



City of Hamilton

CITY COUNCIL ADDENDUM

20-026

Wednesday, November 25, 2020, 9:30 A.M.

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

All electronic meetings can be viewed at:

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

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

4. COMMUNICATIONS

4.13. Correspondence respecting Sidewalk Snow Removal.

*4.13.n. Lauren Stephen

*4.13.o. Ani Chernier

Recommendation: Be received and referred to Item 4 of General Issues Committee Report 20-019.

*4.21. Correspondence from the Ombudsman of Ontario notifying the City of an Ombudsman's investigation respecting a Closed meeting complaint about a meeting held by the Hamilton Farmers' Market Corporation Board of Directors on September 28, 2020.

Recommendation: Be received.

*4.22. Correspondence from Ombudsman of Ontario notifying the City of an Ombudsman's investigation respecting a Close meeting held by the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee on October 20, 2020.

Recommendation: Be received.

*4.23. Correspondence from Denis Page requesting that Council make the wearing of masks mandatory.

Recommendation: Be received.

*4.24. Correspondence respecting e-bikes banned posted signs in Stoney Creek:

*4.24.a. Lakewood Beach Community Council

*4.24.b. Walter Cairns

Recommendation: Be received.

*4.25. Correspondence from Ugo Penna respecting cameras for speeding in Hamilton.

Recommendation: Be received.

*4.26. Correspondence from Lakewood Beach Community Council respecting the Niagara Regional Transit On Demand Pilot Project.

Recommendation: Be received and referred to the consideration of Item 5 of Public Works Committee Report 20-011.

*4.27. Correspondence from Municipal Property Assessment Corporation (MPAC) respecting MPAC: 2021 Values and COVID-19.

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

*4.28. Correspondence from the Hamilton Conservation Authority respecting the Board's concerns with Bill 229: Protect, Support and Recover from COVID 19 Act (Budget Measures Act) - Schedule 6 - Conservation Authorities Act.

Recommendation: Be received and referred to the consideration of Item 7.1.

*4.29. Correspondence from Emily Kulpaka respecting Covid Protocols and City Priorities.

Recommendation: Be received.

*4.30. Correspondence from Mrs. S. Bonnallie respecting Tents in front of City Hall.

Recommendation: Be received.

7. NOTICES OF MOTIONS

- *7.1. Bill 229 - Proposed Changes to the Conservation Authorities Act

9. PRIVATE AND CONFIDENTIAL

- *9.3. Potential Regulatory Litigation Update (PW19008(j)/LS19004(j)) (City Wide)

Pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (e), (f), and (k) 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; 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.

- *9.4. Regulatory Litigation Matter (Verbal Update)

Pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (e), (f), and (k) 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; 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.

Pilon, Janet

Subject: Wealthy property owners not clearing walks

From: Lauren Stephen

Sent: November 18, 2020 1:26 PM

To: Farr, Jason <Jason.Farr@hamilton.ca>; clerk@hamilton.ca; Ward 8 Office <ward8@hamilton.ca>

Subject: Wealthy property owners not clearing walks

Hello Jason Farr,

Too many wealthy property owners in our Ward are not clearing their sidewalks in a timely manner.

I do not accept the stereotype of the elderly, low-income, homeowner who has trouble clearing their walk themselves or paying for it. My neighbours who fit that profile are among the most diligent at clearing their walks.

The past few winters it seems rather the wealthiest property owners who do not clear their walks. Last winter I spoke via video intercom doorbell to a homeowner at Bay and Markland who said they were out of the country; they had made no arrangements to clear their walks. I have friends who work clearing sidewalks in the winter--they are in desperate need of work this winter!

The house at [REDACTED] was assessed at just over \$1 million a couple years ago. The homeowner is a deck contractor, a healthy and reasonably well off man in the prime of his life, whose business name is right on the vehicle. How diligent is he in his business practices if he doesn't even clear his walks?

Around Mohawk (Cc: Ward 8 Councillor), it seems absentee landlords are the big problem. These people have the capital to invest in property, but some are not willing to hire the labour to maintain the properties.

Small businesses are typically diligent at clearing the walks around their business, if I note to them they are responsible for clearing something they are not clearing. In a few cases, I hear "the city is responsible for clearing that" but that is usually pretty easy to check, and once it is confirmed things are mostly fine. The southern strip of sidewalk on Duke, at James and Duke (in front of Royal Pizza, near La Piazza Allegra) approaching but not including One Duke... is one example that was not being cleared and now is.

Condo developments are an interesting case. There may be an office or model unit that is not 'manned' all the time and overlooks clearing a walk. Typically, these businesses are very fast at clearing things if I mention it to them, and do not want me to call the city. I typically say that there are several condo developments in the neighbourhood, and they're hurting sales for themselves and others if it looks like this is a neighbourhood that doesn't clear its walks.

Condo developments are interesting in another way. The presence of a condo development lets me put pressure on nearby property owners. If the sidewalks are not cleared of snow and ice, people are not going to want to buy property in the area. It hurts property values. It hurts sales. It hurts the biggest industry in our city.

Recently, I have learned that a Google Maps review is one of the most important things you can do to lend support for a business. You can find my 5-star review of La Luna Express on Google Maps. This is my review of the 5-Star cafe: "Good bar. Cheap pints. Friendly crowd and server. I give it four stars."

My point here is that I intend to incorporate snow clearing information to my Google Maps reviews. Example.

The CIBC branch at 667 Upper James doesn't clear the walks in front of its business (facing Upper James). How careful are they going to be with your money? They say that they're not responsible, that it's the landlord that's responsible. To

that I say, they are paying for a service with their rent and they are not receiving that service. Again, how careful can they be with your money? This is something that can significantly affect customers trying to get into the branch, and in years past they have seemed totally oblivious to it. How carefully is this branch looking out for its customers interests, if they let that go?

I plan to balance bad Google Maps reviews with strong recommendations, so not hurting business overall, and not seeming like an unreasonable crank.

The City of Hamilton's complaints-based system depends on diligent citizens like me holding my neighbours to account. I believe I have reached the limit of what I can do by contacting bylaw enforcement. It's a lot of work. This year, I will be contacting more property owners directly, and publicly naming scofflaws.

Best,

Lauren Stephen

Pilon, Janet

Subject: A call for universal snow clearing on Hamilton sidewalks

Hi Jason,

I am writing to you today to add my voice to those of others calling for universal sidewalk snow removal across Hamilton.

I recently participated in *Engage Hamilton's* [Snow Clearing Survey](#). The survey was launched with the understanding that results would be shared with, and acted on by City Council in the Fall of 2020. According to a recent article in [The Hamilton Spectator](#), City Staff have recommended adjourning discussion of these results until next year. **I urge you to speak up on this Wednesday's General Issues Committee, to demand that a decision be reached now, before this winter.**

In Winter, many Hamilton sidewalks become impassable for people with limited mobility, including parents pushing strollers, people using assisted mobility devices, elderly people and people with physical disabilities. As an otherwise healthy person who walks a lot, I can attest to the fact that I often slip on icy, uncleared sidewalks, and am often forced to walk on the street instead of on sidewalks that are completely blocked. I live in the North End, a neighborhood with many older residents. It's sad to see my neighbors, people who normally walk or use scooters to stay connected to their community, lose that ability once winter hits. This winter will be particularly hard, given that so many of the indoor spaces people visit to stay connected will be closed due to Covid, and that many will try to avoid public transit in order to limit possible exposure. Uncleared sidewalks will only add to Hamilton residents' difficulties.

Hamilton's current approach to sidewalk clearing does not work. Even with best efforts from many residents, it takes only one or two un-cleared lots to make an entire street inaccessible. Enforcement is slow and reactive, leaving residents literally stranded. A better approach is possible. According to City Staff's [own estimates](#), it could cost as little as \$8 a year per resident to clear high-traffic roads across the City, and as little as \$16 to clear all roads. That's less than what it would cost for each of us to purchase a new shovel, and *much* less than it would cost for any of us to individually arrange for effective and timely clearance.

In the end, clear sidewalks are a matter of equity, justice, and inclusion. We should not leave fellow residents stranded over the winter.

Thank you so much for taking the time to consider this perspective.

Have a great day,

Ani Chénier
Ward 2 resident

November 20, 2020

Council for the City of Hamilton
Hamilton City Hall
71 Main Street West
Hamilton, Ontario L8P 4Y5

Via email

Dear Council:

Re: Ombudsman investigation

This is to notify you that the Ombudsman's Office has received complaints alleging that on September 28, 2020, the Hamilton Farmers' Market Corporation Board of Directors for the City of Hamilton held a meeting that did not comply with the open meeting rules in the *Municipal Act, 2001*. The Ombudsman's Open Meetings Team will be investigating this complaint.

Lauren Chee-Hing, with our Office's Open Meetings Team, will be in contact with the Clerk in the near future, to provide further information with respect to the conduct of this investigation.

Please do not hesitate to contact Lauren-Chee-Hing by e-mail at lccheehing@ombudsman.on.ca, should you have any questions.

Thank you for your cooperation with our Office during this investigation.

Sincerely,



Wendy Ray
General Counsel

cc: Andrea Holland, City Clerk, Andrea.Holland@hamilton.ca

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www.ombudsman.on

Pilon, Janet

Subject: face mask

From: Denis Page

Sent: November 13, 2020 8:56 PM

To: clerk@hamilton.ca

Subject: face mask

As a retail worker at Princess auto in Hamilton we are open to the public which is getting harder to go to work each day out fear of catching covid 19. Everyday i remind some customer that face mask must cover their nose and chin while in the store and everyday i get the same reply "it's too hot and can't breathe. Then there's the i'm exempt people who won't wear anything and putting not only my life in danger but also my co-worker our families ,friends and guest. Many of us depend on our jobs to pay bills and put food on the table and clothes on our back. Why can't council make it mandatory to enter a workplace that face covering IS A MUST. If these people are exempt why are they not doing on line shopping instead of trying to infect everybody else. Why do i have to leave my job to stay home while they get the freedom to do as they please. Beleive me there are plenty of them that say they are exempt and really aren't they just don't want to wear protection and we are not even allowed for proof under the privacy act and they are using this as their scapegoat. I see the numbers rising everyday and what's it going to take to make face covering mandatory full hospitals 1000's of deaths a full blown lockdown . I've taken this very seriously as i've an email to Doug Ford and i'm going to try with Justin Trudeau also. I'm doing my part to help as i have a low immune system and i wish for the many that they do the same. As a council you have the capability to make this mandatory to stop the spread and it's not lifetime but only till we get a proper vaccine out here. Please i beg you to help us as ALL my co-workers are all on the same page. If you have to send inspectors more often places like mine and you'll see what i'm talking about.. THANK YOU and please get back to me on this

Pilon, Janet

Subject: E-bikes Banned Posted Signs in Stoney Creek
Attachments: Ebikes Banned Pic.jpg

From: Lakewood Beach Community Council <LakewoodBeachCC@hotmail.com>

Sent: November 22, 2020 12:59 PM

To: clerk@hamilton.ca

Subject: E-bikes Banned Posted Signs in Stoney Creek

Clerks, Please add this correspondence to the November 25th Council Agenda

Dear Honourable Mayor & Council,

Back during the November 11th Council meeting a resident in our community wrote to Council in regards to the recent posting of signs banning e-bikes in our area. His correspondence was referred to the HCA however, it is not just the 'trail' in Confederation Beach Park that has newly posted City of Hamilton signs.

The attached sign, is a pic showing a new sign posted on the Great Lakes Waterfront Trail at dead end of Frances Avenue and heading east towards Niagara (approximately a km from Confed)

To the best of our knowledge, Council as a whole has not passed a by-law banning e-bikes on the Great Lakes Waterfront Trails that traverse thru the City of Hamilton (ie Dundas Valley Loop, etc) nor has the province banned their use. In fact, the GLWT website lists the bikes that are acceptable and e-bikes are included on that list.

We've received a few emails from seniors in our community who purchased battery operated e-bikes this year (not e-scooters) and we are requesting clarification from the City of Hamilton & Council on when a by-law was passed and/or why these signs have been posted in what appears to be, only Ward 10.

Respectfully,

Viv / Anna/ Nancy
Lakewood Beach Community Council

P.S. the link of www.hamilton.ca/bikeride on the sign is not a valid link for us to obtain further information

Speed and aggressive
behaviour endangers
trail users.

**NEVER SPEED ON TRAILS AND
SLOW DOWN TO PASS OTHERS.**



**NO E-BIKES
PERMITTED**

hamilton.ca/BikeRid



Pilon, Janet

Subject: Ebikes

From: Walter Cairns

Sent: November 22, 2020 12:46 PM

To: clerk@hamilton.ca

Subject: Ebikes

I'd like to make it clear that my issue not only the water front (confederation Park) but all trails in this great city of Hamilton.

Thanks

Walter Cairns.

Pilon, Janet

Subject: Cameras for Speeding in Hamilton

From: Ugo Penna

Sent: Wednesday, November 18, 2020 9:51 AM

To: mayor@hamilton.ca

Subject: Cameras for Speeding in Hamilton

Honourable Mayor Einsenberger,

I just received a ticket from a camera - no less - while driving westbound on Stonechurch near Pritchard doing 61 kph in a 50. Is this speeding? Yes, it is.

I would simply appreciate it if we identified these cameras for what they are – “revenue generators”.

At 61 in a 50 AND in safe proximity to another visible vehicle in front of me - as conveyed by the photo - obviously doing the same/similar speed, there was absolutely NO element of carelessness nor a microscopic element of unsafe driving.

What this city needs is a focus on road quality, aggressive driving, drunk driving, excessive speeding, winter road quality/maintenance, etc.

Here is another good example of blatant revenue generation. Westbrook Road, north of Binbrook Road – dissecting Hamilton region from Niagara – is 60 kph where cash crops grow and the occasional cow grazes. Once you cross Binbrook Road (southbound, still on Westbrook) there is a community of homes. And yet, the speed in front of these homes is 80kph!?! Now THAT is a blatant disregard for safety! Both Hamilton and Niagara police officers rely heavily on this area for “revenue generation”, and for good reason.

At 66 years of age, I think it’s sad to see the city I was born and raised in stoop to this level.

Again, all I ask is that you come clean and call it what it is – a revenue generator. PLEASE remove any semblance of safety assigned to these cameras, ie. 61 in a 50 *with no institutions/facilities in close proximity and in ideal road conditions*. Let’s just call it what it is.

Thank you for your time, Sir.

Ugo

Pilon, Janet

Subject: Niagara Regional Transit On Demand Pilot Project - Nov 25 Council Agenda Item 5.2

From: Lakewood Beach Community Council <LakewoodBeachCC@hotmail.com>

Sent: November 22, 2020 8:02 AM

To: Pearson, Maria <Maria.Pearson@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; DL - Council Only <dlcouncilonly@hamilton.ca>

Cc: clerk@hamilton.ca; Vander Heide, Jason <Jason.VanderHeide@hamilton.ca>; Dalle Vedove, Debbie <Debbie.DalleVedove@hamilton.ca>

Subject: Niagara Regional Transit On Demand Pilot Project - Nov 25 Council Agenda Item 5.2

Dear Clrs Pearson, Clark and Collins (and Honourable Mayor & Council)

Fiscal Impacts to Municipality : negative fare box revenue, loss of Gas Tax Revenue (taxi to bus is a transfer (boarding) and not a 'ride'), doubles city's cost per ride of users - all of which adversely impacts present and future funding available to expand conventional transit

Fiscal Impacts to Stoney Creek Property Taxpayers: cost of service provided to **Niagara** users Area-Rated to tax base in Stoney Creek

Fiscal Impacts to Users: upwards of 70% surcharges (seniors)

The expansion of NRT into the Winona Crossing is a good news story for the intra-municipality transit and for the economic recovery of the businesses located in that area. Unlike other major shopping destinations/employment areas, such as Ancaster Meadowlands, transit to that area however is via Transcab which has significant impacts that are at times overlooked or misunderstood.

By co-incidence, our association wrote to the Planning Staff a couple of weeks ago on Transcab. We are attaching that email of November 8th for your information.

We are at a loss to understand why the Staff Report presented to the Public Works Committee indicated this pilot project has "no financial implications to the City of Hamilton" . Niagara users will be able to use Transcab/HSR transit from Winona Crossing to travel to other destinations. There is **no revenue generated**; on average the city collects \$3.00 per Transcab/HSR ride and pays out \$5.75 to the provider of Transcab. The HSR portion of the "ride" itself is ~ 200% subsidized

Based on information we've been provided with from City Staff in the past, Transcab clearly has significant adverse financial impacts for the city, for the Stoney Creek taxpayers, for the users of the service, and overall for all Hamilton transit users.

As stated in previous emails over the years, we Creekers already pay for Transcab service to locations outside Stoney Creek (specifically the East Hamilton Business Park) and now it appears we will also be taxed for users from a completely different municipality?!? This inequity should end with the implementation of this pilot project.

Respectfully, we are again requesting that the \$1M + ?? cost of TransCab no longer be area-rated (downloaded to the backs) to the properties in Stoney Creek effective with the 2021 budget.

Viv / Anna/ Nancy
Lakewood Beach Community Council

P.S. We also would like clarification on Hamiltonian's ability to use Niagara Regional Transit's On Demand service from Winona Crossing and into destinations in Grimsby (at \$3) or Niagara (at \$6). It appears NRT On Demand service (app) is only provided to residents of Niagara.

From: Lakewood Beach Community Council

Sent: November 8, 2020 11:39 AM

To: steve.robichaud@hamilton.ca <steve.robichaud@hamilton.ca>

Cc: jason.thorne@hamilton.ca <jason.thorne@hamilton.ca>; Fabac, Anita <Anita.Fabac@hamilton.ca>; Rybensky, Yvette <Yvette.Rybensky@hamilton.ca>; Maria Pearson <maria.pearson@hamilton.ca>; Maureen.wilson@hamilton.ca <Maureen.wilson@hamilton.ca>; jason.farr@hamilton.ca <jason.farr@hamilton.ca>; Collins, Chad <chad.collins@hamilton.ca>; john-paul.danko@hamilton.ca <john-paul.danko@hamilton.ca>; brad.clark@hamilton.ca <brad.clark@hamilton.ca>; brenda.johnson@hamilton.ca <brenda.johnson@hamilton.ca>; terry.whitehead@hamilton.ca <terry.whitehead@hamilton.ca>; judi.partridge@hamilton.ca <judi.partridge@hamilton.ca>

Subject: Transcab Impact re Residential Infill Developments

Good Morning Steve,

Our LPAT hearing is finally over. Regardless of the Tribunal's decision, we think some good can come from our research & evidentiary documents.

It was concluded that Transcab (specifically Stoney Creek which has 2 'zones') is one of the most misunderstood forms of transportation & the adverse impacts to the municipality/Hamiltonians haven't been talked about. We opined, Transcab, in & of itself, from a planning perspective, is not consistent with our UHOP and the Growth Plan for the reasons outlined below:

- UHOP Public Transit Network, is silent on Trans-cab being a Council (& Ministry) approved form of 'public transit' to serve and the meet the needs of users within the Urban boundaries. It is noted however, Transcab is listed as a form of Public Transit in the city's *rural* Official Plan.
-
- high cost to the user (surcharges of upwards of 70%) which leads to affordability issues & builds in Transcab zones that won't meet the needs of current or forecasted population's income levels.
-
- has a goal of ridership, like HSR; however – ridership which profits a private organization
-
- is **heavily** subsidized by Public Works, Transit Budget which leads to less funds available for infrastructure investments; including Transit expansions
 - a. - service cost is lost fare revenue for HSR
 - b. - billed cost more than doubles the per trip cost for the municipality which leads to less funds available for infrastructure investments

- doesn't qualify as a "ride" for other levels of government funding (Gas Tax) which results in additional lost revenue to the municipality & even less funds Infrastructure projects; including Transit.
- is in direct competition with other transit investments from limited Transit Area-Rated property tax levies
- is available to some properties (residential/employment), but is not area rated to them. (paid for by property owners outside the service zone)
- exponentially increases the vehicles into that Road Network shown earlier. (1 user = 2 vehicles per one-way trip. 2 users = 4 vehicles, 3 users = 6 vehicles and so on.)
 - So even if the occupants don't own a car, they are still dependent on a vehicle
- adversely impacts the climate resiliency of the area.
- more vehicles on the roads is more wear & tear and increases maintenance costs
- negatively impacts modal share targets (unlike conventional Public Transit)– just more people dependent on a vehicle to get around.
- is ineffective (doesn't allow users to conveniently travel between the 2 Transcab "boundaries".* (see example below)
 - *Example, recent Amazon announcement for 1500 jobs in Hamilton with a facility located in the SC Biz Park. To take public transit from the subject lands to the SC facility located only 6.3 kms away, it is just over a 1 hour commute – 37 mins of walking to bus stop & destination plus 25 mins on a bus
- is restrictive (can't use if destination & origin are within the same "zone") – no means to use to get to SC Employment lands to the south, to friend's homes or to amenities/services
- is unreliable - response time is "upto an hour" but not a guaranteed pick-up
- does not allow for mass commuting, nor does it have regular schedules that allow for consistency of service

Transcab is a form of transportation that *lowers the quality* of the experience of using Public Transit and *adversely* impacts the *viability* of servicing the areas in the future with conventional public transit

The **complete opposite** of the Growth Plan & City's OP Definitions of Transit Supportive developments which is: Transit Supportive developments make transit *more viable* **and** also *improve the quality of the experience* of using Transit.

Transcab is only available in 2 of the 15 wards so understandably our group, Council, City Planning Staff, & other expert professionals feel none of us have truly been provided with a clear understanding of Transcab & the uniqueness of this form of transportation's impact in regards to infill developments. From what we've been able to piece together it was a *temporary* service put in place 30 years ago. It looks like it dug a hole in Stoney Creek, and is digging us deeper into that hole

It was also noted that Studies provided to support developments such as the Traffic Impact Study & Transportation Demand Reports are **not** reflective of what the 'vehicle' trips will be in Transcab areas; nor do those studies include the Transcab turning movements.

The purpose of this email was to give you some info we gathered from experts & the likes. Info which might help you determine whether or not future residential intensification development applications coming into the city should possibly be evaluated with a different lens during the planning process.

When time permits, we'd like your thoughts on the above please Steve.

Respectfully,

Viv / Anna/ Nancy
Lakewood Beach Community Council

Pilon, Janet

Subject: MPAC: 2021 Values and COVID-19

From: Carmelo Lipsi <carmelo.lipsi@mpac.ca>

Sent: November 18, 2020 11:06 AM

To: Holland, Andrea <Andrea.Holland@hamilton.ca>

Subject: MPAC: 2021 Values and COVID-19

To: Chief Administrative Officers, Clerks, Treasurers and Tax Administrators

Good morning Andrea,

As you know, the Ontario government postponed our 2020 Assessment Update due to COVID-19 and 2021 property values will continue to be based on the current legislated valuation date, January 1, 2016.

This means all property assessments in Ontario must reflect the price a property would have reasonably been expected to sell for on that day.

The Assessment Act requires that MPAC use the January 1, 2016 date to assess all properties. We are unable to adjust 2020 property assessments for 2021 tax year based on the current impacts of COVID-19, significant as they may be.

We are advising property owners that Requests for Reconsideration filed in 2021 that exclusively cite COVID-19 as the reason for review will not result in a change to the property's value. MPAC understands its municipal partners are looking for certainty as they plan their 2021 budgets. That said, we cannot account for how appeals citing COVID-19 may be handled by the Assessment Review Board, so there always remains some risk that our municipal partners should account for in their planning.

It is our commitment during this challenging time to continue to support your municipalities through the processing of new assessment, sharing of best practices and keeping you up to date with news to help you manage your assessment base.

This includes sharing relevant highlights of the Ontario budget released on November 5, 2020, including:

Postponing the Property Tax Reassessment

The budget mentioned the government's decision to postpone the Assessment Update but did not provide a future date for the next reassessment.

Enabling Property Tax Relief for Small Businesses

In response to concerns about the property tax burden on small businesses, the Province plans to provide municipalities with the flexibility to target property tax relief to small businesses.

To ensure appropriate flexibility, the government is proposing an amendment to the Assessment Act that would allow municipalities to define small business eligibility in a way that best meets local needs and priorities.

Reducing Property Taxes for Employers

The Province announced immediate action to reduce high Business Education Tax (BET) rates by \$450 million in 2021. As a result, the BET will be lowered to a rate of 0.88 per cent for both commercial and industrial properties beginning in 2021.

Property Tax Exemptions

The budget proposes amendments to the Assessment Act to apply the existing property tax exemption for Ontario branches of the Royal Canadian Legion, for 2019 and subsequent tax years, to Ontario units of the Army, Navy and Air Force Veterans in Canada.

As we learn more about these announcements, we will aim to update all of you and identify ways to work together.

We know these are challenging times and we are here to answer questions from property owners and support you in every way we can.

Please feel free to share this with your staff as appropriate.

Stay well and safe,

Carmelo Lipsi
Vice President, Valuation & Customer Relations
Chief Operating Officer

mpac.ca
Municipal Property Assessment Corporation
1340 Pickering Parkway, Suite 101 L1V 0C4

Copy MPAC Regional and Account Managers

November 23, 2020

Via Email

Honourable Doug Ford, Premier of Ontario
Honourable Rod Phillips, Minister of Finance
Honourable Jeff Yurek, Minister of Environment, Conservation and Parks
Honourable John Yakabuski, Minister of Natural Resources and Forestry
Honourable Steve Clark, Minister of Municipal Affairs and Housing

Re: Concerns with *Bill 229: Protect, Support and Recover from COVID 19 Act (Budget Measures Act)* - Schedule 6 – *Conservation Authorities Act*

On November 5th, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill announced with the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operations, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall to provide a more complete understanding of how the changes are to be implemented and what their full impact will be.

We feel it is important to highlight that conservation authorities were originally created to address concerns regarding the poor state of the natural environment and the need to establish programs based on watershed boundaries for natural resource management. Conservation authorities bring the local watershed science and information into decision making to ensure that Ontario's communities are protected.

While we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same, Hamilton Conservation Authority (HCA) is very concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation and their most valuable insight and input to our Board.

The legislative changes appear to be an excessive intervention in local matters in an area where the Province makes little financial contribution. In the case of HCA, the Province contributes just 2% of the annual revenues for the operating budget. The remaining 98% of our funding comes from our municipal partners (38%) and self generated funds (60%).

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits, in place of the conservation authority. It must be stressed that an appeal process already exists to applicants allowing them access directly to the HCA Board, a Board that is built with municipal oversight imbedded. Conservation authorities are important agencies which help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create safety risks to people. HCA already issues the vast majority of minor and major permits with efficiency and high service standards. HCA is committed to providing excellent client service, and we have a strong history of working cooperatively with our watershed municipalities, residents and businesses to ensure efficient and timely planning and regulatory review processes. Through a review of the current permit review process, Conservation Ontario estimates that the new changes to the permitting appeals process could delay development approvals by as much as 200 days. As well, costs can be expected to increase due to more staff time being required for permit appeals processes rather than time being spent on actually issuing permits.

Changes have been proposed to the Planning Act that create a gap in the land use planning system. Currently, conservation authority participation in the planning appeals process ensures that watershed science and data is being applied to planning and land use decisions. This input would be lost and it is an important tool for HCA to have when needed. Additionally, though unintentional, this change could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years.

Conservation authorities have long requested the ability to issue stop work orders to protect environmentally sensitive areas. The proposed changes to the Act remove unproclaimed provisions for this enhanced enforcement and only retain the current tools such as prosecution, injunctions and fines; these existing tools do not provide the ability to effectively stop, on a timely basis, any significant threats and impacts and prevent damage.

As briefly mentioned, if passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. The citizen members come from diverse backgrounds with experience in a number of fields, and are active members of their communities. They bring a wide array of knowledge, governance experience and expertise to their positions. These members provide valuable input on HCA programs and services from a citizen's point of view.

Of equal importance, HCA has only two participating municipalities with 10 members from Hamilton and 1 from the Township of Puslinch, which represents the unique situation of 99% of our watershed being within the City of Hamilton and the City of Hamilton being our major funder. With the new proposed requirements to rotate the Chair and Vice Chair role, there would be no democratic election process given the

representative from Puslinch would simply be appointed as the Vice Chair or Chair every 2 years. And finally, the proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality they represent and not the conservation authority and its watershed, the organization that they are supposed to represent when sitting as a Board member of the Authority. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces - and that protection - is for our community. We will continue promoting our vision of a healthy watershed for everyone.

We do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery. As such I respectfully ask that as a result of our concerns:

- the Province of Ontario withdraw Schedule 6 of the Budget Measures Act (Bill 229)
- the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth
- the Province respect the current conservation authority/municipal relationships
- the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

If there are any actual and/or perceived issues pertaining to certain conservation authorities, they might best be addressed through area-specific solutions created to resolve them that can be identified through local analysis and consultation.

Sincerely,



Councillor Lloyd Ferguson
Chair, Hamilton Conservation Authority

Cc:

HCA Board of Directors
City of Hamilton Mayor and Council
Township of Puslinch Mayor and Council
Ted Arnott, MPP Wellington – Halton Hills
Andrea Horwath, MPP Hamilton Centre
Paul Miller, MPP Hamilton East – Stoney Creek
Sandy Shaw, MPP Hamilton West – Ancaster – Dundas
Donna Skelly, MPP Flamborough – Glanbrook
Monique Taylor, MPP Hamilton Mountain

Pilon, Janet

Subject: Covid Protocols and City Priorities**From:** Emily Kulpaka**Sent:** November 23, 2020 3:35 PM**To:** Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca**Cc:** Partridge, Judi <Judi.Partridge@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>**Subject:** Covid Protocols and City Priorities

Hi Folks,

I wanted to touch base with you today, as I muddle through paperwork and phone calls.

On Saturday, I was informed that a family member of a participant in our facility tested positive for covid and their children were in class that day. We shut down immediately and called public health. The hotline for covid is closed on the weekend, so we couldn't get any further advice, despite businesses being told to defer to public health.

We follow all protocols strictly- but we're talking about kids here - I watch them lick the inside of their mask most of class - any protocols are just adults doing their best, never perfect. Both kids were tested immediately, and their tests came back positive this morning.

We still couldn't get through to public health this morning. All of our staff have been tested. Paid \$7.50 for parking. We're waiting on our results, and in the meantime will keep our facility closed. We contacted all families who were in class on Saturday, and followed up today. Students of ours who attend the school these positive children were in were sent home from school, with directions to "sit tight" until public health calls. Those families don't know if they can go back to work, if the sibling should stay home, if they're eligible for testing...they're just waiting for a call that will come, at some point. This exposure happened because a family stopped "sitting tight" when they felt better and still hadn't heard from public health, and didn't understand it was important to tell us this during screening.

Now, all this to say, our healthcare system is SEVERELY defunded. Every single element of this process (including just trying to sort out guidelines for our space initially) has been a nightmare and delay after delay. Everyone spouts the same "lack of resources".

But our police have a surplus of \$567, 875 and are asking for a 4 million dollar increase. And when a completely peaceful encampment went up at city hall today, with very clear, evident covid protocols, the police were out in DROVES. As I drove back from getting my test, I counted 6 police cars just parked around main street and 15 visible officers from the road.

They aren't protecting anyone, they're waiting to punish. Our contact tracers, doctors, nurses, and other medical staff are actively working to protect, and they can't begin to get on top of the backlog. Stop funding punishment in our system and start funding preventative healthcare - emotional, physical, and mental. Do the work to implement real restorative justice practices.

I am so pleased to see my ward councillor, and Councillor Wilson, publicly align themselves with this defund the police movement. I'd urge the rest of you to do so as well. Our city is in a health crisis, it's time to show you're pushing to protect your citizens, not just punish them.

Sincerely,

Emily Kulpaka

Pilon, Janet

Subject: FW: RE:

From: Mrs. S. Bonnallie

Sent: [November 23, 2020 6:37 PM](#)

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

Subject: Tents in front of city hall

Dear Mayor

When did the front of City Hall become a campground??? We can now set up campsites???? So disgusted with these people wanting to defund the police. Also are there not rules on how many people can gather in one spot??? Why are they allowed to do this when there ARE restrictions? I am so sick of people thumbing their noses at the rules for Covid as people are dying around us! Please stop the "camping" in front of City Hall and fine each and every person over the restricted number allowed at outdoor gatherings! .. these people are NOT exempt from the rules.

One disgusted Hamiltonian

Mrs. S. Bonnallie

CITY OF HAMILTON

NOTICE OF MOTION

Council: November 25, 2020

MOVED BY COUNCILLOR L. FERGUSON.....

Bill 229 - Proposed Changes to the *Conservation Authorities Act*

WHEREAS, the funding for the Hamilton Conservation Authority (HCA) budget is as follows, with the principal funders of the HCA being the City of Hamilton and self generated revenues with the Province contributing 2%:

- Self generated 58%
- City of Hamilton 37%
- Hamilton Conservation Foundation 2%
- Township of Puslinch 1%
- Province 2%

WHEREAS, Bill 229, will remove the HCA's authority to issue stop work orders when catastrophic damage is occurring in a protected area;

WHEREAS, Bill 229, provides the Minister with the authority to make decisions respecting the watershed, without the HCA's watershed data and expertise;

WHEREAS, Bill 229, proposes to permit applicants to appeal a decision to the Local Planning Appeal Tribunal (LPAT), which are currently appealed to the HCA;

WHEREAS, Bill 229, removes citizen appointees who currently provide valuable expertise that Councillors may not have (legal, communications, and environmental expertise etc.) from HCA's current membership (5 (five) Hamilton Councillors; 5 (five) citizens appointed by Hamilton City Council and 1 (one) member appointed by the Township of Puslinch);

WHEREAS, Bill 229, has Municipal Chairs and Vice Chairs rotating to a different municipality every two years, which will result in the appointee from the Township of Puslinch holding an unelected position on the Board as Chair or Vice Chair in perpetuity, while only contributing 1% of the revenue; and

WHEREAS, Bill 229, will remove the HCA's ability to expropriate lands, which is an important last resort tool the HCA has for land acquisition in our watershed;

THEREFORE, BE IT RESOLVED:

- (a) That the Province of Ontario withdraw Schedule 6 of the *Budget Measures Act* (Bill 229);

- (b) That the Province continue to work with Conservation Authorities to find workable solutions to reduce red tape and create conditions for growth;
- (c) That the Province respect the current Conservation Authority / Municipal relationships;
- (d) That the Province embrace their long-standing partnership with the Conservation Authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role; and
- (e) That this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario; Honourable Rod Phillips, Minister of Finance; Honourable Jeff Yurek, Minister of Environment; Honourable John Yakabuski, Minister of Natural Resources and Forestry; Honourable Steve Clark, Minister of Municipal Affairs and Housing; local MPP's; Ted Arnott, MPP Puslinch; the local Media; Conservation Ontario.