



City of Hamilton

CITY COUNCIL REVISED

21-007

Wednesday, April 28, 2021, 12:00 P.M.

Due to the COVID-19 and the Closure of City Hall (CC)

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. April 14, 2021

4. COMMUNICATIONS

4.1. Correspondence from Emily Kulpaka respecting ticketing unhoused and shelter space.

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.

- 4.2. Correspondence from the Ministry of Municipal Affairs and Housing respecting the Declaration of Provincial Emergency under the Emergency Management and Civil Protection Act and Amendments to the Reopening Ontario Act.

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

- 4.3. Correspondence from the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee expressing their concerns with sidewalk snow clearing in the City of Hamilton and to offer their support to City Council to reverse the decision made by the Public

Works Committee at its meeting on April 19, 2021.

Recommendation: Be received and referred to the consideration of Item 2 of Public Works Committee Report 21-005.

- 4.4. Correspondence from the Ministry of Municipal Affairs and Housing respecting Enhanced Enforcement and New Order under the Emergency Management and Civil Protection Act (EMCPA).

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

- 4.5. Correspondence from Principles Integrity respecting the Code of Conduct Complaint Against Councillor Clark, Final Report, April 21, 2021.

Recommendation: Be received.

- 4.6. Correspondence from the Paul Dube, Ombudsman of Ontario respecting a investigation into a complaint about a meeting held by the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for the City of Hamilton on October 20, 2020.

Recommendation: Be received.

- 4.7. Correspondence from Angelo Italiano respecting 1288 Baseline Rd Stoney Creek.

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 21-006.

- 4.8. Correspondence from Lori-Anne Marini and Ron McMurray respecting the City of Hamilton Residential Zone Project.

Recommendation: Be received and referred to the consideration of Item 9 of Planning Committee Report 21-006.

- 4.9. Correspondence from the Niagara Peninsula Conservation Authority respecting their resolution encouraging the NPCA municipalities to adopt, through official plan updates, expanded trail networks using publicly owned corridors, abandoned rail lines,
and other opportunities.
Recommendation: Be received.
- 4.10. Correspondence from the City of Cambridge respecting their resolution regarding a request for paid sick leave.
Recommendation: Be received.
- 4.11. Correspondence from PJ Mercanti, President, Hamilton100 respecting the 2030 Commonwealth Games.
Recommendation: Be received.
- *4.12. Correspondence from Daniella Mikanovsky respecting Sidewalk Snow Removal and Report PW19022(c).
Recommendation: Be received and referred to the consideration of Item 2 of Public Works Committee Report 21-005.
- *4.13. Correspondence from Donna Bacher, 2021 President, Realtors Association of Hamilton-Burlington respecting the Proposed Second Dwelling Units (SDUs) By-law.
Recommendation: Be received and referred to the consideration of Item 9 of Planning Committee Report 21-006.
- *4.14. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting a two hour-long telephone townhall session with municipal representatives from Central Ontario's municipalities on May 18, 2021 at 12:30 p.m.
on how to strengthen accountability for municipal council members and to ensure that councillors and heads of council maintain a safe and respectful workplace and carry out their duties as elected officials ethically and responsibly.
Recommendation: Be received, with the appointment of one member of Council as the City of Hamilton's Council representative to participate in the Ministry's Town Hall on May 18, 2021.

5. COMMITTEE REPORTS

- 5.1. Mayor's Task Force on Economic Recovery Report 21-002 - April 16, 2021
- 5.2. Board of Health Report 21-004 - April 19, 2021

- 5.3. Public Works Committee Report 21-005 - April 19, 2021
- 5.4. Planning Committee Report 21-006 - April 20, 2021
- 5.5. General Issues Committee Report 21-009 - April 21, 2021
- 5.6. Audit, Finance and Administration Committee Report 21-006 - April 22, 2021
- 5.7. Emergency and Community Services Committee Report 21-004 - April 22, 2021

6. MOTIONS

- 6.1. Demolition Control By-Law Exemption For Rapid Housing Initiative Modular Affordable Housing Project

7. NOTICES OF MOTIONS

- 7.1. Reconsideration of Item 3 of Audit, Finance & Administration Committee Report 20-002 respecting a Compassionate Grant for Development Charges to Agricultural Societies Without a Farm Business Registration

8. STATEMENT BY MEMBERS (non-debatable)

9. COUNCIL COMMUNICATION UPDATES

- 9.1. April 9, 2021 to April 22, 2021

10. PRIVATE AND CONFIDENTIAL

11. BY-LAWS AND CONFIRMING BY-LAW

- 11.1. 054

To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)
Schedule 3 (Flashing School Zones – Reduced Speed Limit)
Schedule 13 (Designated Traffic Lanes)
Ward: 3, 5, 6, 9, 10, 11

- 11.2. 055

To Amend By-law No. 11-040, to Establish Retention Periods to Records of the City of Hamilton
Ward: City Wide

11.3. 056

To Adopt Official Plan Amendment No. 147 to the Urban Hamilton Official Plan, respecting 196 George Street (former City of Hamilton)

Ward: 1

11.4. 057

To Amend Zoning By-law No. 6593 Respecting Lands Located at 196 George Street, Hamilton

ZAC-19-023

UHOPA-19-006

Ward: 1

11.5. 058

To Adopt Official Plan Amendment No. 148 to the Urban Hamilton Official Plan, respecting 555 Sanatorium Road (former City of Hamilton)

Ward: 14

11.6. 059

To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 555 Sanatorium Road, Hamilton

ZAC-20-009

UHOPA-20-04

Ward: 14

11.7. 060

To Amend Zoning By-law No. 6593, Respecting Lands Located at 18 Miles Road, Hamilton

ZAR-19-026

Ward: 7

11.8. 061

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 23 (Special Enforcement Area)

Ward: 1, 2, 5, 10, 11, 12, 13

11.9. 062

To Amend Zoning By-law No. 05-200, Respecting Lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook

ZAH-21-015

Ward: 11

*11.10. 063

To Amend Zoning By-law No. 05-200, as amended by By-law No. 17-240, respecting Lands Located at 267, 275-283 and 293 Upper Centennial Parkway, Stoney Creek

ZAH-20-025

Ward: 9

*11.11. 064

Respecting Removal of Part Lot Control, Block 246, Registered Plan No. 62M-1257, municipally known as 185 Bedrock Drive, Stoney Creek

PLC-21-003

Ward: 9

11.12. 065

To Confirm the Proceedings of City Council

12. ADJOURNMENT



CITY COUNCIL MINUTES 21-006

9:30 a.m.
April 14, 2021
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, L. Ferguson, B. Johnson, A. VanderBeek, E. Pauls (Deputy Mayor), J. Partridge and S. Merulla.

Absent: Councillor T. Whitehead – Leave of Absence

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

4.7 Correspondence respecting the designation of the former St. Giles Church, located at 679 Main Street East and 85 Holton Street South, Hamilton as a heritage building:

- (i) Jie Chen
- (j) Helen Bradley
- (k) Tim Blair, CEO, United Property Resource Corporation
- (l) Daniel G. Peace
- (m) Josephine Ruiz

- (n) Dr. Joda Kuk
- (o) Cater Sloan
- (p) Angelica Stavnitzky
- (q) Bernie Lee Thompson
- (r) Linda Waugh
- (s) Rev. Diane Blanchard
- (t) Angela Parkin
- (u) Susannah Peace
- (v) Karen Mathewson

Recommendation: Be received and referred to the consideration of Item 2(c) of Planning Committee Report 21-005.

7. NOTICES OF MOTION

- 7.1 Enforcement of Offences and Regulations Under the Conservation Authorities Act, and the Trespass to Property Act, at Hamilton Waterfall Areas Under the Jurisdiction of the Hamilton Conservation Authority

(Pearson/Partridge)

That the agenda for the April 14, 2021 meeting of Council be approved, *as amended*.

Result: Motion CARRIED by a vote of 12 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 - Deputy Mayor - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

There were no declarations of interest.

APPROVAL OF MINUTES OF PREVIOUS MEETING
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3. March 31, 2021 (Item 3.1)

(Jackson/Wilson)

That the Minutes of the March 31, 2021 meeting of Council be approved, as presented.

Result: Motion CARRIED by a vote of 13 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 - Deputy Mayor - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- NOT PRESENT - Ward 9 Councillor Brad Clark

COMMUNICATIONS

(Pauls/Jackson)

That Council Communications 4.1 to 4.11 be approved, as presented, as follows:

- 4.1 Correspondence from Lakewood Beach Community Council respecting Cherry Beach Waterfront Park.

Recommendation: Be received and referred to the Senior Leadership Team for appropriate action.

- 4.2 Correspondence from the City of Toronto requesting support for their resolution Supporting Canadian News Media.

Recommendation: Be received.

- 4.3 Correspondence from the Town of Cochrane requesting support for their resolution respecting the MeeQuam Youth Residence Closure.

Recommendation: Be received.

- 4.4 Correspondence from the City of Kitchener requesting support for their resolution respecting *Planning Act* Timelines.

Recommendation: Be received.

4.5 Correspondence from Lauren Stephen respecting the wearing of masks:

- (a) April 1, 2021
- (b) April 2, 2021

Recommendation: Be received.

4.6 Correspondence from Rebecca Steckle respecting COVID-19 Vaccine Distribution - Solidarity and Support in the Lower City.

Recommendation: Be received.

4.7 Correspondence respecting the designation of the former St. Giles Church, located at 679 Main Street East and 85 Holton Street South, Hamilton as a heritage building:

- (a) Janet Long
- (b) Jackie Stagen
- (c) Save St. Giles Church Hamilton Petition
- (d) Devyn Thomson
- (e) Janet Long
- (f) Dr. Sarah Sheehan
- (g) Rev. Douglas C. Moore, Laidlaw Memorial United Church
- (h) Janice Jackson and Christopher Pannell
- (i) Jie Chen
- (j) Helen Bradley
- (k) Tim Blair, CEO, United Property Resource Corporation
- (l) Daniel G. Peace
- (m) Josephine Ruiz
- (n) Dr. Joda Kuk
- (o) Cater Sloan
- (p) Angelica Stavnitzky
- (q) Bernie Lee Thompson
- (r) Linda Waugh
- (s) Rev. Diane Blanchard
- (t) Angela Parkin
- (u) Susannah Peace
- (v) Karen Mathewson

Recommendation: Be received and referred to the consideration of Item 2(c) of Planning Committee Report 21-005.

4.8 Correspondence from the Town of Caledon requesting support for 988, as a 3-Digit Suicide and Crisis Prevention Hotline.

Recommendation: Be received.

- 4.9 Correspondence from the Honourable Christine Elliott, Deputy Premier and Minister of Health advising the City of Hamilton that the Ministry of Health will be providing funding up to \$483,557 in additional one-time funding for the 2020 calendar year and up to \$1,317,574 in one-time funding for the 2021 calendar year to support paramedic services and dispatch centres as part of the Coronavirus Disease(COVID-19) response in the emergency health services sector.

Recommendation: Be received.

- 4.10 Correspondence from Peter Ivey respecting LRT plans.

Recommendation: Be received.

- 4.11 Correspondence from Tammy Felts, President, Wentworth Common Element Condominium Corp. (WCECC) respecting a Non-Confidence Vote - Councillor Maria Pearson.

Recommendation: Be received.

Result: Motion on the Communication Items, as presented, CARRIED by a vote of 13 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 - Deputy Mayor - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
NOT PRESENT - Ward 9 Councillor Brad Clark

(Pauls/Jackson)

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

Result: Motion CARRIED by a vote of 13 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 - Deputy Mayor - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 NOT PRESENT - Ward 9 Councillor Brad Clark

PLANNING COMMITTEE REPORT 21-005

(Danko/Farr)

That Planning Committee Report 21-005, being the meeting held on Tuesday, April 6, 2021, be received and the recommendations contained therein be approved.

(Nann/Eisenberger)

That the recommendation of Item 2 (c) of Planning Committee Report 21-005, respecting Hamilton Municipal Heritage Committee Report 21-002, Former St. Giles Church, located at 679 Main Street East, and 85 Holton Avenue South, Hamilton, be deleted in its entirety and the following be inserted therein:

2. Hamilton Municipal Heritage Committee Report 21-002 (Item 7.2)**(c) Former St. Giles Church, located at 679 Main Street East, and 85 Holton Avenue South, Hamilton (Added Item 11.1)**

~~That staff be directed to take appropriate action to designate 679 Main St E and 85 Holton St South under Part IV of the *Ontario Heritage Act*, including preparation and giving the required public notice of the Notice of Intention to Designate and a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.~~

- (a) *That the designation of the former St. Giles Church, located at 679 Main Street East, and 85 Holton Avenue South, Hamilton, be referred back to Planning Committee to allow the Ward Councillor time to meet with the applicant and the community with respect to the proposed future development of the site; and***
- (b) *That the owner of 85 Holton Avenue be invited to attend a future Planning Committee to present their proposed approach and concept for the development of 85 Holton Avenue, prior to making a formal application for planning approval.***

(Danko/Partridge)

That the amended recommendations, above, respecting Item 2 (c) of Planning Committee Report 21-005, respecting Hamilton Municipal Heritage Committee Report 21-002, Former

St. Giles Church, located at 679 Main Street East, and 85 Holton Avenue South, Hamilton, be **amended** by adding the following sub-section (c):

- (c) ***That the property known as the Former St. Giles Church, located at 679 Main Street East, and 85 Holton Avenue South, Hamilton be added to the Municipal Heritage Register as a property of Cultural Heritage Significance.***

Result: Motion on the Amendment to the Amendment to Item 2 (c), DEFEATED by a vote of 5 to 9, as follows:

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

Result: Motion on the Amendment to Item 2 (c), CARRIED by a vote of 13 to 1, as follows:

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

Result: Motion on the Planning Committee Report 21-005, as Amended, CARRIED by a vote of 14 to 0, as follows:

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

GENERAL ISSUES COMMITTEE REPORT 21-008

(Pauls/Danko)

That General Issues Committee Report 21-008, being the meeting held on Wednesday, April 7, 2021, be received and the recommendations contained therein be approved.

(Pauls/Ferguson)

That the recommendations of Item 3 of General Issues Committee Report 21-008, respecting Report LS21013/PED21091, *Building Transit Faster Act*, 2020, be **amended** to add '**newly proposed regulation under the**', in order to clarify that the actions are in response to the new regulation that makes the Hamilton LRT a priority project under the *Building Transit Faster Act*, which received Royal Assent in 2020, therefore, in full force and effect; and is open for comment until April 23, 2021, as follows:

3. *Building Transit Faster Act*, 2020 (LS21013/PED21091) (City Wide) (Item 10.2)

- (a) That the City's response to the **newly proposed regulation under the *Building Transit Faster Act***, be delayed until such time as the City has heard from the delegation by Metrolinx and the Ministry of Transportation with respect to the *Building Transit Faster Act*; and,
- (b) That the Province be requested to extend the April 23, 2021 deadline for comments respecting the **newly proposed regulation under the *Building Transit Faster Act*** to provide the requested delegation of Metrolinx and the Ministry of Transportation time to attend an upcoming General Issues Committee meeting.

Result: Motion on the *Amendment* to Item 3, CARRIED by a vote of 13 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 - Deputy Mayor - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NO - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Upon Council's request the sub-sections of Item 3, ***as Amended***, were voted on separately:

3. *Building Transit Faster Act, 2020 (LS21013/PED21091) (City Wide) (Item 10.2)*

- (a) That the City's response to the ***newly proposed regulation under the Building Transit Faster Act***, be delayed until such time as the City has heard from the delegation by Metrolinx and the Ministry of Transportation with respect to the ***Building Transit Faster Act***, and,

Result: Motion on the Item 3 (a), as *Amended* CARRIED by a vote of 13 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 - Deputy Mayor - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

3. *Building Transit Faster Act, 2020 (LS21013/PED21091) (City Wide) (Item 10.2)*

- (b) That the Province be requested to extend the April 23, 2021 deadline for comments respecting the ***newly proposed regulation under the Building Transit Faster Act*** to provide the requested delegation of Metrolinx and the Ministry of Transportation time to attend an upcoming General Issues Committee meeting.

Result: Motion on the Item 3 (b), as Amended, CARRIED by a vote of 14 to 0, as follows:

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

Result: Motion on the balance of the General Issues Committee Report 21-008, CARRIED by a vote of 14 to 0, as follows:

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

NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-005

(Ferguson/Pearson)

That Audit, Finance and Administration Committee Report 21-005, being the meeting held on Thursday, April 8, 2021, be received and the recommendations contained therein be approved.

Result: Motion on the Audit, Finance and Administration Committee Report 21-005, CARRIED by a vote of 14 to 0, as follows:

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

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 21-003

(Nann/Jackson)

That Emergency and Community Services Committee Report 21-003, being the meeting held on Thursday, April 8, 2021, be received and the recommendations contained therein be approved.

Upon Council's request Item 2, was voted on separately:

2. Age Friendly Plan 2021-2026 (CES14053(d)) (City Wide) (Item 8.1)

Result: Motion on Item 2, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann

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

Result: Motion on the balance of the Emergency and Community Services Committee Report 21-003, CARRIED by a vote of 14 to 0, as follows:

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

(Pauls/Nann)

That the Committee of the Whole Rise and Report.

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

YES - Ward 1 Councillor Maureen Wilson
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 - Deputy Mayor - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

MOTIONS

6.1 Enforcement of Offences and Regulations Under the Conservation Authorities Act, and the Trespass to Property Act, at Hamilton Waterfall Areas Under the Jurisdiction of the Hamilton Conservation Authority

(VanderBeek/Ferguson)

WHEREAS, requests for by-law enforcement at Hamilton Waterfall areas continue to increase and City Council, at its 2021 Budget meeting, approved the hiring of additional enforcement staff to establish a pilot project for the enforcement of Waterfall areas where challenges have been identified;

WHEREAS despite many City Council approved regulations and increased fines, regular enforcement, and other improvement measures being enacted/conducted, as well as a reservation system being tested by the Hamilton Conservation Authority, increased visitors to the waterfall areas, the Dundas Peak and Conservation Areas within the City continue to have negative impacts on area residents; and,

WHEREAS additional measures are required to enforce offences and Regulations under the *Conservation Authorities Act* and the *Trespass to Property Act* at Waterfall areas under the jurisdiction of the Hamilton Conservation Authority;

THEREFORE, BE IT RESOLVED:

- (a) That staff from Licensing and By-law Services work with the City's Legal Department and with the Hamilton Conservation Authority to formalize the appointment of City staff as Provincial Offences Officers to enforce offences and Regulations under the *Conservation Authorities Act*, in addition to the *Trespass to Property Act* when carrying out their duties on property under the jurisdiction of the Hamilton Conservation Authority; and,
- (b) That the Director of Licensing and By-law Services be authorized to sign any agreements between the City of Hamilton and the Hamilton Conservation Authority or other documentation as required to facilitate City enforcement staff's enforcement of offences and Regulations under the *Conservation Authorities Act* and the *Trespass to Property Act* on property under the jurisdiction of the Hamilton Conservation Authority provided such agreements are satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 12 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 - Deputy Mayor - Ward 7 Councillor Esther Pauls
- NO - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

NOTICES OF MOTION

7.1 Enforcement of Offences and Regulations Under the Conservation Authorities Act, and the Trespass to Property Act, at Hamilton Waterfall Areas Under the Jurisdiction of the Hamilton Conservation Authority

(VanderBeek/Ferguson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Enforcement of Offences and Regulations Under the *Conservation Authorities Act*, and the *Trespass to Property Act*, at Hamilton Waterfall Areas Under the Jurisdiction of the Hamilton Conservation Authority.

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

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

Refer to Item 6.1 for further disposition of this item.

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Pauls/Johnson)

That the listing of Council Communication Updates from March 26, 2021 to April 8, 2021, be received.

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

PRIVATE AND CONFIDENTIAL

Council determined that discussion of Item 10.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

10.1 Closed Session Minutes – March 31, 2021

(Pearson/Partridge)

That the Closed Session Minutes dated March 31, 2021 be approved, as presented, and remain confidential.

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

- YES - Ward 1 Councillor Maureen Wilson

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

BY-LAWS

(Pauls/Jackson)

That Bills No. 21-046 to No. 21-051 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:

- 046 To Amend By-law No. 01-215, Being a By-law To Regulate Traffic
 Schedule 2 (Speed Limits)
 Schedule 3 (Flashing School Zones – Reduced Speed Limit)
 Schedule 29 (Weight Restrictions on Bridges)
 Schedule 31 (Designated Area – Reduced Speed – 40 km/h Neighbourhoods)
 Schedule 34 (Designated Community Safety Zones)
 Ward: 2, 3, 6, 8, 9, 11, 12, 14, 15

- 047 To Adopt Official Plan Amendment No. 146 to the Urban Hamilton Official Plan, respecting 804-816 King Street West (Hamilton)
 Ward: 1

- 048 To Amend Zoning By-law No. 05-200, respecting Lands Located at 804-816 King Street West
 ZAC-19-009
 Ward: 1

- 049 To Amend Hamilton Zoning By-law No. 05-200, respecting Lands Located at 70 Garner Road East, Ancaster
 ZAH-20-039
 Ward: 12

- 050 To Amend Zoning By-law No. 87-57 (Ancaster), respecting Lands Located at 527 Shaver Road and 629 Garner Road West, in the former Town of Ancaster
 ZAH-21-012
 Ward: 12

051 To Confirm the Proceedings of City Council

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

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

(Pearson/Ferguson)

That, there being no further business, City Council be adjourned at 12:17 p.m.

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
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YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk

Pilon, Janet

Subject: Ticketing unhoused + shelter space

From: Emily Kulpaka

Sent: April 13, 2021 4:45 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: Ticketing unhoused + shelter space

Hi Folks,

Just want to check in, as someone who's on the ground level, with folks who have the ability to make change and might not be seeing what we see.

Saturday night, a member of our martial arts school reached out to me, as a couple had set up a tarp on their property, and they were uncomfortable but also wanted to ensure both parties were safe and cared for. They knew I'm comfortable navigating situations like this, and I was glad to pop over.

I arrived, spoke with the couple, confirmed they were interested in getting help with housing and shelter, brought them blankets/food/gloves from the box I keep in my car, and started calling.

I called (in no specific order here, but made calls based off of suggestions of other places to call, from the last place I called) :

YWCA

Social navigator

Native women's shelter

MISSION SERVICES (2 different lines)

Good Shepard (3 different lines)

Salvation Army

Barrett centre

COAST

Inasmuch house

Carol Anne's place

Non emergency police line

East end station

The privilege alone I hold in being able to make all those calls (internet, unlimited calls, power to charge my phone, English as a first language, respect from police) puts me miles ahead of the folks under the tarp, and yet, it got me no where. How are they suppose to navigate alone?

NONE of these facilities could provide a space Saturday night for a couple, or suggestions of space. One offered a space for the woman, but her partner would have to stay on the street.

How can we ask a couple to split up for the night, when we don't have any services to reconnect them in the morning? We're in the east end, the shelter she could go to isn't close. Can't just hand them a bus ticket any more. Can't send them into a library to call. Don't have a way to ensure the women staying at the shelter feel safe with a man waiting outside all night.

So the solution? Pack them up and move them to a park for the night, or let them stay. I worked with the home owners and unhoused couple to create a plan everyone felt safe (enough) with for the night, and popped back as the sun came up to get them on their way before the next day. They were kind, respectful, and understanding (but also, their demeanour doesn't make them any more deserving of resources than someone who's in a rough mental space) and had already packed up by the time I got there and spent the next night at a park.

This is NOT solutions. This is NOT enough resources. This is NOT my job, and I'm happy to help as a community member, but we live in a resource rich community, where my help shouldn't end up making a park someone's living room.

Sunday night, I was volunteering at the Hub, as I do most weekends. A young gentleman came in, rattled because he'd been ticketed for sleeping at city hall. He's a refugee, with limited English, and explained he understood city hall was closed so he didn't think he was interrupting anyone. And now his priority was finding the \$65 to pay the ticket so he didn't go to jail, despite the fact \$65 could provide him literal life changing resources.

So, to recap. There aren't spaces to sleep housed in the city. Even the police are suggesting to find a quiet spot away from houses to sleep. And the city is ticketing unhoused folks for sleeping in a space that isn't being used currently AND has ample security cameras if there's a problem. And the city is saying there are resources available for those who want them.

This is one weekend, and not in any way a change from the disparity we see any other weekend, but this week I'm feeling particularly exhausted and out of patience.

I understand change takes time, but I'm tired of hearing the city has the resources, that the police budget is needed in the way that it's allocated, and that unhoused folks are making a choice.

Do better. Bring hamilton forward, and respect all our community members by trying new things that foster equity.

Please just try something new.

Sincerely,

Emily Kulpaka

**Ministry of Municipal
Affairs and Housing**

Office of the Deputy Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7100**Ministère des Affaires
Municipales et du Logement**

Bureau du sous-ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100**April 13, 2021****MEMORANDUM TO: Municipal Chief Administrative Officers and Clerks****SUBJECT: Declaration of Provincial Emergency under the
Emergency Management and Civil Protection Act and
Amendments to the Reopening Ontario Act**

Today I am writing to share some updates related to the declaration of a provincial emergency under the *Emergency Management and Civil Protection Act* (EMCPA), new orders under the EMCPA and amendments to orders under the *Reopening Ontario (A Flexible Response to COVID-19) Act* (ROA).

By declaring a provincial emergency, the EMCPA provides the government with authority to make new orders to address the increasing COVID-19 transmission rates and associated system impacts. The declaration of emergency is valid for up to 14 days and can be extended once for up to another 14 days. Any further extensions must receive approval by the Legislature. The Legislature can extend the emergency declaration for additional periods of no more than 28 days for each extension.

As you are aware, effective April 8, 2021, the government issued a province-wide Stay-at-Home Order (Ontario Regulation 265/21). The Stay-at-Home order requires everyone to remain at home except for essential purposes, which are set out in the order.

Additionally, the Ontario government issued Ontario Regulation 266/21- Residential Evictions, effective April 8, 2021. This order temporarily suspends the enforcement of residential evictions subject to specific exemptions outlined in the order.

Previously, on April 3, 2021, the province imposed a province-wide emergency brake which amended the Stages of Reopening Order under the ROA by placing all public health units under the Shutdown zone of stage 1. Additional amendments were made to the Rules for Areas in Stage 1 Order through Ontario Regulation 267/21 effective April 8, 2021.

For more details on the declaration of a provincial emergency, the province-wide Stay-at-Home Order, the temporary suspension of enforcing residential evictions and amendments under the ROA, please see the attached memorandum from the Ministry of Solicitor General to Chiefs of Police dated April 8, 2021.

Thank you, once again, for your continued efforts to keep our communities safe and healthy.

Sincerely,

Kate Manson-Smith
Deputy Minister, Ministry of Municipal Affairs and Housing

Enclosure: Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated April 8, 2021 – Declaration of Provincial Emergency under the Emergency Management and Civil Protection Act and Amendments to the Reopening Ontario Act

If a French version is required, please contact
Richard.Stubbings@ontario.ca.

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Declaration of Provincial Emergency under the
Emergency Management and Civil Protection Act and
Amendments to the *Reopening Ontario Act***

DATE OF ISSUE:	April 8, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	21-0044
PRIORITY:	High

As you know, the government has declared a third [provincial emergency](#) under the *Emergency Management and Civil Protection Act* (EMCPA) in order to respond to rising COVID-19 cases, increasing death counts, and increasing capacity pressures in Intensive Care Units (ICUs).

Please note that the orders made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA) remain in force in addition to orders under the EMCPA. The EMCPA provides the government with the authority to make new orders, which is critical given the spike in COVID-19 transmission rates and associated system impacts. While the current orders under the ROA remain an important tool in stopping the spread of COVID-19, the declaration of the provincial emergency and associated EMCPA orders are necessary additional measures to protect Ontarians.

The emergency declaration is valid for up to 14 days and can be extended once for up to another 14 days, and then must receive approval by the Legislature to be extended further. The Legislature can extend the emergency declaration for additional periods of no more than 28 days for each extension.

In addition to the emergency declaration, I am providing further information on emergency orders made pursuant to section [7.0.2 \(4\)](#) of the EMCPA and further amendments to regulations under the ROA.

Stay-at-Home Order (O. Reg. 265/21)

Effective April 8, 2021, the government issued a province-wide Stay-at-Home Order requiring everyone to remain at home except for the essential purposes listed in this order. These exceptions include, but are not limited to, leaving one's residence for work or volunteering that cannot be done remotely, for school or childcare, obtaining food, obtaining goods or services necessary for health or safety, delivering goods to or assisting others who require support or assistance, seeking health care and legal services, and exercise, including walking or moving around outside using an assistive mobility device.

For more information, please refer to [O. Reg. 265/21](#) filed under the EMCPA.

Residential Evictions (O. Reg. 266/21)

Effective April 8, 2021, the order will temporarily suspend enforcement of residential evictions, except where:

- The Landlord and Tenant Board requests that the sheriff expedite the enforcement of an eviction order; or
- a judge of the Superior Court of Justice orders that the sheriff expedites the enforcement of a writ of possession removing a person from their place of residence.

For further information, please refer to [O. Reg. 266/21](#) filed under the EMCPA.

Amendments to the Rules for Areas in Stage 1 (O. Reg. 267/21)

On April 3, 2021, Ontario imposed a provincewide emergency brake to place time-limited public health and workplace safety measures into effect to help to stop the rapid transmission of COVID-19 variants in communities. The emergency brake amended the Stages of Reopening Order under the ROA, by placing all public health units (PHUs) under the Shutdown zone of stage 1.

Measures that remain in effect as a result of this order include:

- Prohibiting indoor organized public events and social gatherings and limiting the capacity for outdoor organized public events or social gatherings to a 5-person maximum, except for gatherings with members of the same household (the people you live with) or gatherings of members of one household and one other person from another household who lives alone;
- Prohibiting personal care services;
- Prohibiting indoor and outdoor dining, with limited exceptions including hospitals and airports. Restaurants, bars and other food or drink establishments will be permitted to operate by take-out, drive-through, and delivery only

- Prohibiting the use of facilities for indoor or outdoor sports and recreational fitness (e.g., gyms) with very limited exceptions;
- Requiring day camps to close; and,
- Limiting capacity at weddings, funerals, and religious services, rites or ceremonies to 15 per cent occupancy per room indoors, and to the number of individuals that can maintain two metres of physical distance outdoors. This does not include social gatherings associated with these services such as receptions, which are not permitted indoors and are limited to five people outdoors.

This regulation which came into force today contains further amendments to the rules for Shutdown zone of stage 1 include the following:

- Limiting the majority of retailers to only operate for appointment-only curbside pick-up between the hours of 7 a.m. and 8 p.m., with delivery of goods to patrons permitted between 6 a.m. and 9 p.m., and in accordance with other restrictions;
- Restricting access to shopping malls to limited specified purposes, including access for appointment-only curbside pick-up, with one single designated location inside the shopping mall, and any number of designated locations outside the shopping mall, along with other restrictions for malls;
- Restricting discount and big box stores in-person retail sales to grocery items, pet care supplies, household cleaning supplies, pharmaceutical items, health care items, and personal care items only, with exceptions for stores in fly-in communities;
- Permitting the following stores to operate for in-person retail by appointment only and subject to a 25 per cent capacity limit and restricting allowable hours of operation to 7 a.m. and 8 p.m. with the delivery of goods to patrons permitted between 6 a.m. and 9 p.m.:
 - o Safety supply stores;
 - o Businesses that primarily sell, rent or repair assistive devices, aids or supplies, mobility devices, aids or supplies or medical devices, aids or supplies;
 - o Rental and leasing services including automobile, commercial and light industrial machinery and equipment rental;
 - o Optical stores that sell prescription eyewear to the public;
 - o Businesses that sell motor vehicles, recreational vehicles, trailers and travel trailers, boats and other watercraft, and other motorized vehicles;
 - o Vehicle and equipment repair and essential maintenance and vehicle and equipment rental services; and
 - o Retail stores operated by a telecommunications provider or service, which may only permit members of the public to enter the premises to purchase a cellphone or for repairs or technical support.

- Permitting outdoor garden centres and plant nurseries, and indoor greenhouses that engage in sales to the public, to operate with a 25 per cent capacity limit and a restriction on hours of operation;
- Permitting liquor stores to operate for in-person retail, subject to 25 per cent capacity limit and restricting allowable hours of operation to 7 a.m. and 8 p.m. with the delivery of goods to patrons permitted between 6 a.m. and 9 p.m.; and,
- Adding restrictions for outdoor markets to require that products only be provided to patrons in an outdoor area, or through alternative methods of sale such as curbside pick up or delivery, and restricting allowable hours of operation to 7 a.m. and 8 p.m. with the delivery of goods to patrons permitted between 6 a.m. and 9 p.m.

For further information, please refer to the amending regulation [O. Reg. 267/21](#).

Enforcement of Orders

The ministry recognizes that province-wide, police services are continuing to work together with local enforcement partners, and to implement targeted local campaigns to reinforce the public health requirements under the ROA and EMCPA.

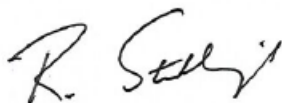
As you are aware, for offences under the ROA and EMCPA, police and other provincial offences officers including First Nation Constables, Special Constables, and municipal by-law officers have discretion to either issue tickets to individuals for set fine amounts or issue a summons under Part I of the *Provincial Offences Act* (POA), or to proceed under Part III of the POA by laying an information.

The ministry continues to work with enforcement ministries and municipalities to collaborate and information share, including through the dedicated 1-800 Enforcement Support Line and email resource at EssentialWorkplacesSupport.SolGen@ontario.ca. Analysis of enforcement data that your police service provides to the ministry continues to support data-driven decision-making.

As cases continue to trend sharply upward in a growing number of communities, I encourage you to continue local enforcement efforts to support compliance with orders under the EMCPA and ROA.

Thank you, as always, for your continued efforts to help keep our communities safe and healthy.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division

4.3

To: All Members of City Council
Re: Sidewalk Snow Removal and Report PW19022(c)

The LGBTQ Advisory Committee is writing to express its concerns about sidewalk snow removal in the City of Hamilton and to offer its support to City Council to reverse the decision made by the Public Works Committee at its meeting on April 19, 2021.

Concerns

Committee members shared a number of concerns about snow on the City's sidewalks. Those concerns are as follows.

- Not clearing snow from the City's sidewalks is an issue of accessibility and disability justice. These issues adversely impact Two Spirit and LGBTQIA+ Hamiltonians. The *Mapping the Void* needs assessment that was published by the School of Labour Studies at McMaster University revealed that a disproportionate number of 2SLGBTQIA+ Hamiltonians identify themselves as having a disability (39.3% of the 872 respondents). You can read *Mapping the Void* at <https://labourstudies.mcmaster.ca/documents/mappingthevoid.pdf> (the information referenced here is in section 3.6 on page 21).
- This issue affects every Hamiltonian. While there is a disproportionate impact on Hamiltonians with disabilities, as members of the Advisory Committee for Persons with Disabilities has been saying for many years, those using strollers, carrying or walking children to school or daycare, or those walking pets are also placed in a precarious situation when using many of Hamilton's sidewalks.
- Everyone impacted by this safety issue takes their lives into their hands when they are forced to leave the sidewalk to use the roadway to get around. This risk is often compounded by trying to get over unplowed or unshovelled curb cuts and large mounds of piled up snow and ice that have been improperly stored.
- This issue also disproportionately impacts women (i.e. Personal Support Workers who are predominantly women of colour who are often walking to and from their clients' homes). We heard about injuries last year from women who fell pushing strollers or from people who, forced to wear heels to work, fell and hurt themselves because of poor sidewalk conditions. It is irresponsible of the City to subject its citizens and residents to the impacts of these injuries during a pandemic and flu season.

Support

The LGBTQAC supports sidewalk snow removal in the City of Hamilton and believes it's a matter not only of ensuring the health and safety of all Hamiltonians but an issue of disability justice.

Equity-seeking groups are not siloed from issues of disability justice. We encourage City Council to reverse the decision of the Public Works Committee. Reporting indicates that sidewalk snow removal has been investigated 18 times by the City of Hamilton since 2003. As of the most recent survey, 2/3 of the 1,987 respondents directly indicated that they support a minimal tax increase to clear snow from sidewalks across the city.

We stand with organizations like the Disability Justice Network of Ontario, the Hamilton Centre for Civic Inclusion, and ACORN Hamilton who have been advocating for sidewalk snow removal for years.

This is more important than ever as members of our community will very likely continue to be isolated by the COVID-19 pandemic. Physical activity is harder to come by and many people have taken up walking outdoors not only as a means of exercise but also to relieve stress and anxiety.

Feelings of security and safety using the City's sidewalks will contribute to the mental health and wellness of those who have been isolated by this issue in the past.

We urge you to make this a priority so that every pedestrian in Hamilton can get around safely.

Sincerely,

Cameron Kroetsch, Chair
on behalf of the LGBTQ Advisory Committee

**Ministry of Municipal
Affairs and Housing**

**Ministère des Affaires
Municipales et du Logement**

Office of the Deputy Minister

Bureau du sous-ministre

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7100

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100



April 17, 2021

MEMORANDUM TO: Municipal Chief Administrative Officers and Clerks

Cc: Heads of Council

**SUBJECT: Enhanced Enforcement and New Order under the
Emergency Management and Civil Protection Act
(EMCPA)**

As you heard yesterday from the Premier, the Ontario government is taking targeted action to stop the rapid growth in COVID-19 case rates and relieve mounting pressure on the province's health care system.

I am writing today to make sure that you stay informed about the changes to the Stay-at-Home order, new enforcement authority for police and other provincial offences officers, including municipal bylaw officers, and the implementation of additional public health and workplace safety measures. Taken together, these actions are needed to help control the spread of the virus.

Both the provincial declaration of emergency and the Stay-at-Home order (O.Reg 265/21) have been extended for an additional two weeks. The Stay-at-Home order currently in effect requires everyone to remain at home except for specified purposes, such as going to the grocery store or pharmacy, accessing health care services (including getting vaccinated), for outdoor exercise, or for work that cannot be done remotely.

To increase public compliance with the Stay-at-Home order and stop the spread of COVID-19, amendments to an emergency order (O.Reg 8/21 Enforcement of COVID-19 Measures) have been made that provide police officers and other provincial offences officers, including municipal bylaw officers, with enhanced authority to provide an additional tool to support enforcement of O. Reg. 82/20 with respect to prohibited social gatherings, as follows:

Effective immediately new authorities will allow a police officer or other provincial offences officer, including a municipal bylaw officer, to require, in certain circumstances and with limitations, information from an individual for the purpose of determining whether they are in compliance with the prohibitions on certain gatherings set out in Schedule 4 of O.Reg. 82/20.

Additionally, effective Monday, April 19, 2021 at 12:01 a.m., the government is restricting travel into Ontario from the provinces of Manitoba and Quebec, subject to some specific exceptions.

The government has also updated a number of public health and workplace safety measures. Some of these measures are effective April 17, 2021 at 12:01 a.m., while others take effect Monday, April 19, 2021 at 12:01 a.m. I know you have been working closely with your Public Health Units and I encourage you to continue that collaboration as we work to control the spread and distribute vaccines.

Additional details on these matters are available in the attached memorandum from the Ministry of Solicitor General to Chiefs of Police dated April 17, 2021.

A French language version of this memorandum will follow shortly.

Thank you, once again, for your partnership and continued efforts to keep our communities safe and healthy in these unprecedented times.

Yours truly,

Kate Manson-Smith
Deputy Minister

Enclosure: Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated April 17, 2021 – Enhanced Enforcement and New Order under the *Emergency Management and Civil Protection Act* (EMCPA)

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Enhanced Enforcement and New Order under the
*Emergency Management and Civil Protection Act***

DATE OF ISSUE:	April 17, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	21-0046
PRIORITY:	High

As you know, the government issued a provincewide Stay-At-Home order under the *Emergency Management and Civil Protection Act* (EMCPA) that, effective Thursday, April 8, 2021 at 12:01 a.m., required everyone to remain at home except for specified purposes, such as going to the grocery store or pharmacy, accessing health care services (including getting vaccinated), for outdoor exercise, or for work that cannot be done remotely.

At the request of the Chief Medical Officer of Health, due to the continued and rapid growth in the number and percentage of positive cases, pressures on the province's health care system, and increasing risks posed to the public by COVID-19 variants, the government is strengthening the tools for enforcement of the province's Stay-at-Home order while imposing new travel restrictions and enhanced public health measures. These urgent actions are targeted at stopping the rapid growth in COVID-19 case rates and relieving mounting pressures on the province's health care system. As such, [EMCPA O. Reg. 265/21 \(Stay-At-Home order\)](#) has now been extended for an **additional two weeks**.

However, it has been observed that individuals continue to leave their homes for purposes that are not permitted by the Stay-at-Home order, including gatherings, and this non-compliance needs to be addressed to prevent further transmission and save lives.

As a reminder, in order to help with enforcement of orders made under *Reopening Ontario (A Flexible Approach to COVID-19) Act, 2020* (ROA) and the EMCPA, regulations have been made under these Acts (O. Reg. 114/20 and O. Reg. 8/21) pursuant to which a police officer or any other provincial offences officer may require an individual to provide the officer with the individual's correct name, date of birth and address if the officer has reasonable and probable grounds to believe that the individual has committed an offence under subsection 10 (1) of the ROA or s. 7.0.11 of the EMCPA.

Police and other provincial offences officers have the authority to disperse gatherings or organized public events that are not complying with gathering/event limits; and all provincial offences officers - not just police, First Nations Constables and special constables - can temporarily close premises where prohibited gatherings are occurring and require individuals to vacate.

Effective immediately, amendments to EMCPA O. Reg. 8/21 (Enforcement of COVID-19 Measures) will provide an additional tool to support enforcement of O. Reg. 82/20 with respect to prohibited social gatherings, as follows:

- Where a police officer or other provincial offences officer has reason to suspect that an individual may be participating **in a gathering that is prohibited** by clause 1 (1) (c) of Schedule 4 of Ontario Regulation 82/20 (Rules for Areas in Stage 1) made under ROA, and believes that it would be in the public interest to determine whether the individual is in compliance with that clause, the officer may require the individual to provide information for the purpose of determining whether they are in compliance with that clause.
 - Every individual who is required to provide a police officer or other provincial offences officer with information shall promptly comply.
 - **This power may only be exercised in a health unit to which Ontario Regulation 265/21 (Stay-at-Home Order) made under the Act applies.**

As a reminder, the penalty for breaching an order under the EMCPA if issued a notice of offence (ticketed) under *the Provincial Offences Act* (POA) is \$750.

Any public complaints related to police conduct or misuse of these powers should be handled by Chiefs of Police or the Office of the Independent Police Review Director (OIPRD) as appropriate through existing oversight processes set out in the *Police Services Act* (PSA).

In addition, in order to limit the transmission of the variants of concern in Ontario, [O. Reg. 293/21 \(Persons Entering Ontario From Manitoba or Quebec\)](#) has been made under the EMCPA. **Effective Monday, April 19 at 12:01 a.m. local time**, it will restrict travel between Ontario and the provinces of Manitoba and Quebec with exceptions for purposes such as work, medical care or transportation of goods.

Enforcement officials, meaning police officers, First Nations Constables, special constables, officers appointed for carrying out the provisions of the *Highway Traffic Act*, conservation officers appointed under the *Fish and Wildlife Conservation Act, 1997*, or a person or class of persons designated by the Solicitor General for the purposes of this order, will have the following powers:

- Require a person entering Ontario at any point along the Quebec or Manitoba borders to stop;
- Require the person to provide any available identification or documents and answer any questions to determine if they are complying with the order; and
- Require a person to return to Quebec or Manitoba, as applicable, if the enforcement official reasonably believes that the person is not complying with the order.

Finally, the following orders have been extended:

- The current declared provincial emergency made under [EMCPA \(O.Reg.7/21 - Declaration of Emergency\) is extended](#) for 14 days past its current end-date of April 21, 2021, until the end of the day on May 5, 2021; and
- All below in-effect orders made up to April 15, 2021, pursuant to the EMCPA, [are extended](#) to the first instant of May 5, 2021:
 - O. Reg. 8/21 Enforcement of COVID-19 Measures;
 - O. Reg. 55/21 Compliance Orders for Retirement Homes;
 - O. Reg. 265/21 Stay-At-Home Order;
 - O. Reg. 266/21 Residential Evictions;
 - O. Reg. 271/21 Work Redeployment for Local Health Integration Networks and Ontario Health;
 - O. Reg. 272/21 Transfer of Hospital Patients; and,
 - O. Reg. 288/21 Closure of Public Lands for Recreational Camping.

Enforcement of Orders

As you are aware, for offences under the ROA and EMCPA, police and other provincial offences officers, including First Nation Constables, special constables, and municipal by-law officers, have discretion to either issue tickets to individuals for set fine amounts or issue a summons under Part I of the POA) or to proceed under Part III of the POA by laying an information.

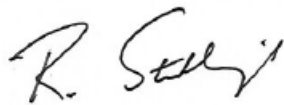
Analysis of enforcement data that your police service provides to the Ministry of the Solicitor General (ministry) continues to support data-driven decision-making. As part of your ongoing weekly reporting to the ministry on EMCPA and ROA enforcement activities, **please also provide data on the use of this new power regarding enforcement of prohibited social gatherings.**

The ministry continues to work with enforcement ministries and municipalities to collaborate and information share, including through the dedicated 1-800 Enforcement Support Line and email resource at EssentialWorkplacesSupport.SolGen@ontario.ca.

As cases continue to trend sharply upward along with instances of non-compliance, I encourage you to leverage this enhanced authority in your local enforcement of orders under the EMCPA and ROA. The ministry trusts that Chiefs of Police will ensure these new measures are used in a way that maintains public trust and confidence in police.

Thank you, as always, for your continued efforts to help keep our communities safe and healthy.

Sincerely,

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

Attachment



Ontario

Executive Council
Conseil exécutif

R.O.C./Décret 257/2021

I certify that the attached is a true copy of the Regulation under the Emergency Management and Civil Protection Act, made by Her Honour the Lieutenant Governor in Council on April 17, 2021.

Dated at Toronto, April 17, 2021

A handwritten signature in blue ink, appearing to be "J. T. ...".

Deputy Clerk, Executive Council



Ontario

Executive Council
Conseil exécutif

Order in Council Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

the appended Regulation be made under the *Emergency Management and Civil Protection Act*.

Sur la recommandation de la personne soussignée, la lieutenant-gouverneure, sur l'avis et avec le consentement du Conseil exécutif, décrète ce qui suit :

Le règlement ci-annexé est pris en vertu de la *Loi sur la protection civile et la gestion des situations d'urgence*.

Recommandé par :

Recommended

Appuyé par : Le président du Conseil des ministres,

Concurred

Chair of Cabinet

Approuvé et décrété le

La lieutenant-gouverneure,

Approved and Ordered

APR 17 2021

5:40 p.m

Date and Time

Lieutenant Governor

R.O.C./Décret (R)

257/2021

Filed with the Registrar of Regulations
Déposé auprès du registrateur des règlements

APR 17 2021

Number (O. Reg.)
Numéro (Règl. de l'Ont.) → 298/21

[Bilingual]

CONFIDENTIAL
Until made

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2

ONTARIO REGULATION

made under the

EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT

Amending O. Reg. 8/21

(ENFORCEMENT OF COVID-19 MEASURES)

1. Section 2.1 of Schedule 1 to Ontario Regulation 8/21 is revoked and the following substituted:

Requirement to provide information

2.1 (1) Where a police officer or other provincial offences officer has reason to suspect that an individual may be participating in a gathering that is prohibited by clause 1 (1) (c) of Schedule 4 of Ontario Regulation 82/20 (Rules for Areas in Stage 1) made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, and believes that it would be in the public interest to determine whether the individual is in compliance with that clause, the officer may require the individual to provide information for the purpose of determining whether they are in compliance with that clause.

(2) Every individual who is required under subsection (1) to provide a police officer or other provincial offences officer with information described in that subsection shall promptly comply.

(3) The power described in subsection (1) may only be exercised in a health unit to which Ontario Regulation 265/21 (Stay-at-Home Order) made under the Act applies.

Principles
Integrity

City of Hamilton

Code of Conduct Complaint Against Councillor Clark

Final Report

April 21, 2021

Introductory Comments

- [1] Principles *Integrity* was appointed the Integrity Commissioner for the City of Hamilton in July 2018. We are also privileged to serve as Integrity Commissioner for a number of Ontario municipalities. The operating philosophy which guides us in our work with all of our client municipalities is this:

The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an integrity commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council and local boards meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.

- [2] The City of Hamilton has as part of its ethical framework a Code of Conduct which is the policy touchstone underlying the assessments conducted in this report. It represents the standard of conduct against which all members of Council are to be measured when there is an allegation of breach of the ethical responsibilities established under the Code of Conduct. The review mechanism contemplated by the Code, one which is required in all Ontario municipalities, is an inquiry/complaints process administered by an integrity commissioner.
- [3] Integrity commissioners carry out a range of functions for municipalities (and their local boards). They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for members of council and outreach for members of the community. One of the most important functions is the provision of advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance. And finally, but not principally, they investigate allegations that a person has fallen short of compliance with the municipality's ethical framework and where appropriate they submit public reports on their findings, and make recommendations, including recommending sanctions, that council for the municipality may consider imposing in giving consideration to that report. In the City of Hamilton, this extends to imposing sanctions as warranted.

Principles

Integrity

- [4] It is important that this broad range of functions be mentioned at the outset of this investigation report. Our goal, as stated in our operating philosophy, is to help members of the City of Hamilton community, indeed the broader municipal sector and the public, to appreciate that elected and appointed representatives generally carry out their functions with integrity. In cases where they do not, there is a proper process in place to fairly assess the facts and, if necessary, recommend appropriate sanctions. In every case, including this one, the highest objective is to make recommendations that serve the public interest, if there are recommendations to be made.
- [5] Our role differs from other ‘adjudicators’ whose responsibilities generally focus, to state it colloquially, on making findings of fact and fault. While that is a necessary component when allegations are made, it is not the only component.
- [6] Our operating philosophy dictates the format of this report. The tenets of procedural fairness require us to provide reasons for our conclusions and recommendations, and we have done that. Procedural fairness also requires us to conduct a process where parties can participate in the review and resolution of a complaint.
- [7] In this regard, we have assessed the information fairly, in an independent and neutral manner, and have provided an opportunity to the Councillor named in this Report to respond to the allegations, and where findings were made, to review and provide comment on the preliminary findings

The Complaint

- [8] On February 4, 2021 Councillor Brad Clark became aware that a recording of a conversation dating back more than six months in which he alleged wrongdoing/corruption by City staff had been posted to YouTube.
- [9] On February 7, the Councillor issued a media release apologizing to Council and his constituents for the statements, resigned his position as Chair and Vice-Chair of three committees of Council, and advised that he would be asking the integrity commissioner to investigate.
- [10] On February 8, we received a Complaint from Councillor Clark in which he requested we initiate an investigation of whether his own conduct contravened the Code of Conduct, initiating a complaint about himself.
- [11] Integrity commissioners do not have jurisdiction to initiate an investigation without a complaint.

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- [12] The scope of a complaint is generally defined by the facts as articulated by the complainant.
- [13] We are not aware of a precedent for a member to self-initiate their own complaint. One could conceive of circumstances where a member might self-initiate a complaint in order to truncate or circumscribe the ambit of the alleged facts or conduct to be investigated, and so we were took steps to verify that the complaint had the proper ambit and scope.
- [14] In conversation with Councillor Clark, he agreed that we would obtain validation from the Mayor with respect to the ambit of the complaint as it was understood by members of Council, which we have done.
- [15] In the result, the conduct alleged is as follows:
- That Councillor Clark engaged in a private conversation with a member of the public in which he disclosed confidential information
 - That the Councillor made statements alleging corruption by staff and others
- [16] The questions arising from this conduct are:
- Whether the Councillor's comments damage or injure the professional or ethical reputation of any City staff or member of the public
 - Whether they harm or damage public respect for the City and its by-laws; and
 - Whether, in the released recording of the conversation with the resident, the Councillor disclosed any confidential information.

Process Followed for this Investigation

- [17] In conducting this investigation, Principles *Integrity* applied the principles of procedural fairness and was guided by the complaint process set out under the Code of Conduct.
- [18] This fair and balanced process includes the following elements:
- Reviewing the complaint to determine whether it is within scope and jurisdiction and in the public interest to pursue, including obtaining validating the ambit of the complaint, given the unique circumstances of the complaint being self-initiated by the Councillor
 - Advising the Councillor of the full ambit of the complaint being considered, and providing him with an opportunity to respond, including interviewing the Councillor

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- Reviewing the Code of Conduct, recordings, reports, meeting minutes, emails, posts and other relevant documentation
- Conducting interviews of persons with information relevant to the issues under investigation
- Providing the Councillor with the opportunity to review and provide comments to the Integrity Commissioner's Preliminary Findings Report, and taking any such comments into consideration prior to finalizing our Report.

Background and Context:

- [19] In 2019, a building permit was issued erroneously permitting the construction of a dwelling where it did not, in fact, meet all of the applicable planning requirements.
- [20] The error occurred because staff inadvertently misinterpreted the interplay of the applicable policies of the Niagara Escarpment Plan Special Policy Area and the Dundas Official Plan. Staff, in processing a Site Plan Control application in January 2019, issued the building permit in error in February 2019. (As noted below, the complexity of the relevant documentation rendered the error by the staff involved to be an innocent mistake, honestly made despite their diligent review of the matter).
- [21] Construction almost immediately attracted the attention of neighbouring property owners, revealing the error to City officials who promptly issued a stop work order and revoked the building permit in July 2019.
- [22] A thorough review of the circumstances of the permit issuance revealed lack of clarity in the applicable planning documents, leading to ambiguity. In the wake of the incident, the City directed staff to amend the applicable planning documents to eliminate future missteps.
- [23] In its review of the circumstances, management was satisfied that the issuance was entirely the result of challenges in interpreting the planning documentation, and not a matter of staff competence or integrity.
- [24] In rectifying the inadvertent error, the City acquired the property for an undisclosed amount in a settlement with the owner.
- [25] Through the latter half of 2019 and the first half of 2020, the matter was the subject of several reports to Council, both public and confidential.
- [26] The entire episode was well-documented publicly at the time, with public reports and articles in the media.

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- [27] On February 4, 2021 it was brought to Councillor Clark's attention that a recording of a telephone conversation had been posted on social media by a constituent in which the subject matter of the conversation was the erroneous issuance of the building permit.
- [28] During the recorded conversation, Councillor Clark is heard making the following statements:
- Clark:...So some guy bought 10 acres and built a house there. He got a building permit. The house is up. Now the roof is on. And Arlene [Councillor VandeerBeek] found out about it, and talked to Building Department. The Building Department went back and talked to Planning and Planning said: no, the zoning doesn't allow that. So they have issued an order to stop work on the house, and they're telling him to tear the house down.
- It was the Planning Department that approved it. It was the Building Department issued a building permit. It is illegal because of that and now they're telling him to tear it down and Arlene is flipping out.
- It's gonna cost the City a million dollars if they want to tear down, I mean the guy's gonna have to be bought off.
- ...
- Clark: So what's going on in the Building Department and how come building permits are being issued, when they shouldn't be issued? And who is paying who to get those building permits issued?
- [Brief Interjection by Constituent]
- Clark: It's a [expletive deleted] nightmare.
- Constituent: You think there's some kind of corruption then behind it?
- Clark: It's just, it's just, beginning to scratch the surface...
- [29] In the recording, Councillor Clark suggests corruption at the City, and states that 'it's gonna cost the City a million dollars'.
- [30] Immediately upon learning of the social media post, on February 4, Councillor Clark sent an apology to all Council members, the City Manager, the General Manager of Planning, and the Chief Building Official recanting the suggestion of corruption: "I have no knowledge of any corruption with the Building Department or any department within the City".

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- [31] On February 7, 2021 Councillor Clark issued a media statement in which he reiterated his apology to the Mayor and Council, his constituents, and offered “sincere and unequivocal apologies to our dedicated, hardworking and honest city staff who have my utmost respect”.
- [32] In that media statement Councillor Clark indicated he had referred the matter to the Integrity Commissioner, and was resigning effective immediately as Chair of the Audit and Finance Committee, Vice-Chair of the Emergency and Community Services Committee and Chair of the Development Charge Stakeholders Sub-Committee.
- [33] On February 16, 2021 Councillor Clark posted another media statement in which he reiterated his apology, recanted the statements he made as unfounded and baseless, and extended an apology to the property owner.

The Applicable Code of Conduct Provisions, and their Interpretation:

- [34] The City of Hamilton Council Code of Conduct provides an ethical guide and framework for Members of Council for conduct and behavior which promotes confidence in the office which they hold as elected officials of municipal government.
- [35] That Code of Conduct sets out as the Purpose:

A legislated Code of Conduct helps to ensure that the Members of Council share a common basis for acceptable conduct. The Code of Conduct is not intended to replace personal ethics. The Code of Conduct:

serves to ensure public confidence that the City’s elected representatives operate from a base of integrity, transparency, justice and courtesy.

- [36] The provisions of the Code which are most relevant to our findings and analysis in this investigation are:

Section 5: Confidentiality

5. (1) No Member of Council shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of his or her office, in either oral or written form, except when required by law or authorized by Council to do so.

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...

- (3) No Member of Council shall disclose the content of a matter that has been discussed at, or is or has been, the substance of deliberations of or at, an in camera meeting, except for content that has been authorized by Council, or a Committee of Council, or otherwise by law, to be released to the public.
- (4) Under this section, every Member shall, unless otherwise authorized or required by law, maintain confidentiality over, and not disclose, the following forms and types of information and documents:
 - (a) items under litigation, negotiation, or personnel matters;

Section 11: Conduct Respecting City Employees

11. (1) ...
 - (a) every Member of Council shall be respectful of the role of City officers and employees to provide service and advice based on political neutrality and objectivity, ...
 - (b) no Member of Council shall maliciously, falsely, negligently, recklessly, or otherwise improperly, injure the professional or ethical reputation, or the prospects or practice, of any one or more City employees; and
 - (c) every Member of Council shall show respect for the professional capacities and position of officers and employees of the City.

...

Section 12: Respect for the City and its By-Laws

12. Members of Council shall encourage public respect for the City and its By-laws.

Analysis and Findings:

- [37] The Councillor has acknowledged and confirmed that he made baseless and unfounded allegations of staff corruption during the conversation with his constituent. He has since recanted these assertions, and has confirmed he had no basis for such statements.
- [38] We are satisfied that management at the City of Hamilton undertook a thorough review of the circumstances leading up to and surrounding the erroneous issuance of the building permit, and that the error made in issuing the building permit was entirely inadvertent.

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- [39] We find that in making the statements, Councillor Clark contravened section 11(1)(b) of the Code by “maliciously, falsely, negligently, recklessly, or otherwise improperly, injur[ing] the professional or ethical reputation ... of ...one or more City employees”.
- [40] The stop work order was issued in July 2019. We understand that the recorded conversation took place after July 28, 2020.
- [41] The Councillor has advised that his statement: “It’s gonna cost the City a million dollars if they want to tear down” was merely his own estimate, and not reflective of any confidential information provided to him.
- [42] By the time of the conversation between the Councillor and the constituent, Council had been provided with confidential information relating to the potential costs for the City to rectify the situation.
- [43] However, the Councillor has advised that the quantum of a million dollars was not based on anything he had learned during closed meetings but rather was a ballpark figure based on his awareness that the property had been valued at \$800,000. He had learned this in conversation with the Ward 13 Councillor, whose ward comprises the community of Dundas, where the property in question is located.
- [44] We are satisfied that the Councillor’s statement did not, in fact, disclose confidential information.
- [45] Certainly one of the pitfalls in engaging in casual exchanges of this nature with a member of the public is that inadvertent disclosures of confidential information become more likely.
- [46] We understand that the Councillor was, during the recorded conversation, discussing other issues relating to another property, believing that the other party to the conversation, a former undercover officer, might be in a position to provide some pertinent information about persons potentially involved. In this regard, it appears the Councillor was attempting to undertake some sort of investigation of his own.
- [47] While it appears that nothing came of this behind the scenes investigation, the former undercover officer was secretly recording the conversation, unbeknownst to the Councillor.
- [48] In the winter of 2021, when this individual experienced some difficulty obtaining an unqualified clearance letter from the Building Dept. enabling him to sell his home despite the existence of unauthorized structures on the property, the recording was posted.

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- [49] We understand that the unauthorized structures have since been removed, the clearance letter has been issued, and the sale of his home completed. What remains is the cloud of an unfounded criticism tarnishing the reputation of the Building Department and the Councillor.
- [50] There is no doubt in our view that the Councillor has demonstrated genuine remorse for his conduct in making unfounded and baseless allegations of corruption in a casual conversation with a member of the public.
- [51] The Councillor is regarded as a credible and authoritative member of City Council and therefore such comments may tend to carry significant weight.
- [52] To his credit, prior to the filing of the complaint Councillor Clark had already taken remedial steps which an integrity commissioner might contemplate in the course of an investigation, in that he:
- issued repeated genuine and heartfelt apologies;
 - removed himself from leadership roles (Chair/Vice-Chair) on 3 committees
- [53] By his recent actions, Councillor Clark has assumed accountability for his conduct.
- [54] In addition to the Councillor voluntarily removing himself as Chair/Vice-Chair of 3 committees, the Councillor has personally reached out and apologized to the relevant management of the City's Building Department, who have accepted his apology.

Additional Observations:

- [55] While members of Council regularly engage with constituents regarding any number of matters, it is troubling to think that a member of Council would engage so casually with a constituent regarding issues unrelated to that constituent, and clearly related to matters of significant legal concern which are or will be before Council.
- [56] The conversation posted reflects an exchange which appears to be in the nature of friendly banter, while casting a significant aspersion on the City, its staff, and building permit applicants. Beyond unprofessional, it is distressing to staff that a member of Council may so readily offer up such an inappropriate and damaging explanation.
- [57] The fact that the constituent is a former undercover officer and the Councillor believed he was engaging in some behind the scenes investigative effort relating

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to other matters, may go some way to explain the conversation, but does not excuse the unfortunate statement.

- [58] We note that, while it is certainly considered unethical for one party to a conversation to record it without consent, it is not illegal.
- [59] This should be taken as a learning opportunity for members of Council – aside from the obvious need to avoid gratuitous criticisms of staff and others, it would be prudent for members of Council to consider with whom they discuss contentious matters, particularly if the substance of the discussions includes speculation and unsubstantiated opinions.
- [60] Members of Council should refrain from embarking on their own investigations, but rather refer these as appropriate either to staff within the organization or to other agencies.

Summary of Findings:

- [61] While we find that the Councillor's statements in the conversation posted did damage or injure the professional and ethical reputation of City employees by alleging corruption, we do not find that the Councillor released or disclosed any confidential information.
- [62] We also find that the Councillor's conduct breached s.11 of the Code of Conduct, by "maliciously, falsely, negligently, recklessly, or otherwise improperly, injur[ing] the professional or ethical reputation ... of ...one or more City employees".
- [63] We do not find, in the circumstances of this matter, that the Councillor's comments harmed or damaged public respect for the City and its By-laws.

Concluding Remarks:

- [64] While monetary sanctions are available to an integrity commissioner, in our view the more important outcomes of any investigation are to provide the community and staff with a mechanism to hold members accountable, daylight issues, and achieve improved behaviour among members of elected and appointed municipal bodies.
- [65] The Councillor has unequivocally taken steps to demonstrate his remorse and accept responsibility for his actions by:
- Issuing a public apology
 - Self-reporting to the Integrity Commissioner
 - Resigning from leadership positions on three committees of Council, and
 - Personally, apologizing to relevant staff

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- [66] Significant consequences are now already in place, having been self-imposed by the Councillor.
- [67] In our view, the objectives of the enforcement mechanism under the Code have been met and no additional sanctions are necessary.
- [68] We wish to conclude by publicly thanking everyone who was asked to participate in this process.
- [69] We will be pleased to be available at the Council meeting when this report is considered.

All of which is respectfully submitted,

Principles *Integrity*

Integrity Commissioner for the
City of Hamilton

BY EMAIL

Council
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

April 22, 2021

Dear Members of Council for the City of Hamilton:

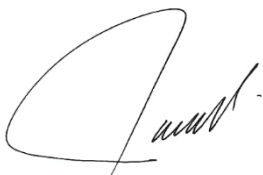
Re: Report – Office of the Ontario Ombudsman

I have completed my investigation into whether the LGBTQ Advisory Committee for the City of Hamilton held an improper closed meeting on October 20, 2020. Please find my final report enclosed.

The City agreed to make my report available to the public, and we ask that this be done no later than the next council meeting. In accordance with s. 239.2(12) of the *Municipal Act, 2001*, the City should pass a resolution stating how it intends to address this report.

Pursuant to section 14.1(9) of the *Ombudsman Act*, I will also post a copy of the report on my website at www.ombudsman.on.ca.

Yours truly,



Paul Dubé
Ombudsman of Ontario

cc. City Clerk



Ombudsman Report

Investigation into a complaint about a meeting held by the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for the City of Hamilton on October 20, 2020

**Paul Dubé
Ombudsman of Ontario
April 2021**

Complaint

- 1 My Office received a complaint that the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee (the “LGBTQ Advisory Committee” or the “committee”) for the City of Hamilton (the “City”) held a virtual meeting on October 20, 2020 that was not open to the public contrary to the *Municipal Act, 2001*¹ (the “Act”). The complaint alleged that during the virtual meeting, the livestream broadcast went down for approximately 23 minutes. During this time, the public was not able to watch the meeting in progress.

Ombudsman jurisdiction

- 2 Under the *Municipal Act*, all meetings of council, local boards, and committees of council must be open to the public, unless they fall within prescribed exceptions.
- 3 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public. Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 4 The Ombudsman is the closed meeting investigator for the City of Hamilton.
- 5 In investigating closed meeting complaints, we consider whether the open meeting requirements of the Act and the municipality’s governing procedures have been observed.
- 6 Our Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman’s decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman’s previous decisions can be found in the digest: www.ombudsman.on.ca/digest.

¹ SO 2001, c 25.

Investigative process

- 7 On November 20, 2020, we advised the City of our intent to investigate the October 20, 2020 meeting.
- 8 Members of my Office's open meeting team reviewed relevant portions of the City's by-laws and policies, and the Act. We reviewed the meeting records from the meeting and documentation we were provided by the City. We interviewed the committee's staff member liaison and the Chair of the committee.
- 9 My Office received full co-operation in this matter.

Committee procedures

- 10 The City's procedural by-law (By-law No. 18-270) defines "committee" as a standing committee, sub-committee, selection committee or advisory committee or task force established by council from time to time. Under the procedural by-law, council may create advisory committees in response to specific matters requiring immediate or long-term attention.
- 11 Section 8 of the procedural by-law states that no meeting of council or a committee shall be closed to the public unless in accordance with the *Municipal Act, 2001*.
- 12 Section 9 of the procedural by-law permits electronic participation during meetings by members of advisory committees, including the LGBTQ Advisory Committee. Appendix L to the procedural by-law contains rules of procedures during electronic meetings for advisory committees.
- 13 The City updated its Advisory Committee Procedural Handbook to include guidance for holding and conducting electronic meetings. Page 11 of the Handbook provides steps advisory committees should follow if technical issues prevent public attendance during an electronic meeting:

If the meeting is interrupted and cannot proceed with its live feed, the meeting will be recessed for up to 15 minutes, or until the live feed is resumed. If the live feed cannot be resumed within 15 minutes, the meeting will be considered adjourned. The Committee will meet at the next regularly scheduled meeting date.

If the meeting is interrupted and its live feed cannot be resumed, the names of the Committee members present shall be recorded in the minutes of the meeting and any decisions of Committee up to the point in time of the interruption.

- 14 The Handbook was distributed to staff liaisons who were instructed by the Clerk's department to provide the Handbook to the City's advisory committees. The Handbook and the changes to the procedural by-law for electronic meetings was provided to the committee in August 2020.

Background

The LGBTQ Advisory Committee

- 15 The committee reports to City council on issues and concerns pertaining to the LGBTQ community. Its mandate includes eliminating barriers experienced by LGBTQ communities by making recommendations to council and staff.
- 16 The committee is comprised of one council member and nine citizen members.
- 17 Under s. 238 of the Act, a committee "means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards[.]" A body can also be a committee if deemed so by municipal by-law.
- 18 All meetings of council, local boards, and committees of council must follow the open meeting rules contained in the Act, as well as comply with the requirements of the procedure by-law.
- 19 The definition of committee under section 1.1 of the City's procedural by-law includes advisory committees:

"Committee" means a Standing Committee, Sub-Committee, Selection Committee or an Advisory Committee or Task Force established by Council from time to time.

- 20 The LGBTQ advisory committee's membership is not composed of at least 50 percent council members. However, the committee meets the definition of a "committee" as an advisory committee under the City's procedural by-law and is subject to the open meeting rules.

The October 20, 2020 committee meeting

- 21 The committee met virtually on October 20, 2020. The committee Chair told my Office that this was the second time the committee was meeting electronically and the first meeting with a full agenda. As such, the committee members were still familiarizing themselves with the electronic meeting technology and the process of conducting an electronic meeting.
- 22 In addition to the committee members, a staff liaison was also present during the meeting. The role of the staff liaison is to assist the committee with administration, act as a liaison between the committee and the City, and provide guidance during meetings. The Clerk told my Office that the staff liaison was provided with training on the virtual meeting process and the platform used to host virtual meetings. With respect to electronic meetings, the staff liaison is responsible for inviting committee members to meetings, acting as host during a meeting, and initiating the live broadcast of a meeting on YouTube. In order to livestream an electronic meeting, the staff liaison must be connected to the City's VPN and enter a unique key into the electronic meeting platform. Once the key is entered, the meeting is automatically broadcast on YouTube. Only the staff liaison is provided with the unique key by the City.
- 23 On October 20, the staff liaison was working from home and using her home internet connection to host the committee's electronic meeting and stream the meeting on YouTube. The staff liaison told my Office that she was also connected to the City's VPN while the meeting was ongoing.
- 24 During the committee's discussion about item 8.4 on the meeting agenda, the staff liaison's home Wi-Fi stopped working. As a result, the staff liaison dropped out of the electronic meeting and the YouTube livestream ceased. Members of the public who were watching the meeting on YouTube were unable to access the livestream.
- 25 The staff liaison told my Office that she assumed that, as the host of the meeting, when she dropped out of the electronic meeting, the meeting had ended for all of the participants. The staff liaison texted the committee chair to inform him that her internet had stopped working. The committee chair acknowledged her text but did not inform her that the meeting was ongoing.

- 26 The committee chair told my Office initially the committee did not notice that the staff liaison had left the meeting or that the livestream had stopped. During this period, the meeting continued. After a few minutes, the committee members noticed that the staff liaison was no longer present in the virtual meeting and the livestream was no longer working. After a brief discussion, the committee decided to continue the meeting.
- 27 Eventually, the staff liaison reconnected to the virtual meeting and re-connected the livestream on YouTube.
- 28 Neither the committee chair nor the staff liaison followed the procedure contained in the Advisory Committee Procedural Handbook when the meeting livestream was interrupted.
- 29 The next day, city staff investigated the incident and confirmed that when the staff liaison's home Wi-Fi went down, her connection to the City's VPN was also severed. As a result, the livestream broadcast of the meeting stopped for approximately 23 minutes.

Analysis

Electronic meetings in the City of Hamilton

- 30 The *Municipal Act, 2001* requires that all meetings of a municipal council, local board, or a committee of either of them be open to the public, except in limited circumstances set out in s. 239 of the Act. The Act also sets procedural rules for closed meetings.
- 31 The Supreme Court of Canada acknowledged the importance of the open meeting rules in *London (City) v. RSJ Holdings Inc.*² According to the Supreme Court, the intent of the open meeting rules is to “increase public confidence in the integrity of local government, by ensuring the open and transparent exercise of municipal power”.³ A fundamental part of this is the public’s “right to observe the municipal government in process.”⁴
- 32 Municipalities are now permitted to hold electronic meetings. In response to the COVID-19 pandemic, the province amended the Act to provide that members of councils, local boards and committees who participate

² *London (City) v RSJ Holdings Inc.*, 2007 SCC 29, <<https://canlii.ca/t/1rtq1>>.

³ *Ibid* at para 19.

⁴ *Ibid* at para 32.

electronically in meetings may be counted for purposes of quorum. However, the amendments did not change the Act's basic requirement that meetings be open to the public, or a municipality's obligations under the open meeting rules.

- 33 On March 20, 2020, the City of Hamilton amended its procedural by-law to allow members of council to participate electronically in committee and council meetings. The City made further amendments to permit the use of electronic participation during citizen advisory committee meetings. City staff were deployed to support advisory committees by hosting electronic meetings and managing livestreaming to the public.
- 34 The City also updated the Advisory Committee Procedural Handbook to include procedures for holding and conducting electronic meetings. If an electronic meeting or its livestream is interrupted, the meeting should be recessed for up to 15 minutes and then adjourned if the livestream cannot be reconnected.

October 20, 2020 meeting

- 35 The City and the committee have acknowledged that the livestream of the October 20, 2020 meeting was unavailable for approximately 23 minutes due to technical issues. Accordingly, the meeting was improperly closed to the public during that time contrary to the *Municipal Act, 2001*.
- 36 In preparing for electronic meetings, the City established procedures to account for technology issues that could interrupt an electronic meeting. The Advisory Committee Procedural Handbook outlines the steps that committees must take in the event that the livestream of an electronic meeting goes down. Had those procedures been followed, the meeting may have been recessed or adjourned when the livestream went down rather than improperly closed to the public.
- 37 I recognize the City's efforts in developing electronic meeting procedures, which is a best practice recommendation that my Office has made in a previous report that considered virtual meetings.⁵ In that report, I also recommended that municipalities should consider having a second method for streaming the meeting so that they can switch to another service if there are issues with the first. Municipalities may also wish to consider having a staff member log in to the live stream as if they were a member of the public to monitor its quality and clarity.

⁵ *Westport (Village of) (Re)*, 2021 ONOMBUD 5 (CanLII), <<https://canlii.ca/t/jdpvc>>.

- 38 It is also important that municipalities provide training to members of council, local boards, and committees on electronic meeting policies and procedures. In this case, while the City provided the committee with the updated Handbook, my Office was told that the committee chair had also requested training from the City on the electronic meeting software. In response, the City provided the chair with some tips on how to run an electronic meeting, including how to take roll call and use the chat function to request technical assistance from staff. However, this advice did not address what to do if technical issues prevented the public from accessing the meeting.
- 39 In response to a preliminary version of this report, the Clerk informed my Office that the City has dedicated additional support for advisory committees and staff liaisons to ensure that electronic meetings adhere to the open meeting rules in future - such as providing additional training to staff liaisons on the City's electronic meeting procedures and creating a training video as a resource tool. I commend the City for these steps.

Opinion

- 40 The Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for the City of Hamilton contravened the *Municipal Act, 2001*, on October 20, 2020 when it held a portion of a meeting that the public was unable to attend due to technical issues. While the meeting was closed inadvertently, the committee was aware that the livestream had failed and chose to continue the meeting anyways.

Recommendations

- 41 I make the following recommendations to assist the City of Hamilton and the LGBTQ Advisory Committee in fulfilling their obligations under the Act and enhancing the transparency of their meetings.

Recommendation 1

All members of the LGBTQ Advisory Committee for the City of Hamilton should be vigilant in adhering to their individual and collective obligation to ensure that the committee complies with its responsibilities under the *Municipal Act, 2001* and the procedure by-law.

Recommendation 2

The City of Hamilton should review its policy for the conduct of virtual meetings and ensure that staff members and advisory committee members receive training on the policy's content, especially the steps to be taken if technical issues prevent public attendance during a meeting.

Report

- 42 Council for the City of Hamilton was given the opportunity to review a preliminary version of this report and provide comments to our Office. In light of the restrictions in place related to the COVID-19 pandemic, some adjustments were made to our normal preliminary review process and we thank the City of Hamilton for their co-operation and flexibility. Any comments received were considered in the preparation of this final report.
- 43 This report will be published on my Office's website, and should be made public by the City of Hamilton as well. In accordance with s. 239.2(12) of the *Municipal Act, 2001*, council should pass a resolution stating how it intends to address this report.



Paul Dubé
Ombudsman of Ontario

Pilon, Janet

Subject: 1288 Baseline Rd Stoney Creek

From: Angelo Italiano

Sent: April 19, 2021 2:59 PM

To: clerk@hamilton.ca

Subject: 1288 Baseline Rd Stoney Creek

My comments on the proposed submission are as follows.

How are so many people to reside in such a small area?

Where is everyone going to park? There are too many cars for the area.

What is a back to back?

What is a non-profit company?

Thank you

Pilon, Janet

Subject: The City of Hamilton Residential Zone Project Page is now up!

From: robert mcmurray

Sent: April 19, 2021 5:18 PM

To: Lee, Timothy <Timothy.Lee@hamilton.ca>

Subject: Re: The City of Hamilton Residential Zone Project Page is now up!

Hello

I just left you a phone message.

I'm not quite sure how notification for the passing of this amendment was overlooked. We were told we could add comments and concerns; we offered to be present. We were told we were on the email list. If I hadn't followed up with you, we would never have known this was coming to pass tomorrow. The only comments attached to the proposal are comments that are in favour of the proposal. What lucky selected group got to decide the future of our community? Those comments and names need to be made public.

The proposed changes grossly impact the middle class population in our area and our community should've been properly notified, respectively addressed and had the opportunity to oppose any such amendment that grossly affects our safety and property values. We deserved more than you adding 'Notice of Public Meeting' . You only see that if you are searching for it. How convenient this should happen during this lock down. This is the third negative event the city staff and our Councillor has put upon us during this Pandemic, when resources and the ability to protect ourselves are extremely low. Joanne said, our area is the one most grossly affected and we feel negatively impacted by the amendment and the obvious slight to this Ward's middle class population. Letters of invite could not be sent to us?? In the grand scheme, we are not a large area. If not letters, surely our Councillor should've addressed this in some form.

The Authors of this amendment should've engaged with the community and found solutions that worked for all. Isn't that what inclusive means? We would like to know when our city became a 2 tier society, just the rich and the encampments. We feel you've dissolved the middle class when we weren't looking. We feel you didn't invite us because we are middle class and we would've opposed parts of this discussion paper.

We are extremely disappointed that the future of our neighbourhood was put in the hands of people that thought we were unworthy of a say. This in itself needs to be addressed and investigated.

Could you please refer us to the department that overlooks city practices and standards.

Thank you

From: Lee, Timothy <Timothy.Lee@hamilton.ca>

Sent: Monday, April 19, 2021 4:08:02 PM

To: robert mcmurray <mcmurro@msn.com>

Subject: RE: The City of Hamilton Residential Zone Project Page is now up!

Hi Robert,

The project was not approved on April 6, 2021 because Planning Committee did not reach quorum by the time the project was being heard. It will continue tomorrow. Staff are hoping a decision be made tomorrow by Planning Committee.

The Engage Hamilton site was updated where the Notice of Public Meeting was issued. I have also included the link to the April 20 Planning Committee and the draft By-law (which is unchanged from April 6, 2021).

<https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=c4264a95-f28b-4f54-8bbc-b4e44c4aaa87&Agenda=Merged&lang=English&Item=18&Tab=attachments>

Regards,
Tim

Timothy Lee, MASC, MCIP, RPP
Senior Planner, Policy Planning and Zoning By-law Reform
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 4th Floor
Hamilton, ON, L8P 4Y5

P: 905-546-2424 ext 1249
E: Timothy.Lee@hamilton.ca

NOTE: As of March 18, 2020, all City of Hamilton offices and facilities have been closed to the public with the exception of the First Floor, City Hall, to help prevent the possible spread of the Covid-19 virus. However, staff are working from home as a precautionary measure to protect both the public and staff. Staff will endeavour to reply to your email as soon as possible.

Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at www.hamilton.ca.

Thank you for your anticipated cooperation.

From: robert mcmurray
Sent: April 18, 2021 8:11 PM
To: Residential Zoning <residentialzoning@hamilton.ca>; Lee, Timothy <Timothy.Lee@hamilton.ca>
Subject: Re: The City of Hamilton Residential Zone Project Page is now up!

Hello, Joanne and Tim

I haven't received any further information with regards to the discussion paper and the amendment you are looking to impose on our neighbourhood in relation to the number of groups, residents, distance between homes and the ability to allow these home in single family dwelling residence.

Could you please forward the current information on this proposal as members of our community would like to be involved.

Thanks,
Lori-Anne Marini and Ron McMurray

From: robert mcmurray
Sent: Monday, January 25, 2021 4:18:52 PM
To: Residential Zoning <residentialzoning@hamilton.ca>; Lee, Timothy <Timothy.Lee@hamilton.ca>
Subject: Re: The City of Hamilton Residential Zone Project Page is now up!

Hi, Tim

As per my discussion with Joanne, I am interested in commenting on the discussion paper re: RCF amendment, eliminating the radial distance between RCFs in our Kirkendall area.

I am requesting our comments be attached to the existing comments already submitted as we feel unless you were looking for this discussion paper, you would never know it existed therefore you have no opportunity to challenge it. We ask that our comments be included in the proposal to Council and that we be invited to attend in order to voice our opposition.

We also suggest this proposal, before going to Council, be published again. Please include in the publication a clear explanation of the ramifications of this amendment and the possibility of dissolving family neighbourhoods, as we know them, in favour of commercial businesses. We ask this as we have discovered very few constituents, if any constituents in our area, were aware of this proposal.

We also ask that you also reconsider the proposal based not only on neighbourhood dissolving, running middle class out of their existing neighbourhoods, de-gentrifying at the expense of the middle class but also the impact on our infrastructure, parking and property values. If you allow 4-6 clients in multiple homes on one street, each client requires 2-3 caregivers over a 24 hour period, 7 days a week, do you realize what impact this has on neighbourhoods?

The comments, opinions and fears we wish to add will be on behalf of the Hunter Street West Residents as well as our own concerns.

Please direct me to the proper platform for submitting such concerns.

Much appreciation,
Rob and Lori McMurray

From: Lee, Timothy <Timothy.Lee@hamilton.ca>
Sent: Wednesday, October 21, 2020 8:41:25 AM
To: Residential Zoning <residentialzoning@hamilton.ca>
Subject: The City of Hamilton Residential Zone Project Page is now up!

Good morning, you are receiving this email because you have previously expressed interest in the City of Hamilton Residential Zone Project and your contact info was added to our mailing list. Staff have been working behind the scenes in advance of the proposed Residential Zones, which will update Hamilton Zoning By-law No. 05-200. The project page can be found at <https://engage.hamilton.ca/residentialzoningproject>.

Through the City of Hamilton's Engage Hamilton Public Engagement Portal, the first Virtual Consultation period is on now! The first topic is Second Dwelling Units. In the Virtual Consultation, you will find a wealth of information at your disposal, including panels, a video, and various documents. Please participate by entering the survey where you can provide your feedback.

Visit the project page located at <https://engage.hamilton.ca/residentialzoningproject> at any time for updates and to view current and archived material. Also, stay tuned as future Virtual Consultation meetings will be held in mid-November 2020 where you can virtually attend the meeting. Registration will be available soon on the project page.

If you have any questions, the email address is residentialzoning@hamilton.ca.

Yours Truly,
The Residential Zoning Project Team



April 22, 2021

Mayor Eisenberger and Council
 The City of Hamilton
 2nd Floor – 71 Main Street, West
 Hamilton, ON
 L8P 4Y5

SENT ELECTRONICALLY

Dear Mayor Eisenberger and Council,

Please be advised that at its meeting of April 16, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority adopted the following as Resolution No. FA-75-21:

*Moved by Board Member Mackenzie
 Seconded by Board Member Huson*

WHEREAS *the public has shown a strong desire and need to be out in nature in the NPCA watershed and across Ontario and it has been demonstrated that being in nature benefits our physical and mental health;*

WHEREAS *the Province and the Region of Niagara have identified that the population of Niagara is expected to grow by 226,000, or 50% by 2051;*

WHEREAS *the popularity of the present community-connecting trails like the Friendship Trail, Niagara River Waterfront Trail, Seaway Canal Trail, Dofasco Trail and the Gord Harry Trail is well documented;*

WHEREAS *there are a large number of unopened road allowances and abandoned rail lines and other possible corridors that are presently not accessible to the public that have the capability of making physical connections between the municipalities in Niagara and with Hamilton and Haldimand County;*

WHEREAS *Conservation Authorities including the NPCA have been shown to be agencies that can plan for and develop trails throughout their watersheds;*

NOW, THEREFORE BE IT RESOLVED:

1. **THAT** *NPCA, being the agency with 2,845 ha of public land connecting Niagara, Hamilton and Haldimand, **CONVENE** a forum to bring agencies and municipalities in its watershed together to facilitate planning and development of an inter-jurisdictional trails network connecting municipalities, neighbourhood, employment areas, and nature destinations.*
2. **THAT** *NPCA municipalities **BE ENCOURAGED** to adopt, through official plan updates, expanded trail networks using publicly owned corridors, abandoned rails lines, and other opportunities.*

3. **THAT** NPCA staff **EXPLORE** formal partnership opportunities with municipalities to map, build, and enhance trail connections.
4. **AND FURTHER THAT** a copy of this motion **BE CIRCULATED** to the local and regional municipalities within NPCA's jurisdiction.

CARRIED

Should you have any questions on this matter, please feel free to contact CAO, Chandra Sharma at csharma@npc.ca or 905-788-3135.

Sincerely,

A handwritten signature in black ink, appearing to read 'Grant Bivol', written in a cursive style.

Grant Bivol
Clerk / Board Secretariat

**The Corporation of the City of Cambridge
Corporate Services Department
Clerk's Division
The City of Cambridge
50 Dickson Street, P.O. Box 669
Cambridge ON N1R 5W8
Tel: (519) 740-4680 ext 4585
mantond@cambridge.ca**

April 21, 2021

Re: Resolution - City of Cambridge Council – Request for Paid Sick Leave

At the Special Council Meeting of April 20, 2021, the Council of the Corporation of the City of Cambridge passed the following motion:

Mover: Councillor Wolf
Seconder: Councillor Reid

WHEREAS as a result of the COVID-19 pandemic and the increase in cases in Ontario, our hospitals and Intensive Care Units are overrun with people sick with the virus;

AND WHEREAS according to the Provincial Science Advisory Table on COVID-19 we need to protect essential workers and support them with paid sick leave;

AND WHEREAS it is being reported that the drivers of transmission are indoor work places, particularly industrial workplaces, warehouses, and distribution centres;

AND WHEREAS the COVID-19 crisis has unmasked the inequalities in our Province as most of the people now getting sick are the most vulnerable in our society and are those who cannot afford to stay home and often live and work in crowded conditions;

AND WHEREAS Workers who are denied paid sick days do not avoid illness, they bring the infections to work with them, and they transmit them to their coworkers, employees without paid sick leave;

THEREFORE BE IT RESOLVED that Cambridge Council urge the Honourable Doug Ford, Premier to require Ontario employers to provide no less than five paid sick days annually to workers — after three months of employment — by amending the

Employment Standards Act, 2000, or through a different mechanism and to provide necessary funding, fiscal relief and/or support to employers so that all workers in Ontario have access to no less than 10 paid sick days annually in the event of a declared infectious disease emergency, such as the COVID-19 pandemic and ensure all Ontario workers have access to protected and paid emergency leave so care can be provided to children, parents, and/or other family members who may become ill and that all workers may receive paid time off to enable them to receive the COVID-19 Vaccine.

AND FURTHER that upon Council's approval of this motion that it be forwarded to the Association of Municipalities of Ontario, the Provincial Minister of Labour, the Premier, and each Ontario municipality.

Should you have any questions related to the approved resolution, please contact me.

Yours truly,



Danielle Manton
City Clerk

HAMILTON 100
COMMONWEALTH GAMES BID CORPORATION

77 James Street North, Suite 300 Hamilton, Ontario L8R 2K3

April 22, 2021

Via Email - stephanie.paparella@hamilton.ca

The Mayor and Members of Council
c/o Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
City of Hamilton

Dear Mayor and Members of Council:

Re: 2030 Commonwealth Games

Let me once again begin by expressing our organizing committee's hope that you and your families are well. As you may be aware from media reports, the Province of Ontario has informed the Commonwealth Games Federation (the "CGF" or "Federation") that it will not support a no bid 2026 Hamilton hosting proposal. It has, however, invited our consideration of a hosting plan for 2027 or later. Our team is uninterested in attempting to navigate the complexities of a 2027 effort, and therefore, we have resolved to refocus our efforts around winning a competitive bidding process for 2030.

Given the ongoing impact of the pandemic, we intend to preserve the 2026 focus on social impact, principally around affordable housing, and to work to increase significantly the degree of private sector engagement and investment around the hosting proposal beyond that contemplated in the original 2030 plan. Having said that, unlike the unprecedented offer made by the CGF for 2026, we are not guaranteed 2030 and will therefore need to finalize a hosting plan that can compete and win a centenary event that will be hotly contested globally.

Accordingly, with the 2026 Pivot behind us, we have re-assembled a diverse group of volunteers and stakeholders (the "Hosting Proposal Committee") to prepare a revised 2030 hosting proposal that combines many of the most compelling features of the original 2030 bid with the most impactful elements of the 2026 plan. In addition, we are now considering additional innovations or improvements that we feel will add value to our bid while presenting a cost to the City of Hamilton that will be materially lower than that projected in the initial 2030 proposal approved by Council.

As mandated by the City of Hamilton's Resolution of November 13, 2019, attached to this letter as Appendix A, we invite the City to confirm the appointment of representatives from Council that are to sit on our Hosting Proposal Committee as soon as possible. Their commitment to



participating in the work of this Committee in the next few weeks will be critical. We wish also to confirm that we will be working with City staff to ensure that the requirements set out in the Resolution are addressed in a timely fashion and look forward to the City's co-operation in that regard. We propose to schedule a meeting with City staff and the Councillors appointed to the Games committee to discuss the critical path process for addressing the requirements of the resolution and any other topic of concern or interest as soon as practicable. On or before this meeting we will also update you on improvements to our governance structure, which include the formation of an advisory board which will oversee the operations of the Hosting Bid Committee.

As it relates to the process by which the hosting proposal will be formally negotiated with other levels of government, we are advised by Commonwealth Sport Canada that at the request of the Federal Government, the 2030 Commonwealth Games (CWG) bid process must now move to the next step - establishing a *multi-party 2030 Commonwealth Games Concept Review Committee (2030 CWG CRC)*.

The purpose of the 2030 CWG CRC is to review and enhance the soon to be completed draft 2030 CWG Hosting Concept Proposal with a view to developing a strong 2030 CWG Hosting Plan that will be submitted to the CGF. The CRC's primary task will be integrating the wants and needs of each Party into the draft 2030 CWG Hosting Concept Proposal (this will include those matters set out in the City's resolution pertinent to this process) and developing a total cost 2030 CWG budget (operations and games required capital). The 2030 CWG CRC will be composed of up to 2 representatives from each of the 2030 CWGs Bid Committee, Commonwealth Sport Canada, the City of Hamilton, Government of Ontario, Government of Canada and Six Nations of the Grand River. Other Parties (i.e. the CGF, municipalities, venue owner/operators etc.) may move in and out of committee discussions on an as needed basis. We therefore request that the City confirm the name of the two delegates it wishes to appoint to the CRC.

A total cost 2030 CWGs budget will then be used to develop Cost Sharing and Multi-Party Agreements (MPA). Ultimately, an MPA and 2030 CWGs Hosting Plan, should it be successfully concluded, will constitute Canada's 2030 CWG Bid submitted to CGF for their consideration. For a variety of strategic reasons our goal is to submit Canada's 2030 CWG Bid (following the conclusion of the MPA process) to CGF in early 2022 at the latest.

We understand from Commonwealth Sport Canada that it will be at least a few weeks before the first meeting of the 2030 CWG CRC. In the interim, we must move forward with our work finalizing a hosting concept for consideration in due course by the broader working group and scheduling the consultations referenced above with the city.

Notwithstanding the province's refusal to entertain the funding of a 2026 pandemic recovery games, we are deeply appreciative of the Federation's offer as well as their support and engagement in our community these last several months. We also wish to recognize the contributions of the many volunteers who took on this effort in the hopes of bettering our

HAMILTON100
COMMONWEALTH GAMES BID CORPORATION



77 James Street North, Suite 300 Hamilton, Ontario L8R 2K3

community, and the countless members of this and other communities who expressed their support for this effort.

Sincerely,

PJ Mercanti
President
HAMILTON100

- c: Honourable Lisa MacLeod, *Ministry of Heritage, Sport, Tourism and Culture Industries*
Honourable Filomena Tassi, *Ministry of Labour*
Honourable Steven Guilbeault, *Minister of Canadian Heritage*
Richard Powers, President, *Commonwealth Sport Canada*
Brian MacPherson, CEO, *Commonwealth Sport Canada*
Louis Frapporti, Chair, *HAMILTON100*

CITY OF HAMILTON

AMENDING MOTION

Council: November 13, 2019

MOVED BY COUNCILLOR B. CLARK.....

SECONDED BY COUNCILLOR

That Item 2 of the General Issues Committee Report 19-023, respecting Report PED19108(b) – Commonwealth Games 2030, be amended by adding new sub-sections (e) through (k), to read as follows:

- (e) ***That, through the review of a potential 2030 Commonwealth Hosting Proposal 2, staff be directed to provide a financial assessment of the proposal against the City's Master Plans and approved ten-year capital plan, with the objective of preserving City funding capacity for state of good repair for existing facilities, as well as future identified capital priorities and report back to the General Issues Committee;***
- (f) ***That, prior to executing a Multi-Party Agreement for the 2030 Commonwealth Games, staff be directed to report back to the General Issues Committee regarding Governance, including, what level of government or agency will be the responsible party for procurement, project management, project delivery, project administration, security, etc. and will be ultimately financially accountable for both capital and operational decisions for the 2030 Commonwealth Games;***
- (g) ***That, through the review of a potential Hosting Proposal 2 for the 2030 Commonwealth Games, staff be directed to report back to the General Issues Committee on how the City of Hamilton can be indemnified against any risks such as capital and operating budget overruns, games deficit, deficiencies in third party funding, and deficiencies in legacy funding;***
- (h) ***That, prior to executing a Multi-Party Agreement for the 2030 Commonwealth Games, an independent peer review be undertaken of the financial model contained in the potential Hosting Proposal 2 to include, but not limited to, the games operations, the capital investment strategies and facility construction budgets as provided by Hamilton100 and report back to the General Issues Committee;***
- (i) ***That Hamilton100 be requested to consider incorporating a legacy trust in the 2030 Commonwealth Hosting Proposal 2, funded through non-***

municipal proceeds, to provide for both capital and operating funding for program delivery and facility operations for a minimum period of ten years, post Commonwealth Games 2030;

- (j) That staff be directed report back to report back to the General Issues Committee on the potential implications of the municipal share of the 2030 Commonwealth Games bid being between \$250-\$375 million on the city's projected tax supported debt, including alignment with the City's Municipal Debt Policy; and,***
- (k) That, through the review of a potential 2030 Commonwealth Games Hosting Proposal 2, staff be directed to report back to the General Issues Committee on the inclusion of the entertainment district facilities in the Commonwealth Games bid and any impacts or conflicts on the approved review of the entertainment district that is currently under way.***

Main Motion, as Amended, to read as follows:

2. Commonwealth Games 2030 (PED19108(b)) (City Wide) (Item 9.1)

- (a) That, as it is Council's unfettered right and discretion to designate up to four elected officials to serve as the City's representative(s) on the Hamilton100 Committee, as per the Memorandum of Understanding between the City of Hamilton and the Hamilton100 Commonwealth Games Bid Corporation, up to four members of Council be appointed to the Committee;
- (b) That the Memorandum of Understanding between the City of Hamilton and the Hamilton100 Commonwealth Games Bid Corporation, respecting the 2030 Commonwealth Games Bid, be amended to allow Hamilton100 to prepare, organize, facilitate, coordinate and finance, in its entirety, a Hosting Proposal (Part 2), and to include up to four members of Council to serve as Committee members, in a form satisfactory to the General Manager of Finance and Corporate Services and City the Solicitor;
- (c) That, subject to Commonwealth Games Canada inviting Hamilton100 to prepare and submit a Hosting Proposal (Part 2), staff be directed to report back to General Issues Committee to seek support for the Hamilton100 Commonwealth Games Bid Corporation to proceed with the Hosting Proposal (Part 2), with that report to include any internal resources required to support the development of a Multi-Party Agreement; and,
- (d) That the following Councillors be appointed to participate on the Hamilton100 Committee with respect to the 2030 Commonwealth Games:
 - (i) Terry Whitehead;
 - (ii) Judi Partridge; and,
 - (iii) Esther Pauls.

- (e) That, through the review of a potential 2030 Commonwealth Hosting Proposal 2, staff be directed to provide a financial assessment of the proposal against the City's Master Plans and approved ten-year capital plan, with the objective of preserving city funding capacity for state of good repair for existing facilities, as well as future identified capital priorities and report back to the General Issues Committee;**
- (f) That, prior to executing a Multi-Party Agreement for the 2030 Commonwealth Games, staff be directed to report back to the General Issues Committee regarding Governance, including, what level of government or agency will be the responsible party for procurement, project management, project delivery, project administration , security, etc. and will be ultimately financially accountable for both capital and operational decisions for the 2030 Commonwealth Games;**
- (g) That, through the review of a potential Hosting Proposal 2 for the 2030 Commonwealth Games, staff be directed to report back to the General Issues Committee on how the City of Hamilton can be indemnified against any risks such as capital and operating budget overruns, games deficit, deficiencies in third party funding, and deficiencies in legacy funding;**
- (h) That, prior to executing a Multi-Party Agreement for the 2030 Commonwealth Games, an independent peer review be undertaken of the financial model contained in the potential Hosting Proposal 2 to include, but not limited to, the games operations, the capital investment strategies and facility construction budgets as provided by Hamilton100 and report back to the General Issues Committee;**
- (i) That Hamilton100 be requested to consider incorporating a legacy trust in the 2030 Commonwealth Hosting Proposal 2, funded through non-municipal proceeds, to provide for both capital and operating funding for program delivery and facility operations for a minimum period of ten years, post Commonwealth Games 2030;**
- (j) That staff be directed report back to report back to the General Issues Committee on the potential implications of the municipal share of the 2030 Commonwealth Games bid being between \$250-\$375 million on the city's projected tax supported debt, including alignment with the City's Municipal Debt Policy; and,**
- (k) That, through the review of a potential 2030 Commonwealth Games Hosting Proposal 2, staff be directed to report back to the General Issues Committee on the inclusion of the entertainment district facilities in the Commonwealth Games bid and any impacts or conflicts on the approved review of the entertainment district that is currently under way.**

April 26, 2021

To: All Members of City Council

Re: Sidewalk Snow Removal and Report PW19022(c)

My name is Daniella Mikanovsky, and I am a graduating student of McMaster's Arts and Science Program. For my undergraduate thesis, I explored Hamilton's sidewalk snow removal policy. Supervised by Dr. John MacLachlan, I researched the existing bylaw, followed the discussions going on at City Council, and explored the equity challenges that our current system causes. Throughout my research, it has become abundantly clear to me that our snow clearing system is unjust.

I have attached my thesis in the case that you would like to refer to it. **I would like to summarize a few key ideas:**

- The [snow events](#) of this past winter have made it clear that our current bylaw system is not adequate to ensure safe sidewalks in Hamilton. Something needs to be done. If you vote to end this discussion, we will continue to have these challenges.
- Snow clearing increases mobility and access for marginalized members of our community. Disabled individuals and older adults are impacted the most by unclear sidewalks:
 - They may not have access to personal vehicles and so depend on sidewalks and access to public transit to move around for their daily activities.
 - If they were to experience an accident, they are more likely to have severe consequences such as severe injuries and chronic pain management.
 - They are more likely to depend on mobility aids such as wheelchairs, walkers, and canes, which can face increased difficulty when navigating through snow.
 - A current [study at McMaster](#) has found that Hamiltonian seniors view snow as a significant barrier to their ability to access public transportation.
 - The City of Hamilton has an [aging population](#) and a [higher rate](#) of disabled residents than the rest of the province, so their needs must be considered and taken seriously.
- Other groups of people are also disproportionately impacted by inadequately cleared sidewalks. This includes:
 - Other people who depend on sidewalks and public transit, such as lower income individuals, children, and teens.
 - People using other wheeled devices such as strollers (young parents) and carts (often lower income individuals who do not have a vehicle to drive to store)
 - According to a [study in Sweden](#), women are impacted more than men by unclear sidewalks. Women are more likely to walk in their community to run errands such as dropping children off at school and buying groceries, whereas men were more likely to travel to work in vehicles on major roads, which were cleared before sidewalks. In

the study, women were overrepresented in the number of winter slips and falls and had higher rates of injury. When the town prioritized sidewalk clearing before roads, they significantly reduced the number of emergency visits for slips and falls in the winter. It is conceivable that women are disproportionately impacted here too.

- When sidewalks are not properly cleared, it can make it difficult for all the people described above to go about their daily activities. The same cannot be said for motorists. When the city is prioritizing roads over sidewalks, the needs of motorists are being valued over the safety and wellbeing of these marginalized populations.
- Snow clearing increases walkability for everyone, which supports positive health outcomes.
- Snow clearing reduces health care costs associated with slips and falls and reduces pressure on our local hospitals. Even [before the COVID-19 crisis](#), our hospitals were frequently over capacity. When we pay for proactive measures, such as increasing safety on our streets, we will save costs to our healthcare systems.
- Snow clearing supports sustainable lifestyles such as using the bus, biking, and walking instead of driving, which we should support during the [climate emergency](#).
- The graph below shows the percentage of morning (6-9am) trips in each ward that depended on walking/cycling and transit. In the winter, all these travelers depend on clear sidewalks at some point in their journey, whether it be the walk to the bus stop or their entire trip. The data is collected from the [Transportation Tomorrow Survey 2016](#).
ND indicated no data, in which there were not enough data points to indicate a trend.

Percentage of Morning (6-9am) Trips taken by Foot, Bicycle, and Transit, per Ward (2016)															
Ward	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Walk/Cycle	27%	18%	17%	13%	7%	7%	8%	10%	9%	5%	2%	2%	11%	ND	ND
Transit	16%	18%	12%	11%	9%	6%	8%	7%	2%	4%	1%	1%	6%	ND	7%
Total:	43%	36%	29%	24%	16%	13%	16%	17%	11%	9%	3%	3%	17%	ND	7%

Some considerations:

- Ward 12, which currently is the only ward which offers snow clearing service on its sidewalks, has the lowest rate of trips taken by pedestrians.
- Of the councillors who voted NO to the Public Works Motion on April 19th, 2021 (Item 8.1), half of them represent wards in which one sixth of the population depends on sidewalks. That is not an insignificant number. Are you ignoring these constituents?

- In regards to our current system, the Snow Angels are unable to guarantee snow clearing service, and have had challenges in the past due to [lack of volunteers](#). It is unjust to impose bylaw fines upon residents who are unable to shovel their own sidewalks due to disability and lack the finances to contract this service.

Recommendations:

I strongly recommend that you reconsider last week's vote at the Public Works Committee. Unclear sidewalks have direct impact on many Hamiltonian's lives, and it is unfair that you continue to prioritize motorists and delay addressing this issue.

Whether or not you approve one of the scenarios from PW19022(c), although I recommend you do, I also wanted to make the following recommendations:

- Please investigate the healthcare data associated with slips and falls in Hamilton. Are we seeing significantly more accidents on our sidewalks in the winter? Can we compare this data with cities which have more comprehensive snow clearing, and might we be reducing social costs by slightly increasing our property taxes?
- Perhaps consider a pilot study, in which the City adopts snow clearing responsibility for a ward for two years. I understand that we have the ability to estimate costs based on Ward 12's service, but a pilot in a ward with more pedestrians will allow you to study the direct impact of snow clearing on the residents who depend on it. This study could be implemented in connection with CityLAB Hamilton and the post-secondary institutions, and could provide the Council with data that you might consider more 'statistically valid' than the 2020 Engage Hamilton results.
- If we cannot adopt an improved PW19022(c) scenario, please at least consider expanding Snow Angels with more staffed positions to increase the ability for the organization to guarantee service to those in need.

Thank you for your consideration. I sincerely hope you make the right decision and support safer sidewalks in Hamilton.

Daniella Mikanovsky
Ward 1 Resident
Bachelor of Arts and Science 2021
McMaster University
[REDACTED]

Shoveling the Way for Hamilton's Sidewalks

Daniella Mikanovsky

ARTSSCI 4C06 Individual Thesis

Supervised by: Dr. John Maclachlan

April 2021



Pictured: Daniella (left) shoveling the snow with her sister Avigail, 2004.
Photo credit: Hagit Mikanovsky

Acknowledgements

First and foremost, I'd like to thank my thesis supervisor, Dr. John Maclachlan, for his support during this project. John's guidance has been essential to understanding the maze of municipal bureaucracy, and his reassurance was invaluable during the uncertainty brought on by COVID-19. Thank you for your ideas, patience, and supporting me in exploring an issue that was interesting to me.

I would also like to thank the Arts and Science Administrative team: Dr. Jean Wilson, Shelley Anderson, and Rebecca Bishop, for supporting me through my degree.

A special thank you goes to Councillor Maureen Wilson for taking the time out of her schedule to discuss Hamilton's sidewalk snow clearing and its impact on Ward 1. Thank you for your continued advocacy toward ensuring that Hamilton is a safe and equitable city for all of our residents.

As well, I'd like to acknowledge the support and hard work of my parents, Moshe and Hagit Mikanovsky. Thank you for supporting my academic path, and teaching me how to shovel snow. Thank you to my sister Avigail for keeping me sane throughout this virtual year.

Finally, I'd like to thank my youngest sister, Tali. On March 6th, I slipped on ice (oh the irony!) and broke the elbow on my dominant hand. When I could no longer type my thesis, I turned to dictation software, which proved to have a higher learning curve than I expected. Tali stepped up and acted as my transcriber. Without you this wouldn't have been possible. THANK YOU TALI!!

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Introduction

Growing up in Vaughan, I always loved playing in the snow. After really big storms, I would ‘help’ my parents with my toy shovel while they would do the real grunt work. It took some effort, but we would clear our driveway altogether. While we were hard at work, the city’s snowplow would come trundling along to push the snow off the sidewalk, leaving a clear path in its wake. The flashing yellow lights and tracks in the sidewalk were staple to my childhood winters.

That is why when I moved to Hamilton to attend McMaster, I was surprised to learn that the municipality does not provide snow shoveling services. When I signed my lease for my student house, my landlord included a clause making it my responsibility to clear the sidewalk in the winter. My housemates and I took this duty seriously, and worked together to clear our sidewalk. Not everyone seemed to have the same approach to snow clearing. After storms, I was regularly encountering uncleared and icy sidewalks in my neighborhood.

As an able bodied young woman, I did not find it hard to navigate the neighborhood in the winter. Yes, sometimes the sidewalks had snow or ice, but I had winter boots and good balance. It seemed like a nuisance at most.

Then, I read an article written by a classmate for *The Silhouette*. In the article, he explained the equity issue that improper snow clearing presents (Tse, 2019). If just one house fails to clear its sidewalk, it could make the whole block inaccessible to disabled people and older adults. That seemed pretty unfair to me. That winter, I started noticing the issues more often. If there was a bylaw in place to ensure that people were clearing their sidewalks, it did not seem to be working.

Uncleared sidewalks are an equity issue. When sidewalks are snowy or slippery with ice, they can be dangerous to anyone, but they disproportionately impact certain communities, particularly older adults and disabled individuals. For these individuals, winter sidewalk conditions can inhibit active mobility, access to public transportation, completion of daily tasks such as shopping or doctor’s appointments, and even cause life-threatening accidents (Morales et al., 2014; Ravensbergen, 2020).

The issue of snow removal in Hamilton has been discussed by City Council on four different occasions since amalgamation. The most recent iteration, beginning in early 2019, is the first to include the Equity, Diversity and Inclusion lens (Dreschel, 2020).

For my Level IV thesis, I decided to follow Hamilton’s snow clearing debate through the municipal decision making process. I developed a series of articles, titled *Shoveling the Way for Hamilton’s Sidewalks*, which are intended to explain the issue to the public. In order to maintain a news-article style, the articles include embedded links in the place of formal citations, and strive to avoid complicated terminology. I will be submitting these articles to *Raise the Hammer*, a digital publication dedicated to the improvement of Hamilton’s urban community (McGreal, 2004). A brief summary of the articles follows:

1. **Equity Concerns with Hamilton's Snowy Sidewalks:** This article introduces the basics of Hamilton's sidewalk clearing policy, explains the access concerns associated with it, and highlights some of the marginalized communities impacted by improper snow removal.
2. **Snowy Sidewalks in Hamilton's Council Chambers:** This article explores the proposed solutions being debated by City Hall and explores the differing opinions held by proponents and opponents of comprehensive snow clearing.
3. **Hamilton's Snowy Sidewalks and the Law:** This article discusses the details of the Snow Removal Bylaw enforcement and investigates a legal issue related to landlord-tenant responsibilities in snow clearing.
4. **Conclusions and FAQ:** This article recommends next steps for City Council to take, and responds to some common questions and misconceptions related to Hamilton's snow clearing policy.

Shoveling the Way for Hamilton's Sidewalks

Article 1: Equity Concerns with Hamilton's Snowy Sidewalks

About the series

Shoveling the Way for Hamilton's Sidewalks is a series developed for my undergraduate thesis. I am studying Arts & Science with minors in sustainability and community engagement at McMaster, and I'm interested in how we can develop sustainable, equitable communities. When it snows in Hamilton, the city does not shovel most of the sidewalks. The responsibility for this falls on Hamiltonians. I decided I wanted to explore the issue further for my fourth year thesis. The goal of this series is to share the information that I learned with the Hamilton community.

Snow and ice are realities that must be dealt with in every Canadian city. The City of Hamilton has proudly achieved upstanding ratings for its level of clearance on roads. At the same time, a long standing debate has been taking place in regards to the sidewalk snow clearing. While some other Canadian municipalities clear sidewalks, such as [Burlington, Guelph, London, and most of Toronto](#), this is not the case here.

In Hamilton, individual property owners are responsible for clearing the public sidewalk on their properties. The City of Hamilton clears along city properties such as at public schools and City Hall, as well as at transit stops. The City also shovels all of the sidewalks in Ward 12, the former town of Ancaster, which continues the service that community received before Hamilton's amalgamation. This is funded by an additional fee paid by residents in their taxes.

The [Snow Removal Bylaw](#) enforces responsibility of all other public sidewalks to occupants and property owners in Hamilton. If snow or ice isn't properly cleared within 24 hours of the end of a snow event, the occupant or owner could receive a fine. As well, the city run-program [Snow Angels](#) pairs low-income seniors and disabled residents with volunteers to help clear their snow. When we consider these two populations, it is significant that 30% of Hamilton's population are [older adults](#), and this population is expected to grow. As well, 18% of Hamilton's population [lives with disability](#), and this rate is higher than the rest of the province. Therefore, these communities are significant, and their interests should be considered in our snow removal and other municipal policies.

What is the Problem?

Snow clearing in Hamilton is an equity issue for two main reasons. First of all, occupants who cannot physically clear snow by themselves and cannot afford to pay for a snow clearing service may be more impacted by bylaw fines. This could include disabled people, older adults, and even single parents - consider, can you leave your young children alone inside while shoveling the snow for an hour? The city claims to address this issue by supporting the Snow Angels program. However, in some years, the program has been unable to meet the demand due to a [lack of volunteers](#), and the program cannot guarantee service to all applicants.

The second issue is the challenge presented when sidewalks aren't properly cleared. Bylaw enforcement is reactive instead of proactive, which means that bylaw officers respond when citizens report a problem, instead of monitoring the streets and issuing tickets. Compare this to parking enforcement, which is proactive: bylaw officers monitor roads and issue tickets when they see illegal parking. When the bylaw is not strictly enforced, residents may neglect their responsibility to clear snow or ice. As well, some residents may not be aware of their responsibility to shovel the sidewalk. In the end of the day, these situations result in sidewalks remaining icy or covered in snow. By passing the burden of shoveling sidewalks to Hamiltonians and failing to enforce it properly, the City is neglecting its responsibility to ensure safe, clear paths.

When sidewalks aren't cleared properly, they challenge the mobility and safety of pedestrians. Ice and snow can make it difficult to travel to one's destination, discourage activity, and cause slips and falls. Some members of our community are impacted by icy sidewalks more than others:

- People who depend on public transportation and don't have access to cars spend more time on Hamilton sidewalks, and are therefore more exposed to the challenges presented by it. This includes children and teens, lower income individuals, [older adults](#), and people with disabilities.
- People who would be at greater risk of severe injury if they were to fall are impacted by unshoveled sidewalks. Older adults and some disabled people could face extra complications if they were to experience a fall, such as longer healing time from injuries or chronic pain management.
- People who use mobility aids and/or wheeled devices such as [wheelchairs](#), walkers, strollers, carts, canes, and crutches face more difficulty in moving around when there is snow and ice on their path.
- According to a [study in Sweden](#), women are impacted more than men by unclear sidewalks. They are more likely to walk in their community to run errands such as dropping children off at school and buying groceries. Furthermore, women were overrepresented in the number of winter slips and falls. When the town prioritized sidewalk clearing before roads, they significantly reduced the number of emergency visits for these types of injuries.

For all of these groups, when sidewalks don't get cleared, people may be stuck in their homes unable to complete their daily tasks. Alternatively, they might be exposed to dangerous conditions when they walk on snow/ice or try to avoid it and walk on the road. When Hamilton clears roads within 24 hours and doesn't ensure that sidewalks are safe, it sends a message to citizens: the interests of motorists are valued above pedestrians.

For the past decade, city council has been debating whether the municipality should take on the responsibility of clearing sidewalks. Passionate voices within the community have been [advocating](#) for the city to be taking swift action. In the next installment of *Shoveling the Way for Hamilton's Sidewalks*, we will explore the long path that snow clearing has taken at City Hall.

Article 2: Snowy Sidewalks in Hamilton's Council Chambers

About the series

Shoveling the Way for Hamilton's Sidewalks is a series developed for my undergraduate thesis. I am studying Arts & Science with minors in sustainability and community engagement at McMaster, and I'm interested in how we can develop sustainable, equitable communities. When it snows in Hamilton, the city does not shovel most of the sidewalks. The responsibility for this falls on Hamiltonians. I decided I wanted to explore the issue further for my fourth year thesis. The goal of this series is to share the information that I learned with the Hamilton community. In 'Article 1: Equity Concerns with Hamilton's Sidewalks', we explored the basics of Hamilton's snow removal policy, why there are access concerns associated with it, and highlighted some of the communities impacted by unshoveled sidewalks.

Snow removal has been a recurring issue in Hamilton's City Hall. The topic was [last discussed in 2014](#), and in 2019 it returned to Council Chambers to be debated once more. The question on the table: Should the City adopt responsibility for clearing more sidewalks?

Back and forth reports between City Staff, the Public Works Committee and City Council have been exploring [three options](#) for a potential new snow clearing policy. The most recent report, which was to include public engagement, was delayed by the [launch of Engage Hamilton](#) and more significantly due to COVID-19. All of these delays meant that the [final report](#) to council arrived too late for program implementation for next winter (2021-22).

On [April 19 2021](#), the Public Works committee was presented with the following options for a potential new snow clearing policy (see Figure 1):

1. Do nothing. This business as usual approach involves the city continuing its service to the 397km of sidewalks being cleared on city owned properties, schools, transit stops and in Ward 12. This has an annual cost of \$2.1 million.
2. The city adopts responsibility for clearing sidewalks along all transit routes. This includes 1180km of sidewalks.
 - a. If the city clears to snowpack, which clears snow to a packed condition on the sidewalks, the annual cost increases to \$4.4 million and will cost the average household \$12 a year in property taxes.
 - b. If the city clears down to bare pavement with the application of salt, the annual cost increases to \$4.83 million and will cost the average household \$13 a year in property taxes.
3. The city adopts responsibility for clearing all municipal sidewalks. This includes 2,445km of sidewalks.
 - a. If the city clears to snowpack, the annual cost increases to \$8.07 million and will cost the average household \$26 a year in property taxes.
 - b. If the city clears down to bare pavement with the application of salt, the annual cost increases to \$9.07 million and will cost the average household \$30 a year in property taxes.

CITY OF HAMILTON SIDEWALK SNOW CLEARING SCENARIOS

April 2021
Daniella Mikanovsky

Snowpack = Clearing without salt application
Bare pavement = Clearing with salt application

SCENARIO 1: BUSINESS AS USUAL

Continue regular service, in front of:

- ✓ City properties
- ✓ Transit stops
- ✓ Schools
- ✓ Ward 12

397KM

\$2.1M

Estimated cost



15% of Hamilton's Sidewalks

SCENARIO 2: CLEAR ON MAJOR ROADS

Clear along all public transit routes:

- ✓ sidewalks along priority
1 & 2A roadways.

1,180KM



48% of Hamilton's Sidewalks

2A: SNOWPACK

2B: BARE PAVEMENT

Estimated cost

\$4.44M

\$4.83M

Average increase to
property tax

\$12

\$13

SCENARIO 3: CLEAR ALL SIDEWALKS

- ✓ Clear along all sidewalks

2445KM

100% of Hamilton's Sidewalks



3A: SNOWPACK

3B: BARE PAVEMENT

\$8.07M

Estimated cost

\$9.07M

\$26

Average increase
to property tax

\$30

Average property tax is based on a home valued at \$300,000.

Snow clearing machines cannot scrape snow down to the pavement. For this reason, in all of these scenarios the snow plows would only activate after 5cm of snowfall. In the snowpack scenarios, they will clear down to a packed condition, which is not bare pavement. If there were dangerous slippery conditions, such as after an ice storm, the city would apply deicing materials. Otherwise, a snow-packed scenario would not include the application of road salt. In snowpack scenarios, residents will still be expected to clear when it snows less than 5cm, which would be enforced by bylaw officers. It is important to note that wheeled devices like wheelchairs and strollers can still struggle in snowpack conditions.

On the other hand, the bare pavement scenario includes the regular application of road salts in order to achieve a bare pavement condition. However, the city is hesitant to clear to bare pavement because of the [environmental concerns](#) associated with road salts.

There is hope that the council will be able to come to a positive decision on this soon. At the April 19th meeting, Ward 3's Councillor Nann presented a motion to adopt scenario 2A, to clear sidewalks along transit routes to snowpack. This was voted down and did not pass. Councillors will continue the debate at the next council meeting. If they do not overturn the vote, the snow removal debate will be put on hold until the [next municipal election](#).

If Council decides to go forward with adopting a snow clearing policy, it will take several months for staff to secure a contract with service providers. In the best case scenario, the city begins clearing sidewalks in the 2022-2023 winter. That will only be possible if the City Council overturns the April 19th vote and comes to a decision soon.

Throughout the past several years, community voices have been advocating that the city take proper action to address the equity issue that community members face when sidewalks aren't properly cleared. The [Disability Justice Network of Ontario](#) has been especially [influential](#), launching the #SnowandTell twitter campaign and a [petition](#) urging council to do better. The delays in decision making has resulted in a lot of frustration and disappointment from activists.

So why is this taking so long? There are several beliefs held by councillors and the people they represent which have lengthened this debate. Those who support the city adopting a new snow clearing policy hold some of the following beliefs:

- Snow clearing increases mobility and access for marginalized members of our community.
- Snow clearing increases walkability for everyone, which supports positive health outcomes.
- Snow clearing reduces health care costs associated with slips and falls, and reduces pressure on our local hospitals.
- Snow clearing supports sustainable lifestyles such as using the bus, biking, and walking instead of driving, which we should support during the [climate emergency](#).

On the other hand, there are valid arguments against the city adopting a comprehensive snow clearing policy:

- Hamilton's property taxes are already quite high, and we should avoid increasing them further. People who are fine with clearing their sidewalk don't want to pay more taxes.
- The City should instead focus on increasing enforcement of the Snow Removal Bylaw.
- Rural residents will have to pay increased taxes without the benefits of cleared sidewalks, as there aren't as many sidewalks in these wards.
- Some residents are concerned that the machines used to clear sidewalks will damage their properties, including breaking fences, parked cars, driveway curbs or ripping out grass (sod) along the sidewalks.
- Some residents are worried that the city would not be able to clear sidewalks as well as promised or worry that the costs would be higher than anticipated.

Given these two competing sides, councillors have not come to a consensus on whether or not the city should adopt any new snow clearing policies. The issue is on its last legs, and meanwhile this past winter had nearly [2000 complaints](#) associated with snowy sidewalks. With every winter that passes without adopting better policies, the challenges created by snow persist. In the next installment of *Shoveling the Way for Hamilton's Sidewalks*, we will explore how the system in place interacts with the law and impacts landlords and tenants.

Article 3: Hamilton's Snowy Sidewalks and the Law

About the series

Shoveling the Way for Hamilton's Sidewalks is a series developed for my undergraduate thesis. I am studying Arts & Science with minors in sustainability and community engagement at McMaster, and I'm interested in how we can develop sustainable, equitable communities. When it snows in Hamilton, the city does not shovel most of the sidewalks. The responsibility for this falls on Hamiltonians. I decided I wanted to explore the issue further for my fourth year thesis. The goal of this series is to share the information that I learned with the Hamilton community. In 'Article 1: Equity Concerns with Hamilton's Sidewalks', we explored the basics of Hamilton's snow removal policy, why there are access concerns associated with it, and highlighted some of the communities impacted by unshoveled sidewalks. In 'Article 2: Snowy Sidewalks in Hamilton's Chambers', we looked into the new snow clearing proposals that the City Council is debating and why this topic is so divisive.

In preparation for my thesis, I called Hamilton's bylaw office and asked some questions about how the Snow Removal Bylaw works. Here's what I learned.

First, a concerned resident calls the Hamilton bylaw office. This person reports the location where they saw ice or snow that was not properly cleared. If it has been more than 24 hours since the end of the snow event, the office will dispatch a bylaw enforcement officer.

When the officer arrives, if they find that the sidewalk is indeed unsafe, they will give the unit a warning, known as an Order to Comply. The order informs the occupant that they need to clear the snow/ice within a certain time frame.

The officer later returns to follow up. If the occupant cleared the sidewalk, there is no further action to be taken, unless the officer wants to charge for their time with a fine. If the sidewalk hasn't been cleared yet, the officer issues an additional fine and calls the city to clear the sidewalk. This fine is applied to the unit's property tax.

As a renter who has a note in my lease that requires me to clear the snow, I wondered how this would impact people in my situation, since my landlord is responsible for the property taxes. I asked the bylaw office call operator, and she said that the tenant would have to pay the value of the fine to the landlord. She elaborated that any issues in this case are taken up by the Landlord Tenant Board (LTB).

Hoping to verify this, I started researching how issues of snow clearing applied to tenants. According to the [Residential Tenancy Act](#) (RTA) established in 2006, it is the landlords responsibility to make sure that the [property is safe](#), which includes [snow and ice maintenance](#). In the introduction to the RTA, it also says that any part of a lease that violates the RTA is not valid and should be [voided](#).

This would suggest that when a landlord includes a statement in the lease to transfer responsibility of snow clearing to the tenant, this statement is in contradiction with the RTA and therefore should not be valid.

In a [2009 case to the Ontario Court of Appeals](#), three judges made a decision on this very topic. A few years prior, a Ms. Montgomery slipped on ice leading to her rented apartment and was injured. Her lease included a statement that it was her responsibility to keep the walkway clear of ice and snow. She sued her landlord, Mr. Van, for her injuries, and the trial court ruled in his favor given the statement in the lease. She appealed to the Ontario Court of Appeals, where the judges referred to the contradiction from the RTA that I just explained. They decided that the original statement in the lease was invalid, and so the judges ruled in Ms. Montgomery's favor.

The Ontario Court of Appeals sits at a higher level than the Landlord Tenant Board. This means that the precedent set by the Court of Appeals applies to the court cases seen by the LTB. Therefore, if there was ever an issue in Hamilton where a landlord required the tenant to clear snow, and a fine was issued, and *the two parties decided to go to court over it*, the LTB should rule in the tenant's favor.

Based on what I described above, landlords really should not be able to make their tenants clear snow in the lease. It is part of their responsibility as landlords to address this maintenance. If the landlord wants to transfer this responsibility to the tenant, they would need to sign a contract separate from the lease. However, both landlords and tenants are not educated on this, and so we see violations take place.

Last year, the [Spectator reported](#) that neighborhoods near McMaster University and Mohawk College had the most Snow Removal Bylaw violations in the city. There could be several reasons for this. The initial response by some critics was that students are lazy and don't take care of their municipal responsibilities. However, consider perhaps that residents are more likely to report violations when their neighbours are students. Furthermore, a City of Hamilton [program](#) enforces proactive bylaw officers to monitor in these specific neighbourhoods, which means there may be more officers looking for infractions in these neighborhoods. Therefore, this data may be skewed against the students. Finally, these neighbourhoods have a high population of renters. This last point is quite relevant when considering the legal issues described above. Absentee landlords combined with a high turnover of renters can result in situations where snow clearing is unjustly offloaded onto tenants, and tenants aren't aware of this responsibility or their rights.

It is important that knowledge of this loophole in the RTA become more well known. It is critical that tenants become aware of their rights, and landlords take responsibility for their obligation to maintain safety. Even the bylaw office call operator I spoke to was unaware, and her advice contributes to this misinformation.

Right now, the issue of sidewalk clearing between landlords and tenants only remains while the city continues to maintain its current status quo. As conversations continue in City Hall, there is

hope that this issue may become irrelevant as the city begins to strive towards equity and clearing its own sidewalks.

Article 4: Conclusions and FAQ

About the series

Shoveling the Way for Hamilton's Sidewalks is a series developed for my undergraduate thesis. I am studying Arts & Science with minors in sustainability and community engagement at McMaster, and I'm interested in how we can develop sustainable, equitable communities. When it snows in Hamilton, the city does not shovel most of the sidewalks. The responsibility for this falls on Hamiltonians. I decided I wanted to explore the issue further for my fourth year thesis. The goal of this series is to share the information that I learned with the Hamilton community. In 'Article 1: Equity Concerns with Hamilton's Sidewalks', we explored the basics of Hamilton's snow removal policy, why there are access concerns associated with it, and highlighted some of the communities impacted by unshoveled sidewalks. In 'Article 2: Snowy Sidewalks in Hamilton's Chambers', we looked into the new snow clearing proposals that the City Council is debating and why this topic is so divisive. Finally, 'Article 3: Hamilton's Snowy Sidewalks and the Law' explores the enforcement of the Snow Clearing Bylaw and how it can affect landlords and tenants.

As an urban city in Canada, Hamilton has a duty to make sure that its sidewalks are safe after snow and ice events. The Snow Removal Bylaw seems to be an [inadequate](#) method for ensuring clear sidewalks, which is why the City Council is debating revising the policy to adopt more responsibility. The failure of the April 19th vote is a concerning reminder that many of our councillors value financial savings over the equal access of our citizens. I highly recommend that they consider overturning this vote and revisit the issue. If we want to strive towards equitable, accessible and healthy communities, we need to consider investing in public services such as snow clearing.

To wrap up this series, I wanted to respond to some common questions I've heard related to snow clearing in Hamilton. If you have any more pressing questions, please feel free to reach out to me at [REDACTED]

Q1: What is the policy on snow clearing right now ?

A: The [Snow Removal Bylaw](#) enforces responsibility of shoveling of public sidewalks to occupants and property owners in Hamilton. Property owners or occupants must clear the snow on the public sidewalk attached to their property within 24 hours of a snowfall event. If you are aware of a neighbor who cannot physically clear the sidewalk themselves, consider offering some neighborly help!

Q2: Why don't all the sidewalks get cleared?

A: There are several reasons for this:

- Some people may be physically unable to clear their snow and cannot afford to pay someone to do it for them. The Snow Angels program may be able to help in this situation, but is not always able to (see article 1).
- Some people may struggle with clearing sidewalks for other reasons, such as young children at home, busy work schedules, etc.
- Absentee landlords who do not maintain their properties may be to blame in some areas.
- Some people are not aware of their responsibility to clear the sidewalks.
- Some contractors do not adequately do their job when shoveling the sidewalks that they were hired to clear.
- Some people might actually be negligent!

Either way, it is the City's responsibility to ensure that sidewalks are clear, and at the moment, many pedestrians struggle to travel when there is snow/icy conditions. This is not fair.

Q3: Why doesn't the city increase bylaw enforcement instead?

A: This could be one approach to making sure sidewalks are cleared better. However, there are some legitimate reasons not to support such an approach:

- Some people physically cannot clear their sidewalks, cannot afford to pay someone to do it for them, and may not qualify to be served by Snow Angels. Even if someone does qualify, Snow Angels cannot guarantee service. Should residents who can't clear sidewalks be punished with fines for something out of their control?
- Increased enforcement also requires a bigger budget for municipal bylaw enforcement, so taxes would still need to be increased.
- There is concern about increased enforcement and how this might impact marginalized and poor members of our community.
- Some people believe that it is more favourable to use proactive action (clearing sidewalks) to maintain our public good (safe sidewalks) rather than punishment (bylaw enforcement).
- Others believe that the city should not be passing on its responsibility to maintain sidewalks to residents.

Q4: What do the proposed tax increases mean?

A: The proposed tax increase scenarios described in 'Article 2: Snowy Sidewalks in Hamilton's Council Chambers' are based on the average property value of \$300,000. To clarify, tax increases would be as follows:

- Scenario 2a: 0.3% increase to annual property tax
- Scenario 2b: 0.3% increase to annual property tax (higher than 2a at a smaller decimal point)
- Scenario 3a: 0.7% increase to annual property tax
- Scenario 3b: 0.8% increase to annual property tax

Q5: Why should I care about sidewalks being cleared?

Even if you personally don't feel unsafe when sidewalks are slippery or covered in snow, that doesn't mean everyone feels this way. Don't you think it's important that the city ensures safe sidewalks for people like your great uncle who [uses a wheelchair](#)? Or for your neighbor's child

who is [visually impaired](#) and can't walk with her guide dog to school? Or the young moms pushing strollers... the kid with a sprained ankle on crutches... the working young adult who has to pull the groceries home in a cart... don't all these people deserve safe sidewalks, all year round?

Q6: Why should I support an increase in my taxes for sidewalk clearing if I don't mind shoveling my sidewalk?

A: If you are shoveling your own sidewalk, consider - wouldn't it be handy to have machines handle the snow on *really* heavy snowfalls? Think back to the multiple storms we had in February 2021. With these larger snow events, municipal snow clearing can help with the gruntwork. Even if you have a snowblower, wouldn't it be nice to not have to bundle up to do it yourself?

On a different note, though, even if you are doing a good job at clearing your sidewalk, it doesn't mean everyone else is doing the same: refer to Q5.

Q7: Why should I support an increase in my taxes for sidewalk clearing if I pay for a snow service already?

A: The tax increase is, in all likelihood, cheaper than the snow service you are paying for. Ward 8's Councillor Danko brought up a story at the April 19th public works meeting: In order to make a little more cash during the winter, his son knocked on neighbor's doors after a storm and offered to clear their sidewalks for \$10. The councillor ended up having to do all the shoveling. In just three snowfalls, Councillor Danko's neighbors would potentially be paying more than any of the proposed tax increases.

At the same meeting, a city staff member indicated that this past winter would have triggered 24 snow clearing instances. Do the math. Maybe you could save some money by having the city do it instead?

On a different note, though, even if you are doing a good job at clearing your sidewalk, it doesn't mean everyone else is doing the same: refer to Q5.

Q8: Why should I support an increase in my taxes for sidewalk clearing if I don't have any sidewalks?

A: Do you or any of your family members ever travel into areas where you might need to walk on a sidewalk? If you do, don't you want the city to ensure that the sidewalks are safe? If you don't walk on sidewalks in the City, then it is understandable that you might oppose such a program. This is one of the challenges that Hamilton faces as a city amalgamated from both urban and rural communities. However, I'd like you to consider the response to Q5.

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April 28, 2021

Hamilton City Council
71 Main Street West
Hamilton, Ontario
L8P 4Y5



RE: Proposed Second Dwelling Units (SDUs) By-law

Dear Hamilton City Council,

The REALTORS® Association of Hamilton-Burlington (RAHB) fully supports any changes that create more affordable and inclusive housing options in Hamilton.

Gentle densification utilizes existing housing and infrastructure to best use the land we have within our urban boundaries to create more housing options for Hamiltonians. When single-family properties are allowed to legally house two or three households, the community sees numerous benefits including an increase in usage of local transit, consistent and sustainable enrolment in neighbourhood schools and more support for local businesses.

RAHB has always been a champion of housing that is safe, sustainable and compliant.

Second Dwelling Units (SDUs) are a prudent way to support gentle densification, while also providing safety for both owners and tenants. There is a misconception that SDUs will make Hamilton more unaffordable. Whether a homeowner decides to increase their home's value by creating a Second Dwelling Unit or updating the home's electrical, HVAC or by putting in a new kitchen or bath - it is the homeowner's choice. The homeowner's choice to create an SDUs may be the only way a young couple can afford to buy a home or for a multi-generational family to keep a mother or grandfather some independence while still being close so as to help with medical appointments or grocery shopping. For renters and tenants, SDUs provide increased choice in their preferred neighbourhood.

In summary, there are **two** critical elements to this proposed By-law that will greatly benefit the City:

1. Units that the City does not currently recognize as legal now, have a path to becoming legal.
2. It allows for densification in the most affordable way possible without significant changes to neighbourhoods and infrastructure.

While RAHB has opposed the City's attempts to impose a Rental Licensing By-law in the past, our opposition was because the City's current Zoning By-laws are so restrictive that hundreds of existing Second Dwelling Units in the City would not have a path to legalization. With more than 6,000 names on the City's Affordable Housing Waitlist, it is RAHB's position that any By-law proposal resulting in the loss of housing units is unacceptable.

Bill 108, *the More Homes, More Choice Act*, has made municipalities revisit their By-laws with respect to gentle densification, and RAHB fully supports the City's proposed By-law for SDUs.

Sincerely,

Donna Bacher

Donna Bacher
2021 President of the REALTORS® Association of Hamilton-Burlington

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
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et du Logement**

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April 27, 2021

Dear Head of Council,

As you may be aware, the Ontario government is consulting on how to strengthen accountability for municipal council members. We want to ensure that councillors and heads of council maintain a safe and respectful workplace and carry out their duties as elected officials ethically and responsibly. More information on the scope of consultations can be found at [Ontario.ca](https://www.ontario.ca).

As part of this work, my colleague Jill Dunlop, Associate Minister for Children and Women's Issues will be seeking input from members of council representing each of Ontario's municipalities through one of two hour-long telephone townhall sessions with municipal representatives from Central Ontario's municipalities on May 18, 2021 at 12:30 PM EDT.

This session will provide participants with the opportunity to share their valuable feedback on:

- what changes or mechanisms are needed to better hold council members accountable for municipal code of conduct violations;
- how to effectively enforce these codes
- whether a broader range of penalties for violations of the codes of conduct are needed; and
- the circumstances in which these potential penalties could be applied.

Please identify one member of your council to participate in the session. Once chosen, the one identified member of your council should register via [Eventbrite](https://www.eventbrite.com) by Thursday, May 6, 2021. The registered member will receive instructions about how to participate in the session prior to the meeting.

We have also launched an online survey to seek input on ways to strengthen accountability mechanisms for municipal council members. I encourage members of council and municipal staff to provide their input on this important topic through the online survey: [Consultation: Strengthening accountability for municipal council members | Ontario.ca](https://www.ontario.ca). This online survey will be available until July 15, 2021. Please share this link with your municipal staff.

I hope you will accept this invitation to participate in this session, as we look forward to hearing your feedback on how to strengthen accountability for municipal council members.

Sincerely,



Steve Clark

Minister of Municipal Affairs and Housing

- c: Clerk and Chief Administrative Officers
Jill Dunlop, Associate Minister of Children and Women's Issues
Kate Manson-Smith Deputy Minister, Ministry of Municipal Affairs and Housing
Marie-Lison Fougère, Deputy Minister Responsible for Women's Issues



Hamilton

**MAYOR'S TASK FORCE ON ECONOMIC RECOVERY
REPORT 21-002**

Friday, April 16, 2021

1:30 a.m.

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

Present: Mayor F. Eisenberger – City Business
 Councillors J. P. Danko and N. Nann
 R. McKerlie, President of Mohawk College (Chair)
 M. Afinec, President & COO of Business Operations, Hamilton Tiger-Cats & Forge FC
 R. Brown, Manager, Westfield Heritage Village
 K. Duffin, President and CEO, Amity Goodwill
 P. Hall, Executive Director, Stoney Creek Chamber of Commerce
 K. Jarvi, Executive Director, Downtown Hamilton BIA
 T. Johns, Board Member, West End Home Builders' Association (Vice-Chair)
 L. La Rocca, Director of Operations, Sonic Unyon Records
 K. Loomis, President & CEO, Hamilton Chamber of Commerce
 B. Lubbers, General Manager, Courtyard by Marriott
 A. Marco, President, Hamilton & District Labour Council
 R. McCann, Founder, Clearcable Networks
 M. Patricelli, Executive Director, Flamborough Chamber of Commerce
 B. Kelly, Synapse Life Science Consortium, McMaster Innovation Park
 D. Spoelstra, Chair of Agriculture & Rural Affairs Committee
 H. Wegiel, Director of Government and Trade Relations ArcelorMittal Dofasco
 G. Yuyitung, Executive Director of the McMaster Industry Liaison Office

Absent with

Regrets: Councillor T. Whitehead – Leave of Absence
 F. Bernstein, Executive Director, Workers Art & Heritage Centre
 E. Dunham, Owner, The Other Bird
 M. Ellerker, Business Manager, Hamilton-Brantford Building & Construction Trades Council (Building/Skilled Trades Sector)
 B. Munroe, Blacktop Recess
 Khadija Hamidu, Executive Director Workforce Planning Hamilton
 C. Puckering, President and CEO, Hamilton International Airport

THE MAYOR'S TASK FORCE PRESENTS REPORT 21-002 AND RESPECTFULLY RECOMMENDS:

1. Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges (Added Item 8.1)

WHEREAS on February 26, the Council of Ontario Universities reported that Ontario's universities have lost more than \$1 billion due to Covid-19 related costs and declining revenues;

WHEREAS, the Council of Ontario Universities has requested emergency stabilization funds of \$500 million to support universities and colleges through the pandemic, but the province has offered only \$100 million;

WHEREAS, one of Ontario's universities – Laurentian University – has already been placed into creditor protection at the cost of millions of public dollars for legal charges and fees, and at the cost of millions of dollars in lost research funding, as well as job losses in the hundreds, and damage to the reputation and future of the university;
And whereas Ontario's universities and colleges are critical to Ontario and to 26 cities and regions, contributing more than \$120 billion to Ontario's economy;

WHEREAS, Ontario's universities and colleges employ more than 118,000 workers, and graduate more than 180,000 students annually with advanced skills and qualifications required for a growing economy;

WHEREAS a strong, vibrant, and inclusive post-secondary system is critical to any post-pandemic recovery;

WHEREAS Ontario students need programs that contribute to building and sustaining healthy communities;

WHEREAS a just transition to a post-COVID world will require retraining for unemployed Canadians, especially in sectors that will not return to pre-COVID levels of employment, and whereas universities and colleges are essential for major new initiatives to spark a transition to a clean energy economy;

WHEREAS citizens in Hamilton would be amongst the main beneficiaries of new public funding for McMaster University and Mohawk College; and

WHEREAS local student, labour, and equity organizations are supporting the calls for new provincial funding and the creation of a new federal Post-Secondary Act that restores public funding and eliminates tuition fees for all students in post-secondary education;

THEREFORE BE IT RESOLVED:

- (a) That, in the spirit of social and economic fairness, and in recognition of government's basic role to provide the infrastructure and education necessary to meet tomorrow's challenges, the City of Hamilton hereby petitions Queens Park to provide \$400 million in emergency stabilization funds for post-secondary education institutions in Ontario; and
- (b) That, in the spirit of federal cooperation, the City of Hamilton hereby petition the federal and provincial governments to pass a Post-secondary Education act that ensures 80 percent of all funding of post-secondary education be provided by public funds and that tuition fees be eliminated for students in all provinces.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

9. NOTICES OF MOTION

- 9.1. Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges

The agenda for the April 16, 2021 meeting of the Mayor's Task Force on Economic Recovery, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor J. P. Danko declared an interest in Item 9.1, Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges, as his spouse works for a Post-Secondary Education Institution.

R. McKerlie declared an interest in Item 9.1, Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges, as he works for a Post-Secondary Education Institution.

K. Loomis declared an interest in Item 9.1, Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges, as his spouse works for a Post-Secondary Education Institution.

R. McCann declared an interest in Item 9.1, Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges, as consults for a Post-Secondary Education Institution.

B. Kelly declared an interest in Item 9.1, Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges, as he works for a Post-Secondary Education Institution.

G. Yuyitung declared an interest in Item 9.1, Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges, as she works for a Post-Secondary Education Institution.

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

(i) February 12, 2021 (Item 3.1)

The Minutes of the February 12, 2021 meeting of the Mayor's Task Force on Economic Recovery, were approved, as presented.

(d) COMMUNICATIONS (Item 4)

(i) Correspondence from Michael Collins-Williams, West End Home Builders' Association, respecting Impacts on the Residential Construction Industry (Item 4.1)

The Correspondence from Michael Collins-Williams, West End Home Builders' Association, respecting Impacts on the Residential Construction Industry, was received.

(e) STAFF PRESENTATIONS (Item 6)

(i) COVID-19 Business Impact Survey (Item 6.1)

Norm Schleeahn, Director, Economic Development, addressed the Task Force with an Update respecting the COVID-19 Business Impact Survey, with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The Presentation respecting the COVID-19 Business Impact Survey, was received.

**(ii) Mayor's Task Force on Economic Recovery Recommendations
Report Update (Item 6.2)**

Carrie Brooks-Joiner, Director, Tourism and Culture and Norm Schleeahn, Director, Economic Development, addressed the Task Force with the Mayor's Task Force on Economic Recovery Recommendations Report Update with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The Presentation respecting Mayor's Task Force on Economic Recovery Recommendations Report Update, was received.

(f) DISCUSSION ITEM (Item 7)

(i) Next Steps for the Mayor's Task Force on Economic Recovery (Item 7.1)

Janette Smith, City Manager, addressed the Task Force on Next Steps for the Mayor's Task Force on Economic Recovery.

The information respecting Next Steps for the Mayor's Task Force on Economic Recovery, was received.

(g) NOTICE OF MOTION (Item 9)

A. Marco moved the following motion:

(i) Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges (Added Item 9.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges.

For further disposition of this matter, refer to item 1.

(h) ADJOURNMENT (Item 12)

There being no further business, the Mayor's Task Force on Economic Recovery be adjourned at 2:44 p.m.

Respectfully submitted,

Ron McKerlie, Chair
Mayor's Task Force on Economic
Recovery

Loren Kolar
Legislative Coordinator
Office of the City Clerk



BOARD OF HEALTH REPORT 21-004

9:30 a.m.

Monday, April 19, 2021

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

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 and J. Partridge

**Absent with
Regrets:** Councillors T. Whitehead – Personal

THE BOARD OF HEALTH PRESENTS REPORT 21-004 AND RESPECTFULLY RECOMMENDS:

1. Nurse Family Partnership 2021 Program Funding and Service Level Update (BOH07035(j)) (City Wide) (Item 10.1)

That the Board of Health authorize and direct the Medical Officer of Health to extend the existing agreement with the Hamilton Community Foundation and accept a grant in the amount of \$39,000 to support the Nurse Family Partnership© program for 2021, and that the Medical Officer of Health or delegate be authorized and directed to receive, utilize and report on the use of these funds.

2. 2021 Public Health Services Organizational Risk Management Plan (BOH21003) (City Wide) (Item 10.2)

That Appendix “A” to Report BOH21003, the 2021 Public Health Services Organizational Risk Management Action Plan, be approved by the Board of Health.

3. Secondment of Child & Adolescent Services Staff to Thrive Child and Youth Trauma Services (BOH21005) (City Wide) (Item 10.3)

(a) That the Board of Health authorize and direct the Medical Officer of Health to receive, utilize, and report on the use of funding from Thrive Child and Youth Trauma Services for a 0.4 FTE Psychological Associate position in the Child & Adolescent Services program;

- (b) That the Board of Health authorize an increase to the Child & Adolescent Services staff complement by a 0.4 FTE Psychological Associate for a temporary full-time position for the duration of the twenty-four month pilot project; and,
- (c) That the Board of Health authorize and direct the Medical Officer of Health to enter into a secondment agreement between the City of Hamilton and Thrive Child and Youth Trauma Services for a twenty-four month pilot project with a one term renewal option, satisfactory in form to the City Solicitor.

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 that there were no changes to the agenda.

The agenda for the April 19, 2021 Board of Health was approved, as presented.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) March 22, 2021 (Item 4.1)

The Minutes of the March 22, 2021 meeting of the Board of Health were approved, as presented.

(e) STAFF PRESENTATIONS (Item 9)

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

Dr. Elizabeth Richardson, Medical Officer of Health; Paul Johnson, General Manager, Healthy and Safe Communities; Dr. Sider, Public Health Physician; Michelle Baird, Director, Healthy and Safe Communities and 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.

(f) ADJOURNMENT (Item 15)

There being no further business, the Board of Health adjourned at 11:52 a.m.

Respectfully submitted,

Mayor F. Eisenberger
Chair, Board of Health

Loren Kolar
Legislative Coordinator
Office of the City Clerk



PUBLIC WORKS COMMITTEE REPORT 21-005

1:30 p.m.
Monday, April 19, 2021
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with Regrets: Councillor T. Whitehead – Leave of Absence

Also Present: Councillor M. Wilson

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 21-005 AND RESPECTFULLY RECOMMENDS:

1. Consent Items (Item 7)

- (a) That Consent Items 7.1 to 7.4 be received, as presented:
 - (i) **Biosolids Facility Update and Product Information (PW11098(g)) (City Wide) (Item 7.1)**
 - (ii) **Clean and Green Hamilton Strategy 2020 Year-End Update (PW21016) (City Wide) (Item 7.2)**
 - (iii) **Emerald Ash Borer Management Plan (PW21023) (City Wide) (Item 7.3)**
 - (iv) **Winter Control Program (PW21018) (City Wide) (Item 7.4)**

2. Sidewalk Snow Clearing Update (PW19022(c)) (City Wide) (Item 8.1)

That Report PW19022(c), respecting a Sidewalk Snow Clearing Update, be received.

3. Confederation Beach Park - Wild Waterworks 2021 Season (PW21020) (City Wide) (Item 8.2)

- (a) That the City of Hamilton accept the recommendation from the Hamilton Conservation Authority, operator of Wild Waterworks at Confederation Beach Park, for Wild Waterworks, which was endorsed by the Park Management Review Team, to remain closed for the 2021 Operating Season due to the COVID-19 pandemic;
- (b) That the City of Hamilton provide an estimated \$300,000 in financial support for the Wild Waterworks closure in 2021 due to the COVID-19 pandemic, and that it be charged to the Public Works Environmental Services budget and be funded through any federal/provincial COVID-19 amounts received; and,
- (c) That the General Manager of Public Works be granted the authority to execute, on behalf of the City of Hamilton, any revisions to the Management Agreement with the HCA and any related or ancillary documents necessary to implement Recommendation (a) each in a form satisfactory to the City Solicitor.

4. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63 New Street, Hamilton (PW21021) (Ward 1) (Item 9.2)

- (a) That the application of the owner of 63 New Street, Hamilton, to permanently close and purchase a portion of the public unassumed alleyway, abutting the south side of 63 New Street, Hamilton, running east/west from the westerly limit of the alleyway to the east property limit of 63 New Street, Hamilton ("Subject Lands"), as shown on Appendix "A", attached to Public Works Committee Report 21-005, be approved, subject to the following conditions:
 - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and,
 - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
 - (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be

prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;

- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
 - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (2) That the City Solicitor be authorized to amend and waive such terms as the City Solicitor considers reasonable to give effect to this authorization and direction;
 - (3) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owner of 63 New Street, Hamilton, as described in Report PW21021, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - (4) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owner of 63 New Street, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
 - (5) The City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing and selling the alleyway in the proper land registry office; and,
 - (6) The Public Works Department publish any required notice of the City's intention to pass the by-law and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204.

**5. Valley Inn Bridge Municipal Class Environmental Assessment (PW21022)
(Ward 1) (Item 10.1)**

- (a) That the General Manager, Public Works, be authorized and directed to file the Valley Inn Bridge Schedule B Municipal Class Environmental

Assessment Project File Report (PFR) with the Municipal Clerk for a minimum thirty (30) day public review period;

- (b) That upon completion of the minimum thirty (30) day public review period, the General Manager, Public Works, be authorized and directed to proceed with the implementation of the preferred alternative, to be funded through Unallocated Capital Levy Reserve (108020) and to be repaid once the donation is received from the McNally Foundation with construction scheduled for 2021; and,
- (c) That the name of the bridge be changed from Valley Inn Road Bridge to Valley Inn Bridge, to reflect the existing active transportation use of the bridge.

6. Installation of Speed Cushions on Cranbrook Drive, Hamilton (Ward 14) (Item 11.1)

WHEREAS, residents in the Gilkson neighbourhood have reported an extensive amount of speeding complaints regarding Cranbrook Dr to the Ward 14 office; and,

WHEREAS the residents who live on Cranbrook Drive are requesting the installation of traffic calming measures along Cranbrook Drive to address roadway safety concerns related to school children of R.A. Riddell School;

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized and directed to install two speed cushions on Cranbrook Drive, between Greendale Drive and Gemini Drive, at a cost not to exceed \$14,400, to be funded from the Ward 14 Capital Reinvestment Discretionary Account; and,
- (b) 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.

7. Ward 1 Contribution to the Trees Please Program of Environment Hamilton and the Hamilton Naturalists' Club (Item 11.2)

WHEREAS, Trees Please is a project of Environment Hamilton and the Hamilton Naturalists' Club created in the hopes of improving Hamilton's overall air quality; and,

WHEREAS, the program offers free native tree giveaways to Hamilton residents across the City to help increase the urban tree canopy;

THEREFORE, BE IT RESOLVED:

- (a) That \$4,300 be allocated from the Ward 1 Capital Reinvestment Discretionary Account towards the Trees Please program of Environment Hamilton and the Hamilton Naturalists' Club; and,
- (b) 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.

8. Installation of Traffic Calming Measures at Various Locations throughout Ward 2 (Item 11.3)

WHEREAS, residents are requesting the installation of speed cushions on various roadways throughout Ward 2 to address roadway safety concerns as a result of speeding and cut-through traffic;

THEREFORE, BE IT RESOLVED:

- (a) That Transportation Operations and Maintenance staff be authorized and directed to install traffic calming measures on the following roadways as part of the 2021 Traffic Calming program:
 - (i) Liberty Street from Hunter Street East to Grove Street, Hamilton (1 speed cushion);
 - (ii) Grove Street from Wellington Street South to Liberty Street, Hamilton (1 speed cushion);
 - (iii) Ferguson Street South from Liberty Street to Hunter Street East, Hamilton (2 speed cushions);
 - (iv) Duke Street from Bay Street South to Caroline Street South, Hamilton (1 speed cushion);
 - (v) MacNab Street North from Mulberry Street to Colbourne Street, Hamilton (2 speed cushions);
 - (vi) West Avenue South from Stinson Street to Hunter Street East, Hamilton (1 speed cushion);
 - (vii) John Street North from Burlington Street East to Guise Street East, Hamilton (2 speed cushions);
 - (viii) Bold Street from Caroline St Street to Bay Street South, Hamilton (1 speed cushion);
- (b) That all costs associated with the installation of traffic calming measures at the identified locations throughout Ward 2 be funded from the Ward 2

Special Capital Re-Investment Reserve Account (108052) at a total cost not to exceed \$79,500 (including contingency); 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.

9. Private Tree Giveaway (Ward 2) (Item 11.4)

WHEREAS, the City of Hamilton has declared a climate emergency;

WHEREAS, increasing the urban tree canopy by providing trees for planting on private property has many environmental benefits to the residents of Ward 2 and the wider City; and,

WHEREAS, private tree giveaways are not currently funded under existing tree planting programs;

THEREFORE, BE IT RESOLVED:

- (a) That the supply and distribution of approximately 200 small native trees, at a cost of \$2,715, be funded from the Ward 2 Capital Reinvestment Discretionary Account; and,
- (b) 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.

10. Beasley Neighbourhood Safety Audit (Ward 2) (Item 11.5)

WHEREAS, Vision Zero and Complete Streets principles are used in the City of Hamilton to provide a safer environment for all road users;

WHEREAS, the Ward 2 office has requested a review of the Beasley neighbourhood with a focus on Vision Zero principles at problem locations and to provide a guideline for safety enhancements given the road width, classification, surrounding land use, proximity to schools/playgrounds, access roads from arterials, on-street parking and other considerations; and,

WHEREAS, staff do not have the internal resources to provide a comprehensive audit of the entire Beasley neighbourhood;

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized and directed to retain a consultant to undertake a safety audit of the Beasley neighbourhood with the intent of providing a Complete Streets report identifying areas of concerns and recommendations

to provide a safer environment for all road users based on Vision Zero and Complete Streets principles, to be funded from the Ward 2 Special Capital Re-Investment Reserve (108052) to an upset limit of \$149,999, as per the Purchasing Policy for Roster Assignments; and,

- (b) 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.

11. New Stop Controls at the Intersection of Rexford Drive and Ashcroft Drive, Hamilton (Ward 6) (Item 11.6)

WHEREAS, the City of Hamilton is committed to creating safe neighborhoods and vibrant communities;

WHEREAS, ensuring the safety of both pedestrians and motorists is a priority; and,

WHEREAS, this request was driven and initiated by resident concerns to the Ward 6 Councillor's Office;

THEREFORE, BE IT RESOLVED:

That staff be authorized and directed to take the required steps to add new stop controls on Rexford Drive at Ashcroft Drive to convert the intersection to an all-way stop.

12. Sidewalk Widening on the North Side of Cannon Street East, between Elgin Street and Ferguson Avenue North, Hamilton (Ward 2) (Added Item 11.7)

- (a) That sidewalk widening on the north side of Cannon Street East, between Elgin Street and Ferguson Avenue North, Hamilton, fronting the Depave Community Greening project, at a cost of \$30,000, be funded from the Ward 2 Capital Reinvestment Discretionary Account; and,
- (b) 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.

13. Central Composting Facility-Legal Issues Update (CONFIDENTIAL) (LS21011/PW21024) (City Wide) (Item 14.1)

- (a) That Report LS21011/PW21024, respecting a Central Composting Facility-Legal Issues Update, be received; and,
- (b) That Report LS21011/PW21024, respecting a Central Composting Facility-Legal Issues Update, remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

9. PUBLIC HEARINGS / DELEGATIONS (Item 9)

9.2 Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63 New Street, Hamilton (PW21021) (Ward 1)

9.2.a. Registered Delegations:

9.2.a.a. Michael Renshaw

12. NOTICES OF MOTION (Item 12)

12.1 Sidewalk Widening on the North Side of Cannon Street East, between Elgin Street and Ferguson Avenue North, Hamilton (Ward 2)

The agenda for the April 19, 2021 Public Works Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) March 22, 2021 (Item 4.1)

The Minutes of the March 22, 2021 meeting of the Public Works Committee were approved, as presented.

(d) STAFF PRESENTATIONS (Item 8)

(i) Sidewalk Snow Clearing Update (PW19022(c)) (City Wide) (Item 8.1)

Edward Soldo, Director, Transportation Operations and Maintenance, addressed Committee respecting Report PW19022(c), Sidewalk Snow Clearing Update, with the aid of a presentation.

The presentation, respecting Report PW19022(c), Sidewalk Snow Clearing Update, was received.

The following Motion was DEFEATED:

- (a) That the level of service for winter sidewalk snow removal be enhanced as defined as Scenario 2 – Priority 1 and 2A Roadways – Maintaining sidewalks in the existing level of service plus the addition of an estimated 783 km of sidewalk along transit routes, at an estimated cost of \$4.44 million, to be approved from the 2022 Public Works Operating Budget, as follows:
 - (i) Service Level 2A
Activate when snow accumulation is 5 cm or greater
Snow packed condition with de-icing material application
- (b) That staff prepare to report back with an implementation plan to proceed with Service Level Scenario 2A as outlined in this report.

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

(ii) Confederation Beach Park - Wild Waterworks 2021 Season (PW21020) (City Wide) (Item 8.2)

Lisa Burnside and Neil McDougall, Hamilton Conservation Authority, addressed Committee respecting Report PW21020, Confederation Beach Park - Wild Waterworks 2021 Season, with the aid of a presentation.

The presentation, respecting Report PW21020, Confederation Beach Park - Wild Waterworks 2021 Season, was received.

For further disposition of this matter, refer to Item 3.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Krista Jamieson respecting a Request for Snow Removal in City-Owned Alleyways (approved on March 22, 2021) (Item 9.1)

Krista Jamieson addressed the Committee respecting a Request for Snow Removal in City-Owned Alleyways, with the aid of a presentation.

The delegation from Krista Jamieson, respecting a Request for Snow Removal in City-Owned Alleyways, was received.

(ii) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63 New Street, Hamilton (PW21021) (Ward 1) (Item 9.2)

Councillor VanderBeek advised that notice of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63

New Street, Hamilton (PW21021) (Ward 1) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

The Committee Clerk advised that there was one registered speaker.

Registered Speaker:

1. Michael Renshaw

Michael Renshaw addressed the Committee in support of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63 New Street, Hamilton (PW21021) (Ward 1).

The registered delegation was received.

The public meeting was closed.

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

(f) NOTICES OF MOTION (Item 12)

(i) Sidewalk Widening on the North Side of Cannon Street East, between Elgin Street and Ferguson Avenue North, Hamilton (Ward 2) (Added Item 12.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Sidewalk Widening on the North Side of Cannon Street East, between Elgin Street and Ferguson Avenue North, Hamilton (Ward 2).

For further disposition of this matter, refer to Item 12.

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

(i) Amendments to the Outstanding Business List (Item 13.1)

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

(a) Item Considered Complete and Needing to be Removed:

- (i) City of Hamilton's Cemeteries Business Plan
Addressed as Item (h)(i) of Public Works Committee Report
21-004 (PW21015)
Item on OBL: AAO**

- (ii) Sidewalk Snow Clearing Program
Addressed as Item 8.1 on today's agenda - Report
PW19022(c)
Item on OBL: ABS

(a) Items Requiring a New Due Date:

- (i) Certificate of Recognition (COR™) Program
Item on OBL: AQ
Current Due Date: June 14, 2021
Proposed New Due Date: Q1 2022
- (ii) Roadway Safety Measures on Aberdeen Avenue from
Queen Street to Longwood Road
Item on OBL: AZ
Current Due Date: May 3, 2021
Proposed New Due Date: July 7, 2021
- (iii) Road Safety Review and Appropriate Measures at the York
Road and Newman Road Intersection
Item on OBL: AAE
Current Due Date: April 9, 2021
Proposed New Due Date: May 17, 2021
- (iv) Feasibility of Implementation of a Digital Automated
Information System on the Lincoln Alexander Parkway and
Red Hill Valley Parkway
Item on OBL: AAU
Current Due Date: June 14, 2021
Proposed New Due Date: Q2 2022
- (v) Management of the Aviary at 85 Oak Knoll Drive
Item on OBL: AAY
Current Due Date: June 14, 2021
Proposed New Due Date: December 6, 2021
- (vi) Regulation of E-Scooters
Item on OBL: ABN
Current Due Date: April 19, 2021
Proposed New Due Date: May 3, 2021

(h) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session respecting Item 14.1, pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, 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; 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.

**(i) Central Composting Facility-Legal Issues Update (LS21011/PW21024)
(City Wide) (Item 14.1)**

For disposition of this matter, refer to Item 13.

(i) ADJOURNMENT (Item 15)

There being no further business, the Public Works Committee adjourned at 4:58 p.m.

Respectfully submitted,

Councillor A. VanderBeek
Chair, Public Works Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



**PLANNING COMMITTEE
REPORT
21-006**

April 20, 2021

9:30 a.m.

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

Present: Councillors J.P. Danko (Chair)
B. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins,
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

Also in Attendance: Councillors A. VanderBeek and T. Jackson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21075) (City Wide) (Item 7.1)

That Report PED21075 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. Update re: Local Planning Appeal Tribunal Case No. LC200004 (271 Bay St. N, 107 Stuart St. & 34-36 Tiffany St.) (LS21017) (Ward 2) (Added Item 7.2)

That Report LS21017 respecting Update re: Local Planning Appeal Tribunal Case No. LC200004 (271 Bay St. N, 107 Stuart St. & 34-36 Tiffany St.), be received.

3. LCBO Holiday Hours (PED21102/LS21015) (City Wide) (Added Item 7.3)

That Report PED21102/LS21015 respecting LCBO Holiday Hours, be received.

4. Update re: Local Planning Appeal Tribunal Case No. PL170858 (34 11th Concession Road East and 1800 Highway 6) (LS20032(a)) (Ward 15) (Added Item 7.4)

That Report LS20032(a) respecting Update re: Local Planning Appeal Tribunal Case No. PL170858 (34 11th Concession Road East and 1800 Highway 6), be received.

5. Draft Parking Master Plan (PED20051(a)) (City Wide) (Item 8.1)

- (a) That staff be directed to consult with the public on the Draft Parking Master Plan (PMP) attached as Appendix “A” to Report PED20051(a) and report back to the Planning Committee on the results of the public consultation and with the recommended Final PMP;
- (b) That staff be directed to continue to advance and report back as needed on actions emerging from the Parking Master Plan for which the need has been accelerated by the effects of COVID-19, such as adapting curb-side parking and loading to support short pick-up and deliveries and creation of a monthly parking “flex-pass” that allows commuters greater flexibility to switch between working from home, commuting by car, or taking sustainable transportation modes.

6. Application for a Zoning By-law Amendment for Lands Located at 18 Miles Road (Hamilton) (PED21072) (Ward 7) (Item 9.1)

- (a) That Zoning By-law Amendment Application ZAR-19-026 by A.J. Clarke and Associates Ltd. on behalf of David Daniels, Owner, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Block 1) and from the “B” (Suburban Agriculture and Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District (Block 2), to permit the lands to be developed for four single detached dwellings on lands located at 18 Miles Road (Hamilton), as shown on Appendix “A” to Report PED21072 be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED21072, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS, 2020), and conforms to a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan; and,
- (b) That the public submissions were received and considered by the Committee in approving the application.

7. **Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10) (Item 9.2)**
- (a) That Draft Plan of Subdivision application 25T-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner to establish a Draft Plan of Subdivision on lands located at 1288 Baseline Road (Stoney Creek), as shown on Appendix “A”, attached to Report PED21073, be APPROVED subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision application 25T-201904 prepared and certified by S.D. McLaren, dated March 14, 2019, consisting of one development block (Block 1) attached as Appendix “B” to Report PED21073;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201904, attached as Appendix “C” to Report PED21073, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;
 - (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix “C” to Report PED21073.
- (b) That Draft Plan of Condominium application 25CDM-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at 1288 Baseline Road (Stoney Creek), as shown on Appendix “A”, attached to Report PED21073, be APPROVED subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201904 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated March 14, 2019, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking area and centralized mailboxes, in favour of 16 townhouse dwellings and 44

back to back townhouse dwellings, attached as Appendix “D” to Report PED21073;

- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201904, attached as Appendix “E” to Report PED21073, be received and endorsed by City Council; and,
- (c) That the public submissions were received and considered by the Committee in approving the application.

8. Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook (PED21074) (Ward 11) (Item 9.3)

- (a) That Draft Plan of Subdivision application 25T-202007, by Wellings Planning Consultants Inc., on behalf of 1804482 Ontatio Ltd. (Sonoma Homes), Owner to establish a Draft Plan of Subdivision on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook, as shown on Appendix “A”, attached to Report PED21074, be APPROVED, subject to the following conditions:
 - (i) That this approval apply to the Draft Plan of Subdivision application 25T-202007 prepared by A.T. McLaren Limited certified by S.D. McLaren, dated July 30, 2020, consisting of one development block (Block 1) for 67 street townhouse dwellings, and attached as Appendix “B” to Report PED21074;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-202007 attached as Appendix “C” to Report PED21074, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu of parkland payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;

- (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix “C” to Report PED21074;
- (v) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision;
- (b) That Draft Plan of Condominium application 25CDM-202012, Wellings Planning Consultants Inc., on behalf of 1804482 Ontario Ltd. (Sonoma Homes), Owner to establish a Draft Plan of Condominium (Common Element) to create a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, a private storm water management pond and centralized mailboxes, on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook as shown on Appendix “A” to Report PED21074, be APPROVED, subject to the following conditions:
 - (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202012 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated December 21, 2020, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, a private storm water management pond and centralized mailboxes, in favour of 67 street townhouse dwellings, attached as Appendix “D” to Report PED21074;
 - (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-202012, attached as Appendix “E” to Report PED21074, be received and endorsed by City Council.
- (c) That there were no public submissions received regarding this matter.

9. Secondary Dwelling Units in the Urban and Rural Areas - Zoning By-law and associated implementation amendments to the Parkland Dedication By-law and Tariff of Fees By-law for Minor Variance Applications (Committee of Adjustment Application Fee) (CI 20-E and CI 21-A) (PED20093(a)) (City Wide) (Item 10.1) (Item 10.1)

- (a) That City Initiative 21-A respecting amendments to Zoning By-law No. 05-200 to add new regulations respecting interpretations of the Zoning By-law and to delete and replace the accessory building and structures regulations that have been identified to require revisions as a result of introducing Secondary Dwelling Unit Regulations and gaps within the regulations, be approved on the following basis:

- (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “A1” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (b) That City Initiative 20-E respecting amendments to Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek Zoning By-laws, to amend the zoning by-law regulations for single detached dwellings, semi-detached dwellings and townhouse dwellings, to permit secondary dwelling units, either as an accessory unit within the dwelling, within a detached structure accessory to the principle dwelling unit, or both, be approved on the following basis:
- (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “A2” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law to amend the Town of Ancaster Zoning By-law No. 87-57, attached as Appendix “B”, **as amended as follows**, to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- Section 9.14.1 (b)
- (ii) A minimum ~~4.2 m~~ **1.5 m** Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - (iii) A minimum ~~4.2 m~~ **1.5 m** Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (iii) That the draft By-law to amend the Town of Dundas Zoning By-law No. 3581-86, attached as Appendix “C” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iv) That the draft By-law to amend Town of Flamborough Zoning By-law No. 90-145-Z, attached as Appendix “D” to Report

- PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (v) That the draft By-law to amend Township of Glanbrook Zoning By-law No. 464, attached as Appendix “E” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vi) That the draft By-law to amend City of Hamilton Zoning By-law No. 6593, attached as Appendix “F” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vii) That the draft By-law to amend City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “G” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (viii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (c) That the following By-laws respecting amendments to Zoning By-law No. 6593 be repealed in their entirety once the proposed By-law, attached as Appendix “F” to Report PED20093(a), are final and binding:
- (i) By-law No.19-307, the Temporary Use By-law respecting second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton Municipal boundary, and the former Hamilton/Glanbrook Municipal boundary;
 - (ii) By-law No. 18-299 respecting Second Dwelling Units (Laneway Houses) for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment.
- (d) That the draft By-law to amend the Parkland Dedication By-law No. 18-126, attached as Appendix “H1” to Report PED20093(a), be enacted by City Council.
- (e) That the draft By-law to amend the Tariff of Fees By-law No. 12-282, as amended by By-law No. 19-108, to introduce a reduced fee for Committee of Adjustment applications for secondary dwelling units, attached as Appendix “H2” to Report PED20093(a), be enacted by City Council.

- (f) That the matter respecting Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Low Density Existing Housing Stock be considered complete and removed from the Planning Committee’s Outstanding Business List; and,
- (g) That staff be directed to amend the draft Zoning By-law regulations for Secondary Dwelling Units to add Schedules that were inadvertently omitted and to amend certain regulations in response to public input, on the following basis:
 - 1. Add regulations and special figures to identify Carlisle, Lynden, Freelon, Greensville and lands south of Highway 8 within the Niagara Escarpment Plan Area to implement the Rural Hamilton Official Plan policy that prohibits secondary dwelling units in principle dwellings. (Zoning By-law No. 05-200)
 - 2. Add a site specific exception for the through lot properties located at Nos. 12 to 26 Bruce Street (even side only) to establish Bruce Street as the front lot line so these properties would be permitted to have a detached Secondary dwelling unit. (Hamilton Zoning By-law No. 6593)
 - 3. Add definition of ‘laneway’ and ensure lots abutting a laneway are not considered as through lots. (Hamilton Zoning By-law No. 6593 and 3581-86 (Dundas))
 - 4. Permit SDUs fronting a laneway to have reduced rear yard setback of 0.3 m to maintain interface with laneway and to permit permeable pavers within this setback. (Hamilton Zoning By-law No. 6593 and 3581-86 (Dundas)))
 - 5. Delete the maximum height of the visual barrier that screens the amenity area of the detached SDU. (all Zoning By-laws)
 - 6. Delete the regulation that requires a maximum 40 m linear distance between from the front lot line to entrances of the detached SDU. (all Zoning By-laws)
- (h) That under the proposed changes to Zoning By-Law Number 6593, that the size of Secondary Dwelling Units either in the dwelling or the detached secondary dwelling unit, or both, be limited to a maximum of two bedrooms as defined by the Building Code.
- (i) That Zoning By-law No. 6593 be further amended to deem the front entrance of the principle dwelling as the front lot line for the purposes of through lots which would allow for detached secondary dwelling units.

- (j) That Section 19.1.(1) (ii) (6) of Zoning By-law Number 6593 be amended to exclude additional floor area that is required for accessibility requirements.
- (k) That the public submissions were received and considered by the Committee in approving the City Initiative.

10. Dedicated Mohawk College Enforcement (PED18220(b)) (City Wide) (Outstanding Business List Item) (Item 10.2)

- (a) That a 12-month extension of the temporary Parking Enforcement Officer for the Mohawk College Precinct be approved;
- (b) That the estimated gross annual cost of \$86,900 and a net cost of \$0 continue to be funded from the Tax Stabilization Reserve;
- (c) That staff report back with results and recommendations following the 12-months at the end of Q1 2022.

11. Request for Direction to proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:271, for lands located at 121 and 125 King Street East, Hamilton (PED21084) (Ward 2) (Added Item 10.4)

That staff be directed to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the Local Planning Appeal Tribunal, in order to allow the Committee of Adjustment's decision to permit multiple dwelling on the ground floor of the subject property to stand, on the following conditions (as per Option #2 in Report PED21084):

- (i) That no further appeals are filed by the applicant; and,
- (ii) That the applicant confirms there will be no residential development on King Street frontage.

12. Ancaster Tennis Club – 291 Lodor Street – Waiving of Site Plan Application Fee (Item 11.1)

WHEREAS, the lands located at 291 Lodor Street have received Conditional Site Plan Approval (SPA-19-114) for the construction of an air supported dome to cover the existing tennis court and storage building;

WHEREAS, Condition 1c of the Standard Site Plan conditions states that in the event a building permit for the proposed development has not been issued within one year from the date of Site Plan approval, the approval shall lapse; and,

WHEREAS, Site Plan approval for SPA-19-114 lapsed on September 26, 2020 and a new Site Plan application and fee is required for a building permit to be issued;

THEREFORE BE IT RESOLVED:

That staff be directed to waive the City of Hamilton fee for the required Site Plan Application for 291 Lodor Street (SPA-19-114).

13. 2004 Glancaster Road, Braun Nursery – Waiving of Moratorium for a Minor Variance Application (Item 11.2)

WHEREAS, Bill 73, *Smart Growth for our Communities Act*, 2015 placed a moratorium for Minor Variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS, the application as presented in Report PED20130 for lands including 2004 Glancaster Road was approved by Council on September 30, 2020 and is currently within the 2 year moratorium which will end September 30, 2022;

WHEREAS, Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment;

WHEREAS, the application as presented in Report PED20130 was approved for a maximum height of 10.5 metres and any proposed height increases cannot proceed without an amendment to the Zoning By-law; and,

WHEREAS, Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited submitted Site Plan Amendment application SPAR-20-119, where a variance for the maximum height was identified to implement the final building proposal;

THEREFORE BE IT RESOLVED:

That Council provide authorization to Braun Nursery Limited and Fothergill Planning and Development Inc. to apply for a Minor Variance for lands located at 2004 Glancaster Road in order to permit a building height of 11.5 metres and to vary a site specific by-law approved within the last 2 years.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

- 5.1 Lakewood Beach Community Council respecting Loophole in Urban Hamilton Official Plan re: Noise Mitigation

2. DELEGATION REQUESTS (Item 6)

- 6.2 Greg Hart respecting 196 Dundurn – Demolition Permit – WITHDRAWN
- 6.4 John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073) (For today's meeting)
- 6.5 Delegations respecting the OPA's Farm Labour House Policy (For the May 4th Planning Committee meeting)
 - (i) Prem Tewari
 - (ii) Hardeep Singh

3. CONSENT ITEMS (Item 7)

- 7.2 Update re: Local Planning Appeal Tribunal Case No. LC200004 (271 Bay St. N, 107 Stuart St. & 34-36 Tiffany St.) (LS21017) (Ward 2)
- 7.3 LCBO Holiday Hours (PED21102/LS21015) (City Wide)
- 7.4 Update re: Local Planning Appeal Tribunal Case No. PL170858 (34 11th Concession Road East and 1800 Highway 6) (LS20032(a)) (Ward 15)

4. PUBLIC MEETINGS / DELEGATIONS (Item 9)

- 9.1 Application for a Zoning By-law Amendment for Lands Located at 18 Miles Road (Hamilton) (PED21072) (Ward 7)
 - (a) Added Written Submissions:
 - (i) Edward L. VanBeek

9.2 Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10)

(a) Added Written Submissions:

- (i) Aldo Castelli
- (ii) Heung Seog Kang

5. DISCUSSION ITEMS (Item 10)

10.1 Secondary Dwelling Units in the Urban and Rural Areas - Zoning By-law and associated implementation amendments to the Parkland Dedication By-law and Tariff of Fees By-law for Minor Variance Applications (Committee of Adjustment Application Fee) (CI 20-E and CI 21-A) (PED20093(a)) (City Wide) (Deferred from the April 6, 2021 Planning Committee meeting)

(a) Added Written Submissions:

- (v) Chris Harrison
- (w) Diana Meskauskas
- (x) West End Home Builders' Association

(b) Added Registered Delegation:

- (i) Jeff Medeiros

10.3 Demolition Permit - 196 Dundurn Street South (PED21058) (Ward 1) – WITHDRAWN

10.4 Request for Direction to proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:271, for lands located at 121 and 125 King Street East, Hamilton (PED21084) (Ward 2)

(a) Written Comment:

- (i) David Horwood, Effort Trust

The agenda for the April 20, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) April 6, 2021 (Item 4.1)

The Minutes of the April 6, 2021 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Lakewood Beach Community Council respecting Loophole in Urban Hamilton Official Plan re: Noise Mitigation (Added Item 5.1)

The correspondence from Lakewood Beach Community Council respecting Loophole in Urban Hamilton Official Plan re: Noise Mitigation, was received.

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Item 6.1)

The following Delegation Requests were approved, as follows:

- 6.1 Michael Sullivan, LandPro Planning Solutions Inc. respecting Approval to Appeal Committee of Adjustment File GL/B-20:16 (5020 Tyneside Road) to LPAT - Settlement Offer (For the May 4th meeting)
- 6.3 Delegation Requests for Secondary Dwelling Units (For today's meeting (Item 10.1)
 - (a) Donna Bacher, President, Realtors Association of Hamilton-Burlington
- 6.4 John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073) (For today's meeting)
- 6.5 Delegations respecting the OPA's Farm Labour House Policy (For the May 4th Planning Committee meeting)
 - (i) Prem Tewari
 - (ii) Hardeep Singh

(f) STAFF PRESENTATIONS (Item 8)

(i) Draft Parking Master Plan (PED20051(a)) (City Wide) (Item 8.1)

Brian Hollingworth, Director of Transportation Planning and Parking, and Peter Richards, Adam Wenneman and Attila Hertel, with IBI Group, addressed the Committee with the aid of a PowerPoint presentation.

The presentation from Brian Hollingworth, Director of Transportation Planning and Parking, and Peter Richards, Adam Wenneman and Attila Hertel, with IBI Group, respecting the Draft Parking Master Plan, was received.

For further disposition of this matter, refer to Item 5.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)

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, Draft Plan of Subdivision and Draft Plan of Condominium 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) Application for a Zoning By-law Amendment for Lands Located at 18 Miles Road (Hamilton) (PED21072) (Ward 7) (Item 9.1)

No members of the public were registered as Delegations.

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

The staff presentation was received.

Franz Kloibhofer, AJ Clarke & Associates, was in attendance and indicated support for the staff report.

The delegation from Franz Kloibhofer, AJ Clarke & Associates, was received.

The following written submission (Item 9.1(a)), was received:

- (i) Edward L. VanBeek, in Opposition to the application.

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAR-19-026 by A.J. Clarke and Associates Ltd. on behalf of David Daniels, Owner, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Block 1) and from the “B” (Suburban Agriculture and Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District (Block 2), to permit the lands to be developed for four single detached dwellings on lands located at 18 Miles Road (Hamilton), as shown on Appendix “A” to Report PED21072 be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21072, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS, 2020), and conforms to a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

The recommendations in Report PED21072 were **amended** by adding the following sub-section (b):

- (b) ***That the public submissions were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 6.

- (ii) **Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10) (Item 9.2)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Tracy Tucker with IBI Group, was in attendance and indicated support for the staff report.

The delegation from Tracy Tucker with IBI Group, was received.

The following written submissions (Item 9.2(a)), were received:

- (i) Aldo Castelli, in Opposition to the application.
- (ii) Heung Seog Kang, in Opposition to the application.

The public meeting was closed.

- (a) That Draft Plan of Subdivision application 25T-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner to establish a Draft Plan of Subdivision on lands located at 1288 Baseline Road (Stoney Creek), as shown on Appendix "A", attached to Report PED21073, be APPROVED subject to the following conditions:
 - (i) That this approval apply to the Draft Plan of Subdivision application 25T-201904 prepared and certified by S.D. McLaren, dated March 14, 2019, consisting of one development block (Block 1) attached as Appendix "B" to Report PED21073;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201904, attached as Appendix "C" to Report PED21073, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;
 - (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED21073.
- (b) That Draft Plan of Condominium application 25CDM-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at 1288 Baseline Road

(Stoney Creek), as shown on Appendix "A", attached to Report PED21073, be APPROVED subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201904 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated March 14, 2019, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking area and centralized mailboxes, in favour of 16 townhouse dwellings and 44 back to back townhouse dwellings, attached as Appendix "D" to Report PED21073;
- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201904, attached as Appendix "E" to Report PED21073, be received and endorsed by City Council.

The recommendations in Report PED21073 were **amended** by adding the following sub-section (c):

- (c) ***That the public submissions in the staff report were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 7.

- (iii) **Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook (PED21074) (Ward 11) (Item 9.3)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Glenn Wellings with Wellings Planning, and Michael Chiaravalle with Sonoma Homes, were in attendance and indicated support for the staff report.

The delegation from Glenn Wellings with Wellings Planning, and Michael Chiaravalle with Sonoma Homes, was received.

The public meeting was closed.

- (a) That Draft Plan of Subdivision application 25T-202007, by Wellings Planning Consultants Inc., on behalf of 1804482 Ontatio Ltd. (Sonoma Homes), Owner to establish a Draft Plan of Subdivision

on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook, as shown on Appendix "A", attached to Report PED21074, be APPROVED, subject to the following conditions:

- (i) That this approval apply to the Draft Plan of Subdivision application 25T-202007 prepared by A.T. McLaren Limited certified by S.D. McLaren, dated July 30, 2020, consisting of one development block (Block 1) for 67 street townhouse dwellings, and attached as Appendix "B" to Report PED21074;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-202007 attached as Appendix "C" to Report PED21074, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu of parkland payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;
 - (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED21074;
 - (v) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision;
- (b) That Draft Plan of Condominium application 25CDM-202012, Wellings Planning Consultants Inc., on behalf of 1804482 Ontario Ltd. (Sonoma Homes), Owner to establish a Draft Plan of Condominium (Common Element) to create a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, a private storm water management pond and centralized mailboxes, on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook as

shown on Appendix "A" to Report PED21074, be APPROVED, subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202012 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated December 21, 2020, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, a private storm water management pond and centralized mailboxes, in favour of 67 street townhouse dwellings, attached as Appendix "D" to Report PED21074;
- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-202012, attached as Appendix "E" to Report PED21074, be received and endorsed by City Council.

The recommendations in Report PED21074 were **amended** by adding the following sub-section (c):

- (c) ***That there were no public submissions received regarding this matter.***

For disposition of this matter, refer to Item 8.

(iv) Delegation Respecting Secondary Dwelling Units (Item 10.1) (Item 6.3)

- (a) Donna Bacher, President, Realtors Association of Hamilton-Burlington (pre-recorded delegation) addressed the Committee in support of the City Initiative.

The delegation from Donna Bacher, President, Realtors Association of Hamilton-Burlington respecting Secondary Dwelling Units, was received.

For disposition of this matter, refer to Item 9 and (h)(i).

(v) John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073) (For today's meeting) (Added Item 6.4)

John Ariens, IBI Group, addressed the Committee respecting 125-129 Robert Street applications for an Official Plan Amendment and Zoning By-law Amendment.

WHEREAS, the matter respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073), was before Planning Committee in January of 2020, (Report PED20015), recommended denial of the application;

WHEREAS, the Committee amended the staff recommendations to approve the applications and added a further recommendation; and

WHEREAS, the applicant has revised the concept and is required to obtain Committee approval for the revisions.

THEREFORE, BE IT RESOLVED:

The matter respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073), in Staff Report PED20015, was referred back to staff for further consultation with the applicant, and a report back to the Planning Committee as soon as possible.

(h) DISCUSSION ITEMS (Item 10)

- (i) Secondary Dwelling Units in the Urban and Rural Areas - Zoning By-law and associated implementation amendments to the Parkland Dedication By-law and Tariff of Fees By-law for Minor Variance Applications (Committee of Adjustment Application Fee) (CI 20-E and CI 21-A) (PED20093(a)) (City Wide) (Item 10.1) (Deferred from the April 6, 2021 Planning Committee meeting)**

Timothy Lee, Senior Planner, and Joanne Hickey-Evans, Manager of Policy Planning and Zoning By-law Reform, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The following written submissions were received:

- 10.1.a.a. Sue Yarwood
- 10.1.a.b. Kevin DeMillk
- 10.1.a.c. Carolyn Rogers
- 10.1.a.d. ACORN Hamilton
- 10.1.a.e. Martyn Kendrick
- 10.1.a.f. Ben Fierz
- 10.1.a.g. Linda Chenoweth
- 10.1.a.h. Bianca Beraldo
- 10.1.a.i. Norman Newbery
- 10.1.a.j. Jacob Stief
- 10.1.a.k. Elizabeth Gray
- 10.1.a.l. Kathy Garneau
- 10.1.a.m. Mark Zenchuk
- 10.1.a.n. Ashley Feldman
- 10.1.a.o. Laurie Nielsen
- 10.1.a.p. Elizabeth Cook
- 10.1.a.q. Tracy Mewhort-Buist
- 10.1.a.r. Michele Corbeil
- 10.1.a.s. F.D. Fraser
- 10.1.a.t. Jeff Medeiros
- 10.1.a.u. Heather Swartz

- *10.1.a.v. Chris Harrison
- *10.1.a.w. Diana Meskauskas
- *10.1.a.x. West End Home Builders' Association

The following delegation was received:

10.1.b.i Jeff Medeiros

The Planning Committee recessed from 12:50pm to 1:20pm.

- (a) That City Initiative 21-A respecting amendments to Zoning By-law No. 05-200 to add new regulations respecting interpretations of the Zoning By-law and to delete and replace the accessory building and structures regulations that have been identified to require revisions as a result of introducing Secondary Dwelling Unit Regulations and gaps within the regulations, be approved on the following basis:
 - (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix "A1" to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (b) That City Initiative 20-E respecting amendments to Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek Zoning By-laws, to amend the zoning by-law regulations for single detached dwellings, semi-detached dwellings and townhouse dwellings, to permit secondary dwelling units, either as an accessory unit within the dwelling, within a detached structure accessory to the principle dwelling unit, or both, be approved on the following basis:
 - (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix "A2" to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law to amend the Town of Ancaster Zoning By-law No. 87-57, attached as Appendix "B" to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (iii) That the draft By-law to amend the Town of Dundas Zoning By-law No. 3581-86, attached as Appendix “C” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iv) That the draft By-law to amend Town of Flamborough Zoning By-law No. 90-145-Z, attached as Appendix “D” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (v) That the draft By-law to amend Township of Glanbrook Zoning By-law No. 464, attached as Appendix “E” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vi) That the draft By-law to amend City of Hamilton Zoning By-law No. 6593, attached as Appendix “F” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vii) That the draft By-law to amend City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “G” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (viii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (c) That the following By-laws respecting amendments to Zoning By-law No. 6593 be repealed in their entirety once the proposed By-law, attached as Appendix “F” to Report PED20093(a), are final and binding:
- (i) By-law No.19-307, the Temporary Use By-law respecting second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton Municipal boundary, and the former Hamilton/Glanbrook Municipal boundary;
 - (ii) By-law No. 18-299 respecting Second Dwelling Units (Laneway Houses) for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment.

- (d) That the draft By-law to amend the Parkland Dedication By-law No. 18-126, attached as Appendix “H1” to Report PED20093(a), be enacted by City Council.
- (e) That the draft By-law to amend the Tariff of Fees By-law No. 12-282, as amended by By-law No. 19-108, to introduce a reduced fee for Committee of Adjustment applications for secondary dwelling units, attached as Appendix “H2” to Report PED20093(a), be enacted by City Council.
- (f) That the matter respecting Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Low Density Existing Housing Stock be considered complete and removed from the Planning Committee’s Outstanding Business List; and,

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (g):

- (g) ***That staff be directed to amend the draft Zoning By-law regulations for Secondary Dwelling Units to add Schedules that were inadvertently omitted and to amend certain regulations in response to public input, on the following basis:***
 - 1. ***Add regulations and special figures to identify Carlisle, Lynden, Freelton, Greensville and lands south of Highway 8 within the Niagara Escarpment Plan Area to implement the Rural Hamilton Official Plan policy that prohibits secondary dwelling units in principle dwellings. (Zoning By-law No. 05-200)***
 - 2. ***Add a site specific exception for the through lot properties located at Nos. 12 to 26 Bruce Street (even side only) to establish Bruce Street as the front lot line so these properties would be permitted to have a detached Secondary dwelling unit. (Hamilton Zoning By-law No. 6593)***
 - 3. ***Add definition of ‘laneway’ and ensure lots abutting a laneway are not considered as through lots. (Hamilton Zoning By-law No. 6593 and 3581-86 (Dundas))***
 - 4. ***Permit SDUs fronting a laneway to have reduced rear yard setback of 0.3 m to maintain interface with laneway and to permit permeable pavers within this setback. (Hamilton Zoning By-law No. 6593 and 3581-86 (Dundas))***

5. **Delete the maximum height of the visual barrier that screens the amenity area of the detached SDU. (all Zoning By-laws)**
6. **Delete the regulation that requires a maximum 40 m linear distance between from the front lot line to entrances of the detached SDU. (all Zoning By-laws)**

Appendix "B" to Report PED20093(a), section 9.14.1 (b) (ii) and (iii) was amended as follows:

- (ii) A minimum ~~4.2 m~~ **1.5 m** Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (iii) A minimum ~~4.2 m~~ **1.5 m** Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (h):

- (h) **That under the proposed changes to Zoning By-Law Number 6593, that the size of Secondary Dwelling Units either in the dwelling or the detached secondary dwelling unit, or both, be limited to a maximum of two bedrooms as defined by the Building Code.**

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (i):

- (i) **That Zoning By-law No. 6593 be further amended to deem the front entrance of the principle dwelling as the front lot line for the purposes of through lots which would allow for detached secondary dwelling units.**

The following Motion was DEFEATED.

That the recommendations in Report PED20093(a) be **amended** by adding the following sub-section (j):

- (j) (i) **That Section 19.1.(1) (ii) (6) of Zoning By-law Number 6593 be amended to exclude additional floor area that is required for accessibility requirements; and,**
- (ii) **That Section 19.1.(1) (ii) (6) of Zoning By-law Number**

6593 be amended by adding a new subsection (b) as follows:

- (b) That where the lot area is greater than 360 m2, a secondary dwelling unit can be increased by 30m2 up to a maximum of 105m2.**

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (k):

- (k) That the public submissions were received and considered by the Committee in approving the City Initiative.**

Councillor Farr requested clarification on the vote for added sub-section (j) to Report PED20093(a) and the possibility of voting separately on sub-sections (j)(i) and (j)(ii).

The vote on the amendment adding section (j), was reconsidered.

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (j):

- (j) That Section 19.1.(1) (ii) (6) of Zoning By-law Number 6593 be amended to exclude additional floor area that is required for accessibility requirements.**

The following Motion was DEFEATED.

That the recommendations in Report PED20093(a) be **further amended** by adding the following sub-section (j)(ii):

- (j) (ii) That Section 19.1.(1) (ii) (6) of Zoning By-law Number 6593 be amended by adding a new subsection (b) as follows:**

- (b) That where the lot area is greater than 360 m2, a secondary dwelling unit can be increased by 30m2 up to a maximum of 105m2.**

For disposition of this matter, refer to Item 9.

- (ii) **Request for Direction to proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:271, for lands located at 121 and 125 King Street East, Hamilton (PED21084) (Ward 2) (Added Item 10.4)**

The following written submission was received:

10.4.a.i David Horwood, Effort Trust

For disposition of this matter, refer to Item 11.

(i) **ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 2:40 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 21-009

9:30 a.m.

Wednesday, April 21, 2021

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

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

Absent: Councillor T. Whitehead – Leave of Absence

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-009, AND RESPECTFULLY RECOMMENDS:

**1. Labour Relations Activity Report and Analysis (2016-2020) (HUR21004)
(City Wide) (Item 7.1)**

That Report HUR21004, respecting the Labour Relations Activity Report and Analysis (2016-2020), be received.

**2. Court Security and Prisoner Transportation Program Agreement for 2021
(FCS210036) (City Wide) (Item 7.2)**

(a) That the General Manager, Finance and Corporate Services, be authorized and directed to execute a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Solicitor General with respect to the Provincial funding allocation for court security and prisoner transportation services for 2021, in a form satisfactory to the City Solicitor and the required annual financial report; and,

(b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute similar future agreements between the City of Hamilton and Her Majesty the Queen in Right of Ontario, as represented by the Solicitor General, in similar matters relating to the

Provincial funding allocation for court security and prisoner transportation services, in a form satisfactory to the City Solicitor and the required annual financial report.

**3. Hamilton Tax Increment Grant - 29 Severn Street, Hamilton (PED21066)
(Ward 2) (Item 10.1)**

- (a) That a Hamilton Tax Increment Grant Program application submitted by 2512260 Ontario Inc. (Graham McNally, Kevin McNally, Beth McNally), for the property at 29 Severn Street, Hamilton, estimated at \$55,656.45 over a maximum of a five(5) year period, and based upon the incremental tax increase attributable to the development of 29 Severn Street, Hamilton, be authorized and approved, in accordance with the terms and conditions of the Hamilton Tax Increment Grant Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, together with any ancillary documentation, required to give effect to the Hamilton Tax Increment Grant for 2512260 Ontario Inc. (Graham McNally, Kevin McNally, Beth McNally), for the property at 29 Severn Street, Hamilton, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any Grant Amending Agreements, together with any ancillary amending documentation, if required, to give effect to the Hamilton Tax Increment Grant for 2512260 Ontario Inc. (Graham McNally, Kevin McNally, Beth McNally), for the property at 29 Severn Street, Hamilton, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

4. School Board Properties Sub-Committee Report 21-001, April 12, 2021 (Item 10.2)

- (a) **Hamilton-Wentworth District School Board Property at 441 Old Brock Road, Flamborough (PED21068) (Ward 13) (Item 10.1)**
 - (i) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 441 Old Brock Road, Flamborough, as shown on Appendix "A" attached to Report PED21068; and,
 - (ii) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton's site development

requirements, as identified in Appendix “B” attached to Report PED21068.

- (b) Hamilton-Wentworth District School Board Property at 1886 Governor’s Road, Ancaster (PED21069) (Ward 12) (Item 10.2)**
- (i) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 1886 Governor’s Road, Ancaster, as shown on Appendix “A” attached to Report PED21069; and,
 - (ii) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21069.
- (c) Hamilton-Wentworth District School Board Property at 1279 Seaton Road, Flamborough (PED21070) (Ward 13) (Item 10.3)**
- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 1279 Seaton Road, Flamborough, as shown on Appendix “A” attached to Report PED21070; and,
 - (b) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21070.
- (d) Hamilton-Wentworth District School Board Property at 1346 Concession 4 West, Flamborough (PED21071) (Ward 13)**
- (i) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 1346 Concession 4 West, Flamborough, as shown on Appendix “A” attached to Report PED21071; and,
 - (i) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21071.

(e) Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10) (Item 10.5)

- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 299 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED21082; and,
- (b) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21082.

5. West Harbour Development Sub-Committee Report 21-001, April 13, 2021 (Item 10.3)

(a) Pier 8 Animation Program and Hamilton Waterfront Trust (HWT) (Discovery) Centre - Status Update (PED21090) (Ward 2) (Item 10.1)

- (i) That staff be directed to prepare a long-term strategy including an assessment of the existing conditions of the Hamilton Waterfront Trust (former Discovery) Centre building, the cost of existing operations, future capital requirements, planning approvals, parking requirements, real estate evaluations, market soundings, and other relevant due diligence, and report back to the West Harbour Development Sub-Committee identifying options for future uses of the property, as well as various ownership and/or operating models; and,
- (ii) That staff be directed to promote the availability of the Hamilton Waterfront Trust (former Discovery) Centre property for lease, on the following conditions, and report back to the West Harbour Development Sub-Committee:
 - (1) Any currently unoccupied and available space within and outside of the building;
 - (2) Suitable uses being restricted to permitted zoning/land use regulations, with a preference for outdoor year-round programming/animation, and a desire for variety, including some food and beverage;
 - (3) Minimum Term of 1-year and a Maximum Term of 5 years, with potential for options;

- (4) Structured on a Fully Net and Carefree basis; and,
 - (5) A portion of the space be available for some public meetings or events.

- (b) Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust (PW19090(a)) (Ward 2)
 - (i) That staff be authorized and directed to amend the Project Management Agreement between the City of Hamilton and the Hamilton Waterfront Trust to deliver the Piers 5 to 7 works to reflect the new total project cost of \$23.5M; and,
 - (ii) That the General Manager of Public Works be delegated the authority to sign any necessary amendments and ancillary agreements or documents to the Project Management Agreement between the City of Hamilton and the Hamilton Waterfront Trust, as it relates to the works at Piers 5 to 7, in a form satisfactory to the City Solicitor.

6. Red Hill Valley Parkway Inquiry Update (LS19036(d)) City Wide) (Item 10.4)

- (a) That Report LS19036(d), respecting the Red Hill Valley Parkway Inquiry Update, be received; and,
- (b) That Acting City Solicitor and external legal counsel be directed to explore options for financial support from the Province and apply for any such funding, as the Province is also a party to the Red Hill Valley Parkway Inquiry.

7. Motion - Disposition of the Biindigen Well Being Centre (Former St. Helen Catholic Elementary School Property at 785 Britannia) (Ward 4) (Item 14.2)

- (a) That the direction provided to staff in Closed Session, respecting the Motion regarding the Disposition of the Biindigen Well Being Centre (Former St. Helen Catholic Elementary School Property at 785 Britannia, Hamilton in Ward 4, be approved; and,
- (b) That the Motion respecting the Disposition of the Biindigen Well Being Centre (Former St. Helen Catholic Elementary School Property at 785 Britannia, Hamilton in Ward 4 remain confidential until completion of the real estate transaction, with the following exception:

- (i) That staff be authorized to share any information that may be necessary to give effect to the sale of the property, located at 785 Britannia Avenue, Hamilton.

8. Red Hill Valley Parkway Class Action Update (LS20014(a)) (City Wide) (Item 14.3)

That Report LS20014(a), respecting the Red Hill Valley Parkway Class Action Update, remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. ADDED COMMUNICATIONS

- 5.1 Correspondence from Viv Saunders respecting Item 5 of Item 10.2 - School Board Properties Sub-Committee Report 21-001, as it relates to the Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10)

Recommendation: Be received and referred to consideration of Item 10.2.

6. ADDED DISCUSSION ITEMS

- 10.4 Red Hill Valley Parkway Inquiry Update (LS19036(d)) (City Wide)

14. ADDED PRIVATE & CONFIDENTIAL

- 14.3. Red Hill Valley Parkway Class Action Update (LS20014(a)) (City Wide)

Pursuant to Section 9.1, Sub-sections (e) and (f) of the City's Procedural By-law 21-021 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.

The agenda for the April 21, 2021 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor J. P. Danko declared an interest to Item 10.2, respecting the School Board Properties Sub-Committee Report 21-001, April 12, 2021, as his wife is the Chair of the Hamilton-Wentworth District School Board.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 4)

(i) April 7, 2021 (Item 4.1)

The Minutes of the April 7, 2021 General Issues Committee meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from Viv Saunders respecting Item 5 of Item 10.2 - School Board Properties Sub-Committee Report 21-001, as it relates to the Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10) (Item 5.1)

The correspondence from Viv Saunders respecting Item 5 of Item 10.2 - School Board Properties Sub-Committee Report 21-001, as it relates to the Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10), was received and referred to consideration of Item 10.2.

(e) CONSENT ITEMS (Item 7)

(i) Business Improvement Area (BIA) Advisory Committee Minutes, March 23, 2021 (Item 7.3)

The Business Improvement Area (BIA) Advisory Committee Minutes, March 23, 2021 were received.

(f) **STAFF PRESENTATIONS (Item 8)**

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

Paul Johnson, General Manager of the Healthy & Safe Communities Department; and, Dr. Elizabeth Richardson, Medical Officer of Health, provided the update regarding COVID-19.

The verbal update regarding COVID-19 was received.

(g) **DISCUSSION ITEMS (Item 10)**

(i) **West Harbour Development Sub-Committee Report 21-001, April 13, 2021 (Item 10.3)**

(a) The West Harbour Sub-Committee Report 21-001, was amended by lifting Information Item (d)(i), respecting Report PW19090(a) - Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust, from the Information Section and adding it as Item 2 to the Report, to read as follows:

2. Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust (PW19090(a)) (Ward 2)

That staff be directed to report back to the West Harbour Development Sub-Committee, after consultation with Hamilton Waterfront Trust, with information regarding changes to the scope of work to deliver the Piers 5-7 works given the increase in total project cost to \$23.5M that would justify the proposed increase in project management fees.

(b) Item 2 of the West Harbour Sub-Committee Report 21-001, respecting Report PW19090(a) - Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust, was deleted in its entirety and replaced with the following in lieu thereof:

2. Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust (PW19090(a)) (Ward 2)

~~That staff be directed to report back to the West Harbour Development Sub-Committee, after consultation with Hamilton Waterfront Trust, with information regarding changes to the scope of work to deliver the Piers 5-7 works given the increase in total project cost to \$23.5M that would justify the proposed increase in project management fees.~~

- (a) *That staff be authorized and directed to amend the Project Management Agreement between the City of Hamilton and the Hamilton Waterfront Trust to deliver the Piers 5 to 7 works to reflect the new total project cost of \$23.5M; and,***
- (b) *That the General Manager of Public Works be delegated the authority to sign any necessary amendments and ancillary agreements or documents to the Project Management Agreement between the City of Hamilton and the Hamilton Waterfront Trust, as it relates to the works at Piers 5 to 7, in a form satisfactory to the City Solicitor.***

For disposition of this matter, please refer to Item 5.

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

(i) Amendments to the Outstanding Business List (Item 13.1.)

The amendment to the General Issues Committee's Outstanding Business List was approved, as follows:

(1) Items to be Referred (Item 13.1.a.)

- (aa) Code of Conduct for Council-Appointed Citizen Members of External Boards and Agencies (Item 13.1.a.a.)**

Be referred to the Integrity Commissioner for inclusion in their Work Plan.

(ii) Protection of Privacy (Item 13.2)

Staff was directed to review all legislation regarding the protection of privacy, and report back to the General Issues Committee with a report that includes, but is not limited to, the scope and roles and responsibilities of each of the responsible parties (members of Council and staff).

(i) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – April 7, 2021 (Item 14.1)

- (a) The Closed Session Minutes of the April 7, 2021 General Issues Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the April 7, 2021 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Items 14.2 and 14.3, pursuant to Section 9.1, Sub-sections (c), (e) and (f) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (c), (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board; 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) ADJOURNMENT (Item 14)

There being no further business, the General Issues Committee adjourned at 1:00 p.m.

Respectfully submitted,

Esther Pauls, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-006

**9:30 a.m.
April 22, 2021
Council Chambers
Hamilton City Hall**

Present: Councillors L. Ferguson (Chair), C. Clark, C. Collins, B. Johnson, M. Pearson, A. VanderBeek, and M. Wilson

THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 21-006 AND RESPECTFULLY RECOMMENDS:

1. Records Retention By-law Amendment (FCS21034) (City Wide) (Item 7.3)

That the draft by-law, entitled “To Amend By-law No. 11-040 To Establish Retention Periods for Records of the City of Hamilton”, attached as Appendix “A”, be enacted by Council.

2. Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy (FCS20069(b)) (City Wide) (Item 8.1)

- (a) That the Tax and Rate Operating Budget Variance Report as at December 31, 2020 attached as Appendices “A” and “B”, respectively, to Report FCS20069(b) be received;
- (b) That, in accordance with the “Budgeted Complement Control Policy”, the 2020 complement transfer transferring complement from one department / division to another, complement additions and removals of FTE with no impact on the levy, and budget from one department / division to another or from one cost category to another with no impact on the levy as outlined in Appendix “A” to Audit, Finance and Administration Report 21-006, be approved;
- (c) That, in accordance with the “Budget Complement Control Policy”, the 2020 extensions of temporary positions with 24-month terms or greater, with no impact on the levy, as outlined in Appendix “B” to Audit, Finance and Administration Report 21-006, be approved;
- (d) That, subject to finalization of the 2020 audited financial statements, the Disposition of 2020 Year-End Operating Budget Surplus / Deficit be approved as follows:

DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS/ (DEFICIT)	\$	\$
Corporate Surplus from Tax Supported Operations		\$ 55,325,707
Disposition to/from Self-Supporting Programs & Agencies		\$ (6,063,995)
Less: Police (Transfer to Police Reserve)	\$ (2,690,482)	
Less: Library (Transfer to Library Reserve)	\$ (3,333,841)	
Less: Farmers Market (Transfer to Hamilton Farmers Market Reserve)	\$ (39,672)	
Balance of Corporate Surplus		\$ 49,261,712
Less: Transfer to Tax Stabilization Reserve		\$ (2,000,000)
Less: Transfer to Early Years System Reserve		\$ (3,000,000)
Add: Transfer from HEF Capital Project Reserve		\$ 903,318
Less: Transfer to fund 2021 "Rent Ready" Program		\$ (1,000,000)
Less: Transfer to fund Menstrual Products Affordability Pilot Program		\$ (121,000)
Less: Transfer to Climate Change Reserve		\$ (1,500,000)
Less: Transfer to 2022 Capital Budget - Recreation Facilities Discretionary Block (Unallocated Capital Levy Reserve)		\$ (700,000)
Less: Transfer to ATS Reserve for PRESTO Agreement		\$ (162,872)
Less: Transfer to fund Red Hill Creek Inquiry		\$ (5,000,000)
Less: Transfer to Sick Leave Liability - General Reserve		\$ (1,300,000)
Less: Transfer to fund shortfall in Development Charge Exemptions		\$ (15,100,000)
Less: Hamilton Status of Women Advisory Committee - Donation of Remaining 2020 Budget Allocation		\$ (3,996)
Less: Transfer to COVID-19 Emergency Reserve		\$ (20,277,162)
Balance of Tax Supported Operations		\$ -
Corporate Deficit from Rate Supported Operations		\$ (4,592,662)
Add: Transfer from the Rate Supported Water Reserve		\$ 10,211,949
Less: Transfer to the Rate Supported Wastewater Reserve		\$ (5,619,287)
Balance of Rate Supported Operations		\$ -

- (e) That, the Outstanding Business List Item requiring the General Manager, Finance and Corporate Services, to report back on the potential use of City reserves to address the 2020 deficit related to the financial impact of COVID-19 be considered complete and removed from the General Issues Committee's Outstanding Business List.

3. Cyber Security Audit (AUD21004) (City Wide) (Item 10.1)

- (a) That Confidential Appendices "A" and "C" to Report AUD21004, respecting the Cyber Security Audit be received;
- (b) That the Management Responses, as detailed in Confidential Appendices "B" and "D" of Report AUD21004 be approved;
- (c) That the General Manager of Finance and Corporate Services be directed to instruct the appropriate staff to have the Management Responses (attached as Confidential Appendix "B" to Report AUD21004) implemented;
- (d) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Responses (attached as Confidential Appendix "D" to Report AUD21004) implemented; and,
- (e) That the Appendices "A", "B", "C", "D" and "E" to Report AUD21004, respecting Cyber Security Audit Report, and Cyber Security Recommendations and Management Responses, remain confidential and restricted from public disclosure.

4. Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee – Community Survey (Added Item 10.2)

- (a) That the City of Hamilton approve the Community Survey, attached as Appendix “C” to Audit, Finance and Administration Report 21-006, and distribute it through the Engage Hamilton platform or, if there is something that unexpectedly prevents the timely use of that platform, that it be distributed using SurveyMonkey by the members of the LGBTQ Advisory Committee themselves; and;
- (b) That the survey be released no later than April 29, 2021 and that it be up for no less than 2 weeks, until May 13, 2021, with results sent to the LGBTQ Advisory Committee no later than May 14, 2021 so that members of the Committee, and the public, will have time to review them before the next meeting of the LGBTQ Advisory Committee on May 18, 2021.

5. Appointments to the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee for the remainder of the 2018 – 2022 Term (Item 14.3)

That the appointments to the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee for the remainder of the 2018-2022 Term be approved and released publicly following approval by Council.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

9. PUBLIC HEARINGS / DELEGATIONS

- 9.1 Public Meeting Respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study
 - 9.1(a) Added Presentation from Watson and Associates
 - 9.1(b) Registered Delegations:
 - (i) Karl Andrus, HCBN
 - 9.1(c) Written Submissions:
 - (i) Lakewood Beach Community Council
 - (ii) Robert D. Aburto, Gowling WLG

10. DISCUSSION ITEMS

- 10.2 Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee – Community Survey

The agenda for the April 22, 2021 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) April 8, 2021 (Item 4.1)

The Minutes of the April 8, 2021 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) CONSENT ITEMS (Item 7)

The following Consent Items (Item 7), were received:

- (i) Interview Sub-Committee to the Audit, Finance and Administration Committee Minutes: (Item 7.1)
 - (1) April 6, 2021 (Item 7.1(a))
 - (2) April 13, 2021 (Item 7.1(b))
- (ii) Various Advisory Committee Minutes: (Item 7.2)
 - (1) Immigrant and Refugee Advisory Committee - January 14, 2021 (Item 7.2(a))
 - (2) Immigrant and Refugee Advisory Committee - February 11, 2021 (Item 7.2(b))
 - (3) Hamilton Mundialization Committee - January 20, 2021 (Item 7.2(c))
 - (4) Aboriginal Advisory Committee - December 3, 2020 (Item 7.2(d))
 - (5) Aboriginal Advisory Committee - No Quorum Notes - January 7, 2021 (Item 7.2(e))
 - (6) Aboriginal Advisory Committee - No Quorum Notes - April 1, 2021 (Item 7.2(f))
 - (7) Hamilton Status of Women Committee - November 26, 2020 (Item 7.2(g))

- (8) Hamilton Status of Women Committee - January 28, 2021 (Item 7.2(h))
- (9) Hamilton Status of Women Committee - February 25, 2021 (Item 7.2(i))

(i) Records Retention By-law Amendment (FCS21034) (City Wide) (Item 7.3)

That staff be directed to report back to the Audit, Finance & Administration Committee on May 6, 2021, outlining the City's current practice for the retention of the video recordings of Council, Sub-Committee, and Advisory Committee meetings.

(e) STAFF PRESENTATIONS (Item 8)

(i) Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy (FCS20069(b)) (City Wide) (Item 8.1)

Mike Zegarac, General Manager of Finance and Corporate Services addressed the Committee with a staff presentation respecting Report FCS20069(b), the Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy.

The Staff Presentation respecting Report FCS20069(b), the Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy, was received.

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

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Public Meeting Respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study (Item 9.1)

The Chair advised that Item 9.1 was a public meeting pursuant to Section 12 of the *Development Charges Act, 1997*, to present and obtain public input respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study. The Chair further advised that notice of the public meeting was provided and posted on the City of Hamilton's website. Additionally, notice was published in the Hamilton Spectator on March 25th, 2021 and the Hamilton Community News on March 26th, 2021, inviting interested parties to pre-register to be a virtual delegate.

Gary Scandlan, from Watson & Associates, addressed the Committee respecting the 2019 Development Charge By-law Amendment and the

2021 Development Charges Background Study, with the aid of a presentation.

Councillor Ferguson relinquished the Chair to Councillor Pearson in order to introduce the following motion.

That staff be directed to exempt Agricultural Societies (Binbrook, Rockton, and Ancaster) from Development Charges.

Councillor Ferguson withdrew his motion and assumed the Chair.

The presentation from Gary Scandlan, Watson & Associates respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study, was received.

Registered Speaker

The following Registered Speaker addressed the Committee respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study:

9.1(b) Karl Andrus, HCBN

The registered speaker's delegation respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study, was received.

Written Submissions

The following Written Submissions respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study, were received:

9.1(c) Lakewood Beach Community Council

9.1(d) Roberto D. Aburto, Gowling WLG

The public meeting respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study, was closed.

(g) DISCUSSION ITEMS (Item 10)

(i) Cyber Security Audit (AUD21004) (City Wide) (Item 10.1)

Consideration of Report AUD21004, respecting the Cyber Security Audit, was deferred until after Closed Session.

For disposition of this matter, please refer to Item 3.

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

(i) Amendment to the Outstanding Business List (Item 13.1)

The following amendment to the Audit, Finance & Administration Committee's Outstanding Business List, were approved:

(a) Item Considered Complete and Needing to be Removed:

Citizen Committee Report - Hamilton Status of Women Advisory Committee - Donation of Remaining 2020 Budget Allocation
Added: February 4, 2021 at AF&A - Item 9.1
Completed: April 22, 2021 at AF&A - Item 8.1 (FCS20069(b))
OBL Item: 21-A

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Minutes – April 8, 2021

(a) The Closed Session Minutes of the April 8, 2021 Audit, Finance and Administration Committee meeting, were approved as presented; and,

(b) The Closed Session Minutes of the April 8, 2021 Audit, Finance and Administration Committee meeting, remain confidential.

(ii) Attendance in Closed Session respecting Appendices 'A', 'B', 'C', 'D', and 'E' to Cyber Security Audit (AUD21004) (City Wide) (Item 14.2)

Aron Feuer, Managing Director Cybersecurity, Valencia IIP Advisors Limited was permitted to attend the Closed Session portion of the meeting with respect to Confidential Appendices "A" through "E" to Report AUD21004, respecting the Cyber Security Audit.

Committee moved into Closed Session respecting Item 14.2, pursuant to Section 9.1, Sub-section (a) of the City's Procedural By-law 21-021, and Section 239(2), Sub-section (a) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertained to the security of the property of the municipality or local board.

(iii) Appendices 'A', 'B', 'C', 'D', and 'E' to Cyber Security Audit (AUD21004) (City Wide) (Item 14.2)

For disposition of this matter, please refer to Item 3.

Committee determined that discussion of Item 14.3 was not required in Closed Session, so the item was addressed in Open Session, as follows:

(iv) Appointments to the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee for the remainder of the 2018 – 2022 Term (Item 14.3)

For disposition of this matter, please refer to Item 5.

(j) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee adjourned at 1:04 p.m.

Respectfully submitted,

Councillor Ferguson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

**CITY OF HAMILTON
BUDGET AMENDMENT SCHEDULE**

STAFF COMPLEMENT CHANGE

Complement Transfer to another division or department ^(1,2)

ITEM #	TRANSFER FROM				TRANSFER TO			
	Department	Division	Position Title (2)	FTE	Department	Division	Position Title (2)	FTE
1.0	Public Works	Engineering Services	PM Fac & Parks Infrastr	1.0	Public Works	Energy, Fleet & Facilities	PM Fac & Parks Infrastr	1.0
	Explanation: To approve the transfer between Divisions within Public Works. Efficiencies gained by directly reporting to Facilities Capital section.							
1.1	Public Works	Engineering Services	Infrastr Progr Technologist	1.0	Public Works	Energy, Fleet & Facilities	Infrastr Progr Technologist	1.0
	Explanation: To approve the transfer between Divisions within Public Works. Efficiencies gained by directly reporting to Facilities Capital section.							
1.2	Public Works	Engineering Services	Infrastructure Programming Technologist	1.0	Public Works	Engineering Services	Proj Mgr-Subsurf Infrastructure	1.0
	Explanation: To convert 1 FTE Infrastructure Programming Technologist (grade L, CUPE 5167) position to a Project Manager -Subsurface Infrastructure (grade 6, CUPE 1041). The Project Manager position is more applicable to the required functions and level of expertise required of this position.							
1.3	Public Works	Environmental Services	Admin Secty Forestry Student Admin Secty-Student Student Local 5	0.33 0.33 0.34	Public Works	Environmental Services	Sr. Project Manager - Quality Management	1.0
	Explanation: To convert 3 part-time student positions (CUPE 5167) totalling 1 FTE to a Senior Project Manager - Quality Management (grade 6, non-union) to implement a Quality Management system team to align with the Public Works model. Funded from within existing operating budget.							
1.4	Public Works	Environmental Services	Waste Collection Operator	1.0	Public Works	Environmental Services	Quality Management Coordinator	1.0
	Explanation: To convert 1 FTE Waste Collection Operator (grade F, CUPE 5167) to a Quality Management Coordinator (grade 5, non-union) to implement a Quality Management system team to align with the Public Works model. Funded from within existing operating budget.							
1.5	Public Works	Energy, Fleet & Facilities	Operator CUP	1.0	Public Works	Energy, Fleet & Facilities	Facility Planning Analyst	1.0
	Explanation: To convert 1 FTE Operator CUP (grade H) to a Facility Planning Analyst (grade 5). To be funded within existing operating budget. This position is required to ensure the optimization of real estate utilization.							
1.6	Public Works	Energy, Fleet & Facilities	Spec Clerk	1.0	Public Works	Energy, Fleet & Facilities	Sr Contracts Analyst Facilities/Energy Cap	1.0
	Explanation: To approve convert 1 FTE Spec Clerk (Grade F) to a Sr Contract Analyst (Grade 5). Position funded within existing Capital Budget. Position will provide efficiencies within the Facilities Capital section.							
1.7	Public Works	Engineering Services	Infra Prog Techl - Co Op Student	1.0	Public Works	Engineering Services	Infrastructure Programming Technologist	1.0
	Explanation: To convert 1 FTE Co-op Student position to a Infrastructure Programming Technologist (CUPE 5167, grade L). Position funded within existing Capital Budget. The Technologist position is more applicable to the required functions and level of expertise required within the scope of responsibilities.							
1.8	Public Works	Engineering Services	Techl Transp Transit Coop	1.0	Public Works	Engineering Services	Project Manager of Bridges and Structures	1.0
	Explanation: To convert 1 FTE Co-op Student position to a Project Manager (CUPE 1041, grade 6). Position funded within existing Capital Budget. The Project Manager position is required to deliver expanded bridges and structures program delivery functions, management of projects and programs in states of major maintenance and minor rehabilitation.							
1.9	City Manager's Office	Strategic Partnerships & Communications	Dir - Enterprise Management	1.0	City Manager's Office	Government and Community Relations	Dir - External Relations	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
2.0	City Manager's Office	Strategic Partnerships & Communications	Mgr - Community Initiatives	1.0	City Manager's Office	Government and Community Relations	Mgr - Community Initiatives	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
2.1	City Manager's Office	Strategic Partnerships & Communications	Snr Proj Manager - Comm Initiatives	1.0	City Manager's Office	Government and Community Relations	Snr Proj Manager - Comm Initiatives	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
2.2	City Manager's Office	Strategic Partnerships & Communications	Admin/ CEF Coordinator	1.0	City Manager's Office	Government and Community Relations	Admin/ CEF Coordinator	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							

ITEM #	TRANSFER FROM				TRANSFER TO			
	Department	Division	Position Title (2)	FTE	Department	Division	Position Title (2)	FTE
2.3	City Manager's Office	CMO Admin	Chief Digital Officer	1.0	City Manager's Office	Digital & Innovations Office	Chief Digital Officer	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
2.4	City Manager's Office	Strategic Partnerships & Communications	Admin Assistant II	1.0	City Manager's Office	Digital & Innovations Office	Admin Assistant II	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
2.5	City Manager's Office	Strategic Partnerships & Communications	Corp Initiatives Prog Mgr	1.0	City Manager's Office	Digital & Innovations Office	Corp Initiatives Prog Mgr	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
2.6	City Manager's Office	Strategic Partnerships & Communications	Mgr - Revenue Generation	1.0	City Manager's Office	Digital & Innovations Office	Mgr - Coporate Partnerships	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
2.7	City Manager's Office	Strategic Partnerships & Communications	Account Coordinator	1.0	City Manager's Office	Digital & Innovations Office	Account Coordinator	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
2.8	City Manager's Office	CMO Admin	Dir - Communications	1.0	City Manager's Office	Communications & Strat Initiatives	Dir - Comms & Strat Iniatitives	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
2.9	City Manager's Office	Strategic Partnerships & Communications	Mgr - Communications	1.0	City Manager's Office	Communications & Strat Initiatives	Mgr - Communications	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.0	City Manager's Office	Strategic Partnerships & Communications	Communication Officers	3.0	City Manager's Office	Communications & Strat Initiatives	Communication Officers	3.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.1	City Manager's Office	Strategic Partnerships & Communications	Communication Officer	1.0	City Manager's Office	Communications & Strat Initiatives	Video Producer	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.2	City Manager's Office	Strategic Partnerships & Communications	Snr Comms Officer	3.0	City Manager's Office	Communications & Strat Initiatives	Snr Comms Officer	3.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.3	City Manager's Office	Strategic Partnerships & Communications	Snr Digital Officer	1.0	City Manager's Office	Communications & Strat Initiatives	Snr Digital Officer	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.4	City Manager's Office	Strategic Partnerships & Communications	Digital Comms Officer	2.0	City Manager's Office	Communications & Strat Initiatives	Digital Comms Officer	2.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.5	City Manager's Office	Strategic Partnerships & Communications	Digital Comms Admin	1.0	City Manager's Office	Communications & Strat Initiatives	Digital Comms Admin	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.6	City Manager's Office	Strategic Partnerships & Communications	Creative Design Lead	1.0	City Manager's Office	Communications & Strat Initiatives	Creative Design Lead	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.7	City Manager's Office	Strategic Partnerships & Communications	Graphic Designers	5.0	City Manager's Office	Communications & Strat Initiatives	Graphic Designers	5.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.8	City Manager's Office	Strategic Partnerships & Communications	Social Media Mktg & Creative	1.0	City Manager's Office	Communications & Strat Initiatives	Mgr Social Media Mtkg & Creative	1.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							
3.9	City Manager's Office	Strategic Partnerships & Communications	Marketing Officers	2.0	City Manager's Office	Communications & Strat Initiatives	Marketing Officers	2.0
	Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.							

BUDGET RESTATEMENT

Budget Transfer to another division or department

ITEM #	TRANSFER FROM			TRANSFER TO		
	Department	Division	Amount	Department	Division	Amount
1.0	City Manager's Office	Strategic Partnership & Communications	\$2,136,559.00	City Manager's Office	Communications & Strategic Initiatives	\$2,136,559.00
Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.						
1.1	City Manager's Office	CMO Admin	\$298,770.00	City Manager's Office	Digital & Innovation Office	\$298,770.00
Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.						
1.2	City Manager's Office	CMO Admin	\$223,547.00	City Manager's Office	Communications & Strategic Initiatives	\$223,547.00
Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.						
1.3	City Manager's Office	Strategic Partnership & Communications	\$838,104.00	City Manager's Office	Government and Community Relations	\$838,104.00
Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.						
1.4	City Manager's Office	Strategic Partnership & Communications	(\$191,183.00)	City Manager's Office	Digital & Innovation Office	(\$191,183.00)
Explanation: To reflect divisional changes within City Manager's Office with no impact to net levy.						

Note - Above budget transfers remain in the same cost category.

FTE Additions / Removals

ITEM #	FTE Details			FTE
	Department	Division	Position Title (2)	
1.0	Healthy and Safe Communities	Hamilton Paramedic Service	Paramedic Stores Clerk	1.0
Explanation: To better align with each other's unique business needs and daily operation requirements at Stores, Hamilton Paramedic Service (HPS) and Hamilton Fire Department (HFD) have agreed to separate these duties with the goal to improve the overall function of the warehouse operations to support both departments and further enhance the overall operations within the City of Hamilton. While HPS and HFD will still have some shared responsibility and accountability for managing shared stock items that both departments currently use, HPS will require its own Storekeeper for their unique business needs.				
1.1	Public Works	Engineering Services	LRT Employees (1 Sr Pri Mgr, 2 Pri Mgrs, 3	(6.0)
Explanation: Reduction of 6 FTE in Engineering Services as a result of the LRT Office closing.				

Note - Complement transfers include the transfer of corresponding budget.

(1) - All other budgeted complement changes that require Council approval per Budgeted Complement Control Policy must be done through either separate report or the budget process (i.e. Increasing/decreasing budgeted complement).

(2) - If a position is changing, the impact of the change is within 1 pay band unless specified.

**CITY OF HAMILTON
BUDGETED COMPLEMENT TEMPORARY EXTENSION SCHEDULE**

TEMPORARY POSITION EXTENSIONS

Extensions to temporary positions with terms of 24 months or greater as per the Budgeted Complement Control Policy

ITEM #	TRANSFER FROM				TRANSFER TO			
	<u>Department</u>	<u>Division</u>	<u>Position Title</u>	<u>FTE</u>	<u>Department</u>	<u>Division</u>	<u>Position Title</u>	<u>FTE</u>
1	Planning and Economic Development	Planning	3D Model Specialist	1.0	Planning and Economic Development	Planning	3D Model Specialist	1.0
<p>Explanation: The 3D Model Specialist position is funded through the capital budget account 8121957900 as approved in the 2019 capital budget and additional funding was approved in 2021 through the capital budget process. The temporary position was hired in July 2019 and the 24 month term will end July 2021. The 3D modeling program continues beyond the 24 months; staff are requesting to extend the temporary 3D Model Specialist position for the remainder of the project as long as funding is approved.</p>								

Draft Community Survey

History

The City of Hamilton's Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee has held an event at City Hall to recognize Pride for many years. In 2019, the Committee recommended to the City that it not hold a flag raising ceremony. Since that time, and since the events of Pride 2019, there have been many conversations in Two Spirit and LGBTQIA+ communities about this and other related issues.

Preamble

The LGBTQ Advisory Committee is seeking feedback from members of Two Spirit and LGBTQIA+ communities about the City of Hamilton's recognition of Pride in our city and the role that our Committee should play in it.

The LGBTQ Advisory Committee hopes to make a recommendation to City Council about a potential event commemorating Pride and would like your feedback.

The answers to the questions below will inform our feedback and the recommendation we make to City Council for this year and in future years. No identifying information is being collected and your feedback will remain anonymous.

The LGBTQ Advisory Committee will be presenting the results of this survey at its meeting on **Tuesday, May 18, 2021**. Please visit the [Committee's page](#) on the City of Hamilton's website closer to that date for a report on the results.

When the data has been collected through the survey, and as we present it to the Committee in May, we will also look to [Mapping the Void](#) to help inform our recommendation.

You can follow the LGBTQ Advisory Committee on [Twitter](#) and [Facebook](#) to find out how you may participate in the meeting where the results will be shared.

Questions

1. Do you live, work, or play in Hamilton (answer yes if any of these apply to you)?

Yes

No

Not sure

2. Have you ever attended an event put on by the City of Hamilton that recognized Pride?

Yes

No

Not sure

3. If yes, what was your experience like?

<long answer>

4. Do you think that the City of Hamilton should plan an annual event to recognize Pride?

Yes

No

Not sure

5. If yes, do you think that the LGBTQ Advisory Committee should be responsible for planning the event?

Yes

No

Not sure

6. Do you think an event to recognize Pride should include a flag raising ceremony?

- Yes
- No
- Not sure

7. Why or why not?

<long answer>

8. What other things do you think might be important as part of an event to recognize Pride?

<long answer>

9. Please let us know if there is anything else you would like the LGBTQ Advisory Committee to know in order to help them make a recommendation to City Council about an event to recognize Pride, this year and in future years.

<long answer>

10. How do you identify your sexual orientation? Please check all that apply.

- Ace/Asexual
- Bisexual
- Gay
- Heterosexual/Straight
- Lesbian
- Man who has sex with men (msm)
- Pansexual
- Polysexual
- Queer
- Questioning
- Two-spirit
- Woman who has sex with women (wsw)
- Not Sure
- Prefer to self-identify, please specify:
- Prefer not to answer

11. Which of the following best describes your gender? Please check all that apply.

Agender/Non-gender
Androgynous
Bigender
Boi
Butch
Femme
FTM (female-to-male)
Gender Fluid
Gender Non-Conforming
Gender variant
Genderqueer
Intersex
Man (Trans)
Man (Cis)
Non-binary
Questioning
Woman (Trans)
Woman (Cis)
Transgender/trans person
Transsexual
Prefer to self identify, please specify:
Prefer not to answer



EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 21-004

1:30 p.m.
Thursday, April 22, 2021
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors N. Nann (Chair), B. Clark, T. Jackson, S. Merulla, and E. Pauls

Regrets: Councillor T. Whitehead – Leave of Absence

THE EMERGENCY & COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 21-004 AND RESPECTFULLY RECOMMENDS:

1. Ontario's Vision for Social Assistance (HSC21014) (City Wide) (Item 7.1)

That Report HSC21014), respecting Ontario's Vision for Social Assistance, be received.

2. Tenant Defence Fund (HSC19011(a)) (City Wide) (Item 10.1)

- (a) (i) That the Tenant Defence Fund Program be expanded and amended to include tenants being displaced due to evictions as a result of renovations;
- (ii) That the Tenant Defense Fund grant cap be removed, as the costs can be much more than \$2500, and allocation of funds be at the discretion of Housing Services based on the eligibility criteria for the Fund;
- (iii) That the Outstanding Business List item identified as Mitigation Effects of Renovictions, be removed from the Outstanding Business List and considered complete; and
- (iv) That staff report back to the Emergency and Community Services Committee within six months regarding the use of the Tenant Defence Fund.

- (b) That staff draft a letter to Chair of Landlord Tenant Board, copied to the respective Minister, outlining the City of Hamilton's experiences and concerns with the proliferation of N13 use, and the loss of affordable housing stock and increase in homelessness as a result.

3. Financial Support to Remove Existing Wood Fence, and Supply and Install New Pressure Treated Wood Fence at 470 Stone Church Rd East, Hamilton (Added Item 11.1)

WHEREAS, CityHousing Hamilton owns the property located at 470 Stone Church Rd E - a 70-unit multi-residential townhouse complex built in 1970;

WHEREAS, the roughly 750 ft original dividing fence between the property and the abutting yards of 15 private homeowners along Stone Church Rd E, Delancey Blvd and Hussar Ave is at the end of its useful life and requires full removal and replacement;

WHEREAS, CityHousing Hamilton has assumed full responsibility for the cost and scope of work, consistent with City of Hamilton Planning Department practices, to remove and replace the existing board-on-board "Good Neighbour" fence with a new board-on-board "Good Neighbour" fence;

WHEREAS, CityHousing Hamilton has undertaken a Request for Quote process to obtain the best price for removal and replacement of the fence;

WHEREAS, the scope of work requires \$58 952.00 to complete the removal and replacement of the fence; and,

WHEREAS, CityHousing Hamilton can commit total funds of \$29 476.00 from operating dollars and \$14 794.00 from previously committed Ward 7 area rating funds;

THEREFORE, BE IT RESOLVED:

- (a) That the remaining cost of \$14 682.00 for the removal and replacement of the fence, be funded from the Ward 7 Area Rating Special Capital Re-Investment Discretionary Account; and,
- (b) 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.

4. Red Hill Valley Joint Stewardship Board (Added Item 11.2)

WHEREAS the Red Hill Valley Joint Stewardship Board (JSB) was established as a collaboration between the Haudenosaunee First Nation and the City of Hamilton in 2006 to oversee activities within the Red Hill Valley and;

WHEREAS the JSB funding is not reflective of the growing amount of work necessary to fulfil the spirit of the agreement;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to establish a Red Hill Valley Joint Stewardship Board (JSB) reserve and that any annual operating surpluses of the JSB be allocated to this reserve, for the purposes of funding projects and improvements for the Valley;
- (b) That the annual budget amount be adjusted annually by the Ontario CPI all items, not seasonally adjusted index, to ensure sustainability of the Board;
- (c) That the 2021 JSB budget be adjusted by 12.5 % to reflect a retro-active CPI increase dating back to 2013;
- (d) That staff be directed to establish a mechanism by which the JSB can procure the necessary technical services, when required, within the available budget;
- (e) That the annual funding for the JSB be provided in a one-time payment at the start of every calendar year; and
- (f) That the JSB budget be restated from the Public Works Department to Healthy and Safe Communities Department so as to align with the Urban Indigenous Strategy.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS (Item 5)

5.1. Correspondence regarding Renovictions/Tenant Defence Fund

Recommendation: to be received and referred to Item 10.1, Tenant Defence Fund (HSC19011(a)).

5.1.a. Morgan Betz

5.1.b. Linda Lukasik, Environment Hamilton

5.1.c. Hunter Celenza, ACORN

5.1.d. Ali Naraghi, Hamilton Community Legal Clinic

5.1.e. Elizabeth Ellis, ACORN

5.1.f. Melanie Attwood, ACORN

5.1.g. Dawn Hoad, ACORN

6. DELEGATION REQUESTS (Item 6)

- 6.1. Delegation Requests respecting Renovictions/Tenant Defence Fund (for today's meeting)
 - 6.1.a. Keith Alarie, Hamilton Tenants in Unity
 - 6.1.b. Veronica Gonzalez, ACORN
 - 6.1.c. Karl Andrus, HCBN
 - 6.1.d. Darlene Wesley, ACORN
 - 6.1.e. Jonathan Lopez, ACORN - Video Submission
 - 6.1.f. Violetta Nikolskaya, YWCA Hamilton
 - 6.1.g. Gordon Smyth, ACORN - Video Submission
 - 6.1.h. Juan Balandra, ACORN - Video Submission
 - 6.1.i. Michael Lopez, ACORN – Video Submission
 - 6.1.j. Drew Hewitt, ACORN - Video Submission
 - 6.1.k. Darryl Starr, ACORN - Video Submission
 - 6.1.l. Rebecca Guzzo, ACORN - Video Submission
 - 6.1.m. James Webb, ACORN - Video Submission
 - 6.1.n. Mike Wood, Hamilton Tenants in Unity
 - 6.1.o. Kojo Dampsey, Hamilton Centre for Civic Inclusion
 - 6.1.p. Bill Johnston
 - 6.1 q. Dayna Sparkes, ACORN

10. DISCUSSION ITEMS (Item 10)

- 10.2 Accessing Capital Repair Funds from the National Housing Strategy - Co-Investment Fund for CityHousing Hamilton (HSC19048(a)) (City Wide) – DEFERRED to the May 6, 2021 Emergency and Community Services Committee meeting.

12. NOTICES OF MOTION (Item 12)

- 12.1. Financial Support to Remove Existing Wood Fence, and Supply and Install New Pressure Treated Wood Fence at 470 Stone Church Rd East, Hamilton
- 12.2 Red Hill Valley Joint Stewardship Board

The agenda for the April 8, 2021 Emergency and Community Services Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Merulla declared a conflict of Interest for Items 5.1 (a) to (g), Communications, respecting Renovictions/Tenant Defence Fund, as he is a landlord.

Councillor Merulla declared a conflict of Interest for Items 6.1 (a) to (q), Delegation Requests, respecting Renovictions/Tenant Defence Fund, as he is a landlord.

Councillor Merulla declared a conflict of Interest for Items 9.1 (a) to (q), Delegations, respecting Renovictions/Tenant Defence Fund, as he is a landlord.

Councillor Merulla declared a conflict of Interest for Item 10.1, Tenant Defence Fund (HSC19011(a)), as he is a landlord.

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

(i) April 8, 2021 (Item 4.1)

The Minutes of the April 8, 2021 meeting of the Emergency and Community Services Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence respecting Renovictions/Tenant Defence Fund (Items 5.1(a) to (g))

The following correspondence items respecting Renovictions/Tenant Defence Fund, were received and referred to the consideration of Item 10.1, Tenant Defence Fund (HSC19011(a)):

1. Morgan Betz (Added Item 5.1.a)
2. Linda Lukasik, Environment Hamilton (Added Item 5.1.b)
3. Hunter Celenza, ACORN (Added Item 5.1.c)
4. Ali Naraghi, Hamilton Community Legal Clinic (Added Item 5.1.d)
5. Elizabeth Ellis, ACORN (Added Item 5.1.e)
6. Melanie Attwood, ACORN (Added Item 5.1.f)
7. Dawn Hoad, ACORN (Added Item 5.1.g)

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

(e) DELEGATION REQUESTS (Added Item 6.1)

(i) Delegation Requests respecting Renovictions/Tenant Defence Fund (Items 6.1 (a) to (q))

The following Delegation Requests respecting Renovictions/Tenant Defence Fund, were approved for today's meeting:

1. Keith Alarie, Hamilton Tenants in Unity (Added Item 6.1.a)
2. Veronica Gonzalez, ACORN (Added Item 6.1.b)
3. Karl Andrus, HCBN (Added Item 6.1.c)
4. Darlene Wesley, ACORN (Added Item 6.1.d)
5. Jonathan Lopez, ACORN - Video Submission (Added Item 6.1.e)
6. Violetta Nikolskaya, YWCA Hamilton (Added Item 6.1.f)
7. Gordon Smyth, ACORN - Video Submission (Added Item 6.1.g)
8. Juan Balandra, ACORN - Video Submission (Added Item 6.1.h)
9. Michael Lopez, ACORN – Video Submission (Added Item 6.1.i)
10. Drew Hewitt, ACORN - Video Submission (Added Item 6.1.j)
11. Darryl Starr, ACORN - Video Submission (Added Item 6.1.k)
12. Rebecca Guzzo, ACORN - Video Submission (Added Item 6.1.l)
13. James Webb, ACORN - Video Submission (Added Item 6.1.m)
14. Mike Wood, Hamilton Tenants in Unity (Added Item 6.1.n)
15. Kojo Dampsey, Hamilton Centre for Civic Inclusion (Added Item 6.1.o)
16. Bill Johnston (Added Item 6.1.p)
17. Dayna Sparkes, ACORN (Added Item 6.1.q)

(f) PUBLIC HEARINGS/DELEGATIONS (Added Item 9.1)

(i) Delegations respecting Renovictions/Tenant Defence Fund

The following delegations addressed the Committee respecting Renovictions/Tenant Defence Fund:

1. Keith Alarie, Hamilton Tenants in Unity, respecting Renoviction (Added Item 9.1.a)
2. Veronica Gonzalez, ACORN, respecting Renoviction (Added Item 9.1.b)

3. Karl Andrus, HCBN, respecting Renoviction (Added Item 9.1.c)
4. Darlene Wesley, ACORN, respecting Renoviction (Added Item 9.1.d)
5. Jonathan Lopez, ACORN – Pre-Recorded Video Submission, respecting Renoviction (Added Item 9.1.e)
6. Violetta Nikolskaya, YWCA Hamilton, respecting Tenant Defence Fund (Added Item 9.1.f)
7. Gordon Smyth, ACORN - Pre-Recorded Video Submission, respecting Renoviction (Added Item 9.1.g)
8. Juan Balandra, ACORN - Pre-Recorded Video Submission, respecting Renoviction (Added Item 9.1.h)
9. Michael Lopez, ACORN – Pre-Recorded Video Submission, respecting Renoviction (Added Item 9.1.i)
10. Drew Hewitt, ACORN - Pre-Recorded Video Submission, respecting Renoviction (Added Item 9.1.j)
11. Darryl Starr, ACORN - Pre-Recorded Video Submission, respecting Renoviction (Added Item 9.1.k)
12. Rebecca Guzzo, ACORN - Pre-Recorded Video Submission, respecting Renoviction (Added Item 9.1.l)
13. James Webb, ACORN - Pre-Recorded Video Submission, respecting Renoviction (Added Item 9.1.m)
14. Mike Wood, Hamilton Tenants in Unity, respecting Renoviction (Added Item 9.1.n)
15. Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Tenant Defence Fund (Added Item 9.1.o)
16. Bill Johnston, respecting Tenant Defence Fund (Added Item 9.1.p)
17. Dayna Sparkes, ACORN, respecting Renoviction (Added Item 9.1.q)

The following Delegations, respecting Renovictions/Tenant Defence Fund, were received and referred to the consideration of Item 10.1, Tenant Defence Fund (HSC19011(a)):

1. Keith Alarie, Hamilton Tenants in Unity (Added Item 9.1.a)
2. Veronica Gonzalez, ACORN (Added Item 9.1.b)

3. Karl Andrus, HCBN (Added Item 9.1.c)
4. Darlene Wesley, ACORN (Added Item 9.1.d)
5. Jonathan Lopez, ACORN - Video Submission (Added Item 9.1.e)
6. Violetta Nikolskaya, YWCA Hamilton (Added Item 9.1.f)
7. Gordon Smyth, ACORN - Video Submission (Added Item 9.1.g)
8. Juan Balandra, ACORN - Video Submission (Added Item 9.1.h)
9. Michael Lopez, ACORN – Video Submission (Added Item 9.1.i)
10. Drew Hewitt, ACORN - Video Submission (Added Item 9.1.j)
11. Darryl Starr, ACORN - Video Submission (Added Item 9.1.k)
12. Rebecca Guzzo, ACORN - Video Submission (Added Item 9.1.l)
13. James Webb, ACORN - Video Submission (Added Item 9.1.m)
14. Mike Wood, Hamilton Tenants in Unity (Added Item 9.1.n)
15. Kojo Dampsey, Hamilton Centre for Civic Inclusion (Added Item 9.1.o)
16. Bill Johnston (Added Item 9.1.p)
17. Dayna Sparkes, ACORN (Added Item 9.1.q)

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

(g) DISCUSSION ITEMS (Item 10)

(i) Tenant Defence Fund (HSC19011(a)) (City Wide) (Item 10.1)

- (a) That recommendation (b) in Report HSC19011(a) be **amended** by deleting it in its entirety and replacing it as follows:

~~**(b) That the Tenant Defence Fund grant amount eligible to tenants for legal fees be increased to \$2,500;**~~

(b) That the Tenant Defense Fund grant cap be removed, as the costs can be much more than \$2500, and allocation of funds be at the discretion of Housing Services based on the eligibility criteria for the Fund;

- (b) That the recommendations in Report HSC19011(a) be **amended** by adding the following sub-section:
 - (d) ***That staff report back to the Emergency and Community Services Committee within six months regarding the use of the Tenant Defence Fund.***
- (c) Staff were directed to report back to the Emergency and Community Services Committee with a framework, including timeline and resources to develop a comprehensive renovations strategy for City Hamilton as part of our recovery plan, to include: the evaluation of the tenant defense fund, proactive tenant education options, and options for a licensing and by-law regime.

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

(h) NOTICES OF MOTION (Item 12)

(i) Financial Support to Remove Existing Wood Fence, and Supply and Install New Pressure Treated Wood Fence at 470 Stone Church Road East, Hamilton (Added Item 12.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Financial Support to Remove Existing Wood Fence, and Supply and Install New Pressure Treated Wood Fence at 470 Stone Church Road East, Hamilton.

For further disposition of this matter, refer to Item 3.

(ii) Red Hill Valley Joint Stewardship Board (Added Item 12.2)

The Rules of Order were waived to allow for the introduction of a Motion respecting Financial Support to Remove Existing Wood Fence, and Supply and Install New Pressure Treated Wood Fence at 470 Stone Church Road East, Hamilton.

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

(i) GENERAL INFORMATION AND OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

(Pauls/Clark)

The following amendment to the Emergency and Community Services Outstanding Business List, were approved:

13.1.a. Items to Be Removed

- (i) Mitigation of Effects of Reno-viction

Item on OBL: 20-J
Addressed as Item 10.1, Tenant Defence Fund
(HSC19011(a)) on today's Agenda

(f) ADJOURNMENT (Item 15)

There being no further business, the Emergency and Community Services Committee was adjourned at 4:07 p.m.

Respectfully submitted,

Councillor N. Nann
Chair, Emergency and Community Services
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON MOTION

Council: April 28, 2021

MOVED BY COUNCILLOR M. WILSON.....

SECONDED BY COUNCILLOR

Demolition Control By-Law Exemption For Rapid Housing Initiative Modular Affordable Housing Project

WHEREAS, on November 4, 2020 through Report HSC20056, Council authorized and directed the General Manager of the Healthy and Safe Communities Department or his designate to enter into the Rapid Housing Initiative Contribution Agreement with the Canada Mortgage and Housing Corporation (CMHC) to accept Hamilton’s Rapid Housing Initiative Major Cities Stream allocation of \$10,760,585 for the creation of new affordable housing units;

WHEREAS on November 6, 2020 the General Manager of the Healthy and Safe Communities Department entered into the Rapid Housing Initiative Agreement with CMHC to create a rapid supply of affordable housing, and which requires that all projects be completed by December 4, 2021;

WHEREAS the City of Hamilton recommended and approved the Options for Independent Living and Development 137 George Street modular affordable housing project for funding under the RHI Major Cities Stream as set out in the City’s Investment Plan; and,

WHEREAS, the Rapid Housing Initiative will deliver much needed affordable supportive housing units within Hamilton;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized and directed to exempt the 137 George Street affordable housing development project from Demolition Control By-law 09-208 sections 6(a), (b), and (c), in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the *Planning Act* as amended to permit the issuance of a demolition permit in a timely manner.

CITY OF HAMILTON

NOTICE OF MOTION

Council: April 28, 2021

MOVED BY COUNCILLOR L. FERGUSON.....

Reconsideration of Item 3 of Audit, Finance & Administration Committee Report 20-002 respecting a Compassionate Grant for Development Charges to Agricultural Societies Without a Farm Business Registration

That Item 3 of the February 6, 2020 Audit, Finance & Administration Committee Report 20-002, respecting a Compassionate Grant for Development Charges to Agricultural Societies Without a Farm Business Registration, be reconsidered:

3. Compassionate Grant for Development Charges to Agricultural Societies Without a Farm Business Registration (Item 11.1)

WHEREAS the City of Hamilton Development Charges By-law 19-142 was effective on June 13, 2019;

WHEREAS Development Charges By-law 19-142 approved development charge exemptions for development of properties with Agricultural Use with a farm business registration number;

WHEREAS the City of Hamilton's three agricultural societies, owners of property used for agricultural purposes but not eligible for a farm business registration number, are as follows:

Ancaster Agricultural Society, 630 Trinity Road South, Jerseyville, Ontario, L0R 1R0;

Binbrook Agricultural Society, 2600 Regional Road #56, Binbrook, Ontario, L0R 1C0; and,

Rockton Agricultural Society, 812 Old Highway 8, Rockton, ON L0R 1X0;

WHEREAS the Agriculture & Rural Affairs Advisory Committee at its meeting of November 25, 2019 approved minutes in support of all Agricultural Societies in Hamilton (Rockton, Binbrook and Ancaster) being exempted from Development Charges;

THEREFORE BE IT RESOLVED:

- (a) That the General Manager of Finance and Corporate Services be authorized to develop a compassionate grant agreement for agricultural societies for development charges in a form satisfactory to the City Solicitor with any

Development Charges exemptions being funded from unallocated capital levy reserve (#108020); and,

- (b) That the City's Agricultural Development Charges compassionate grant agreement contain terms and conditions that:
 - (i) Require the applicant to register the compassionate grant against the property and repay the City of Hamilton should the applicant sell or transfer any portion of the property; and,
 - (ii) Provide the General Manager of Finance and Corporate Services with the authority to sign the Agreement.

COUNCIL COMMUNICATION UPDATES

April 9, 2021 to April 22, 2021

Council received the following Communication Updates during the time period listed above, the Information Updates are also available to the public at the following link: <https://www.hamilton.ca/government-information/information-updates/information-updates-listing>, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Date	Department	Subject	Link
April 15, 2021	Planning and Economic Development	COVID Business Impact & Workforce Needs Survey Results – (January 19, 2021 – February 14, 2021)	https://www.hamilton.ca/sites/default/files/media/browser/2021-04-19/communicationupdate-covid-business-impact-workforce-needs-survey-results.pdf
April 20, 2021	Healthy and Safe Communities	Escarpment Stairs (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-04-21/communication-update-escarpment-stairs.pdf
April 22, 2021	Corporate Services	2021 Federal Budget Highlights (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-04-23/communication-update-cs-2021-federal-budget-highlights.pdf Appendices: Government of Canada Budget 2021 Revenue Outlook and Expense Outlook: https://www.hamilton.ca/sites/default/files/media/browser/2021-04-23/communication-update-cs-2021-federal-budget-highlights-appendixa.pdf MFOA Federal Budget 2021: https://www.hamilton.ca/sites/default/files/media/browser/2021-04-23/communication-update-cs-2021-federal-budget-highlights-appendixb.pdf

Authority: Item 9, Public Works Committee
Report 07-016 (PW07153)
CM: December 12, 2007
Ward: 3, 5, 6, 9, 10, 11

Bill No. 054

CITY OF HAMILTON

BY-LAW NO. 21-

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 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "D" (Glanbrook) thereof the following items, namely:

Fletcher Road	Binbrook Road	Kirk Road	80
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And by adding to section "D" (Glanbrook) thereof the following items, namely;

Fletcher Road	150 metres south of Blue Mountain Drive	Kirk Road	60
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Pumpkin Pass	Fletcher Road	Armes Street	30
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McWatters Street	Fletcher Road	Armes Street	30
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To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

And by removing from section “E” (Hamilton) thereof the following items, namely;

Red Hill Valley Parkway (unless otherwise prescribed by this Schedule)	Lincoln Alexander Parkway	A point 740 m south of Greenhill Avenue	90
Red Hill Valley Parkway (unless otherwise prescribed by this Schedule)	A point 740 m south of Greenhill Avenue	Queen Elizabeth Way	80

And by adding to section “E” (Hamilton) thereof the following items, namely;

Red Hill Valley Parkway	Lincoln M. Alexander Parkway	Dartnall Road	90
Red Hill Valley Parkway	Dartnall Road	Queen Elizabeth Way	80

2. Schedule 3 (Flashing School Zones – Reduced Speed Limit) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "G" (Former Regional Roads) thereof the following item, namely:

Barton Street	35 metres west of Hilton Drive to a point 63 metres east of Green Road	40	8:25 a.m. to 9:25 a.m. 3:05 p.m. to 3:55 p.m.
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3. Schedule 13 (Designated Traffic Lanes) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following item, namely:

Wentworth Street North	30 metres north of Mars Avenue to Mars Avenue	1st lane from west curb	Anytime	Southerly to Westerly
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To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

And by adding to section “F” (Stoney Creek) thereof the following items, namely;

Paramount Drive	35 metres north of Old Mud Street to Old Mud Street	2nd lane from west curb	Anytime	Southerly to Easterly
Paramount Drive	23 metres south of Kingsview Drive to Kingsview Drive	2nd lane from east curb	Anytime	Northerly to Westerly
Paramount Drive	23 metres north of Kingsview Drive to Kingsview Drive	2nd lane from west curb	Anytime	Southerly to Easterly
Paramount Drive	35 metres east of Astra Street to Astra Street	2nd lane from north curb	Anytime	Westerly to Southerly
Paramount Drive	20 metres east of Amberwood Street to Amberwood Street	2nd lane from north curb	Anytime	Westerly to Southerly
Paramount Drive	20 metres west of Audubon Street North to Audubon Street North	2nd lane from south curb	Anytime	Easterly to Northerly
Paramount Drive	20 metres north of Audubon Street South to Audubon Street South	2nd lane from west curb	Anytime	Southerly to Easterly
Paramount Drive	35 metres north of Mistywood Drive to Mistywood Drive	2nd lane from west curb	Anytime	Southerly to Easterly

4. 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.

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

Page 4 of 4

5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 28th day of April, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 1, Audit, Finance & Administration
Committee Report 21-006 (FCS210034)
CM: April 28, 2021
Ward: City Wide

Bill No. 055

CITY OF HAMILTON

BY-LAW NO. 21-

TO AMEND BY-LAW NO. 11-040 TO ESTABLISH RETENTION PERIODS FOR RECORDS OF THE CITY OF HAMILTON

WHEREAS the Council of the City of Hamilton enacted by-law 11-040 being a By-law to Establish Retention Periods for Records of the City of Hamilton, on January 26, 2011, pursuant to section 255, of the *Municipal Act*, 2001;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 1 of Report 21-006 of the Audit, Finance & Administration Committee, at its meeting held on the 22nd day of April, 2021, recommended that Records Retention By-law 11-040 be amended as hereinafter provided;

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

1. That Schedule A to Records Retention By-law 11-040 be amended by adding and amending file classifications as provided in Schedule A to this by-law.
2. This By-law comes into force on the day it is passed.

PASSED this 28th day of April, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
AD	01	03	Employee Certifications	Records relating to employee professional certifications which are kept by the employee's originating division.	T+2	3	T+5	N	N	Originating Department	T = Expiration of certification.
AD	01	04	Training Records	Records relating to employee training which are kept by the employee's originating division.	C	T+6 months	T+6 months	N	N	Originating Department	T= Termination of employment
AD	05		Office Equipment and Furnishings	Records associated with design, selection and maintenance of owned and leased office equipment and furniture. This record series may include inventories, specifications and repair work orders. Excludes: Service Agreements, Capital Assets and Insurance Policies	C+2	T	T	N	N	Originating Department	T = Disposal of item
AD	07	01	Posted Fire Safety Plan	Records relating to facility posted fire evacuation plans.	S	P	P	Y	N	Originating Department	
AD	13		Security Administration	Includes investigation files, requests, logs, request for access, and other records regarding the security and safety of offices / facilities, buildings, properties public / citizens and employees such as security passes and control of keys. Records include management tracking document data, statistical data, operational logs, operational briefs, tour of duty reports, run sheets, requests and operational resource assignments. Records include hardcopy and electronic incident report files and associated attachments (i.e. links, pictures). Records also include all digitally created Security CCTV video files that have been associated with an incident report file, and have been removed from the original source media and preserved for applicable use. Records may also contain supporting physical material and or evidence related to the incident.	T	6	T + 6	Y	N	Facilities Management	T = Investigation closed, or superseded.

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
AD	13	01	Security Systems Management	Records include software and system activity database and archival database files. Electronic access control logs are limited by software at 365 days (1 Year), with active and archival files being held for a period up to 2 years. Applicable software and systems include CCTV administration (not CCTV Video Files), electronic access control, intrusion monitoring, key management, ID credential, environment sensors and duress notification.	C+2	0	N	Y	N	Facilities Management	
AD	13	02	Security CCTV Recording for Public Conveyance	Records relating to digitally created Security Closed Circuit Television Video (CCTV) video files or audio from public conveyance/ vehicle assets.	72 Hrs	-	72 Hrs	N	N	Facilities Management	
AD	13	03	Security CCTV Recording for Property or Facility	Records include digitally created Closed Circuit Television Video (CCTV) Security video files or audio from physical structure assets. Records may also contain supporting meta data material and/or evidence related to the incident.	31 Days	-	31 Days	N	N	Facilities Management	
AD	14		Building and Property Operations and Maintenance	Records relating to the operation and maintenance of city buildings, facilities, and structures including janitorial and cleaning services, grounds maintenance, and activities are pertaining to mechanical systems and utilities. Utility systems include air conditioning, ventilation, heating, other environmental control systems, lighting and electrical systems, water, and plumbing systems. Grounds maintenance includes the maintenance of the grounds around buildings and properties.	C+2	4	C+6	N	N	Facilities Management	
AD	14	01	Building and Property Inspections	Records relating to the inspection of leased and owned city buildings, facilities, structures, and properties.	C+2	P	P	N	N	Facilities Management	
AD	15		Facility Bookings	Records associated with the booking of facilities at municipal sites including permits for the use of City-owned parks and recreational facilities.	C+2		C+2	N	N	Facilities Management	
AD	17		Incident/Accident Reports	Records associated with accidents involving City personnel	T + 2	3	T+5	N	N	Originating	T=Completion of investigation and Corrective Actions

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
AD	18		COVID-19 Symptom Screening Assessments	Records associated with employee and visitor COVID-19 symptom screening assessments completed prior to entering City of Hamilton facilities or City of Hamilton sanctioned events. Includes paper or electronic assessment results.	30 days		30 days	N	N	Originating	

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
CO	02		Council Agendas, Minutes and Original Supporting Documents	Records associated with Council agendas, minutes and original supporting documents to agendas and minutes. This records series includes communications, committee reports, original motions/notices of motion, Council Communication Updates and Closed Session minutes and documentation.	P	P	P	Y	Y	Clerks	
CO	03		Council Standing Committees and Supporting Documents	Records associated with Standing Committee of Council including Committee of the Whole (COW) and Board of Health agendas, minutes, reports and original supporting documents. This records series includes communications, delegation requests, staff reports, staff presentations, original motions/notices of motion, and Closed Session minutes and documentation.	P	P	P	Y	Y	Clerks	
CO	06		Meeting Recordings	Records associated with audio and visual recordings of Council Meetings, Standing Committee Meetings, and Subcommittee Meetings - maintained as a resource tool only - not considered the official records of Council/Committee proceedings. Excludes recordings of Citizen Advisory Committees, which are livestreamed to meet the open meeting requirements under the <i>Municipal Act</i> , but are otherwise considered transitory records.	T		P	N	Y*	Clerks	T=Term of Office *Only applied to Inaugural Meeting of Council Subject to archival review at end of term of Council

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
CO	09	02	Vital Statistics - Documentation	Includes records of vital events including marriage applications, voided marriage licenses and death registration paperwork (including Form 17s). This series does not include Marriage and Death Registers.	C	3	C+3	N	N	Clerks	

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
DP	07		Official Plan - Former Municipalities	Records associated with the official plans from the former 7 municipalities - Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, Stoney Creek and Regional Municipality of Hamilton Wentworth.	C+1	P	P	Y	Y	Planning	
DP	08		Official Plan Amendments - Former Municipalities	Records associated with official plan amendments for various official plans from the 7 former municipalities - Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, Stoney Creek and Regional Municipality of Hamilton Wentworth.	T+1	49	T+50	Y	Y	Planning	T=Final Decision
DP	13	05	Provincial Planning Legislation - LPAT Reform	Records associated with provincial legislation related to LPAT reform.	C+5	P	P	N	Y	Planning	
DP	16		Severances	Records associated with the division of parcels of land. This series includes applications, background information, appeals and decisions of the Local Planning Appeal Tribunal.	T	P	P	Y	Y	Planning	T=Final Decision
DP	17		Site Plan Control	Records associated with the approval procedure of providing services to buildings and individual lanse sites. This records series includes information on access, sewers, water, utilities, appeals and decisions of the Local Planning Appeal Tribunal.	T	49	T+50	Y	Y	Planning	T=Final Decision

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
DP	19		Variances	Records associated with the approval of applications for variances or the expansion of non-conforming uses of land under the zoning by-law. This series includes notices, reports and necessary documents including appeals and decisions of the Local Planning Appeal Tribunal.	T	3	T+3	Y	Y	Planning	T=Final Decision
DP	20	01	Zoning	Records associated with the development of standards to designate zones of land for specific purposes. This records series includes applications for zoning and rezoning, reports, notices, approvals, reviews, appeals, Development Agreement comments and decisions of the Local Planning Appeal Tribunal.	P	P	P	Y	Y	Planning/Building	
DP	21		Easements	Records associated with the municipality's interest in maintaining public services such as water and sewer on privately owned property and constructing a right-of-way road or erecting utility structures, for example.	T	7	T+7	N	N	Public Works	T= Discharge of the right in the land registry office.
DP	37	03	Landscape Drawings and Specifications	Records relating to the production, use, and storage of master copies of landscape drawings. Landscape drawings demonstrate design solutions and define construction materials and standards.	S	P	P	Y	Y	Originating Department	Current version is Vital.

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
ES	01		Operational - Water, Storm and Waste Water	Records relating to the ongoing operation, inspection, maintenance, service programs of water infrastructure which may include but is not limited to: sewers, resevoirs, towers, water treatment plants, water mains, pumping stations, CSO infrastructure and other assets in the distribution system.	C + 5	P	P	Y	N	Public Works	
ES	01	01	Preventative Maintenance - Water, Storm and Waste Water	Records relating to the preventative maintenance of water infrastructure.	C + 5	P	P	N	N	Public Works	
ES	04	01	Urban Forestry Planning and Management	Records relating to the management and preservation of trees and forests located in City of Hamilton parks, cemeteries and Right-of-Way. This includes information relating to the planting, maintenance, protection, and removal of trees. May also include information on mineral deposits, tree diseases, soil analysis, pesticide spraying, pruning, and planting regimens.	T+2	18	T + 20	N	N	Public Works	T = End of life of asset
ES	08	01	Garbage Collection and Routes	Records relating to solid waste garbage collection and route pick-ups within the City of Hamilton. This includes garbage collection from residential, commercial, and industrial sites.	C+1	9	C+10	N	Y	Public Works	

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
ES	08	02	Waste Disposal and Landfill Areas	Records relating to the maintenance and use of landfills for disposal of routine and hazardous waste materials. Landfills are ground depressions which accommodate wastes and isolate them from the surrounding environment. Also includes information on disposal user fees for commercial, industrial, and restaurant organizations, waste disposal statistics and reports, and correspondence.	C+2	P	P	N	Y	Public Works	
ES	08	03	Resource Recovery Centres	Records relating to the provisions and operation of Resource Recovery Centres. These facilities accept and process solid waste materials, remove contaminants, and recover recyclable materials wherever possible.	C+2	P	P	N	Y	Public Works	
ES	08	04	Composting	Records relating to the composting of food waste, leaves and other organic wastes. Composting refers to the decomposition of plant remains, and other once-living materials, to form organic plant nutrients. Includes information on residential backyard composting and use of composter equipment.	T	15	T+15	N	N	Public Works	T = Completion of statistical reporting.
ES	08	05	Waste Recycling	Records relating to the reduction, reuse, and recycling of solid and liquid waste materials. Includes the recycling of newspapers, cardboard, other curb side materials, automobile tires, white goods, scrap metal, and soil. May also include information about recycling operations at transfer stations.	C+1	9	C+10	N	Y	Public Works	

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
ES	08	06	Household Hazardous Wastes	Records relating to the collection and processing of household hazardous wastes that pose a health and safety hazard, such as paint, batteries, antifreeze, and adhesives.	C+1	9	C+10	N	Y	Public Works	
ES	08	07	Transfer Stations Operations	Records relating to the operations of transfer stations, which serve as drop-off points for waste haulers. .	C+2	P	P	N	Y	Public Works	
ES	12		Water Quality	Records relating to the testing, control, and monitoring of drinking water quality. Water Quality testing is required by the SDWA and its Regulations, an approval, municipal drinking water licence or order, including an OWRA approval or OWRA order.	T+2	13	T+15	N	N	Public Works	
ES	12	01	Water Supply	Records relating to the City's supply of potable water for drinking and commercial purposes.	T+2	13	T+15	N	N	Public Works	
ES	12	02	Spill Investigations	Records relating to water quality investigations of spills that occur within the City of Hamilton	T	16	T+16	N	Y	Public Works	T = Completion of investigation.
ES	13		Corporate Energy Policy	Records relating to the development of the Corporate Energy Policy.	S	10	S+10	Y	Y	Public Works	
ES	13	01	Energy and Commodity Contracts	Records relating to the purchase, sale, delivery and storage of Energy Commodities and the consideration of price hedging for Energy Commodities.	S	P	P	Y	N	Public Works	
ES	13	02	Energy and Commodity Data	Records relating to energy usage spending and baseline tracking.	C+10	P	P	N	N	Public Works	Baseline tracking begins in 2005.

C - Current Year; P - Permanent; S- Superseded; T - Termination of an event

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
ES	14		Energy Retrofit Projects	Records relating to the design and construction of retrofit projects.	T+2	4	T+6	N	Y	Public Works	T = End of Warranty Period.

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
HR	13		Employee Terminated Records	Records associated with employment terminations other than retirement	T	20	T+20	N	N	Human Resources	T=last day of employment

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
LA	01		Appeals and Hearings (including LPAT & Property Standards)	Records associated with appeals, hearings and decisions from legal proceedings, documentation and transcripts.	T	6	T + 6	Y	Y	Legal	T=Resolution of appeal

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
PC	03	01	Cemetery Burial Plot Records	Records relating to burial permits, contracts, cremation certificates, maps, plot ownership records (deeds), lot cards, interment registers, and indexes for municipal cemeteries and abandoned cemeteries, land registry.	C	P	P	N	Y	Cemeteries	
PC	04	01	Park and Cemetary Maintenance	Records relating to the maintenance and routine operation of municipal cemeteries, parkland, playgrounds, and open spaces. May include information on staffing requirements, timesheets, conditions, facility statistics, and suggested improvements, such as path paving and lighting.	C+2	18	C+20	N	N	Parks & Recreation & Cemeteries	

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
PE	01	02	By-law Enforcement - Other	Records associated with inspections for enforcement of the zoning by-law, property standards by-law, licensing by-law, heat by-law, noise by-law, yard waste and maintenance by-law and vital services by-law. This record series includes Order to Comply and Notices of Violation issued under the authority of municipal by-laws and legal action resulting from enforcement of these by-laws and Action Requests received by the municipality.	2	6	8	N	Y	Originating Department	
PE	01	03	Mobile Sign Permits	Records associated with the issuance of mobile sign permits granted to a business or an individual.	T	25	T+25	N	N	Originating Department	T= Termination of permit
PE	02		Hazardous Materials Transportation and Storage	Records relating to the handling, transportation and storage of hazardous materials. Hazardous materials are any substance or material which may result in health injuries, destruction of life and environmental conditions, and facility damage. This includes toxic, flammable, corrosive, and explosive materials.	C+1	2	C+3	N	N	Originating Department	
PE	06		Investigations	Records associated with protection and enforcement services investigations (NOT including Human/Animal Contact Exposure Investigations, see PE 06 01)	C+2	8	10	N	Y	Originating Department	

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
PE	06	01	Human/Animal Contact Exposure Investigations	Records associated with Human/Animal Contact Exposure Investigations, including officer notes, Amanda files, and officer investigation documents.	T+2	4	T+6	N	N	Animal Control	
PE	07	01	Licences/Permits - Trade, Establishment, Mobile	Records associated with licences issued or denied to citizens and businesses, excluding marriage licences. This record series includes expired licences. This record series also includes the records of staff at Residential Care Facilities and applications for licences.	T	25	T+25	N	Y	Parking & By-law Services	T=termination and/or expiry of licence, or date of denial
PE	07	02	Licensing Inspections	Records associated with inspections for establishment and mobile licences including insurance records, and certificates of safety. This series also includes inspection reports from the Traffic Department, Public Health Services (Public Health Inspectors and Nursing Inspectors, Fire Prevention and Community Services - Subsidy and Hostels and MLE Inspectors. NOTE: Does not include Taxi/Vehicle Inspections (see PE 07 04)	C+2	15	C+17	N	N	Parking & By-Law Services	
PE	07	03	Licensing - Lotteries	Records associated with charities licenced or denied to run municipal lotteries	4	3	7	N	N	Licensing	
PE	07	04	Taxi/Vehicle Inspection and Enforcement	Records associated with vehicle inspections for licensed taxis, etc., including orders to comply, officer investigation notes, Amanda files, and orders filed with the court.	T	25	T+25	N	N	Licensing	T=Termination of investigation/order/court order

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
PE	08	02	Building Plans and Specifications	Records associated with the issuance of Building Permits issued under the Building Code Act. This record series includes plans, specifications, and other correspondence.	C+2	P	P	N	N	Building	
PE	08	05	Building Permits Plans and Specifications, Other	Records associated with the issuance of permits issued under authority other than the Building Code Act. This record series includes plans, specifications, and other correspondence.	C+2	P	P	N	N	Building	
PE	13		Animal Control	Records associated with animal control. This records series includes licensing, files associated with the investigation of animal abuse, animal adoptions, animal confiscation, notices to comply with an order, and notices to pet owners.	C+2	4	C+6	N	N	Animal Control	
PE	14	01	Protective Equipment	Records relating to protective equipment used by various departments. Also includes maintenance and history files on equipment.	T	2	T+2	N	N	Originating Depart	T = Disposal of equipment.
PE	15		Taxicab Driver/Owner Training Courses	Records associated with taxicab driver/owner training courses. Records include taxi licences, driver records, driver photos, owner information, and classes attended by drivers for the purpose of driving a taxi.	T	25	T+25	N	N	Licencing	T=Termination of taxicab licence

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
PE	16		Provincial Offences Investigations	Records associated with Provincial Offences Act Investigations by Municipal Law Enforcement, including orders to comply, officer investigation notes, Amanda files, and orders filed with the court.	T+2	5	T+7	N	N	Parking & By-law Services	T=Termination of investigation/order/court order

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
TS	01	01	Lighting Installation and Maintenance	Records relating to the types and maintenance of lighting devices used to illuminate streets and pedestrian crossovers.	T+2	13	T+15	N	N	Public Works	T = Removal of Asset.
TS	03		Public Transit Operations	Records relating to the operation of public transit	C+2	7	C + 9	N	N	Public Works	
TS	03	02	Transit Customer Experience and Innovation	Records related to accessible transit service (ATS) and public consultation	C+1	10	C+11	N	N	Public Works	
TS	03	03	Transit Revenue	Records relating to fare and revenue collection	C+1	6	C+7	N	N	Public Works	
TS	03	04	Public Transportation Planning	Records relating to public transportation route planning.	C+2	10	C+12	N	N	Public Works	
TS	03	05	Public Transportation Scheduling	Records relating to public transportation scheduling	C+2	10	C+12	N	N	Public Works	
TS	03	06	Public Transportation Infrastructure	Records relating to public transportation infrastructure	C+2	17	C+19	Y	N	Public Works	
TS	04	01	Infrastructure Design and Construction	Records relating to the design and construction of horizontal and vertical infrastructure including roads, bridges, sidewalks, cycling paths, landfills, sanitary and storm sewers, waterfront, parks, trails.	T+2	13	T+15	N	Y	Public Works	T = End of Warranty Period or completion of construction, whichever is longer. Planning comments are maintained until project is undertaken and completed.

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
TS	06		Road Maintenance - Regular Maintenance	Records relating to the maintenance of roads that includes culverts, minor road surface repairs, curbs, medians, sidewalks, etc. It also includes ploughing, grading, salting and the removal of snow from the City main roadway, bike lanes and sidewalks, which are undertaken to ensure public safety.	T + 2	13	T+15	Y	N	Public Works	T=Completion of project/Maintenance and repairs completed.
TS	06	01	Roads Maintenance - Water/Wastewater/Storm water Assets	Records relating to the maintenance of City roads. This includes the ongoing maintenance of culverts, catch basins, storm sewers, water mains, curbs, and medians. May include information on grading, minor road surface repairs, and securing safe use of manholes.	T+2	3	T+5	N	N	Public Works	T = Life of Asset
TS	06	02	Roads Inventory Management	Records relating to the management of roads inventory and classification data, which list road names and areas. These data document the status and condition of City roads, including both major arterial roads and minor roads.	S	P	P	N	N	Public Works	
TS	06	02	Road Maintenance Standards and Reports	Records relating to the inspection and reporting on the maintenance standards within the road right-of-way, specified by the municipal act, or standards modified by council approval. Including but not limited to maintenance standards for lighting, sidewalks, bike lanes, roadways, traffic signs and signals, bridges deck spalls, winter patrol regulatory signs, weather monitoring.	S + 2	13	S + 15	Y	Y	Public Works	

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
TS	06	03	Road Assumptions and Reversions	Records relating to issues and decisions concerning road assumptions and reversions. Road assumptions concern roads for which the City assumes responsibility for maintenance, whereas road reversions concern roads for which non-municipal organizations assume maintenance responsibility (e.g. roads running through private property).	T	15	T+15	N	Y	Public Works	T = Completion of case.
TS	07		Traffic Signs and Signals Equipment	Records relating to the manufacture, installation, and inspections of traffic signs and signals equipment.	T+2	13	T + 15	N	N	Public Works	T = Removal of Asset.
TS	08		Traffic Control Signals, Pedestrian Crossovers, and Turn Lanes/Intersections	Records relating to the investigative and analytical decision-making processes used to determine the need to install, improve, or remove traffic control signals (TCS), pedestrian crossovers (PXO), and turn lanes at intersections.	T + 2	13	T + 15	Y	N	Public Works	T = End of life of asset
TS	09	01	Temporary Road and Lane Closures	Records relating to temporary road closures for purposes of construction and events such as parades and movie filming.	T	15	T+15	N	N	Public Works	T = Expiration of granted order.
TS	10	01	Bridge Maintenance	Records relating to the routine and ongoing maintenance and repairs of City bridges.	T+2	13	T+ 15	Y	Y	Public Works	T = Maintenance and repairs completed.
TS	13		Sidewalk Maintenance	Records relating to the sidewalk inspection program, sidewalk maintenance, temporary and permanent repairs of City sidewalks. Excludes winter maintenance (see TS 06)	T+2	13	T+15	N	N	Public Works	T = Maintenance or orders completed, or until next inspection cycle.

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
TS	14		Motor Vehicle Accident Investigations	Records relating to motor vehicle accident reports and investigations including road conditions, lighting, etc. as well as investigative and analytical decision-making processes used to determine the need to install, improve, or remove traffic control signals (TCS), pedestrian crossovers (PXO), and turn lanes at intersections.	T	4	T+4	N	N	Public Works	T=completion of investigation and Corrective Actions
TS	15		Engineering Drawings and Specifications	Records relating to the production, use, and storage of master copies of engineering drawings. Engineering drawings demonstrate design solutions and define instrumentation requirements.	S	P	P	Y	Y	Public Works	
TS	15	01	Engineering Business Planning Programs	Records relating to citywide or large geographic area studies, material reviews, program specific consulting and business planning records	C+2	P	P	Y	Y	Public Works	
TS	15	02	Engineering Standards, Policies and Quality Assurance	Records relating to standards, policies, and quality assurance for engineering projects	S	P	P	Y	Y	Public Works	

Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
VE	01		Fleet Management	Records relating to the management and maintenance of leased or owned city vehicles. May include cars, trucks, vans, garbage collection vehicles, snow removal vehicles, street cleaning vehicles, busses etc.	T	2	T+2	N	N	Public Works	T = Life of asset.
VE	02		Transportable and Mobile Equipment	Records relating to transportable equipment (equipment not intended to be carried by a person nor intended for fixed installation) and mobile equipment.	T	2	T+2	N	N	Fleet Services	T=Life of Equipment
VE	05		Garage Management	Records relating to the management of City vehicle garages including inspections and maintenance.	C	1	C+1	N	N	Fleet Services	
VE	05	03	Vehicle Inspections	Records relating to vehicle inspections conducted by the City and other organizations.	C	2	T + 2	N	N	Fleet Services	T=Termination of asset/vehicle
VE	05	04	Vehicle Fuel Records	Records relating to fuel usage records for City vehicles. Notes: Liquid Fuels Handling Code – Document Ref. No.: FS-235-18 1. Clause 1.2.4 is revoked and the following substituted: 1.2.4. Except for section 3.2.2, any record required to be created, maintained or retained by this Code shall be kept for seven years.	C	6	C + 6	N	N	Fleet Services	

Authority: Item 3, Planning Committee
Report: 21-005 (PED21060)
CM: April 14, 2021
Ward: 1

Bill No. 056

CITY OF HAMILTON

BY-LAW NO. 21-

To Adopt:

**Official Plan Amendment No. 147 to the
Urban Hamilton Official Plan**

Respecting:

**196 George Street
(former City of Hamilton)**

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

1. Amendment No. 147 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 April, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 147

The following text, together with Appendix “A” – Volume 2, Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. 147 to the Urban Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to redesignate the lands and to establish a Site Specific Policy to permit a multiple dwelling in the form of stacked townhouse development with a maximum building height of two and a half storeys and a maximum residential density of 113 units per hectare.

2.0 **Location:**

The lands affected by this Amendment are known municipally as 196 George Street, in the former City of Hamilton.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan;
- The proposed development is compatible with the existing and planned development in the immediate area;
- The proposed development supports the achievement of a complete community and is in proximity to existing community facilities / services including public transit, schools and recreational facilities; 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

Text

4.1.1 Chapter B-6 – Hamilton Secondary Plans – Section B.6.6 – Strathcona Secondary Plan

- a. That Volume 2, Chapter B-6 – 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 N

B.6.6.15.14 For the lands located at 196 George Street, designated Medium Density Residential 2 and identified as Site Specific Policy – Area N on Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.5.7 of Volume 1, the *net residential density* for a 12 unit *multiple dwelling* shall be greater than 60 units per hectare and not greater than 113 units per hectare.
- b) Notwithstanding Policy E.3.5.8 of Volume 1 and Policy B.6.6.5.4 c) of Volume 2, the minimum building height shall be 2 storeys and the maximum building height shall be 2.5 storeys for a 12 unit *multiple dwelling*.”

Maps

4.1.2 Map

- a. That Volume 2, Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan be amended by redesignating the subject lands from Low Density Residential 3 to Medium Density Residential 2 and identifying the subject lands as Site Specific Policy – Area N as shown on Schedule “A” 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. 21-056 passed on the 28th day of April, 2021.

**The
City of Hamilton**

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix A
 APPROVED Amendment No. 147
 to the Urban Hamilton Official Plan

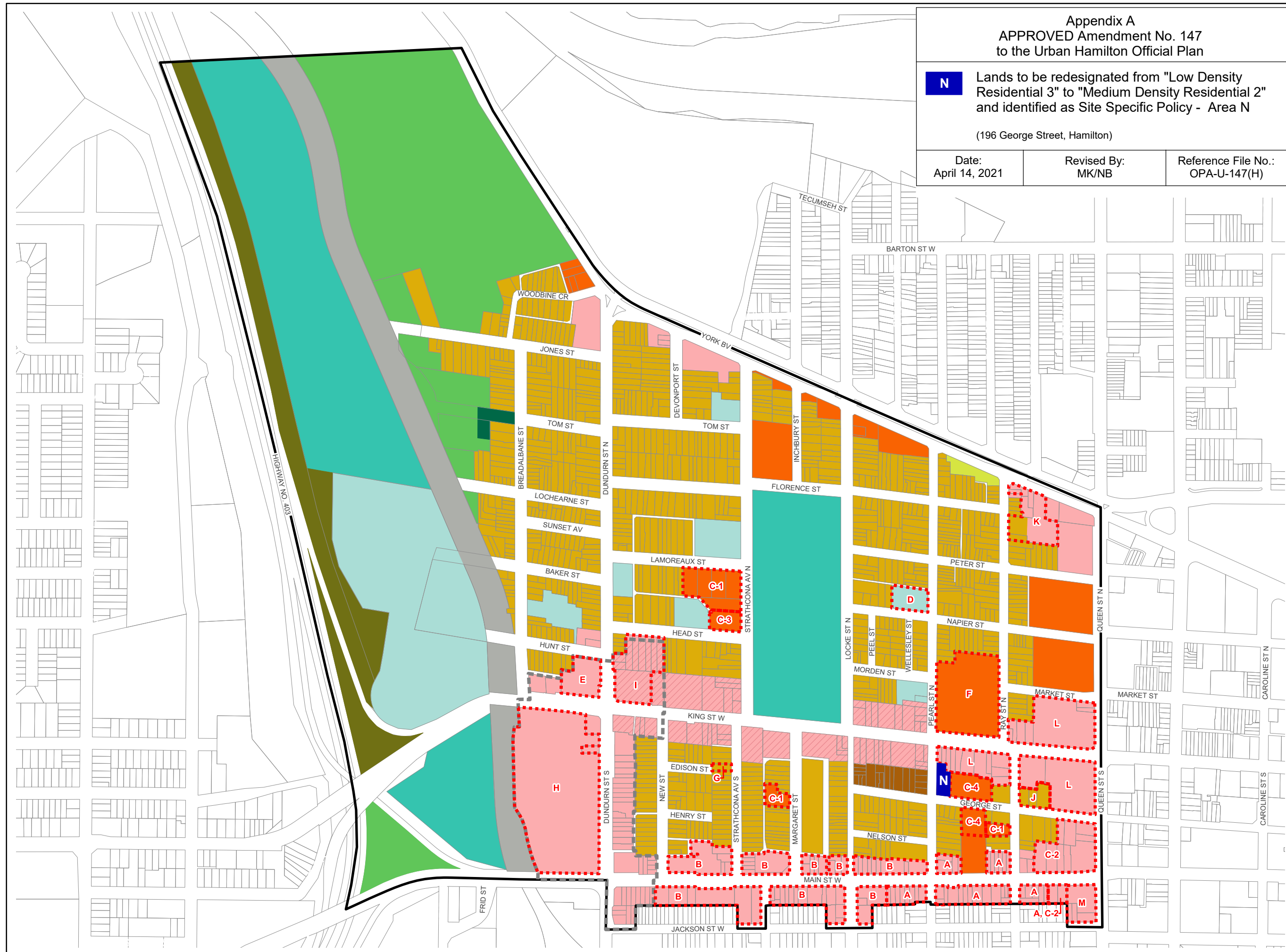
N Lands to be redesignated from "Low Density Residential 3" to "Medium Density Residential 2" and identified as Site Specific Policy - Area N

(196 George Street, Hamilton)

Date:
 April 14, 2021

Revised By:
 MK/NB

Reference File No.:
 OPA-U-147(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**

Authority: Item 3, Planning Committee
Report: 21-005 (PED21060)
CM: April 14, 2021
Ward: 1

Bill No. 057

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 6593 Respecting Lands Located at 196 George Street, Hamilton

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

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

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws 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. 6593 (Hamilton) was enacted on the 25th day of July 1950, which was approved by the Ontario Municipal Board by Order dated the 7th date of December 1951, (File. No. O.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 3 of Report 21-005 of the Planning Committee, at its meeting held on the 14th day of April, 2021, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the City of Hamilton Official Plan of the City of Hamilton upon finalization of OPA No. 147.

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

1. That Sheet No. W12 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to the “DE-2/S-1807” (Multiple Dwellings) District, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule “A”.
2. That the “DE-2” (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Section 2.(2)J.(xiii), for the purposes of this By-law, Pearl Street South shall be deemed the front lot line.
- b) That notwithstanding Section 10B.(2)(ii), no building or structure shall exceed two and one-half storeys or 13.0 metres in height.
- c) That notwithstanding Section 10B.(3)(i)(b), a front yard depth not less than 2.0 metres.
- d) That notwithstanding Section 10B.(3)(ii)(b):
 - i) A side yard width, abutting a street, of not less than 3.5 metres, except 1.2 metres to the hypotenuse of a daylight triangle; and,
 - ii) An interior side yard width of not less than 1.0 metres.
- e) That notwithstanding Section 10B.(3)(iii)(b), a rear yard depth not less than 6.0 metres.
- f) That Section 10B.(5) shall not apply.
- g) That notwithstanding Section 10B.(6), a minimum 18% of the area of the area of the lot shall be maintained as landscaped area. A minimum of one porch or balcony shall be provided for each dwelling unit.
- h) That notwithstanding Sections 18.(3)(vi)(cc), 18.(3)(vi)(d) and 18.(3)(vi)(e), a balcony or porch may project a maximum 2.2 metres into any yard provided no such projection shall be closer than 0.75 metres from any lot line, except 0.0 metres from the hypotenuse of a daylight triangle. Exterior stairs providing access to a dwelling unit may be located 0.0 metres from a street line.
- i) That Section 18A.(1)(b) shall not apply.
- j) That Section 18A.(1)(c) shall not apply.
- k) That notwithstanding Sections 18A.(1)(f), no manoeuvring space shall be required abutting and accessory to two 90 degree parking spaces accessed from Pearl Street South. For all other parking spaces, manoeuvring space abutting upon and accessory to each required parking space, shall have an aisle width mentioned in Column 2 of Table 6 for each parking space having a parking angle mentioned in Column 1.
- l) That Section 18A.(11) shall not apply.
- m) That Section 18A.(12) shall not apply.

- n) That notwithstanding Section 18A.(24), no mutual access driveway shall be required for two parking spaces accessed from Pearl Street South. For all other parking spaces, every parking area shall have not more than ten parking spaces and shall have not less than one access driveway or mutual access driveway, having a width of at least 3.6 metres.
 - o) That notwithstanding Section 18A.(30), every parking space and loading space shall be maintained with a stable surface such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition. Every access driveway, drive-aisle and maneuvering space shall be maintained with a Low Impact Development permeable hard-surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition.
- 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 “DE-2” (Multiple Dwellings) District provisions, subject to the special requirements referred to in Sections 1 of this By-law.
 - 4. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1807.
 - 5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 28th day of April, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-19-023
UHOPA-19-006



<p style="text-align: center;">This is Schedule "A" to By-law No. 21-</p> <p style="text-align: center;">Passed the day of, 2021</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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<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 21-_____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property 196 George Street</p> <p> Change in zoning from the "D/S-1787" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified to the "DE-2/S-1807" (Multiple Dwellings) District, Modified</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-19-023/UHOPA-19-006</p>	
<p>Date: March 9, 2021</p>	<p>Planner/Technician: MK/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 4, Planning Committee
Report: 21-005 (PED21061)
CM: April 14, 2021
Ward: 14

Bill No. 058

CITY OF HAMILTON

BY-LAW NO. 21-

To Adopt:

**Official Plan Amendment No. 148 to the
Urban Hamilton Official Plan**

Respecting:

**555 Sanatorium Road
(former City of Hamilton)**

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

1. Amendment No. 148 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 April, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 148

The following text, together with:

Appendix “A”	Volume 1: Schedule “E-1” Urban Land Use Designations
Appendix “B”	Volume 2: Map B.6.3-1 – Land Use Plan, Chedmac Secondary Plan

attached hereto, constitutes Official Plan Amendment No. 148 to the Urban Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to redesignate the subject lands and to establish a Site Specific Policy Area within the Chedmac Secondary Plan to permit a multiple dwelling within an existing building.

2.0 **Location:**

The lands affected by this Amendment are known municipally as 555 Sanatorium Road, in the former City of Hamilton.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposal allows the preservation and adaptive reuse of a *built heritage resource*.
- The proposal contributes to the provision of a range of dwelling units within the Chedmac Secondary Plan Area.
- 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 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 the subject lands from “Institutional” to “Neighbourhoods”, as shown on Appendix “A”, attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.3 – Chedmac Secondary Plan

- a. That Volume 2: Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.3 – Chedmac Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area C

- B.6.3.7.3 Notwithstanding Policy E.3.5.7 of Volume 1 and Policy B.6.3.2.4 b), for the lands located at 555 Sanatorium Road, and identified as Site Specific Policy – Area C on Map B.6.3.1 – Chedmac Secondary Plan – Land Use Plan, the *net residential density* shall be greater than 49 units per hectare and shall not exceed 100 units per hectare, within the existing *built heritage resource* known as the “Southam” Building.”

Maps

4.2.2 Map

a. That Volume 2: Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan be amended by:

- i) redesignating lands from “Institutional” to “Medium Density Residential 3”; and,
- ii) identifying the subject lands as Site Specific Policy – Area C,

as shown on Appendix “B”, 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. 21-058 passed on the 28th day of April, 2021.

The City of Hamilton

F. Eisenberger
Mayor




A. Holland
City Clerk

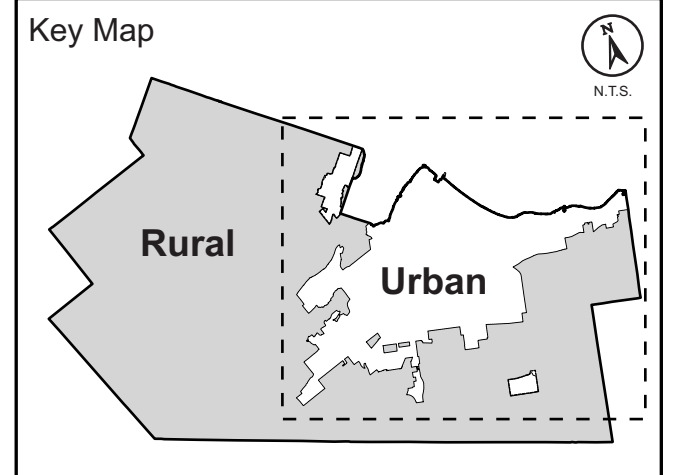
Appendix A
APPROVED Amendment No. 148
 to the Urban Hamilton Official Plan

 Lands to be redesignated from "Institutional" to "Neighbourhoods"
 (555 Sanatorium Road, Hamilton)

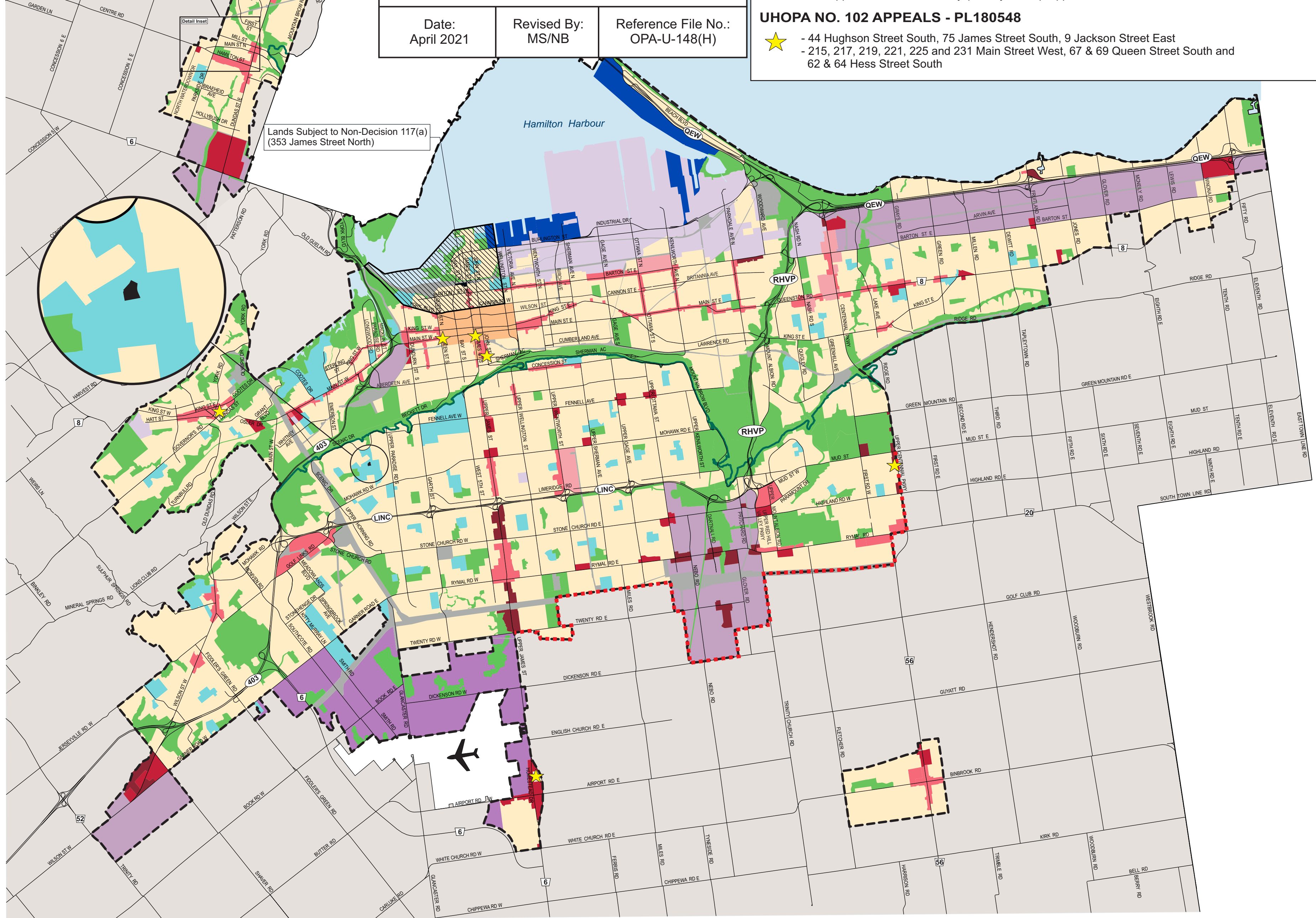
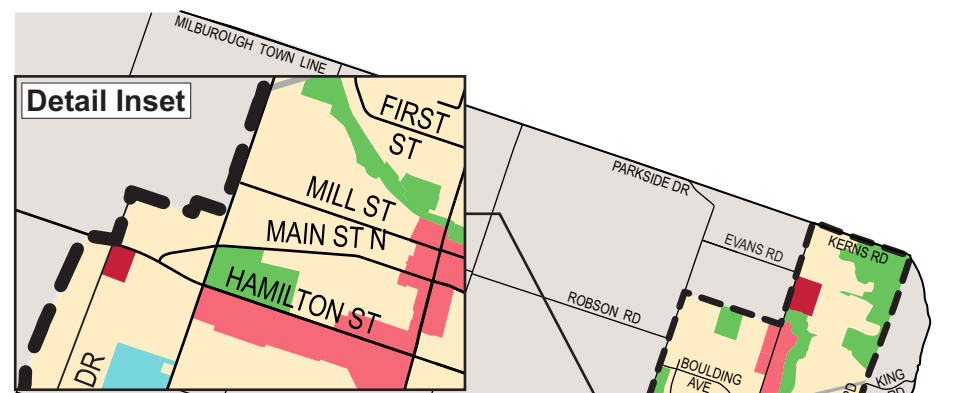
Date: April 2021	Revised By: MS/NB	Reference File No.: OPA-U-148(H)
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APPEALS

-  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
 - 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



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.



-  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: Dec. 9, 2020

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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Appendix B
 APPROVED Amendment No. 148
 to the Urban Hamilton Official Plan

 Lands to be redesignated from "Institutional" to "Medium Density Residential 3"

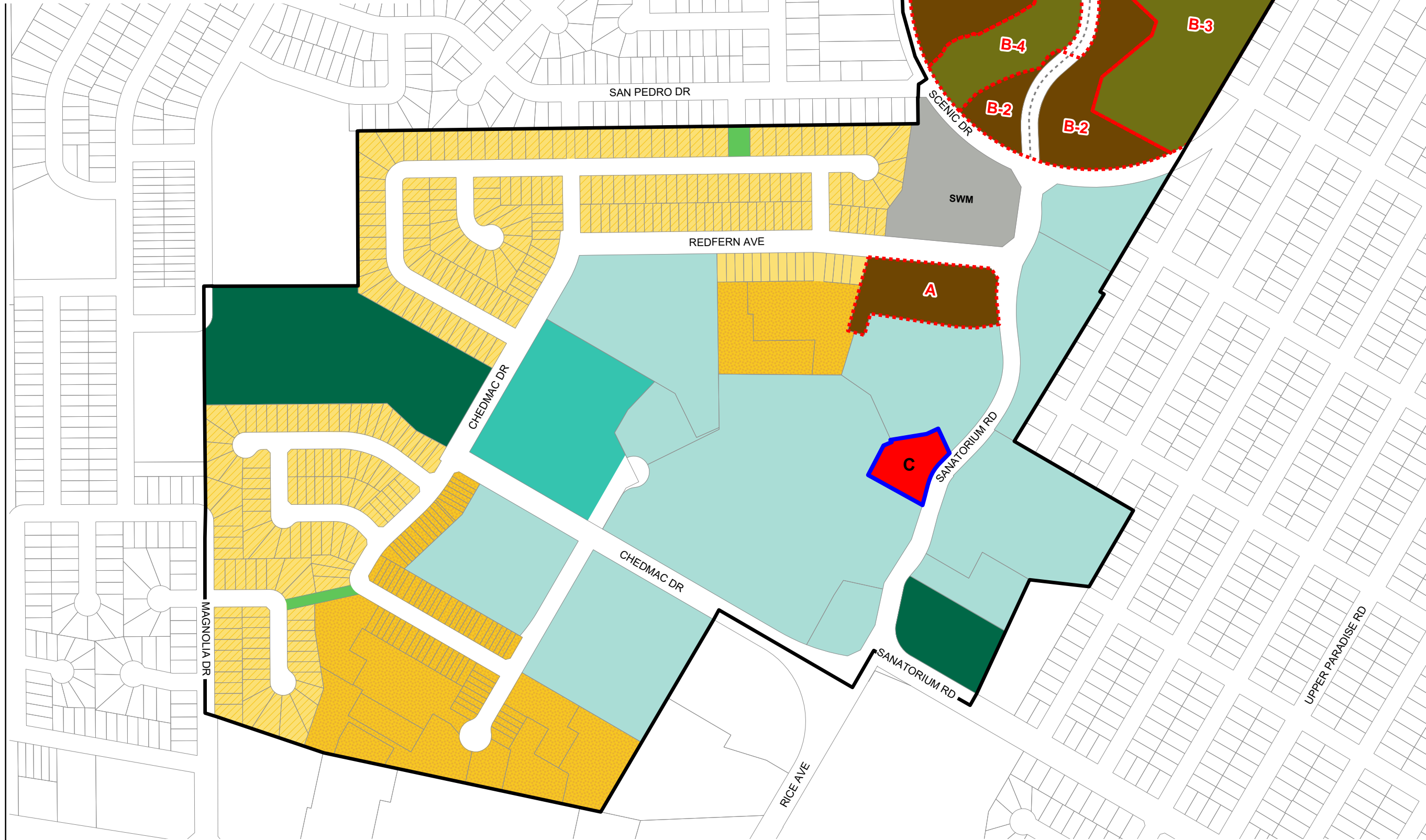
 Lands to be identified as Site Specific Policy - Area C

(555 Sanatorium Road, Hamilton)

Date:
 April 2021





Revised By:
 MS/NB

Reference File No.:
 OPA-U-148(H)



Legend





Residential Designations

-  Low Density Residential 1
-  Low Density Residential 1a
-  Low Density Residential 2c
-  Medium Density Residential 3



Parks and Open Space Designations

-  Neighbourhood Park
-  Community Park
-  General Open Space
-  Natural Open Space

Other Designations

-  Institutional
-  Utility
-  Area or Site Specific Policy
-  Storm Water Management

Other Features

-  Proposed Private Roads
-  Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Chedmac
Secondary Plan
 Land Use Plan
 Map B.6.3-1



Authority: Item 4, Planning Committee
Report 21-005 (PED21061)
CM: April 14, 2021
Ward: 14

Bill No. 059

CITY OF HAMILTON

BY-LAW NO. 21-

To amend Zoning By-law No. 05-200 with respect to lands located at 555 Sanatorium Road, Hamilton

WHEREAS Council approved Item 4 of Report 21-005 of the Planning Committee, at its meeting held on April 14th, 2021;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Urban Official Plan Amendment No. 148;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

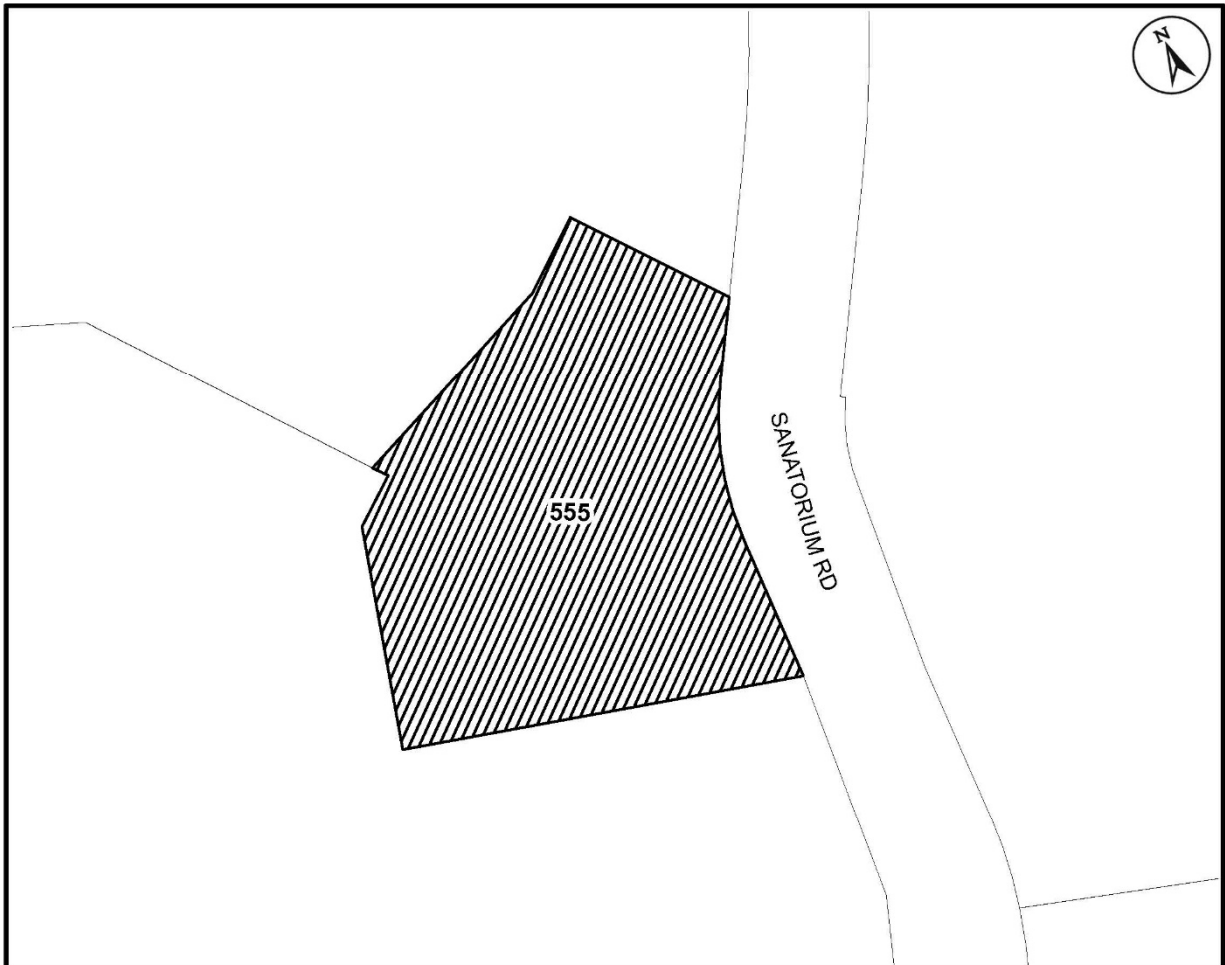
1. That Map 1080 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 740, H35) Zone, for the lands attached as Schedule "A" to this By-law.
2. That Schedule "C": Special Exceptions is amended by adding the following new Special Exception:
 - "740. Within the lands zoned Major Institutional (I3) Zone, identified on Map 1080 of Schedule "A" – Zoning Maps and described as 555 Sanatorium Road, Subsection 8.3.2.2 c) shall not apply to the building existing on the date of the passing of this By-law.
3. That Schedule "D" – Holding Provisions be amended by adding the additional Holding Provision as follows:
 - "35 Notwithstanding Section 8.3 of this By-law, within lands zoned Major Institutional (I3, H35) Zone, identified on Maps 1080 and 1129 of Schedule A – Zoning Maps and described as 555 Sanatorium, no development shall be permitted until such time as:
 - i) The applicant completes and implements an updated Functional Servicing Report (FSR) and sanitary sewer capacity analysis, to the satisfaction of the Manager of Development Approvals."
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 28th day of April, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-20-009
UHOPA-20-04



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
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Schedule "A"


Map forming Part of
By-law No. 21-_____

to Amend By-law No. 05-200
Map 1080

Subject Property

555 Sanatorium Road

 Change in zoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 740, H35) Zone

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-009 & UHOPA-20-004</p>	 Hamilton
<p>Date: December 18, 2020</p>	<p>Planner/Technician: MS/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 6, Planning Committee
Report 21-006 (PED21072)
CM: April 28, 2021
Ward: 7

Bill No. 060

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 6593 Respecting Lands Located at 18 Miles Road, Hamilton

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

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

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

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

AND WHEREAS, the Council of the City of Hamilton, in adopting Item 6 of Report 21-006 of the Planning Committee, at its meeting held on the 28th day of April 2021, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

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

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

1. That Sheet No. E27e of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, by changing the zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District on the lands the extent and boundaries of which are shown as **Block 1** on a plan hereto annexed as Schedule "A".

2. That Sheet No. E38e of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, by changing the zoning from the “B” (Suburban Agriculture and Residential etc.) District to the “C” (Urban Protected Residential, etc.) District on the lands the extent and boundaries of which are shown as **Block 2** on a plan hereto annexed as Schedule “A”.
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 “C” (Urban Protected Residential, etc.) District.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 28th day of April, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAR-19-026



<p style="text-align: center;">This is Schedule "A" to By-law No. 21-</p> <p style="text-align: center;">Passed the day of, 2021</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> <h3 style="margin: 0;">Map forming Part of By-law No. 21- _____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	<p>Subject Property 18 Miles Road, Gianbrook</p> <ul style="list-style-type: none"> Block 1 – Change in Zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District Block 2 – Change in Zoning from the "B" (Suburban Agriculture and Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-19-026</p>	
<p>Date: March 17, 2021</p>	<p>Planner/Technician: JV/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 14, Committee of the Whole
 Report 01-003 (FCS01007)
 CM: February 6, 2001
 Ward: 1, 2, 5, 10, 11, 12, 13

Bill No. 061

**CITY OF HAMILTON
 BY-LAW NO. 21-
 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	Ewen	East	from 101.3m south of the extended south curb line of Ofield to 14.4m southerly	30 min	Anytime	Anyday	Deleting
6 - Time Limit	E	Ewen Road	East	212 metres north of Whitney Avenue to 32 metres north thereof	30 min	Anytime	Anyday	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	D	Cutts Crescent		89 metres north of Pumpkin Pass (west intersection) to 31 metres north thereof	Anytime	Adding
8 - No Parking	D	Cutts Crescent		90 metres north of Pumpkin Pass (east intersection) to 30 metres north thereof	Anytime	Adding
8 - No Parking	F	Edgewater Drive (West & North Leg)	East & South	From 23m south of the north leg of Edgewater to 23m east of the west leg of Edgewater	Anytime	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 2 of 3

8 - No Parking	E	Ewen Road	East	53 metres south of Main Street West to 233 metres south thereof	Anytime	Adding
8 - No Parking	E	Ewen Road	East	198 metres north of Whitney Avenue to 17 metres north thereof	Anytime	Adding
8 - No Parking	G	King William Street	North	60 metres west of Wellington Street North to 6 metres west thereof	Anytime	Adding
8 - No Parking	E	Vienna Street	South	24 metres east of Meritage Lane to 6 metres east thereof	Anytime	Adding
8 - No Parking	F	Edgewater Drive (West & North Leg)	East & South	From 27m south of the north leg of Edgewater to 23m east of the west leg of Edgewater	Anytime	Deleting
8 - No Parking	E	Ewen	East	from 59m south of Main to 101.3m south of the extended south curb line of Ofield	Anytime	Deleting
8 - No Parking	E	King William	North	from 19.5m west of Wellington to 57m westerly	Anytime	Deleting
8 - No Parking	E	King William	North	from 29.5m east of John to 35.5m easterly	Anytime	Deleting
8 - No Parking	E	Mary	East	Wilson to 47 ft. north	Anytime	Deleting

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
12 - Permit	E	Catharine Street North	East	70 metres north of Barton Street to 5.5 metres north thereof	Anytime	Adding
12 - Permit	E	Catharine Street North	West	9 metres north of Barton Street East to 5.5 metres north thereof	Anytime	Adding
12 - Permit	E	Catharine Street North	East	78 meters north of Barton Street East to 6.0 meters north thereof	Anytime	Deleting
12 - Permit	F	Edgewater	South	From 216.1m northerly and easterly of the western intersection with Harbour to 6.1m easterly	Anytime	Deleting

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
13 - No Stopping	E	Catharine Street North	East	Rebecca Street to 25 metres north thereof	Anytime	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

13 - No Stopping	E	King William Street	North	Wellington Street North to 54 metres west thereof	Anytime	Adding
13 - No Stopping	E	King William Street	North	86 metres west of Wellington Street North to 9 metres west thereof	Anytime	Adding
13 - No Stopping	E	Mary Street	East	20 meters south of Wilson Street to 47 meters south thereof	Anytime, Police Vehicles Only	Adding
13 - No Stopping	E	Mary Street	East	Wilson Street to 20 metres south thereof	Anytime	Adding
13 - No Stopping	E	Rebecca Street	North	25 metres east of Catharine Street North to 13 metres east thereof	Anytime	Adding
13 - No Stopping	C	Wesite Avenue	East	Harvest Road to 45 metres north thereof	Anytime	Adding
13 - No Stopping	C	Wesite Avenue	West	Harvest Road to 50 metres north thereof	Anytime	Adding
13 - No Stopping	E	King William	North	from 26.4m west of Wellington to 29m westerly	Anytime	Deleting

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
23 - Special Enf. Area	A	Artaban Road	Both	Lions Club Road to northerly 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.
- This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 28th day of April 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 31, Planning and Economic
Development Committee
Report 06-005
CM: April 12, 2006
Ward: 11

Bill No. 062

CITY OF HAMILTON
BY-LAW NO. 21-

To Amend Zoning By-law No. 05-200, Respecting Lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook

WHEREAS the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25th day of May 2005; and,

WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12th day of April, 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding Provision from By-laws where the conditions have been met.

AND WHEREAS the conditions of Holding Provision 102 for the lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook have been satisfied;

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

1. That Map Nos. 1748, 1749, 1785 and 1786 of Schedule "A" – Zoning Maps is amended by changing the zoning from Mixed Use Medium Density (C5, 652, H102) Zone to Mixed Use Medium Density (C5, 652) Zone for the lands identified in Schedule "A" attached to this By-law.
2. That Schedule "D" – Holding Provisions is amended by deleting Holding Provision 102.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED this 28th day of April, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 5px 0;">Map forming Part of By-law No. 21-_____</p> <p style="margin: 5px 0;">to Amend By-law No. 05-200 Map 1748, 1749, 1785 & 1786</p>	<p>Subject Property</p> <p>3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 & 3323 Homestead Drive, Glanbrook</p> <p> Change in zoning from Mixed Use Medium Density (C5, 652, H102) Zone to Mixed Use Medium Density (C5, 652) Zone.</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAH-21-016</p>	<p style="margin: 0;">Hamilton</p>
<p>Date: April 12, 2021</p>	<p>Planner/Technician: JR/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 31, Economic Development and
Planning Committee Report 06-005
CM: April 12, 2006
Ward: 9

Bill No. 063

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 05-200, as amended by By-law No. 17-240, respecting lands located at 267, 275-283 and 293 Upper Centennial Parkway, Stoney Creek

WHEREAS the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25th day of May, 2005; and,

WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12th day of April, 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding provision from By-laws where the conditions have been met.

AND WHEREAS the conditions of Holding Provision 83 for the lands located at 267, 275-283 and 293 Upper Centennial Parkway Stoney Creek have been satisfied;

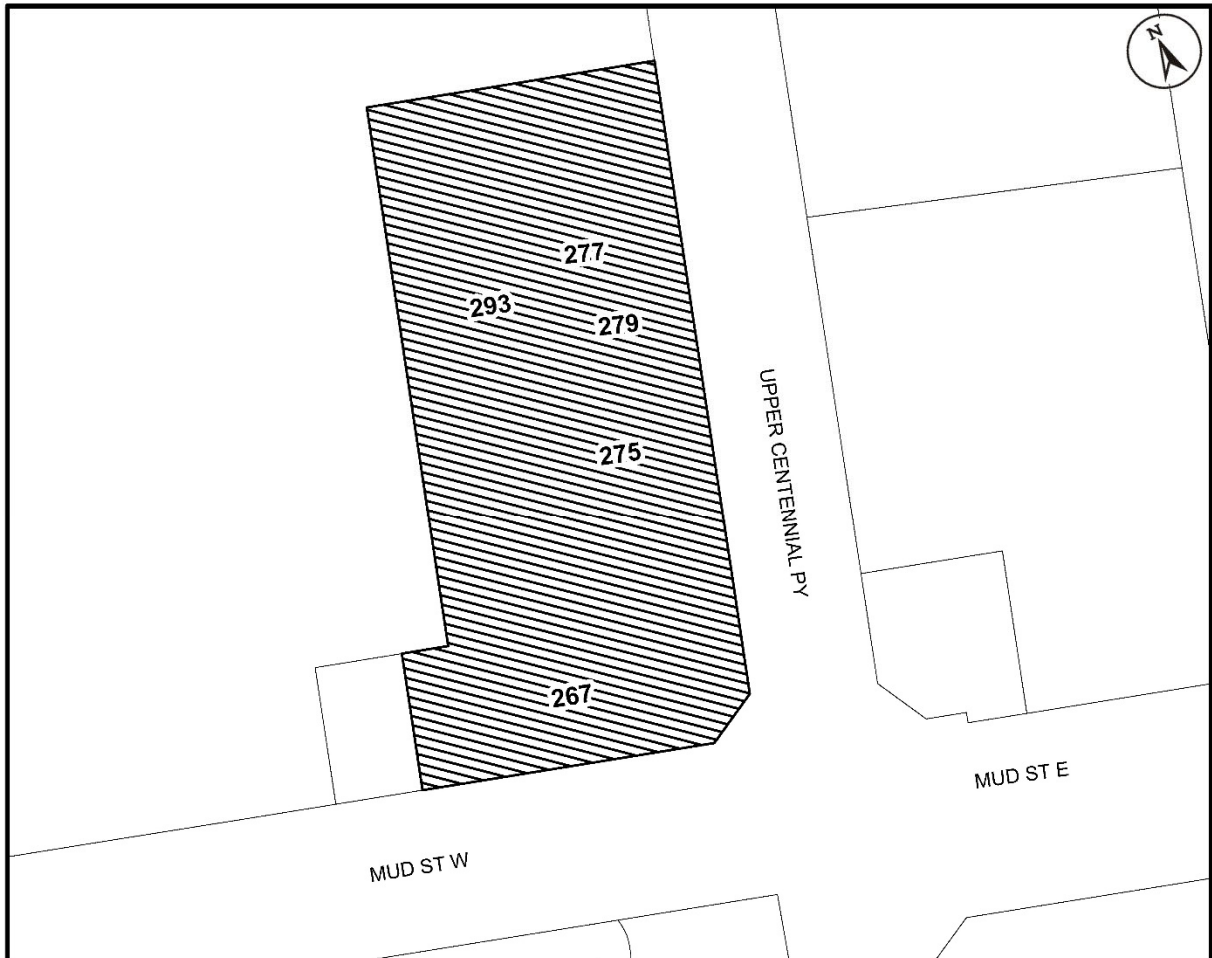
NOW THEREFORE the Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map Nos. 1505 and 1506 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Arterial Commercial (C7, 315, H83) Zone to the Arterial Commercial (C7, 315) Zone for the lands identified in the Location Map attached as Schedule "A" to this By-law.
2. That Schedule "D" – Holding Provisions is amended by deleting Holding Provision 83.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 28th day of April, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</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. 21-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1505 & 1506</p>	<p>Subject Property</p> <p>267, 275, 277, 279 and 293 Upper Centennial Parkway, Stoney Creek, (Ward 9)</p> <p> Change in Zoning from the Arterial Commercial (C7, 315, H83) Zone to the Arterial Commercial (C7, 315) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAH-20-025</p>	
<p>Date: April 22, 2021</p>	<p>Planner/Technician: EM/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

CITY OF HAMILTON

BY-LAW NO. 21-

**Respecting Removal of Part Lot Control, Block 246, Registered Plan
No. 62M-1257, municipally known as 185 Bedrock Drive, Stoney Creek**

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

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

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

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

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

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating 83 lots for street townhouse dwellings shown (Parts 1-84, 88-89, and 90-103 inclusive), storm drainage easements (Parts 84, 86, 88-89, and 90–103 inclusive), and land comprised of a private road, sidewalk and visitor parking for a Common Element Condominium (Parts 85-87 and 104 inclusive), on deposited Reference Plan 62R-21655 shall not apply to the portion of the Registered Plan of Subdivision that is designated as follows, namely:

Block 246, Registered Plan No. 62M-1257, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 28th day of April, 2023.

PASSED this 28th day of April 28, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 21-

To Confirm the Proceedings of City Council at its meeting held on April 28th, 2021.

**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 April 2021, in respect of each recommendation contained in

Mayor's Task Force on Economic Recovery Report 21-002 – April 16, 2021,
Board of Health Report 21-004 – April 19, 2021,
Public Works Committee Report 21-005 – April 19, 2021,
Planning Committee Report 21-006 – April 20, 2021,
General Issues Committee Report 21-009 – April 21, 2021,
Audit, Finance & Administration Committee Report 21-006 – April 22, 2021,
and
Emergency & Community Services Committee Report 21-004 – April 22, 2021,

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 April, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk