable Power Inc. Shareholder Annual General Meeting was approved.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) October 2, 2019 (Item 3.1)

The October 2, 2019 Minutes of the Hamilton Renewable Power Inc. Shareholder Annual General Meeting were approved, as presented.

(e) ADJOURNMENT (Item 6)

There being no further business, the Hamilton Renewable Power Inc. Shareholder Annual General Meeting adjourned at 4:01 p.m.

Respectfully submitted,

Deputy Mayor Lloyd Ferguson
Chair, HRPI Shareholder

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 20-009

**9:30 a.m.
October 22, 2020
Council Chambers
Hamilton City Hall**

Present: Councillors M. Wilson (Chair), C. Collins, L. Ferguson, J. Partridge, M. Pearson, and A. VanderBeek

Absent: Councillors B. Johnson, B. Clark – City Business

THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 20-009 AND RESPECTFULLY RECOMMENDS:

1. Upgrade of 911 System to the Next Generation 9-1-1 (NG9-1-1) Messaging Services Delivery (FCS20082 / HSC20045) (City Wide) (Item 6.1)

That Report FCS20082 / HSC20045 respecting an Upgrade of 911 System to the Next Generation 9-1-1 (NG9-1-1) Messaging Services Delivery, be received.

2. Fair Wage Policy and Fair Wage Schedule Complaints Annual Report (FCS20084) (City Wide) (Item 6.2)

That Report FCS20084 respecting the Fair Wage Policy and Fair Wage Schedule Complaints Annual Report, be received.

3. Fraud and Waste Annual Report (AUD20007) (City Wide) (Item 8.1)

That Report AUD20007 respecting the Fraud and Waste Annual Report, be received.

4. 2019 Reserve Report (FCS20068) (City Wide) (Item 9.1)

- (a) That the 2019 Reserve Report and the 2019 Reserves Detail Report, with 2018 Comparative figures and 2020-2022 Projections, attached as Appendix "A" to Report FCS20068, be received; and,
- (b) That COVID-19 Reserve #108006 be established with previously approved initial funding of \$1,144,000.

5. Governance Review Sub-Committee Report 20-002 – October 13, 2020 (Item 9.2)

(a) 2022 Council and Committee Calendar (Item 10 .1) (Attached as Appendix “A” to Audit, Finance and Administration Committee Report 20-009)

That the 2022 Council and Committee Calendar be approved, as presented.

(b) Recording of Closed Session Meetings (FCS20090 / LS20027) (City Wide) (Item 10.2)

That Report FCS20090 / LS20027, respecting Recording of Closed Session Meetings, be received.

6. Advisory Committee for Immigrants and Refugees Membership (Item 10.1)

WHEREAS, the Advisory Committee for Immigrants and Refugees received resignations from Waleed Aslam and Anjum Chauhan on March 6, 2020;

THEREFORE BE IT RESOLVED:

- (a) That the resignations from Waleed Aslam and Anjum Chauhan from the Advisory Committee for Immigrants and Refugees, be received; and,
- (b) That the membership number of the Advisory Committee for Immigrants and Refugees be adjusted accordingly in order to obtain quorum.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

4. COMMUNICATIONS

4.1 Correspondence from June Roberts, respecting an Extension of Benefits for City of Hamilton Retirees who turn 65 in 2021.

4.1(a) Additional Correspondence from June Roberts, respecting an Extension of Benefits for City of Hamilton Retirees who turn 65 in 2021.

5. DELEGATION REQUESTS

5.1 Kenneth Ukrainec, on behalf of Network Sewer and Watermain Ltd., respecting the Fair Wage Policy and Fair Wage Schedule Complaints Annual Report (FCS20084) (For today's meeting)

5.2 Jason Snyder, GardaWorld, respecting the City's decision to exclude Garda Canada Security Corp from being able to bid on work for the City (For today's meeting)

5.2(a) Staff Supporting Documentation regarding Jason Snyder, GardaWorld, respecting the City's decision to exclude Garda Canada Security Corp from being able to bid on work for the City

7. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS

7.1(a) Staff Supporting Documentation respecting Kevin Rachman, SmartCentres REIT, respecting an Extension to Development Charges Credit

The agenda for the October 22, 2020 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) October 8, 2020 (Item 3.1)

The Minutes of the October 8, 2020 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) COMMUNICATIONS (Item 4)

The following Communication Items, were received:

(i) Correspondence from June Roberts, respecting an Extension of Benefits for City of Hamilton Retirees who turn 65 in 2021 (Added Item 4.1 & 4.1(a))

(e) DELEGATION REQUESTS (Item 5)

(i) Kenneth Ukraineec, on behalf of Network Sewer and Watermain Ltd., respecting the Fair Wage Policy and Fair Wage Schedule Complaints Annual Report (FCS20084) (Added Item 5.1)

The Delegation Request from Kenneth Ukraineec, on behalf of Network Sewer and Watermain Ltd., respecting the Fair Wage Policy and Fair Wage Schedule Complaints Annual Report (FCS20084), was approved for today's meeting.

- (ii) **Jason Snyder, GardaWorld, respecting the City's decision to exclude Garda Canada Security Corp from being able to bid on work for the City (Added Item 5.2)**

The Delegation Request from Jason Snyder, GardaWorld, respecting the City's decision to exclude Garda Canada Security Corp from being able to bid on work for the City, was approved for today's meeting.

(f) **PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)**

- (i) **Kevin Rachman, SmartCentres REIT, respecting an Extension to Development Charges Credit (approved October 8, 2020) (Item 7.1)**

Kevin Rachman, SmartCentres REIT, addressed the Committee respecting an Extension to a Development Charges Credit, with the aid of a PowerPoint presentation.

The delegation from Kevin Rachman, SmartCentres REIT, respecting an Extension to a Development Charges Credit, was received.

- (ii) **Staff Supporting Documentation regarding Kevin Rachman, SmartCentres REIT, respecting an Extension to Development Charges Credit (Added Item 7.1(a))**

The Staff Supporting Documentation regarding Kevin Rachman, SmartCentres REIT, respecting an Extension to a Development Charges Credit, was referred back to staff to investigate further and report back to the Audit, Finance and Administration Committee.

- (iii) **Kenneth Ukrainec, on behalf of Network Sewer and Watermain Ltd., respecting the Fair Wage Policy and Fair Wage Schedule Complaints Annual Report (FCS20084) (Added Item 7.2)**

Kenneth Ukrainec, on behalf of Network Sewer and Watermain Ltd., addressed the Committee respecting the Fair Wage Policy and Fair Wage Schedule Complaints Annual Report.

The delegation from Kenneth Ukrainec, on behalf of Network Sewer and Watermain Ltd., respecting the Fair Wage Policy and Fair Wage Schedule Complaints Annual Report, was received.

That Procurement staff be directed to investigate whether the Audit Fee to be charged to Network Sewer and Watermain Ltd., is reasonable and report back to the Audit, Finance and Administration Committee.

(iv) Jason Snyder, GardaWorld, respecting the City's decision to exclude Garda Canada Security Corp from being able to bid on work for the City (Added Item 7.3)

Jason Snyder, GardaWorld, addressed the Committee respecting the City's decision to exclude Garda Canada Security Corp from being able to bid on work for the City.

The delegation from Jason Snyder, GardaWorld, respecting the City's decision to exclude Garda Canada Security Corp from being able to bid on work for the City, was received.

(g) STAFF PRESENTATIONS (Item 8)

(i) Fraud and Waste Annual Report (AUD20007) (City Wide)

Charles Brown, City Auditor, addressed the Committee respecting the Fraud and Waste Annual Report (AUD20007), with the aid of a presentation.

The staff presentation respecting the Fraud and Waste Annual Report (AUD20007), was received.

(h) MOTIONS (Item 10)

Councillor Wilson relinquished the Chair to Councillor Collins to introduce her motion respecting the Advisory Committee for Immigrants and Refugees Membership.

Councillor Wilson resumed the Chair.

(i) PRIVATE AND CONFIDENTIAL (Item 13)

The Committee moved into Closed Session respecting Items 5.2 and 5.2(a), pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(j) DELEGATION REQUESTS (Item 5) (Continued)

(i) Staff Supporting Documentation regarding Jason Snyder, GardaWorld, respecting the City's decision to exclude Garda Canada Security Corp from being able to bid on work for the City (Added Item 5.2(a))

The Staff Supporting Documentation regarding Jason Snyder, GardaWorld, respecting the City's decision to exclude Garda Canada Security Corp from being able to bid on work for the City, was received.

(k) ADJOURNMENT (Item 14)

There being no further business, the Audit, Finance and Administration Committee, adjourned at 11:52 a.m.

Respectfully submitted,

Councillor Wilson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

January 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 NEW YEAR'S DAY
2	3 CLOSED IN LIEU OF NEW YEARS DAY	4	5	6	7	8
NO MEETINGS – PLEASE DO NOT USE						
9	10 BoH – 9:30 a.m. PW – 1:30 p.m.	11 Planning – 9:30 a.m.	12 GIC – 9:30 a.m.	13 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	14	15
16	17	18	19 9:30 a.m. COUNCIL	20	21	22
23	24	25	26	27	28	29
30	31					

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

February 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Planning – 9:30 a.m.	2 GIC – 9:30 a.m.	3 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	4	5
6	7	8	9 9:30 a.m. COUNCIL	10	11	12
13	14 BoH – 9:30 a.m. PW – 1:30 p.m.	15 Planning – 9:30 a.m.	16 GIC – 9:30 a.m.	17 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If required	18	19
20	21 FAMILY DAY	22	23 9:30 a.m. COUNCIL	24	25	26
27	28					

GIC = General Issues Committee AF&A = Audit, Finance & Administration
PW = Public Works Committee E&CS = Emergency & Community Services
Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

March 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
NO MEETINGS – PLEASE DO NOT USE						
13	14	15	16	17	18	19
MARCH BREAK MARCH BREAK MARCH BREAK						
20	21	22	23	24	25	26
	PW – 1:30 p.m.	Planning – 9:30 a.m.	GIC – 9:30 a.m.	AF&A – 9:30 a.m. E&CS – 1:30 p.m.		
27	28	29	30	31		
			9:30 a.m. COUNCIL			

GIC = General Issues Committee AF&A = Audit, Finance & Administration
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 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

April 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 BoH – 9:30 a.m. PW – 1:30 p.m.	5 Planning – 9:30 a.m.	6 GIC – 9:30 a.m.	7 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	8	9
10	11	12	13 9:30 a.m. COUNCIL	14	15 GOOD FRIDAY	16
17	18 EASTER MONDAY	19 Planning – 9:30 a.m.	20 GIC – 9:30 a.m.	21 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If required	22 PW – 1:30 p.m.	23
24	25	26	27 9:30 a.m. COUNCIL	28	29	30

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

May 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 BoH – 9:30 a.m. PW – 1:30 p.m.	3 Planning – 9:30 a.m.	4 GIC – 9:30 a.m.	5 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If required	6	7
8	9	10	11 9:30 a.m. COUNCIL	12	13	14
15	16 PW – 1:30 p.m.	17 Planning – 9:30 a.m.	18 GIC – 9:30 a.m.	19 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If required	20	21
22	23 VICTORIA DAY	24	25 9:30 a.m. COUNCIL	26	27	28
26	30 PW – 1:30 p.m.	31 Planning – 9:30 a.m.				

GIC = General Issues Committee AF&A = Audit, Finance & Administration
PW = Public Works Committee E&CS = Emergency & Community Services
Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

June 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 GIC – 9:30 a.m.	2 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	3	4
5	6	7	8 9:30 a.m. COUNCIL	9	10	11
12	13 BoH – 9:30 a.m. PW – 1:30 p.m.	14 Planning – 9:30 a.m.	15 GIC – 9:30 a.m.	16 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If required	17	18
19	20	21	22 9:30 a.m. COUNCIL	23	24	25
26	27	28	29	30		

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

July 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 CANADA DAY	2
3	4 GIC – 9:30 a.m.	5 Planning – 9:30 a.m.	6 BoH – 9:30 a.m. PW – 1:30 p.m.	7 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	8 9:30 a.m. COUNCIL	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

GIC = General Issues Committee AF&A = Audit, Finance & Administration
PW = Public Works Committee E&CS = Emergency & Community Services
Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

August 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 CIVIC HOLIDAY	2	3	4	5	6
7	8 GIC – 9:30 a.m.	9 Planning – 9:30 a.m.	10 BoH – 9:30 a.m. PW – 1:30 p.m.	11 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	12 9:30 a.m. COUNCIL	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

September 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 LABOUR DAY	6 Planning – 9:30 a.m.	7 GIC – 9:30 a.m.	8 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	9 PW – 1:30 p.m.	10
11	12	13	14 9:30 a.m. COUNCIL	15	16	17
18	19 BoH – 9:30 a.m. PW – 1:30 p.m.	20 Planning – 9:30 a.m.	21 GIC – 9:30 a.m.	22 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If Required	23	24
25	26	27	28 9:30 a.m. COUNCIL	29	30	

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor unless otherwise noted.

October 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10 THANKSGIVING	11	12	13	14	15
16	17	18	19	20	21	22
23	24 MUNICIPAL ELECTION 	25	26	27	28	29
30	31					

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

November 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 HOLD DATES FOR COUNCIL ORIENTATION	3	4	5
6	7	8	9	10	11	12
13	14 End of 2018-2022 Term of Office	15 ARRANGE OFFICES, E- MAILS, ETC. FOR COUNCILLORS	16 9:30 a.m. INAUGURAL COUNCIL	17	18	19
20	21	22	23	24	25	26
27	28 BoH – 9:30 a.m. PW – 1:30 p.m.	29 Planning – 9:30 a.m.	30 GIC – 9:30 a.m.			

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor unless otherwise noted.

December 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	2	3
4	5	6	7 9:30 a.m. COUNCIL	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24 CHRISTMAS EVE
25 CHRISTMAS DAY	26 BOXING DAY	27 CLOSED IN LEIU OF CHRISTMAS DAY	28 SHUTDOWN	29 SHUTDOWN	30 SHUTDOWN	31 NEW YEARS EVE!

GIC = General Issues Committee AF&A = Audit, Finance & Administration
PW = Public Works Committee E&CS = Emergency & Community Services
Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor unless otherwise noted.



**CITYHOUSING HAMILTON CORPORATION
SHAREHOLDER MEETING
REPORT 20-001**

**Immediately following the CityHousing Hamilton Board of Directors
Meeting**

Tuesday, October 27, 2020

Council Chambers

Hamilton City Hall, 71 Main Street West

Present:	Mayor Eisenberger (Chair) Councillors B. Clark, C. Collins, J.P. Danko, J. Farr, T. Jackson, B. Johnson, S. Merulla, N. Nann, J. Partridge, M. Pearson, M. Wilson,
Absent	Councillor E. Pauls, A. VanderBeek T. Whitehead – Personal; Councillor L. Ferguson - City Business

**THE CITYHOUSING HAMILTON CORPORATION SHAREHOLDER PRESENTS
REPORT 20-001, AND RESPECTFULLY RECOMMENDS:**

1. **Shareholder Resolutions, Financial Statements and Auditor's Report, and Audit Appointment (Item 6.1)**
 - (a) **Notice**
That, in accordance with the provisions of the OBCA, the Sole Voting Member hereby waives any notice requirement for the manner or time of notice required to be given under any provision of any Act, any regulations thereunder, the articles, the by-laws or otherwise and such waiver shall cure any default in the manner or time of such notice, as the case may be.
 - (b) **Financial Statements and Auditor's Report**
That the financial statements of the Corporation for the fiscal year ended December 31, 2019 together with the auditor's report, if applicable, be and the same are hereby received and approved.
 - (c) **Audit Appointment**
That the undersigned, being the Sole Voting Member, hereby authorizes the Directors of the Corporation to appoint an auditor of the Corporation to hold office until the next following annual meeting at such remuneration as may be fixed by the Directors and the Directors are hereby authorized to fix such remuneration.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

That the agenda for the October 27, 2020 meeting of the CityHousing Hamilton Corporation Shareholder be approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) August 14, 2019 (Item 3.1)

That the Minutes of the June 25, 2019 meeting be approved, as presented.

(d) PRESENTATIONS (Item 5)

(i) 2019 Annual Report (Item 5.1)

Tom Hunter, CEO of CityHousing Hamilton, addressed the Shareholder, with the aid of a PowerPoint Presentation.

That the presentation from Tom Hunter, CEO of CityHousing Hamilton, respecting the 2018 CityHousing Hamilton Corporation Annual Report, be received.

That the 2019 CityHousing Hamilton Corporation Annual Report, be received.

(e) ADJOURNMENT (Item 11)

That there being no further business the CityHousing Hamilton Corporation Shareholder meeting be adjourned at 1:31 p.m.

Respectfully submitted,

Mayor F. Eisenberger
Chair, CityHousing Hamilton
Corporation Shareholder

Tamara Bates
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON MOTION

Council: October 28, 2020

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR

Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

That the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and reads as follows, be reconsidered:

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct as per Item 4.8, respecting the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that Cameron Kroetsch be and is hereby formally reprimanded as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

CITY OF HAMILTON

MOTION

Council: October 28, 2020

MOVED BY COUNCILLOR M. PEARSON.....

SECONDED BY COUNCILLOR.....

Amendment to Item 7.6 of Council Minutes 18-018, respecting the Hamilton Municipal Heritage Committee Report 18-009, the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the Ontario Heritage Act (PED18214) (Ward 8)

WHEREAS, staff have advised that recommendation (b) to item (g)(i) of the Hamilton Municipal Heritage Committee Minutes 18-009, respecting Recommendation to Designate the Property located at Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the Ontario Heritage Act (PED18214) (Ward 8), states that if the Cross of Lorraine is determined to be situated on private property, it should be removed from the Statement of Cultural Heritage Value of Interest, attached as Appendix "C" to Report PED18214 respecting the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the Ontario Heritage Act;

WHEREAS, upon review of the video of the September 13, 2018, Hamilton Municipal Heritage Committee meeting and follow-up conformation with the Hamilton Municipal Heritage Committee, staff have advised that recommendation (b) to item (g)(i) does not accurately reflect the intentions of the Hamilton Municipal Heritage Committee regarding the inclusion of the Cross of Lorraine in the Statement of Cultural Heritage Value of Interest for 828 Sanatorium Road;

WHEREAS, staff have advised the intent of the Hamilton Municipal Heritage Committee was for the Cross of Lorraine to remain in the Statement of Cultural Heritage Value of Interest for 828 Sanatorium Road if the Cross was found to be located within the boundary of the lands located at 828 Sanatorium Road, privately owned property, and not on escarpment lands, meaning the City owned property located north of the subject property;

THEREFORE BE IT RESOLVED:

- (i) That sub-section (b) to item (g)(i) of the Hamilton Municipal Heritage Committee Minutes 18-009, respecting Report PED18214, Recommendation to Designate the Property located at Sanatorium Road, Hamilton (Long and Bisby Building)

Under Part IV of the Ontario Heritage Act, which was received by Council on September 26, 2018, be **amended** by deleting the words 'private property' and replacing the words with '**lands owned publicly by the City of Hamilton**', as follows:

- (a) That staff be directed to determine if the Cross of Lorraine is situated on private property or escarpment lands, with a report back to the Hamilton Municipal Heritage Committee; and
 - (b) If the Cross of Lorraine is determined to be situated on ~~private property~~ **lands owned publicly by the City of Hamilton**, it should be removed from the Statement of Cultural Heritage Value of Interest, attached as Appendix "C" to Report PED18214 respecting the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the Ontario Heritage Act.
- (ii) That Item 7.6, 1 (b) of Council Minutes 18-018, respecting the Hamilton Municipal Heritage Committee Report 18-009, the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the Ontario Heritage Act (PED18214) (Ward 8), be amended to read as follows:

7.6 Hamilton Municipal Heritage Committee Report 18-009 (Referred from Planning Committee September 18, 2018 to Council)

- 1. **Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214) (Ward 8) (Item 7.1)**
 - (a) That Item 7.6, respecting the Hamilton Municipal Heritage Committee Report 18-009, Item 1, be referred to the December 11, 2018 Planning Committee meeting, with the letter from the Developer, to allow staff to prepare an updated Statement of Cultural Heritage Value or Interest;
 - (b) That the Information Section of the Hamilton Municipal Heritage Committee Report 18-009, be received **as amended**; and,
 - (c) That it be recognized that the Developer has withdrawn his demolition permit.

CITY OF HAMILTON MOTION

Council: October 28, 2020

MOVED BY COUNCILLOR J.P. DANKO.....

SECONDED BY COUNCILLOR

Protection of Century Manor

WHEREAS, Century Manor is contextually, historically, and architecturally significant as it is rooted in the development of institutionalized mental healthcare in Hamilton in the late 19th century, and is a rare example of a special-purpose building designed to house patients receiving mental health care, and is the only surviving building of its kind in Hamilton and one of the few still standing in the Province;

WHEREAS, there have been recent break-ins and vandalism at Century Manor which not only poses a significant threat to this important building, but also poses a threat to the health and safety of the public;

WHEREAS, the City of Hamilton’s Property Standards By-law (10-221) requires owners of vacant buildings to secure and protect buildings against the unauthorized entry of persons by closing and securing openings to the building;

WHEREAS, while Century Manor is Provincially owned, the City of Hamilton wants to ensure that all appropriate security measures are being taken to protect this historical heritage asset;

THEREFORE, BE IT RESOLVED:

That City staff communicate with the Provinces Regional Facility Manager to request that the Province prepare a plan to better secure Century Manor and that the plan, in addition to the measures already in place, also include the following:

- (a) Metal sheathing covering all the lower doors and windows with distorted screw heads which is consistent with the City of Hamilton Property Standards Bylaw;
- (b) Motion sensors on exteriors;
- (c) Security cameras monitored by facility management; and,
- (d) A regular method of contact between the Regional Facility Manager and the City of Hamilton’s Municipal Law Enforcement and Development Planning, Heritage & Design staff to ensure the security and status of the building.

CITY OF HAMILTON

MOTION

Council: October 28, 2020

MOVED BY COUNCILLOR M. PEARSON.....

SECONDED BY MAYOR / COUNCILLOR.....

Amendment to Sub-Sections (c), (d) and (i) of Item 5.4(e) of Council Minutes 20-010, May 13, 2020, respecting Report LS20010 – 2020 Property and Liability Insurance Renewal Report

- (a) That sub-section (c) to Item 5.4(e) of the May 13, 2020 Council agenda, being Report LS20010 – 2020 Property and Liability Insurance Renewal Report, which was approved by Council at its meeting of May 13, 2020, be amended by deleting the words “referred to” and replacing them with the words “***be included in***”, to read as follows:
- (c) That, to realize of a 7.5% discount, the primary layer of liability coverage for the term January 1, 2021, to January 1, 2022, be continued through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$2,173,750 (net of taxes) and ~~referred to~~ ***be included in*** the 2021 RMS Budget;
- (b) That sub-section (d) to Item 5.4(e) of the May 13, 2020 Council agenda, being Report LS20010 – 2020 Property and Liability Insurance Renewal Report, which was approved by Council at its meeting of May 13, 2020, be amended by adding the words “***which is included in the amount of \$7,748,615 in sub-section (b) above***”; and, by deleting the words “referred to” and replacing them with the words “***included in***”, to read as follows:
- (d) That, to mitigate market volatility, the second layer of liability coverage for the term January 1, 2021, to January 1, 2022 be continued through Arthur J; Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$950,000 (net of taxes, ***which is included in the amount of \$7,748,615 in sub-section (b) above***) and be ~~referred to~~ ***included in*** the 2021 RMS Budget;

- (c) That sub-section (i) to Item 5.4(e) of the May 13, 2020 Council agenda, being Report LS20010 – 2020 Property and Liability Insurance Renewal Report, which was approved by Council at its meeting of May 13, 2020, be amended by deleting the letters “RMS” and replacing them with the words “**Risk Management Services**”; and, by deleting the word “Council” and replacing it with the words “**General Issues Committee**”, to read as follows:
- (i) That RMS **Risk Management Services** report back to Council **the General Issues Committee** with a work plan for expanding enterprise risk management.

The Main Motion, as amended, to read as follows:

5.4 (e) 2020 Property and Liability Insurance Renewal Report (LS20010) (City Wide)

- (a) That the Liability and Property Insurance coverage for the term January 1, 2020, to January 1, 2021, be renewed through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$7,748,615 (net of taxes) and be funded through the 2020 Risk Management Services (RMS) Budget of \$6,600,074, \$1,033,690 from the Tax Stabilization Reserve (110046) and \$114,850 from the Waterworks Capital Reserve (108015), in accordance with Appendix “A”, attached to Report LS20010;
- (b) That the 2021 Risk Management Property and Liability budget be adjusted to \$7,748,615 and that the 2021 departmental and appropriate Boards and Agencies budgets be adjusted accordingly;
- (c) That, to realize of a 7.5% discount, the primary layer of liability coverage for the term January 1, 2021, to January 1, 2022, be continued through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$2,173,750 (net of taxes) and referred to **included in** the 2021 RMS Budget;
- (d) That, to mitigate market volatility, the second layer of liability coverage for the term January 1, 2021, to January 1, 2022 be continued through Arthur J; Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$950,000 (net of taxes, **which is included in the amount of \$7,748,615 in sub-section (b) above**) and be referred to **included in** the 2021 RMS Budget;

- (e) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewals of the Liability and Property Insurance coverage for the terms January 1, 2020, to December 31, 2020, and January 1, 2021 to December 31, 2021, through Marsh Canada Ltd., on behalf of the City of Hamilton;
- (f) That four (4) permanent FTE be added to the Legal Services and Risk Management complement, namely a litigation solicitor, law clerk and two administrative assistants, and that the annual compensation costs totalling \$393,000 be cost recovered from City Departments and appropriate Boards and Agencies in 2021 and;
- (g) That the one-time costs of \$20,000 related to equipment and materials in support of the additional complement be funded from the Unallocated Capital Reserve (108020).
- (h) That staff be directed to assess insurance options and litigation staffing prior to August 2021 in order to consider possible insurance options for the City, and adequacy of staffing for in-house litigation for 2022; and
- (i) That ~~RMS~~ **Risk Management Services** report back to Council ~~the~~ **General Issues Committee** with a work plan for expanding enterprise risk management.

Authority: Item 7, Public Works Committee
Report 20-009
CM: October 28, 2020
Ward: City Wide
Bill No.

CITY OF HAMILTON

BY-LAW NO. 20-

**A By-law to Amend By-law No. 12-031, a By-law for
Responsible Animal Ownership**

WHEREAS Council enacted a by-law for responsible animal ownership being City of Hamilton By-law 12-031;

AND WHEREAS Council considers it desirable to amend By-law 12-031 to add an additional Leash Free Park under subsection 7.4(a) of By-law 12-031;

NOW THEREFORE the Council of the City enacts as follows:

1. Subsection 7.4(a) of By-law 12-031 is amended by adding the following to the list of Leash Free Dog Parks:

Joe Sams Leisure Park (752 Centre Road, Waterdown), as shown in Schedule 1.

2. Appendix 2 of By-law 12-031 is amended by adding Schedule 1 as Map E.
3. That in all other respects, By-law 12-031 is confirmed; and
4. That the provisions of this by-law shall become effective on the date passed by Council.

PASSED this 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 3, Public Works Committee
Report 20-002 (PW20007)
CM: February 12, 2020
Ward: 10

Bill No. 220

CITY OF HAMILTON

BY-LAW NO. 20-

Being a By-law to Permanently Close a Portion of Road Allowance Abutting 1479 Baseline Road, Stoney Creek, being Part of the Unopened Road Allowance between the Townships of Saltfleet and North Grimsby (Closed by By-Law CD416970), lying North of Baseline Road, Stoney Creek, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-5036, being All of PIN 17370-0062(LT), City of Hamilton

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

WHEREAS Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

AND WHEREAS at its meeting of February 12, 2020, Council approved Item 3 of Public Works Committee Report 20-002, and authorized the City to permanently close and sell a portion of Road Allowance Abutting 1479 Baseline Road, Stoney Creek being Part of the Unopened Road Allowance between the Townships of Saltfleet and North Grimsby (Closed by By-Law CD416970), lying North of Baseline Road, Stoney Creek, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-5036, being All of PIN 17370-0062(LT), City of Hamilton;

AND WHEREAS notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

Being a By-law to Permanently Close a Portion of Road Allowance Abutting 1479 Baseline Road, Stoney Creek, being Part of the Unopened Road Allowance between the Townships of Saltfleet and North Grimsby (Closed by By-Law CD416970), lying North of Baseline Road, Stoney Creek, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-5036, being All of PIN 17370-0062(LT), City of Hamilton

Page 2 of 2

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

1. That the portion of the Road Allowance, set out as:

Part of the Unopened Road Allowance between the Townships of Saltfleet and North Grimsby (Closed by By-Law CD416970), lying North of Baseline Road, Stoney Creek, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-5036, being All of PIN 17370-0062(LT), City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-5036, hereby permanently closed, be sold to Hamilton Region Conservation Authority for the sum of One Thousand, Five Hundred and Two Dollars (\$1,502.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED this 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 4, Public Works Committee
Report 20-010 (PW20066)
CM: October 28, 2020
Ward: City Wide
Bill No. 221

CITY OF HAMILTON
BY-LAW NO. 20-

**To Repeal and Replace By-law No. 09-067, as amended, being a By-law to Provide
for and Regulate a Waste Management System for the City of Hamilton**

WHEREAS Sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25 (the "*Municipal Act, 2001*") authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 4, 5, 6 and 7 of subsection 10(2) authorize by-laws respecting public assets of the municipality, the economic social and environmental well-being of the municipality, the health, safety and well-being of persons and the provision of any service or thing that it considers necessary or desirable for the public;

AND WHEREAS the waste management system approved by the Council of the City of Hamilton includes the regulation and provision for the diversion, collection, processing and disposal of acceptable waste originating within the City of Hamilton;

AND WHEREAS Section 425 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws providing that a person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001* further authorizes the City of Hamilton, amongst other things, to delegate its authority and to impose fees or charges on person for services or activities provided or done by or on behalf of it;

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

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PART 1.0 SHORT TITLE

1.1 The short title of this By-law is the Solid Waste Management By-law and shall be referred to herein as “this By-law”.

PART 2.0 INTERPRETATIONS

2.1 In this By-law,

- a) “**acceptable materials**” includes those waste items or material referred to as acceptable materials in Schedule “C” to this By-law;
- b) “**acceptable waste**” includes garbage, recyclable containers material, recyclable fibres material, organic materials, yard waste, and Christmas trees, provided that it is free from contamination and otherwise compliant with this By-law;
- c) “**Agreement for On-Site Collection of Municipal Solid Waste**” means an agreement, in a form set out in Schedule “F”, between the City and any person within the City for the collection of waste on private property, and may be amended by the General Manager, with approval as to form by the City Solicitor, from time to time;
- d) “**bulk item**” means a household waste item that is too large or heavy for regular collection services, and which is not recyclable materials, organic materials, yard waste or prohibited collection waste;
- e) “**Certificate of Approval**” means an “environmental compliance approval” under the *Environmental Protection Act*, R.S.O. 1990, C. E. 19, as may be amended, restated, superseded or replaced from time to time;
- f) “**Christmas tree**” means a natural (as opposed to artificial) evergreen tree;

- g) “**City**” means the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires;
- h) “**City Solicitor**” means the City Solicitor for the City or designate;
- i) “**commercial property**” means a property used mainly for commercial purposes, excluding commercial properties with four or more floors and/or shopping centres, but, notwithstanding the foregoing, shall include places of worship but only to the extent such place of worship is being used by a religious organization for public worship or another ecclesiastical function, but, for clarity, does not include any ancillary uses, such as a day nursery or educational or recreational uses;
- j) “**contamination**” means the mixing of a material or item referred to in the list below with a different material or item referred to in the list below:
 - i. garbage;
 - ii. recyclable containers material;
 - iii. recyclable fibres material;
 - iv. organic materials;
 - v. yard waste;
 - vi. prohibited collection waste;
- k) “**Council**” means the Council for the City of Hamilton;
- l) “**curbside collection services**” means waste collection services where waste is set-out for collection at the edge of the travelled portion of the street abutting the property receiving waste collection services;
- m) “**dwelling unit**” means a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway.
- n) “**eligible property**” means a property that is eligible for waste collection services pursuant to Section 3.6 of this By-law;
- o) “**enhanced collection area**” means a downtown core area or Business Improvement Area that is designated by the General Manager to receive more frequent scheduled collection days than the property would otherwise receive,

as set out in Schedule “E”, except and provided that an enhanced collection area may only be located within a community improvement project area;

- p) “**front-end collection services**” means waste collection services where waste is collected in a front-end container from a location on the property;
- q) “**front-end container**” means a metal or plastic container with a secured lid that is collected by a front-end collection vehicle;
- r) “**garbage**” means waste other than recyclable materials, organic materials, yard waste, bulk items, and prohibited collection waste;
- s) “**garbage tag**” means a specially marked tag distributed by the City for owners to set out excess garbage for collection, available in accordance with policies set by the General Manager from time to time;
- t) “**General Manager**” means the General Manager of the City’s Public Works Department or their designate;
- u) “**lodging house**” means a house or other building or portion thereof in which four (4) or more persons are or are intended to be harboured, received or lodged for hire, where lodging rooms are without kitchen facilities for the exclusive use of the occupants and where each occupant does not have access to all of the habitable areas in the building, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution, is licensed, approved or supervised under a general or special Act other than the *Municipal Act, 2001*, and for the purpose of this By-law, shall not include student residences or convents.
- v) “**multi-residential property**” means a property used mainly for residential purposes which contains six or more dwelling units, and does not include institutional facilities, residential care facilities, lodging houses, student residence, or a hotel, hospital, nursing home, home for the young or the aged or institution if the facility, house, residence, hotel, hospital, home or institution, as applicable, is licensed, approved or supervised under a general or special Act other than the *Municipal Act, 2001*;
- w) “**municipal hazardous or special waste**” includes items set out in Schedule “C” that are identified as municipal hazardous or special waste;
- x) “**noxious weeds**” is any and all noxious weed as defined in the *Weed Control Act*, R.S.O. 1990, C. W.5, as may be amended, restated, superseded or replaced from time to time.
- y) “**organic materials**” means waste items or materials referred to in Schedule “A” to this By-law;

- z) “**owner**” means an owner, occupant, lessee, tenant or any other person in charge or in control of a property in the City;
- aa) “**person**” means any individual, corporation, partnership, joint venture, association, joint stock company, trust, limited liability company, unincorporated organization, governmental authority or any other form of entity;
- bb) “**prohibited collection waste**” means waste items or materials referred to in Schedule “B” to this By-law;
- cc) “**recyclable containers material**” means those waste items or materials referred to as recyclable container materials in Schedule “A” to this By-law;
- dd) “**recyclable fibres material**” means those waste items or materials referred to as recyclable fibres materials in Schedule “A” to this By-law;
- ee) “**recyclable materials**” means recyclable containers material and/or recyclable fibres material, as the context requires; waste items or materials referred to as recyclable materials in Schedule “A” to this By-law, and includes recyclable containers material and/or recyclable fibres material;
- ff) “**residential care facility**” means a “Residential Care Facility” as it is defined in the City’s Zoning By-law of the City of Hamilton, By-law No. 05-200, as may be amended, restated, superseded or replaced from time to time;
- gg) “**single-family residential property**” means a property used mainly for residential purposes containing five or fewer dwelling units, and includes lodging houses and residential care facilities in residential neighbourhoods;
- hh) “**scheduled collection day**” means the day of the week or specific dates for the collection of waste from a property as determined by the General Manager and published in a collection calendar, the City’s website or other means as determined by the General Manager;
- ii) “**User Fees and Charges By-law**” means the City’s By-law No. 19-160, A By-law to Establish Certain 2019 User Fees and Charges for Services, Activities or the Use of Property, as may be amended, restated, superseded or replaced from time to time;
- jj) “**Waste Management Advisory Committee**” means the Waste Management Advisory Committee that is a sub-committee of Council, which may be replaced from time-to-time, and if such sub-committee ceases to exist without replacement, shall mean the Public Works Committee for the duration of time no sub-committee is deemed to replace the Waste Management Advisory Committee;

- kk) “**white goods**” means large household appliances; and
 - ll) “**yard waste**” means those waste items or material referred to as yard waste in Schedule “A” to this By-law.
- 2.2 In this By-law, the following terms have the same meaning as in *General – Waste Management Regulation*, 374, R.R.O. 1990, as in force at the time this By-law is enacted:
- (a) hazardous waste;
 - (b) liquid waste; and
 - (c) waste electrical and electronic equipment.

Application

- 2.3 This By-law applies to properties in the City of Hamilton.

Limitation

- 2.4 The provisions of this by-law shall be subject to the terms of the Environmental Compliance Approval for the waste management facilities of the City and its contractors and any relevant statutes and regulations.
- 2.5 Notwithstanding any Section of this By-law to the contrary, the City shall be under no obligation to collect or take possession of prohibited collection waste or any other item that is in contravention of this By-law.

PART 3.0 WASTE COLLECTION SERVICES

Collection Services

- 3.1 Subject to the terms of this By-law and any directions issued by Council from time to time, the City shall collect garbage, recyclable materials, organic waste, yard waste, bulk items, and Christmas trees from eligible properties.
- 3.2 Subject to Section 3.3 all waste placed or apparently placed by the owner for collection by City staff or a City contractor may be processed, salvaged, recycled, reclaimed, disposed of or otherwise dealt with as the City may deem fit and will immediately become the property of the City.

Refusal of Collection Services

- 3.3 The City may refuse to provide waste collection services if waste is not set out in accordance with this By-law.

Full Participation in Collection Services

- 3.4 No property shall be eligible to receive or continue to receive waste collection services unless the owner sets out for collection all waste in respect of which the City provides services to the owner.

Denial of Services

- 3.5 The General Manager may determine that owners who do not participate fully in the City's collection of recyclable materials, organic materials or yard waste, or who sell or otherwise transfer recyclable materials, organic materials or yard waste to persons other than the City are not eligible to receive or continue to receive services.

Eligible Properties

- 3.6 Subject to the serviceability requirements in Section 3.7, for the purposes of this By-law, the following property types are eligible to receive waste collection services:
- (a) single-family residential properties;
 - (b) multi-residential properties;
 - (c) commercial properties;
 - (d) other properties through agreement with the City; and
 - (e) other properties deemed eligible by the General Manager.

Serviceability Requirement

- 3.7 Notwithstanding Section 3.6, no property shall receive, or continue to receive, waste collection services unless the owner complies with all relevant requirements of this By-law and in the City's "Solid Waste Collection Design Guidelines for Developments" as amended from time to time.

On-Site Collection Services

- 3.8 For the purposes of Section 3.9-3.11, "On-Site Collection Services", "Current Owner" and "Property" are defined in the Agreement for On-Site Collection of Municipal Solid Waste.
- 3.9 On-Site Collection Services are provided to a Property only if an Agreement for On-Site Collection of Municipal Solid Waste is in force between the City and the Current Owner.

- 3.10 All provisions in this By-law governing waste collection shall apply, with necessary modifications, to On-Site Collection Services, including but not limited to provisions governing when and how waste can be set out for collection.
- 3.11 In the event of any conflict between the provisions of an Agreement for On-Site Collection of Municipal Solid Waste and the provisions of this By-law, the provisions of the Agreement for On-Site Collection of Municipal Solid Waste prevail.

Vacant Properties

- 3.12 No property shall be eligible to receive or continue to receive waste collection services while the property is vacant.

Private Collection Services

- 3.13 If a property is not eligible or serviceable for waste collection services under this By-law, the owner shall be responsible for obtaining private waste collection services at their own cost.

Collection Services by Agreement

- 3.14 Notwithstanding Section 3.13, the City may enter into a service agreement or other agreement with a property owner to provide waste collection services to a property that is not otherwise eligible for waste collection services.

Curbside or Front-end Collection

- 3.15 The General Manager may determine whether an eligible property will receive curbside or front-end collection services or a combination of curbside and front-end collection services.

Default Collection Services

- 3.16 Unless the General Manager determines otherwise, waste collection services shall be provided as follows:
- 3.16.1 single-family residential properties shall receive curbside collection services;
 - 3.16.2 multi-residential properties shall receive front-end collection services for garbage and shall receive curbside service for recycling and organic materials; and
 - 3.16.3 commercial properties shall receive curbside collection services.

Deemed Single-Family Residential Property

- 3.17 Where the General Manager determines that a property used mainly for residential purposes will receive curbside collection services, the property is deemed to be a single-family residential property for the purposes of this By-law.

Deemed Multi-Residential Property

- 3.18 Where the General Manager determines that a property used mainly for residential purposes will receive front-end garbage collection services, the property is deemed to be a multi-residential property for the purposes of this By-law.

PART 4.0 FREQUENCY OF COLLECTION SERVICES

Collection Services – Single-Family Residential

- 4.1 The City shall collect garbage, recyclable materials, organic materials, yard waste other than Christmas trees, and bulk items from single-family residential properties no more than once per week on a scheduled collection day.

Collection Services – Multi-Residential

- 4.2 The City shall collect garbage, recyclable materials, organic materials, yard waste other than Christmas trees, and bulk items from multi-residential properties no more than once per week on scheduled collection days; except and provided that the City may collect garbage and recyclable materials up to three times per week from multi-residential properties at the sole and unfettered discretion of the General Manager.

Collection Services – Commercial

- 4.3 The City shall collect garbage, recyclable materials, and organic materials from commercial properties no more than once per week on scheduled collection days, subject to Section 4.4.

Collection Services – Enhanced Collection Area

- 4.4 The City may, but is not obligated to, collect garbage, recyclable materials, and organic materials from commercial properties located in an enhanced collection area more than once per week on scheduled collection days, at the discretion of the General Manager.

Collection Services – Christmas Trees (Single-Family Residential)

- 4.5 The City shall collect, in January only, no more than five Christmas trees from single-family residential properties on a scheduled collection day, provided that the owner is not a Christmas tree vendor.

Collection Services – Christmas Trees (Multi-Residential)

- 4.6 The City shall collect, in January only, any number of Christmas trees from multi-residential properties on scheduled collection days, provided that the owner is not a Christmas tree vendor.

Collection Service – By Agreement

- 4.7 The City may collect waste or modify waste collection by agreement.

PART 5.0 PREPARATION OF WASTE FOR COLLECTION

General Requirements for Collection Services

- 5.1 No owner shall set out garbage, recyclable materials, organic materials or yard waste, unless the material set out for collection:
- 5.1.1 is generated on the public or private portion of the property abutting the location where it is set out for collection;
 - 5.1.2 is in a permitted container described in Schedule “D” that is fully intact, in good working order, and filled to a height no greater than the sides of the container, or in bundles in accordance with Section 5.5.6, or Section 5.7.2, as applicable;
 - 5.1.3 is in a permitted container described in Schedule “D” that is maintained in a manner that allows for the safe collection of waste;
 - 5.1.4 is placed as close to the edge of the roadway as possible without obstructing the roadway or sidewalk;
 - 5.1.5 is free from contamination;
 - 5.1.6 does not exceed the maximum weight or volume for each container as permitted in Schedule “D”; and
 - 5.1.7 is not stuck or frozen to the containers or the ground.
- 5.2 No owner shall set out garbage, recyclable materials, organic material, yard waste, or bulk items before 7:00 p.m. on the day before the scheduled collection day or after 7:00 a.m. on the scheduled collection day.
- 5.3 Every owner shall remove every container set out for collection, whether empty or not, by 7:00 p.m. on the scheduled collection day.

Preparation of Garbage

- 5.4 No owner shall set out garbage for collection unless:

- 5.4.1 wet garbage is drained and placed in a leak-proof container or bag before being placed in a permitted container;
- 5.4.2 garbage bags are securely tied and free from damage;
- 5.4.3 home healthcare waste and household pet waste are double-bagged before being placed in a permitted container; and
- 5.4.4 broken glass and other sharp objects are sealed in a cardboard box and marked "BROKEN GLASS" so that it is visible to the collection operator.

Preparation of Recyclable Materials

- 5.5 No owner shall set out recyclable materials for collection unless:
 - 5.5.1 recyclable materials are placed loosely in a permitted container;
 - 5.5.2 recyclable fibres material is placed in a separate container from recyclable containers material or bundled in accordance with Section 5.5.6;
 - 5.5.3 recyclable plastic bags are collected and placed in one plastic bag and securely tied, which bag may be placed in a permitted container;
 - 5.5.4 lids are removed from recyclable bottles, jars and other containers;
 - 5.5.5 containers are rinsed and empty; and
 - 5.5.6 corrugated cardboard, boxboard and paper egg cartons may be flattened and bundled with twine in bundles no more than 13 kilograms in weight, not exceeding 0.75 metres x 0.75 metres x 0.2 metres, and placed beside containers set out for collection.

Preparation of Organic Materials

- 5.6 No owner shall set out organic materials for collection unless organic materials are:
 - 5.6.1 placed in a permitted container either loosely or in a paper bag or a compostable liner bag certified by the Biodegradable Products Institute (BPI) or Bureau de Normalisation du Quebec (BNQ);
 - 5.6.2 wood ashes that are cold and wrapped in newspaper or placed in a bag described in 5.6.1 separated from other types of materials; or
 - 5.6.3 absent from plastic wrap, rubber bands, and stickers and labels are removed.

Preparation of Yard Waste

- 5.7 No owner shall set out yard waste for collection unless:
- 5.7.1 yard waste is placed loosely in a permitted container or bundled in accordance with Section 5.7.2;
 - 5.7.2 brush or woody material may be bundled with biodegradable or natural twine in bundles no more than 23 kilograms in weight, not exceeding 1.2 metres in length x 0.75 metres in diameter and containing no individual branches exceeding 0.07 metres in diameter;
 - 5.7.3 the top of kraft paper bags are folded over; and
 - 5.7.4 all containers remain fully intact until collection.

Preparation of Christmas Trees

- 5.8 No owner shall set out Christmas trees for collection unless:
- 5.8.1 Christmas trees are natural, less than 2.1 metres in length and have all tinsel and decorations removed;
 - 5.8.2 Christmas trees are not contained in plastic or any other receptacle; and
 - 5.8.3 Christmas trees are not frozen to the ground.

PART 6.0 BULK ITEM COLLECTION SERVICES

Single-Family Residential Properties

- 6.1 For Single-Family Residential Properties: (i) no owner shall receive bulk item collection services unless the owner contacts the City to schedule bulk item collection services through a means, and with sufficient advance notice, as determined by the General Manager and published on the City of Hamilton's website, and (ii) the City shall not collect any more than four bulk items per single-family residential property on a scheduled collection day.

Multi-Residential Properties

- 6.2 For multi-residential properties: (i) only the superintendent or property manager shall contact the City to schedule bulk item collection services on behalf of the multi-residential property through a means, and with sufficient advance notice, as approved by the General Manager and published on the City of Hamilton's website, and (ii) the City shall not collect more than eight bulk items per multi-residential property on a scheduled collection day.

Preparation of Bulk Items

- 6.3 No owner shall set out bulk items for collection unless:
- 6.3.1 the bulk items originate from the private property abutting the location where it is set out for collection;
 - 6.3.2 the bulk items are placed as close to the edge of the roadway as possible without obstructing the roadway or sidewalk;
 - 6.3.3 each oversized item weighs no more than 90 kilograms;
 - 6.3.4 each item is broken down or dismantled so that each part does not exceed 1.2 metres in length, unless the item is unable to be reasonably broken down or dismantled;
 - 6.3.5 all moveable parts within the item are secured;
 - 6.3.6 carpets are rolled and securely tied;
 - 6.3.7 all batteries and light bulbs are removed;
 - 6.3.8 mirrors are securely wrapped in cardboard and marked "BROKEN GLASS";
 - 6.3.9 all toilets must have toilet tanks removed, if possible; and
 - 6.3.10 all items that are known to have been in contact with bed bugs, are infested with bed bugs or that show visible signs of bed bugs shall be wrapped in plastic to the satisfaction of the City.

PART 7.0 PROHIBITIONS

Prohibited Waste

- 7.1 No owner shall set out prohibited collection waste for collection by the City, either on its own or mixed with any waste that is collected by the City.
- 7.2 The City shall not collect prohibited collection waste.
- 7.3 The City shall not collect waste that contains contamination.

General Prohibitions

- 7.4 No person shall:
- 7.4.1 place, permit to be placed, or permit to remain on any street abutting the property which they own or occupy, any waste except as expressly authorized by this By-law;

- 7.4.2 set out or permit to be set out any waste for collection, or place or permit waste to be placed in a container that is set out for collection, any waste except waste that is generated on the property abutting the street where waste is set out;
- 7.4.3 throw, cast, or otherwise deposit or permit any contractor, agent, or employee to throw, cast, or otherwise deposit any waste on or in any street or other public property except as expressly authorized by this By-law;
- 7.4.4 pick over, interfere with, disturb, remove, or scatter any waste set out for collection unless authorized to do so by the General Manager;
- 7.4.5 permit any person to pick over, interfere with, disturb, remove, or scatter any waste set out for collection unless authorized to do so by the General Manager;
- 7.4.6 permit any animal owned by them or under their care or control to pick over, interfere with, disturb, remove, or scatter any waste set out for collection;
- 7.4.7 place waste on public property for collection by a private agency unless authorized to do so by the General Manager;
- 7.4.8 permit the accumulation or storage of waste on their property so that it becomes a public nuisance or emits offensive odours or attracts birds, racoons, insects, rats or other vermin;
- 7.4.9 deposit waste generated on private property in public waste receptacles;
- 7.4.10 deposit waste on public property except in public waste receptacles;
- 7.4.11 permit any waste that has been set out for collection to blow away or otherwise escape in any manner prior to collection;
- 7.4.12 set out waste for collection in such a manner so as to obstruct vehicular or pedestrian traffic;
- 7.4.13 fail to pay an applicable fee as set out under this By-law or the User Fees and Charges By-law; or
- 7.4.14 Permit a waste collection container or waste collection bag to be damaged after it has been set out for collection, and if there is damage to a waste collection container or waste collection bag, by an animal or any other means, the owner must immediately replace such waste collection container or waste collection bag.

PART 8.0 WASTE MANAGEMENT FACILITIES

Waste Management Facilities

8.1 The City shall operate municipally-owned waste management facilities as approved by Council from time to time.

Public Prohibited Except Community Recycling Centres

8.2 No person shall enter a waste management facility except a waste management facility designated as a Community Recycling Centre or Transfer Station, as designated by the General Manager from time to time.

Certain Persons Permitted

8.3 Despite Section 8.2, City staff and City contractors and other persons authorized by the City may enter waste management facilities in accordance with the terms of their authorization or contract.

Community Recycling Centres and Transfer Stations

8.4 No person shall deliver or dispose of, or permit to be delivered or disposed of, any item or material at a Community Recycling Centre or Transfer Station except:

8.4.1 the waste items or materials designated as acceptable in Schedule "C", subject to Section 8.5;

8.4.2 waste that is generated on single-family residential, multi-residential or commercial properties within the City;

8.4.3 household pet waste that is not of a greater quantity than that generated by one dwelling unit;

8.4.4 waste that has been sorted into garbage, recyclable materials, yard waste, and other acceptable material streams identified in Schedule "C" and is free of contamination;

8.4.5 waste that is properly drained so that it does not contain any visible evidence of water or other liquids;

8.4.6 waste that is fully enclosed within vehicle bodies and covered by tarpaulins, canvas, or nets so as to prevent the waste from falling upon the ground; and

8.4.7 in designated unloading or disposal areas.

8.5 Only municipal hazardous or special waste from residential sources from within the City of Hamilton may be delivered or disposed of at a Community Recycling Center.

- 8.6 No person shall use a Community Recycling Centres or Transfer Stations within the City without paying any and all applicable fees.

Motor Vehicle Access

- 8.7 No person shall enter or exit a Community Recycling Centre or Transfer Station except in a motor vehicle and by designated routes.

Prohibited Conduct

- 8.8 No person while within a Community Recycling Centre or Transfer Station shall:
- 8.8.1 engage in any riotous, violent, threatening or abusing conduct or use profane or abusive language;
 - 8.8.2 operate a vehicle or do any other thing in a manner that causes or is likely to cause injury or harm to any person or damage to any property or without exercising due care and attention;
 - 8.8.3 interfere with the use of the Community Recycling Centre or Transfer Station by any other person;
 - 8.8.4 permit any child under the age of fourteen years who is under the person's care, custody or control to be outside their vehicle;
 - 8.8.5 climb or mount any railing or structure;
 - 8.8.6 disobey any posted sign;
 - 8.8.7 disobey any direction of City staff or City contractors; or
 - 8.8.8 smoke, vape, or hold a lighted or electronic tobacco or cannabis product, including without limitation a cigarette, e-cigarette, cigar or pipe, at any City waste transfer station or Community Recycling Centre.
- 8.9 No person other than authorized City staff or City contractors shall enter a Community Recycling Centre or Transfer Station after the posted hours of operation.

Waste Property of City

- 8.10 Subject to Section 3.3, all waste delivered to or disposed of at a City waste management facility including a Community Recycling Centre or Transfer Station may be processed, salvaged, recycled, reclaimed, disposed of or otherwise dealt with as the City deems fit and will immediately become the property of the City.

No Scavenging

- 8.11 No person shall scavenge or remove without authorization any waste from a City waste management facility, including a Community Recycling Centre or Transfer Station.

PART 9.0 ADMINISTRATION, ENFORCEMENT AND PENALTIES

Powers and Duties of General Manager

- 9.1 The General Manager shall have the authority and power, but not the obligations, to:
- 9.1.1 operate and administer waste collection services;
 - 9.1.2 determine the frequency and scheduling of waste collection services in accordance with this By-law;
 - 9.1.3 designate locations where waste may be set-out for collection in respect of a property;
 - 9.1.4 designate one or more waste management facilities as a Community Recycling Centre and/or Transfer Station;
 - 9.1.5 determine the fees applicable to activities and items related to waste management services, as confirmed by Council in the User Fees and Charges By-law;
 - 9.1.6 determine the City policy regarding the use and distribution of garbage tags;
 - 9.1.7 discontinue or refuse waste collection services to a property that is, in the opinion of the General Manager, unsafe for entry or egress by persons providing collection services including with respect to the physical layout, loading facilities, or the methods of handling waste on the property;
 - 9.1.8 discontinue or refuse waste collection services to a property whose owner is not fully participating in the collections services provided to the property by the City;
 - 9.1.9 suspend waste collection services in all or in part of the City in the event of inclement weather or any other condition that renders the provision of waste collection services unsafe or impractical;
 - 9.1.10 determine site specific exemptions to this By-law for the location of collection points for acceptable waste based on site layout limitations or requirements;

- 9.1.11 determine site specific exemptions to the limits on the number of waste collection containers permitted by this By-law based on the following considerations:
 - 9.1.11.1 the physical or medical circumstances of residents of a property;
 - 9.1.11.2 whether two or more of the residents of a property are under the age of four;
 - 9.1.11.3 the use of the property as a farm;
 - 9.1.11.4 the use of the property as a day care as demonstrated by a provincial licence, income tax return or similar documentation; or
 - 9.1.11.5 such other special considerations as may be approved by Council from time to time;
- 9.1.12 determine permitted containers for waste collection in addition to those set out in this By-law;
- 9.1.13 provide information to the public about the matters addressed by this By-law;
- 9.1.14 operate and administer waste management facilities;
- 9.1.15 negotiate and execute an Agreement for On-Site Collection of Municipal Solid Waste or similar agreement with any person;
- 9.1.16 negotiate and execute an agreement for waste collection with any person in the City in a form approved by the City Solicitor;
- 9.1.17 refuse entry to a waste management facility to any person violating this By-law;
- 9.1.18 evaluate and certify the acceptability for disposal of any waste not specifically dealt with in this By-law, upon receiving a written request by any person proposing to deposit waste at a waste management facility; and
- 9.1.19 establish such other measures required for the proper administration of this By-law.

Authority to Amend Schedules

- 9.2 The General Manager shall have authority to amend Schedules to the By-law by filing the amended Schedule with the Clerk.

- 9.3 The General Manager shall notify the Waste Management Advisory Committee of any change to the Schedules of this By-law on or before the next scheduled meeting of the Waste Management Advisory Committee. This requirement may be satisfied by notifying the Waste Management Advisory Committee of a proposed change to the Schedules of this By-law prior to the General Manager filing such amendment with the Clerk.

Delegation

- 9.4 The General Manager is authorized to delegate the responsibility for the administration of this By-law, in whole or in part, to any employee of the Public Works Department of the City.

Contracting Out

- 9.5 The City may retain one or more contractors to fulfill any of the City's responsibilities under this By-law.

No Liability

- 9.6 If due to breakdown of equipment, strike, inclement weather, or any other cause, waste collection services are not provided to a property, the City is not liable to any person for any damages, costs or expenses due to the failure of the City to provide waste collection services.

Enforcement

- 9.7 All Municipal Law Enforcement Officers of the City of Hamilton are authorized to enforce this By-law.

Entry on Land

- 9.8 A Municipal Law Enforcement Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not any of the following are being complied with:

9.8.1 this By-law; or

9.8.2 an order under the *Municipal Act, 2001* or under this By-law.

Inspection Powers

- 9.9 A Municipal Law Enforcement Officer carrying out an inspection under Section 9.8 may:

9.9.1 require the production for inspection of documents or things relevant to the inspection;

9.9.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- 9.9.3 require information from any person concerning a matter related to the inspection; and
- 9.9.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations, take tests, samples or photographs necessary for the purposes of the inspection.

Inspection Pursuant to Order

- 9.10 Where a Municipal Law Enforcement Officer has been prevented or is likely to be prevented from doing anything set out in Section 9.8 or Section 9.9, the City may undertake an inspection pursuant to an Order issued under section 438 of the *Municipal Act, 2001*.

Orders

- 9.11 A Municipal Law Enforcement Officer who is satisfied that a contravention of this By-law has occurred may, in accordance with sections 444 or 445 of the *Municipal Act, 2001*, as applicable, make one or more orders requiring any person who contravened the By-law,
 - 9.11.1 to discontinue the contravening activity, or
 - 9.11.2 to do work to correct the contravention.
- 9.12 An order under Section 9.11 shall set out,
 - 9.12.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - 9.12.2 the work to be done and the date by which the work must be done.

Service

- 9.13 Service of an order pursuant to Section 9.11 may be made:
 - 9.13.1 personally;
 - 9.13.2 by placing a placard containing the order in a conspicuous place on the property where the contravention occurred;
 - 9.13.3 by fax to the recipient's last known fax number;
 - 9.13.4 by e-mail to the recipient's last known e-mail address; or
 - 9.13.5 by registered or regular mail, courier or hand delivery addressed to the recipient's last known address.

Deemed Effective

- 9.14 Service of an order pursuant to Section 9.11 shall be deemed to be effective:
- 9.14.1 on the date it is personally given or delivered by courier or hand delivered or placarded;
 - 9.14.2 on the date on which the fax is sent;
 - 9.14.3 on the date the e-mail is sent; or
 - 9.14.4 on the fifth day after the date of mailing by registered or regular mail.

Remedial Action

- 9.15 If a person fails to comply with an order under Section 9.11, the General Manager or persons acting upon the General Manager's instructions may enter on land at any reasonable time to do the things required by the order at the person's expense.

Authority for Remedial Action

- 9.16 The General Manager is authorized to give immediate effect to any remedial action pursuant to Section 9.15.

Recovery of Costs

- 9.17 The City may recover all costs associated with the actions taken to do that which is required to effect compliance with this By-law plus interest from the day the City incurs such costs and ending on the day the costs, including the interest is paid in full. All costs, including any interest on such costs, recoverable by the City pursuant to this By-law or otherwise pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, as may be amended, restated, superseded or replaced, or any successor legislation, may be recovered by any lawful means available to the City, and such recovery methods may include adding such amounts to the tax roll and collecting such amounts in the same manner as taxes.
- 9.18 The costs in 9.17 may include an interest rate of 15 per cent commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.

Offence

- 9.19 Any person other than a corporation who contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$10,000 for a first offence, and \$25,000 for a subsequent offence.

Officers and Directors

9.20 Any officer or director of a corporation who knowingly concurs in the contravention of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$10,000 for a first offence, and \$25,000 for a subsequent offence.

Corporations

9.21 Any corporation which contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence, and \$100,000 for any subsequent offence.

Economic Advantage

9.22 In addition, if any person convicted of an offence under this By-law has gained economic advantage from the contravention of the By-law, they are liable to a special fine equal to the economic advantage gained.

Administrative Penalties

9.23 As an alternative to a charge for an offence under this By-law, a Municipal Law Enforcement Officer may issue an administrative penalty notice for any contravention of this By-law.

Severability

9.24 In the event that any provision or part of a provision in this By-law is found to be invalid or unenforceable then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

Schedules

9.25 The following schedules are attached to and form part of this By-law:

9.25.1 Schedule "A" – Recyclable Materials, Organic Materials, Yard Waste and Christmas Trees

9.25.2 Schedule "B" – Prohibited Collection Waste

9.25.3 Schedule "C" – Community Recycling Centres

9.25.4 Schedule "D" – Permitted Waste Containers

9.25.5 Schedule "E" – Enhanced Collection Areas

9.25.6 Schedule "F" – Agreement for On-Site Collection of Municipal Solid Waste

Repeal

9.26 By-law No. 09-067, as amended, is hereby repealed.

User Fees and Charges

9.27 Notwithstanding Section 9.26, the User Fees and Charges applicable to By-law No. 09-067 and the fees set out in Schedule “C” to By-law No. 09-067 continue to apply to this By-law and the administration and operation of the waste management system until a new User Fees and Charges By-law is passed by Council.

Enactment

9.28 This By-law comes into effect on the date it is passed.

Administrative Penalty Enactment

9.29 Despite Section 9.28, Section 9.23 does not come into effect until this By-law is Designated pursuant to Administrative Penalty By-law No. 17-225.

PASSED this 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

**SCHEDULE “A” TO BY-LAW 20-221
RECYCLABLE MATERIALS, ORGANIC MATERIALS, YARD WASTE AND
CHRISTMAS TREES**

Recyclable Materials

1. The following items or materials are deemed to be recyclable materials for the purposes of this By-law:
 - (a) recyclable containers material means:
 - (i) aluminum foil and trays;
 - (ii) aseptic containers such as juice boxes;
 - (iii) film plastic such as grocery bags or plastic wrap (bread, milk (outer bag only), produce bags);
 - (iv) gable-top containers such as juice and milk cartons;
 - (v) glass bottles and jars with lids removed;
 - (vi) high density polyethylene (plastic #2) containers such as plastic bottles and jugs with lids removed;
 - (vii) metal beverage and food containers;
 - (viii) metal lids;
 - (ix) metal paint and aerosol cans that are empty and dry;
 - (x) molded plastic packaging;
 - (xi) polyethylene terephthalate (plastic #1) containers such as soft drink and water bottles with lids removed;
 - (xii) polypropylene (plastic #5) containers such as plastic tubs and lids; and
 - (xiii) spiral cardboard cans such as frozen juice containers or potato chip containers;
 - (b) recyclable fibres material means:
 1. boxboard such as cereal and cracker boxes;
 2. books with the hard cover removed;
 3. corrugated cardboard;

4. fine paper;
 5. magazines;
 6. newsprint;
 7. paper egg cartons; and
 8. paper products generated by households that do not contain plastic windows or liners such as envelopes, flyers and greeting cards.
2. Despite Section 1 of this Schedule “A”, black plastic is not a recyclable containers material and should be placed in the garbage.

Organic Materials

3. The following items or materials are deemed to be organic materials for the purposes of this By-law:
- i. baked goods and cereals;
 - ii. coffee filters and grounds;
 - iii. cold wood ashes;
 - iv. dairy products;
 - v. eggs and eggshells;
 - vi. fish, meat and bones;
 - vii. fruit and vegetables (plastic wrap, rubber bands, stickers and labels removed);
 - viii. nuts and shells;
 - ix. paper coffee cups;
 - x. pasta, potatoes, rice and grains;
 - xi. sawdust, excelsior and wood shavings, except from pressure treated wood, oriented strand board or medium density fibre board;
 - xii. soiled newsprint, paper bags, paper plates, pizza boxes, paper towels, microwave popcorn bags;
 - xiii. cooking oil or grease that has solidified; and
 - xiv. pet hair.

Yard Waste

4. The following items or materials are deemed to be yard waste for the purposes of this By-law:
 - (a) branches;
 - (b) brush;
 - (c) grass clippings;
 - (d) house and garden plants;
 - (e) leaves;
 - (f) plant and tree trimmings; and
 - (g) weeds;
5. Despite Section 4 of this Schedule “A”, noxious weeds are not deemed yard waste and should be placed in the garbage.

Christmas Trees

6. Only Christmas trees in conformance with this By-law will be deemed acceptable waste.

**SCHEDULE “B” TO BY-LAW 20-221
PROHIBITED COLLECTION WASTE**

1. The following items or materials are deemed to be prohibited collection waste for the purposes of this By-law:
 - 1.1 animal carcasses or parts of animal carcasses except for food waste;
 - 1.2 automotive parts;
 - 1.3 brick, concrete and ceramic tiles;
 - 1.4 construction and demolition materials;
 - 1.5 earth, rocks, sod and stone;
 - 1.6 hazardous waste;
 - 1.7 human and animal excrement, except for animal excrement generated by a domesticated animal that is not living on a farm, or if is contained in a diaper;
 - 1.8 liquid waste;
 - 1.9 municipal hazardous or special waste;
 - 1.10 needles;
 - 1.11 plastic, fibre and steel barrels;
 - 1.12 pressure treated lumber;
 - 1.13 propane tanks and gas cylinders;
 - 1.14 railway ties;
 - 1.15 scrap metal;
 - 1.16 tires;
 - 1.17 tree stumps;
 - 1.18 vermiculite;
 - 1.19 waste electrical and electronic equipment;
 - 1.20 waste that is free from contamination

- 1.21 white goods; and
- 1.22 wire, wire meshing and fencing.

**SCHEDULE “C” TO BY-LAW 20-221
COMMUNITY RECYCLING CENTRES**

Acceptable Materials

1. The following items or materials are deemed to be acceptable at Community Recycling Centres:
 - 1.1 asphalt shingles;
 - 1.2 bulk items;
 - 1.3 bulky rigid plastics, such as high-density polyethylene and polypropylene plastics that cannot fit into permitted waste containers as outlined in Schedule “D”, and which do not contain more than one type of material;
 - 1.4 clean wood and lumber, which is free of hardware and nails, and which does not contain a painted or treated surface;
 - 1.5 expandable polystyrene, which is free from residue, such as packaging from televisions and appliances;
 - 1.6 garbage;
 - 1.7 municipal hazardous or special waste, including:
 - 1.7.1 aerosols;
 - 1.7.2 antifreeze;
 - 1.7.3 batteries;
 - 1.7.4 bulked fuel placed in containers less than 20 litres in volume;
 - 1.7.5 fire extinguishers;
 - 1.7.6 fertilizers;
 - 1.7.7 flammable liquids and solids;
 - 1.7.8 gas cylinders, including propane tanks;
 - 1.7.9 household solvents, chemicals and cleaners;
 - 1.7.10 inorganic acids and bases;
 - 1.7.11 inorganic cyanides;
 - 1.7.12 isocyanates;

- 1.7.13 light bulbs and lamps, including fluorescent, halogen, high-intensity discharge (HiD), sodium and ultraviolet (UV);
 - 1.7.14 oil and oil filters;
 - 1.7.15 oxidizers;
 - 1.7.16 paint and paint sludge;
 - 1.7.17 pathological waste, including sharps, needles and syringes placed in plastic or metal containers with a lid and labelled “syringes”;
 - 1.7.18 pesticides and herbicides;
 - 1.7.19 pharmaceuticals; and
 - 1.7.20 mercury switches, thermometers and thermostats.
- 1.8 recyclable materials, which has been separated into recyclable fibres material and recyclable containers material;
- 1.9 scrap metal, including:
- 1.9.1 aluminum siding;
 - 1.9.2 automotive parts;
 - 1.9.3 barbeques with propane tanks removed;
 - 1.9.4 hot water tanks;
 - 1.9.5 metal furniture and household items including bicycles and lawnmowers;
 - 1.9.6 metal hardware including nuts, bolts, nails and screws;
 - 1.9.7 metal posts, pipe fittings and sinks; and
 - 1.9.8 tire rims from passenger and light truck vehicles (tires removed).
- 1.10 tires with or without rims from passenger and light truck vehicles;
- 1.11 waste electrical and electronic equipment;
- 1.12 white goods, including:

- 1.12.1 air conditioners including window-mounted and central air systems;
- 1.12.2 clothes washers and dryers;
- 1.12.3 dehumidifiers;
- 1.12.4 dishwashers;
- 1.12.5 hot water tanks, drained;
- 1.12.6 microwave ovens;
- 1.12.7 ovens;
- 1.12.8 pool heaters;
- 1.12.9 refrigerators and freezers;
- 1.12.10 stoves and ranges;
- 1.12.11 water coolers; and
- 1.12.13 water pressure tanks.

- 1.13 yard waste.

Unacceptable Waste

- 2. Any item not specifically listed in Section 1, of this Schedule “C”, shall not be accepted at the Community Recycling Centres, and for certainty, without limiting the generality of the foregoing, the following items or materials are deemed to be not acceptable at Community Recycling Centres:
 - 2.1 ammunition, explosives or fireworks;
 - 2.2 asbestos;
 - 2.3 biohazardous or biochemical wastes;
 - 2.4 toner/ink cartridges; and
 - 2.5 radioactive waste.

**SCHEDULE “D” TO BY-LAW 20-221
PERMITTED WASTE CONTAINERS**

Garbage Containers – Single-Family Residential

1. Owners of single-family residential properties shall set out garbage as follows:
 - 1.1 no more than one rigid, reusable garbage container with handles and a diameter which is smaller at the bottom than the top, or garbage bag per dwelling unit with a maximum volume of 135 litres and maximum weight of 23 kilograms; or
 - 1.2 if an owner has an excess of garbage that cannot fit within a garbage container or garbage bag as described in Section 1.1 of this Schedule “D”, an owner may set out any number of garbage bags with a maximum volume of 135 litres and maximum weight of 23 kilograms each provided that a garbage tag is affixed to each; or
 - 1.3 any number of cardboard boxes, with a maximum weight of 13 kilograms each, containing only broken glass or other sharp objects, sealed and labelled, so long as the General Manager deems the number of boxes appropriate.

Garbage Containers – Multi-Residential

2. Owners of multi-residential properties shall set out garbage as follows:
 - 2.1 for uncompacted garbage, any number of front-end containers with a volume of no more than 6120 litres provided that the total combined volume of all front-end containers set out is not more than 135 litres per dwelling unit for the property per week;
 - 2.2 for compacted garbage, any number of front-end containers with a volume of no more than 2293 litres provided that the total combined volume of all such containers set out is not more than 45 litres per dwelling unit for the property per week.

Garbage Containers - Commercial

3. Owners of commercial properties shall set out garbage as follows:
 - 3.1 no more than six rigid, reusable garbage containers with handles and a diameter which is smaller at the bottom than the top or garbage bags with a maximum volume of 135 litres and maximum weight of 23 kilograms each per collection day; or
 - 3.2 any number of cardboard boxes with a maximum weight of 13 kilograms each, containing only broken glass or other sharp objects, sealed and

labelled, so long as the General Manager deems the number of boxes appropriate.

Recycling Containers – Single-Family Residential

4. Owners of single-family residential properties shall set out recyclable materials as follows:
 - 4.1 any number of blue boxes provided by the City or comparable containers with a maximum weight of 13 kilograms each; or
 - 4.2 any number of securely tied clear or translucent bags with a maximum volume of 135 litres and maximum weight of 13 kilograms each.

Recycling Containers - Multi-Residential

5. Owners of multi-residential properties shall set out recyclable materials as follows:
 - 5.1 any number of blue boxes provided by the City or comparable containers with a maximum weight of 13 kilograms each;
 - 5.2 any number of securely tied clear or translucent bags with a maximum volume of 135 litres and maximum weight of 13 kilograms each;
 - 5.3 any number of recycling carts provided by the City having a hinged lid, wheels, a maximum volume of 364 litres and a maximum weight of 60 kilograms, or comparable containers;
 - 5.4 any number of blue, rigid, reusable recycling containers with handles and a maximum volume of 135 litres and maximum weight of 23 kilograms each; or
 - 5.5. for recyclable fibres material only, any number of front-end containers with a volume of no more than 6120 litres that is capable of being collected by a front-end collection vehicle.

Recycling Containers – Commercial

6. Owners of commercial properties shall set out recyclable materials as follows:
 - 6.1 any number of blue boxes provided by the City or comparable containers with a maximum weight of 13 kilograms each;
 - 6.2 any number of securely tied clear or translucent bags with a maximum volume of 135 litres and maximum weight of 13 kilograms each;

- 6.3 any number of recycling carts provided by the City having a hinged lid, wheels, a maximum volume of 364 litres and a maximum weight of 60 kilograms, or comparable containers;
- 6.4 any number of blue, rigid, reusable recycling containers with handles and a maximum volume of 135 litres and maximum weight of 23 kilograms each; or
- 6.5 for recyclable fibres material only, any number of front-end containers with a volume of no more than 6120 litres that is capable of being collected by a front-end collection vehicle.

Organics Containers – Single-Family Residential

- 7. Owners of single-family residential properties shall set out organic materials in any number of green organics bins provided by the City or comparable containers with a handle, hinged lid and a maximum volume of 120 litres and a maximum weight of 60 kilograms each.

Organics Containers – Multi-Residential

- 8. Owners of multi-residential properties shall set out organic materials in any number of organics carts provided by the City or comparable containers with a handle and hinged lid, with a maximum volume of 120 litres and a maximum weight of 60 kilograms each.

Organics Containers – Commercial

- 9. Owners of commercial properties shall set out organic materials in any number of organics carts provided by the City or comparable containers with a handle and hinged lid, with a maximum volume of 120 litres and a maximum weight of 60 kilograms each.

Yard Waste Containers

- 10. Owners shall set out yard waste as follows:
 - 10.1 any number of open-top, rigid, reusable containers with handles and a maximum volume of 135 litres and maximum weight of 23 kilograms each;
 - 10.2 any number of kraft paper bags with a maximum volume of 135 litres and maximum weight of 23 kilograms each; or
 - 10.3 any number of rigid, reusable bushel baskets with a maximum volume of 135 litres and maximum weight of 23 kilograms each.

**SCHEDULE “E” TO BY-LAW 20-221
ENHANCED COLLECTION AREAS**

Those Business Improvement Area(s) include the following districts in Special Policy Areas:

- 1) Dundas District: King Street West from John Street to Main Street / Cross Street;
- 2) Downtown Hamilton District: area of Hunter Street East to Wilson Street and MacNab Street South to Mary Street;
- 3) International Village: area of Main Street East to Rebecca Street and Mary Street to West Avenue North; and
- 4) Westdale Village District: King Street West from west limit of North Oval / South Oval to Cline Avenue North.

**SCHEDULE “F” TO BY-LAW 20-221
AGREEMENT FOR ONSITE COLLECTION OF MUNICIPAL SOLID WASTE**

In consideration for the provision of *On-Site Collection Services* (as herein defined), the *Current Owner* (as herein defined) agrees as follows:

ARTICLE 1 – DEFINITIONS

Access Area is the lane, street, avenue or other means of ingress or egress available for the *City* and/or *Contractor* to access the *Collection Area* and includes adequate space for the *City* and/or *Contractor* to perform vehicle turnaround functions, as well as pick-up functions, safely.

Agreement means this Agreement for On-site Collection of Municipal Solid Waste and includes the *Application* and Schedule “A” hereto. In the event of conflict between the *Application*, Schedule “A” and the body of this *Agreement*, the body of this *Agreement* shall apply and prevail.

Application means an application in a form prescribed by the City, completed by the *Current Owner* with respect to each *Property* for the provision of *On-Site Collection Services* and approved by the City. Each approved *Application* shall form a part of this *Agreement*, even though it is not physically attached hereto.

Business Day means any day other than a Saturday, Sunday, public holiday or other day on which banks in Ontario are authorized or required by law to be closed or any other day where the administrative offices of the *City* are closed.

City means City of Hamilton.

Collectible Waste means waste, including organic waste and recyclable materials and any other solid waste materials acceptable for pick-up in accordance with the *Solid Waste By-Law*, and which are identified for pick-up in Schedule “A” attached hereto for each *Property*.

Collection Area means an area provided by the *Current Owner* where *Collectible Waste* will be placed for pick-up by the *City* and/or its *Contractor(s)* for each *Property*, as approved by the City.

Contractor means any individual or entity employed or contracted by the *City* to provide *On-site Collection Services*.

Current Owner means the individual(s) or entity(ies) that holds title to the *Property* or *Properties*; or in the case of a condominium, the condominium corporation responsible for the *Property* or *Properties*; as at the date of execution of this *Agreement*. Where there is more than one individual or entity that holds title to the *Property* or *Properties*, they shall be jointly and severally liable for the liabilities and obligations of the *Current Owner* under this *Agreement*.

Former Contracts and Indemnities means any contract(s) and/or indemnity(ies) entered into between an *Owner* and any of the *Former Municipalities*, or with the *City*,

with respect to *On-Site Collection Services*, whether or not said contract(s) and/or indemnity(ies) was/were, or is/are, registered on title.

Former Municipalities means those municipalities that were dissolved pursuant to the *City of Hamilton Act, 1999*, S.O. 1999, CHAPTER 14, Schedule C, when the *City* was established.

On-Site Collection Services means the non-curbside/roadside collection of *Collectible Waste* by the *City* and/or a *Contractor* from the *Collection Area* of each *Property*, including ingress and egress to/from each *Property* via the *Access Area*.

Owner means any individual(s) or entity(ies) who had, has, or will have title to any property, or in the case of a condominium, the condominium corporation who had, has, or will have responsibility for a property, for which *On-Site Collection Services* was, is, or will be requested.

Property means a property owned by the *Current Owner* executing this *Agreement* for which the provision of *On-Site Collection Services* has been, or is being, requested, as set out in Schedule “A” attached hereto. All *Properties* requiring *On-Site Collection Services* by the *Current Owner* shall be listed in Schedule “A” with the corresponding *Collectible Waste* requirements and *Application* number for each *Property*.

Solid Waste By-law means the City of Hamilton’s Solid Waste Management By-law No. 09-067, as amended and as it exists from time to time, or any successor by-law.

ARTICLE 2 – CURRENT OWNER RESPONSIBILITIES

2.1 General

2.1.1 The *Current Owner* hereby agrees to provide an unobstructed *Collection Area* and *Access Area*, which shall be easily accessible to the *City* and/or its *Contractor(s)*, for the provision of *On-Site Collection Services* for each *Property*. This includes, but is not limited to, a safe, unobstructed *Access Area* and *Collection Area*, an adequate vehicle turning area, as well as reasonable snow and ice removal in the *Access Area* and *Collection Area*.

2.1.2 The *Current Owner* hereby agrees to provide waste containers approved by the *City* in accordance with the *Solid Waste By-law* for each *Property*.

2.1.3 The *Current Owner* hereby agrees that the *Collectible Waste* to be collected through the provision of *On-Site Collection Services* by the *City* and/or its *Contractor(s)* for each *Property* is set out in Schedule “A” of this *Agreement*.

2.1.4 The *Current Owner* hereby undertakes to advise all tenants and unit owners for each *Property* of the existence of this *Agreement* and to provide a copy of this *Agreement* to a tenant or unit owner upon request.

2.2 Insurance

2.2.1 Throughout the term of this *Agreement* (including any renewal thereof), the

Current Owner shall obtain and maintain at its own expense, including the cost of any applicable deductible, Commercial General Liability Insurance, covering the *Property* or *Properties* identified in Schedule “A” of this *Agreement* and written on IBC Form 2100 or its equivalent, including but not limited to bodily and personal injury liability, property damage, and premises liability coverage, having a minimum, inclusive limit of not less than \$2,000,000.00 per occurrence and \$4,000,000.00 in the aggregate. The policy shall be endorsed to include the City of Hamilton and its *Contractors* as additional insureds, but only with respect to liability arising out of this *Agreement*.

2.2.2 The *Current Owner* shall deposit with the *City* a Certificate of Insurance originally signed by an authorized insurance representative and confirming thereon relevant coverage information at the time of execution of this *Agreement* and thereafter during the term of this *Agreement*, at the request of the *City*. The certificates of insurance shall contain a provision that the insurer shall not cancel, or materially change coverage as would affect this *Agreement* without providing the *City* at least thirty days prior written notice. Certificate Holder will be addressed as the City of Hamilton, City Hall, 71 Main Street West, Hamilton, Ontario L8P 4Y5 Attention: Policy/Program Analyst, Operations Support, Operations Division, Public Works Department. All certificates, cancellation, nonrenewal or adverse change notices are to be mailed to this address. All insurers shall be licensed to do business in Ontario and such insurance policy wording and terms shall be acceptable to the *City*. All insurance coverage to be provided by the *Current Owner* in this *Agreement* shall be primary and not call into contribution any other insurance coverage available to the *City*. The *Current Owner* shall not do or omit to do anything that would impair or invalidate the insurance policies. The required insurance described herein may be altered or increased by the *City*, acting reasonably.

2.3 Indemnity

The *Current Owner* hereby agrees to defend, release and forever indemnify and save harmless the *City*, its officers, directors, employees, officials, agents and its *Contractor(s)* (collectively the “Indemnitees”), of and from any claims, demands and/or causes of action that may arise by reason of, or in connection with, the operation of collection vehicles, or personnel, or the work of the Indemnitees on any *Property*, *Collection Area* or *Access Area*, or any combination of the foregoing, resulting, directly or indirectly, in damages (including special or consequential damages), loss, costs, fines, penalties, and/or injury to person(s).

3.2 Term of Agreement

This *Agreement* shall come into effect as of the date of execution by the *Current Owner* and shall remain in force until,

(a) it is terminated by the *Current Owner* by providing no less than 10

- Business Days* prior written notice to the *City*, or
- (b) the *City* discontinues the *On-Site Collection Services* for a *Property*, or
 - (c) this *Agreement* is otherwise terminated in accordance with the provisions of this *Agreement*.

No amendments to this *Agreement* shall be effective without the prior written consent of the *City*.

3.3 Nature of Agreement

The *Current Owner* acknowledges and agrees that this *Agreement* is the *City's* standard agreement for *On-Site Collection Services* and shall govern the entire relationship between the *City* and the *Current Owner*. This *Agreement* shall supercede and replace any and all *Former Contracts and Indemnities*. Should the *City* change the form of this *Agreement*, the *Current Owner* agrees to execute any new agreement provided by the *City* for the provision of *On-Site Collection Services* ("New Agreement"). Should the *Current Owner* fail to execute the New Agreement within 15 *Business Days* of receipt of the New Agreement, *On-Site Collection Services* shall terminate at no cost, liability or penalty to the *City* whatsoever. Upon execution of the New Agreement, or upon the failure of the *Current Owner* to execute the New Agreement within the stipulated timeframe, this *Agreement* shall terminate at no cost, liability or penalty of any kind whatsoever to the *City*.

3.4 Successors and Assigns

This *Agreement* shall be binding on the executors, heirs, and legal representatives of the *Current Owner*. The *Current Owner* shall not assign this *Agreement*. Any attempt to assign this *Agreement* or any of the *Current Owner's* rights, duties, liabilities or obligations under this *Agreement* is void.

3.5 Fees

The *Current Owner* acknowledges and agrees that the *City* is providing *On-Site Collection Services* in consideration for the insurance and indemnities provided in this *Agreement*. As a result, the *Current Owner* understands and agrees that there are no fees and charges payable by the *Current Owner* to the *City* with respect to the provision of *On-Site Collection Services* by the *City* and/or its *Contractor(s)* pursuant to this *Agreement*.

3.6 Laws

- (a) This *Agreement* shall be governed by the laws of the Province of Ontario and the laws of Canada as applicable therein. The *Current Owner* irrevocably submits and attorns to the exclusive jurisdiction of the court of the Province of Ontario. Any action or proceeding relating to this *Agreement* shall be brought in a court of competent jurisdiction in Hamilton, Ontario.
- (b) All provisions in the *Solid Waste By-law* governing *Collectible Waste* collection shall apply, with necessary modifications to *On-Site Collection Services*, including but not limited to provisions governing

when and how *Collectible Waste* can be set out for collection. In the event of a conflict between the provisions of this *Agreement* and the provisions of the *Solid Waste By-law*, the provisions of this *Agreement* prevail.

3.7 Notice

Any notice under this *Agreement* shall be sufficiently given if given by:

- (a) personal delivery; or
- (b) registered letter, postage prepaid, and mailed in a Canadian post office; or
- (c) fax;

If to the <i>City</i>	If to the <i>Current Owner</i>
Policy/Program Analyst, Operations Division Public Works Department, City of Hamilton City Hall, 71 Main Street West Hamilton, Ontario L8P 4Y5 Fax No. 905-546-3972	

or to any address as may be designated in writing by the *City* or the *Current Owner* in accordance with this provision. The date of receipt of any notice shall be deemed conclusively given on the day it was received by personal delivery, at the beginning of business on the third *Business Day* after it was mailed by registered mail or on the day sent by fax if sent on or before 4:30 p.m. on a *Business Day* of the receiving party and on the next *Business Day* of the receiving party if sent by fax after 4:30 p.m.

3.8 Independent Legal Advice

The *Current Owner* hereby acknowledges and agrees that the *City* has provided him/her/it with a reasonable opportunity to seek independent legal advice with respect to this *Agreement* and has encouraged him/her/it to do so. The *Current Owner* hereby acknowledges and agrees that he/she/it either has sought said advice or has declined to do so.

INSERT NAME OF CURRENT OWNER **WITNESS**

Signature of Current Owner

Signature of Witness

Name (please print)

Name of Witness (please print)

Title (please print)

Address of Witness (please print)

Date

Date

Signature of Current Owner

Signature of Witness

Name (please print)

Name of Witness (please print)

Title (please print)

Address of Witness (please print)

Date

Date

I/We have the authority to bind the
Current Owner

Authority: Item 1, Public Works Committee
Report 20-010 (PW20001(b))
CM: October 28, 2020
Ward: 2, 13, 14
Bill No. 222

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 5 (Stop Control) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "B" (Dundas) thereof the following items, namely;

Glendrummond Drive	Eastbound	Westmoreland Road
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Westmoreland Road	Southbound	Romar Drive
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And by adding to Section "E" (Hamilton) thereof the following items, namely;

Astra Court	Northbound	Juanita Drive
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Barton Street West	Eastbound/Westbound	Park Street North
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MacAulay Street West	Eastbound/Westbound	MacNab Street North
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Burlington Street West	Eastbound/Westbound	Wood Street West
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To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

Page 2 of 2

2. 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.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 14, Committee of the Whole
 Report 01-003 (FCS01007)
 CM: February 6, 2001
 Ward: 2, 4, 6, 7, 9, 10, 12, 15

Bill No. 223

CITY OF HAMILTON

BY-LAW NO. 20-

**To Amend By-law No. 01-218, as amended,
 Being a By-law To Regulate On-Street Parking**

WHEREAS Section 11(1)1 of the *Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

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

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Duration	Times	Days	Adding/ Deleting
6 - Time Limit	E	Wilson Street	North	John Street North to 83 metres east of Mary Street	1 hour	8 am - 6 pm	Any day	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	F	Edgewater Drive (North & East Leg)	South & West	From 23m west of the east leg of Edgewater to 12.2m south of the north leg of Edgewater	Anytime	Deleting

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 2 of 4

8 - No Parking	F	Edgewater Drive (North & East Leg)	West	From 167 metres west of Harbour Drive to 12.2 metres north thereof	Anytime	Adding
8 - No Parking	E	Wilson Street	North	83 metres east of Mary Street to Ferguson Avenue North	7 am - 6 pm	Adding
8 - No Parking	E	Hunter	South	Walnut to Wellington	1 pm - 4 pm 2nd Fri each month APRIL - NOV	Deleting
8 - No Parking	E	Hunter	North	Spring to 22.9m east of Wellington	Anytime	Deleting
8 - No Parking	E	Hunter	South	Wellington to 78 ft. west	Anytime	Deleting
8 - No Parking	E	Hunter	North	Ferguson to 55.9m easterly	Anytime	Deleting
8 - No Parking	E	Hunter Street East	North	Wellington Street South to Claremont Access	Anytime	Adding
8 - No Parking	E	Hunter Street East	North	Ferguson Avenue South to Liberty Street	Anytime	Adding
8 - No Parking	C	Mountain Brow Road	South	Flanders Drive to 45 metres west thereof	Anytime	Adding
8 - No Parking	F	North Service Road	Both	Dewitt Road to Lakeview Drive	Anytime	Adding
8 - No Parking	E	Berrisfield Crescent	South	64 metres north of Limeridge Road East to 6 metres west thereof	Anytime	Adding
8 - No Parking	E	Ramsden Drive	West	66 metres south of Rowntree Drive to 33 metres south thereof	Anytime	Adding
8 - No Parking	E	Ramsden Drive	West	190 metres south of Rowntree Drive to 31 metres south thereof	Anytime	Adding
8 - No Parking	E	Ramsden Drive	North	177 metres west of Rushdale Drive to 25 metres west thereof	Anytime	Adding
8 - No Parking	E	Ramsden Drive	West	245 metres west of Rushdale Drive to 6 metres north thereof	Anytime	Adding
8 - No Parking	F	Lakeview Drive	Both	North Service Road to Fruitland Road	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
12 - Permit	E	Allan Ave.	South	from 65m east of Harmony Ave. to 6m easterly	Anytime	Deleting

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
<i>13 - No Stopping</i>	A	Wilson Street East	South	from 805 metres east of Montgomery Drive to 210 metres east thereof	Anytime	Adding
<i>13 - No Stopping</i>	E	Hunter Street East	North	Liberty Street to Wellington Street South	Anytime	Adding
<i>13 - No Stopping</i>	E	Hunter Street East	South	Wellington Street North to 28.5 metres west thereof	Anytime	Adding
<i>13 - No Stopping</i>	C	Mountain Brow Road	North	Flanders Drive to westerly limit	Anytime	Adding
<i>13 - No Stopping</i>	C	Mountain Brow Road	South	Mill Street to 45 metres west of Flanders Drive	Anytime	Adding
<i>13 - No Stopping</i>	C	Union Street	South	Mill Street to Main Street	Anytime	Adding
<i>13 - No Stopping</i>	C	Union Street	North	Mill Street to 33 metres west thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
20 - School Bus LZ	F	Kennard Street	West	Lyton Crescent to 20 metres north thereof	8:00 a.m. to 4:00 p.m. Monday to Friday	Adding
20 - School Bus LZ	F	Kennard Street	West	12 metres north of Parkvista Place to 25 metres north thereof	8:00 a.m. to 4:00 p.m. Monday to Friday	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
23 - Special Enf. Area	C	Mountain Brow Road	Both	Flanders Drive to westerly end	March 15 - November 15	Adding

- Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 4 of 4

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 28th day of October 2020.

F.
Eisenberger
Mayor

A. Holland
City Clerk

A. Holland
City Clerk

Authority: Item 1, Planning Committee
Report 20-012 (PED20157)
CM: October 28, 2020
Ward: 10

Bill No. 224

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 18 on Plan 62M-640, Part 4 on Plan 62R-17671
and Parts 2, 5, and 8 on Plan 62R-20885 as Part of Arvin Avenue**

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

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

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

1. The land, owned by and located in the City of Hamilton, described as Block 18 on Plan 62M-640, Part 4 on Plan 62R-17671 and Parts 2, 5, and 8 on Plan 62R-20885, is established as a public highway to form part of Arvin Avenue.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 2, Planning Committee
Report 20-012 (PED20166)
CM: October 28, 2020
Ward: 15

Bill No. 225

CITY OF HAMILTON

BY-LAW NO. 20-

To Rename a Portion of Mosaic Drive to North Waterdown Drive

WHEREAS Mosaic Drive was dedicated to the City as a Public Highway by registration of the Plan of Subdivision 62M-1243;

AND WHEREAS a portion of Mosaic Drive overlays with North Waterdown Drive, more specifically known as Parts 5, 6, 7, and 8 on Plan 62R-20684;

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

1. The portion of the street municipally known as Mosaic Drive, more particularly described as follows:

PIN 17511-1735 (LT)

Part of Mosaic Drive, Plan 62M-1243 being Parts 5 & 6, 62R-20684; City of Hamilton

PIN 17511-1728 (LT)

Part of Block 84, Plan 62M-1243 being Parts 7 & 8, 62R-20684; City of Hamilton

is hereby changed to North Waterdown Drive.

2. That this By-law comes into force and takes effect on the date of its registration in The Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED this 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 4, Planning Committee
Report: 20-011 (PED20158)
CM: October 14, 2020
Ward: 12

Bill No. 227

CITY OF HAMILTON

BY-LAW NO. 20-

To Adopt:

**Official Plan Amendment No. 138 to the
Urban Hamilton Official Plan**

Respecting:

35 Londonderry Drive, Ancaster

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

1. Amendment No. 138 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 138

The following text, together with Appendix “A” attached hereto, constitutes Official Plan Amendment No. 138 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Meadowlands Neighbourhood V Secondary Plan to permit the development of 24 block townhouse dwelling units on the subject lands.

2.0 Location:

The lands affected by this Amendment are municipally known as 35 Londonderry Drive, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is consistent with, and complementary to, the planned and existing development in the immediate area;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and;
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Maps

4.1.1 Map

- 1) That Volume 2, Map B.2.7-1, Meadowlands Neighbourhood V Secondary Plan – Land Use Plan be amended by redesignating lands from “Low Density Residential 2d” to “Medium Density Residential 2”, as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.


This Official Plan Amendment is Schedule “1” to By-law No. 20-229 passed on the 28th day of October, 2020.

The City of Hamilton

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix A
 APPROVED Amendment No. 138
 to the Urban Hamilton Official Plan

 Lands to be redesignated from "Low Density Residential 2d" to "Medium Density Residential 2" (35 Londonderry Drive, Ancaster)





Date:
 October 8, 2020

Revised By:
 TV/NB



Reference File No.:
 OPA-U-138(A)

Legend



Residential Designations

-  Low Density Residential 1
-  Low Density Residential 2d
-  Low Density Residential 3c
-  Medium Density Residential 2
-  Medium Density Residential 3

Parks and Open Space Designations

-  General Open Space
-  Natural Open Space

Other Designations

-  Institutional
- SS** Secondary School
-  Utility
- SWM** Storm Water Management

Other Features

-  Area or Site Specific Policy
-  Traffic Calming Devices
-  Existing Pathways
-  Proposed Trails
-  Footbridge
-  Creek
-  Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Meadowlands Neighbourhood V
 Secondary Plan
 Land Use Plan
 Map B.2.7-1

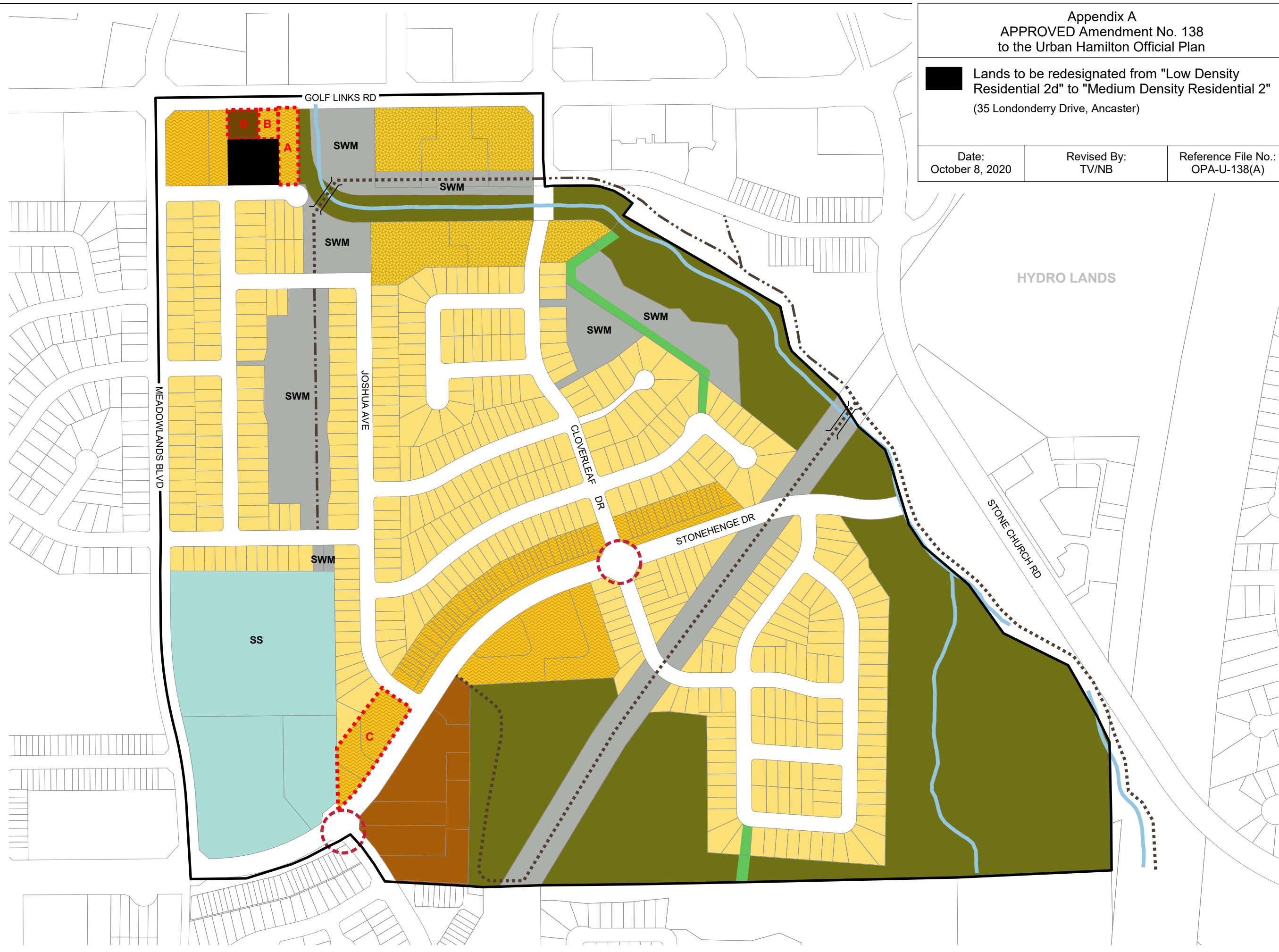


Not To Scale



Date: Aug. 16, 2013

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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Authority: Item 4, Planning Committee
Report 20-011 (PED20158)
CM: October 14, 2020
Ward: 12

Bill No. 228

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend Zoning By-law No. 87-57, with Respect to Lands Located at 35 Londonderry Drive, Ancaster

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 Town of Ancaster” 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. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 4 of Report 20-011 of the Planning Committee at its meeting held on the 14 day of October, 2020, which recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 138.

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

1. That Map No. 1-B of Schedule “A”, appended to and forming part of By-law No. 87-57, as amended, is further amended as follows:

- a. by changing the zoning from the Residential Multiple “RM4-513” Zone, Modified to the Residential Multiple “RM5-711” Zone, Modified (Block 1); and,
- b. by changing the zoning from the Residential Multiple “RM4-535” Zone, Modified to the Residential Multiple “RM5-711” Zone, Modified (Block 2);

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 34: Exceptions of Zoning By-law 87-57, as amended, is hereby further amended by adding the following subsection:

RM5-711

That notwithstanding the provisions of paragraphs (a) (xv) and (xvi) and (b) of Subsection 7.14 “Parking and Loading”, Subsection 18.1 “Permitted uses”, and paragraphs (a), (b), (e), (f), (g), (h), (j), (k), (l), (m), and (o) of subsection 18.2 “Regulations” of Zoning By-law No. 87-57, the following special provisions shall apply to the lands zoned “RM5-711”:

Permitted Uses

Street townhouse dwellings, Block townhouse dwellings and multi-plex dwellings and uses, buildings and structures accessory thereto.

Regulations

(a) Minimum Lot Area	0.39 hectares
(b) Maximum Density	62 units per hectare
(c) Maximum Lot Coverage	38 percent
(d) Minimum Front Yard	2.0 metres
(e) Minimum Side Yards	13.5 metres
(f) Minimum Rear Yard	6.3 metres
(g) Minimum Landscaping	23 percent of the lot area

(h) Planting Strip

A planting strip of a minimum of 2.0 metres in width along the lot lines shall be provided, except for points of ingress and egress. Retaining walls, permitted yard encroachments, mechanical and unitary equipment, and concrete walkways are permitted within a required planting strip.

Notwithstanding the foregoing, where a parking area abuts a lot containing a dwelling, a permanently maintained planting strip of a minimum width of 0.3 metres shall be provided.

Where a parking area abuts a street, a permanently maintained planting strip of a minimum width of 2.8 metres shall be provided, except for points of ingress and egress.

(i) Parking

2.0 plus 0.33 visitors parking spaces per dwelling unit.

(j) Children's Play Area

Children's play area provision shall not apply.

(k) Building Separation

A townhouse building shall be no closer to another townhouse building on the same lot in accordance with the following distance requirements:

	Façade	Rear Wall	End Wall
Façade	8.1 m	19.5 m	15.0 m
Rear Wall	19.5 m	15.0 m	10.5 m
End Wall	15.0 m	10.5 m	2.4 m

3. 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 Residential Multiple "RM5" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

4. 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 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-17-072



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the day of, 2020</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 20-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 87-57</p>	<p>Subject Property</p> <p>35 Londonderry Drive</p> <ul style="list-style-type: none"> <li style="margin-bottom: 10px;"> Block 1 - Change in Zoning from Residential Multiple "RM4-513" Zone, Modified to Residential Multiple "RM5-711" Zone, Modified Block 2 - Change in Zoning from Residential Multiple "RM4-535" Zone, Modified to Residential Multiple "RM5-711" Zone, Modified
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-17-072 / UHOPA-17-032</p>	
<p>Date: August 12, 2020</p>	<p>Planner/Technician: TV/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 5, Planning Committee
Report: 20-011 (PED20142)
CM: October 14, 2020
Ward: 1

Bill No. 229

CITY OF HAMILTON

BY-LAW NO. 20-

To Adopt:

**Official Plan Amendment No. 139 to the
Urban Hamilton Official Plan**

Respecting:

**235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West
(Hamilton)**

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

1. Amendment No. 139 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 139

The following text, together with:

Appendix "A"	Schedule E-1 – Urban Land Use Designations
Appendix "B"	Appendix A – Parks Classification (Outside of Secondary Plans)
Appendix "C"	Appendix F – Cultural Heritage Resources
Appendix "D"	Appendix F-2 – Cultural Heritage Resources – Area Specific Cultural Heritage Resources
Appendix "E"	Appendix G – Boundaries Map
Appendix "F"	Map B.6.6-1 Strathcona Secondary Plan – Land Use Plan,
Appendix "G"	Map B.6.6-2 – Strathcona Secondary Plan – Transportation Classification Plan
Appendix "H"	Appendix A – Strathcona Secondary Plan – Views and Vistas
Appendix "I"	Appendix B – Strathcona Secondary Plan – Cultural Heritage Resources
Appendix "J"	Appendix A – Secondary Plan Index Map

attached hereto, constitutes Official Plan Amendment No. 139 to the Urban Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to change the designation for the lands located at 74 Queen Street South and 244 – 246 Jackson Street West on Schedule E-1 – Urban Land Use Designations from "Neighbourhoods" to "Mixed Use – Medium Density", to add the lands located at 244 – 246 Jackson Street West to the to the Strathcona Secondary Plan Area as "Mixed Use – Medium Density", remove the Area Specific Policy – Area C-2 from 235 Main Street West and 74 Queen Street South and to create a Site Specific Policy Area for the entire property to permit the development of one 23 storey multiple dwelling with an attached three storey townhouse block on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 235 Main Street West, 74 Queen Street South, and 244 and 246 Jackson Street West, within the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The additional lands facilitate the appropriate transition in scale to the surrounding neighbourhood and allow for a comprehensive development of a significant corner of the Strathcona Secondary Plan;
- The Amendment is in keeping with the policies of the Urban Hamilton Official Plan and the Strathcona Secondary Plan to provide a mix and range of housing forms and provides an efficient use of urban lands;
- The proposed development is located at the intersection of a primary urban corridor and a minor arterial road, serviced by public transit and in proximity to active transportation networks, and will support the sustainability of these facilities;
- The proposed development satisfies all characteristics and requirements of the Strathcona Secondary Plan Mixed Use – Medium Density policies, save and except the prescribed building height for the multiple dwelling;
- The proposed development respects the existing built form of surrounding neighbourhoods by providing a gradation of building heights and densities which help to minimize the effects of shadow and overview;
- The proposed development enhances the character of the neighbourhood through an architectural style that is sympathetic and complementary to the existing character and heritage of the neighbourhood;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1, Schedule E-1 – Urban Land Use Designations be amended by redesignating a portion of the subject lands from “Neighbourhoods” to “Mixed Use – Medium Density”, as shown on Appendix “A”, attached to this Amendment.

4.1.2 Appendices

- a. That Volume 1, Appendix A – Parks Classification Map (Outside of Secondary Plans) be amended by identifying a portion of the subject lands, as follows: “Strathcona”, as shown on Appendix “B”, attached to this Amendment.
- b. That Volume 1, Appendix F – Cultural Heritage Resources be amended by identifying a portion of the subject lands, as follows: “See Volume 2: Appendix B Strathcona Secondary Plan”, as shown on Appendix “C”, attached to this Amendment.
- c. That Volume 1, Appendix F-2 – Cultural Heritage Resources – Area Specific Cultural Heritage Resources be amended by identifying a portion of the subject lands, as follows: “See Volume 2: Appendix B Strathcona Secondary Plan”, as shown on Appendix “D”, attached to this Amendment.
- d. That, Volume 1, Appendix G – Boundaries Map be amended by adding a portion of the subject lands to “Central Hamilton”, as shown on Appendix “E”, to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.6 – Strathcona Secondary Plan

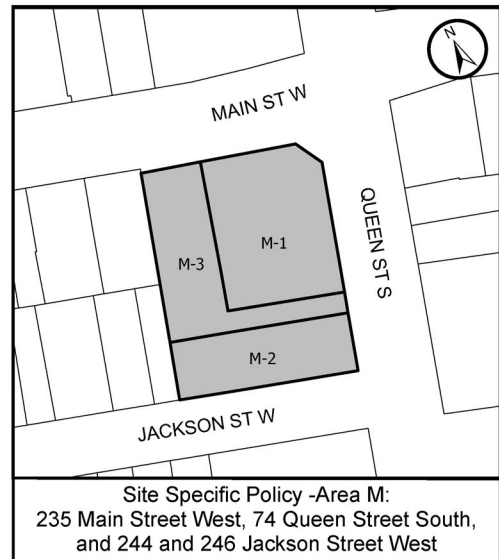
- a. That Volume 2, Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.6.15.3 b) – Strathcona Secondary Plan be amended by deleting reference to 235

Main Street West and 74 Queen Street South.

- b. That Volume 2, Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.6 – Strathcona Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area M

B.6.6.15.13 Notwithstanding Policy E.4.6.7 and E.4.6.8 of Volume 1, and Policy B.6.6.6.1 b) of Volume 2, for the lands located at 235 Main Street West, 74 Queen Street South, and 244 and 246 Jackson Street West, designated Mixed Use – Medium Density and identified as Site Specific Policy – Area M, the following building heights shall apply:



- i) for Area M-1 the maximum building height shall be 23 storeys;
- ii) for Area M-2 the maximum building height shall be 3 storeys; and,
- iii) for Area M-3 the maximum building height shall be 6 storeys.”

Maps

4.2.2 Map

- a. That Volume 2, Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan be amended by:
- i. adding a portion of the subject lands to the Strathcona Secondary Plan Area;
 - ii. removing the Area Specific Policy – Area C-2 from the subject lands; and,

- iii. identifying the subject lands as Site Specific Policy – Area M, as shown on Appendix “F”, attached to this Amendment.
- b. That Volume 2, Map B.6.6-2 – Strathcona Secondary Plan – Transportation Classification Plan be amended by adding a portion of the subject lands within the Strathcona Secondary Plan Boundary, as shown on Appendix “G”, attached to this Amendment.
- c. That Volume 2, Appendix A – Strathcona Secondary Plan – Views and Vistas be amended by adding a portion of the subject lands within the Strathcona Secondary Plan Boundary, as shown on Appendix “H”, attached to this Amendment.
- d. That Volume 2, Appendix B – Strathcona Secondary Plan – Cultural Heritage Resources be amended by adding a portion of the subject lands within the Strathcona Secondary Plan Boundary, as shown on Appendix “I”, attached to this Amendment.
- e. That Volume 2, Appendix A – Secondary Plan Index Map be amended by adding a portion of the subject lands within the Strathcona Secondary Plan Boundary, as shown on Appendix “J”, attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 20-227 passed on the 28th day of October, 2020.


**The
City of Hamilton**

F. Eisenberger
Mayor

A. Holland
City Clerk



Appendix A
APPROVED Amendment No.139
to the Urban Hamilton Official Plan

 Change in designation from "Neighbourhoods" to "Mixed Use - Medium Density"


(74 Queen Street South and 244 and 246 Jackson Street West, Hamilton)

Date: October 16, 2020	Revised By: AD/DM/NB	Reference File No.: OPA-U-139(H)
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APPEALS

 The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal.

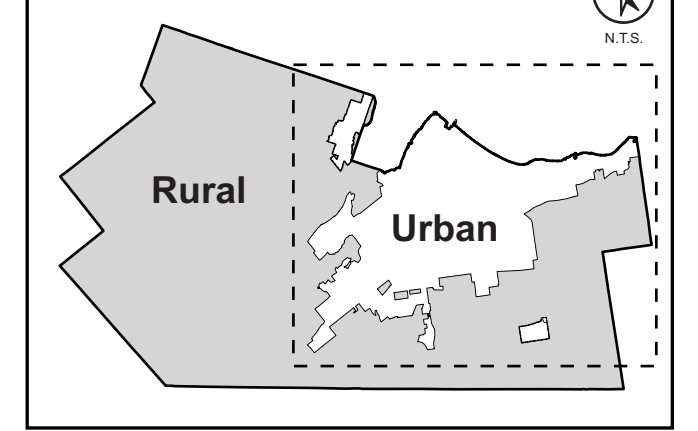
UHOPA NO. 69 APPEALS - PL171450

-  - 71 Main Street West and 10 Baldwin Street, Appellant # 8
- 3011 Homestead Drive (Glanbrook), Appellant # 4
- Certain Lands between Wilson Street West and south and north of Portia Drive (Ancaster), Appellant # 15
- 221-225 John Street South and 70-78 Young Street (Hamilton), Appellant # 20
- 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14

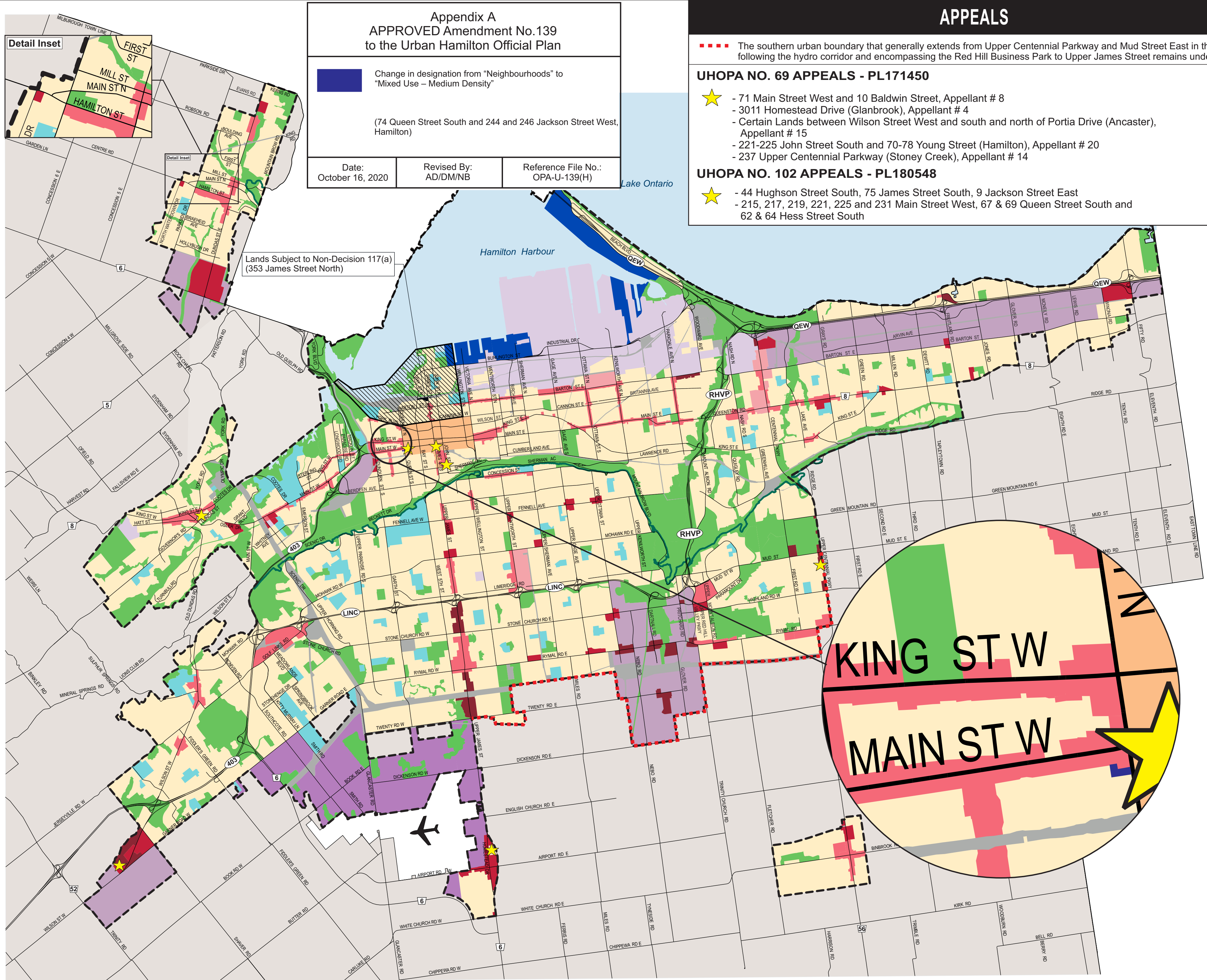
UHOPA NO. 102 APPEALS - PL180548

-  - 44 Hughson Street South, 75 James Street South, 9 Jackson Street East
- 215, 217, 219, 221, 225 and 231 Main Street West, 67 & 69 Queen Street South and 62 & 64 Hess Street South

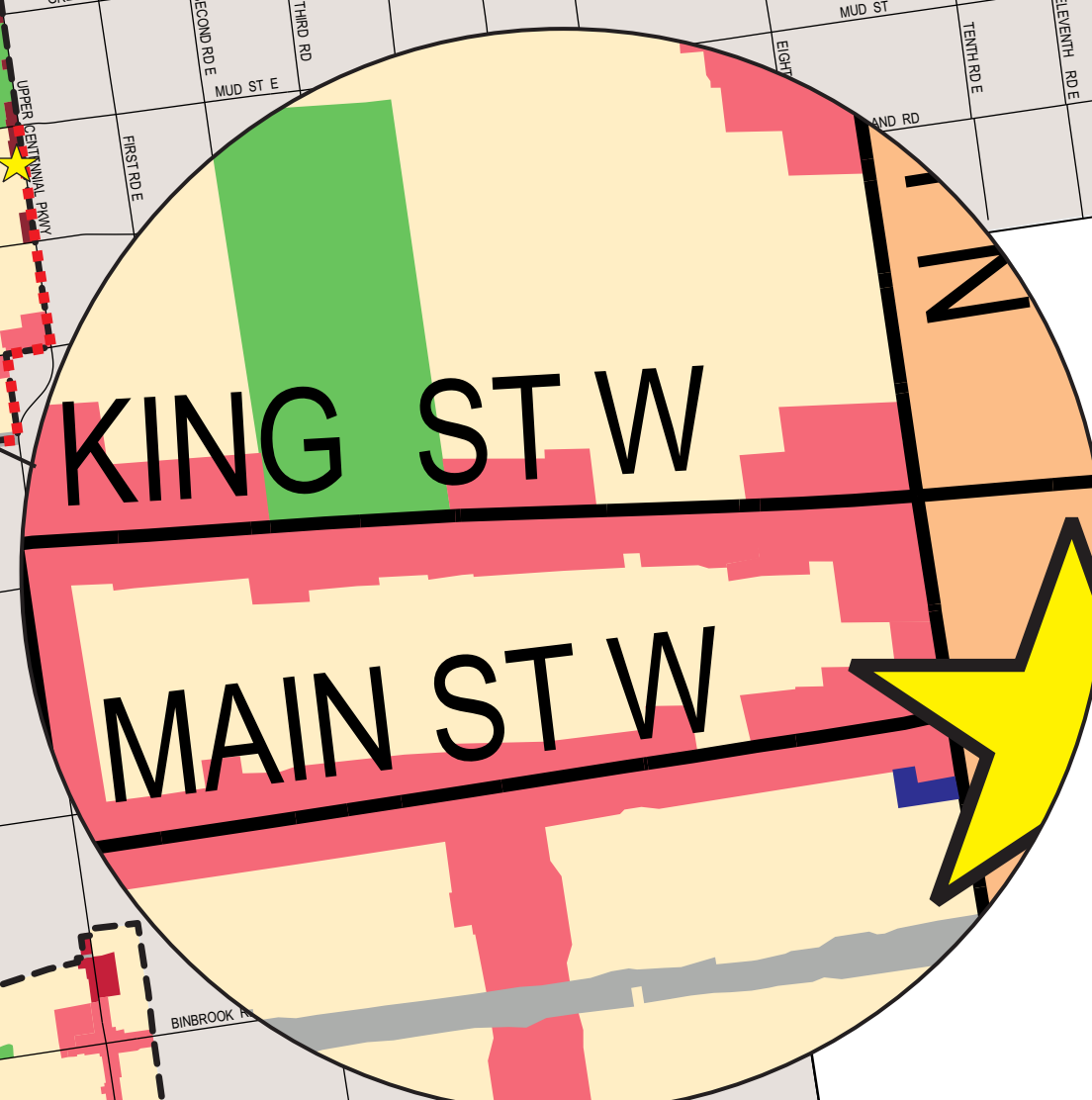
Key Map




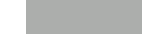


Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.



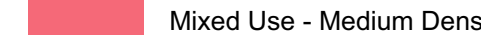




Lands Subject to Non-Decision 117(a)
(353 James Street North)



-  Neighbourhoods
-  Open Space
-  Institutional
-  Utility






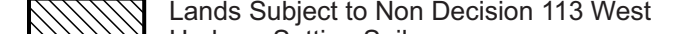
Commercial and Mixed Use Designations

-  Downtown Mixed Use Area
-  Mixed Use - High Density
-  Mixed Use - Medium Density
-  District Commercial
-  Arterial Commercial

Employment Area Designations

-  Industrial Land
-  Business Park
-  Airport Employment Growth District
-  Shipping & Navigation

Other Features

-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary
-  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

**Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations**



Not To Scale


Date: March 20, 2020

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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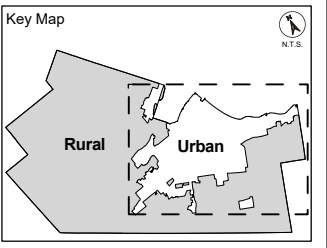
Appendix B
 APPROVED Amendment No. 139
 to the Urban Hamilton Official Plan

 Lands to be identified as "Strathcona"
 (244 and 246 Jackson Street West, Hamilton)

Date:
 October 16, 2020

Revised By:
 AD/DM/NB

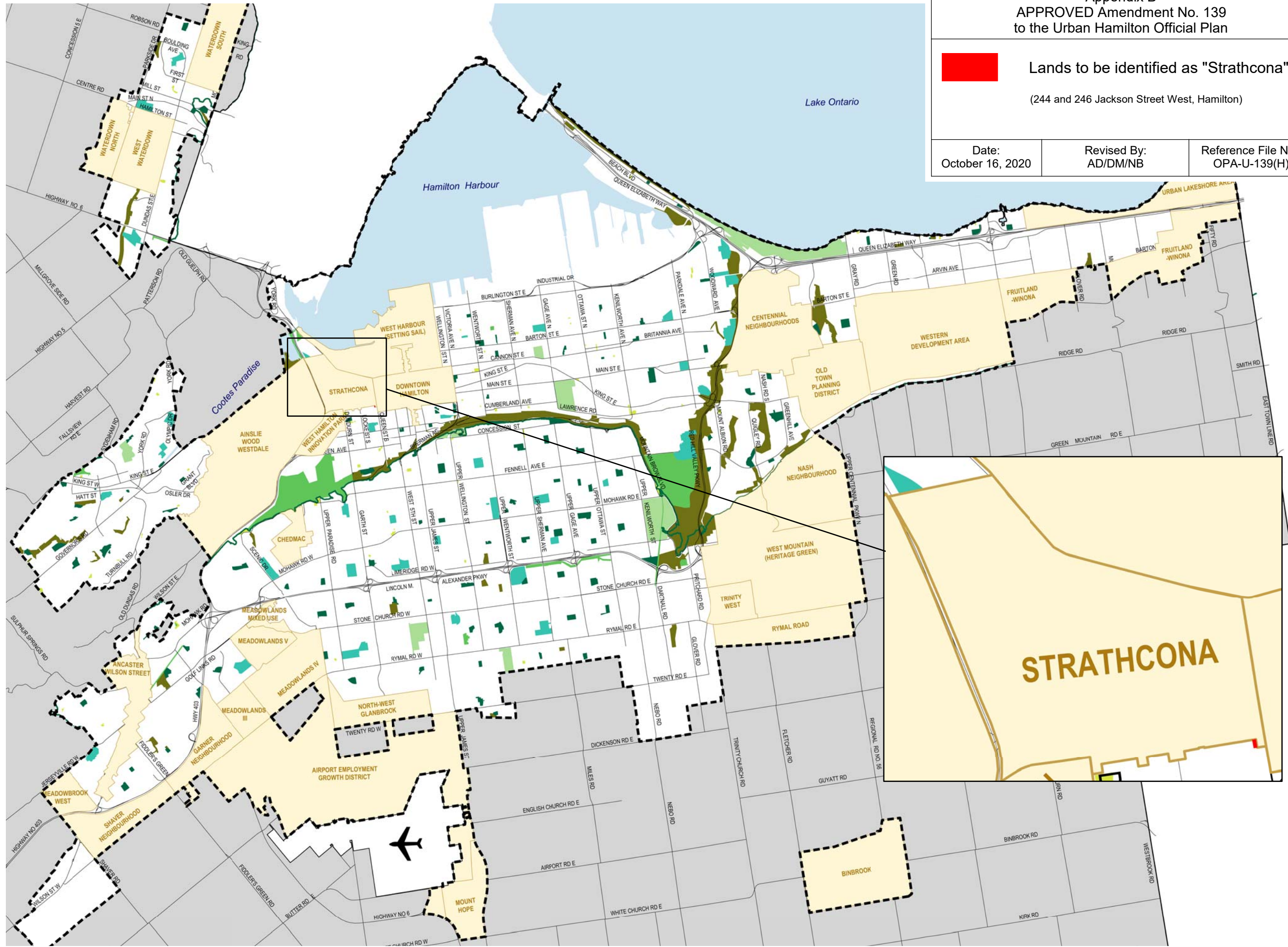
Reference File No.:
 OPA-U-139(H)















Note: For Rural Parks Classification Designations, refer to Appendix A of the Rural Hamilton Official Plan.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal - see illustration on Schedules E and E-1, Volume 1.



Legend

-  Secondary Plans
- Parks Classification**
-  Parkette
-  Neighbourhood
-  Community
-  City Wide
-  General Open Space
-  Natural Open Space
- Other Features**
-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary



Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Appendix A
 Parks Classification Map**
 (Parks Outside of Secondary Plans)



Appendix C
 APPROVED Amendment No. 139
 to the Urban Hamilton Official Plan

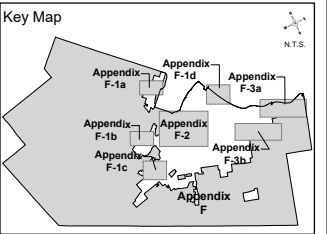
Lands to be identified as "See Volume 2: Appendix B Strathcona Secondary Plan"

(244 and 246 Jackson Street West, Hamilton)

Date:
 October 16, 2020

Revised By:
 AD/DM/NB

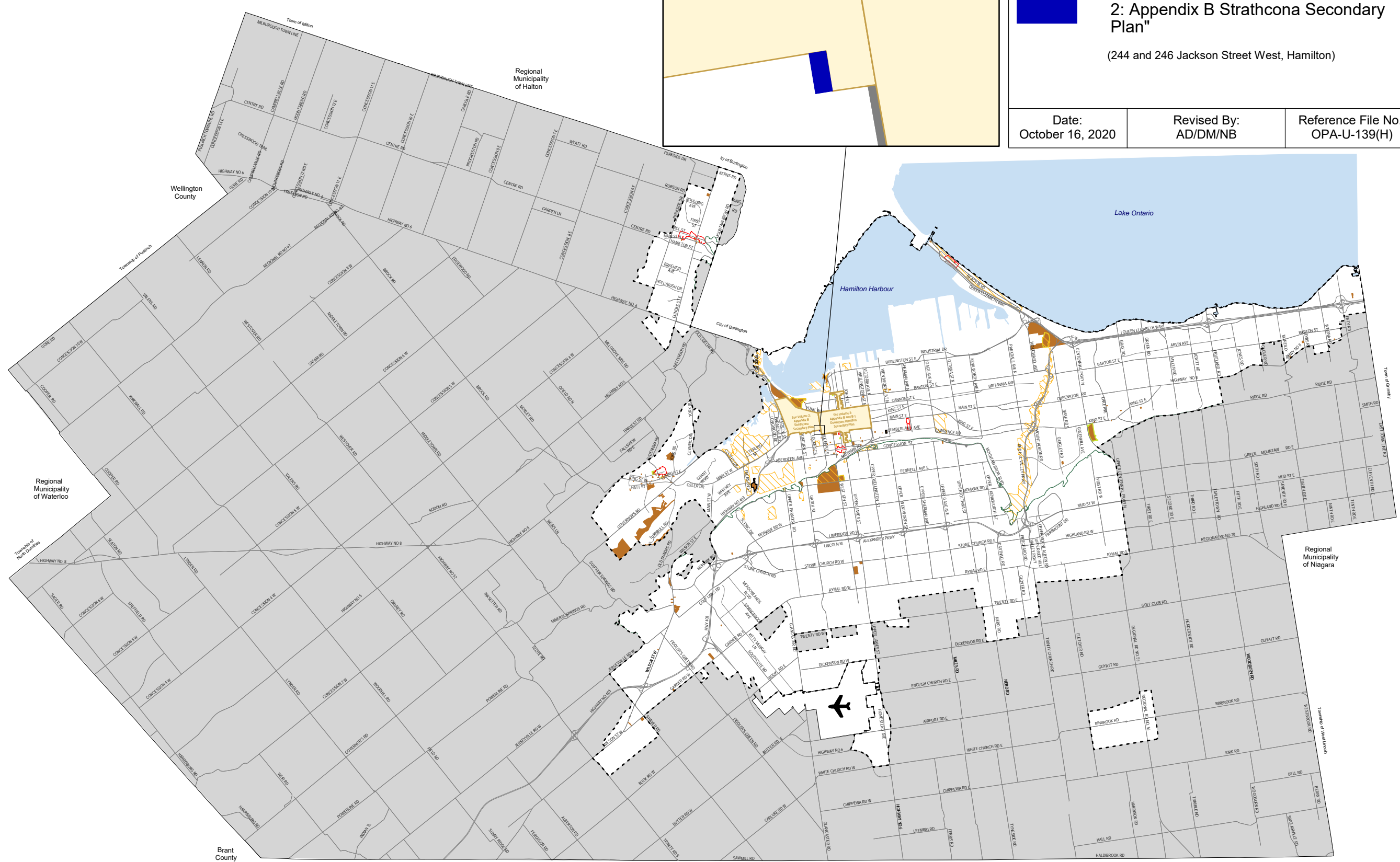
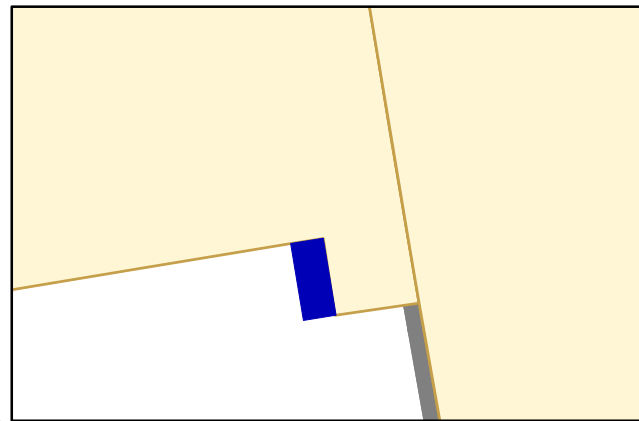
Reference File No.:
 OPA-U-139(H)



Note: For a detailed view of Cultural Heritage Resources, refer to Appendices F-1, F-2 & F-3.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal - see illustration on Schedules E and E-1, Volume 1.



Legend

- Cultural Heritage Landscapes
- Individually Designated Properties
- Heritage Conservation Districts
- Municipal Easements (Part IV)
- Ontario Heritage Trust Easements (Part V)

Other Features

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Appendix F
 Cultural Heritage Resources**



Appendix D
 APPROVED Amendment No. 139
 to the Urban Hamilton Official Plan

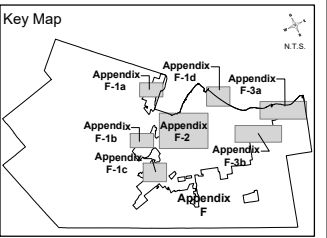
Lands to be identified as "See Volume 2:
 Appendix B Strathcona Secondary
 Plan"

(244 and 246 Jackson Street West, Hamilton)

Date:
 October 1, 2020

Revised By:
 AD/DM/NB

Reference File No.:
 OPA-U-139(H)



Note: For a detailed view of Cultural Heritage Resources, refer to Appendices F-1, F-2 & F-3.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park, the Mount Hope area, and the Airport Business Park, and following Twenty Road and Garner Road to Fiddlers Green Road in the west remains under appeal – see illustration on Schedules E and E-1, Volume 1

Legend

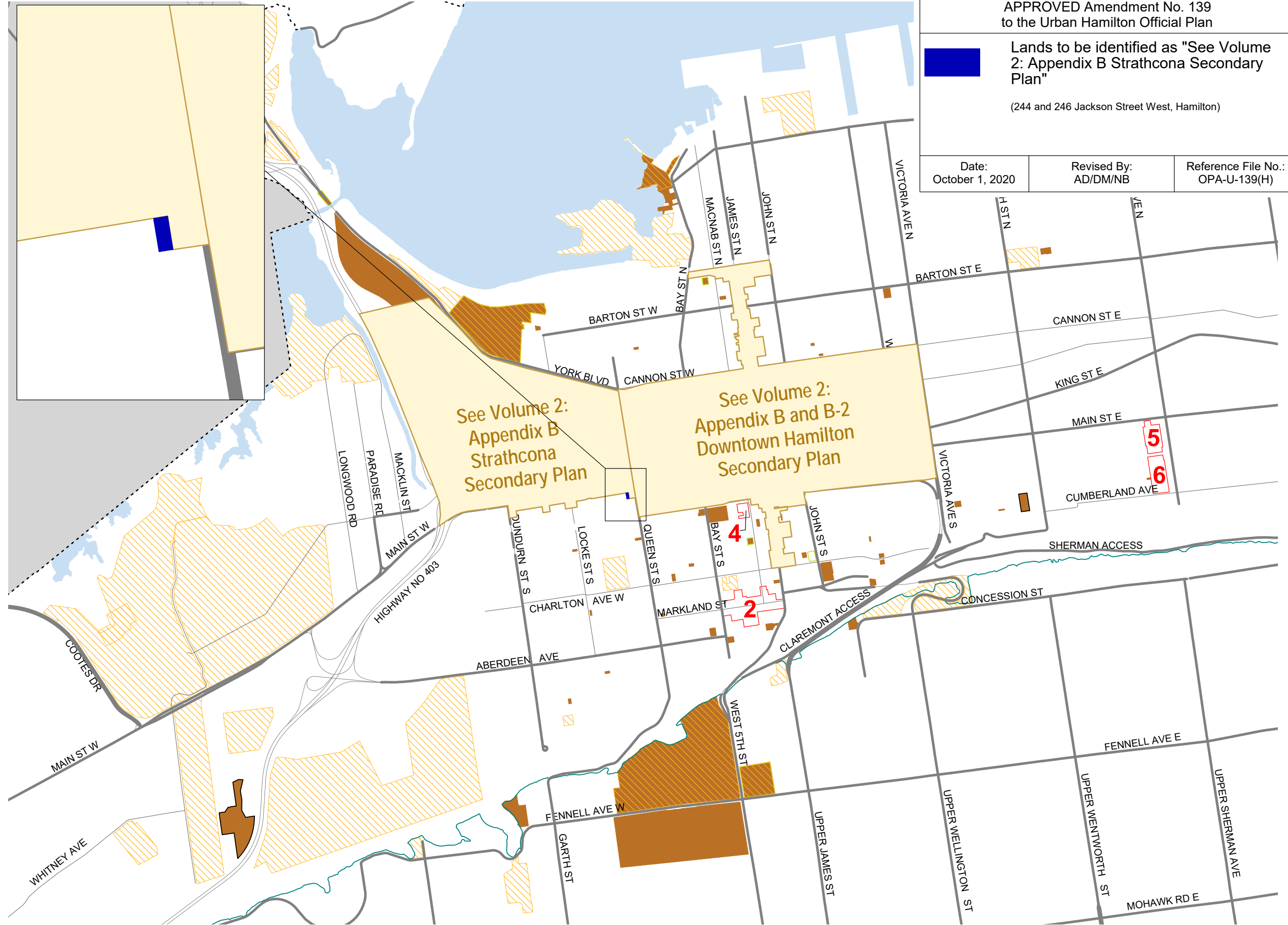
- Cultural Heritage Landscapes
- Individually Designated Properties (Part IV)
- Heritage Conservation Districts (Part V)
 - 2 Durand-Markland
 - 4 MacNab-Charles
 - 5 St Clair Ave
 - 6 St Clair Blvd
- Municipal Easements (Part IV)
- Ontario Heritage Trust Easements

Other Features

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Appendix F-2
 Area Specific Cultural Heritage Resources**



Appendix E
APPROVED Amendment No. 139
to the Urban Hamilton Official Plan



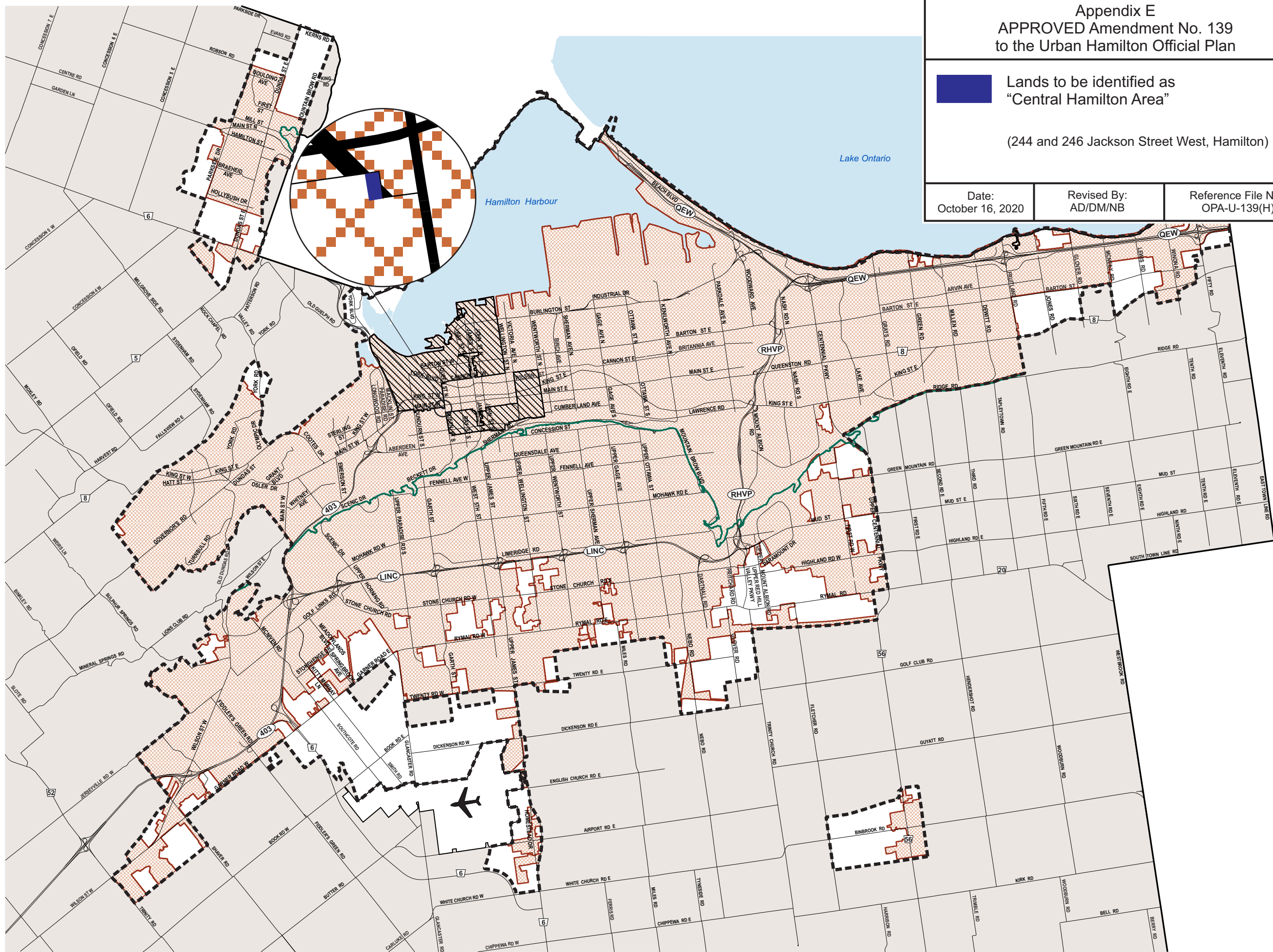
Lands to be identified as
"Central Hamilton Area"

(244 and 246 Jackson Street West, Hamilton)

Date:
October 16, 2020

Revised By:
AD/DM/NB

Reference File No.:
OPA-U-139(H)



Legend




- Built Boundary
- ▨ Built-up Area
- ▩ Central Hamilton
- Other Features
- Rural Area
- ✈ John C. Munro Hamilton International Airport
- Niagara Escarpment
- - - Urban Boundary
- Municipal Boundary

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

Urban Hamilton Official Plan
Appendix G
Boundaries Map



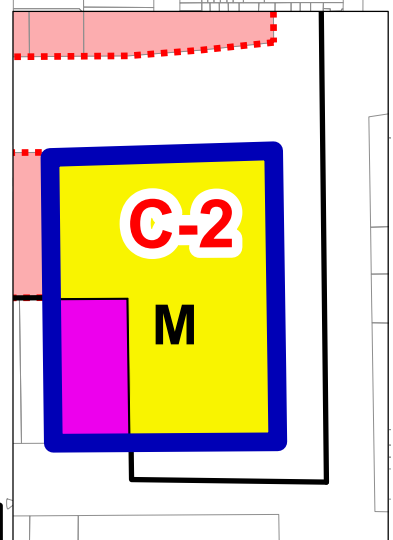
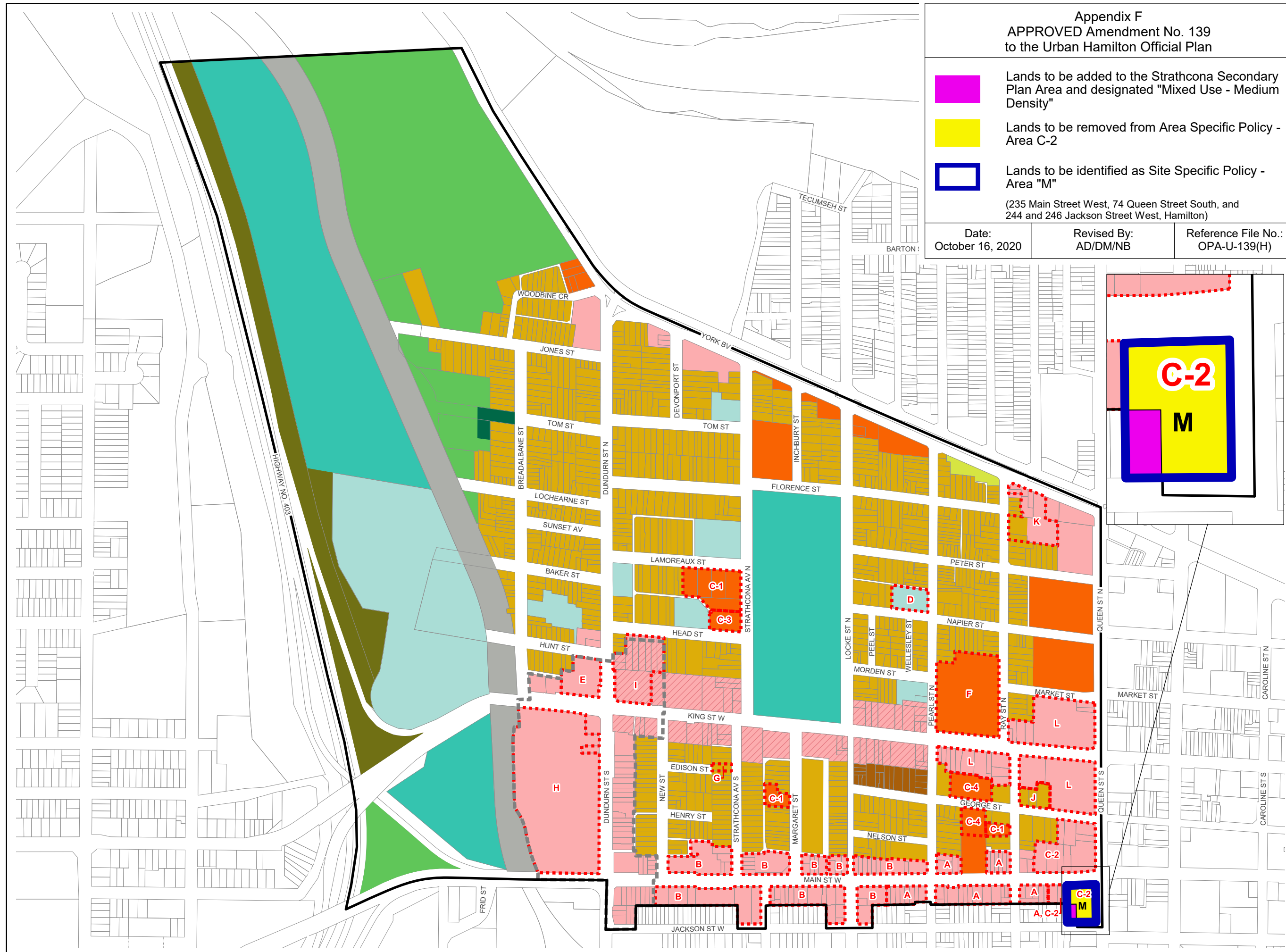
Appendix F
 APPROVED Amendment No. 139
 to the Urban Hamilton Official Plan

-  Lands to be added to the Strathcona Secondary Plan Area and designated "Mixed Use - Medium Density"
 -  Lands to be removed from Area Specific Policy - Area C-2
 -  Lands to be identified as Site Specific Policy - Area "M"
- (235 Main Street West, 74 Queen Street South, and 244 and 246 Jackson Street West, Hamilton)

Date:
 October 16, 2020

Revised By:
 AD/DM/NB


Reference File No.:
 OPA-U-139(H)



- ### Legend
- Residential Designations**
-  Low Density Residential 3
 -  Medium Density Residential 2
 -  High Density Residential
- Commercial and Mixed Use Designations**
-  Mixed Use - Medium Density
- Parks and Open Space Designations**
-  Parkette
 -  Neighbourhood Park
 -  Community Park
 -  General Open Space
 -  Natural Open Space
- Other Designations**
-  Institutional
 -  Utility
- Other Features**
-  Pedestrian Focus
 -  Area or Site Specific Policy
 -  Neighbourhood Node
 -  Secondary Plan Boundary

Urban Hamilton Official Plan
Strathcona
Secondary Plan
 Land Use Plan
 Map B.6.6-1

Appendix G
 APPROVED Amendment No. 139
 to the Urban Hamilton Official Plan

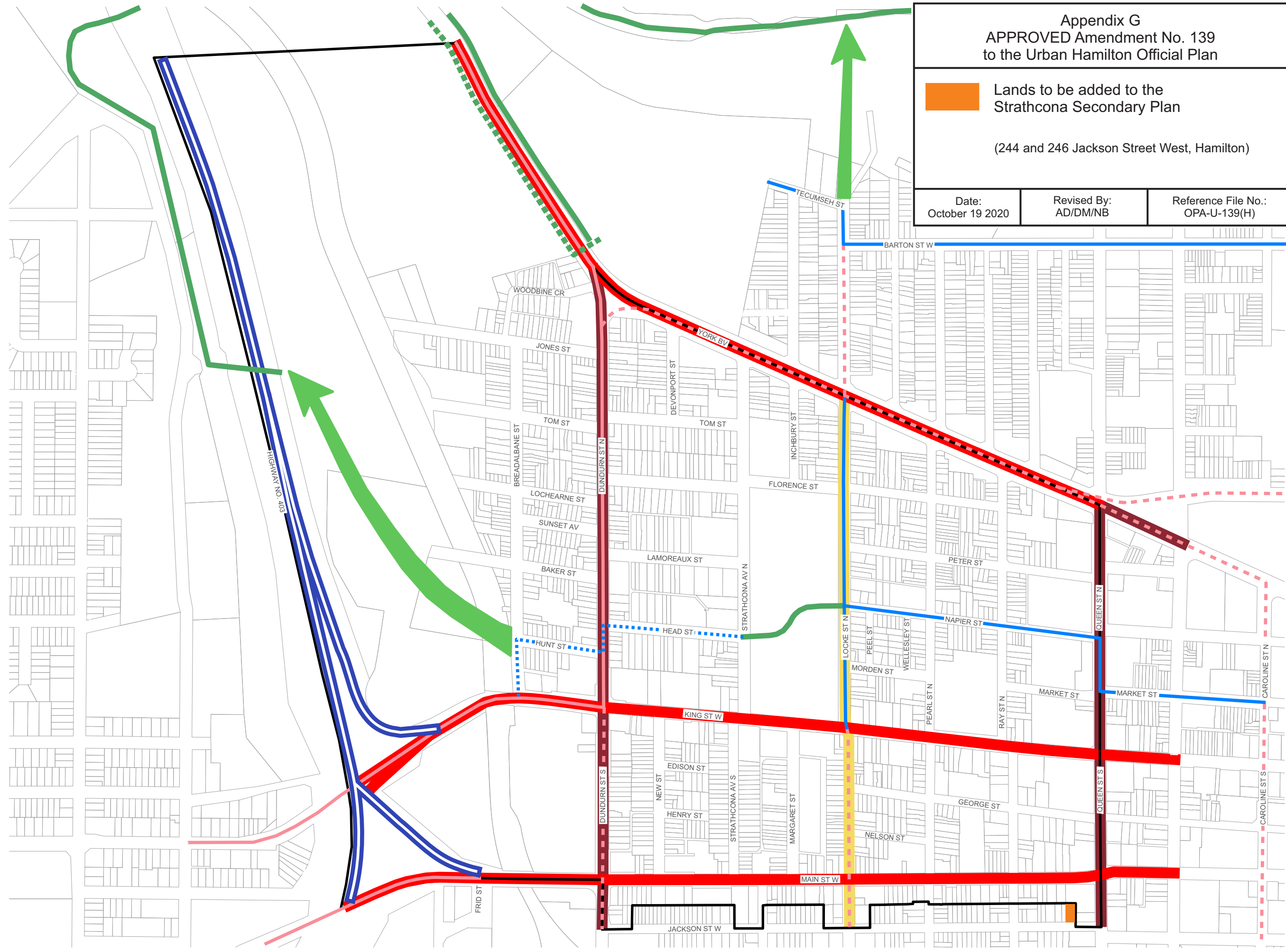
 Lands to be added to the
 Strathcona Secondary Plan

(244 and 246 Jackson Street West, Hamilton)



Date:
 October 19 2020

Revised By:
 AD/DM/NB

Reference File No.:
 OPA-U-139(H)



Legend

- Road Classification**
-  Major Arterial Road
 -  Minor Arterial Road
 -  Collector Road
 -  Provincial Highway (controlled access)
- Existing Trails**
-  Existing Signed Bike Route
 -  Proposed Signed Bike Route
 -  Existing Bike Lane
 -  Proposed Bike Lane
 -  Existing Multi-Use Path
 -  Future Multi-Use Path
 -  Future Multi-Use Connection
- Other Features**
-  Secondary Plan Boundary

**Urban Hamilton Official Plan
 Strathcona
 Secondary Plan
 Transportation Classification Plan
 Map B.6.6-2**




Not To Scale



Date: Sept. 28, 2015
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Appendix H
 APPROVED Amendment No.139
 to the Urban Hamilton Official Plan

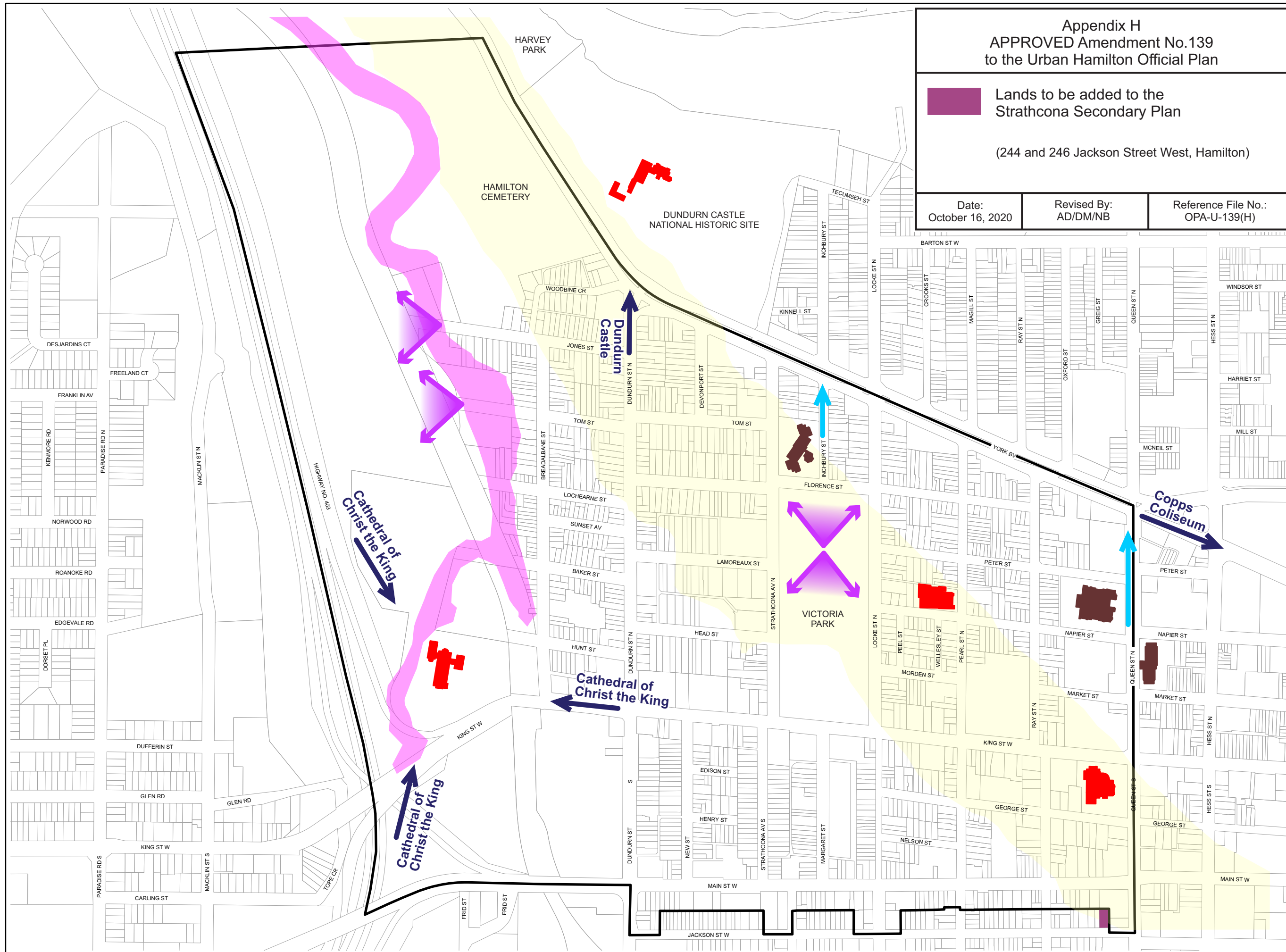
 Lands to be added to the
 Strathcona Secondary Plan









 (244 and 246 Jackson Street West, Hamilton)

Date:
 October 16, 2020

Revised By:
 AD/DM/NB


Reference File No.:
 OPA-U-139(H)



- Legend**
-  View of Harbour
 -  View of Landmark Building
 -  Panoramic View
 -  High Buildings
(10 storeys or higher)
 -  Landmark Buildings
 -  Bluffs (Drop approximately 20m
to the North and to the West)
 -  Iroquois Beach Ridge
(Ridge of high land 32-36m
above harbour water level)
- Other Features:**
-  Secondary Plan Boundary

**Urban Hamilton Official Plan
 Strathcona Secondary Plan
 Views and Vistas
 Appendix A**

Appendix I
 APPROVED Amendment No. 139
 to the Urban Hamilton Official Plan

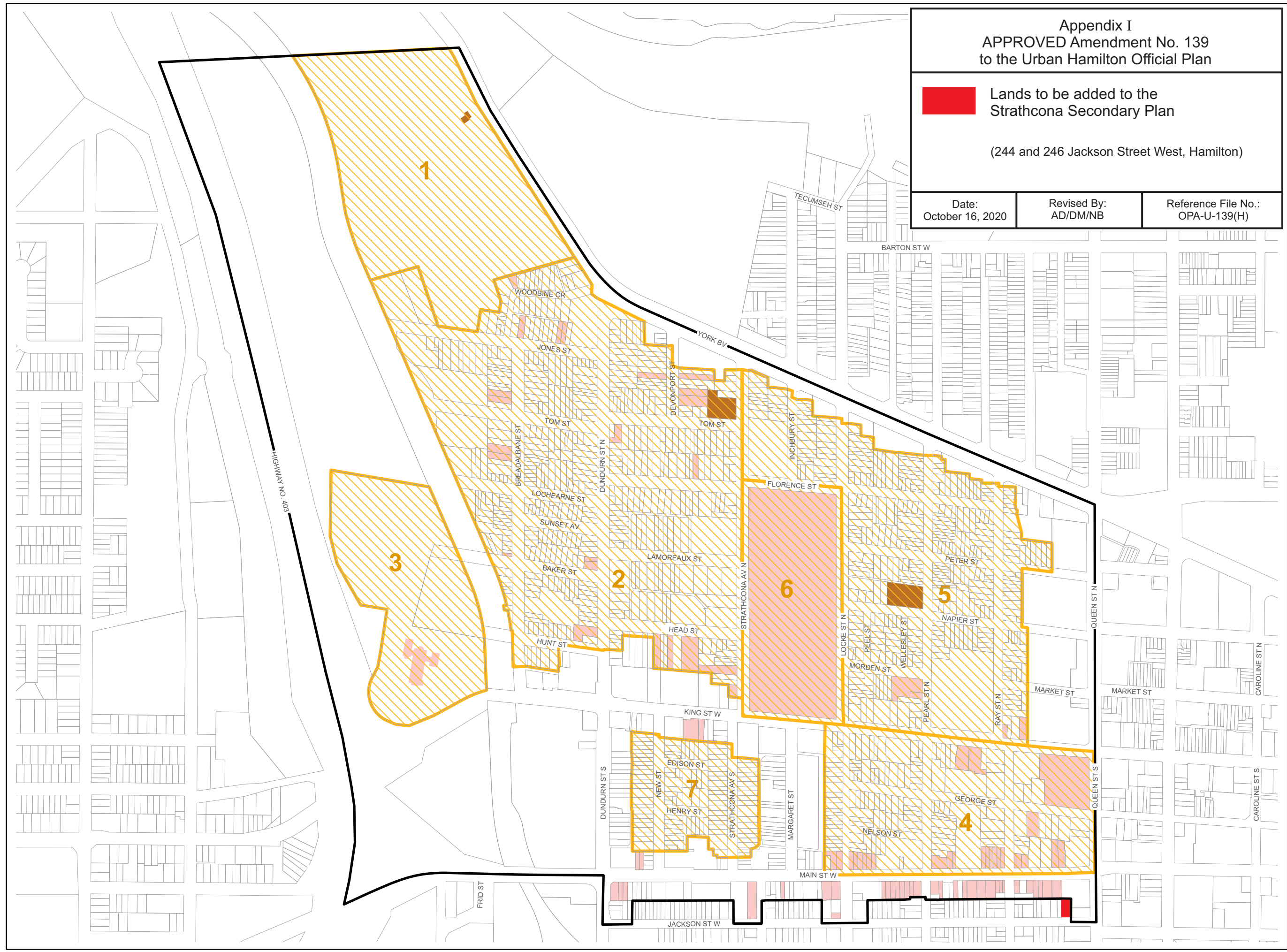
 Lands to be added to the
 Strathcona Secondary Plan

(244 and 246 Jackson Street West, Hamilton)




Date:
 October 16, 2020

Revised By:
 AD/DM/NB


Reference File No.:
 OPA-U-139(H)



Legend

-  Designated under the Ontario Heritage Act
-  Listed in Volume 2: Inventory of Buildings or Architectural and/or Historical Interest and Cultural Heritage Landscapes
-  Cultural Heritage Landscapes
 1. Hamilton's Cemetery
 2. MacNab's Survey
 3. Cathedral of Christ the King
 4. Mill's Survey
 5. Arnold's Survey
 6. Victoria Park
 7. New - Beasley

Other Features

-  Secondary Plan Boundary

**Urban Hamilton Official Plan
 Strathcona
 Secondary Plan
 Cultural Heritage Resources
 Appendix B**




Not To Scale



Date: May 9, 2016

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Appendix J
 APPROVED Amendment No. 139
 to the Urban Hamilton Official Plan

 Lands to be added to the
 Strathcona Secondary Plan Area
 (244 and 246 Jackson Street West, Hamilton)

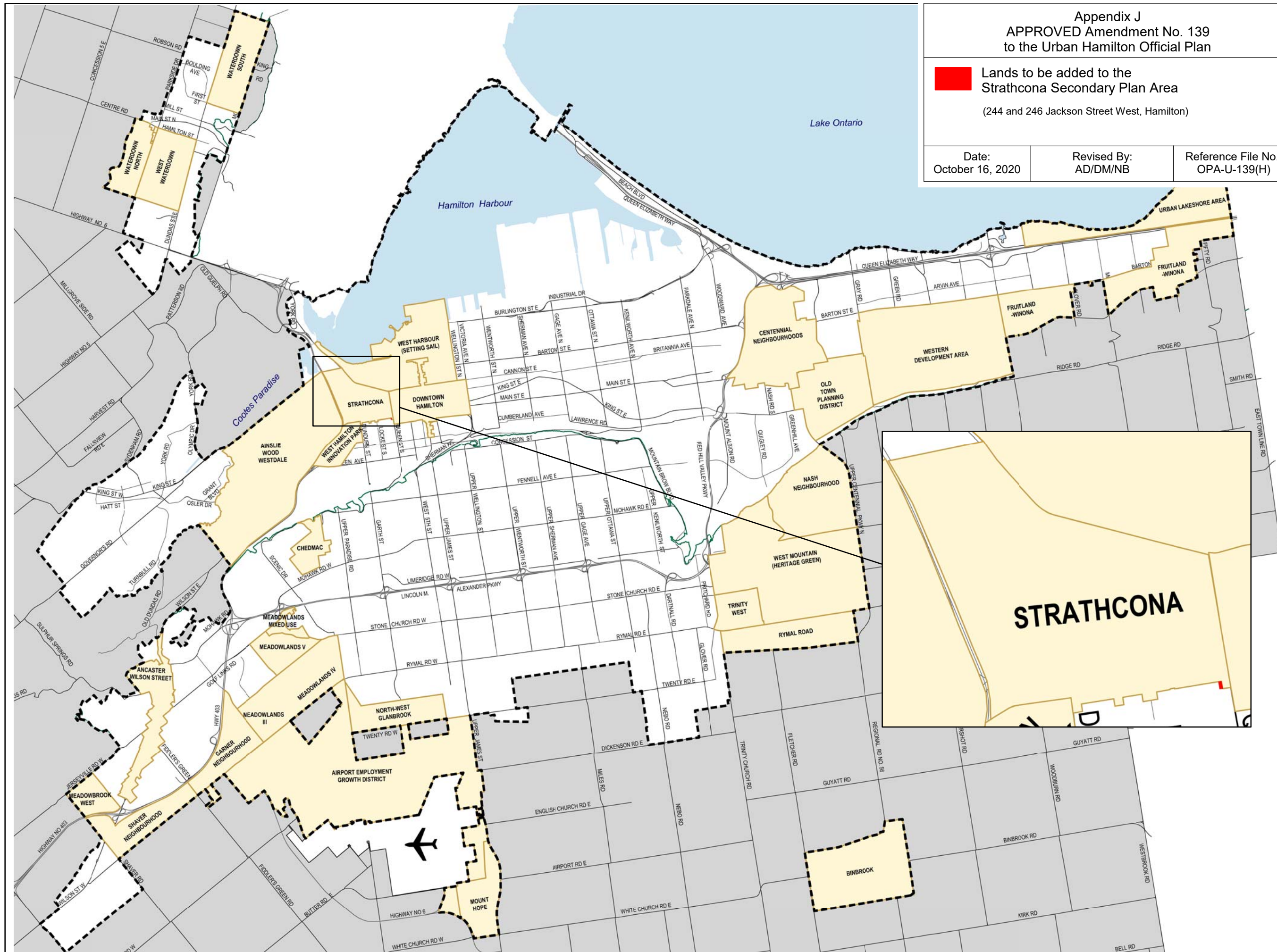
Date:
 October 16, 2020

Revised By:
 AD/DM/NB

Reference File No.:
 OPA-U-139(H)

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal - see illustration on Schedules E and E-1, Volume 1.





Legend


 Secondary Plan Area

Other Features

 Rural Area

 John C. Munro
 Hamilton International Airport

 Niagara Escarpment

 Urban Boundary (LEGEND)

 Municipal Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
 Volume 2: Appendix A
 Secondary Plans Index Map



Not To Scale



Date: Oct. 2019

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Authority: Item 5, Planning Committee
Report 20-011 (PED20142)
CM: October 14, 2020
Ward: 1

Bill No. 230

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend Zoning By-law No. 05-200 Respecting Lands 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West

WHEREAS Council approved Item 5 of Report 20-011. of the Planning Committee at its meeting held on the 14th day of October, 2020;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.139.

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

1. That Map No. 951 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Mixed Use – Medium Density (C5, 297) Zone to the Mixed Use – Medium Density (C5, 736) Zone, to the land comprised of 235 Main Street West and 74 Queen Street South, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to the By-law.
2. That Map No. 951 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, be amended by adding the Mixed Use – Medium Density (C5, 736) Zone, to the land comprised of 244 and 246 Jackson Street West, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law.
3. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is amended by deleting the words "235 Main Street West" and "74 Queen Street South" from the list of Property Addresses.
4. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is amended by adding the following new special exception:

"736. Within the lands zoned Mixed Use – Medium Density (C5) Zone, identified on Map No. 951 of Schedule "A" to By-law No. 05-200 and described as 235 Main Street West, 74 Queen Street South and 244-246 Jackson Street West, the following special provisions shall also apply:

- a) Notwithstanding Subsections 4.6 a) and d), the following special provisions shall apply:
 - i) Architectural features, ductwork, venting and other similar appurtenances may be permitted to encroach into any required setback.

		1.0 metres from a Daylight Triangle.
v)	Minimum Rear Yard	0.0 metres
vi)	Minimum Interior Side Yard	0.0 metres
vii)	Building Height	1) Minimum 7.5 metres; 2) Maximum 80.85 metres; 3) Notwithstanding 2) above, maximum building height shall be in accordance with Figure 22 of Schedule F - Special Figures of Zoning By-law 05-200.
viii)	Built form for New Development	A minimum of one principal entrance shall be provided in the façade along Main Street West.
ix)	Planting Strip	A planting strip shall not be required.
x)	Visual Barrier	A visual barrier shall not be required.

5. That Schedule F: Special Figures of By-law 05-200 is hereby amended by adding Figure 22: Maximum Building Heights for 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West.
6. That the Clerk is hereby authorized to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning Act*.

PASSED this 28th day of October, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

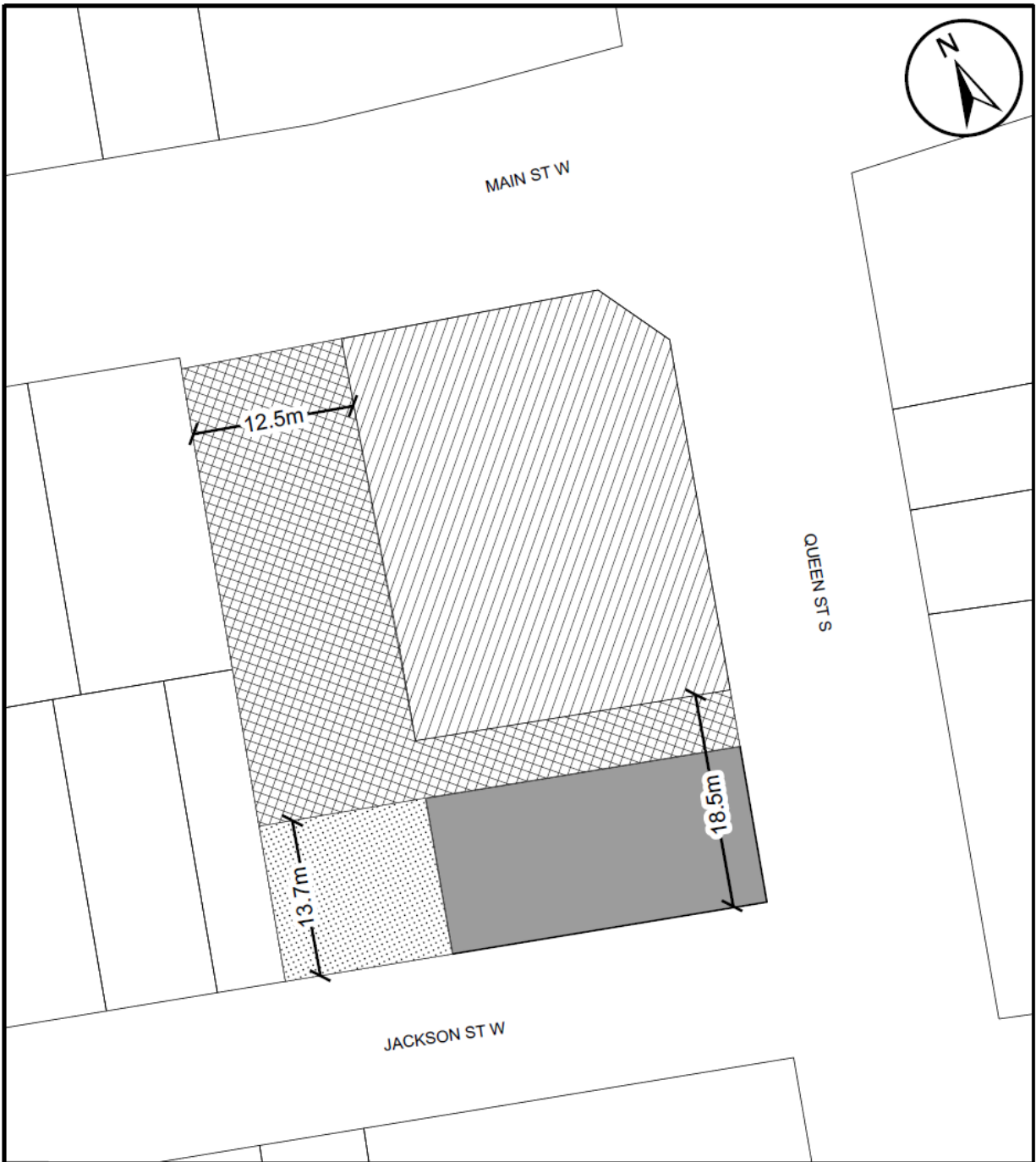
ZAC-18-012



This is Schedule "A" to By-law No. 20- Passed the day of, 2020	----- Mayor ----- Clerk
---	--------------------------------------

<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 20-_____</h3> to Amend By-law No. 05-200 Map 951	<p>Subject Property 235 Main Street West, 74 Queen Street South, 244 - 246 Jackson Street West</p> <p> Block 1 - Change in zoning from the Mixed Use -Medium Density (C5, 297) Zone to the Mixed Use - Medium Density (C5, 736) Zone</p> <p> Block 2 - To add lands as Mixed Use - Medium Density (C5, 736) Zone</p>
--	---


Scale: N.T.S.	File Name/Number: ZAC-18-012	
Date: August 4, 2020	Planner/Technician: AD/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton



Special Figure 22: Maximum Building Heights for 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West

Date:
August 17, 2020

Legend

- | | |
|---|---|
|  Maximum Building Heights 80.85m |  Maximum Building Heights 14.0m |
|  Maximum Building Heights 22.0m |  Maximum Building Heights 14.87m |



CITY OF HAMILTON

BY-LAW NO. 20-

To Confirm the Proceedings of City Council at its meeting held on October 28th, 2020.

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

1. The Action of City Council at its meeting held on the 28th day of October 2020, in respect of each recommendation contained in

Board of Health Report 20-006 – October 19, 2020,
Public Works Committee Report 20-010 – October 19, 2020,
Planning Committee Report 20-012 – October 20, 2020,
General Issues Committee Report 20-016 – October 21, 2020,
Hamilton Renewable Power Inc. Annual General Meeting Report 20-001 –
October 21, 2020,
Audit, Finance & Administration Committee Report 20-009 – October 22, 2020,
and,
CityHousing Hamilton Shareholder Annual General Meeting Report 20-001 –
October 27, 2020

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

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

PASSED this 28th day of October 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk