



## City of Hamilton

# CITY COUNCIL AGENDA

21-008

Wednesday, May 12, 2021, 9:30 A.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>

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### 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 28, 2021

#### 4. COMMUNICATIONS

- 4.1. Correspondence from the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks in response to the Mayor's letter respecting the use of 'advanced' private septic systems and the need for a review of the D-series guideline D-5-4.

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

- 4.2. Correspondence from the City of Brantford requesting support for their resolution respecting a request to the Province of Ontario to withdraw its prohibition on golfing and any other outdoor recreational activities.

Recommendation: Be received.

- 4.3. Correspondence from the Honourable Caroline Mulroney, Minister of Transportation informing the City of Hamilton of the federal approval for one project under the Public Transit stream of the Investing in Canada Infrastructure Programs (ICIP).

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

- 4.4. Correspondence from the Town of Fort Erie requesting support for their resolution in support of the Township of The Archipelago Road Management Action on Invasive Phragmites.

Recommendation: Be received.

- 4.5. Correspondence from the Town of Fort Erie requesting support for their resolution respecting the updating of Source Water Protection Legislation.

Recommendation: Be received.

- 4.6. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to the City of Hamilton's Request to Delay Submission of Growth Plan Conformity Official Plan Amendment, Suspension of the Timetable for Municipal

Conformity to the Growth Plan and an Extension the Deadline for Growth Plan Conformity.

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

- 4.7. Correspondence from the Niagara Peninsula Conservation Authority (NPCA) respecting their resolution authorizing staff to provide the NPCA's comments on the Expanding the Greenbelt Proposal to the Environmental Registry of Ontario.

Recommendation: Be received.

- 4.8. Correspondence from the Municipality of Calvin requesting support for their resolution requesting that the Federal and Provincial governments include apparatuses, training, equipment and structures for fire departments as eligible categories

to any further infrastructure programs which will not only provide immediate stimulus to the local, provincial and federal economies given current uncertainty but also to ensure the safety of Canadians and dedicated firefighters.

Recommendation: Be received.

- 4.9. Correspondence from the Honourable Doug Downey, Attorney General and the Honourable Steve Clark, Minister of Municipal Affairs and Housing highlighting recent liquor licensing measures the Provincial government has taken to provide additional tools to municipalities to modernize the regulations of alcohol consumption.

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

- 4.10. Correspondence from the Environmental Policy Branch, Ministry of the Environment, Conservation and Parks respecting the Proposal on Modernizing Environmental Compliance Practices and Ontario Community Environment Fund Re-Launch.

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

- 4.11. Correspondence from the Town of Perth respecting Provincial Hospital Funding of Major Capital Equipment.

Recommendation: Be received.

## **5. COMMITTEE REPORTS**

- 5.1. Public Works Committee Report 21-006 - May 3, 2021

- 5.2. Planning Committee Report 21-007 - May 4, 2021

- 5.3. General Issues Committee Report 21-010 - May 5, 2021

- 5.4. Audit, Finance and Administration Committee Report 21-007 - May 6, 2021

- 5.5. Emergency and Community Services Committee Report 21-005 - May 6, 2021

- 5.6. STAFF REPORTS

- 5.6.a. 2021 Tax Policies and Area Rating (FCS21028) (City Wide)

(Referred to Council by General Issues Committee at its meeting May 5, 2021)

## **6. MOTIONS**

- 6.1. To Permit Copetown General Store to Operate the LCBO Convenience Outlet Component of Their Business on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day

- 6.2. To Permit Lynden General Store to Operate the LCBO Convenience Outlet Component of Their Business on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day

- 6.3. To Permit Carlisle Cleaners & LCBO/Beer Store to Operate the LCBO Convenience Outlet Component of Their Business on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day
- 6.4. Waiving of All Park Fees for the Waterdown Farmers Market 2021 Season
- 6.5. Amendments to the General Issues Committee Report 21-002 (2021 Tax Supported Operating Budget), which was approved, as amended, by Council on March 31, 2021

**7. NOTICES OF MOTIONS**

**8. STATEMENT BY MEMBERS (non-debatable)**

**9. COUNCIL COMMUNICATION UPDATES**

- 9.1. April 23, 2021 to May 6, 2021

**10. PRIVATE AND CONFIDENTIAL**

**11. BY-LAWS AND CONFIRMING BY-LAW**

- 11.1. 066

To Amend By-law No. 01-215, Being a By-law to Regulate Traffic  
Schedule 5 (Stop Control)

Ward: 9

- 11.2. 067

Being a By-law to Amend By-law No. 93-129

Ward: 7

- 11.3. 068

To Amend Hamilton Zoning By-law No. 05-200 Respecting Lands Located at 70  
Garner Road East, Ancaster

ZAH-20-039

Ward: 12

- 11.4. 069  
To Amend Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026, Respecting Lands Located in Certain Residential Areas of Ancaster (“ER” Zoned Lands)  
Ward: 12
- 11.5. 070  
To Amend Zoning By-law No. 05-200, Respecting Interpretation and New Accessory Building Regulations  
CI-21-A  
Ward: City Wide
- 11.6. 071  
To Amend Zoning By-law No. 05-200, Respecting Secondary Dwelling Unit Regulations  
CI-20-E  
Ward: City Wide
- 11.7. 072  
To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Secondary Dwelling Unit Regulations  
CI-20-E  
Ward: 12
- 11.8. 073  
To Amend Town of Dundas Zoning By-law No. 6581-86, Respecting Secondary Dwelling Unit Regulations in Dundas  
CI-20-E  
Ward: 13
- 11.9. 074  
To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting the Introduction of Secondary Dwelling Unit Regulations  
CI-20-E  
Ward: 15

- 11.10. 075  
To Amend Zoning By-law No. 464 (Glanbrook), Respecting Secondary Dwelling Unit Regulations  
CI-20-E  
Ward: 9, 11
- 11.11. 076  
To Amend Zoning By-law No. 6593 (Hamilton), Respecting Secondary Dwelling Unit Regulations  
CI-20-E  
Ward: 1, 2, 3, 4, 5, 6, 7, 8, 14
- 11.12. 077  
To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Secondary Dwelling Unit Regulations  
CI-20-E  
Ward: 5, 9, 10
- 11.13. 078  
Amendment to By-law No. 18-126, A By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land (Parkland Dedication By-law)  
CI-21-A  
Ward: City Wide
- 11.14. 079  
To Amend By-law No. 12-282, as amended by By-law No. 19-108, Respecting Tariff of Fees  
CI-21-A  
Ward: City Wide
- 11.15. 080  
To Adopt Official Plan Amendment No. 149 to the Urban Hamilton Official Plan Respecting 354 King Street West (Hamilton)  
Ward: 1

11.16. 081

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 354 King Street West

ZAC-20-008/UHOPA-20-003

Ward: 1

11.17. 082

Respecting Removal of Part Lot Control, Blocks 3 to 9 on Registered Plan No. 62M-1265, municipally known as 154, 158 and 166 Mount Albion Road

PLC-20-001

Ward: 5

11.18. 083

To Confirm the Proceedings of City Council

## 12. ADJOURNMENT



## CITY COUNCIL MINUTES 21-007

12:00 p.m.  
April 28, 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.

Due to technical difficulties, the meeting was recessed until 12:40 p.m.

### APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

#### 4. COMMUNICATIONS

- 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.

**11. BY-LAWS AND CONFIRMING BY-LAW**

- 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
- 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

**(Pearson/Nann)**

That the agenda for the April 28, 2021 meeting of Council be approved, ***as amended***.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- 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

**DECLARATIONS OF INTEREST**

Councillor Danko declared an interest to Item 1 of the Mayor's Task Force on Economic Recovery Report 21-002, respecting Support for Emergency Funds for Post-Secondary Education Institutions and Stable Public Funding for Ontario's Universities and Colleges, as his wife is the Chair of the Hamilton-Wentworth District School Board.

Councillor Danko declared an interest to Item 4 of the General Issues Committee Report 21-009, 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.

Councillor Merulla declared a conflict of Interest to Item 4.13 Correspondence from Donna Bacher, 2021 President, Realtors Association of Hamilton-Burlington respecting the Proposed Second Dwelling Units (SDUs) By-law, as he is a landlord.

Councillor Merulla declared a conflict of interest to Item 9 of the Planning Committee Report 21-006, respecting the 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)), as he is a landlord.

Councillor Merulla declared a conflict of Interest for Item 2 of the Emergency and Community Services Committee Report 21-004, respecting the Tenant Defence Fund (HSC19011(a)), as he is a landlord.

Councillor Pearson declared a conflict of Interest to Item 4.13 Correspondence from Donna Bacher, 2021 President, Realtors Association of Hamilton-Burlington respecting the Proposed Second Dwelling Units (SDUs) By-law, as she is a landlord.

Councillor Pearson declared a conflict of Interest for Item 2 of the Emergency and Community Services Committee Report 21-004, respecting the Tenant Defence Fund (HSC19011(a)), as she is a landlord.

Councillor VanderBeek declared a conflict of Interest to Item 4.13 Correspondence from Donna Bacher, 2021 President, Realtors Association of Hamilton-Burlington respecting the Proposed Second Dwelling Units (SDUs) By-law, as she is a landlord.

Councillor VanderBeek declared a conflict of Interest for Item 2 of the Emergency and Community Services Committee Report 21-004, respecting the Tenant Defence Fund (HSC19011(a)), as she is a landlord.

**APPROVAL OF MINUTES OF PREVIOUS MEETING****3. April 14, 2021 (Item 3.1)****(Partridge/Pauls)**

That the Minutes of the April 14, 2021 meeting of Council be approved, as presented.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- 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

<b>COMMUNICATIONS</b>
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**(Pauls/Johnson)**

That Council Communications 4.1 to 4.14 be approved, *as amended*, as follows:

- 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 **and referred to the General Manager of Planning and Economic Development for appropriate action.**

- 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 **Mayor Eisenberger** as the City of Hamilton's Council representative to participate in the Ministry's Town Hall on May 18, 2021.

Due to declared conflicts, Item 4.13 was voted on separately, as follows:

**Result: Motion on Item 4.13, 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  
 CONFLICT - 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  
 CONFLICT - Ward 13 Councillor Arlene VanderBeek  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 CONFLICT - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

**Result: Motion on the balance of the Communication Items, as Amended, 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

**(Pauls/Jackson)**

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

**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

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

**(Nann/Danko)**

That the Mayor’s Task Force on Economic Report 21-002, being the meeting held on Friday, April 16, 2021, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 1 was voted on separately, as follows:

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

**Result: Motion on Item 1 of the Mayor’s Task Force on Economic Recovery Report 21-002, 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  
CONFLICT - 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

**Result: Motion on the balance of the Mayor’s Task Force on Economic Recovery Report 21-002, 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

<b>BOARD OF HEALTH REPORT 21-004</b>
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**(Wilson/VanderBeek)**

That Board of Health Report 21-004, being the meeting held on Monday, April 19, 2021, be received and the recommendations contained therein be approved.

**Result: Motion on the Board of Health Report 21-004, 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

**PUBLIC WORKS COMMITTEE REPORT 21-005**

**(VanderBeek/Nann)**

That Public Works Committee Report 21-005, being the meeting held on Monday, April 19, 2021, be received and the recommendations contained therein be approved.

**(Wilson/Nann)**

That Item (d)(i) respecting Sidewalk Snow Clearing Update (PW19022(c)), be lifted from the Information Section and added as Item 14 of the Public Works Committee Report 21-005.

**Result: Motion CARRIED by a vote of 11 to 4, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- NO - Ward 5 Councillor Chad Collins
- 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
- NO - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- NO - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- NO - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

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

**(Wilson/Nann)**

- (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.

**(Clark/Johnson)**

That Item 14 of Public Works Committee Report 21-005 respecting Sidewalk Snow Clearing Update (PW19022(c)), be referred back to staff for a report back to the Public Works Committee by June 30, 2021 with additional information respecting the costs as a result of area rating and the sidewalks currently being cleared on transit routes.

**Result: Motion DEFEATED by a vote of 7 to 8, 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
- YES – Ward 6 Councillor Tom Jackson
- NO - Deputy Mayor - Ward 7 Councillor Esther Pauls
- NO - Ward 8 Councillor John-Paul Danko
- NO - Mayor Fred Eisenberger
- NO - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeeck
- NO - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- NO - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**Result: Motion on Item 14 of the Public Works Committee Report 21-005, CARRIED by a vote of 9 to 6, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- NO - Ward 5 Councillor Chad Collins
- 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
- NO - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeeck
- NO - Ward 12 Councillor Lloyd Ferguson
- NO - Ward 11 Councillor Brenda Johnson
- NO - Ward 10 Councillor Maria Pearson
- NO - Ward 9 Councillor Brad Clark

**Result: Motion on the balance of the Public Works Committee Report 21-005, 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

<b>PLANNING COMMITTEE REPORT 21-006</b>
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**(Danko/Johnson)**

That Planning Committee Report 21-006, being the meeting held on Tuesday, April 20, 2021, be received and the recommendations contained therein be approved.

**(Farr/Wilson)**

That sub-section (g) 2. of Item 9 of the Planning Committee Report 21-006, respecting Report PED20093(a) - 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), be deleted in its entirety with the remaining sub-sections being renumbering, to read as follows:

**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)**

- (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, Freulton, 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)~~
2. 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))
  3. 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)))
  4. Delete the maximum height of the visual barrier that screens the amenity area of the detached SDU. (all Zoning By-laws)
  5. 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)

**Result: Motion on the *Amendment* to Item 9 of the Planning Committee Report 21-006, 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

Main Motion, ***as Amended***, to read as follows:

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 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 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 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))
  3. 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))
  4. Delete the maximum height of the visual barrier that screens the amenity area of the detached SDU. (all Zoning By-laws)
  5. 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.

**Result: Main Motion on Item 9 as Amended of the Planning Committee Report 21-006, CARRIED by a vote of 11 to 3, as follows:**

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

YES - Ward 3 Councillor Nrinder Nann  
CONFLICT - Ward 4 Councillor Sam Merulla  
NO - 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  
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

**Result: Motion on the balance of the Planning Committee Report 21-006, 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

**GENERAL ISSUES COMMITTEE REPORT 21-009**

**(Pauls/Jackson)**

That General Issues Committee Report 21-009, being the meeting held on Wednesday, April 21, 2021, be received and the recommendations contained therein be approved.

At Council’s request, Item 5 (a) was voted on separately, as follows:

- 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.

**Result: Motion on Item 5 (a) of the General Issues Committee Report 21-009, 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

At Council's request, Item 5 (b) was voted on separately, as follows:

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

**Result: Motion on Item 5 (b) of the General Issues Committee Report 21-009, 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

**(Pauls/Danko)**

That the resolution for Item 8 of the General Issues Committee Report 21-009, respecting Report LS20014(a) - Red Hill Valley Parkway Class Action Update, be deleted in its entirety and replaced with the following in lieu thereof, to read as follows:

- 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.~~

***That Report LS20014(a), respecting the Red Hill Valley Parkway Class Action Update, and a redacted copy of Appendix "A" to Report LS20014(a), be released to the public.***

**Result: Motion on Item 8, as Amended of the General Issues Committee Report 21-009, 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

Due to a declared conflict, Item 4 was voted on separately, as follows:

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

**Result: Motion on Item 4 of the General Issues Committee Report 21-009, 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  
CONFLICT - 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

At Council's request, Item 6, was voted on separately, as follows:

**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.
- (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.

**Result: Motion on Item 6 of the General Issues Committee Report 21-009, CARRIED by a vote of 13 to 2, 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
- NO- Ward 12 Councillor Lloyd Ferguson
- NO - 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 21-009, 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

## AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-006

**(Ferguson/Pearson)**

That Audit, Finance and Administration Committee Report 21-006, being the meeting held on Thursday, April 22, 2021, be received and the recommendations contained therein be approved.

**Result: Motion on the Audit, Finance and Administration Committee Report 21-006, 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

## EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 21-004

**(Nann/Jackson)**

That Emergency and Community Services Committee Report 21-004, being the meeting held on Thursday, April 22, 2021, be received and the recommendations contained therein be approved.

**(Clark/Nann)**

That sub-section (b) of Item 2 of the Emergency and Community Services Committee Report 21-004, respecting Report HSC19011(a) - Tenant Defence Fund, be **amended** to read as follows:

**2. Tenant Defence Fund (HSC19011(a)) (City Wide) (Item 10.1)**

- (b) That staff draft a letter to the **Minister of Municipal Affairs**, copied **for information purposes only to the Landlord Tenancy Board**, outlining the City of Hamilton's experiences and concerns with the **process and** proliferation of **evictions currently occurring**, and the loss of affordable housing stock and increase in homelessness as a result.

**Result: Motion on the Amendment to Item 2 (b) of the Emergency and Community Services Committee Report 21-004, 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  
 CONFLICT - 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  
 CONFLICT - Ward 13 Councillor Arlene VanderBeeck  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 CONFLICT - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

Main Motion, ***As Amended***, to read as follows:

**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 Renovations, 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 the ***Minister of Municipal Affairs***, copied ***for information purposes only to the Landlord Tenancy Board***, outlining the City of Hamilton's experiences and concerns with the ***process and proliferation of evictions currently occurring***, and the loss of affordable housing stock and increase in homelessness as a result.

**Result: Main Motion on Item 2 as Amended of the Emergency and Community Services Committee Report 21-004, 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  
 CONFLICT - 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  
CONFLICT - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
CONFLICT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**Result: Motion on the balance of the Emergency and Community Services Committee Report 21-004, 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

**(Pauls/Wilson)**

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  
NOT PRESENT – 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

<b>MOTIONS</b>
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**6.1 Demolition Control By-Law Exemption For Rapid Housing Initiative Modular Affordable Housing Project**

**(Wilson/Nann)**

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.

**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

**6.2 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**

**(Ferguson/Johnson)**

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, which was approved by Council on February 12, 2020 and reads as follows, 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.

**Result: Motion CARRIED by a 2/3 vote of 12 to 2, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - 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  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

**(Ferguson/Johnson)**

That 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, which was approved by Council on February 12, 2020 and reads as follows, be considered:

**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.

**(Ferguson/Johnson)**

WHEREAS, Council has previously approved 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 at their meeting of February 12, 2020;

WHEREAS, there are limited options for registering that agreement on title and having a collateral mortgage registered on title has, in effect, limited one of the Society's financial standing and will put others in the same position without modifications to the terms of the Compassionate Grant; and

WHEREAS, Audit, Finance & Administration Committee, at its meeting of April 22, 2021 discussed the risks of not requiring registration of said Compassionate Grants on title.

THEREFORE BE IT RESOLVED:

That sub-sections (a) and (b) of 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 deleted in their entirety, and replaced by the following:

~~(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.~~

(a) That the City enter into compassionate grant agreements with agricultural societies for development charges payable by an agricultural society with content satisfactory to the General Manger of Finance and Corporate Services and in a form satisfactory to the City Solicitor with any Development Charges exemptions being funded from unallocated capital levy reserve (#108020) and that the General Manger of Finance and Corporates Services be authorized to sign the agreements; and,

(b) That in respect of the grant provided to the Ancaster Agricultural Society pursuant to the grant agreement dated April 14, 2021 (the "Agreement"), staff be directed to:

(i) amend the Agreement so as to delete the following conditions:

(1) the requirement for a mortgage to be registered on title securing the conditions of the grant; and

(2) requiring the grant to be repaid if the property is sold; and

(3) discharge the mortgage with registered charge number WE1505750.

**Result: Main Motion as Amended CARRIED by a vote of 12 to 2, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - 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  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>NOTICES OF MOTION</b>
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**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**

**(Ferguson/Johnson)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the 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 approved by Council on February 12, 2020.

**Result: Motion CARRIED by a 2/3 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

Refer to Item 6.2 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/Clark)**

That the listing of Council Communication Updates from April 9, 2021 to April 22, 2021, be received.

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

**BY-LAWS AND CONFIRMING BY-LAW**

**(Pauls/Jackson)**

That Bills No. 21-054 to No. 21-065 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:

- 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
- 055 To Amend By-law No. 11-040, to Establish Retention Periods to Records of the City of Hamilton  
Ward: City Wide
- 056 To Adopt Official Plan Amendment No. 147 to the Urban Hamilton Official Plan, respecting 196 George Street (former City of Hamilton)  
Ward: 1

- 057 To Amend Zoning By-law No. 6593 Respecting Lands Located at 196 George Street, Hamilton ZAC-19-023 UHOPA-19-006  
Ward: 1
- 058 To Adopt Official Plan Amendment No. 148 to the Urban Hamilton Official Plan, respecting 555 Sanatorium Road (former City of Hamilton)  
Ward: 14
- 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
- 060 To Amend Zoning By-law No. 6593, Respecting Lands Located at 18 Miles Road, Hamilton ZAR-19-026  
Ward: 7
- 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
- 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
- 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
- 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
- 065 To Confirm the Proceedings of City Council

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

**(Partridge/Johnson)**

That, there being no further business, City Council be adjourned at 4:54 p.m.

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

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland  
City Clerk

Ministry of the Environment,  
Conservation and Parks

Ministère de l'Environnement,  
de la Protection de la nature et des  
Parcs



Office of the Minister

Bureau du ministre

777 Bay Street, 5th Floor  
Toronto ON M7A 2J3  
Tel.: 416-314-6790

777, rue Bay, 5<sup>e</sup> étage  
Toronto (Ontario) M7A 2J3  
Tél. : 416.314.679

357-2021-124

April 27, 2021

Fred Eisenberger  
Mayor  
City of Hamilton  
Email: [mayor@hamilton.ca](mailto:mayor@hamilton.ca)

Dear Mayor Eisenberger:

Thank you for your letter of December 21, 2020 regarding the use of “advanced” private septic systems and the need for a review of the D-series guideline D-5-4. I understand your concerns of potential groundwater contamination from the use of advanced treatment units (ATUs) on undersized lots and I apologize for the delay in my response.

Septic systems with a design flow of less than 10,000 L/day are regulated by the Ministry of Municipal Affairs and Housing (MMAH) under Ontario’s *Building Code Act* and Building Code which establishes minimum requirements for the design, construction, renovation, operation and maintenance requirements of applicable septic systems. Principal authorities (i.e. municipalities, health units, conservation authorities and planning boards) are responsible for issuing permits and enforcement of septic system provisions, including conducting inspections and issuing orders for remedial actions where necessary to support the ongoing protection of groundwater quality.

Ontario’s Building Code is regularly reviewed and updated on a five-year cycle. The Ministry of the Environment, Conservation and Parks (MECP) works actively with MMAH to make and review proposed changes to the Ontario Building Code regarding septic systems and other matters.

In addition, mandatory maintenance inspections for septic systems are required under the Building Code where the Province has identified higher risk areas (i.e. vulnerable areas identified in source protection plans made under the *Clean Water Act, 2006*). Source protection authorities are required to report annually to the MECP on implementation of the policies in their source protection plans, including on any septic system maintenance inspection policies.

The Building Code provides principal authorities the discretion to establish maintenance inspection programs for septic systems outside of the higher-risk areas. Details of the discretionary maintenance inspection programs, including the scope of application or the frequency of inspections, are not prescribed in the regulation. Principal authorities have the flexibility to determine these aspects and the geographic extent of the program themselves. If a municipality chooses to establish a program, all residents and businesses in the discretionary areas will be required to have their septic systems inspected. These inspection programs would be enforced and funded by the principal authority responsible for the designated areas. Under the Building Code, enforcement bodies may charge fees to recover the costs of the inspection programs.

Mayor Fred Eisenberger  
Page 2.

If you have questions about the Building Code's septic system provisions, I invite you to contact Mansoor Mahmood, Director of the Building and Development Branch at MMAH. He can be reached by email at [mansoor.mahmood@ontario.ca](mailto:mansoor.mahmood@ontario.ca).

The ministry has heard from a few municipalities of the potential need to update the D-series guideline D-5-4. While we are assessing the need to review that guideline, I would like to assure you that the MECP has and continues to take actions to improve how septic systems are managed to protect the environment and human health, including:

- reviewing the effectiveness of mandatory maintenance inspection programs through source protection plan reviews and annual reporting;
- working with partner ministries to develop and publish guidance materials, tools and best practices for proper operation and maintenance of septic systems; and
- funding and participating in research projects related to septic systems and their impacts.

Thank you again for writing.

Sincerely,

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

Jeff Yurek  
Minister of the Environment, Conservation and Parks

c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs  
Donna Skelly, MPP, Flamborough—Glanbrook  
Mansoor Mahmood, Director, Building and Development Branch, MMAH



April 30, 2021

Hon. Doug Ford, Premier  
Room 281  
Legislative Building, Queen's Park  
Toronto, ON M7A 1A1

Sent via email: [premier@ontario.ca](mailto:premier@ontario.ca)

Dear Premier Ford,

Please be advised that at the Brantford City Council Meeting held April 27, 2021, the following resolution was adopted:

**Request - Province of Ontario withdraws its prohibition on golfing and any other outdoor recreational activities**

WHEREAS COVID-19 restrictions have had significant impacts; and

WHEREAS many forms of socializing, recreation and sport have been curtailed; and

WHEREAS the game of golf can be enjoyed while maintaining proper social distancing;

THEREFORE BE IT RESOLVED THAT The Corporation of The City of Brantford recommends:

- A. THAT The Province of Ontario withdraws its prohibition on golfing and any other outdoor recreational activities which can be enjoyed while maintaining proper social distancing; and
- B. THAT the City Clerk BE DIRECTED to forward a copy of this resolution to the Premier of Ontario; Will Bouma, MPP, Brantford-Brant, the Association of Municipalities of Ontario, Ontario Big City Mayors; and the list of other Municipalities in Ontario.

Yours truly,

Tanya Daniels  
City Clerk  
[tdaniels@brantford.ca](mailto:tdaniels@brantford.ca)

cc MPP Will Bouma, Brantford-Brant  
Association of Municipalities of Ontario (AMO)  
Ontario Big City Mayors  
All Ontario Municipalities

**CITY CLERK'S OFFICE** City Hall, 100 Wellington Square, Brantford, ON N3T 2M2 P.O Box 818, Brantford, ON N3T 5R7  
Phone: (519) 759-4150 Fax: (519) 759-7840 [www.brantford.ca](http://www.brantford.ca)

**Ministry of  
Transportation**

Office of the Minister

777 Bay Street, 5<sup>th</sup> Floor  
 Toronto ON M7A 1Z8  
 416 327-9200  
[www.ontario.ca/transportation](http://www.ontario.ca/transportation)

**Ministère des  
Transports**

Bureau de la ministre

777, rue Bay, 5<sup>e</sup> étage  
 Toronto ON M7A 1Z8  
 416 327-9200  
[www.ontario.ca/transports](http://www.ontario.ca/transports)



April 28, 2021

107-2021-1598

His Worship Fred Eisenberger  
 Mayor  
 City of Hamilton  
[mayor@hamilton.ca](mailto:mayor@hamilton.ca)

**Subject: Investing in Canada Infrastructure Program Public Transit Stream -  
 Project Approval in Principle**

Dear Mayor Eisenberger:

It is my pleasure to inform you of federal approval for one project submitted by your municipality under the Public Transit stream of the Investing in Canada Infrastructure Program (ICIP). Below you will find a List of Approved Projects that includes details about the project, approved funding contribution amounts and applicable project requirements/conditions.

Eligible expenses for this project may be incurred on or after the Federal Approval Date noted in Column E of the List of Approved Projects below. Funding is also subject to the terms and conditions of an executed Transfer Payment Agreement between the City of Hamilton and the Province of Ontario. A Transfer Payment Agreement for approved funding will be prepared and released once federal determinations have been made on all submitted projects.

In advance of the Transfer Payment Agreement being executed, we wanted to highlight the following specific term under the agreement related to communications of projects:

**G.4.2 Prior Knowledge and Agreement.** Joint Communications in respect of any Project should not occur without the prior knowledge and agreement of the Parties and Canada.

As per the term of the Transfer Payment Agreement, and to ensure coordinated communication in respect of any projects, the Province of Ontario requests that any proposed communication of the project be sent to [ICIPTRANSIT@ontario.ca](mailto:ICIPTRANSIT@ontario.ca) at least 15 days in advance of the proposed communication date. Until formal communication decisions have been made, any discussion on projects, including approval of funding, with municipal council should also be held in-camera where possible.

You will receive written notification from the federal government regarding project **ICIP-HAM-05** Aboriginal consultation requirements. Please do not proceed with this project until after you have received this written confirmation from Infrastructure Canada.

If a project is not indicated below, or you have not received prior notification of approval, it is still under review. We will advise you of updates to the approval status as they become available.

I would like to congratulate you on this important milestone and look forward to working with you as you move forward with your project to increase transit infrastructure.

Should you have questions, please contact Jamie Pearce, Director, Municipal Programs Branch at [James.Pearce@ontario.ca](mailto:James.Pearce@ontario.ca).

Sincerely,

A handwritten signature in black ink that reads "Caroline Mulroney". The signature is written in a cursive, flowing style.

Caroline Mulroney  
Minister of Transportation

C: Janette Smith, City Manager, City of Hamilton

### List of Approved Projects

The projects listed below have been approved for federal funding under the Investing in Canada Infrastructure Program. For projects with federal **environmental assessment requirements (column F below)** or **Aboriginal consultation requirements (column G below)**, Infrastructure Canada will issue a letter with conditions that must be met before construction (which includes site preparation and vegetation removal) starts and before payments for eligible capital costs can be made. For projects with **climate lens requirements (column H below)** or **other federal requirements (column I below)**, conditions must be met before payments for eligible costs can be made for the project(s).

Project ID	Project Title	Federal Contribution	Provincial Contribution	Project Approval Date	Environmental Assessment Requirements	Aboriginal Consultation Requirements	Climate Lens Requirements	Other Federal Requirements
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
ICIP-HAM-05	Construction of Active Transportation Connections	\$3,920,000.00	\$3,266,340.00	April 8, 2021	No	Yes	N/A	Any incremental costs of employees of the Ultimate Recipient are ineligible for payment until the Ultimate Recipient demonstrates, to Canada's satisfaction, that it is not economically feasible to tender a contract for these costs. This arrangement must also be approved in advance and in writing by Canada.



## Community Services

### Legislative Services

April 27, 2021  
File #120203

Sent via email: [caroline.mulroney@pc.ola.org](mailto:caroline.mulroney@pc.ola.org)

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

Honourable and Dear Madam:

**Re: Township of The Archipelago - Road Management Action on Invasive Phragmites**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of April 26, 2021 received and supported correspondence from the Township of The Archipelago dated April 9, 2021 requesting the Ontario Ministry of Transportation (MTO) to communicate the strategy on mapping (detecting sites) and controlling invasive Phragmites on provincial highways, the specific highway management plans and results by each MTO region and each highway in the region and work in coordination with the Township of The Archipelago and requests all levels of government to consider funding support to aid the Township of The Archipelago in managing invasive phragmites.

Attached please find a copy of the Township of The Archipelago's correspondence dated April 9, 2021.

Thank you for your attention to this matter.

Yours very truly,

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

Attach

c.c.

The Honourable Jeff Yurek, Minister of Environment, Conservation and Parks [jeff.yurekco@pc.ola.org](mailto:jeff.yurekco@pc.ola.org)

The Honourable Jonathan Wilkinson, Minister of Environment and Climate Change Canada [ec.ministre-minister.ec@canada.ca](mailto:ec.ministre-minister.ec@canada.ca)

Christopher Balasa, Manager, Maintenance Management Office [Christopher.balasa@ontario.ca](mailto:Christopher.balasa@ontario.ca)

Wayne Gates, MPP, Niagara Falls [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)

MPP Norman Miller. [Norm.miller@pc.olg.org](mailto:Norm.miller@pc.olg.org)

Maryann Weaver, Municipal Clerk, Township of The Archipelago [mweaver@thearchipelago.on.ca](mailto:mweaver@thearchipelago.on.ca)

Ontario Municipalities

Mailing Address:

The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: [www.forterie.ca](http://www.forterie.ca)



## Township of The Archipelago

9 James Street, Parry Sound ON P2A 1T4

Tel: 705-746-4243/Fax: 705-746-7301

[www.thearchipelago.on.ca](http://www.thearchipelago.on.ca)

April 9, 2021

21-073

**Moved by Councillor Barton  
Seconded by Councillor Manner**

---

**RE: Road Management Action On Invasive Phragmites**

**WHEREAS** Phragmites australis (Phragmites) is an invasive perennial grass that continues to cause severe damage to wetlands and beaches in areas around the Great Lakes including Georgian Bay; and

**WHEREAS** Phragmites australis grows and spreads rapidly, allowing the plant to invade new areas and grow into large monoculture stands in a short amount of time, and is an allelopathic plant that secretes toxins from its roots into the soil which impede the growth of neighboring plant species; and

**WHEREAS** Phragmites australis results in loss of biodiversity and species richness, loss of habitat, changes in hydrology due to its high metabolic rate, changes in nutrient cycling as it is slow to decompose, an increased fire hazard due to the combustibility of its dead stalks, and can have an adverse impact on agriculture, particularly in drainage ditches; and

**WHEREAS** invasive Phragmites has been identified as Canada's worst invasive plant species by Agriculture and Agrifood Canada; and

**WHEREAS** the Ontario government has made it illegal to import, deposit, release, breed/grow, buy, sell, lease or trade invasive Phragmites under the Invasive Species Act; and

**WHEREAS** Phragmites occupy over 4,800 hectares of land around Lake St. Clair alone, while 212 hectares of Phragmites occupy land along the St. Lawrence River. The Georgian Bay Area is particularly affected by Phragmites australis, with more than 700 stands along the shorelines and multiple visible stands on the highways and roads that threaten valuable infrastructure and wetland areas; and

**WHEREAS** volunteers, non-governmental organizations, and various municipalities have invested tens of thousands of dollars in investments and labour annually for more than eight years in executing managements plans to control invasive Phragmites on roads, coasts, shorelines and in wetlands; and

**WHEREAS** roads and highways where Phragmites that are left untreated become spread vectors that continually risk new and treated wetlands and coastal shoreline areas; and

Received by  
APRIL 26, 2021  
COUNCIL

**WHEREAS** according to “Smart Practices for the Control of Invasive Phragmites along Ontario’s Roads” by the Ontario Phragmites Working Group, best road management practices for Phragmites australis include early detection, herbicide application, and cutting; and

**WHEREAS** these best management practices are most effective when used in a multi-pronged approach as opposed to when used as stand-alone control measures; and

**WHEREAS** mother nature does not recognize political boundaries. Therefore, it is imperative that Municipalities, Districts, the Province, and the Federal government work together in collaboration to eradicate Canada’s worst invasive plant species Phragmites australis;

**NOW THEREFORE BE IT RESOLVED** that Council for the Corporation of the Township of The Archipelago directs its staff to implement best management practices to promote early detection of invasive Phragmites, and to implement best management practices for invasive Phragmites, and to join the Ontario Phragmites Working Group to collaborate on the eradication of Phragmites in Ontario.

**BE IT FURTHER RESOLVED** that Council for the Corporation of the Township of The Archipelago directs staff to insert clean equipment protocols into tenders and that there is oversight that the protocols are followed; and

**BE IT FURTHER RESOLVED** that Council for the Corporation of the Township of The Archipelago requests the Ontario Ministry of Transportation to map and treat invasive Phragmites annually on all its highways; and

**BE IT FURTHER RESOLVED** that the Ontario Ministry of Transportation (MTO) communicates the strategy on mapping (detecting sites) and controlling invasive Phragmites on provincial highways, the specific highway management plans and results by each MTO region and each highway in the region and work in coordination with the Township of The Archipelago; and

**BE IT FURTHER RESOLVED** that Council for the Corporation of the Township of The Archipelago directs its staff to send this resolution to all municipalities that are part of the Georgian Bay watershed, to all municipalities in the Great Lakes watershed, to the Minister of Transportation, Christopher Balasa the Manager, Maintenance Management Office, and MPP Norman Miller.

**BE IT FINALLY RESOLVED** that Council for the Corporation of the Township of The Archipelago requests all levels of government to consider funding support to aid the Township of The Archipelago in managing invasive phragmites; and directs staff to send a copy of this resolution to the Ontario Minister of Environment, Conservation and Parks and the Minister of Environment and Climate Change Canada.

**Carried.**



## Community Services

4.5

### Legislative Services

April 27, 2021  
File #120203

Sent via email: [premier@ontario.ca](mailto:premier@ontario.ca)

The Honourable Doug Ford, Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Honourable and Dear Sir:

**Re: Province Investigating and Updating Source Water Protection Legislation**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of April 26, 2021 passed the following resolution:

**Whereas** the Municipal Council of the Town of Fort Erie passed a resolution on October 21st, 2019 identifying that 1,100 private water wells were in operation in the Town of Fort Erie, of which 75% were used for domestic purposes including human and livestock consumption, and

**Whereas** the Municipal Council of the Town of Fort Erie further identified in that resolution that Council requires the protection of water in the aquifer supplying water to those wells from contamination as the result of any remediation of Pit One owned by the Port Colborne Quarries in the City of Port Colborne, and further

**Whereas** Report No. PDS-23-2021, approved by Council on March 22, 2021, identified that while the Niagara Peninsula Conservation Authority, The Regional Municipality of Niagara and Local Area Municipalities work together to protect source water, these plans do not generally apply to private servicing, and

**Whereas** Report No. PDS-23-2021 further identified efforts undertaken by the Town of Fort Erie through available provincial planning policy, regulation and legislation to protect source water within the Town of Fort Erie without any explicit ability to designate source water protection for private services, and

**Whereas** on July 28, 2010, through Resolution 64/292, the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights, and

.../2

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Mailing Address:

The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: [www.forterie.ca](http://www.forterie.ca)

**Whereas** it would be desirable to ensure that those in our community who rely on wells and other private servicing for clean drinking water are afforded the same source water protection as municipal drinking water systems;

**Now therefore it be resolved,**

**That:** The Municipal Council of the Town of Fort Erie recognizes and acknowledges that clean drinking water and sanitation are basic human rights and essential to the realization of all human rights, and further

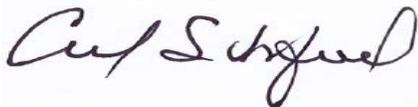
**That:** The Municipal Council of the Town of Fort Erie requests that the Ministry of Environment, Conservation and Parks consider legislative changes that would permit the expansion of source water protection to aquifers and private services, and further

**That:** This resolution be circulated to The Honourable Doug Ford, Premier of Ontario, the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks, Wayne Gates, MPP Niagara Falls, Jeff Burch, MPP Niagara Centre, Jennifer Stevens, MPP St. Catharines and Sam Oosterhoff, MPP Niagara West, and further

**That:** This resolution be circulated to all Conservation Authorities and Municipalities in Ontario for their endorsement and support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

c.c.

The Honourable Jeff Yurek, Minister of Environment, Conservation and Parks [jeff.yurekco@pc.ola.org](mailto:jeff.yurekco@pc.ola.org)

Jeff Burch, MPP, Niagara Centre [jburch-gp@ndp.on.ca](mailto:jburch-gp@ndp.on.ca)

Sam Oosterhoff, MPP, Niagara West [sam.oosterhoff@pc.ola.org](mailto:sam.oosterhoff@pc.ola.org)

Jennifer Stevens, MPP, St. Catharines [JStevens-co@ndp.on.ca](mailto:JStevens-co@ndp.on.ca)

Wayne Gates, MPP, Niagara Falls [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)

Ontario Conservation and all Ontario Conservation Authorities: [kgavine@conservationontario.ca](mailto:kgavine@conservationontario.ca); [bhomer@abca.ca](mailto:bhomer@abca.ca); [kfurlanetto@crca.ca](mailto:kfurlanetto@crca.ca); [generalmanager@catfishcreek.ca](mailto:generalmanager@catfishcreek.ca); [@cloca.com](mailto:@cloca.com); [mvytyvtskyy@hrca.on.ca](mailto:mvytyvtskyy@hrca.on.ca); [deb.martindowns@cvc.ca](mailto:deb.martindowns@cvc.ca); [tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com); [tbyrne@erca.org](mailto:tbyrne@erca.org); [llaliberte@grca.on.ca](mailto:llaliberte@grca.on.ca); [karmstrong@grandriver.ca](mailto:karmstrong@grandriver.ca); [t.lanthier@greysauble.on.ca](mailto:t.lanthier@greysauble.on.ca); [Lisa.Burnside@conservationhamilton.ca](mailto:Lisa.Burnside@conservationhamilton.ca); [majchrowski@kawarthaconservation.com](mailto:majchrowski@kawarthaconservation.com); [elizabeth@kettlecreekconservation.on.ca](mailto:elizabeth@kettlecreekconservation.on.ca); [cullen@lsrca.on.ca](mailto:cullen@lsrca.on.ca); [tammy@lakeheadca.com](mailto:tammy@lakeheadca.com); [jmaxwell@lprca.on.ca](mailto:jmaxwell@lprca.on.ca); [mark.peacock@lvca.ca](mailto:mark.peacock@lvca.ca); [kelly.vandette@ltc.on.ca](mailto:kelly.vandette@ltc.on.ca); [beard@mvca.on.ca](mailto:beard@mvca.on.ca); [David.Vallier@mattagamiregion.ca](mailto:David.Vallier@mattagamiregion.ca); [smcintyre@mvc.on.ca](mailto:smcintyre@mvc.on.ca); [csharma@npca.ca](mailto:csharma@npca.ca); [carl.jorgensen@conservationsudbury.ca](mailto:carl.jorgensen@conservationsudbury.ca); [brian.tayler@nbmca.ca](mailto:brian.tayler@nbmca.ca); [dhevenor@nvca.on.ca](mailto:dhevenor@nvca.on.ca); [dlandry@otonabeeconservation.com](mailto:dlandry@otonabeeconservation.com); [bmcnevin@quinteconservation.ca](mailto:bmcnevin@quinteconservation.ca); [richard.pilon@rrca.on.ca](mailto:richard.pilon@rrca.on.ca); [sommer.casgrain-robertson@rvca.ca](mailto:sommer.casgrain-robertson@rvca.ca); [j.stephens@svca.on.ca](mailto:j.stephens@svca.on.ca); [cbarrett@ssmrca.ca](mailto:cbarrett@ssmrca.ca); [acoleman@nation.on.ca](mailto:acoleman@nation.on.ca); [bmcdougall@scrca.on.ca](mailto:bmcdougall@scrca.on.ca); [John.MacKenzie@trca.ca](mailto:John.MacKenzie@trca.ca); [annett@thamesriver.on.ca](mailto:annett@thamesriver.on.ca)

Ontario Municipalities

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél.: 416 585-7000



234-2021-2164

April 27, 2021

His Worship Fred Eisenberger  
Mayor of City of Hamilton  
71 Main Street West  
Hamilton ON L8P 4Y5  
[mayor@hamilton.ca](mailto:mayor@hamilton.ca)

Dear Mayor Eisenberger:

As part of Ontario's COVID-19 economic recovery efforts, this past summer changes were made to **A Place to Grow: Growth Plan for the Greater Golden Horseshoe** to help increase housing supply, create more jobs, attract business investments, and better align infrastructure, while protecting the environment and the Greenbelt.

The date by which upper and single-tier municipalities must have their official plans in conformity with the updated policies in **A Place to Grow** is July 1, 2022. This can be achieved through phasing a series of official plan amendments, adopting a new official plan, or through a single official plan amendment.

As you know, **A Place to Grow's** policies require municipalities to designate all land necessary to accommodate the population and employment growth forecasts contained in Schedule 3, which are unique to each upper- and single-tier municipality, or to a higher forecast established by the relevant municipality. **The City of Hamilton must plan to accommodate a population of 820,000 and 360,000 jobs by 2051.**

Municipalities will use the land needs assessment methodology to determine the quantity of land required to satisfy their forecasted growth targets to the 2051 horizon. I encourage you to work with Ministry of Municipal Affairs and Housing staff as you work towards meeting conformity.

Updated official plans will play a critical role in helping more Ontarians find a home that meets their needs, as well as supporting our economic recovery from COVID-19. For these reasons, there will be *no deadline extensions for any municipalities*. Municipalities and their staff have had significant time and assistance from the Ministry of Municipal Affairs and Housing to ensure there would be no delays in conformity.

The *Places to Grow Act, 2005*, provides significant powers for the Minister of Municipal Affairs and Housing to intervene in municipal official plans in the event of non-conformity with **A Place to Grow** policies. This includes failing to plan for all forecasted growth to the required horizon, by the conformity deadline of July 1, 2022. The Ministry continues to be available to assist you and your staff so that official plans or official plan amendments will be submitted within the required timeframe.

Thank you for your ongoing commitment to your community, and for your collaboration and engagement in support of effective growth management in the Greater Golden Horseshoe. Once again, I encourage you to work with my Ministry staff at the various stages as you work towards meeting conformity. Please contact Assistant Deputy Minister for the Ontario Growth Secretariat, Sandra Bickford, at [Sandra.Bickford@ontario.ca](mailto:Sandra.Bickford@ontario.ca), if you have any further questions or concerns regarding **A Place to Grow** or the policies within it.

Sincerely,



Steve Clark  
Minister

- c. Janette Smith, City Manager  
Steve Robichaud, Director, Planning & Chief Planner

April 22, 2021

Mayor Eisenberger and Council  
The City of Hamilton  
2<sup>nd</sup> 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 (NPCA) adopted the following as Resolution No. FA-71-21:

*Moved by Board Member Beattie  
Seconded by Board Member Rapley*

1. **THAT** Report No. FA-25-21 RE: *Expanding the Greenbelt Proposal – NPCA Comments* **BE RECEIVED.**
2. **THAT** staff **BE AUTHORIZED** to provide the NPCA's comments on the *Expanding the Greenbelt Proposal to the Environmental Registry of Ontario and partner municipalities in Welland River and Twenty Mile Creek watershed* **BE ADVISED.**  
**CARRIED**

Accordingly, attached for your reference is NPCA Report No. FA-25-21 RE: Expanding the Greenbelt Proposal – NPCA Comments along with related correspondence to the Minister of the Environment, Conservation and Parks RE: Environmental Registry of Ontario Posting 019-3136. Should you have any questions on this matter, please feel free to contact David Deluce, Senior Manager, Planning & Regulations at [ddeLUce@npca.ca](mailto:ddeLUce@npca.ca) or 905-788-3135 extension 224.

Sincerely,



Grant Bivol  
Clerk / Board Secretariat

Encl.

**Report To: Board of Directors**

**Subject: Expanding the Greenbelt Proposal – NPCA Comments**

**Report No: FA-25-21**

**Date: April 16, 2021**

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**Recommendation:**

1. **THAT** Report No. FA-25-21 RE: Expanding the Greenbelt Proposal – NPCA Comments **BE RECEIVED**.
2. **THAT** staff **BE AUTHORIZED** to provide the NPCA’s comments on the Expanding the Greenbelt Proposal to the Environmental Registry of Ontario and partner municipalities in Welland River and Twenty Mile Creek watershed **BE ADVISED**.

**Purpose:**

The purpose of this report is to inform the Board of an initiative by the Province to expand the Greenbelt and the NPCA’s comments on this initiative.

**Background:**

On February 17, 2021, the Ministry of Municipal Affairs and Housing (MMAH) posted a notice on the Environmental Registry of Ontario launching a consultation on expanding the size of the Greenbelt Plan Area and enhancing the ‘quality’ of the Greenbelt. Two priority areas have been identified by the ministry:

1. Lands in and around the Paris Galt Moraine, which is a physiographic area currently located outside the Greenbelt in Waterloo Region and Brant and Wellington Counties;
2. Ideas for adding, expanding and further protecting Greenbelt Urban River Valleys.

Principles articulated by MMAH for potential expansions include expansions that:

- Support existing Greenbelt Plan objectives, vision and goals of providing permanent protection to the agricultural land base and ecological and hydrological features, areas and functions occurring on the landscape and providing for the inclusion of publicly owned lands in urban river valleys.
- Connect physically and/or functionally to the current Greenbelt by building upon the natural heritage, water resource and agricultural systems approach of the Greenbelt Plan and should

be directly connected or have a strong functional connection to not create unconnected islands of Greenbelt land.

While the province's focus is on the two priority areas highlighted above, they have also indicated they would consider input regarding other potential areas to grow the Greenbelt as well as other priorities that should be considered. It should be noted that the Province is not considering any land removals, land exchanges or policy changes at this time. Comments are requested by the close of the consultation period on April 19, 2021.

Note that Conservation Ontario has solicited comments from Conservation Authorities, to which the NPCA provided comments on March 29, 2021.

## **Discussion:**

There is a portion of the Greenbelt within the NPCA Watershed (see Appendix 1), however, the two geographic areas of focus for growth are not located within the NPCA Watershed. As such, staff offered no comments on the merits of including those geographic areas. The other component of the Greenbelt that the Province is focusing on is Urban River Valleys. There is one existing designated Urban River Valley in the NPCA Watershed (Lower Twelve Mile Creek in St. Catharines).

The Province introduced Urban River Valleys into the Greenbelt Plan added in the 2017 update as a way to bring river valleys into urban areas outside of the Greenbelt. The goal of including these new features was to provide additional connections between the Greenbelt area and the Great Lakes and to protect natural and open space lands. Another important consideration is that the policies for Urban River Valleys only applies to publicly owned lands. Many of the existing watercourses in the municipalities that are outside the Greenbelt area are far removed from a direct connection to the Great Lakes, thus would not be suitable as an Urban River Valley.

In lieu of recommending new Urban River Valleys, staff recommended in comments to Conservation Ontario that consideration be given to extending the Greenbelt Natural Heritage System along the Welland River Valley and Twenty Mile Creek Valley. Both of these systems have their headwaters in the Greenbelt and are significant hydrologically and in a natural heritage context. Incorporating them into the Greenbelt Natural Heritage System would help in protecting these important systems.

The Greenbelt Natural Heritage System (NHS) is a Provincial framework derived from coarse data. While this was a good start at the time, this is an opportunity to refine the NHS and fill in gaps that are missing, not just in Niagara but across the entire Greenbelt area. Conservation Authorities, such as the NPCA, have helpful data available to help identify gaps in the NHS and should be approached for such data.

## **Financial Implications:**

There are no financial implications to the recommendations of this report.

## **Links to Policy/Strategic Plan**

Commenting on Provincial Policy initiatives supports the Strategic Plan's Mission Statement "to implement our *Conservation Authorities Act* mandate by remaining a responsive, innovative, accountable and financially sustainable organization" by "working in collaboration with our partners in conservation".

**Related Reports and Appendices:**

Appendix 1 – Map of the Greenbelt in the NPCA’s Watershed.

Appendix 2 – NPCA Comments to Conservation Ontario

**Authored by:**

*Original Signed by:*

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David Deluce, MCIP, RPP  
Senior Manager, Planning & Regulations

**Reviewed and Submitted by:**

*Original Signed by:*

---

Chandra Sharma, MCIP, RPP  
Chief Administrative Officer/Secretary-Treasurer



# Consultation on growing the size of the Greenbelt

[\(ERO#019-3136\)](#)

## Consultation Table

Please submit comments to Nicholas Fischer (CO) by March 29<sup>th</sup>, 2021

<mailto:nfischer@conservationontario.ca>

**Name:** David Deluce, MCIP, RPP – Senior Manager, Planning & Regulations

**Conservation Authority:**

As a reminder, please submit one comment table per CA. Thank you.

Consultation on growing the size of the Greenbelt	
Discussion Questions	CA Comments
<b>What are your thoughts on the initial focus area of the Study Area of the Paris Galt Moraine?</b>	This is outside of our watershed, therefore, we have no comments
<b>What are the considerations in moving from a Study Area to a more defined boundary of the Paris Galt Moraine?</b>	This is outside of our watershed, therefore, we have no comments
<b>What are your thoughts on the initial focus area of adding, expanding and further protecting Urban River Valleys?</b>	While we are supportive in principle to adding more Urban River Valleys, we don't have a lot of contiguous, open channel rivers running through our Urban Areas that would be suitable candidates for inclusion.
<b>Do you have suggestions for other potential areas to grow the Greenbelt?</b>	The NPCA recommends including the valley system for Twenty Mile Creek and the Welland River within the Greenbelt NHS. The headwater areas of both these rivers is already within the Greenbelt NHS. In the case of Twenty Mile Creek, the lower reach is also part of the Greenbelt NHS. It does not make sense for the middle reach to not be included.
<b>How should we balance or prioritize any potential Greenbelt expansion with the other provincial priorities mentioned above? (see ERO posting for priorities)</b>	It is acknowledged that growth management is important but equal importance must be placed on protecting the natural heritage system and water resources systems of the Greenbelt and Growth Plan.
<b>Are there other priorities that should be considered?</b>	No further comments.

<b>General Comments</b>
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**Consultation on growing the size of the  
Greenbelt ([ERO#019-3136](#))**

No further comments.

April 19, 2021

Honourable Jeff Yurek  
Minister of the Environment, Conservation and Parks  
College Park 5th Floor  
777 Bay Street  
Toronto, ON M7A 2J3

**RE: Environmental Registry of Ontario Posting 019-3136**

Dear Minister Yurek,

Thank you for the opportunity to provide comments towards the provincial “Consultation on growing the size of the Greenbelt”. The Niagara Peninsula Conservation Authority (NPCA) offers the following general comments on the proposal. Please note that in addition to these comments, the NPCA also echoes the comments on this proposal that have been provided by Conservation Ontario.

While the NPCA is supportive in principle to adding more Urban River Valleys, the Niagara watershed does not contain many contiguous, open channel rivers running through our Urban Areas that would be suitable candidates for inclusion. There is one existing designated Urban River Valley in the NPCA Watershed (Lower Twelve Mile Creek in St. Catharines).

In lieu of recommending new Urban River Valleys, the NPCA recommends that consideration be given to extending the Greenbelt Natural Heritage System along the Welland River Valley and Twenty Mile Creek Valley. These two systems have their headwaters in the Greenbelt and are significant, both hydrologically and in a natural heritage context. In the case of Twenty Mile Creek, the lower reach is also part of the Greenbelt Natural Heritage System. It does not make sense for the middle reach to not be included. Incorporating both watercourses into the Greenbelt Natural Heritage System would help in protecting these important systems.

It is acknowledged that while growth management is important, equal importance must be placed on protecting the natural heritage system and water recourses systems of the Greenbelt and Growth Plan. Thank you for the opportunity to comment on this proposal. For any questions or clarity on these matters, kindly contact CAO Chandra Sharma at [csharma@npca.ca](mailto:csharma@npca.ca) or 905-788-3135.

Respectfully,



David Deluce, MCIP, RPP  
NPCA Senior Manager, Planning & Regulations

CORPORATION OF THE MUNICIPALITY OF CALVINResolutionDATE: April 27, 2021 NO. 2021-110MOVED BY Dan MaxwellSECONDED BY Heather Olmstead

**“WHEREAS** the role of Ontario’s 441 fire departments and their approximate 30,000 full, part-time, and volunteer firefighters is to protect Ontarians and their property; and

**WHEREAS** according to the Ontario Fire Marshal and Emergency Management’s latest data, in Ontario there was over 11,000 number of loss fires, 9,500 no loss fires, 784 injuries, 91 fatalities, and over \$820 million dollars of estimated loss in 2018; and

**WHEREAS** fire emergencies only make up a portion of the total calls for help received by fire and emergency service departments as they respond to nearly every public emergency, disaster, or 9-1-1 call; and

**WHEREAS** Ontario’s fire department infrastructure deficit continues to grow annually and is almost entirely borne by the municipality and local taxpayers with the majority having populations under 25,000; and

**WHEREAS** due to antiquated structures and equipment that do not meet current industry standards the safety of the Ontario public and Ontario firefighters is being jeopardized;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Calvin resolves as follows:

1. **THAT** the Federal and Provincial Government includes apparatuses, training, equipment and structures for fire departments as eligible categories to any further infrastructure programs which will not only provide immediate stimulus to the local, provincial and federal economies given current economic uncertainty but also ensure the safety of Canadians and dedicated firefighters; and
2. **THAT** this resolution be forwarded to the Honourable Doug Ford Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Laurie Scott, Minister of Infrastructure, local MPP, local MP, the Ontario Fire Marshal, Jon Pegg, the Ontario Association of Fire Chiefs, and all Ontario Municipalities.”

CARRIED DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEA</u>	<u>NAY</u>
<u>Coun Cross</u>	<u>X</u>	<u>      </u>
<u>Coun Maxwell</u>	<u>X</u>	<u>      </u>
<u>Coun Olmstead</u>	<u>X</u>	<u>      </u>
<u>Mayor Pennell</u>	<u>X</u>	<u>      </u>

**Ministry of the Attorney General**  
720 Bay Street  
11th Floor  
Toronto ON M5G 2K1  
Tel: 416-326-4000

**Ministère du Procureur général**  
720, rue Bay  
11<sup>e</sup> étage  
Toronto ON M5G 2K1  
Tél.: 416-326-4000

**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 Affaires municipales  
et du Logement**  
Bureau du ministre  
777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél.: 416-585-7000



## 4.9

Our Reference #: M-2021-6396

May 3, 2021

Dear Head of Council:

We are writing to you today to highlight some of the recent liquor licensing measures our government has taken to provide additional tools to municipalities to modernize the regulation of alcohol consumption.

As you know, our government has taken a series of actions to support Ontario's vibrant hospitality sector before and during the COVID-19 pandemic, including the more than 17,000 local restaurants and bars that are essential to life in our communities.

We will continue to work with Ontario businesses, workers and municipal partners to expand choice and convenience for consumers across the province.

Our government understands the important role that municipalities play in the effective administration of the liquor licensing framework, and we will work to continue this collaborative approach to support your community and the local businesses and workers that are essential to its economic growth and well-being.

On March 29, 2019, the *Liquor Licence Act* (LLA) was amended to authorize municipal governments to designate public areas within their jurisdiction, such as parks, for the public consumption of alcohol. Since that time, all municipalities in Ontario have had the flexibility to designate any area under their authority for the public consumption of alcohol, subject to any additional rules or conditions that the municipality considers appropriate (e.g. limitations on which day consumption could occur, times of day, etc.).

In addition to this important modernization of the province's regulatory framework for alcohol consumption, over the last 12 months our government has also delivered:

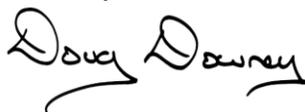
- Regulatory amendments that provide the Registrar of the Alcohol and Gaming Commission of Ontario (AGCO) the authority to alter its policy regarding temporary extensions of licensed premises, facilitating the creation of new or extended outdoor licensed areas for licensed establishments, subject to municipal oversight;

- Making an order under the *Reopening Ontario Act, 2020* (O. Reg. 345/20) which created temporary exemptions to the *Planning Act* procedural requirements, allowing municipalities to quickly authorize by-laws to establish or expand bar and restaurant patios;
- Implemented regulatory changes to permit tour boats that were not permitted to operate, due to public health measures, to utilize their liquor sales licence while docked (which was previously prohibited under the regulations), and, with approval from the municipality, create an outdoor or patio area on the dock for the safe sale and service of alcohol;
- Provisions that permit liquor sales licensees to include alcohol as part of a takeout or delivery food order;
- Various changes to the liquor delivery service program to expand the types of delivery services permitted and provide flexibility and increased choice for consumers;
- Significant changes to the rules for liquor manufacturers, including the expansion of the farmers' market program to include the sale of 100% Ontario and non-VQA wine, spirits and most recently eligible beer; and
- New opportunities and flexibility for manufacturers in how they are permitted to retail their product at their manufacturing facility, and the offerings they are able to provide to tourists visiting those facilities.

While not all changes to liquor licensing include municipal involvement, the steps being taken to modernize the liquor regulatory framework are intended to support local businesses within your communities. Our government continues to recognize the significant contributions that municipalities make to the liquor regulatory framework, and we look forward to your ongoing participation and collaboration in this regard.

Should you have any questions regarding the information contained in this letter, please contact Joseph Hillier, Chief of Staff for the Attorney General, at [joseph.hillier@ontario.ca](mailto:joseph.hillier@ontario.ca).

Sincerely,



Doug Downey  
Attorney General



Steve Clark  
Minister of Municipal Affairs and Housing

c: The Honourable Doug Ford, Premier of Ontario  
The Honourable Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture Industries  
Association of Municipalities of Ontario

**Pilon, Janet**

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**Subject:** Notification of Proposal on Modernizing Environmental Compliance Practices and Ontario Community Environment Fund Re-Launch

**From:** MECP Land Policy (MECP) <[MECP.LandPolicy@ontario.ca](mailto:MECP.LandPolicy@ontario.ca)>

**Sent:** May 5, 2021 11:46 AM

**Cc:** Kurtes, Robyn (MECP) <[Robyn.Kurtes@ontario.ca](mailto:Robyn.Kurtes@ontario.ca)>; Lompart, Chris (MECP) <[Chris.Lompart@ontario.ca](mailto:Chris.Lompart@ontario.ca)>

**Subject:** Notification of Proposal on Modernizing Environmental Compliance Practices and Ontario Community Environment Fund Re-Launch

Good morning:

I am writing to you today to share important information about several initiatives the Ministry of the Environment, Conservation and Parks is moving forward with our commitments in our Made-in-Ontario Environment Plan to help strengthen enforcement tools that hold polluters accountable and create consistent guidelines to prevent and address noise and odour issues.

**These initiatives include:**

1. Proposed Land Use Compatibility Guideline
2. Proposed Odour Guideline
3. Updating the ministry's Compliance Policy to focus on high-risk incidents and publicly posting the Referral Tool and Service Standards
4. Stakeholder Consultation on the Expansion of Administrative Monetary Penalties
5. Re-Launch of the Enhanced Ontario Community Environment Fund

Further details on these initiatives are available in the Environmental Registry of Ontario bulletin posting: [strengthening our environmental compliance approach](#).

Additional information related to stakeholder engagement for the proposed administrative monetary penalties expansion and the re-launch of the Ontario Community Environment Fund is available below.

**1. Proposed Land Use Compatibility Guideline**

Ontario is proposing a new land use compatibility guideline as an update to a number of existing D-series guidelines for municipalities to use when making land use planning decisions.

The proposed guideline will help ensure certain land uses can co-exist and thrive for the long-term within a community, including major industrial facilities and more sensitive residential land uses.

By clarifying when compatibility studies related to the assessment of potential noise, odour, dust and other effects are needed to support land use planning decisions, the proposed guideline would help to prevent adverse impacts. Preventing noise and odour issues resulting from incompatible land uses is a key commitment in the Made-in-Ontario Environment Plan. For more information and to provide comments, please visit [Environmental Registry Posting 019-2785](#).

**2. Odour guideline**

We are proposing guidance on how industrial facilities, development proponents and other members of the regulated community can anticipate, prevent, and address odour issues.

Our proactive approach will provide more regulatory certainty for facilities, better coordination with land planning decisions, and more effective remediation of issues caused by odour mixtures.

For more information, please visit [Environmental Registry Posting 019-2768](#).

### **3. Updating the ministry's Compliance Policy to focus on high-risk incidents and publicly posting the Referral tool and Service Standards**

The ministry is updating and modernizing its compliance policy to ensure that compliance and enforcement activities are risk-based.

The ministry has publicly posted the Referral Tool which will help the ministry to triage public reports received through phone calls or emails so that we are more efficiently identifying incidents which the ministry will respond to or refer to more appropriate levels of government or other agencies. Service standards for responding to incident reports received from the public have also been posted publicly to ensure timeliness of the ministry's response.

For more information, please visit [Environmental Registry Posting 019-2972](#).

### **4. Administrative Monetary Penalty Expansion – Stakeholder Consultations**

The ministry is expanding our ability to issue administrative monetary penalties, currently known as environmental penalties, to more violations and to our entire regulated community, an estimated 150,000 entities. This includes individuals, small businesses and large corporations as well as public entities like municipalities and crown corporations. Currently, these penalties can be applied when certain environmental violations, such as spills and unlawful discharges, occur at about 140 industrial facilities.

We are now inviting you to participate in an engagement session where we will present proposed approaches on the details of the new administrative monetary penalties framework for environmental violations, to seek your feedback prior to drafting regulations. The engagement session will be delivered online and offer an opportunity for you to provide direct input. The input received will inform the development of draft regulations and a guidance document in order to implement the new administrative monetary penalties framework, which we anticipate consulting on further later this year. Please register for one of the four engagement sessions that best suits your availability using the corresponding link below.

DATE	TIME	EVENT LINK
Tuesday, May 18	9 AM to 12 PM	<a href="#">Registration</a>
Thursday, May 20	1 PM to 4 PM	<a href="#">Registration</a>
Wednesday, May 26	1 PM to 4 PM	<a href="#">Registration</a>
Friday, May 28	9 AM to 12 PM	<a href="#">Registration</a>

Once registered, we will send you the engagement materials, the webinar link and the event code for Slido (i.e. an interactive web-based question and answer and polling tool), which the ministry will be using to collect your input.

Please review the discussion document, including discussion questions, prior to the engagement session and prepare your responses. Let us know if you are unable to attend any of the scheduled engagement sessions. We will try to accommodate where possible.

Please send any questions you may have on these engagement sessions to [Andre.Martin@ontario.ca](mailto:Andre.Martin@ontario.ca)

## 5. Re-Launch of Enhanced Ontario Community Environment Fund

Funds collected from administrative monetary penalties will continue to be dedicated to the Ontario Community Environment Fund, to support environmental improvement projects in the regions of Ontario where the violations occurred. Projects will support increased environmental restoration, and resilient communities and local solutions to environmental issues. Projects will be assessed through a competitive process, based on their positive environmental and community benefits as well as the quality of the project design.

More information about the enhanced Ontario Community Environment Fund and the 2021 call for applications will be announced soon. The application period is expected to be open from early May 2021 to late June 2021 and will make funds available, collected from penalties between 2016-2019. Local organizations can apply for the funding available based on the region where they are located:

- Northern Region: \$475,009
- Southwest Region: \$306,151
- Eastern Region: \$62,864
- West-Central Region: \$43,298
- Central Region: No funding available this round because the value of penalties collected did not meet the minimum funding threshold of \$5,000.

Please send any questions you may have on the Ontario Community Environment Fund to [OCEF@Ontario.ca](mailto:OCEF@Ontario.ca).

If you have any further questions or comments related to these initiatives, please direct questions to the appropriate contact above.

Thank you,

Robyn Kurtes, Director  
Environmental Policy Branch, Ministry of the Environment, Conservation and Parks

**THE CORPORATION OF  
THE TOWN OF PERTH**

80 Gore Street East  
Perth, Ontario K7H 1H9  
Phone: (613) 267-3311  
Fax: (613) 267-5635

April 30, 2021

Honourable Premier Doug Ford  
Premier of Ontario  
Legislative Building  
Queens Park  
Toronto, ON M7A 1A1

Dear Premier Ford:

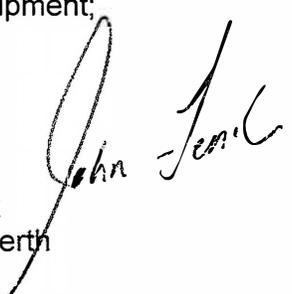
**Sent via Email:** [premier@ontario.ca](mailto:premier@ontario.ca)

**Re: Provincial Hospital Funding of Major Capital Equipment**

The Town of Perth is requesting that further consideration be given to having the province be financially responsible for the replacement costs associated with all major capital equipment in hospitals, as municipalities across the province are facing major shortfalls in meeting their financial obligations. As set out in their asset management plans and cannot afford to directly absorb the financial responsibility for the replacement costs of the hospitals' major capital equipment without jeopardizing their financial sustainability.

As well, if the province is unwilling to assume the full responsibility for funding local hospitals completely, the Town of Perth requests that the province must develop a legislative framework as to how counties and municipalities should best address the financial shortfalls facing hospitals throughout Ontario, specifically the funding of major capital equipment;

Sincerely,

  
John Fenik  
Mayor of Perth

cc: Ontario Municipalities  
AMO – [amo@amo.on.ca](mailto:amo@amo.on.ca)

*Aged to Perfection!*



## PUBLIC WORKS COMMITTEE REPORT 21-006

1:30 p.m.

Monday, May 3, 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 21-006 AND RESPECTFULLY RECOMMENDS:

**1. Wastewater Treatment Plant Bypass and Combined Sewer Overflow Reporting (PW19091(b)) (City Wide) (Item 7.1)**

That Report PW19091(b), respecting Wastewater Treatment Plant Bypass and Combined Sewer Overflow Reporting, be received.

**2. Intersection Control List (PW21001(b)) (Ward 9) (Item 7.2)**

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

Intersection		Stop Control Direction		Class	Comments / Petition	Ward
Street 1	Street 2	Existing	Requested			
<b>Section "F" Stoney Creek</b>						
(a)	Mud Street East	Third Road East	NB/SB	EB/WB	C	Sightline issues, converting to All-way 9

**Legend**

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

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

**3. Pier 25 Dredging - Memorandum of Understanding Between the City of Hamilton and Hamilton Oshawa Port Authority (PW21025) (City Wide) (Item 10.2)**

- (a) That the City of Hamilton update the Amending Agreement to the Memorandum of Understanding (set out in Report PW08055(a)), between the City of Hamilton and the Hamilton Oshawa Port Authority, to set out respective obligations of the City of Hamilton and Hamilton Oshawa Port Authority related to the dredging in the Pier 25 Hamilton Oshawa Port Authority owned lands for a ten-year period; and,
- (b) That the City of Hamilton be authorized to execute a Second Amending Agreement to the Memorandum of Understanding, and all necessary associated documents with content approval by the General Manager of Public Works and in a form satisfactory to the City Solicitor.

**4. William Connell Park Fencing Improvements (Ward 8) (Item 11.1)**

WHEREAS, William Connell Park, located at 1086 West 5<sup>th</sup> Street, is an active community park in Ward 8 with a variety of recreational opportunities that benefit residents;

WHEREAS, wind blown litter has become an operational issue and visual blight at the park,

WHEREAS, the installation of a 6' galvanized chain link fence along the park's southern property line, adjacent to 1136 West 5<sup>th</sup> Street, would mitigate this issue by trapping litter.

THEREFORE, BE IT RESOLVED:

- (a) That \$13,000 be allocated from the Ward 8 Capital Reinvestment Discretionary Account to implement the installation of a new chain link fence, along the southern property line adjacent to 1136 West 5<sup>th</sup> Street; 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.

**5. Installation of Curb Extensions on MacNab Street North and Barton Street West, Hamilton (Ward 2) (Item 11.2)**

WHEREAS, a concept that creates additional on-street parking on MacNab Street North at York Boulevard to serve short term parking needs has been identified, but requires a curb extension to maintain access to the nearby HSR bus pad; and,

WHEREAS, residents have long requested the installation of a curb extension and rain garden at Barton Street West at MacNab Street North as a traffic calming measure;

THEREFORE, BE IT RESOLVED:

- (a) That the estimated cost of \$37,000 to install a curb extension on MacNab Street North, at York Boulevard, be funded from Ward 2 Special Capital Re-Investment Reserve Account (108052);
- (b) That staff be authorized and directed to evaluate design options and future operational considerations for a curb extension and rain garden on Barton Street West, at MacNab Street North, and that the estimated cost of \$55,000 for construction be funded from Ward 2 Special Capital Re-Investment Reserve Account (108052); and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**6. Request for Tree Supply (Ward 6) (Item 11.3)**

WHEREAS, increasing the urban tree canopy by providing trees has many environmental benefits to the residents of Ward 6 and the wider City;

WHEREAS, the provision of trees to be planted on private property is not currently funded under existing tree planting programs;

WHEREAS, residents of Sherwood Rise have requested trees be planted adjacent to their properties and the Confederation Square Apartment complex (located at 1195/1205 Fennell Avenue East); and,

WHEREAS, the Property Manager of Confederation Square Apartments has agreed to plant the trees and provide ongoing maintenance to the trees;

THEREFORE, BE IT RESOLVED:

- (a) The supply and distribution of approximately 30 - 1.5 metre tall spruce trees at an upset cost of \$4,500 be funded from the Ward 6 Special Capital Re-Investment Reserve (#108056); 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. Dynamic Speed Signs for Ward 6 (Item 11.4)**

WHEREAS, the City of Hamilton is committed to creating safe neighborhoods and vibrant communities through the Vision Zero Action plan; and,

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

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized and directed to take the required steps to purchase 12 new Dynamic Speed Signs to be permanently installed on Upper Ottawa Street (two units), Fennell Avenue East (two units), Mohawk Road East (four units), Concession Road/Mountain Brow Boulevard (two units), and Upper Gage Avenue (two units);
- (b) That all costs associated with the installation of traffic calming measures at these locations be funded from the Ward 6 Special Capital Re-Investment Reserve, (108056) at an upset limit, including contingency, not to exceed \$57,000; 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.

**8. Private Tree Giveaway (Ward 7) (Added Item 11.5)**

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 7 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 7 Discretionary Fund 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.

**9. Management and Processing of the City of Hamilton's Green Cart Material (CONFIDENTIAL) (LS21011(a)/PW21024(a)) (City Wide) (Item 14.2)**

- (a) That the direction provided to staff in Closed Session be approved; and,
- (b) That Report LS21011(a)/PW21024(a), respecting Management and Processing of the City of Hamilton's Green Cart Material, remain confidential and be deferred to the May 17, 2021 Public Works Committee meeting.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**5. COMMUNICATIONS (Item 5)**

- 5.1 Correspondence from Spin Mobility Inc. respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide)

Recommendation: Be received and referred to the consideration of Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide).

**6. DELEGATION REQUESTS (Item 6)**

- 6.1 Delegation Requests (for today's meeting):

6.1(a) Walter Cairns respecting the Banning of E-bikes in Confederation Park

6.1(b) Chris Schafer, Bird Canada respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide)

6.1(c) Shoaib Ahmed, SCOOTY (Scooty Mobility Inc.) respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide)

6.1(d) Jamie Stuckless respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide)

6.1(e) Larissa Proctor, CNIB Foundation respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide)

**12. NOTICES OF MOTION (Item 12)**

- 12.2 Private Tree Giveaway (Ward 7)

- 12.3 Installation of Traffic Calming Measures at Various Locations throughout the Westdale and Ainsle Wood Neighbourhoods (Ward 1)

The agenda for the May 3, 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) April 19, 2021 (Item 4.1)**

The Minutes of the April 19, 2021 meeting of the Public Works Committee were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i) Correspondence from Spin Mobility Inc. respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Added Item 5.1)**

The correspondence from Spin Mobility Inc., respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide), was received and referred to the consideration of Item 10.1.

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

**(e) DELEGATION REQUESTS (Item 6)**

(a) The following delegation requests, were approved for today's meeting:

- (i) Walter Cairns respecting the Banning of E-bikes in Confederation Park (Added Item 6.1(a))
- (ii) Chris Schafer, Bird Canada respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Added Item 6.1(b))
- (iii) Shoaib Ahmed, SCOOTY (Scooty Mobility Inc.) respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Added Item 6.1(c))
- (iv) Jamie Stuckless respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Added Item 6.1(d))
- (v) Larissa Proctor, CNIB Foundation respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Added Item 6.1(e))

For further disposition of this matter, refer to Items (f) and (g)(i).

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

- (a) The following delegations, were received, as follows:
- (i) James Kemp, Advisory Committee for Persons with Disabilities respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Item 9.1)
  - (ii) Walter Cairns respecting the Banning of E-bikes in Confederation Park (Added Item 9.2)
  - (iii) Chris Schafer, Bird Canada respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Added Item 9.3)
  - (iv) Shoaib Ahmed, SCOOTY respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Scooty Mobility Inc.) (Added Item 9.4)
  - (v) Jamie Stuckless respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Added Item 9.5)
  - (vi) Larissa Proctor, CNIB Foundation respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Added Item 9.6)

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

**(g) DISCUSSION ITEMS (Item 10)**

**(i) Commercial E-Scooters Operations (PED20134(a)) (City Wide) (Item 10.1)**

Report PED20134(a), respecting Commercial E-Scooters Operations, was deferred to provide for additional public consultation with, but not be limited to, the Advisory Committee for Persons with Disabilities, the CNIB Foundation, the Seniors Advisory Committee, the Hamilton Cycling Committee, environmental groups, the City's Corporate Climate Change Task Force and other relevant organizations, and report back at a future Public Works Committee meeting.

**(ii) Award of Request for Proposal C11-46-20, Management and Processing of the City of Hamilton's Green Cart Material (PW21026) (City Wide) (Item 10.3)**

Consideration of Report PW21026, respecting an Award of Request for Proposal C11-46-20, Management and Processing of the City of Hamilton's Green Cart Material, was deferred until after the Closed Session portion of the agenda.

Consideration of Report PW21026, respecting an Award of Request for Proposal C11-46-20, Management and Processing of the City of Hamilton's Green Cart Material, was deferred until the May 17, 2021 Public Works Committee meeting.

**(h) NOTICES OF MOTION (Item 12)**

Councillor Pearson introduced the following Notice of Motion:

**(i) Safety Review on North Service Road between Fruitland Road and Dewitt Road, Hamilton (Ward 10) (Item 12.1)**

WHEREAS, the current speed limit of the North Service Road is 60 km/h;

WHEREAS, a new condo development has been completed on the east side of the North Service Road in the area of Lakeview Drive; and,

WHEREAS, the developer is installing a Pedestrian Crossover to assist in facilitating the crossing of pedestrians to Bayview Park and there are concerns with vehicle speed and pedestrian safety;

THEREFORE, BE IT RESOLVED:

- (a) That Transportation Operations and Maintenance staff be authorized and directed to undertake an evaluation of North Service Road, between Fruitland Road and Dewitt Road, to consider safety enhancements that could include community safety zone designation, speed limit reduction, additional warning signs and other possible safety enhancements; and,
- (b) That Transportation Operations and Maintenance staff be directed to report back to the Public Works Committee in Q3 2021 with the findings, and possible recommendations, of the safety review of North Service Road, between Fruitland Road and Dewitt Road.

**(ii) Private Tree Giveaway (Ward 7) (Added Item 12.2)**

The Rules of Order were waived to allow for the introduction of a Motion respecting a Private Tree Giveaway (Ward 7).

For further disposition of this matter, refer to Item 8.

Councillor Nann introduced the following Notice of Motion:

**(iii) Installation of Traffic Calming Measures at Various Locations throughout the Westdale and Ainsle Wood Neighbourhoods (Ward 1) (Added Item 12.3)**

WHEREAS, Transportation Operations and Maintenance completed a Neighbourhood review and public consultation to address issues raised by residents related to roadway safety; and,

WHEREAS, a final implementation report was completed outlining the installation of various measures to improve roadway safety within these neighbourhoods;

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, at a cost not to exceed \$60,000, to be funded from the Ward 1 Area Rating Capital Reinvestment Discretionary Fund (3301909100):
  - (i) Rifle Range Road, from Iona Avenue to Whitney Avenue, Hamilton (2 speed cushions);
  - (ii) Glenmount Avenue, from Kingsmouth Street South to Leland Street, Hamilton (2 speed cushions);
  - (iii) Cline Avenue South, from Arkell Street to Barclay Street West, Hamilton (1 speed cushion);
  - (iv) Longwood Road North, between Franklin Avenue and Glen Road, Hamilton (3 speed cushions);
  - (v) Emerson Street and Rifle Range Road, Hamilton (2 permanent Dynamic Speed Signs);
- (b) That Transportation Operations and Maintenance staff be authorized and directed to finalize the two bumpout designs, in consultation with Landscape Architect Services, on Sanders Boulevard at Cottrill Street and Hollywood Street North, Hamilton, and construct in 2022 at a total cost not to exceed \$40,000, to be funded from the Ward 1 Area Rating Capital Reinvestment Discretionary Fund (3301909100);
- (c) That Transportation Operations and Maintenance staff be authorized and directed to retain a consultant to undertake a feasibility study and complete technical designs for the installation of a raised intersection at King Street West and Haddon Avenue North, Hamilton, at a cost not to exceed \$150,000, to be funded from the Ward 1 Area Rating Capital Reinvestment Discretionary Fund (3301909100); and,
- (d) 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.

**(i) 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) Wastewater Treatment Plant Bypass and Combined Sewer Overflow Reporting**  
Addressed as Item 7.1 on today's agenda - Report PW19091(b)  
Item on OBL: AAM

**(b) Items Requiring a New Due Date:**

- (i) COVID-19 Recovery Phase Mobility Plan**  
Item on OBL: ABE  
Current Due Date: May 3, 2021  
Proposed New Due Date: May 31, 2021
- (ii) Stormwater Gap Evaluation**  
Item on OBL: ABM  
Current Due Date: May 3, 2021  
Proposed New Due Date: May 31, 2021
- (iii) Road Safety Review and Appropriate Measures at the York Road and Newman Road Intersection**  
Item on OBL: AAE  
Current Due Date: May 17, 2021  
Proposed New Due Date: May 31, 2021

**(j) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes - April 19, 2021 (Item 14.1)**

- (a) The Closed Session Minutes of the April 19, 2021 Public Works Committee meeting, were approved, as presented; and,**
- (b) The Closed Session Minutes of the April 19, 2021 Public Works Committee shall remain confidential.**

Committee moved into Closed Session respecting Item 14.2, 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.

**(ii) Management and Processing of the City of Hamilton's Green Cart Material (LS21011(a)/PW21024(a)) (City Wide) (Item 14.2)**

For disposition of this matter, refer to Item 9.

**(k) ADJOURNMENT (Item 15)**

There being no further business, the Public Works Committee adjourned at 4:55 p.m.

Respectfully submitted,

Councillor A. VanderBeek  
Chair, Public Works Committee

Alicia Davenport  
Legislative Coordinator  
Office of the City Clerk



**PLANNING COMMITTEE  
REPORT  
21-007**

**May 4, 2021  
9:30 a.m.**

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

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

**Also in Attendance:** Mayor F. Eisenberger and Councillor T. Jackson

**THE PLANNING COMMITTEE PRESENTS REPORT 21-007 AND RESPECTFULLY  
RECOMMENDS:**

**1. Agriculture and Rural Affairs Committee Report 21-002 (Item 7.1)**

**(a) Land Needs Assessment Process (Item 10.2)**

WHEREAS, prime agricultural land is a valuable, shrinking, non-renewable resource and only 5% of the arable land in Ontario is viable for agricultural production;

WHEREAS, Hamilton's available white belt growth lands are some of the more productive food producing lands in the city, having much of it classified as Class 1 under Canada land inventory mapping; and,

WHEREAS, Hamilton has great opportunities to intensify core areas of the city while meeting the needs for growth, rebuilding core infrastructure and developing an effective transit corridor;

THEREFORE, BE IT RESOLVED:

That the Agriculture and Rural Affairs Advisory Committee respectfully recommends that the City of Hamilton establish the current urban boundary as a fixed boundary, focusing development and planning efforts on core urbanized and under-utilized areas while preserving prime

agricultural land in the white belt for the production of food, fibre and fuel for the foreseeable future.

**2. Animal Services and Ren’s Pets Program (PED21079) (City Wide) (Item 7.2)**

That Report PED21079 respecting Animal Services and Ren’s Pets Program, be received.

**3. City Initiative (CI) 18-A – Modifications to Site Plan Control By-law No. 15-176, as amended by By-law Nos. 18-104 and 19-026, in the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED21022) (Ward 12) (Item 7.3)**

(a) That City Initiative 18-A to amend Site Plan Control By-law No. 15-176 as amended by By-law Nos. 18-104 and 19-026, to make technical changes, to modify provisions for ease of interpretation and implementation of the Site Plan Control By-law, and to introduce a provision for detached Secondary Dwelling Units, as it pertains to the Existing Residential “ER” Zone in the Town of Ancaster Zoning B-law No. 87-57, be APPROVED on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED21022, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (ii) That the proposed changes to the Site Plan Control By-law are consistent with the Provincial Policy Statement (PPS) 2020, conforms with A Place to Grow Plan (2019, as amended), and complies with the Urban Hamilton Official Plan.

**4. Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 354 King Street East (PED21076) (Ward 1) (Item 9.3)**

(a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-20-003 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, to amend the Strathcona Secondary Plan to add a Site Specific Policy to the Mixed Use – Medium Density designation to permit a building height of 12 storeys, for a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That Amended Zoning By-law Amendment application ZAC-20-008 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, for a change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741, H120) Zone to permit a hotel with a maximum building height of 42.0 metres (12 storeys) on a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:
  - (i) That the draft By-law attached as Appendix “C” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That Schedule “D”: Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

“H120. Notwithstanding Subsection 11.1 of this By-law, on those lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 of Schedule “A” – Zoning Maps and described as 354 King Street West, Hamilton, development shall be restricted in accordance with the following as:

    - (a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone.
    - (b) Regulations

For such time as the Holding Provision is in place these lands shall be subject to the regulations of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone except where in conflict with the following:

    - i) No development exceeding the maximum height of 36.5 metres.

(c) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following condition have been satisfied:

- (i) The Owner submits, receives approval for and implements through a Site Plan Amendment, a Functional Servicing Report (FSR) that addresses such matters as, but not limited to, water servicing, required fire flow (RFF), wastewater servicing and stormwater management, all to the satisfaction of the Senior Director of Growth Management.”
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
  - (c) That upon finalization of the amending By-law, the subject lands, being Phase 1 of the proposed development, be re-designated from “Civic and Institutional” to “Commercial and Apartments” in the Strathcona Neighbourhood Plan.
  - (d) That the public submissions regarding this matter were received and considered by the Committee in approving the application.
- 5. Request for Direction to proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:258, for lands located at 1575 Upper Ottawa Street, Hamilton (PED21098) (Ward 6) (Item 10.1)**

That staff be directed to withdraw the Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:258, for lands located at 1575 Upper Ottawa Street, Hamilton.

- 6. Waterdown Community Node Secondary Plan Study Area Project Update and Options Regarding the Interim Control By-law (By-law Nos. 20-101 and 20-102) (PED21085) (Ward 15) (Item 10.3)**

That Report PED21085 respecting Waterdown Community Node Secondary Plan  
**Council – May 12, 2021**

Study Area Project Update and Options Regarding the Interim Control By-law (By-law Nos. 20-101 and 20-102), be received.

**7. Water and Waste Water Infrastructure Upgrades to Support Intensification (Item 11.1)**

WHEREAS, the City of Hamilton will be considering the establishment of an aggressive target for the accommodation of future growth to 2051 through intensification;

WHEREAS, it is expected that the Downtown Hamilton Urban Growth Centre (UGC) will continue to be identified as a “Primary Node” for the accommodation of future intensification and as the area in the City with the highest target density;

WHEREAS, the City’s Downtown Secondary Plan Policy 6.1.13(b) states that “the processing and approval of development applications shall be contingent on the availability of water and wastewater capacity, and stormwater capacity”

WHEREAS, ensuring the Downtown Hamilton UGC is “shovel-ready” for intensification by strategically delivering key infrastructure upgrades will be critical to meeting the City’s growth targets;

WHEREAS, the City regularly undertakes lifecycle replacement of water and wastewater infrastructure throughout the city, funded through the Rates Budget;

WHEREAS, the City’s 2019 Development Charges By-law has allocated an amount of \$15 million for the 5-year planning period toward the growth-related component of infrastructure upgrades required to support planned intensification across the City;

WHEREAS, there is an opportunity to strategically align both the Rates-funded lifecycle replacement of water and wastewater infrastructure with the DC-funded capacity increases needed to support expected intensification within the Downtown Hamilton UGC;

**THEREFORE BE IT RESOLVED:**

- (a) That Planning and Economic Development and Public Works staff be directed to identify strategic locations for the upgrading of water and wastewater servicing capacity to support high potential near-term intensification opportunities within the Downtown Hamilton Urban Growth Centre; and
- (b) That Planning and Economic Development and Public Works staff jointly report back to Planning Committee with a strategy for advancing the

lifecycle replacement of water and wastewater infrastructure within these strategic locations in order to facilitate and support intensification

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**1. DELEGATION REQUESTS (Item 6)**

6.3 John Ariens, IBI Group, respecting 1575 Upper Ottawa Street Minor Variance Appeal (Item 10.1) (For the May 4th meeting)

**2. PUBLIC MEETINGS / DELEGATIONS (Item 9)**

9.1 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 - WITHDRAWN

9.3 Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 354 King Street East (PED21076) (Ward 1)

(a) Added Registered Delegations:

(e) Aleda O'Connor

(b) Added Written Submissions:

(a) Aleda O'Connor

(b) Barbara Ledger

(c) Jennifer Burt

(d) Theo Van Kooten

The agenda for the May 4, 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 20, 2021 (Item 4.1)**

The Minutes of the April 20, 2021 meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

**(i) Delegation Requests (Items 6.1 – 6.3)**

The following Delegation Requests were approved, as follows:

- 6.1 Louis Zavodni respecting Demolition Permit Conditions for 1462 Upper James Street (For the May 18, 2021 meeting)
- 6.2 Rick Bartels respecting Denial of a Site Alteration Permit (For the May 18, 2021 meeting)
- 6.3 John Ariens, IBI Group, respecting 1575 Upper Ottawa Street Minor Variance Appeal (Item 10.1) (For today's meeting)

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

**(i) Delegations respecting the OPA's Farm Labour House Policy (Item 9.2)**

The following delegations addressed the Committee respecting the OPA's Farm Labour House Policy:

- (i) Prem Tewari
- (ii) Hardeep Singh

The delegations from Prem Tewari and Hardeep Singh respecting the OPA's Farm Labour House Policy, were received.

Staff was directed to review the Farm Labour House Policy and report back to the Planning Committee by Q3 2021.

Staff was directed to work with the Delegates, Prem Tewari and Hardeep Singh, to find a short-term solution to their challenges with the Farm Labour House Policy.

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

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or

make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Official Plan Amendment applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(ii) Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 354 King Street East (PED21076) (Ward 1) (Item 9.3)**

Andrea Dear, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Brenda Khes with GSP Group, was in attendance and indicated support for the staff report.

The delegation from Brenda Khes with GSP Group, was received.

The following registered delegations (Item 9.1(a)), were received:

- (a) Robert Hilverth, Strathcona Shadow Dwellers, in Opposition to the application.
- (b) Wayne MacPhail, Strathcona Shadow Dwellers, in Opposition to the application.
- (c) Michael-Allan Marion, Strathcona Shadow Dwellers, in Opposition to the application.
- (d) Jennifer Kinnunen, in Opposition to the application.
- (e) Aleda O'Connor, in Opposition to the application.

The following written submissions (Item 9.1(b)), were received:

- (a) Aleda O'Connor, in Opposition to the application.
- (b) Barbara Ledger, in Opposition to the application.
- (c) Jennifer Burt, in Opposition to the application.
- (d) Theo Van Kooten, in Opposition to the application.

The public meeting was closed.

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-20-003 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, to amend the Strathcona Secondary Plan to add a Site Specific Policy to the Mixed Use – Medium Density designation to permit a building height of 12 storeys, for a portion of

the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That Amended Zoning By-law Amendment application ZAC-20-008 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, for a change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741, H120) Zone to permit a hotel with a maximum building height of 42.0 metres (12 storeys) on a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That Schedule “D”: Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:
    - “H120. Notwithstanding Subsection 11.1 of this By-law, on those lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 of Schedule “A” – Zoning Maps and described as 354 King Street West, Hamilton, development shall be restricted in accordance with the following as:
      - a. For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone.

b. Regulations

For such time as the Holding Provision is in place these lands shall be subject to the regulations of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone except where in conflict with the following:

- i) No development exceeding the maximum height of 36.5 metres.

c. Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following condition have been satisfied:

- i) The Owner submits, receives approval for and implements through a Site Plan Amendment, a Functional Servicing Report (FSR) that addresses such matters as, but not limited to, water servicing, required fire flow (RFF), wastewater servicing and stormwater management, all to the satisfaction of the Senior Director of Growth Management.”
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon finalization of the amending By-law, the subject lands, being Phase 1 of the proposed development, be re-designated from

“Civic and Institutional” to “Commercial and Apartments” in the Strathcona Neighbourhood Plan.

The recommendations in Report PED21076 were **amended** by adding the following sub-section (d):

- (d) ***That the public submissions were received and considered by the Committee in approving the application.***
- (a) That the recommendations in Report PED21076 be **amended** to DENY the applications, as follows:
  - (i) That Amended Urban Hamilton Official Plan Amendment application UHOPA-20-003 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, to amend the Strathcona Secondary Plan to add a Site Specific Policy to the Mixed Use – Medium Density designation to permit a building height of 12 storeys, for a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be DENIED on the following basis:
    - (a) The proper Planning process was not followed;
    - (b) The additional height is unknown; and,
    - (c) The design is not in keeping with the Urban Design Guidelines.

The above Motion was DEFEATED.

For disposition of this matter, refer to Item 4.

The Planning Committee recessed from 12:33pm until 1:00pm.

**(iii) John Ariens, IBI Group, respecting 1575 Upper Ottawa Street Minor Variance Appeal (Item 10.1) (Added Item 6.3)**

John Ariens, IBI Group, addressed the Committee respecting 1575 Upper Ottawa Street Minor Variance Appeal.

The delegation from John Ariens, IBI Group respecting 1575 Upper Ottawa Street Minor Variance Appeal, was received.

For disposition of this matter, refer to Item 5.

**(f) DISCUSSION ITEMS (Item 10)**

- (i) **Request for Direction to Proceed with Appeal of Committee of Adjustment Consent and Minor Variance Applications GL/B-20:61 and GL/A-20:199 for the Lands Located at 5020 Tyneside Road (Glanbrook) (PED21093) (Ward 11) (Item 10.2)**

Report PED21093 was DEFERRED to the June 15, 2021 Planning Committee meeting.

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

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

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee to advise that the call for the 2021 Design and Architect Awards will be announced soon.

The General Manager's update was received.

- (h) **ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 1:42 p.m.

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Councillor J.P. Danko  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



## **GENERAL ISSUES COMMITTEE REPORT 21-010**

9:30 a.m.

Wednesday, May 5, 2021

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

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

**Absent:** Mayor F. Eisenberger – Other City Business  
Councillor T. Whitehead – Leave of Absence

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-010, AND RESPECTFULLY RECOMMENDS:**

**1. Ancaster Village Business Improvement Area (BIA) Revised Board of  
Management (PED21081) (Ward 12) (Item 7.1)**

That the following individual be appointed to the Ancaster Village Business Improvement Area (BIA) Board of Management:

- (a) Ryan MacDonald

**2. International Village Business Improvement Area (BIA) Revised Board of  
Management (PED21080) (Ward 2) (Item 7.2)**

That the following individual be appointed to the International Village Business Improvement Area (BIA) Board of Management:

- (a) Melanie Lourenco

**3. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 801 and 803 King Street West and 80, 86 and 90 Carling Street, Hamilton ERG-20-05 (PED21089) (Ward 1) (Item 10.1)**

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-20-05, submitted by 1649626 Ontario Inc. (Ninco Developments Inc.), owner of the properties at 801 and 803 King Street West and 80, 86 and 90 Carling Street, Hamilton, for an ERASE Redevelopment Grant not to exceed \$1,436,007 the estimated cost of the remediation, to be provided over a maximum of ten (10) years, be authorized and approved, in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to give effect to the ERASE Redevelopment Grant for 1649626 Ontario Inc. (Ninco Developments Inc.), owner of the properties at 801 and 803 King Street West and 80, 86 and 90 Carling 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, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, for 1649626 Ontario Inc. (Ninco Developments Inc.), owner of the properties at 801 and 803 King Street West and 80, 86 and 90 Carling Street, Hamilton, as approved by City Council, are maintained.

**4. Hamilton Tax Increment Grant - 233-237 King Street East, Hamilton (PED21088) (Ward 2) (Item 10.2)**

- (a) That a Hamilton Tax Increment Grant Program Application submitted by Malleum Real Estate Partners III, by way of its General Partner, Malleum General Partner III Limited (Tyler Pearson and Greg Clewer), for the property at 233-237 King Street East, Hamilton, estimated at \$51,303.63 over a maximum of a five (5) year period, and based upon the incremental tax increase attributable to the development of 233-237 King Street East, 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 a Grant Agreement together with any ancillary documentation required, to give effect to the Hamilton Tax Increment Grant for Malleum Real Estate

Partners III, by way of its General Partner, Malleum General Partner III Limited, for the property at 233-237 King Street East, 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 Malleum Real Estate Partners III, by way of its General Partner, Malleum General Partner III Limited, for the property at 233-237 King Street East, Hamilton, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

**5. Municipal Comprehensive Review / Official Plan Review Work Plan (PED21067) (City Wide) (Item 10.3)**

That Report PED21067, respecting the Municipal Comprehensive Review / Official Plan Review Work Plan, be received.

**6. Advisory Committee for Persons with Disabilities Report 21-004, April 13, 2021 (Item 10.4)**

- (a) **Virtual Collaborative Roundtable Meeting to Discuss Changes and Challenges to Public Transportation in Hamilton (Added Item 7.4(b))**

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities respectfully requests to organize and host such a collaborative meeting for the purposes to provide updated information and learning about the issues faced by Hamiltonians; and,

WHEREAS, representatives of Transportation Working Groups from other City Volunteer Advisory Committees as well as representatives from various community organizations and stakeholders (such as Canadian National Institute for the Blind, Multiple Sclerosis Society, Canadian Hard of Hearing Association, L'Arche Hamilton, Hamilton Regional Indian Centre, etc.) will benefit from the knowledge of the shared challenges faced during the time of the pandemic and beyond;

THEREFORE, BE IT RESOLVED

That members of the Transportation Working Group of the Advisory Committee for Persons with Disabilities be authorized to organize and host a virtual collaborative roundtable meeting in 2021 with key stakeholders and staff experts, for the purpose of discussing changes and

challenges to public transportation in Hamilton during the pandemic and beyond.

**7. 2021 Tax Policies and Area Rating (FCS21028) (City Wide) (Item 10.5)**

That Report FCS21028, respecting the 2021 Tax Policies and Area Rating, be REFERRED to the May 12, 2021 Council meeting for consideration.

**8. Airport Sub-Committee Report 21-001, April 15, 2021 (Item 10.6)**

**(a) Annual Auditor's Report on the Annual Schedule of Percentage Rent Computation regarding the John C. Munro Hamilton International Airport (PED21094) (City Wide) (Item 7.1)**

That Report PED21094, respecting the 2020 Annual Auditor's Report on the Annual Schedule of Percentage Rent Computation regarding the John C. Munro Hamilton International Airport, be received for information.

**(b) 2021-2022 John C. Munro Hamilton International Airport (HIA) - City of Hamilton Joint Marketing Initiatives (PED21083) (City Wide) (Item 10.1)**

That the City of Hamilton allocate \$400,312 from the Airport Joint Marketing Reserve Fund No. 112217 as the City's contribution to the 2021-2022 John C. Munro Hamilton International Airport – City of Hamilton Joint Marketing Initiatives.

**(c) TradePort / City Lease Negotiation Status Update (PED19084(e)) (City Wide) (Item 14.2)**

(ii) That the direction provided to staff in Closed Session, respecting Report PED19084(e) - TradePort / City Lease Negotiation Status Update, be approved; and,

(ii) That Report PED19084(e), respecting the TradePort International Corporation / City Lease Negotiation Status Update and its appendices, remain confidential.

- (d) Real Estate and Leasing Matter related to Hamilton International Airport (CM21005) (City Wide) (Item 14.3)**
- (i) That the direction provided to staff in Closed Session, respecting Report CM21005 - Real Estate and Leasing Matter related to Hamilton International Airport, be approved; and,
  - (ii) That Report CM21005, respecting Real Estate and Leasing Matter related to Hamilton International Airport, remain confidential.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**5. COMMUNICATION ITEMS**

- 5.2 Correspondence from Viv Saunders respecting ~ 22+% Increase on Final Tax Bills for 6000 Properties in Wards 10 and 11

Recommendation: Be received and referred to the consideration of Item 10.5.

**6. ADDED DELEGATION REQUESTS**

- 6.1. Bianca Caramento, Bay Area Climate Change Council, to support the staff recommendations for an FCM application in the report titled - Bay Area Detailed Design for a Flexible Deep Energy Retrofit Program; and, to provide context for the Bay Area Climate Change Council supporting activities for the application. (For the May 19, 2021 GIC)
- 6.2 Leo Johnson, Executive Director of Empowerment Squared, respecting the Emerging Needs Arising in the Newcomer, Racialized and Marginalized Community, as a Result of COVID-19 (For the May 19, 2021 GIC)

The agenda for the May 5, 2021 General Issues Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 4)**

**(i) April 21, 2021 (Item 4.1)**

The Minutes of the April 21, 2021 General Issues Committee meeting were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i) Correspondence from Viv Saunders respecting Item 10.5 - Report FCS21028, 2021 Tax Policies and Area Rating (Item 5.1)**

The correspondence from Viv Saunders, respecting Item 10.5 - Report FCS21028, 2021 Tax Policies and Area Rating, was received and referred to consideration of Item 10.5.

**(ii) Correspondence from Viv Saunders respecting ~ 22+% Increase on Final Tax Bills for 6,000 Properties in Wards 10 and 11 (Item 5.2)**

The correspondence from Viv Saunders, respecting ~ 22+% Increase on Final Tax Bills for 6,000 Properties in Wards 10 and 11, was received and referred to the consideration of Item 10.5.

**(e) DELEGATION REQUESTS (Item 6)**

The following Delegation Requests were approved to appear before the General Issues Committee on May 19, 2021:

- (i) Bianca Caramento, Bay Area Climate Change Council, to support the staff recommendations for an FCM application in the report titled - Bay Area Detailed Design for a Flexible Deep Energy Retrofit Program; and, to provide context for the Bay Area Climate Change Council supporting activities for the application. (Item 6.1)
- (ii) Leo Johnson, Executive Director of Empowerment Squared, respecting the Emerging Needs Arising in the Newcomer, Racialized and Marginalized Community, as a Result of COVID-19 (Item 6.2)

**(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.

The General Issues Committee recessed for one half hour until 1:15 p.m.

**(g) 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) Proposed New Due Dates (13.1.a.)**

**(aa) Communications Strategy to Assist in Ensuring Residents are on the Municipal Elections Voters List**

Current Due Date: March 24, 2021

Proposed New Due Date: June 16, 2021

**(h) PRIVATE & CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – April 21, 2021 (Item 14.1)**

**(a)** The Closed Session Minutes of the April 21, 2021 General Issues Committee meeting were approved, as presented; and,

**(b)** The Closed Session Minutes of the April 21, 2021 General Issues Committee meeting shall remain confidential.

**(i) ADJOURNMENT (Item 14)**

There being no further business, the General Issues Committee adjourned at 1:46 p.m.

Respectfully submitted,

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John Paul Danko, Deputy Mayor  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk



## AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-007

9:30 a.m.

May 6, 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 AND ADMINISTRATION COMMITTEE PRESENTS REPORT 21-007 AND RESPECTFULLY RECOMMENDS:

**1. Treasurer's Write-off of Taxes under Section 354 of the *Municipal Act, 2001* (FCS21035) (Ward 5) (Item 7.1)**

That property taxes in the amount of \$5,608.85 for 310 Beach Boulevard, Hamilton (Roll #2518 050 511 02440 0000) be written off under Section 354 of the *Municipal Act, 2001* and that Hamilton Beach Rescue Unit Inc., be refunded the property taxes paid in error.

**2. Development Charges Annual Indexing – Effective July 6, 2021 (FCS21033) (City Wide) (Item 7.2)**

That Report FCS21033, respecting Development Charges Annual Indexing – Effective July 6, 2021, be received.

**3. Archiving of City Council Videos (FCS21053 / CM21007) (City Wide) (Added Item 7.4)**

That Report FCS21053 / CM21007, respecting the Archiving of City Council Videos, be received.

**4. Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Delegations regarding Citizen Committee Reports (Item 10.1)**

That the Citizen Committee Report from the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee, respecting delegations regarding Citizen Committee Reports, be received.

**5. Governance Review Sub-Committee Report 21-003 - April 30, 2021 (Added Item 10.2)**

**(a) Council/Staff Relationship Policy (FCS21045 / CM21005) (City Wide) (Outstanding Business List Item) (Item 8.1)**

That the Council/Staff Relationship Policy attached as amended Appendix "A" to Audit, Finance & Administration Committee Report 21-007, to include 'or unreasonable' after 'undue' to Item 5 under Principles, be approved.

**(b) Advisory Committee for Persons with Disabilities Logo (Item 10.1)**

That the secondary logo for the Advisory Committee for Persons with Disabilities (ACPD), be approved.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**6. DELEGATION REQUESTS**

6.1 Mike Collins-Williams, West End Homebuilders' Association, respecting Pay on Demand Modern Surety Bonds (For a future meeting)

6.2 Stephanie Kuntz, Marsh Canada, respecting Development Bonds as a Security for Development Agreements (For a future meeting)

**7. CONSENT ITEMS**

7.4 Archiving of City Council Videos (FCS21053 / CM21007) (City Wide) (Outstanding Business List Item)

**10. DISCUSSION ITEMS**

10.2 Governance Review Sub-Committee Report 21-003 - April 30, 2021

**13. GENERAL INFORMATION / OTHER BUSINESS**

13.1 Amendment to the Outstanding Business List

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

Records Retention By-law Amendment (FCS21034)

That staff be directed to report back outlining the City's current practice for the retention of the video recordings

of Council, Sub-Committee, and Advisory Committee meetings.

Added: April 22, 2021 at AF&A - Item 7.3

Completed: May 6, 2021 at AF&A - Item 7.4

OBL Item: 21-F

The agenda for the May 6, 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 22, 2021 (Item 4.1)**

The Minutes of the April 22, 2021 meeting of the Audit, Finance and Administration Committee were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

The following Delegation Requests, were approved for a future meeting:

- (i) Mike Collins-Williams, West End Homebuilders' Association, respecting Pay on Demand Modern Surety Bonds (Added Item 6.1)
- (ii) Stephanie Kuntz, Marsh Canada, respecting Development Bonds as a Security for Development Agreements (Added Item 6.2)

**(e) CONSENT ITEMS (Item 7)**

**(i) Treasurer's Write-off of Taxes under Section 354 of the *Municipal Act, 2001 (FCS21035) (Ward 5) (Item 7.1)***

That the recommendation to Report FCS21035, respecting the Treasurer's Write-off of Taxes under Section 354 of the *Municipal Act, 2001* **be amended** by replacing \$5,422.18 with **\$5,608.85**, to read as follows:

That property taxes in the amount of ~~\$5,422.18~~ **\$5,608.85** for 310 Beach Boulevard, Hamilton (Roll #2518 050 511 02440 0000) be written off under Section 354 of the Municipal Act and that Hamilton Beach Rescue Unit Inc. be refunded the property taxes paid in error.

For disposition of this matter, refer to Item 1.

**(ii) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Minutes - March 16, 2021 (Item 7.3)**

The minutes of the March 16, 2021 meeting of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee, were received.

**(iii) Archiving of City Council Videos (FCS21053 / CM21007) (City Wide) (Added Item 7.4)**

That Clerk's staff be directed to contact the City's Advisory Committee's to survey their membership as to whether they would be comfortable having their meetings recorded and retained, and report back to the Governance Review Sub-Committee.

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

**(f) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Amendment to the Outstanding Business List (Added 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:**

Records Retention By-law Amendment (FCS21034)

That staff be directed to report back outlining the City's current practice for the retention of the video recordings of Council, Sub-Committee, and Advisory Committee meetings.

Added: April 22, 2021 at AF&A - Item 7.3

Completed: May 6, 2021 at AF&A - Item 7.4

OBL Item: 21-F

**(g) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Closed Minutes – April 22, 2021**

(a) The Closed Session Minutes of the April 22, 2021 Audit, Finance and Administration Committee meeting, were approved as presented; and,

(b) The Closed Session Minutes of the April 22, 2021 Audit, Finance and Administration Committee meeting, remain confidential.

**(h) ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee adjourned at 10:12 p.m.

Respectfully submitted,

Councillor Ferguson, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

<b>Corporate Policy</b>		<b>Policy Alignment:</b>
<i>Office of the City Manager</i>		<i>Municipal Act 2001, as amended</i>
Page 1 of 5		<b>Council Approved: Last Reviewed: April 2021</b>

## ***Council/Staff Relationship Policy***

### **POLICY STATEMENT**

The Corporation of the City of Hamilton is responsible to provide good government with respect to the matters within its jurisdiction. To do so requires a strong working relationship between the Mayor and Council and City Staff.

### **LEGISLATIVE REQUIREMENTS**

This Policy has been prepared in accordance with sub-clause 270 (1) 2.1 of the *Municipal Act, 2001*, as amended which requires Council to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the Municipality.

### **SCOPE**

This Policy applies to all Members of Council and City Staff that work on behalf of the Corporation. This policy applies to all interactions, including those that are on-site and off-site of City facilities, before, during and after work hours.

### **RELATED DOCUMENTS**

- Council Code of Conduct
- Code of Conduct for Employees Policy
- Harassment and Discrimination Prevention Policy
- Personal Harassment Prevention Policy
- Protocol for Gender Identity and Gender Expression
- Violence in the Workplace Prevention Policy
- Whistleblower Bylaw

### **PRINCIPLES**

The Guiding Principles below outline the agreed to working relationship between Council and Staff. The commentary provides context only, for the Principle.

1. Council and City Staff recognize their shared responsibility to serve the community of the City of Hamilton and work together to build trust and confidence in City government.

<b>Corporate Policy</b>		<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
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<p>Commentary: Staff recognize that City Council is the elected voice of the citizens of the City of Hamilton and respect the decisions of City Council. Council will give appropriate weight and consideration to the professional advice of staff and the community’s wishes in order to make decisions for the City.</p>
<p>2. Council and City Staff are committed to accountability and transparency among Council and Staff.</p>
<p>Commentary: Staff will ensure all Council members are provided with the same information on matters of general concern and/or matters that will be discussed at a meeting of Council or a committee of Council. Council and staff will maintain transparency in decision making and ensure proper consideration of confidential matters.</p>
<p>3. Council and City Staff respect their roles and professional boundaries and follow appropriate processes. Staff will provide their professional opinion in good faith and Council will not attempt to influence their professional opinion.</p>
<p>Commentary: Staff are responsible to their direct supervisor and City Manager as established in the formal organization structure of the City. Members of Council are encouraged to contact staff to answer questions, identify concerns or request services that are normally available to any City of Hamilton resident. Staff are not able to offer levels of service that are inconsistent with what has been approved by Council overall. If members of Council have issues that are outside of regular City services or business, they should raise those with General Managers or the City Manager or the Council floor.</p>
<p>4. Council and City Staff uphold the City’s vision, mission and culture, and work together to achieve the City’s strategic priorities.</p>
<p>Commentary: Staff will keep Council apprised in a timely manner on key business decisions affecting strategic priorities, as appropriate. Council will provide funding and resources for City Staff to achieve desired outcomes.</p>
<p>5. Council and City Staff interact with mutual respect, honesty and professionalism.</p> <p>Commentary: Staff carry out their duties based on political neutrality and objectivity, free from undue or unreasonable political influence. Council will respect the professional opinion of staff when receiving staff reports and recommendations that include advice that may be politically sensitive.</p>
<p>6. Council and City Staff communicate transparently, in timely manner and in good faith.</p> <p>Commentary: Staff will notify Council of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports and/or presentations in a timely fashion. In order to allow time for preparation, where possible, Council will provide staff with notice of concerns prior to attending meetings where concerns will be raised.</p>
<p>7. Council and City Staff do not make statements that reflect negatively on the City, or on an individual Council or Staff Member.</p>

<b>Corporate Policy</b>		<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
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Commentary: Staff will implement and reflect Council’s decisions and establish administrative practices and procedures to carry out those decisions, even if it is not in line with the advice of staff. Council will respect Staff’s professional advice and not speak negatively about any professional advice provided.

8. Council and City Staff are respectful of each other’s time and workloads, and that they are concise in their interactions and respectful of work volume and priorities.

Commentary: Council will work with Staff to create timelines that are achievable within approved funding and staff resources. Staff will respect report timelines to allow ample time and availability for Council to review and ask questions prior to meetings.

**ROLES AND RESPONSIBILITIES**

The Roles and Responsibilities of Members of Council and City Staff can be found in the following sections of the *Municipal Act 2001*, as amended.

**1.1. Role of Council**

Represent the Corporation, provide direction and create policy. Specifically, Section 224 of the Municipal Act, 2001 states:

“224. It is the role of Council,

- a) to represent the public and to consider the well-being and interests of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of council under this or any other Act.”

**Role of the Mayor**

Section 225 of the Municipal Act, 2001 defines the role of the Mayor as follows:

“225. It is the role of the head of council,

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under this or any other Act.”

“Section 226.1 **Head of council as chief executive officer**

**226.1** As chief executive officer of a municipality, the head of council shall:

- a) uphold and promote the purposes of the municipality;

<b>Corporate Policy</b>		<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
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- b) promote public involvement in the municipality’s activities;
- c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.”

**1.3. Role of the City Manager**

Direction Focus: The City Manager leads in three dimensions. Up to Council, down to staff and out to the community stakeholders. The City Manager is responsible for providing professional advice to Council and leading staff in the implementation of Council’s direction / policies. The City Manager specific responsibilities are outlined in By-Law 19-044 - To Appoint and to Prescribe the Duties and Responsibilities of the Chief Administrative Officer.

**1.4. Role of Senior Management:**

“**227** It is the role of the officers and employees of the municipality,  
 (a) to implement council’s decisions and establish administrative practices and procedures to carry out council’s decisions;  
 (b) to undertake research and provide advice to council on the policies and programs of the municipality; and  
 (c) to carry out other duties required under this or any Act and other duties assigned by the municipality.”

**1.5. Role of Staff and Other Officers:**

These positions have the authority and obligation to carry out their duties as defined by the Legislation. It is Council’s responsibility to ensure that these positions have clear job descriptions and the decision making of these positions are free from political interference.

1. Chief Building Official – Building Code Act (By-Law)
2. Corporate Administrative Officer or City Manager – *Municipal Act, 2001* (By-Law)
3. City Clerk - *Municipal Act, 2001* (By-Law)
4. Treasurer – *Municipal Act, 2001* (By-Law)
5. Chief Planning Official/Secretary Treasurer of the Planning Committee – Planning Act
6. Fire Chief - Fire Code Act (By-Law)
7. Police Chief - Police Act
8. Medical Officer of Health (Council Resolution; Health Protection and Promotion Act)
9. Auditor General – Municipal (By-Law)

**COMPLAINT PROCESS**

Upon receipt of notification that a complaint and/or concern , the supervisor or other departmental member of management shall follow the Council Staff Relationship Procedure to investigate accordingly.

<b>Corporate Policy</b>		<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
Page 5 of 5		<b>Council Approved:</b> <b>Last Reviewed: April 2021</b>

1. In the case of City Staff, the supervisor and manager once removed will complete the investigation process and consult with Human Resources, Organizational Development staff as necessary.
2. In the case of a Member, the complaint or concern shall be referred to the Integrity Commissioner who shall investigate the matter in accordance with the provisions of the *Municipal Act*.

### **Definitions**

"City" means the Corporation of the City of Hamilton

"City Manager" means the City Manager and Chief Administrative Officer of the City of Hamilton.

"Council" means the Mayor of the City of Hamilton and all Ward Councillors.

"Senior Management" means the members of the Senior Leadership Team.

"Staff" or "City Staff" means all City of Hamilton employees, including Senior Management.



## **EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 21-005**

1:30 p.m.  
Thursday, May 6, 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. Residential Care Facility (RCF) Liaison Report 3rd Quarter Update (HSC20040(b)) (City Wide) (Item 7.1)**

That Report HSC20040(b), respecting Residential Care Facility (RCF) Liaison Report 3rd Quarter Update, be received.

**2. Accessing Capital Repair Finds from the National Housing Strategy Co-Investment Fund for CityHousing Hamilton (HSC19048(a)) (City Wide) (Item 10.1)**

(a) That the General Manager of Healthy and Safe Communities Department, as the Service Manager, be authorized to enter into and execute the Letter of Intent with the Canadian Mortgage and Housing Corporation for funding through the National Housing Strategy Co-Investment Fund – Repair and Renewal Stream to support CityHousing Hamilton;

(b) That staff report back to the Emergency and Community Services Committee with any Service Manager consents or other approvals required to execute CityHousing Hamilton's Credit Agreement with the Canadian Mortgage and Housing Corporation for the National Housing Strategy Co-Investment – Repair and Renewal Stream; and,

- (c) That the City of Hamilton will act as guarantor of the long-term financing and performance obligations identified in the Letter of Intent, not to exceed \$87,413,328 in repayable loans and \$58,275,552 in forgivable loans and that the General Manager, Finance and Corporate Services, and City Clerk be authorized to execute any agreements and ancillary documents relating to the guarantee.

**3. Citizen Committee Report - Seniors Advisory Committee - Snow Removal Recommendations and HSR Services (Item 10.2)**

That Seniors Advisory Committee Citizen Committee Report respecting Snow Removal Recommendations and HSR Services, be received.

**4. Citizen Committee Report - Seniors Advisory Committee - Proposed Statement regarding Long-Term Care Homes (Item 10.3)**

That Seniors Advisory Committee Citizen Committee Report respecting Proposed Statement regarding Long-Term Care Homes, be received and referred to staff for a report back to the Emergency and Community Services Committee.

**5. Citizen Committee Report - Seniors Advisory Committee - Funding for the International Federation of Aging Conference Taking Place in Niagara Falls, Canada, from November 9-12, 2021 (Item 10.4)**

That \$200 USD be allocated from the 2021 approved budget funds for the Seniors Advisory Committee to pay half the virtual registration fee for two committee members to attend the International Federation of Aging Conference.

**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 from Sean Ferris, Habitat for Humanity, Hamilton, respecting affordable housing

Recommendation: to be received.

The agenda for the May 6, 2021 Emergency and Community Services 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 22, 2021 (Item 4.1)**

The Minutes of the April 22, 2021 meeting of the Emergency and Community Services Committee were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i) Correspondence from Sean Ferris, Habitat for Humanity, Hamilton, respecting affordable housing (Added Item 5.1)**

The correspondence from Sean Ferris, Habitat for Humanity, Hamilton, respecting affordable housing, was received.

**(e) CONSENT ITEMS (Item 7)**

**(i) Various Advisory Committee Minutes (Item 7.2)**

The following Advisory Committee Minutes, were received:

1. Seniors Advisory Committee Minutes – March 5, 2021 (Item 7.2 (a))
2. Housing and Homelessness Advisory Committee Minutes – January 5, 2021 (Item 7.2 (b))

**(f) ADJOURNMENT (Item 15)**

There being no further business, the Emergency and Community Services Committee was adjourned at 1:50 p.m.

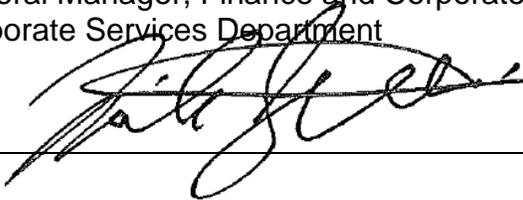
Respectfully submitted,

Councillor N. Nann  
Chair, Emergency and Community Services  
Committee

Tamara Bates  
Legislative Coordinator  
Office of the City Clerk



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Financial Planning, Administration and Policy Division**

<b>TO:</b>	Chair and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 5, 2021
<b>SUBJECT/REPORT NO:</b>	2021 Tax Policies and Area Rating (FCS21028) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Gloria Rojas (905) 546-2424 Ext. 6247
<b>SUBMITTED BY:</b>	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That the following optional property classes be continued for the 2021 taxation year:
- (i) Parking Lot and Vacant Land;
  - (ii) Large Industrial;
- (b) That, based on the 2021 final approved Tax Operating Budget, the following final tax ratios be established for the 2021 taxation year:
- |        |                             |        |
|--------|-----------------------------|--------|
| (i)    | Residential                 | 1.0000 |
| (ii)   | Multi-Residential           | 2.4407 |
| (iii)  | New Multi-Residential       | 1.0000 |
| (iv)   | Commercial                  | 1.9800 |
| (v)    | Parking Lot and Vacant Land | 1.9800 |
| (vi)   | Industrial                  | 3.2493 |
| (vii)  | Large Industrial            | 3.8102 |
| (viii) | Pipeline                    | 1.7947 |
| (ix)   | Farm                        | 0.1767 |
| (x)    | Managed Forest              | 0.2500 |
| (xi)   | Landfills                   | 2.9696 |
- (c) That the following tax reductions be established for the 2021 taxation year:

- |       |  |     |
|-------|--|-----|
| (i)   | Farmland awaiting development (1st Subclass) | 25% |
| (ii)  | Farmland awaiting development (2nd Subclass) | 0%  |
| (iii) | Excess land Subclass (Residual Commercial)   | 0%  |
| (iv)  | Excess land Subclass (Residual Industrial)   | 0%  |
| (v)   | Vacant land Subclass (Residual Industrial)   | 0%  |
| (vi)  | Excess land Subclass (Large Industrial)      | 0%  |
- (d) That the Deferral of Tax Increases for Seniors and Low Income Persons with Disabilities Program (Deferral of Tax Increases Program) be continued for the 2021 taxation year;
- (e) That the Full Tax Deferral Program for Seniors and Low Income Persons with Disabilities Program (Full Tax Deferral Program) be continued for the 2021 taxation year;
- (f) That the Seniors' (65+) Tax Rebate Program be continued for the 2021 taxation year;
- (g) That the 40% Tax Rebate for eligible charities and similar organizations be continued for the 2021 taxation year;
- (h) That the City exits the capping and clawback program as there are no longer any properties under capping protection;
- (i) That City of Hamilton By-law #20-092 To Adopt Municipal Options for Tax Capping be repealed;
- (j) That, for the 2021 taxation year, the Area Rated Levies be approved as identified in Appendix "A" to Report FCS21028, "2021 Tax Policies and Area Rating", attached hereto;
- (k) That the City Solicitor be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax policies and tax rates for the 2021 taxation year.

## **EXECUTIVE SUMMARY**

Report FCS21028 highlights the tax policy tools and options for the current taxation year and includes tax impacts. For the 2021 tax year, the following items are of special interest:

- The discontinuation of tax capping and clawback program
- Tax impacts resulting from the policies announced in the 2020 Provincial Budget
- Tax impacts due to changes in the delivery of the fire service

Table 3 in the "Analysis and Rationale for Recommendation(s)" section of Report FCS21028 provides details of all the tax policies being recommended.

As identified in Table 1, the combined impacts of the final approved 2021 Operating Budget, inclusive of the final growth, tax policies and education impacts recommended in Report FCS21028 has resulted in achieving a total **City-wide residential tax impact of 2.1% or \$89** for the average residential property valued at \$381,000. This is equivalent to a \$23 increase for every \$100,000 of assessment.

**Table 1  
2021 Total Average Residential Tax Impact**

	\$	%
Municipal Taxes	\$ 89	2.4%
Education Taxes	\$ -	<b>0.0%</b>
<b>Total Taxes</b>	<b>\$ 89</b>	<b>2.1%</b>

- Anomalies due to rounding
- Updated for growth and levy restrictions

The tax impact identified in Table 1 is simply a City-wide average. Area rating, tax policies and reassessment result in varying tax impacts throughout the City and on a property-by-property basis. Average residential tax impacts by ward and area rating scenarios are included in Appendix “B” to Report FCS21028, “2021 Tax Policies and Area Rating”, attached hereto.

Table 2 identifies the 2021 total average tax impacts by property class.

**Table 2  
Total Tax Impact by Class**

	Municipal				Total Incl. Education
	Reassessment	Tax Policy	Budget	Total	
<b>Residential</b>	0.0%	0.0%	2.4%	2.4%	<b>2.1%</b>
<b>Multi-Residential</b>	0.0%	0.0%	0.0%	0.0%	<b>0.0%</b>
<b>Commercial</b>	0.0%	0.0%	2.4%	2.4%	<b>-1.8%</b>
<b>Industrial</b>	0.0%	0.0%	1.2%	1.2%	<b>-4.8%</b>
<b>Farm</b>	0.0%	0.0%	4.8%	4.8%	<b>3.9%</b>

Note: Anomalies due to rounding

As shown in Table 2, the average tax impacts vary between property classes. For 2021, tax impacts vary as a result of budgetary changes and the legislated restrictions on the Multi-Residential and the Industrial property classes.

According to the Province's four-year reassessment cycle, property values were expected to be updated in 2020 for the 2021-2024 cycle. However, as part of "Ontario's Action Plan: Responding to COVID-19", announced on March 25, 2020, the Provincial government postponed the reassessment planned for 2020. This means that property assessments for the 2021 taxation year continue to be based on the same valuation date that was in effect for the 2020 taxation year.

The 2021 assessment roll has been updated to reflect assessment changes due to net growth, appeals and request for reconsiderations and the impact of such changes is included in the tax impacts as presented. As part of the 2021 Ontario Budget, the Province announced on March 24, 2021, that the reassessment will once again be postponed adding that the government will hold consultations on the timing and valuation date for the next reassessment update. The results of this consultation will be presented in the fall of 2021.

As part of the 2020 Provincial Budget, it was announced that Business Education Taxes (BET) had been reduced across the Province for properties in the Commercial and Industrial property classes beginning in 2021. For Hamilton, this means a reduction of 10% in the rate for the commercial property class and a reduction of 25% in the rate for the industrial property class. The education tax rate for the Residential and Farm property classes remained at the 2020 level. The impact of these announcements is included in the final tax impact presented in Table 2.

The final tax impact also includes the effect of the Provincial legislation as it relates to the Multi-Residential property class, in which municipalities with a Multi-Residential tax ratio above 2.0 are not allowed to pass reassessment related increases to the class and are also subject to a full levy restriction. In addition, the Industrial property class continues to be restricted and levy increases cannot be more than 50% of the increase passed onto the Residential property class. Overall, the tax impact varies significantly between classes.

The municipal tax impact for the Residential property class is 2.4%, which is the net result of the budgetary increases and the shifts due to changes in area rating. The total tax impact including education is 2.1%.

The Multi-Residential property class, including properties in the Multi-Residential and New Multi-Residential property classes, is not experiencing any change in taxes with respect to 2020 (Municipal and with Education). This is the result of a number of Provincial policies, including the delay in the reassessment, the freeze in the education tax rate and the full levy restriction established in 2017.

The Commercial property class is experiencing a municipal tax impact of 2.4% which is the combined impact of the the tax shift as a result of the changes in area rating and the budget increase%. The previously explained reductions in the education tax results in a total tax reduction of -1.8%.

The Industrial property class is experiencing a municipal tax increase of 1.2%, which as mandated by the Provincial levy restriction, is one half on the budgetary increase to the Residential property class. Similar to the Commercial property class, the reduction in the education tax is providing a very significant benefit to the class, resulting in a total tax reduction of -4.8%.

The municipal impact for the farm class is 4.8%. However, normally, farm properties also have a residential component and the combined impact is, therefore, below the 4.8% shown only for the farm property class. Also, the City's low farm tax ratio of 0.1767, helps to limit the actual tax impact in dollars. The total tax impact including education is 3.9%.

In June of 2019, Council approved "Hamilton Fire Department Service Delivery Plan (2019 - 2028)" (Report HSC19026). The Plan identified the impact that growth and the resulting changes to the demographics and risk profiles of fire services, specifically in a number of areas where the shift was from a rural demographic and risk profile to a suburban / urban demographic and risk profile. The Hamilton Fire Department (HFD) currently provides fire and rescue services across the City through three delivery models based on demographic and risk profiles: Rural – response by Volunteer Firefighters, Urban – response by Fulltime Firefighters and Suburban – response by both Fulltime and Volunteer Firefighters (Composite). The Plan outlined shifting from Rural (Volunteer response) to Suburban (Composite) response based on the significant change that has occurred and is occurring in the following four areas:

1. The Winona area from Fruitland Road, easterly to the Grimsby boarder from the lake to the escarpment.
2. Rymal Road East to Golf Club Road between Regional Road 56 and Trinity Church Road.
3. Twenty Road southward to Dickenson Road between Glover Road and Glancaster Road.
4. Airport Industrial Park on the west side of Upper James southernly from Dickenson Road to the Airport property and the Hamilton International Airport property at 9300 Airport Road.

As a result, approximately 5,800 properties with an assessment of approximately \$3.5 B (of which approximately 5,000 properties and \$2.4 B in assessment are in the Residential property class) from Wards 10 and 11 have been reclassified from "Rural Fire" to "Urban Fire".

Details of the shift caused by this change are included in the Analysis and Rationale section of Report FCS21028. Appendix "C" to Report FCS21028 "Urban / Rural Fire Area Rating" shows the map with the updated boundaries of the fire service delivery.

#### **Alternatives for Consideration – Not Applicable**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Current and future tax policies impact the City financially in terms of revenue streams and their sources. The policies recommended in Report FCS21028 have no budget impact since they have all been incorporated into the 2021 approved budget. The benefits of assessment growth have been used to offset the 2021 budgetary pressures.

**Staffing:** None

**Legal:** The policies included in Report FCS21028 are recommended in accordance to the legislative requirements contained in the *Assessment Act, 2001*.

## **HISTORICAL BACKGROUND**

Each year, staff brings forward tax policy options as part of the overall annual budget approval. The tax policies being recommended are consistent with the assumptions used when identifying tax impacts to Council during the 2021 budget process.

In 2011, significant changes were approved by Council to the method used for the area rating of specific services. Specifically, commencing in the 2011 taxation year, services such as Recreation, Fire, Sidewalks and Street Lighting are area rated based on an urban / rural model. Culture was area rated prior to 2011 and is no longer area rated. Parkland Purchases, Sidewalk Snow Clearing (Ancaster only) and Transit (urban area only) continue to be area rated by the former area municipality.

In 2019, Council approved the Hamilton Fire Department Service Delivery Plan (2019 - 2028) which included changes in the service delivery boundaries to increase the level of composite operations in high growth areas of the City. Appendix “C” to Report FCS21028 – Map of Urban / Rural Fire Areas shows the updated area rating boundaries.

The final 2021 tax impacts identified in Report FCS21028 incorporate the budget impact, as well as, tax policies and growth.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Report FCS21028 recommends a number of tax policy updates for the 2021 taxation year in accordance with the requirements outlined in the *Assessment Act, 2001*.

## **RELEVANT CONSULTATION**

Staff has consulted with Provincial staff and confirmed that the recommended tax policies adhere to the Provincial legislation.

Staff from the Taxation Section and Legal and Risk Management Services Division, Corporate Services Department have also been consulted.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

Table 3 details the recommendations for the 2021 tax year for each of the tax policy tools available to municipalities.

**Table 3**

Tax Policy Tool	Mandatory vs. Discretionary	Recommendation
<b>Tax Ratios</b>	Mandatory          Discretionary	<ul style="list-style-type: none"> <li>• Reduction of the Multi-Residential tax ratio to adhere to Provincial legislation that prevents municipalities from passing on any reassessment and budgetary related increases onto this class.</li> <li>• Reduction of the Industrial tax ratio to adhere to the levy restriction and only pass on 50% (maximum allowable) of the residential budgetary tax increase.</li> <li>• Commercial tax ratio to continue at the Provincial threshold (Discretionary).</li> </ul>
<b>Capping</b>	Mandatory program with discretionary criteria	<ul style="list-style-type: none"> <li>• Staff is recommending that the City exits the capping and clawback program permanently as there are no longer any properties under capping protection.</li> </ul>
<b>Optional Property Classes</b>	Discretionary	<ul style="list-style-type: none"> <li>• Maintain existing Parking Lot and (Commercial) Vacant Land and Large Industrial optional property classes.</li> <li>• The City has not adopted the small-scale on-farm business subclasses.</li> <li>• Regulations for the new Small Business Sub-class has not been enacted as of yet and therefore, the City has not taken any decision on this matter.</li> <li>• Education rates for these subclasses will be identified in the corresponding City By-law.</li> </ul>
<b>Reduction Programs</b>	Discretionary	<ul style="list-style-type: none"> <li>• Reductions to the vacant and excess land subclasses were eliminated beginning in the 2020 tax year as approved by Council on December 4, 2019 (Report FCS17021(b)).</li> </ul>
<b>Seniors Tax Rebate Program</b>	Discretionary	<ul style="list-style-type: none"> <li>• Continue existing program as approved by Council (Report FCS18005).</li> <li>• 2021 updated rebate amount = \$200 (2020 amount of \$198 + CPI).</li> <li>• Increase assessment threshold to \$495,800 (120% of the updated city-wide average assessed value for a single-family dwelling).</li> <li>• Increase income threshold to \$36,900 (150% of updated Guaranteed Income Supplement for a couple).</li> </ul>

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Tax Policy Tool	Mandatory vs. Discretionary	Recommendation
<b>Deferral of Tax Increases Program</b>	Mandatory	<ul style="list-style-type: none"> <li>Continue existing program as approved by Council (Report FCS18005).</li> <li>Update income threshold to \$36,900 (150% of updated Guaranteed Income Supplement for a couple.).</li> </ul>
<b>Full Tax Deferral Program</b>	Discretionary	<ul style="list-style-type: none"> <li>The program is now a permanent program as approved by Council (Report FCS18005(a)).</li> <li>Update income threshold to \$36,900 (150% of updated Guaranteed Income Supplement for a couple.).</li> <li>Application fee: \$200+HST; Interest at 3% per annum.</li> </ul>
<b>Area Rating</b>	Discretionary	<ul style="list-style-type: none"> <li>Area rating based on the Council approved (April 2011) Urban/Rural model (Reports FCS09087 / FCS09087a / FCS11042).</li> <li>Fire Urban/Rural boundaries updated in 2020 (Report HSC19026).</li> <li>Appendix “A” to Report FCS21028 identifies the area rated levies for 2021.</li> <li>Appendix “C” to Report FCS21028 identifies the updated boundaries for fire area rating</li> </ul>
<b>Rebates to Charities and Similar Organizations</b>	Mandatory	<ul style="list-style-type: none"> <li>Continue with existing program.</li> <li>40% rebate for charities.</li> <li>100% rebate for accredited educational institutions that rent their property.</li> <li>100% rebate for Veteran’s Clubhouses and Legion Halls that would otherwise be tax exempt.</li> </ul>
<b>Vacancy Rebates</b>	Discretionary	<ul style="list-style-type: none"> <li>This program has been eliminated as approved by Council on June 2017 (Report FCS17021(a)).</li> </ul>

**Full Tax Deferral Program**

In December 2020, Council approved Report FCS18005(a) “Deferral of Full Taxes for Seniors and Low-Income Persons with Disabilities Program” in which the program becomes permanent after a three-three-year pilot that started in 2018.

This program does not have an impact on the operating budget since deferred amounts are protected as they are set up as a receivable and protected by a special lien. The cost of the program is related to the loss of investment revenue. However, the deferred amounts are subject to annual interest (3% for 2021) in order to offset lost investment revenue.

## Capping

In 2016 and 2017, the Province enacted a series of options to help municipalities to accelerate the process towards Current Value Assessment (CVA) level taxes. The measures that the City adopted since have resulted in significant progress towards CVA taxes and for the 2021 tax year, the City no longer has properties under capping protection. Staff is, therefore, recommending that the City exits the program.

## Tax Ratios

Tax ratios distribute the tax burden across the property classes relative to the Residential property class tax ratio, which is set at 1.0000. For example, a property in a property class with a tax ratio of 2.0 would pay twice the amount of municipal tax as a similarly valued residential property. Tax ratios must be set within flexibility ranges determined by Provincial regulations.

Table 4 identifies the recommended 2021 final tax ratios compared to the 2020 final approved tax ratios and the Provincial thresholds.

**Table 4  
Recommended 2021 Tax Ratios**

	2020 Final Tax Ratios		Recommended 2021 Final Tax Ratios	Provincial Threshold
Residential	1.0000		1.0000	
Multi-Residential	2.4876		2.4407	2.0000
Commercial	1.9800		1.9800	1.9800
Industrial	3.3153		3.2493	2.6300
Industrial - Large	3.8876		3.8102	2.6300
Pipeline	1.7947		1.7947	
Landfills	2.9696		2.9696	3.1189
Farm	0.1767		0.1767	

As shown in Table 4, the Multi-Residential tax ratio has been reduced from 2020 in order to comply with the Provincial legislation that prevents municipalities with tax ratios above 2.0 to pass any reassessment related increases and any budgetary increases onto the Multi-Residential property class.

The Industrial property class continues to be levy-restricted as the City's tax ratio is above the Provincial Threshold and as a result, the 2021 tax ratio has also been reduced from the 2020 tax ratio.

Staff is recommending that the 2020 tax ratios for all other property classes be maintained in 2021 as detailed in Recommendation (b) of Report FCS21028.

## **Tax Impacts**

The final average tax impacts, as identified in Appendix “B” to Report FCS21028, are the result of various factors:

- 2021 approved tax operating budget (Report FCS21001(a));
- Approved area rating methodology, whereby Fire, Recreation, Sidewalks and Street Lighting are area rated based on Urban / Rural, while Transit (urban area only), Sidewalk Snow Removal (Ancaster only) and Parkland Purchase are area rated based on the former area municipality as per Reports FCS09087 / FCS09087a / FCS11042;
- “Hamilton Fire Department Service Delivery Plan (2019 - 2028)” (Report HSC19026);
- Postponement of the new reassessment cycle;
- Reduction of the BET for the Commercial and Industrial property classes;
- Reassessment and levy restrictions on the Multi-Residential property class;
- Levy restriction on the Industrial property class; and
- 2021 tax policies as recommended within Report FCS21028.

Further details on the impacts by ward are provided in Tables 5 and 6. Although the Residential City-wide average total impact is 2.1%, due to the various factors identified above, the impacts will vary between wards and between urban and rural areas. While the changes in the delivery of the fire service account for the wide differences between urban and rural areas, budget pressures and enhancements in other area rated services may also have a greater impact on some wards than others. Appendix “A” to Report FCS21028 “2021 Tax Policies and Area Rating” identifies the area-rated levies.

Note that 90% of the Residential properties are identified as fully Urban and 9% as fully Rural. Only 1% of the Residential properties fall within “Urban with Rural Fire” or “Rural with Urban Fire”.

### **Residential Tax Impacts (Reassessment + Tax Policies + Budget)**

Tables 5 and 6 break down the 2.1% City-wide average residential tax impact into the average urban and rural residential tax impacts by ward. Further detail on the impacts by ward and by all four tax groupings (Urban, Rural, Urban with Rural Fire and Rural with Urban Fire) are provided in Appendix “B” to Report FCS21028 “2021 Tax Policies and Area Rating” attached hereto.

As previously mentioned, the reassessment scheduled for 2020, which would have been effective for the 2021-2024 cycle has been postponed by the Province and, therefore, all properties continue to have the same valuation that was in effect for the 2020 taxation year. This means that there are no reassessment impacts for the 2021 taxation year. Also, since staff is not recommending any tax policy changes that may result in redistribution of taxes, the resulting tax impacts vary amongst wards due to changes in area rating levies and changes in the fire urban / rural boundaries.

**Table 5**

**2021 Total Residential Tax Impacts (Municipal and Education):  
Urban - Transit / Urban Fire**

(inclusive of reassessment, area rating, tax policies and education taxes)

**BY WARD**

	Reassessment & Tax Policies	Area Rating Change (Fire)	Budget	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	0.0%	-0.5%	2.2%	1.7%	\$ 82
Ward 2	0.0%	-0.5%	2.2%	1.7%	\$ 56
Ward 3	0.0%	-0.5%	2.2%	1.7%	\$ 45
Ward 4	0.0%	-0.5%	2.2%	1.7%	\$ 47
Ward 5	0.0%	-0.5%	2.2%	1.7%	\$ 61
Ward 6	0.0%	-0.5%	2.2%	1.7%	\$ 67
Ward 7	0.0%	-0.5%	2.2%	1.7%	\$ 68
Ward 8	0.0%	-0.5%	2.2%	1.7%	\$ 74
Ward 9	0.0%	-0.5%	2.1%	1.5%	\$ 69
Ward 10	0.0%	-0.6%	2.1%	1.5%	\$ 69
Ward 11	0.0%	-0.5%	2.1%	1.6%	\$ 69
Ward 12	0.0%	-0.5%	2.3%	1.8%	\$ 105
Ward 13	0.0%	-0.5%	2.2%	1.7%	\$ 89
Ward 14	0.0%	-0.5%	2.2%	1.7%	\$ 81
Ward 15	0.0%	-0.6%	1.9%	1.3%	\$ 72

<b>City-Wide Average</b>				<b>2.1%</b>	<b>\$ 89</b>
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Notes:

Urban: 90% of all residential properties

Anomalies in totals due to rounding

The urban areas of the City are experiencing a tax increase below the City’s average of 2.1%, as shown in Table 5, mostly due to changes in the fire urban / rural boundaries. Approximately 5,800 properties in Stoney Creek (Ward 10) and Glanbrook (Ward 11), with an approximate assessment of \$3.5 B (of which approximately 5,000 properties and \$2.4 in assessment are in the Residential property class), were reclassified from rural fire to urban fire as the service delivery in those areas has been changed from volunteer to composite operations. Although the particular properties that are now subject to urban fire rates will experience a tax increase, the overall result is a benefit of approximately (0.5%) in the urban areas of the City as now there are more properties, with their associated assessment, sharing the cost of the career and composite operations (urban).

Other differences in the tax impacts in the urban areas are due to changes in transit. Ward 15 is experiencing a benefit due to a lower allocation of transit costs associated with previous years’ changes. For example, Route 18 which covers Burlington but is charged to Hamilton and was previously charged to Flamborough. Conversely, wards in Hamilton and Ancaster have a higher transit allocation associated with previous years’ expansions (i.e. Route 44 in Ancaster and Route 18 in Hamilton).

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Wards 9 and 10 (Stoney Creek portions) are experiencing a benefit due to the full repayment of the lands located at 605 Highway #8 which were part of the parkland area rating levies.

**Table 6**  
**2021 Total Residential Tax Impacts (Municipal and Education):**  
**Rural - No Transit / Rural Fire**  
 (inclusive of reassessment, area rating, tax policies and education taxes)

**BY WARD**

	Reassessment & Tax Policies	Area Rating Change (Fire)	Budget	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	0.0%	N/A	N/A	N/A	N/A
Ward 2	0.0%	N/A	N/A	N/A	N/A
Ward 3	0.0%	N/A	N/A	N/A	N/A
Ward 4	0.0%	N/A	N/A	N/A	N/A
Ward 5	0.0%	N/A	N/A	N/A	N/A
Ward 6	0.0%	N/A	N/A	N/A	N/A
Ward 7	0.0%	N/A	N/A	N/A	N/A
Ward 8	0.0%	N/A	N/A	N/A	N/A
Ward 9	0.0%	2.6%	1.3%	3.8%	\$ 155
Ward 10	0.0%	N/A	N/A	N/A	N/A
Ward 11	0.0%	2.6%	1.4%	4.0%	\$ 159
Ward 12	0.0%	2.6%	1.4%	4.0%	\$ 216
Ward 13	0.0%	2.6%	1.4%	4.0%	\$ 193
Ward 14	0.0%	N/A	N/A	N/A	N/A
Ward 15	0.0%	2.6%	1.4%	4.0%	\$ 208

<b>City-Wide Average</b>				<b>2.1%</b>	<b>\$ 89</b>
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Notes:  
 Rural: 9% of all residential properties  
 Anomalies in totals due to rounding

Contrary to the urban areas which are experiencing a tax benefit due to the changes in the delivery of the fire service, the rural areas are experiencing an increase of approximately 2.6%, as shown in Table 6, since there are now less properties and less assessment to cover the cost of providing the service in rural areas.

In 2021, the budgeted cost of the fire service had an increase of \$326 K over 2020. This budgeted increase has been offset by assessment growth. The percentage of response by career / volunteer crews remained relatively unchanged. Therefore, the change in the boundaries on the fire service delivery is the most significant driver in the tax impact differences between urban areas and rural areas.

The small variations amongst wards are due to decreases in parkland purchases (repayment of the lands located at 605 Highway #8) and decreases in streetlighting due to efficiencies of using LED lights.

Overall, the tax impacts in the rural areas range from 3.8% to 4.0%, mostly due to the changes in fire service delivery as compared to the City's average of 2.1%.

### **Small Business Optional Property Sub-Class**

The 2020 Provincial Budget "Ontario's Action Plan: Protect, Support, Recover from COVID-19 Act (Budget Measures)," proposed new authority for municipalities to adopt a new optional property subclass for small business properties that will allow for a lower rate of taxation to be applied to eligible properties. The Province may consider matching any municipal property tax reductions with a reduction on the education tax portion. The regulations regarding this new optional property subclass have not been enacted yet and, therefore, implementation for the 2021 year is not feasible.

"Small Business" would be defined locally by each municipality in a way that best meets local needs and priorities. Several considerations must be taken into account when developing the eligibility criteria including:

- Roll data: assessment, classification, property code, size
- Nature of the business (retail, hospitality, etc.)
- Ownership / Occupancy (owner occupied, leased)
- Location

Municipalities should also consider the administrative burden, including the process to have the properties coded by MPAC on time for the next taxation year and the financial impacts of this decision. Although this new optional subclass has been presented as a financial relief to small businesses since they have been gravely affected by the COVID-19 pandemic, the tax policy decisions regarding the implementation of this class will have permanent implications for the municipalities that decide to adopt the subclass and, therefore, municipalities must act with caution to ensure that any decision supports their long-term strategic plans.

The City's Commercial property tax ratio is already at the Provincial threshold of 1.98 and is also restricted in the Multi-Residential and Industrial property classes. Therefore, if implemented, and subject to Provincial regulations, tax shifts may result from a potential tax reduction applied to this subclass and a potential shift to the Residential property class. The measure of the impact will depend on the total assessment that is eligible for the discount and the level of tax relief.

Staff will continue to monitor Provincial announcements regarding the regulations for this class and will report back to Council with analysis and recommendations for the 2022 taxation year.

### **Financial Programs Available to Businesses**

Since the start of the COVID-19 pandemic, the Provincial and federal governments have provided support to the business community with a number of programs including:

- Business Education Tax Reduction as previously explained in Report FCS21028
- Ontario Personal Protective Equipment (PPE) Grant
- Ontario Property Tax and Energy Cost Rebates
- Ontario Small Business Support Grant
- Ontario Tourism and Hospitality Small Business Support Grant
- Canada Emergency Business Account (CEBA)
- Canada Emergency Rent Subsidy (CERS)
- Canada Emergency Wage Subsidy (CEWS)

Additional information on these programs can be found in the “Hamilton COVID Concierge for Business” page: <https://hamiltoncovidconcierge.ca/assistance-support/>

The City of Hamilton has also taken actions to assist local businesses through the COVID-19 Pandemic including:

- The creation of the Mayor’s Task Force on Economic Recovery (MTFER)
- Freezing all General Business License Fees, Trade License Fees, Taxi and Personal Transportation Fees, and Film Permit Fees at 2020 levels for 2021
- One-time enhancement grant of \$10 K to each of the City’s 13 Business Improvement Areas (BIAs) to support special programming in 2021

#### **ALTERNATIVES FOR CONSIDERATION**

N/A

#### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

##### **Economic Prosperity and Growth**

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

##### **Healthy and Safe Communities**

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

##### **Built Environment and Infrastructure**

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

#### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report FCS21028 – 2021 Area Rated Levies Summary

Appendix “B” to Report FCS21028 – 2021 Residential Tax Impacts

Appendix “C” to Report FCS21028 – Urban/Rural Fire Area Rating

GR/dt

2021 AREA RATED LEVIES SUMMARY

AREA RATED SERVICES - URBAN / RURAL

SERVICE	BUDGET	URBAN / RURAL			
		URBAN		RURAL	
Fire	\$ 94,248,980	\$ 87,429,829	92.8%	\$ 6,819,151	7.2%
Recreation	\$ 37,368,069	\$ 34,482,759	92.3%	\$ 2,885,310	7.7%
Sidewalk	\$ 3,116,017	\$ 3,040,068	97.6%	\$ 75,949	2.4%
Street Lighting	\$ 4,909,857	\$ 4,592,794	93.5%	\$ 317,063	6.5%

AREA RATED SERVICES - FORMER AREA MUNICIPALITY

SERVICE	BUDGET	FORMER AREA MUNICIPALITY											
		HAMILTON		ANCASTER		DUNDAS		FLAMBOROUGH		GLANBROOK		STONEY CREEK	
Transit	\$ 61,320,936	\$ 50,351,458	82.1%	\$ 3,019,419	4.9%	\$ 1,261,464	2.1%	\$ 1,260,609	2.1%	\$ 1,302,017	2.1%	\$ 4,125,969	6.7%
Sidewalk Snow Removal	\$ 155,023	\$ -	0.0%	\$ 155,023	100.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%
Parkland Purchases	\$ 2,123,883	\$ 1,524,995	71.8%	\$ 529,341	24.9%	\$ 69,547	3.3%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%
Special Infrastructure Re-investment	\$ 13,428,870	\$ 13,428,870	100.0%		0.0%		0.0%		0.0%		0.0%		0.0%
<b>TOTAL AREA RATED LEVIES</b>	<b>\$ 216,671,636</b>												

**2021 Total Residential Tax Impacts (Municipal and Education):**

**Urban - Transit / Urban Fire**

(inclusive of reassessment, area rating, tax policies and education taxes)

**BY WARD**

	Residential Properties	% of Total Properties in Ward	Average Residential Assessment	Reassessment & Tax Policies	Area Rating Change (Fire)	Budget	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	10,067	100%	\$ 407,300	0.0%	-0.5%	2.2%	1.7%	\$ 82
Ward 2	7,932	100%	\$ 281,100	0.0%	-0.5%	2.2%	1.7%	\$ 56
Ward 3	12,571	100%	\$ 225,400	0.0%	-0.5%	2.2%	1.7%	\$ 45
Ward 4	13,725	100%	\$ 233,800	0.0%	-0.5%	2.2%	1.7%	\$ 47
Ward 5 - HM	9,248	100%	\$ 300,300	0.0%	-0.5%	2.2%	1.7%	\$ 60
Ward 5 - SC	2,196	100%	\$ 359,300	0.0%	-0.5%	2.1%	1.6%	\$ 61
Ward 5	11,444	100%	\$ 311,600	0.0%	-0.5%	2.2%	1.7%	\$ 61
Ward 6	11,764	100%	\$ 332,700	0.0%	-0.5%	2.2%	1.7%	\$ 67
Ward 7	13,525	100%	\$ 337,300	0.0%	-0.5%	2.2%	1.7%	\$ 68
Ward 8	10,915	100%	\$ 368,100	0.0%	-0.5%	2.2%	1.7%	\$ 74
Ward 9 - HM	127	100%	\$ 563,000	0.0%	-0.5%	2.2%	1.7%	\$ 113
Ward 9 - SC	8,220	90%	\$ 399,600	0.0%	-0.5%	2.1%	1.6%	\$ 68
Ward 9 - GL	2,164	97%	\$ 431,600	0.0%	-0.5%	2.1%	1.6%	\$ 74
Ward 9	10,511	92%	\$ 407,600	0.0%	-0.5%	2.1%	1.5%	\$ 69
Ward 10 - HM	32	100%	\$ 696,200	0.0%	-0.5%	2.2%	1.7%	\$ 140
Ward 10 - SC	14,360	99%	\$ 410,900	0.0%	-0.5%	2.1%	1.6%	\$ 70
Ward 10	14,392	99%	\$ 411,500	0.0%	-0.6%	2.1%	1.5%	\$ 69
Ward 11	2,864	28%	\$ 401,000	0.0%	-0.5%	2.1%	1.6%	\$ 69
Ward 12 - AN	13,045	89%	\$ 551,800	0.0%	-0.5%	2.3%	1.8%	\$ 107
Ward 12 - FL	-	N/A	\$ 446,400	0.0%	N/A	N/A	N/A	N/A
Ward 12	13,045	82%	\$ 543,000	0.0%	-0.5%	2.3%	1.8%	\$ 105
Ward 13 - DN	7,823	95%	\$ 466,300	0.0%	-0.5%	2.2%	1.7%	\$ 86
Ward 13 - FL	-	N/A	\$ 543,000	0.0%	N/A	N/A	N/A	N/A
Ward 13	7,823	67%	\$ 486,500	0.0%	-0.5%	2.2%	1.7%	\$ 89
Ward 14 - HM	9,306	100%	\$ 393,000	0.0%	-0.5%	2.2%	1.7%	\$ 79
Ward 14 - AN	441	99%	\$ 689,700	0.0%	-0.5%	2.3%	1.8%	\$ 134
Ward 14 - GL	13	100%	\$ 438,200	0.0%	-0.5%	2.1%	1.6%	\$ 75
Ward 14	9,760	100%	\$ 406,500	0.0%	-0.5%	2.2%	1.7%	\$ 81
Ward 15	8,142	74%	\$ 523,200	0.0%	-0.6%	1.9%	1.3%	\$ 72

<b>City-Wide Average</b>	<b>\$ 381,000</b>	<b>2.1%</b>	<b>\$ 89</b>
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Notes:  
 Urban: 90% of all residential properties  
 Anomalies in totals due to rounding

**2021 Total Residential Tax Impacts (Municipal and Education):**

**Rural - No Transit / Rural Fire**

(inclusive of reassessment, area rating, tax policies and education taxes)

**BY WARD**

	Residential Properties	% of Total Properties in Ward	Average Residential Assessment	Reassessment & Tax Policies	Area Rating Change (Fire)	Budget	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	-	N/A	\$ 407,300	0.0%	N/A	N/A	N/A	N/A
Ward 2	-	N/A	\$ 281,100	0.0%	N/A	N/A	N/A	N/A
Ward 3	-	N/A	\$ 225,400	0.0%	N/A	N/A	N/A	N/A
Ward 4	-	N/A	\$ 233,800	0.0%	N/A	N/A	N/A	N/A
Ward 5 - HM	-	N/A	\$ 300,300	0.0%	N/A	N/A	N/A	N/A
Ward 5 - SC	-	N/A	\$ 359,300	0.0%	N/A	N/A	N/A	N/A
Ward 5	-	N/A	\$ 311,600	0.0%	N/A	N/A	N/A	N/A
Ward 6	-	N/A	\$ 332,700	0.0%	N/A	N/A	N/A	N/A
Ward 7	-	N/A	\$ 337,300	0.0%	N/A	N/A	N/A	N/A
Ward 8	-	N/A	\$ 368,100	0.0%	N/A	N/A	N/A	N/A
Ward 9 - HM	-	N/A	\$ 563,000	0.0%	N/A	N/A	N/A	N/A
Ward 9 - SC	826	9%	\$ 399,600	0.0%	2.6%	1.2%	3.8%	\$ 152
Ward 9 - GL	56	3%	\$ 431,600	0.0%	2.6%	1.4%	4.0%	\$ 171
Ward 9	882	8%	\$ 407,600	0.0%	2.6%	1.3%	3.8%	\$ 155
Ward 10 - HM	-	N/A	\$ 696,200	0.0%	N/A	N/A	N/A	N/A
Ward 10 - SC	-	N/A	\$ 410,900	0.0%	N/A	N/A	N/A	N/A
Ward 10	-	N/A	\$ 411,500	0.0%	N/A	N/A	N/A	N/A
Ward 11	5,792	57%	\$ 401,000	0.0%	2.6%	1.4%	4.0%	\$ 159
Ward 12 - AN	1,349	9%	\$ 551,800	0.0%	2.5%	1.4%	4.0%	\$ 219
Ward 12 - FL	1,327	100%	\$ 446,400	0.0%	2.6%	1.4%	4.0%	\$ 177
Ward 12	2,676	17%	\$ 543,000	0.0%	2.6%	1.4%	4.0%	\$ 216
Ward 13 - DN	215	3%	\$ 466,300	0.0%	2.6%	1.4%	4.0%	\$ 185
Ward 13 - FL	3,531	100%	\$ 543,000	0.0%	2.6%	1.4%	4.0%	\$ 216
Ward 13	3,746	32%	\$ 486,500	0.0%	2.6%	1.4%	4.0%	\$ 193
Ward 14 - HM	-	N/A	\$ 393,000	0.0%	N/A	N/A	N/A	N/A
Ward 14 - AN	4	N/A	\$ 689,700	0.0%	N/A	N/A	N/A	N/A
Ward 14 - GL	-	N/A	\$ 438,200	0.0%	N/A	N/A	N/A	N/A
Ward 14	4	N/A	\$ 406,500	0.0%	N/A	N/A	N/A	N/A
Ward 15	2,889	26%	\$ 523,200	0.0%	2.6%	1.4%	4.0%	\$ 208

<b>City-Wide Average</b>	<b>\$ 381,000</b>	<b>2.1%</b>	<b>\$ 89</b>
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Notes:  
Rural: 9% of all residential properties  
Anomalies in totals due to rounding

**2021 Total Residential Tax Impacts (Municipal and Education):**

**Urban - Transit / Rural Fire**

(inclusive of reassessment, area rating, tax policies and education taxes)

**BY WARD**

	Residential Properties	% of Total Properties in Ward	Average Residential Assessment	Reassessment & Tax Policies	Area Rating Change (Fire)	Budget	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	-	N/A	\$ 407,300	0.0%	N/A	N/A	N/A	N/A
Ward 2	-	N/A	\$ 281,100	0.0%	N/A	N/A	N/A	N/A
Ward 3	-	N/A	\$ 225,400	0.0%	N/A	N/A	N/A	N/A
Ward 4	-	N/A	\$ 233,800	0.0%	N/A	N/A	N/A	N/A
Ward 5 - HM	-	N/A	\$ 300,300	0.0%	N/A	N/A	N/A	N/A
Ward 5 - SC	-	N/A	\$ 359,300	0.0%	N/A	N/A	N/A	N/A
Ward 5	-	N/A	\$ 311,600	0.0%	N/A	N/A	N/A	N/A
Ward 6	-	N/A	\$ 332,700	0.0%	N/A	N/A	N/A	N/A
Ward 7	-	N/A	\$ 337,300	0.0%	N/A	N/A	N/A	N/A
Ward 8	-	N/A	\$ 368,100	0.0%	N/A	N/A	N/A	N/A
Ward 9 - HM	-	N/A	\$ 563,000	0.0%	N/A	N/A	N/A	N/A
Ward 9 - SC	42	0%	\$ 399,600	0.0%	2.4%	1.3%	3.7%	\$ 152
Ward 9 - GL	-	N/A	\$ 431,600	0.0%	N/A	N/A	N/A	N/A
Ward 9	42	0%	\$ 407,600	0.0%	2.4%	1.3%	3.7%	\$ 156
Ward 10 - HM	-	N/A	\$ 696,200	0.0%	N/A	N/A	N/A	N/A
Ward 10 - SC	79	1%	\$ 410,900	0.0%	2.4%	1.3%	3.7%	\$ 157
Ward 10	79	1%	\$ 411,500	0.0%	2.4%	1.3%	3.7%	\$ 157
Ward 11	925	9%	\$ 401,000	0.0%	2.3%	1.3%	3.7%	\$ 154
Ward 12 - AN	24	0%	\$ 551,800	0.0%	2.3%	1.5%	3.9%	\$ 224
Ward 12 - FL	-	N/A	\$ 446,400	0.0%	N/A	N/A	N/A	N/A
Ward 12	24	0%	\$ 543,000	0.0%	2.3%	1.5%	3.9%	\$ 220
Ward 13 - DN	-	N/A	\$ 466,300	0.0%	N/A	N/A	N/A	N/A
Ward 13 - FL	-	N/A	\$ 543,000	0.0%	N/A	N/A	N/A	N/A
Ward 13	-	N/A	\$ 486,500	0.0%	N/A	N/A	N/A	N/A
Ward 14 - HM	-	N/A	\$ 393,000	0.0%	N/A	N/A	N/A	N/A
Ward 14 - AN	-	N/A	\$ 689,700	0.0%	N/A	N/A	N/A	N/A
Ward 14 - GL	-	N/A	\$ 438,200	0.0%	N/A	N/A	N/A	N/A
Ward 14	-	N/A	\$ 406,500	0.0%	N/A	N/A	N/A	N/A
Ward 15	-	N/A	\$ 523,200	0.0%	N/A	N/A	N/A	N/A

<b>City-Wide Average</b>	<b>\$ 381,000</b>	<b>2.1%</b>	<b>\$ 89</b>
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Notes:  
 Urban with Rural Fire: 0.6% of all residential properties  
 Anomalies in totals due to rounding

**2021 Total Residential Tax Impacts (Municipal and Education):**

**Rural - No Transit / Urban Fire**

(inclusive of reassessment, area rating, tax policies and education taxes)

**BY WARD**

	Residential Properties	% of Total Properties in Ward	Average Residential Assessment	Reassessment & Tax Policies	Area Rating Change (Fire)	Budget	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	-	N/A	\$ 407,300	0.0%	N/A	N/A	N/A	N/A
Ward 2	-	N/A	\$ 281,100	0.0%	N/A	N/A	N/A	N/A
Ward 3	-	N/A	\$ 225,400	0.0%	N/A	N/A	N/A	N/A
Ward 4	-	N/A	\$ 233,800	0.0%	N/A	N/A	N/A	N/A
Ward 5 - HM	-	N/A	\$ 300,300	0.0%	N/A	N/A	N/A	N/A
Ward 5 - SC	-	N/A	\$ 359,300	0.0%	N/A	N/A	N/A	N/A
Ward 5	-	N/A	\$ 311,600	0.0%	N/A	N/A	N/A	N/A
Ward 6	-	N/A	\$ 332,700	0.0%	N/A	N/A	N/A	N/A
Ward 7	-	N/A	\$ 337,300	0.0%	N/A	N/A	N/A	N/A
Ward 8	-	N/A	\$ 368,100	0.0%	N/A	N/A	N/A	N/A
Ward 9 - HM	-	N/A	\$ 563,000	0.0%	N/A	N/A	N/A	N/A
Ward 9 - SC	-	N/A	\$ 399,600	0.0%	N/A	N/A	N/A	N/A
Ward 9 - GL	-	N/A	\$ 431,600	0.0%	N/A	N/A	N/A	N/A
Ward 9	-	N/A	\$ 407,600	0.0%	N/A	N/A	N/A	N/A
Ward 10 - HM	-	N/A	\$ 696,200	0.0%	N/A	N/A	N/A	N/A
Ward 10 - SC	-	N/A	\$ 410,900	0.0%	N/A	N/A	N/A	N/A
Ward 10	-	N/A	\$ 411,500	0.0%	N/A	N/A	N/A	N/A
Ward 11	563	6%	\$ 401,000	0.0%	-0.5%	2.3%	1.8%	\$ 74
Ward 12 - AN	215	1%	\$ 551,800	0.0%	-0.5%	2.2%	1.8%	\$ 102
Ward 12 - FL	-	N/A	\$ 446,400	0.0%	N/A	N/A	N/A	N/A
Ward 12	215	1%	\$ 543,000	0.0%	-0.5%	2.2%	1.8%	\$ 100
Ward 13 - DN	172	2%	\$ 466,300	0.0%	-0.5%	2.3%	1.8%	\$ 86
Ward 13 - FL	-	N/A	\$ 543,000	0.0%	N/A	N/A	N/A	N/A
Ward 13	172	1%	\$ 486,500	0.0%	-0.5%	2.3%	1.8%	\$ 90
Ward 14 - HM	-	N/A	\$ 393,000	0.0%	N/A	N/A	N/A	N/A
Ward 14 - AN	-	N/A	\$ 689,700	0.0%	N/A	N/A	N/A	N/A
Ward 14 - GL	-	N/A	\$ 438,200	0.0%	N/A	N/A	N/A	N/A
Ward 14	-	N/A	\$ 406,500	0.0%	N/A	N/A	N/A	N/A
Ward 15	-	N/A	\$ 523,200	0.0%	N/A	N/A	N/A	N/A
<b>City-Wide Average</b>			<b>\$ 381,000</b>				<b>2.1%</b>	<b>\$ 89</b>

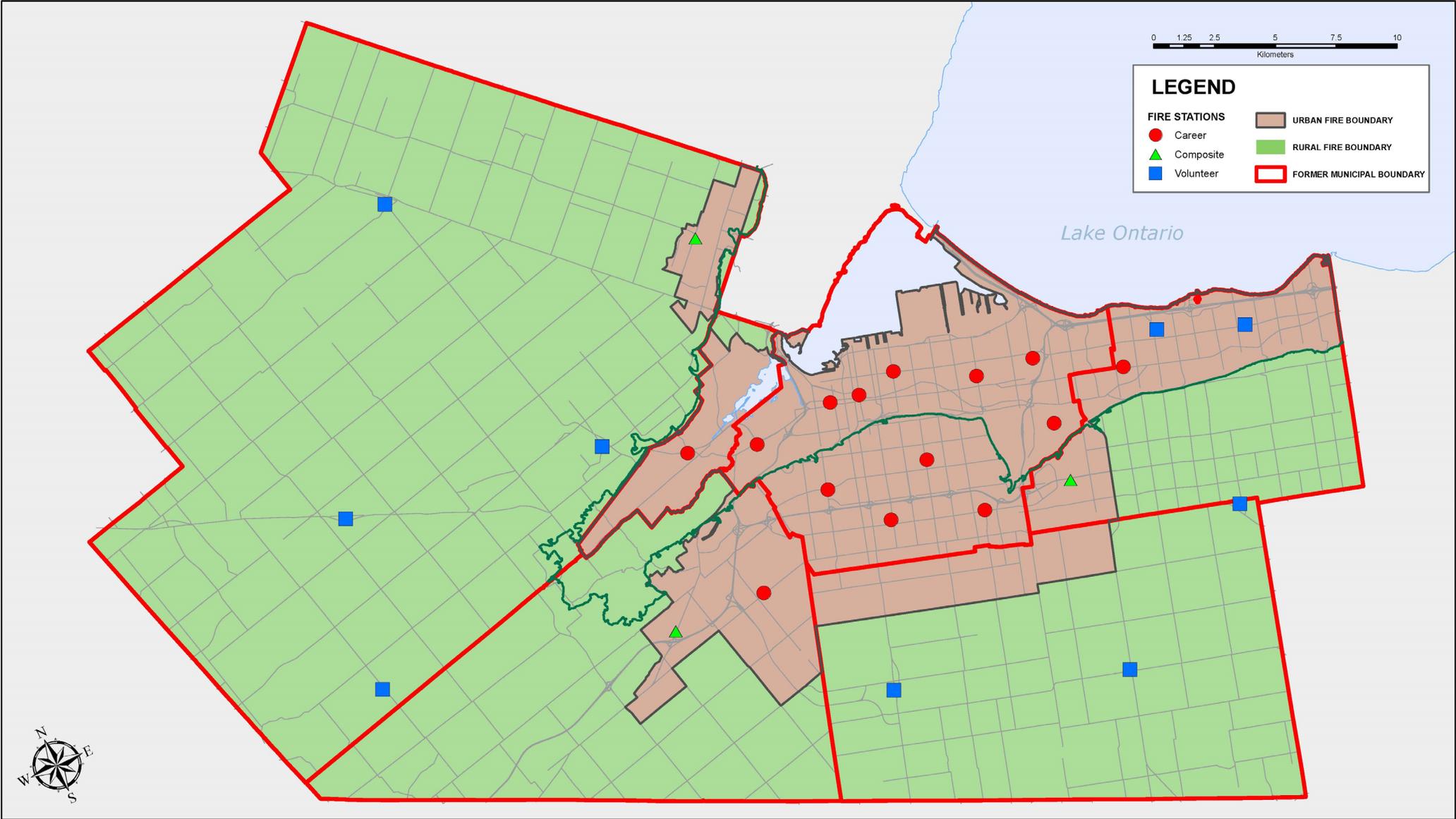
Notes:

Rural with Urban Fire: 0.5% of all residential properties

Anomalies in totals due to rounding

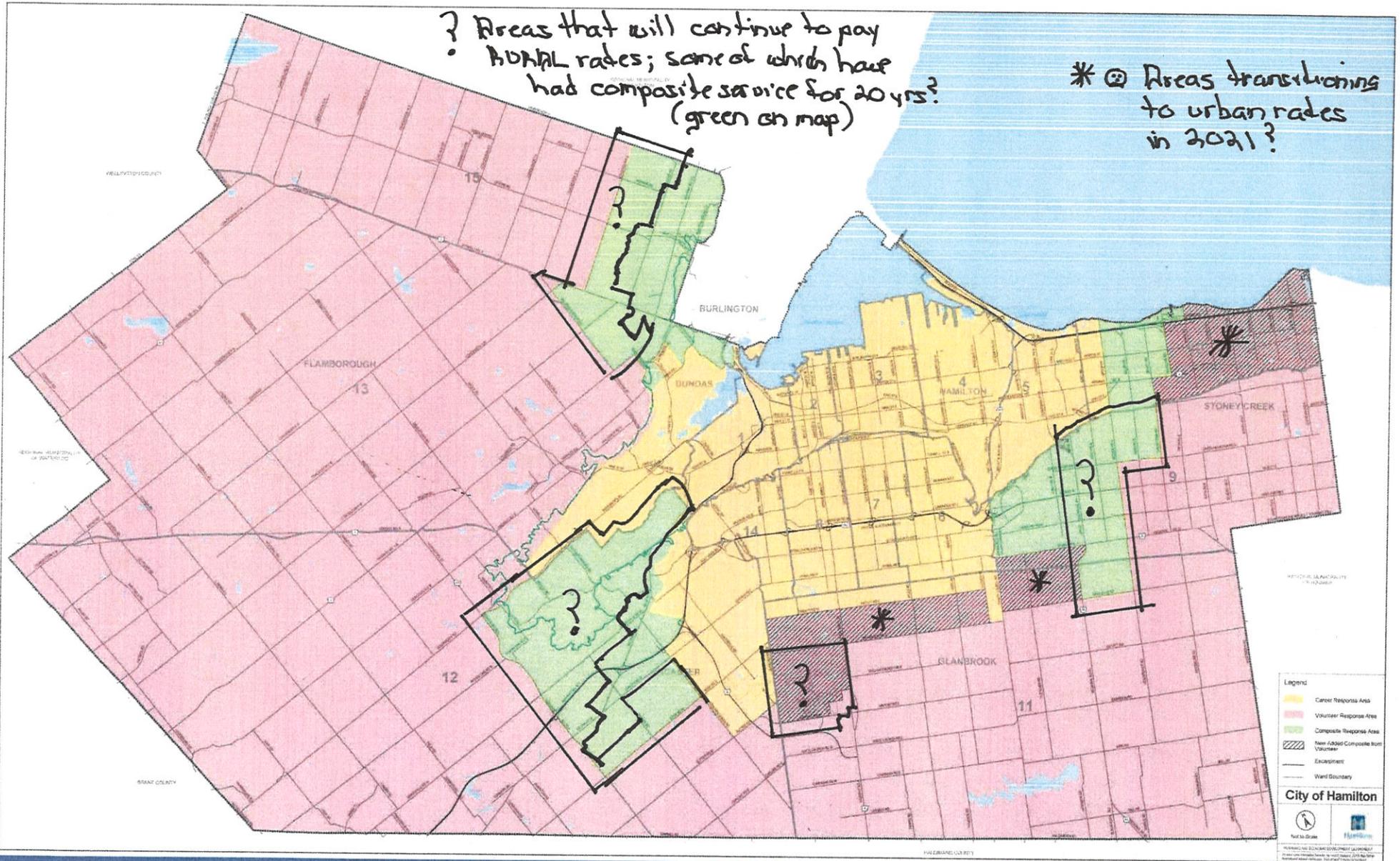


# CITY OF HAMILTON - URBAN / RURAL FIRE AREA RATING



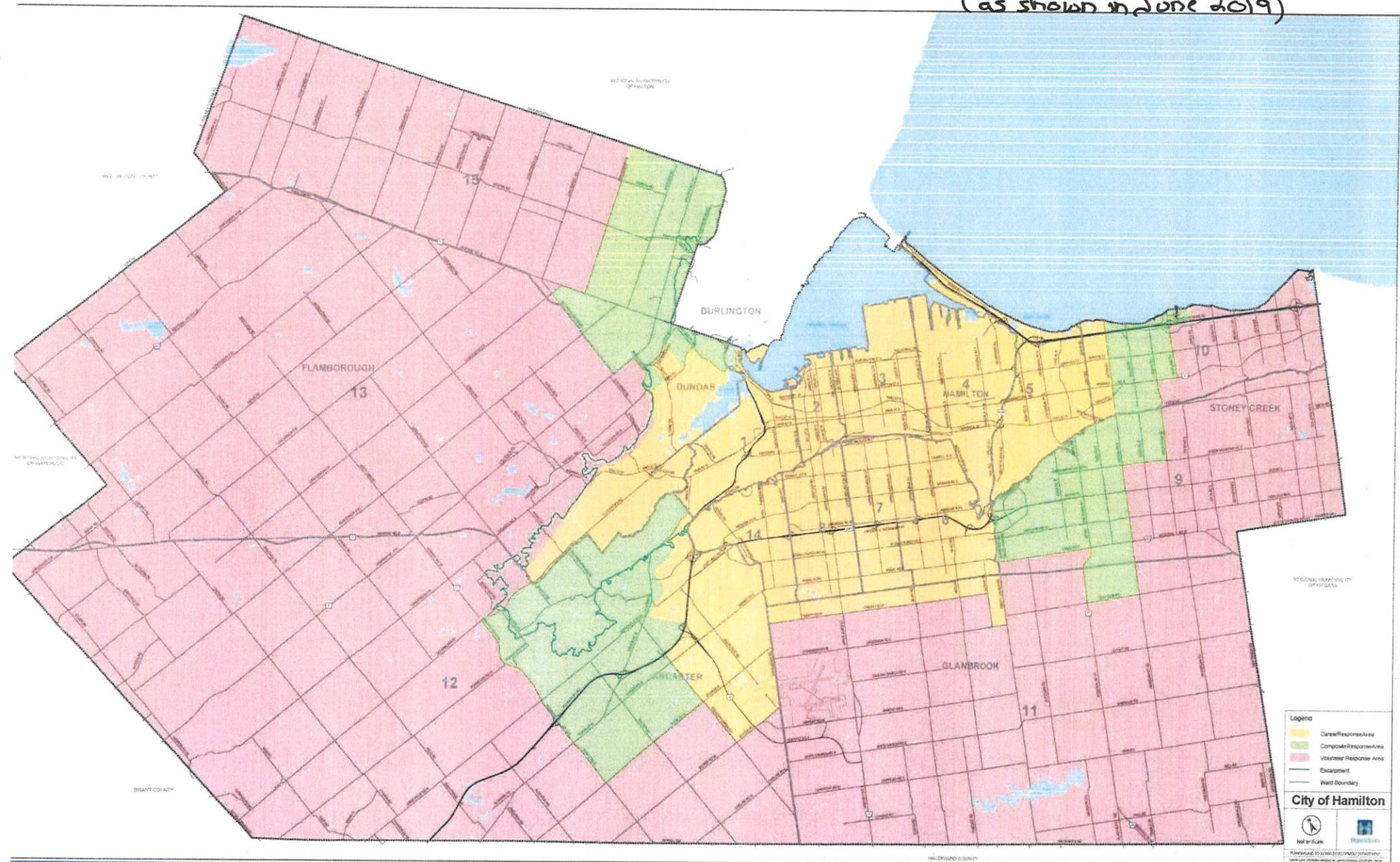
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 \\data\GIS\Services\Service Requests\Internal\Corporate Services\Current Budgets\Fire Response Taxation\Urban Rural Fire Areas\_APR\_13\_2021.mxd / .pdf

# CHANGES IN SERVICE DELIVERY REQUIRED



# THREE LEVELS OF RESPONSE

(as shown in June 2019)



**Legend**

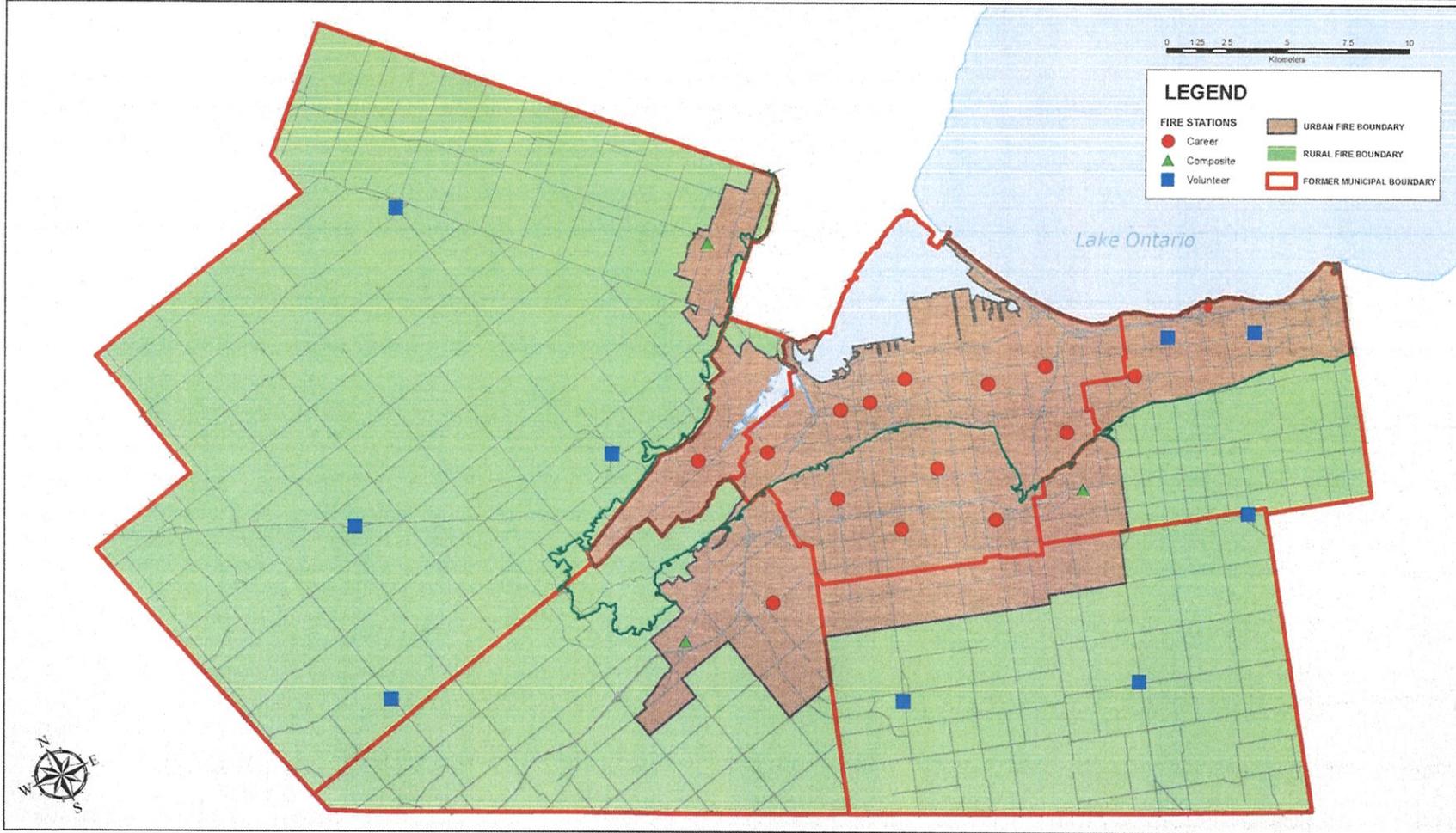
- Clear Response Area
- Composite Response Area
- Volunteer Response Area
- Escarpment
- Ward Boundary

**City of Hamilton**

Not to Scale

PLANNING & ECONOMIC DEVELOPMENT  
 100 KING STREET WEST, 5TH FLOOR, SUITE 1000, HAMILTON, ONTARIO L8P 2K5  
 TEL: 905.546.3100 FAX: 905.546.3101

# CITY OF HAMILTON - URBAN / RURAL FIRE AREA RATING



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# CITY OF HAMILTON MOTION

Council: May 12, 2021

**MOVED BY COUNCILLOR L. FERGUSON.....**

**SECONDED BY COUNCILLOR .....**

**To Permit Copetown General Store to Operate the LCBO Convenience Outlet Component of Their Business on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day**

WHEREAS a request has been made to permit Moonsim Park operating as Copetown General Store at 2012 Governors Road, Copetown, Ontario L0R 1J0, to operate the LCBO Convenience Outlet component of their business during regular hours on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

THEREFORE, BE IT RESOLVED:

That the Moonsim Park operating as Copetown General Store at 2012 Governors Road, Copetown, Ontario L0R 1J0, be permitted to operate the LCBO Convenience Outlet component of their business during regular hours on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

# CITY OF HAMILTON MOTION

Council: May 12, 2021

**MOVED BY COUNCILLOR L. FERGUSON.....**

**SECONDED BY COUNCILLOR .....**

**To Permit Lynden General Store to Operate the LCBO Convenience Outlet  
Component of Their Business on Family Day, Victoria Day, Canada Day, Labour Day  
and Thanksgiving Day**

WHEREAS a request has been made to permit Lynden General Store at 128 Lynden Road, Lynden, ON L0R 1T0, to operate the LCBO Convenience Outlet component of their business during regular hours on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

THEREFORE, BE IT RESOLVED:

That the Lynden General Store at 128 Lynden Road, Lynden, ON L0R 1T0, be permitted to operate the LCBO Convenience Outlet component of their business during regular hours on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

# CITY OF HAMILTON MOTION

Council: May 12, 2021

**MOVED BY COUNCILLOR J. PARTRIDGE.....**

**SECONDED BY COUNCILLOR .....**

**To Permit Carlisle Cleaners & LCBO/Beer Store to Operate the LCBO Convenience Outlet Component of Their Business on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day**

WHEREAS a request has been made to permit Carlisle Cleaners & LCBO/Beer Store, 278 Carlisle Road, Carlisle, Ontario, to operate the LCBO Convenience Outlet component of their business during regular hours on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

THEREFORE, BE IT RESOLVED:

That the Carlisle Cleaners & LCBO/Beer Store, 278 Carlisle Road, Carlisle, Ontario, be permitted to operate the LCBO Convenience Outlet component of their business during regular hours on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

# CITY OF HAMILTON MOTION

Council: May 12, 2021

**MOVED BY COUNCILLOR J. PARTRIDGE.....**

**SECONDED BY COUNCILLOR .....**

## **Waiving of All Park Fees for the Waterdown Farmers Market 2021 Season**

WHEREAS, the agricultural sector is an important contributor to the local economy within the City of Hamilton;

WHEREAS, outdoor Farmers Markets within the City of Hamilton provide residents with access to locally grown food, fruit and produce;

WHEREAS, the Pandemic has had a negative financial impact on the agricultural sector and the farmers that participate in local outdoor Farmers Markets;

WHEREAS, under current Provincial Regulations outdoor Farmers Markets are permitted to operate;

WHEREAS, the Waterdown Farmers Market has requested the use of Waterdown Memorial Park to operate their market for the 2021 season;

**THEREFORE, BE IT RESOLVED**

That the City of Hamilton waive all park permit fees associated with the rental of Waterdown Memorial Park in the estimated amount of \$ 4,489.44 (including HST), to be funded from the COVID Safe Restart Reserve, for the operation of the Waterdown Farmers Market to be held every Saturday from May 29, 2021 until October 16, 2021.

# CITY OF HAMILTON

## MOTION

Council: May 12, 2021

**MOVED BY COUNCILLOR L. FERGUSON.....**

**SECONDED BY MAYOR / COUNCILLOR .....**

**Amendments to the General Issues Committee Report 21-002 (2021 Tax Supported Operating Budget), which was approved, as amended, by Council on March 31, 2021**

WHEREAS, at its meeting of May 12, 2021 Council approved Report FCS21028, respecting the 2021 Tax Policies and Area Rating, as it relates to the 2021 Fire Urban Levy and 2021 Fire Rural Levy, as amended; and,

WHEREAS, that information needs to be properly reflected in the General Issues Committee Report 21-002 (2021 Tax Supported Operating Budget), which was approved, as amended, by Council on March 31, 2021;

THEREFORE, BE IT RESOLVED:

- (a) That Appendix "Q" to the General Issues Committee Report 21-002 (2021 Tax Supported Operating Budget), be amended by adding the following:

Dept.	Descriptions	Net Levy Adjustment
HSC	2-Year Phase-In Rural Fire Area Rating - Contribution from Tax Stabilization Reserve	\$(1,400,000)

- (b) That sub-section (d)(i) to Item 25 of the General Issues Committee Report 21-002, respecting the 2021 Tax Supported Operating Budget - Recommendations, be amended by deleting the dollar amount of " \$256,380,200" and replacing it with the number "**\$254,980,200**", to read as follows:

- (i) That the Healthy and Safe Communities operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 74, **\$254,980,200**, inclusive of amendments as per Appendix "Q", attached to Report 21-002, be approved;

- (c) That sub-sections (b)(i), (c)(i), (d)(i) and (iii), (e)(i), (f)(i), (g)(i), (h)(i), (i)(i), (j)(i) and (ii), and (k)(i) and (ii) to Item 25, to the General Issues Committee Report 21-002, be amended by adding the words “as amended” after the words Appendix “Q”, to read as follows:
- (b) Boards and Agencies
    - (i) That the Boards and Agencies operating budget of \$225,116,831 in Appendix “P”, attached to Report 21-002, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;
  - (c) Planning and Economic Development Department
    - (i) That the Planning and Economic Development operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 54, \$30,327,260, inclusive of amendments as per Appendix “Q” **as amended**, attached to Report 21-002, be approved;
  - (d) Healthy and Safe Communities Department
    - (i) That the Healthy and Safe Communities operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 74, **\$254,980,200**, inclusive of amendments as per Appendix “Q” **as amended**, attached to Report 21-002, be approved;
    - (iii) That, where required for Public Health Services, the General Manager of the Healthy and Safe Communities Department, or delegate, or the Medical Officer of Health, or delegate, be authorized and directed to execute, on behalf of the City, all agreements, including all federal and provincial funding agreements, as well as, any ancillary agreements, contracts, extensions and documents, associated with, or arising out of, Council’s approval of the budgets, outlined in Appendix “R” attached to Report 21-002, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, which includes the authority to authorize the submission of budgets and quarterly and / or year-end reporting, in a form satisfactory to the City Solicitor;

- (e) Public Works Department
  - (i) That the Public Works operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 98, \$264,776,990, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;
  
- (f) City Manager’s Office
  - (i) That the City Manager’s operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, Page 114, \$12,866,920, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;
  
- (g) Corporate Services Department
  - (i) That the Corporate Services operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 128, \$36,111,650, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;
  
- (h) Legislative
  - (i) That the Legislative operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 145, \$5,164,412, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;
  
- (i) Hamilton Entertainment Facilities
  - (i) That the Hamilton Entertainment Facilities operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 153, \$4,037,180, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;
  
- (j) Corporate Financials – Expenditures / Non-Program Revenues

- (i) That the Corporate Financials – Expenditures operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 146, \$22,799,200, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;
  - (ii) That the Non-Program Revenues operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 158, (\$47,391,950), inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;
- (k) Capital Financing
- (i) That the Capital Financing operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 154, \$139,541,860, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;
  - (ii) That the Capital Financing portion of the Police Services budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix “R” to Report 21-002, page 154, \$1,234,776, inclusive of amendments as per Appendix “Q”, **as amended**, attached to Report 21-002, be approved;

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

**25. 2021 Tax Supported Operating Budget - Recommendations (FCS21001(a)) (City Wide) (Item 6.1) (March 3, 2021)**

- (a) Council Referred Items, Business Cases and 2022 – 2024 Multi-Year Outlook
  - (i) That the 2021 Council Referred Items in Appendix “A”, attached to Report FCS21001(a), be received;
  - (ii) That the 2021 Business Cases in Appendix “B”, attached to Report FCS21001(a), be received;
  - (iii) That the 2022 – 2024 Multi-Year Outlook in Appendix “I”, attached to Report FCS21001(a), be received;

(iv) That the Proposed Amendment to the 2021 Approved User Fees in Appendix "O", attached to Report 21-002, be approved;

(b) Boards and Agencies

(i) That the Boards and Agencies operating budget of \$225,116,831 in Appendix "P", attached to Report 21-002, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(ii) That the City Enrichment Fund operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 31, \$6,088,340, be approved;

(c) Planning and Economic Development Department

(i) That the Planning and Economic Development operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 54, \$30,327,260, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(d) Healthy and Safe Communities Department

(i) That the Healthy and Safe Communities operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 74, **\$254,980,200**, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(ii) That the General Manager of the Healthy and Safe Communities Department, or delegate, be authorized and directed to execute, on behalf of the City, all agreements, including all federal and provincial funding agreements and any agreements with Community Services Provider(s), as well as, any ancillary agreements, contracts, extensions and documents, associated with, or arising out of, Council's approval of the budgets outlined in Report FCS21001(a), which also includes the authority to authorize the submission of budgets and quarterly and / or year-end reporting, as well as, the authority to make appropriate payments to

community service providers, in a form satisfactory to the City Solicitor;

(iii) That, where required for Public Health Services, the General Manager of the Healthy and Safe Communities Department, or delegate, or the Medical Officer of Health, or delegate, be authorized and directed to execute, on behalf of the City, all agreements, including all federal and provincial funding agreements, as well as, any ancillary agreements, contracts, extensions and documents, associated with, or arising out of, Council's approval of the budgets, outlined in Appendix "R" attached to Report 21-002, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, which includes the authority to authorize the submission of budgets and quarterly and / or year-end reporting, in a form satisfactory to the City Solicitor;

(iv) That a Line of Duty Death (LODD) Benefit Reserve (112050) be established with initial funding of \$494,000 from the Tax Stabilization Reserve (110046), in accordance with the reported 2019 Tax Operating Budget Surplus and the 2020 Tax Supported Operating Budget amendments;

(e) Public Works Department

(i) That the Public Works operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 98, \$264,776,990, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(f) City Manager's Office

(i) That the City Manager's operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, Page 114, \$12,866,920, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(g) Corporate Services Department

(i) That the Corporate Services operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 128, \$36,111,650,

inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(h) Legislative

(i) That the Legislative operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 145, \$5,164,412, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(i) Hamilton Entertainment Facilities

(i) That the Hamilton Entertainment Facilities operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 153, \$4,037,180, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(j) Corporate Financials – Expenditures / Non-Program Revenues

(i) That the Corporate Financials – Expenditures operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 146, \$22,799,200, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(ii) That the Non-Program Revenues operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 158, (\$47,391,950), inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(k) Capital Financing

(i) That the Capital Financing operating budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002, page 154, \$139,541,860, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

(ii) That the Capital Financing portion of the Police Services budget, as shown in the 2021 Tax Supported Operating Budget Book, attached as Appendix "R" to Report 21-002,

page 154, \$1,234,776, inclusive of amendments as per Appendix "Q", **as amended**, attached to Report 21-002, be approved;

- (iii) That the Capital Financing portion relating to the Hamilton Public Library budget, as shown in the 2021 Tax Supported Operating Budget Book – Appendix "R", attached to Report 21-002, page 154, \$166,280, be approved;

(l) 2021 By-Law Authorization

- (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax levy;

(m) Budgeted Complement Transfer Schedule

- (i) That, in accordance with the Budgeted Complement Control Policy, the requested complement transfers from one department / division / cost category to another, as outlined in Appendix "S", attached to Report 21-002, be approved;

(n) Budgeted Complement Temporary Extension Schedule

- (i) That, in accordance with the Budgeted Complement Control Policy, the requested complement extensions of temporary positions with 24-month terms or greater, with no impact on the levy, as outlined in Appendix "T", attached to Report 21-002, be approved;

(o) Budget Amendment Schedule

- (i) That, in accordance with the Budget Control Policy, the requested amendments, transferring budget from one department / division to another and / or from one cost category to another with no impact on the levy, as outlined in Appendix "U", attached to Report 21-002, be approved;

(p) Budget Exclusions Related to Regulation 284/09

- (i) That the budget exclusions related to Regulation 284/09 of the *Municipal Act* titled “Budget Matters – Expenses”, as per Appendix “H”, attached to Report FCS21002(a), be received;
  
- (q) That the Mayor and Senior Leadership Team of the City of Hamilton actively participate in efforts with other municipalities and municipal associations seeking financial support from senior levels of government to support the ongoing and longer term financial impacts of the COVID-19 pandemic and recovery.

# COUNCIL COMMUNICATION UPDATES

**April 23, 2021 to May 6, 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 30, 2021	Corporate Services	Investing in Canada Infrastructure Program – Community, Culture and Recreation Stream Funding Announcements (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2021-05-03/communication-update-cs-icipccr-funding-april2021.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2021-05-03/communication-update-cs-icipccr-funding-april2021.pdf</a>
May 4, 2021	Public Works	Making the Connection: Women in Transit Virtual Information Session on May 11, 2021 (TRN2106) (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2021-05-04/communication-update-pw-women-in-transit-2021.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2021-05-04/communication-update-pw-women-in-transit-2021.pdf</a>  <b>Appendix A:</b> Making the Connection: Women in Transit Flyer: <a href="https://www.hamilton.ca/sites/default/files/media/browser/2021-05-04/communication-update-pw-women-in-transit-2021-appa.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2021-05-04/communication-update-pw-women-in-transit-2021-appa.pdf</a>
May 6, 2021	Healthy and Safe Communities	Community Safety and Well-Being Plan Community Engagement Update (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2021-05-06/communication-update-community-safety-well-being-plan-community-engagement-update.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2021-05-06/communication-update-community-safety-well-being-plan-community-engagement-update.pdf</a>

**Authority:** Item 2, Public Works Committee  
Report 21-006 (PW21001(b))  
CM: May 3, 2021  
Ward: 9

**Bill No. 066**

## **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 5 (Stop Control) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" (Stoney Creek) thereof the following item, namely;

Mud Street East

Eastbound/Westbound

Third Road East

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

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

**PASSED** this 12<sup>th</sup> day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 2, 13<sup>th</sup> Report, Transport &  
Environment Committee  
CM: October 9, 1990  
Ward: 7

**Bill No. 067**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21- Being a By-law to Amend By-law No. 93-129**

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

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

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

**AND WHEREAS** the Council of The Corporation of the City of Hamilton on October 9, 1990, in adopting Item 2 of the 13<sup>th</sup> Report of the Transport and Environment Committee, authorized the City to stop-up, close and sell the Public Highway, described as: Part of Eleanor Avenue, Registered Plan 853, designated as Parts 2, 3, 4, 5 and 6; Part of Lot 8, Concession 8 in the geographic Township of Barton, designated as Part 1, and; Part of Parcel "A", Registered Plan 1007, designated as Part 4, all shown on Plan 62R-12366, City of Hamilton.

**AND WHEREAS** the Council of the City of Hamilton on April 26, 2006, in enacting By-law 06-118, did amend By-law 93-129 as to clauses 2 and 5 of By-law No. 93-129 so that the soil and freehold of the said portion of the closed highway described as Parts 2, 3, 5 and 6 on Plan 62R-12366 be sold to The Hamilton YWCA Non-Profit Housing Corporation for the sum of \$175,000.00.

**AND WHEREAS** Part 1 on Plan 62R-12366 was not sold pursuant to clause 2 of By-law 93-129 as amended by By-law 06-118, and is now being sold by the City of Hamilton.

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

1. That clauses 2 and 5 of By-law 93-129 passed on June 29, 1993, as amended by By-law 06-118 enacted on April 26, 2006, be further amended so that the soil and freehold of the said portion of the closed highway described as Part 1 on Plan 62R-12366 be sold to Parvinder Saini, Harkamal Saini and Manpreet Khera for the sum of \$34,000.00.
2. That all other terms and conditions of By-law No. 93-129, as amended by By-law 06-118, remain the same.
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED** this 12<sup>th</sup> day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 31, Economic Development  
and Planning Committee Report  
06-005  
CM: April 12, 2006  
Ward: 12

**Bill No. 068**

**CITY OF HAMILTON  
BY-LAW NO. 21-**

**To Amend Hamilton Zoning By-law No. 05-200  
Respecting Lands Located at 70 Garner Road East, Ancaster**

**WHEREAS** the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25<sup>th</sup> 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 12<sup>th</sup> 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 37 for the lands located at 70 Garner Road East, Ancaster have been satisfied;

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

1. That Maps 1386, 1387, 1437 and 1438 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Major Institutional (I3, 39, H37) Zone to the Major Institutional (I3, 39) Zone for the lands identified in Schedule "A" attached to this By-law.
2. 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*.

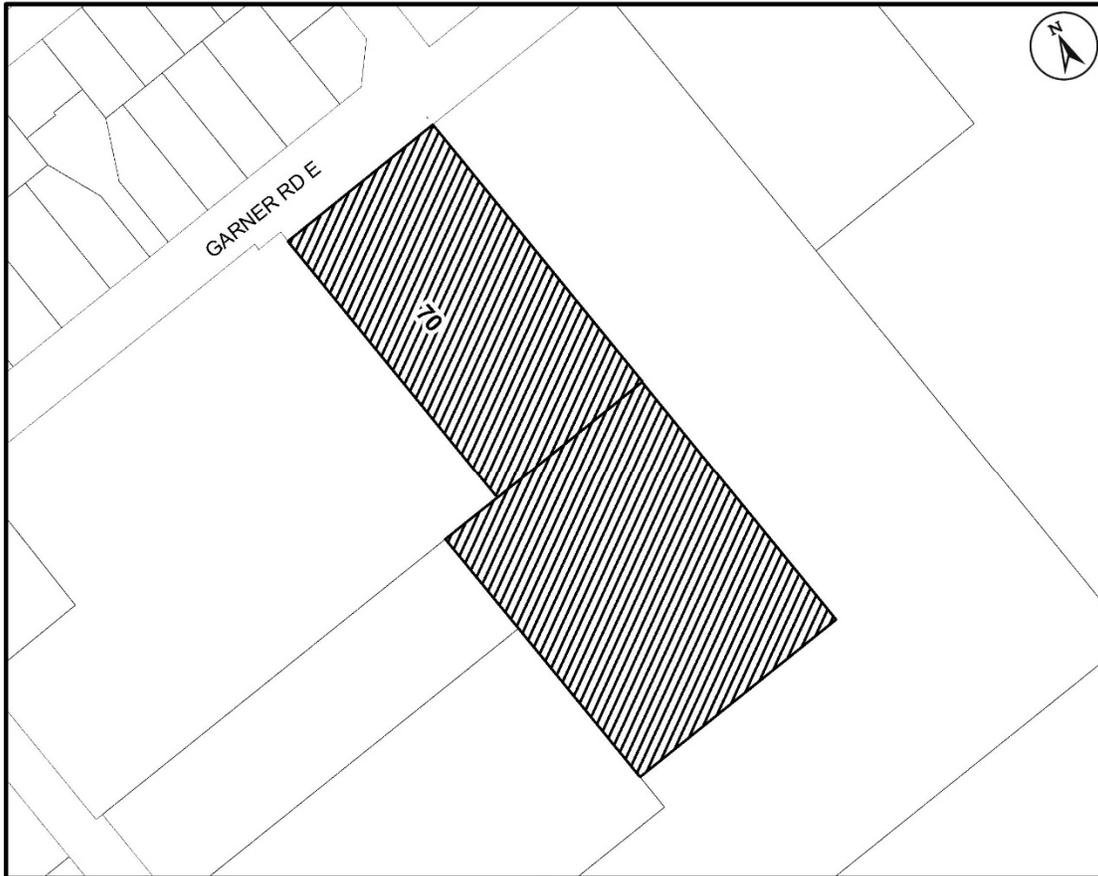
**PASSED** this 12<sup>th</sup> day of May, 2021

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



This is Schedule "A" to By-law No. 21-  Passed the ..... day of ....., 2021	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 5px 0 0 0;">Map forming Part of By-law No. 21-_____</p> <p style="margin: 5px 0 0 0;">to Amend By-law No. 05-200 Maps 1386, 1387, 1437 &amp; 1438</p>		<p><b>Subject Property</b></p> <p>70 Garner Road East, Ancaster</p> <p> Change in zoning from Major Institutional (I3, 39, H37) Zone to the Major Institutional (I3, 39) Zone</p>
Scale: N.T.S.	File Name/Number: ZAH-20-039	<p style="margin: 0;">Hamilton</p>
Date: March 25, 2021	Planner/Technician: MS/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 3, Planning Committee  
Report 21-007 (PED21022)  
CM: May 12, 2021  
Ward: 12

**Bill No. 069**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-**

#### **To Amend Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026, Respecting Lands Located in Certain Residential Areas of Ancaster (“ER” Zoned Lands)**

**WHEREAS**, under the provisions of Section 41 of the Planning Act, a Council of a Municipality may by by-law designate the whole or any part of the Municipality as a Site Plan Control Area:

a

**AND WHEREAS** the City of Hamilton passed Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026;

**AND WHEREAS** the Urban Hamilton Official Plan in effect for the City of Hamilton describes a proposed site plan control area and contains policies related to Site Plan Control;

**AND WHEREAS** it is desirable that the policies of the Official Plans be applied to the proposed site plan control area by way of a designation and implementation by-law;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 3 of Report 21-007 of Council, at its meeting held on the 12th day of May, 2021, recommended that By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026, be amended as hereinafter provided;

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

1. That Subsection 9.3 (ii) of By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026, be deleted and replaced with the following subsection:

“(ii) in certain residential areas of Ancaster, as shown on the maps attached to and forming part of this by-law as Schedules “C1” to “C13”, in accordance with the following provisions:

a) The construction of a single detached dwelling, duplex dwelling or semi-detached dwelling that is not a reconstruction, as per Subsection 9.3 (ii j).

- b) An addition to a single detached dwelling, duplex dwelling or semi-detached dwelling if the ground floor area of the addition is greater than or equal to 50 percent of the ground floor area of the dwelling existing on February 14, 2019.
- c) The reconstruction of a single detached dwelling, duplex, dwelling or semi-detached dwelling if the ground floor area of the reconstructed dwelling is greater than or equal to 50 percent of the ground floor area of the dwelling existing on February 14, 2019.
- d) Notwithstanding Subsection 9.3 (ii) b), for an addition to a single detached dwelling, duplex dwelling or semi-detached dwelling, if a dwelling was previously subject to the provisions of Subsection 9.3 (ii), the ground floor area of said addition shall be measured against the ground floor area of the dwelling as shown on the site plan approved on the date of Site Plan approval. If the provisions of Subsection 9.3 (ii) have been applied on more than one occasion, the most recent Site Plan approval date shall apply.
- e) Notwithstanding Subsection 9.3 (ii) c), for a reconstructed dwelling, if a dwelling was previously subject to the provisions of Subsection 9.3 (ii), the ground floor area of said reconstructed dwelling shall be measured against the ground floor area of the dwelling as shown on the site plan approved on the date of Site Plan approval. If the provisions of Subsection 9.3 (ii) have been applied on more than one occasion, the most recent Site Plan approval date shall apply.
- f) The following buildings or structures if greater than 40 square metres ground floor area:
  - 1) Accessory buildings; and,
  - 2) Detached Secondary Dwelling Units.
- g) On lots with a maximum lot coverage of 35 percent, development that results in a lot coverage that exceeds the maximum lot coverage permitted.
- h) For the purpose of Subsection 9.3 (ii), the ground floor area shall include the area covered by attached garages, attached carports, unenclosed porches, and stairs, but shall not include decks.

- i) For the purpose of Subsection 9.3 (ii) b), an addition shall mean the expansion of a dwelling that has the effect of increasing the ground floor area of said dwelling, but shall not include the expansion of a reconstructed dwelling.
  - j) For the purpose of Subsection 9.3 (ii) c), reconstruction shall mean a dwelling built on all or part of an existing foundation and any additions or alterations to said foundation, and may include existing ground floor walls as part of the reconstruction.
2. That Subsection 9.13 of By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026, be deleted in its entirety.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 9, Planning Committee  
Report 21-006 (PED20093(a))  
CM: April 28, 2021  
Ward: City Wide

**Bill No. 070**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-**

#### **To Amend Zoning By-law No. 05-200, Respecting Interpretation and New Accessory Building Regulations**

**WHEREAS** Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 2021;

**AND WHEREAS** this By-law is in conformity with the Urban and Rural Hamilton Official Plans.

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That SECTION 2: INTERPRETATION be amended as follows:
  - 1.1 That Subsection 2.5 Interpretation of Zone Boundaries be renumbered to Subsection 2.6.
  - 1.2 That the following two new Subsections be added:
    - 2.5 Incorporation of Appendices

The following appendices do not form part of this By-law but are included for information purposes only. Any additions to, deletions of, or alterations to Appendices do not require a zoning by-law amendment.

      - a) Appendix A - Illustrations
    - 2.7 Interpretation of the By-law
      - 2.7.1 Use of Tables
        - a) Tables form part of the By-law
        - b) Notations
          - i) Permitted Use Table

1. √ – The use is permitted
2. Blank cell – The use is not permitted

ii) Regulations Table

1. Blank cell – No regulation applies
2. Number in brackets – One or more additional regulations apply and are listed at the bottom of the Table.
3. m – Metre
4. m<sup>2</sup> – Square Metres
5. % – Percent
6. n/a – Not Applicable

2.7.2 Reference Aids

- a) Reference aids as tables of contents, marginal notes, headers, footers, headings, and illustrations are included in this By-law for convenience and reference only and do not form part of this By-law.
- b) For greater certainty, illustrations are used as examples to show the application of a regulation and shall not be construed to have general application beyond their context.”

2. That SECTION 4: GENERAL PROVISIONS of By-law No. 05-200 is amended as follows:

2.1 That Subsection 4.8 ACCESSORY BUILDINGS IN ALL ZONES be deleted and replaced with the following new section:

**“4.8 ACCESSORY BUILDINGS**

An accessory building may only be erected or used in accordance with the following:

- a) Unless otherwise provided for in this By-law, Accessory Buildings shall not be used for human habitation.
- b) Accessory Buildings shall not be permitted within a front or flankage yard.
- c) Notwithstanding Subsection 4.8 b), a building used as a station for parking attendants or security personnel shall be permitted within a front or flankage yard.

- d) Notwithstanding any other provisions in this By-law, where a zone contains a maximum setback requirement from a street line, the maximum setback requirement shall not apply to Accessory Buildings.
- e) In the event of a conflict between regulations where an Accessory Building is provided for a mixed use building, the most restrictive regulations shall apply.
- f) Except as permitted in Subsection 4.18 a), an Accessory Building shall not be erected prior to the erection of the principal building or structure on the lot.
- g) All Accessory Buildings shall have a maximum height of 4.5 metres.
- h) Notwithstanding Subsection 4.6a), an eave or gutter of any Accessory Building may encroach into any required yard to a maximum of 0.45 metres.
- i) Rooftop amenity area shall be prohibited on all Accessory Buildings.
- j) Gazebos, pergolas, and carports shall be considered as Accessory Buildings, but shall not be subject to the Lot Coverage or Gross Floor Area requirements of the applicable zones in which they are located.
- k) Children's play structures and sports bleachers shall not be considered Accessory Buildings and shall not be subject to the regulations of Subsections 4.8.1, 4.8.2, 4.8.3, 4.8.4 and 4.8.5 or the regulations of the zones in which they are located.

#### **4.8.1 BUILDINGS ACCESSORY TO RESIDENTIAL USES**

##### **4.8.1.1 BUILDINGS ACCESSORY TO SINGLE DETACHED DWELLINGS, SEMI-DETACHED DWELLINGS, DUPLEX DWELLINGS, TRIPLEX DWELLINGS, STREET TOWNHOUSE DWELLINGS, BLOCK TOWNHOUSE DWELLINGS, STACKED TOWNHOUSE DWELLINGS, AND BACK-TO-BACK TOWNHOUSE DWELLINGS IN ALL ZONES (EXCEPT A1 AND A2 ZONES)**

- a) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 45 square metres or 7.5% total lot coverage, whichever is the lesser.
- b) A Secondary Dwelling Unit – Detached shall not be considered as an Accessory Building.

- c) All Accessory Buildings having a Gross Floor Area less than 18 square metres shall conform to the following regulations:
- i) Building Setback from a Rear Lot Line Minimum 1.0 metre
  - ii) Building Setback from a Side Lot Line Minimum 1.0 metre
  - iii) Building Setback from a Flankage Lot Line
    1. Accessory Buildings shall conform to the regulations for the principal use.
    2. Notwithstanding Subsection 4.8.1.1 c) iii), where a zone does not contain a Flankage Lot Line requirement, the minimum building setback shall be 1.2 metres.
- d) All accessory buildings with a Gross Floor Area greater than or equal to 18 square metres shall conform to the following regulations:
- i) Building Setback from a Rear Lot Line Minimum 1.2 metres
  - ii) Building Setback from a Side Lot Line Minimum 1.2 metres
  - iii) Building Setback from Flankage Lot Line
    1. Except as required in a Subsection 4.8.1.1 e), Accessory Buildings shall conform to the regulations for the principal use.
    2. Notwithstanding Subsection 4.8.1.1 d) iii), where a zone does not contain a Flankage Lot Line requirement, the minimum building setback shall be 1.2 metres.

- e) Where a vehicular entrance to an Accessory Building faces a street line, the vehicular entrance shall be setback a minimum of 6.0 metres from the street line.

**4.8.1.2 BUILDINGS ACCESSORY TO SINGLE DETACHED DWELLINGS AND RESIDENTIAL CARE FACILITIES IN A1 AND A2 ZONES**

- a) Notwithstanding Subsection 4.8 g), all Accessory Buildings shall have a maximum height of 6.0 metres.
- b) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 200 square metres, or 5% lot coverage, whichever is the lesser.
- c) All buildings accessory to a Single Detached Dwelling shall have a minimum setback of 1.0 metre from a rear or side lot line.
- d) In addition to Subsection 4.8 b) and notwithstanding Subsection 4.8.1.2 c), where a vehicular entrance to an Accessory Building faces a street line or where an access driveway leads to an Accessory Building which faces a street line, the Accessory Building shall be setback a minimum of 6.0 metres from the street line.

**4.8.1.3 BUILDINGS ACCESSORY TO MULTIPLE DWELLINGS, DWELLING UNITS, RETIREMENT HOMES, LODGING HOUSES, AND RESIDENTIAL CARE FACILITIES IN ALL ZONES**

- a) All Accessory Buildings having a Gross Floor Area less than 18 square metres shall conform to the following regulations:
  - i) Building Setback from a Rear Lot Line                      Minimum 1.2 metres
  - ii) Building Setback from a Side Lot Line                      Minimum 1.2 metres
  - iii) Building Setback from Flankage Lot Line                      Accessory Buildings shall conform to the regulations for the principal use.
- b) In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than or equal to 18 square metres shall conform to the regulations for the principal use.

#### **4.8.2 BUILDINGS ACCESSORY TO INSTITUTIONAL USES IN ALL ZONES**

- a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:
- i) Building Setback from a Rear Lot Line
    - 1. Minimum 0.0 metres where a rear lot line abuts a Laneway.
    - 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
  - ii) Building Setback from a Side Lot Line
    - 1. Minimum 0.0 metres where a rear lot line does not abut a Laneway.
    - 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
  - iii) Building Setback from a Flankage Lot Line
    - Accessory Buildings shall conform to the regulations for the principal use.
- b) In addition to Subsection 4.8 f) and 4.8.2 a), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.

#### **4.8.3 BUILDINGS ACCESSORY TO COMMERCIAL USES IN ALL ZONES**

- a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:
- i) Building Setback from a Rear Lot Line
    - 1. Minimum 0.0 metres where a rear lot line abuts a Laneway.
    - 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
  - ii) Building Setback from a Side Lot Line
    - 1. Minimum 0.0 metres where a rear lot line does not abut a Laneway.

- 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
  - iii) Building Setback from a Flankage Lot Line      Accessory Buildings shall conform to the regulations for the principal use.
- b) In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.

**4.8.4 BUILDINGS ACCESSORY TO INDUSTRIAL AND UTILITY USES IN ALL ZONES**

- a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:
  - i) Building Setback from a Rear Lot Line
    - 1. Minimum 0.0 metres where a rear lot line abuts a Laneway.
    - 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
  - ii) Building Setback from a Side Lot Line
    - 1. Minimum 0.0 metres where a rear lot line does not abut a Laneway.
    - 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
  - iii) Building Setback from a Flankage Lot Line      Accessory Buildings shall conform to the regulations for the principal use.
- b) In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.

**4.8.5 BUILDINGS ACCESSORY TO AGRICULTURE, RURAL, EXISTING RURAL COMMERCIAL, AND EXISTING RURAL INDUSTRIAL USES**

- a) Buildings accessory to all uses except a Single Detached Dwelling and Residential Care Facility in an A1 or A2 Zone shall conform to the regulations for the principal use of the applicable A1 or A2 Zones.
- b) Buildings accessory to all uses in an E1 or E2 Zone shall conform to the applicable principal zone regulations.”

3.0 That SECTION 6: DOWNTOWN ZONES be amended by deleting the number “4.8.1” and replacing it with”4.8” in the following clauses:

- i) 6.6.2.1n)
- ii) 6.6.2.2i)

4.0 That SECTION 7: OPEN SPACE AND PARK ZONES be amended by deleting the number “4.8.2” and replacing it with”4.8” in the following clauses:

- i) 7.6.2.3a)
- ii) 7.6.2.3b
- iii) 7.7.2.2b)ii)

5.0 That SECTION 9: INDUSTRIAL ZONE and SECTION 12: RURAL ZONES be amended

i) by deleting the words “and 4.8.2” from the following clauses:

- 1) 9.12.3.1g)
- 2) 12.1.3.1g)
- 3) 12.1.3.3.i)
- 4) 12.2.3.7i)
- 5) 12.6.3g)
- 6) 12.6.4f)
- 67 12.7.3k)

ii) by deleting the words “and 4.8.1” from the following clauses:

- 1) 12.3.3i)
- 2) 12.4.3j)
- 3) 12.5.3h)

6.0 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*.

7.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

CI-21-A

**Authority:** Item 9, Planning Committee  
Report 21-006 (PED20093(a))  
CM: April 28, 2021  
Ward: City Wide

**Bill No. 071**

**CITY OF HAMILTON**

**BY-LAW NO. 21-**

**To Amend Zoning By-law No. 05-200, Respecting  
Secondary Dwelling Unit Regulations**

**WHEREAS** Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 2021;

**AND WHEREAS** this By-law is in conformity with the Urban and Rural Hamilton Official Plans.

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1.0 That SECTION 3: DEFINITIONS of By-law No. 05-200 be amended by adding the following new definitions:

<b>Ditch</b>	Shall mean a small to moderate excavation created to channel water.
<b>Secondary Dwelling Unit</b>	Shall mean a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling and shall not include a Farm Labour Residence.
<b>Secondary Dwelling Unit – Detached</b>	Shall mean a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling but shall not include a Farm Labour Residence.
<b>Swale</b>	Shall mean a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.

1.1. That SECTION 3: DEFINITIONS of By-law No. 05-200 be amended by revising the following definition:

<b>Farm Labour Residence</b>	Shall mean accommodation for full-time farm labour where the size and nature of the farm operation requires additional employment.
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2.0 That SECTION 4: GENERAL PROVISIONS of Zoning By-law No. 05-200 be amended as follows:

2.1 That SECTION 4.12: VACUUM CLAUSE of Zoning By-law No. 05-200 be amended by:

i) adding a new Subsection h) as follows:

“h) Notwithstanding Sections 1.4 and 1.7 of this By-law, a Building Permit for a Secondary Dwelling Unit may be issued in accordance with any minor variance, site specific zoning, or site plan that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law 21-xxx was passed by Council, provided the Building Permit application complies with Zoning By-law 05-200, as amended, that affected the lot before By-law No. 21-XXX came into effect. For the purposes of determining zoning conformity the following provisions shall apply:

- i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection h) above.
- ii) Once the permit or approval under Subsection h) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.”

2.2. That SECTION 4.22: ADEQUATE SERVICES of Zoning By-law No. 05-200 is amended by:

i) deleting the word ‘and’ at the end of clause ii); and,

ii) renumbering clause iii) to iv);

iii) adding a new clause iii) as follows:

“iii) For lands in a Rural zone,

1. An approved waste disposal and water supply systems to sustain the use of land for buildings shall be provided and maintained to the satisfaction of the Chief Building Official; and,
  2. All regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate.”
- 2.3. That SECTION 4: GENERAL PROVISIONS of Zoning By-law No.05-200 be amended by adding the following new subsection:

**“4.33 SECONDARY DWELLING UNIT AND SECONDARY DWELLING UNIT - DETACHED**

Where a Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling is permitted in this by-law, the following regulations apply:

- a) For lands within a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone, Transit Oriented Corridor (TOC3) Zone, Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
- b) For lands within a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- c) Section 4.5a) shall not apply to a Secondary Dwelling Unit – Detached.
- d) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- e) A single detached dwelling on one lot containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- f) A semi-detached dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.

- g) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.
- h) Parking shall be provided in accordance with Section 5 of this by-law.
- i) Notwithstanding Sections 5.1b)i) and 5.1b)ii), parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be provided in the required front yard in accordance with Section 5 of this by-law.
- j) Notwithstanding Section 5.2e)i)a), permeable pavers may also be permitted.
- k) Notwithstanding Section 5.6a) and c), for a lot containing a Secondary Dwelling Unit, a Secondary Dwelling Unit - Detached, or both, identified in Special Figure 24 to Schedule “F”, no additional parking space or spaces shall be required, provided the number of legally established parking spaces, which existed as of May 12, 2021, shall continue to be provided and maintained.
- l) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard.
- m) In the case of a through lot, a Secondary Dwelling Unit – Detached shall be permitted, in accordance with the following provisions:
  - i) A lot shall not be considered a through lot when abutting a laneway.
  - ii) Where a lot abuts two streets that are not a laneway, the front lot line shall be deemed to be the lot line where the front entrance of the existing principal dwelling faces, and the lot line opposite the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed the side lot lines.
- n) Except as provided in Subsection 4.33q), the exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- o) There shall be no outside stairway above the first floor other than an required exterior exit.
- p) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line

- q) Notwithstanding 4.33p), an additional entrance may be located on the front façade of the building for lands identified on Special Figure 24 to Schedule “F”.
- r) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
  - i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
  - ii) A landscaped area of 12.0 metres for each dwelling unit 50.0 square metres or more.

#### **4.33.1. REGULATIONS FOR SECONDARY DWELLING UNIT - DETACHED**

- a) A legally established accessory building existing as of May 12, 2021 in a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
  - 1. The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
  - 2. Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 4.33 a), c) to l), n), and r) and Subsections 4.33.1 (b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Downtown (D5) Zone, Institutional (I1) Zone, Institutional (I2) Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone shall be subject to the following provisions:
  - 1. Notwithstanding Section 4.8, only Subsections 4.8 b), 4.8.h), and 4.8.1.1 e) shall apply.
  - 2. A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways,

sidewalks, hard surfaced material, and landscaping other than sod.

3. A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
4. Notwithstanding Section 4.33.1 b)3), permeable pavers may be permitted where a parking space and driveway abut a laneway or street.
5. Notwithstanding Section 4.33.1 b)3), where the entrance to the Secondary Dwelling Unit - Detached faces a laneway, the rear yard may be reduced to a minimum 0.3 m.
6. A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
7. A maximum height of 6.0 metres shall be permitted.
8. The maximum Gross Floor Area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the principal Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
9. A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
10. Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
  - i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
  - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.

11. The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 25% of the total lot area.
12. An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
13. Balconies and rooftop patios are prohibited above the first storey.
14. Each of the landscaped areas in Subsection 4.33r) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 metres.
15. A Secondary Dwelling – Detached shall not be permitted within a *swale* or *ditch*.

**4.33.2 SECONDARY DWELLING UNITS IN AGRICULTURE (A1), RURAL (A2) AND SETTLEMENT RESIDENTIAL (S1) ZONES**

- a) A Secondary Dwelling Unit shall only be permitted on lands within a Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone shall only be permitted on a lot that is greater than 0.6 ha in size.
- b) Notwithstanding 4.33.2a), a Secondary Dwelling Unit shall not be permitted on lands identified in Special Figures 24.1 to 24.5.
- c) The waste disposal and water supply systems shall be in accordance with Section 4.22 iii).

3. That SECTION 5: PARKING REGULATIONS of By-law 05-200 is amended as follows:

3.1 That Subsection 5.6a) PARKING SCHEDULES be amended by adding the following new clause:

“a) Parking Schedule for all Downtown Zones

<b>Column 1</b>	<b>Column 2</b>
<b>i. Residential Uses</b>	

<b>Column 1</b>	<b>Column 2</b>
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 per unit

3.2 That Subsection 5.6c) PARKING SCHEDULES be amended by adding the following new clause:

“c) Parking Schedule for all Zones, except the Downtown Zones

<b>Column 1</b>	<b>Column 2</b>
<b>i. Residential Uses</b>	
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 per unit
<b>vii. Uses in A1 and A2 Zones</b>	
Secondary Dwelling Unit	1 per unit

3.3 That Subsection 5.1b)x) be deleted in its entirety.

4.0 That SECTION 6.5: DOWNTOWN RESIDENTIAL (D5) ZONE be amended by adding a new Subsection as follows:

“6.5.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law.”

5.0 That SECTION 8.1: NEIGHBOURHOOD INSTITUTIONAL (I1) ZONE be amended by adding a new Subsection as follows:

“8.1.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law.”

6.0 That SECTION 8.2: COMMUNITY INSTITUTIONAL (I2) ZONE be amended by adding a new Subsection as follows:

“8.2.3.9 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law.”



- b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
- ii) Amending existing clause j) ii) to delete the words “Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house,” in the first paragraph.
- iii) Deleting clause j) iii) in its entirety.

9.2 Adding a new Subsection as follows:

“12.1.3.4 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law.”

10.0 That SECTION 12.2: RURAL (A2) ZONE be amended as follows:

10.1 That Subsection 12.2.3.1 AGRICULTURE AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS be amended by:

- i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii) :
  - i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal Farm Dwelling, may be permitted in the following forms:
    - a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
    - b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
  - ii) Amending existing clause j) ii) to delete the words “Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house,” in the first paragraph.
  - iii) Deleting clause j) iii) in its entirety.

10.2 Adding a new Subsection as follows:

“12.2.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law.”

11. That SECTION 12.3: SETTLEMENT RESIDENTIAL (S1) ZONE be amended by adding a new Subsection as follows:  

“12.3.4      SECONDARY DWELLING      In accordance with the requirements of  
                 UNIT REGULATIONS                      Section 4.33. of this By-law.”
12. That SECTION 13.3: TRANSIT ORIENTED CORRIDOR – MULTIPLE RESIDENTIAL (TOC3) ZONE be amended by adding a new Subsection as follows:  

“11.3.8      SECONDARY DWELLING      In accordance with the requirements of  
                 UNIT REGULATIONS                      Section 4.33. of this By-law.”
13. That Special Exception 375 in SCHEDULE “C” – Special Exceptions be amended as follows.
  - i) Existing clause b) be renumbered as c);
  - ii) a new clause b) be added as follows:
    - b) In addition to clause a), a Secondary Dwelling Unit may be permitted within a legally established single detached dwelling, semi-detached dwelling, street townhouse, or block townhouse dwelling existing as of May 26, 2010.
14. That Schedule “F” to Zoning By-law No. 05-200 be amended by including new Special Figures 24, and 24.1 to 24.5 inclusive to this By-Law.
15. 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*.
16. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
17. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



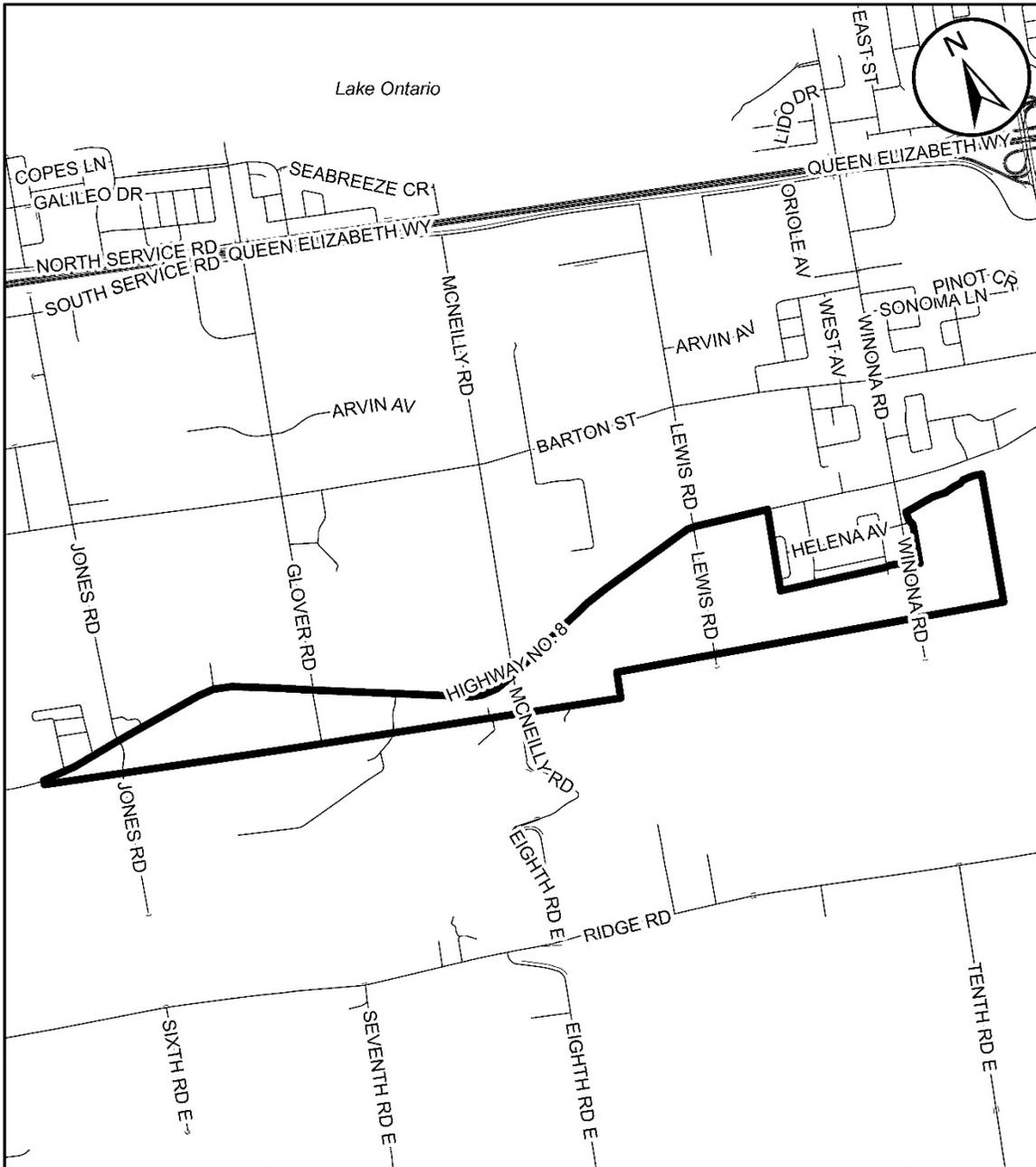
**Special Figure 24: Areas Where Parking is Not Required for Secondary Dwelling Units and More Than One Entrance Can Face the Street**

Date:  
April 16, 2021

**Legend**

 Lower Hamilton Lands





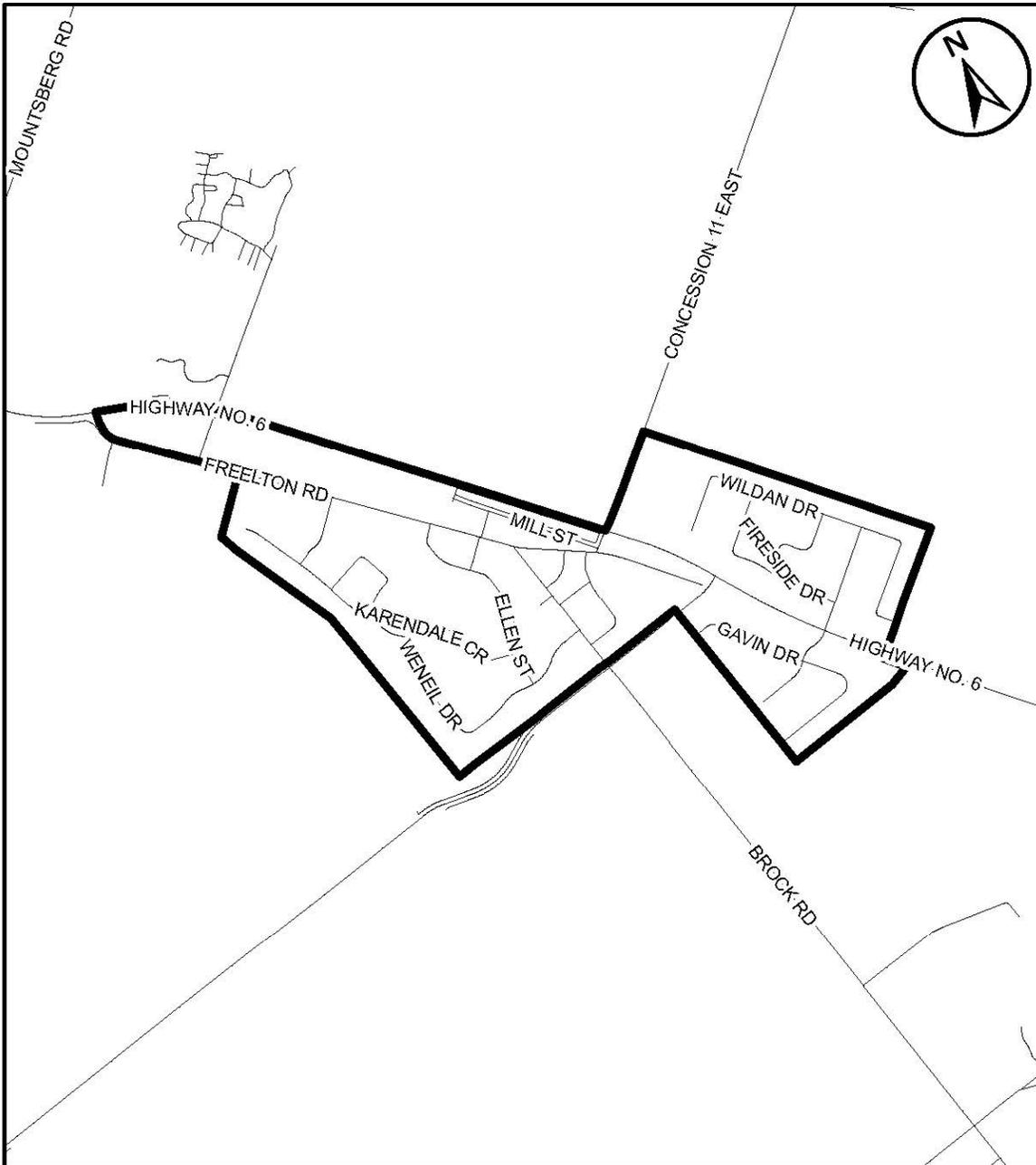
Special Figure 24.1: Secondary Dwelling Units Prohibited in the Lower Stoney Creek Lands

Date:  
April 23, 2021

Legend

 Lower Stoney Creek Lands





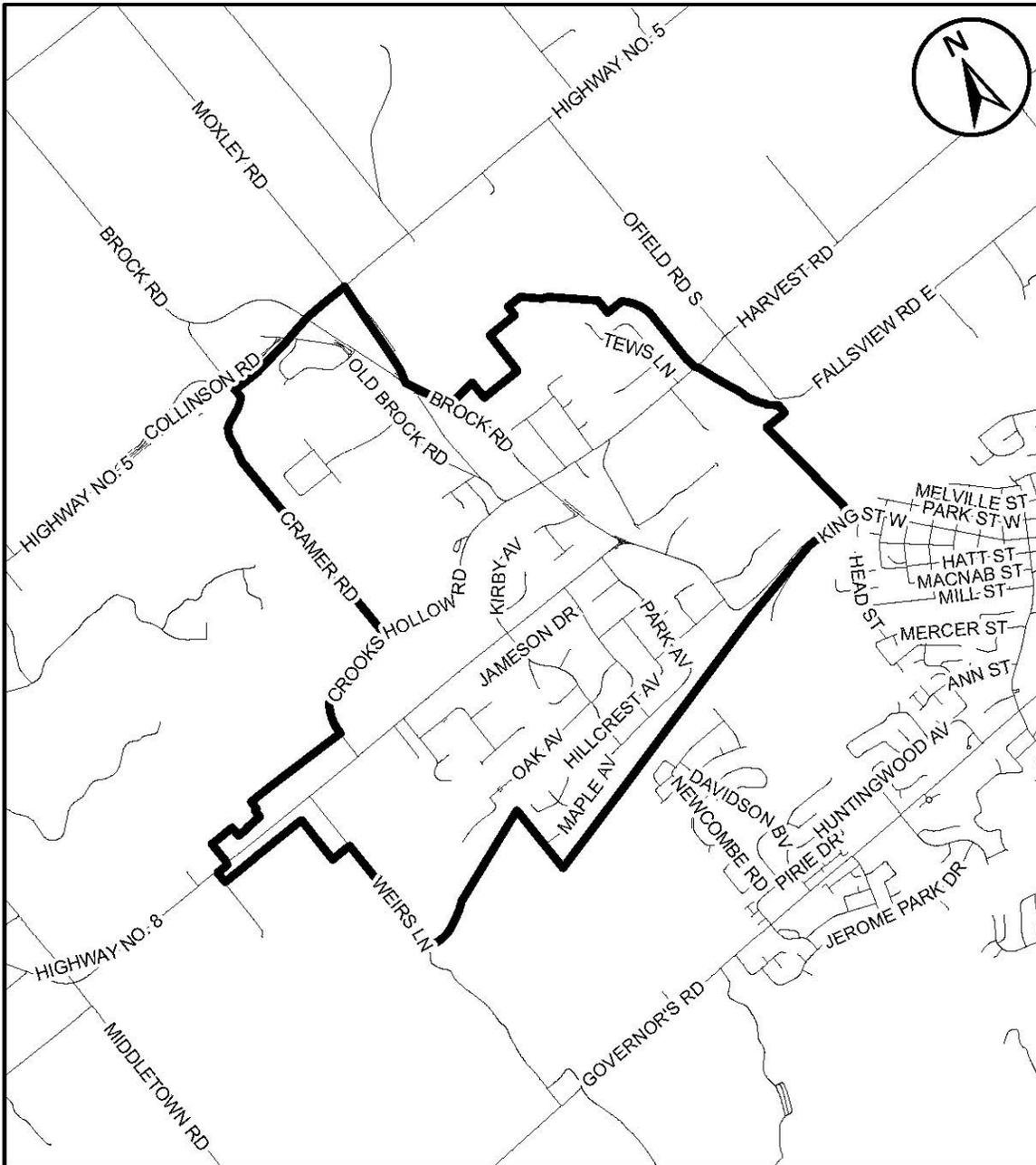
Special Figure 24.2: Secondary Dwelling Units Prohibited in the Freelon Rural Settlement Area

Date:  
April 12, 2021

**Legend**

 Freelon Rural Settlement Area





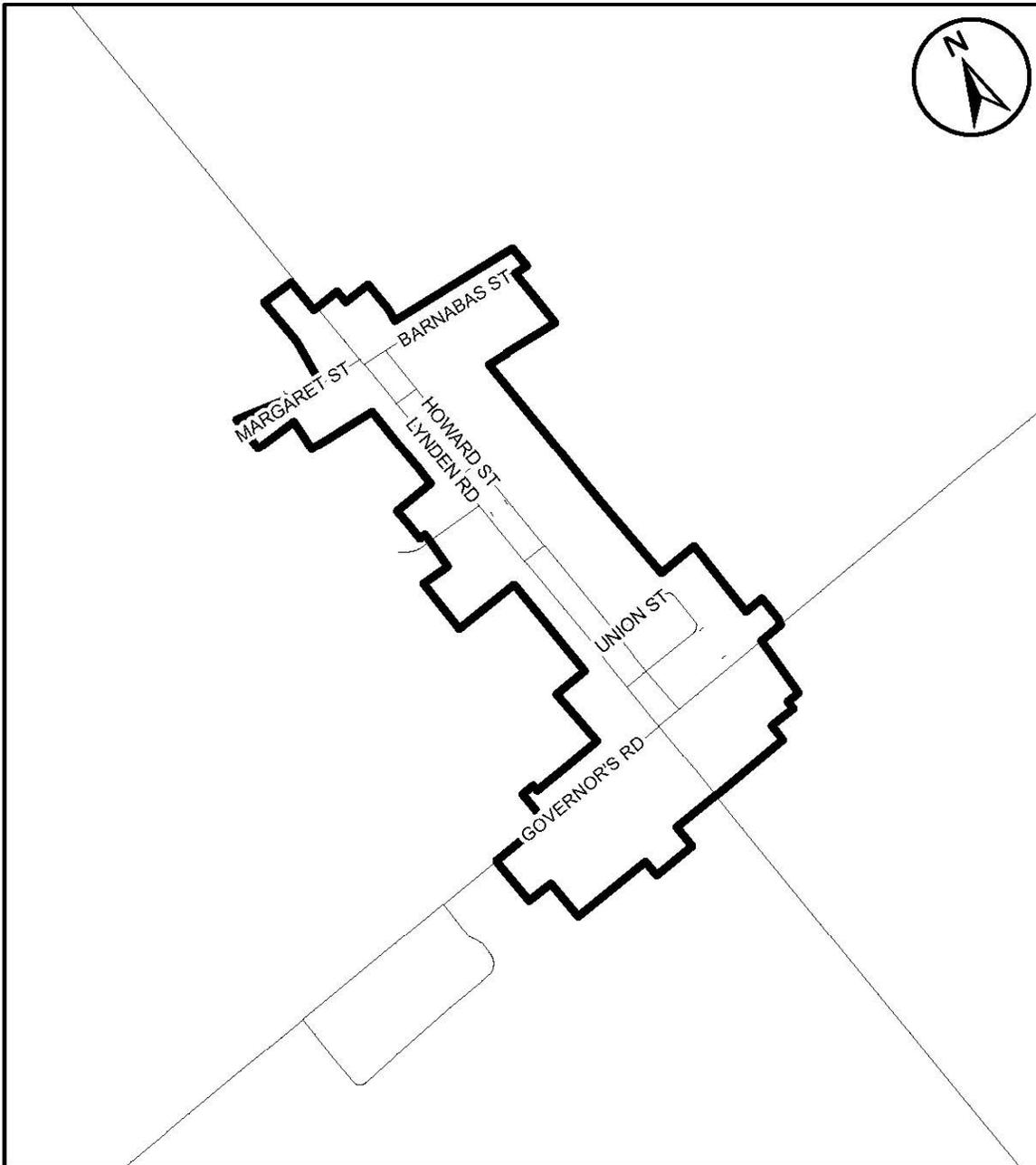
Special Figure 24.3: Secondary Dwelling Units Prohibited in the Greenville Rural Settlement Area

Date:  
 April 12, 2021

**Legend**

 Greenville Rural Settlement Area





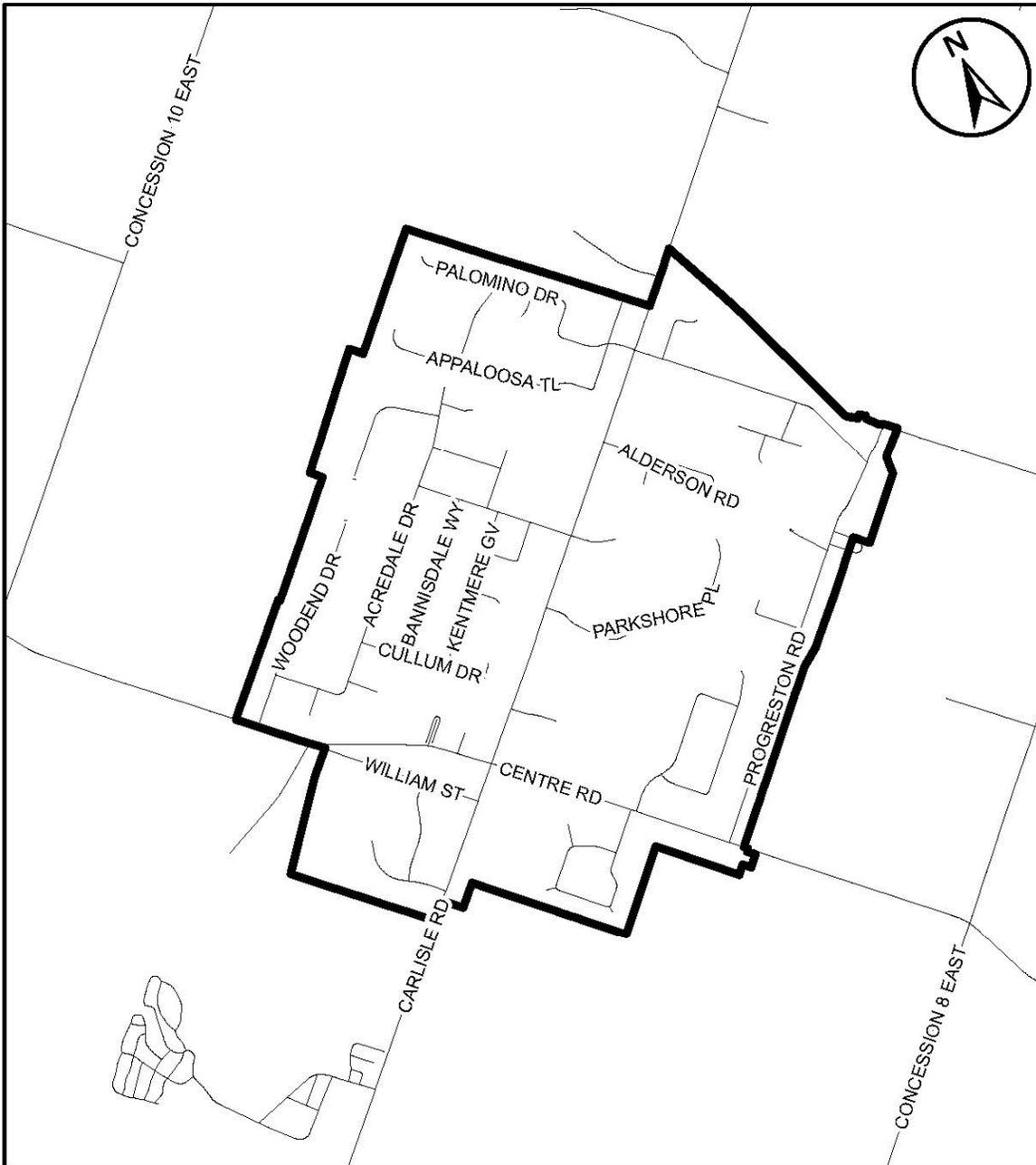
Special Figure 24.4: Secondary Dwelling Units Prohibited in the Lynden Rural Settlement Area

Date:  
April 12, 2021

**Legend**

 Lynden Rural Settlement Area





Special Figure 24.5: Secondary Dwelling Units Prohibited in the Carlisle Rural Settlement Area

Date:  
April 23, 2021

**Legend**

 Carlisle Rural Settlement Area



**CITY OF HAMILTON**

**BY-LAW NO. 21-  
To Amend Zoning By-law No. 87-57 (Ancaster)  
Respecting Secondary Dwelling Unit Regulations**

**WHEREAS** Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 2021;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Section 7.14 - Parking and Loading be adding the following new clause to Section 7.14 b) i) – Minimum Required

(F)	Secondary Dwelling Unit	1 space per unit
	Secondary Dwelling Unit – Detached	

2. That Section 9: **GENERAL PROVISIONS FOR RESIDENTIAL ZONES** be amended to include the following new subsection:

**“9.14 Secondary Dwelling Units and Secondary Dwelling Units - Detached**

- (a) For the purposes of **Section 9.14 - Secondary Dwelling Units and Secondary Dwelling Units - Detached**, the following definitions shall apply:
  - (i) **Ditch** means a small to moderate excavation created to channel water.
  - (ii) **Lot Line, Flankage** means a lot line other than a Front Lot Line that abuts a street.
  - (iii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
  - (iv) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
  - (v) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.

- (vi) **Yard, Flankage** means a yard extending from the front yard to the Rear Yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- (b) Notwithstanding Section 7.18, a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage.
- (c) For lands within a Residential Zones or Deferred Development “D” Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
- (d) For lands within a Residential Zones, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- (e) Notwithstanding Section 9.6, a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be permitted in a basement.
- (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- (h) A semi-detached dwelling containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex, apartment building, or multi-plex dwelling.
- (i) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex, apartment building, or multi-plex dwelling.
- (j) Notwithstanding Section 7.14a)xiii), permeable pavers may also be permitted.
- (k) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete, asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard;
- (i) Encroachments in the Front and Flankage Yards identified in Section 9.14k) shall be subject to Section 7.12.

- (ii) Notwithstanding Section 9.14k), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
  - (A) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 m for each door of a one, two or three car garage or 5.5 m for a double door of a two car garage; and,
  - (B) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6 m;
- (iii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit or Secondary Dwelling Unit - Detached; and,
- (iv) Notwithstanding Section 9.14k) iii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (l) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (m) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (n) There shall be no outside stairway above the first floor other than an required exterior exit.
- (o) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (p) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
  - (i) A landscaped area of 8.0 sq. m. for each dwelling unit less than 50 sq. m.; and,

- (ii) An landscaped area of 12.0 sq. m. for each dwelling unit 50 sq. m. or more.

#### **9.14.1 Regulations for Secondary Dwelling Units – Detached**

- (a) A legally established accessory building existing as of May 12, 2021 in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
  - (i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
  - (ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 4.33 (b), (d), (e), (g) to (l), n), and p) and Subsections 9.14.1 (b) of this Zoning By-law;
- (b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
  - (i) Notwithstanding Section 7.18, only Subsections 7.18(a)(i), 7.18(a)(viii) shall apply.
  - (ii) A minimum 1.5 m Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
  - (iii) A minimum 1.5 m Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
  - (iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 m shall be provided and maintained.
  - (v) A maximum height of 6.0 m shall be permitted.
  - (vi) The maximum Gross Floor Area shall not exceed the lesser of 75.0 sq. m. or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.





**Authority:** Item 9, Planning Committee  
Report 21-006 (PED20093(a))  
CM: April 28, 2021  
Ward: 13

**Bill No. 073**

**CITY OF HAMILTON**  
**BY-LAW NO. 21-**

**To Amend Town of Dundas Zoning By-law No. 3581-86  
Respecting Secondary Dwelling Unit Regulations in Dundas**

**WHEREAS** Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 2021;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That **SECTION 3: DEFINITIONS** be amended by deleting the following Subsections:
  - i) Subsection 3.2.1 – Accessory Apartment
  - ii) Subsection 3.2.21 – Dwelling, Converted
2. That **SECTION 6: GENERAL REGULATIONS** be amended to include the following new subsection:

**“6.31 SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED**

  - i) Notwithstanding Subsections 3.2.1, 3.2.21 and 3.2.56 and for the purposes of **SECTION 6.31 - SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED**, the following definitions shall apply:
    - a) **Ditch** means a small to moderate excavation created to channel water.
    - b) **Laneway** means a public highway or road allowance having a width of less than 12.0 m, and where it abuts a residential lot, the residential lot shall be identified as an interior lot and not a through lot.
    - c) **Lot Line, Flankage** means a lot line other than a Front Lot Line that abuts a street.

- d) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
  - e) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
  - f) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
  - g) **Yard, Flankage** means a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- ii) Notwithstanding Sections 6.2, 8.1.4.1, 9.1.4, 10.1.6, 10A1.2, 11.1.9.1, 11A.1.3, 12.1.6, a Secondary Dwelling Unit – Detached shall not be considered as an accessory building or structure.
  - iii) Section 6.16 shall not apply to a Secondary Dwelling Unit – Detached.
  - iv) For lands within a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
  - v) For lands within a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
  - vi) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
  - vii) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
  - viii) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
  - ix) A semi-detached dwelling containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or apartment building.

- x) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or apartment building.
- xi) Parking shall be provided in accordance with Section 7 of this by-law.
- xii) Notwithstanding Section 7.1.1, parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached, may be provided in the required front yard in accordance with Section 7 of this by-law.
- xiii) Notwithstanding Section 7.9.2, permeable pavers may also be permitted and maintained.
- xiv) Landscaping in the front yard shall be provided in accordance with Section 6.11.3.
  - (a) Notwithstanding 6.31xvi), landscaping shall also be provided in the Flankage Yard.
- xv) Encroachments in the Front and Flankage Yards identified in Section 6.31 xvi) shall be subject to Section 6.6.
- xvi) Notwithstanding Section 6.31xvi), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
  - (a) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 metres for each door of a one, two or three car garage or 5.5 metres for a double door of a two car garage; and,
  - (b) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6 metres;
- xvii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,
- xviii) Notwithstanding Section 6.31 xvii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- xix) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, the front lot line shall be deemed to be the lot line where the front entrance of the

principal dwelling faces, and the lot line opposite the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed the side lot lines.

- xx) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- xxi) There shall be no outside stairway above the first floor other than an required exterior exit.
- xxii) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line
- xxiii) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
  - a) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
  - b) An landscaped area of 12.0 square metres for each dwelling unit 50.0 square metres or more.
- xxiv) A Secondary Dwelling Unit – Detached shall not be permitted in a ditch or swale.
- xxv) Notwithstanding the R1, R2, R3, R4 Residential Zones, the Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone where an Accessory Apartment in a Dwelling Converted is permitted, a Building Permit for a Secondary Dwelling Unit may be issued in accordance with any minor variance, site specific zoning, site plan that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law 21-xxx was passed by Council, provided the Building Permit application complies with Zoning By-law 3581-86, as amended, that affected the lot before By-law No. 21-XXX came into effect. For the purposes of determining zoning conformity the following provisions shall apply:
  - i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Clause xxv) above.

- ii) Once the permit or approval under Clause xxv) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.

### **6.31.1 Regulations for Secondary Dwelling Unit – Detached**

- i) A legally established accessory building existing as of May 12, 2021, in a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
  - a) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
  - b) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 6.31 ii), v), vii) to xix), xxi), and xxiv) and Subsections 6.31.1 ii) of this Zoning By-law;
- ii) A Secondary Dwelling Unit – Detached in a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone shall be subject to the following provisions:
  - a) An eave or gutter of any Secondary Dwelling Unit – Detached may encroach into any required yard to a maximum of 0.45 metres.
  - b) A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
  - c) A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
  - d) Notwithstanding Section c), permeable pavers may be permitted where a parking space and driveway abut a laneway or street.

- e) Notwithstanding Section c), where the Secondary Dwelling Unit – Detached entrance faces the laneway, a minimum 0.3 metres Rear Yard shall be provided abutting a laneway.
- f) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metre shall be provided and maintained.
- g) A maximum height of 6.0 metres shall be permitted.
- h) The maximum gross floor area shall not exceed the lesser of 75 square metres or the Gross Floor Area of the principal Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
- i) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
- j) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard,
  - i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
  - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- k) The maximum lot coverage of all Accessory Buildings and Secondary Dwelling Unit - detached shall be 25% of the total lot area.
- l) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- m) Balconies and rooftop patios are prohibited above the first storey.
- n) Each of the landscaped areas in Subsection 6.31xxiii) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 metres.

3. That **Section 7: OFF – STREET PARKING AND LOADING** be amended by deleting Subsection 7.12.1.10 – Dwelling, Converted and replaced with the following new clause:

Secondary Dwelling Unit                      1 space per unit

4. That **SECTION 8: SINGLE-DETACHED RESIDENTIAL ZONE (R1)** be amended as follows:

- 4.1 By deleting Subsection 8.1.5 – One ACCESSORY APARTMENT.

- 4.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS	8.8	<b><u>REGULATIONS FOR SECONDARY DWELLING UNITS</u></b>
		8.8.1 The use shall comply with the provisions of Section 4.33.”

5. That **SECTION 9: SINGLE-DETACHED RESIDENTIAL ZONE (R2)** be amended as follows:

- 5.1 By deleting Subsection 9.1.5 – One ACCESSORY APARTMENT.

- 5.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS	9.8	<b><u>REGULATIONS FOR SECONDARY DWELLING UNITS</u></b>
		9.8.1 The use shall comply with the provisions of Section 4.33.”

6. That **SECTION 10: LOW DENSITY RESIDENTIAL ZONE (R3)** be amended as follows:

- 6.1 By deleting Subsection 10.1.7 – One ACCESSORY APARTMENT.

- 6.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS	10.10	<b><u>REGULATIONS FOR SECONDARY DWELLING UNITS</u></b>
		10.10.1 The use shall comply with the provisions of Section 4.33.”

7. That **SECTION 10A: LOW DENSITY RESIDENTIAL ZONE (R3A)** be amended by adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS      10A.6      **REGULATIONS FOR SECONDARY DWELLING UNITS**

10A.6.1 The use shall comply with the provisions of Section 4.33.”

8. That **SECTION 11: LOW DENSITY RESIDENTIAL ZONE (R4)** be amended as follows:

- 8.1 By deleting Subsection 11.1.10 – One ACCESSORY APARTMENT.

- 8.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS      11.12      **REGULATIONS FOR SECONDARY DWELLING UNITS**

11.12.1 The use shall comply with the provisions of Section 4.33.”

9. That **SECTION 11A: LOW DENSITY RESIDENTIAL ZONE (R6)** be amended by adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS      11A.7      **REGULATIONS FOR SECONDARY DWELLING UNITS**

11A.7.1 The use shall comply with the provisions of Section 4.33.”

10. That **SECTION 12: LOW TO MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM1)** be amended by adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS      12.9      **REGULATIONS FOR SECONDARY DWELLING UNITS**

12.9.1 The use shall comply with the provisions of Section 4.33.”

11. That **SECTION 15A: RESIDENTIAL AND COMMERCIAL CONVERSION ZONE (R.C.C.)** be amended as

- 11.1 By deleting Subsection 15A.1.8 – One ACCESSORY APARTMENT.

- 11.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS      15A.11      **REGULATIONS FOR SECONDARY DWELLING UNITS**

15A.11.1      The use shall comply with the provisions of Section 4.33.”

12. That **SECTION 15B: SINGLE DETACHED RESIDENTIAL ZONE: CROSS-MELVILLE HERITAGE DISTRICT (RH-1)** be amended as follows:

12.1 By deleting Subsection 15B.1.3 – One ACCESSORY APARTMENT.

12.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS      15B.5      **REGULATIONS FOR SECONDARY DWELLING UNITS**

15B.5.1      The use shall comply with the provisions of Section 4.33.”

13. 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*.

14. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.

15. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12<sup>th</sup> day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 9, Planning Committee  
Report 21-006 (PED20093(a))  
CM: April 28, 2021  
Ward: 15

**Bill No. 074**

**CITY OF HAMILTON**

**BY-LAW NO. 21-**

**To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting the Introduction of Secondary Dwelling Unit Regulations**

**WHEREAS** Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 2021;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Section 5.21.1 – Parking Space Requirements of **SECTION 5: GENERAL PROVISIONS** be amended by adding the following new subsection:

Type of Use	Minimum Number of Parking Spaces Required
(aaa) Secondary Dwelling Unit Secondary Dwelling Unit – Detached	1 space per unit

2. That **SECTION 5: GENERAL PROVISIONS** be amended by adding the following new subsection:

“5.43 SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

5.43.1 General Regulations

- (a) For the purposes of Section 5.43 – Secondary Dwelling Units and Secondary Dwelling Unit – Detached, the following definitions shall apply:

- (i) **Ditch** means a small to moderate excavation created to channel water.

- (ii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
  - (iii) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
  - (iv) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (b) Notwithstanding Section 5.2, a detached Secondary Dwelling Unit shall only be considered as an accessory building for the purposes of lot coverage.
  - (c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
  - (d) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
  - (e) Section 5.4.1 shall not apply to a Secondary Dwelling Unit – Detached.
  - (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
  - (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
  - (h) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a triplex, apartment building, or quadplex.
  - (i) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling

Units – Detached, or both, shall not be considered a triplex, apartment building, or quadplex.

- (j) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
- (k) Parking shall be provided in accordance with Section 5.21 of this by-law.
- (l) Notwithstanding Section 5.21.5, parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be provided in the required front yard in accordance with Section 5.21 of this by-law.
- (m) Parking shall be provided to all lots containing a Secondary Dwelling Unit in accordance with Section 5.12.1(d) and shall also apply to flankage yards, and shall not include concrete, asphalt, gravel, pavers, or other similar material;
  - (i) Encroachments in the Front and Flankage Yards identified in Section 5.43.1(m) shall also be subject to Section 5.30.
  - (ii) Notwithstanding Section 5.43.1(m), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
    - (1) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 metres for each door of a one, two or three car garage or 5.5 metres for a double door of a two car garage; and,
    - (2) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6 metres;
  - (iii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,

- (iv) Notwithstanding Section 5.43.1(m)(iii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (n) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (o) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (p) There shall be no outside stairway above the first floor other than a required exterior exit.
- (q) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (r) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
  - i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
  - ii) An landscaped area of 12.0 square metres for each dwelling unit 50.0 square metres or more.
- (s) A Secondary Dwelling Unit – Detached is not permitted within a swale or ditch.

#### 5.43.3 Secondary Dwelling Unit - Detached

- (a) A legally established accessory building existing as of May 12, 2021 in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling shall be subject to the following provisions:
  - i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.

- ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 5.43.1 (b), (d), (e), (g) to (n) inclusive, (r), and (s) and Subsections 5.43.3 (b) of this Zoning By-law;
- (b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
- i) Section 5.30 – Yard Encroachments for Sills, belt courses, cornices, chimney breasts, bay windows, pilasters, eaves or gutters shall apply.
  - ii) A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
  - iii) A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
  - iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
  - v) A maximum height of 6.0 metres shall be permitted.
  - vi) The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
    - a) For the purpose of this regulation, a Gross Floor Area shall not exclude the horizontal area of any cellar, attic, enclosed parking area, enclosed loading area, or any unenclosed porch, verandah, balcony, or similar structure.
  - vii) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.

- viii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
    - i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
    - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
  - ix) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
  - x) Balconies and rooftop patios are prohibited above the first storey.
  - xi) Each of the landscaped areas in Subsection 5.43.2r) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 metres.”
3. That **SECTION 6 – URBAN RESIDENTIAL (SINGLE DETACHED) ZONE (R1)** be amended by adding the following new Subsection:
- “6.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- (a) The use shall comply with the provisions of Section 5.43.”
4. That **SECTION 9 – URBAN RESIDENTIAL (SEMI-DETACHED AND LINK) ZONE (R4)** be amended by adding the following new Subsection:
- “9.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- (a) The use shall comply with the provisions of Section 5.43.”
5. That **SECTION 10 – CORE AREA RESIDENTIAL ZONE (R5)** be amended as follows:
- 5.1 By deleting Subsection 10.1(e) – Converted Dwelling (maximum 3 dwelling units).

5.2 By adding a new Subsection as follows:

“10.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND  
SECONDARY DWELLING UNITS – DETACHED

(a) The use shall comply with the provisions of Section 5.43.”

6. That **SECTION 11 – MEDIUM DENSITY RESIDENTIAL ZONE (R6)** be amended by adding the following new Subsection:

“11.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND  
SECONDARY DWELLING UNITS – DETACHED

(a) The use shall comply with the provisions of Section 5.43.”

7. That **SECTION 17 – URBAN COMMERCIAL ZONE (UC)** be amended by amending the following Subsection as follows:

7.1 Permitted Uses:

e) Secondary Dwelling Units and Secondary Dwelling Units – Detached, subject to the provisions of Subsection 5.43.”

8. 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*.

9. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.

10. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 9, Planning Committee  
Report 21-006 (PED20093(a))  
CM: April 28, 2021  
Ward: 9, 11

**Bill No. 075**

**CITY OF HAMILTON  
BY-LAW NO. 21-**

**To Amend Zoning By-law No. 464 (Glanbrook)  
Respecting Secondary Dwelling Unit Regulations**

**WHEREAS** Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 2021;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Section 7.35(b) - Off-Street Parking Space Requirements of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES** be amended by adding the following new clause:

<b>Use</b>	<b>Minimum Required Parking Spaces</b>
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 space per unit

2. That **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be amended to include the following new subsection:

**“11.13 SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS  
- DETACHED**

- (a) For the purposes of Section 11.13 – Secondary Dwelling Units and Secondary Dwelling Unit – Detached, the following definitions shall apply:
  - (i) **Ditch** means a small to moderate excavation created to channel water.
  - (ii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.

- (iii) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
- (iv) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (b) Notwithstanding Section 7.13, a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage.
- (c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
- (d) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- (e) Section 11.2a) shall not apply to a Secondary Dwelling Unit – Detached.
- (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- (h) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a triplex or apartment building.
- (i) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a triplex or apartment building.
- (j) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Exterior Side Yard.
- (k) Parking shall be provided in accordance with Section 7.35a) of this by-law.

- (l) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete, asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard:
  - (i) Encroachments in the Front and Exterior Side Yards identified in Section 11.13l) shall also be subject to Section 7.26:
  - (ii) Notwithstanding Section 11.13l), where at least half the Front Lot Line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
    - (1) A driveway between the front entrance of the garage and the front lot line with maximum width of 3.0 metres for each door of a one, two or three car garage or 5.5 metres for a double door of a two car garage; and,
    - (2) A walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6 metres;
  - (iii) A maximum of one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,
  - (iv) Notwithstanding Subsection 11.13l)(iii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (m) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (n) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (o) There shall be no outside stairway above the first floor other than an required exterior exit.

- (p) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (q) A minimum landscaped area shall be provided and maintained in the rear yard for each dwelling unit on the lot, in accordance with the following provisions:
  - (i) A landscaped area of 8.0 square metres for each dwelling unit less than 50 square metres; and,
  - (ii) An landscaped area of 12.0 square metres for each dwelling unit 50 square metres or more.
- (r) A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.

#### **11.13.1 REGULATIONS FOR SECONDARY DWELLING UNIT - DETACHED**

- a) A legally established accessory building existing as of May 12, 2021 in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
  - (i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
  - (ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 11.13.1 b), d), e), g) to m), o), q) and r), and Subsections 11.13.1(b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
  - (i) Notwithstanding Section 7.13, only Subsections 7.13b)vi) shall apply.
  - (ii) A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

- (iii) A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
- (v) A maximum height of 6.0 metres shall be permitted.
- (vi) The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
  - (1) For the purpose of this regulation, a Gross Floor Area shall not exclude car parking area.
- (vii) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
- (viii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
  - (1) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
  - (2) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- (ix) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- (x) Balconies and rooftop patios are prohibited above the first storey.

(xi) Each of the landscaped areas in Subsection 11.13q) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres.”

3. That SECTION 12: EXISTING RESIDENTIAL “ER” ZONE be amended by adding the following new Subsection as follows:

“12.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law.”

4. That SECTION 13: RESIDENTIAL “R1” ZONE be amended by adding the following new Subsection as follows:

“13.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law.”

5. That SECTION 14: RESIDENTIAL “R2” ZONE be amended by adding the following new Subsection as follows:

“14.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law.”

6. That SECTION 15: RESIDENTIAL “R3” ZONE be amended by adding the following new Subsection:

“15.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law.”

7. That SECTION 16: RESIDENTIAL “R4” ZONE be amended by adding the following new Subsection:

“16.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law.”

8. That SECTION 17: RESIDENTIAL MULTIPLE “RM1” ZONE be amended by adding the following new Subsection:

“17.8 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law.”

9. That SECTION 18: RESIDENTIAL MULTIPLE “RM2” ZONE be amended by adding the following new Subsection:

“18.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law.”

10. 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*.
11. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
12. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

CI-20-E

**Authority:** Item 9, Planning Committee  
Report 21-006 (PED20093(a))  
CM: April 28, 2021  
Ward: 1, 2, 3, 4, 5, 6, 7, 8, 14  
**Bill No. 076**

**CITY OF HAMILTON  
BY-LAW NO. 21-**

**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting Secondary Dwelling Unit Regulations**

**WHEREAS** Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 2021;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Subsection 18(A).(1)(a)(i) Table 1 – Minimum Required Parking for Residential, Institutional, Public and Commercial Uses of SECTION 18A: PARKING AND LOADING REQUIREMENTS be amended by adding the following new clause:

<b>1. Residential Uses</b>	
(n) Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 space per unit

2. That Subsection 19.(1) of SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be deleted in its entirety and replaced with the following regulations:

19.(1) **Single detached, semi-detached, and street townhouse in all Residential Districts and “H” (Community Shopping and Commercial, etc.) District**

Notwithstanding anything contained in this By-law, any legally established single detached, semi-detached, and street townhouse dwelling in all Residential Districts, and “H” (Community Shopping and Commercial, etc.) District may be converted to contain not more than a total of three dwelling units on one lot, provided all of the following requirements are complied with:

- (i) For the purposes of Section 19.1(1), the following definitions shall apply:

1. **Ditch** means a small to moderate excavation created to channel water.
  2. Notwithstanding Section 4(3)(d), a **Laneway** means a public highway or road allowance having a width of less than 12.0 metres, and where it abuts a residential lot, the residential lot shall be identified as an interior lot and not a through lot.
  3. **Lot Line, Flankage** means a lot line other than a front lot line that abuts a street.
  4. **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
  5. **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
  6. **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
  7. **Yard, Flankage** means a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- (ii) Notwithstanding Subsection 18.(4)(iv), a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage as required in Section 18(4)(iv).
  - (iii) For lands within a Residential District or “H” (Community Shopping and Commercial, etc.) District, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
  - (iv) For lands within a Residential District or “H” (Community Shopping and Commercial, etc.) District, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
  - (v) A Secondary Dwelling Unit shall not be permitted in a cellar.
  - (vi) A Secondary Dwelling Unit or a Secondary Dwelling Unit – Detached shall have a maximum of two bedrooms.

- (vii) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
- (viii) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- (ix) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- (x) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a three-family dwelling or multiple dwelling.
- (xi) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a three-family dwelling or multiple dwelling.
- (xii) Parking shall be provided in accordance with Section 18(A) of this by-law.
- (xiii) Notwithstanding Section 19.(1)(xii), for a lot containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached identified in Schedule “P” of Section 22, no additional parking space shall be required for any dwelling unit on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained;
  - 1. Sections 19.(1)(xiii) 2., 3. and 4. shall apply.
  - 2. Parking shall be provided to all lots containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached in accordance with Sections 18(14), 18A(7), 18A(7a), 18A(9), 18A(14a) to 18A(14g), 18A (23) and 18A(31).
  - 3. A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached; and,
  - 4. Notwithstanding Section 19.1(xiii)3., for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (xiv) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. Notwithstanding Subsection

2.(2)J.(xiii), in the case of a through lot, the front lot line shall be deemed to be the lot line where the front entrance of the existing principal dwelling faces, and the lot line opposite the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed the side lot lines.

- (xv) Except as provided in Subsection 19.(1)(xvii)1., the exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (xvi) There shall be no outside stairway above the first floor other than an required exterior exit.
- (xvii) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (xviii) Notwithstanding 19.(1)(xvii) one additional entrance may be located on the front façade of the building for properties identified in Schedule "P" of Section 22.
- (xix) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
  - 1. A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
  - 2. An landscaped area of 12.0 square metres for each dwelling unit 50.0 square metres or more.
- (xx) A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.
- (xxi) Notwithstanding Section 19(1) of this By-law, a Building Permit for a Secondary Dwelling Unit may be issued in accordance with any minor variance, site specific zoning, site plan that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law 21-xxx was passed by Council, provided the Building Permit application complies with Zoning By-law 6593, as amended, that affected the lot before By-law No. 21-XXX came into effect. For the purposes of determining zoning conformity the following provisions shall apply:

1. This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Clause xx) above.
2. Once the permit or approval under Clause xx) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.

19.(1).1 **Regulations for Secondary Dwelling Unit - Detached**

- (i) A legally established accessory building existing as of the May 12, 2021 in a Residential District or “H” (Community Shopping and Commercial, etc.) District may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
  1. The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
  2. Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 19.(1) ii), iv), vi) to xiv) inclusive, xix) xx), and xxi), and Subsections 19.(1).1 (ii) of this Zoning By-law;
- (ii) A Secondary Dwelling Unit – Detached in a Residential District or “H” (Community Shopping and Commercial, etc.) District shall be subject to the following provisions:
  1. Notwithstanding Section 18.3(vi), an eave or gutter of a Secondary Dwelling Unit – Detached may encroach into any required yard to a maximum of 0.45 metres.
  2. A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
  3. A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

4. Notwithstanding Section 19.(1).1(ii)3., permeable pavers may be permitted where a parking space and driveway abut a laneway or street.
5. Notwithstanding Section 19.(1).1(ii)3., where the SDU entrance faces the laneway, a minimum 0.3 metres Rear Yard shall be provided abutting a laneway.
6. A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
7. A maximum height of 6.0 metres shall be permitted.
8. The maximum Gross Floor Area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the principal Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
9. A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
10. Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
  - i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
  - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
11. The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 25% of the total lot area.
12. An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
13. Balconies and rooftop patios are prohibited above the first storey.

14. Each of the landscaped areas in Subsection 19.(1)(xix) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres.
3. That Subsection 19.(4) of SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be deleted in its entirety.
4. That Subsection 19.(5) of SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be deleted in its entirety.
5. That Section 22: Restricted Areas By-laws Repealed is amended by repealing and replacing Schedule P identified in Schedule "A" to this By-law.
6. That the following by-laws be repealed in their entirety once the regulations, as set out in Subsections 1 to 5 of this By-law, come into full force and effect.
  - (i) By-law 19-307, the Temporary Use By-law respecting Secondary 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; and,
  - (ii) By-law 18-299 respecting Secondary Dwelling Units (Laneway Houses) for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment.
7. 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*.
8. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
9. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



**CITY OF HAMILTON**

**BY-LAW NO. 21-**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting Secondary Dwelling Unit Regulations**

**WHEREAS** Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 2021;

**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 Section 4.10.9 – Schedule of Minimum Parking Requirements of SECTION 4: GENERAL PROVISIONS FOR ALL ZONES be amended by adding the following new clause:

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 space per unit

2. That SECTION 6.1: **GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be amended by deleting Subsection 6.1.7 and replacing it with the following new subsection:

**“6.1.7 Secondary Dwelling Units and Secondary Dwelling Units – Detached**

- (a) For the purposes of **Section 6.1.7 – Secondary Dwelling Units and Secondary Dwelling Units – Detached**, the following definition shall apply:

1. **Ditch** means a small to moderate excavation created to channel water.
2. **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
3. **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.

4. **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (b) Notwithstanding Part 2: Definitions – Accessory Building or Structure, and Sections 4.5 and 6.1.4(b), a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of lot coverage.
  - (c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
  - (d) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
  - (e) Section 4.18.2 shall not apply to a Secondary Dwelling Unit – Detached.
  - (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
  - (g) Notwithstanding Section 6.1.4(a), a Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
  - (h) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
  - (i) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a dwelling – triplex, dwelling – fourplex, dwelling – fiveplex, dwelling, dwelling – sixplex, or dwelling – stacked townhouse.
  - (j) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a dwelling – triplex, dwelling – fourplex, dwelling – fiveplex, dwelling, dwelling – sixplex, or dwelling – stacked townhouse.
  - (k) Parking shall be provided in accordance with Section 4.10 of this by-law.
  - (l) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete,

asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard:

1. Encroachments in the Front and Flankage Yards identified in Section 6.1.71) shall also be subject to Section 4.19.
  2. Notwithstanding Section 6.1.71), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
    - (i) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 metres for each door of a one, two or three car garage or 5.5 metres for a double door of a two car garage; and,
    - (ii) A walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6 metres;
  3. A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,
  4. Notwithstanding 6.1.71)3), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (m) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (n) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (o) There shall be no outside stairway above the first floor other than an required exterior exit.
- (p) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line
- (q) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:

- (i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
  - (ii) A landscaped area of 12.0 square metres for each dwelling unit 50.0.
- (r) A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.

#### **6.1.7.2 Regulations for Secondary Dwelling Units – Detached**

- a) A legally established accessory building existing as of May 12, 2021 in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
  - (i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
  - (ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 6.1.7.1 b), d), e), g) to m), o), q) and r) and Subsections 6.1.7.2 b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
  - (i) Section 4.19.1(c) shall apply.
  - (ii) A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
  - (iii) A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
  - (iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.

- (v) A maximum height of 6.0 metres shall be permitted.
  - (vi) The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
    - (1) For the purpose of this regulation, a Gross Floor Area shall not exclude a garage, breezeway, porch, veranda, balcony, attic, basement, cellar, elevator shaft area or boiler room.
  - (vii) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
  - (viii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
    - (1) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
    - (2) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
  - (ix) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
  - (x) Balconies and rooftop patios are prohibited above the first storey.
  - (xi) Each of the landscaped areas in Subsection 11.13q) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres.”
3. That SECTION 6.1: **GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be amended by deleting Subsection 6.1.9.
4. That SECTION 6.2 – SINGLE RESIDENTIAL “R1” ZONE be amended by adding the following new Subsection:
- “6.2.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached**

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9.”

5. That SECTION 6.3 – SINGLE RESIDENTIAL “R2” ZONE be amended by adding the following new Subsection:

**“6.3.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached**

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9.”

6. That SECTION 6.4 – SINGLE RESIDENTIAL “R3” ZONE be amended by adding the following new Subsection:

**“6.4.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached**

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9.”

7. That SECTION 6.5 – SINGLE RESIDENTIAL “R4” ZONE be amended by adding the following new Subsection:

**“6.5.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached**

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9.”

8. That SECTION 6.6 – RESIDENTIAL “R5” ZONE be amended by adding the following new Subsection:

**“6.6.5.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached**

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9.”

9. That SECTION 6.7 – RESIDENTIAL “R6” ZONE be amended by adding the following new Subsection:

**“6.7.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached**

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9.”

10. That SECTION 6.8 – MULTIPLE RESIDENTIAL “RM1” ZONE be amended by adding the following new Subsection:

**“6.8.3i) Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached**

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9.”

11. That SECTION 6.9 – MULTIPLE RESIDENTIAL “RM2” ZONE be amended by adding the following new Subsection:

**“6.9.5.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached**

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9.”

12. That SECTION 6.10 – MULTIPLE RESIDENTIAL “RM3” ZONE be amended by adding the following new Subsection:

**“6.10.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached**

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9.”

13. 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*.

14. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.

15. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 9, Planning Committee  
Report 21-006 (PED20093(a))  
CM: April 28, 2021  
Ward: City Wide

**Bill No. 078**

**CITY OF HAMILTON  
BY-LAW NO. 21-**

**Amendment to By-law No. 18-126, A By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land (Parkland Dedication By-law)**

**WHEREAS** sections 42 and 51.1 of the *Planning Act* provide that the Council of a local municipality may by by-law require that land be conveyed to the municipality for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of lands;

**AND WHEREAS** subsections 42(3) and 51.1(2) of the *Planning Act* provide for an alternate land conveyance rate of one hectare for each three hundred dwelling units proposed for development provided the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes at such rate;

**AND WHEREAS** the Council of the City of Hamilton wishes to use these provisions to acquire land and cash to be used for park or other public recreational purposes;

**AND WHEREAS** the Council of the City of Hamilton wishes to increase the supply of housing opportunities by permitting Secondary Dwelling Units within certain residential uses and on certain residential lots;

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

1. That By-law 18-126 be amended on the following basis:

1.1 That Section 1 DEFINITIONS be amended by adding the following new definition:

“Secondary Dwelling Unit as defined in Zoning By-law No. 05-200, the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek Zoning By-laws.

1.2 That Section 5.5 be deleted and replaced as follows:

(5) Notwithstanding section 4, where one or two Secondary Dwelling Units are added to a single detached, semi-detached or block or street townhouse dwelling or lot, a cash-in-lieu fixed rate of \$1,131 (effective April 1, 2021)

Amendment to By-law No. 18-126, A By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land (Parkland Dedication By-law)

Page 2 of 2

applies for each Secondary Dwelling Unit, subject to annual indexing described in subsection 5(7).

**PASSED** this 12<sup>th</sup> day of May, 2021.

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F. Eisenberger  
Mayor

CI-21-A

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Andrea Holland  
City Clerk

**CITY OF HAMILTON  
BY-LAW NO. 21-**

**To Amend By-law No. 12-282, as amended by By-law No. 19-108,  
Respecting Tariff of Fees**

**WHEREAS** Section 69 of the *Planning Act*, R.S.O 1990, Chapter 13, as amended, authorizes municipalities to enact a by-law to prescribe a Tariff of Fees for the processing of applications made in respect of planning matters;

**AND WHEREAS** Section 391 of the *Municipal Act*, 2001, S.O.2001, c. 25, as amended, authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided or done by or on behalf of the municipality;

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

1. That By-law No. 12-282, as amended by By-law No. 19-108, be updated to include the following new fee in Schedule "A" for 2021:

Routine Minor Variance for Secondary Dwelling Units	\$600.00
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2. The new fee for Routine Minor Variance for Secondary Dwelling Units is hereby approved and adopted.
3. The fee shall be paid at the time of and with the making of Committee of Adjustment application for Secondary Dwelling Units.
4. No Committee of Adjustment application for Secondary Dwelling Units shall be deemed to have been made, provided or completed, and no application shall be received, unless the appropriate fee is paid in accordance with this By-law.
5. The amount of the fee for a Committee of Adjustment application for Secondary Dwelling Units shall be adjusted annually by the percentage change during the preceding year of the Consumer Price Index (CPI) for Toronto, and the resulting figures shall be rounded off to the nearest five (\$5.00) dollar interval.
6. This By-law shall be deemed to have come into force on May 12, 2021.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor  
CI-21-A

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A. Holland  
City Clerk

**Authority:** Item 4, Planning Committee  
Report: 21-007 (PED21076)  
CM: May 12, 2021  
Ward: 1

**Bill No. 080**

**CITY OF HAMILTON**

**BY-LAW NO. 21-**

**To Adopt:**

**Official Plan Amendment No. 149 to the  
Urban Hamilton Official Plan**

Respecting:

**354 King Street West  
(Hamilton)**

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

1. Amendment No. 149 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 12<sup>th</sup> day of May 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

## Urban Hamilton Official Plan Amendment No. 149

The following text, together with Map B.6.6-1 Strathcona Secondary Plan – Land Use Plan, attached hereto, constitutes Official Plan Amendment No. 149 to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to add the lands to Area Specific Policy – Area C within the Strathcona Secondary Plan to permit the development of a twelve (12) storey hotel.

### 2.0 Location:

The lands affected by this Amendment are a portion of the lands known municipally as 354 King Street West (to be assigned as 7 Queen Street North once constructed), in the former City Hamilton.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development satisfies all characteristics and requirements of the Strathcona Secondary Plan Mixed Use – Medium Density policies, save and except the prescribed building height;
- The proposed development is compatible with the City-wide Corridor Planning Principles and Design Guidelines by minimizing sun/shadow and wind impacts, and by providing an appropriate transition from the Primary Corridor to the adjacent low rise residential neighbourhood;
- The Amendment will provide hotel accommodations along a Primary Corridor with access to existing local and regional public transit and active transportation options;
- The proposed development does not detract from the adjacent *cultural heritage resource* and respects the views of the resource; 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.6.0 – Hamilton Secondary Plans – Section B.6.6 – Strathcona Secondary Plan**

a. That Policy B.6.6.15.3 be amended by:

i replacing the text “C-4” between the words “to” and “on” with “C-5”, so the Policy reads as follows:

“B.6.6.15.3 Notwithstanding the maximum building height identified in Policy 6.6.5.5 b) – High Density Residential Designation and 6.6.6.1 b) – Mixed Use – Medium Density Designation of this Plan, shown as Areas C-1 to C-5 on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, the following shall apply:”; and,

ii. adding a new paragraph e), as follows:

“e) For the lands known municipally as known municipally as 354 King Street West (to be assigned as 7 Queen Street North once constructed), designated Mixed-Use – Medium Density, shown as Area Specific Policy – Area C-5 on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, the maximum building height shall be 12 storeys.”

#### **Maps and Appendices**

##### **4.1.2 Map**

a. That Volume 2: Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan be amended by adding Area Specific Policy – Area C-5 identification to the subject lands, as shown on Appendix “A”, attached to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. 21-080 passed on the 12<sup>th</sup> day of May, 2021.

**The  
City of Hamilton**

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

Appendix A  
 APPROVED Amendment No. 149  
 to the Urban Hamilton Official Plan

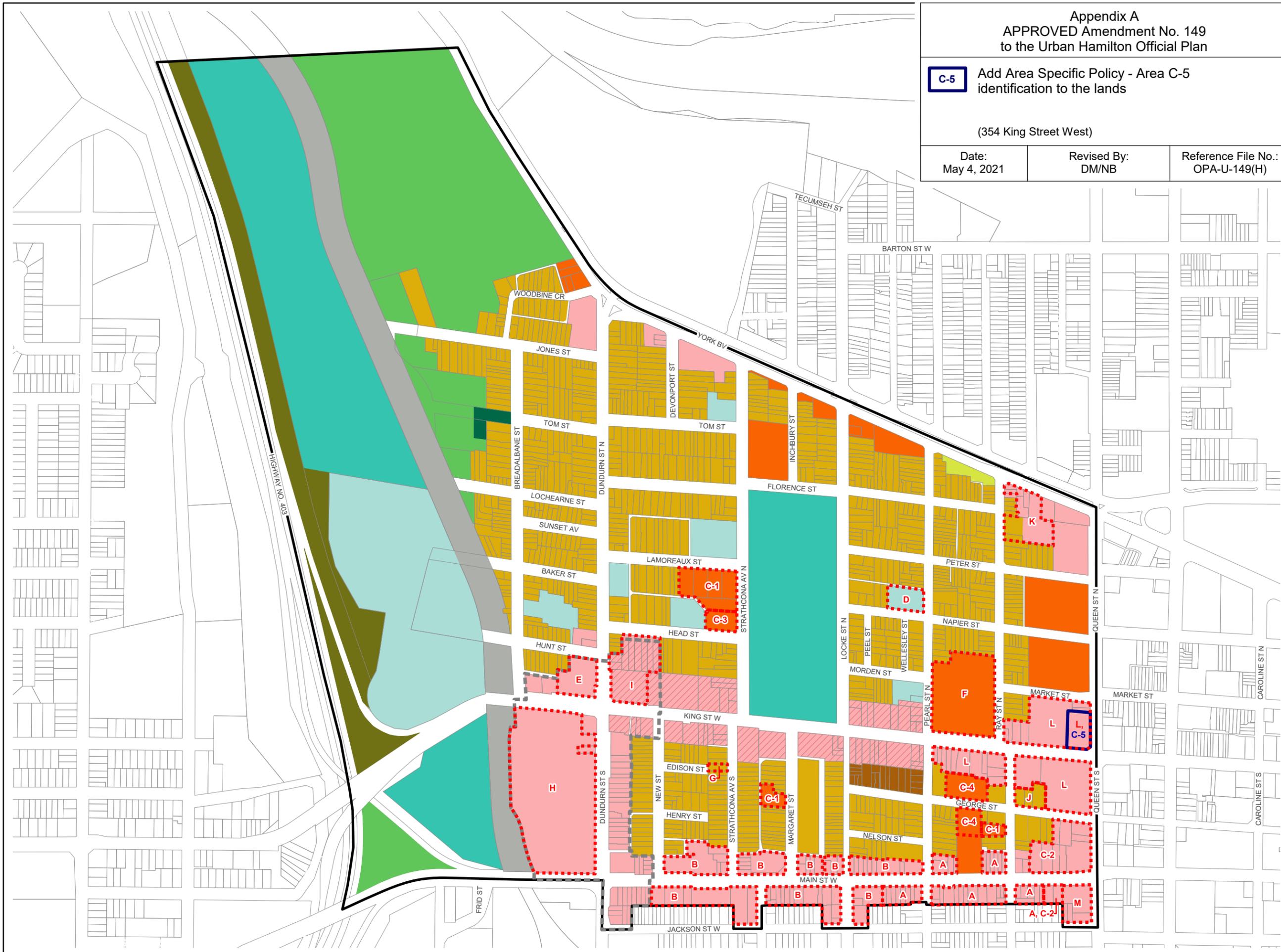
**C-5** Add Area Specific Policy - Area C-5  
 identification to the lands

(354 King Street West)

Date:  
 May 4, 2021

Revised By:  
 DM/NB

Reference File No.:  
 OPA-U-149(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**



Not To Scale



Date: Dec. 9, 2020

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
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 OF SURVEY

**Authority:** Item 4, Planning Committee  
Report: 21-007 (PED21076)  
CM: May 12, 2021  
Ward: 1

**CITY OF HAMILTON**

**BY-LAW NO. 21-**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 354 King Street West**

**WHEREAS** the Council of the City of Hamilton, in adopting Item 4 of Report 21-007 of the Planning Committee, at its meeting held on the 12<sup>th</sup> day of May, 2021, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. 149.

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

1. That Map Nos. 909 and 951 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Transit Orientated Corridor - Mixed Use - Medium Density (TOC1, 295) Zone to the Transit Orientated Corridor - Mixed Use - Medium Density (TOC1, 295, 741, H120) Zone, for the lands municipally known as 354 King Street West, Hamilton, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions of Zoning By-law No. 05-200, is amended by adding the following new special exception:
  - “741 Within the lands zoned Transit Orientated Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 and 951 of Schedule “A” to Zoning By-law No. 05-200 and described as 354 King Street West, the following special provisions shall apply:
    - a) The lands zoned Transit Orientated Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, not to internal lot lines resulting from any future severance.
    - b) Notwithstanding Section 5: Parking of Zoning By-law No. 05-200, as it relates to a Hotel, the following shall apply:
      - i) 0.75 for each guest suite.

c) Notwithstanding Section 11.1.3. d) ii) and iii), the following special provisions shall apply:

- |                    |  |
|--------------------|--|
| i) Building Height | b) In addition to a) above, maximum building height shall be in accordance with Figure 24 of Schedule F – Special Figures of Zoning By-law No. 05-200. |
|--------------------|--|

3. That Schedule D: Holding Provisions of Zoning By-law No. 05-200 is hereby amended by adding the following new Holding Provision:

“120. Notwithstanding Subsection 11.1 of this By-law, on those lands zoned Transit Oriented Corridor – Mixed Use – Medium Density (TOC1, 295, 741) Zone, identified on Map Nos. 909 and 951 of Schedule “A” – Zoning Maps and described as 354 King Street West, Hamilton, development shall be restricted in accordance with the following:

a. For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone.

b. Regulations

For such time as the Holding Provision is in place these lands shall be subject to the regulations of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone except where in conflict with the following:

i) No development exceeding the maximum height of 36.5 metres.

c. Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following condition have been satisfied:

i) The Owner submitting a Functional Servicing Report (FSR) that addresses such matters as, but not limited to, water servicing, required fire flow (RFF), wastewater servicing and stormwater

management to the satisfaction of the Senior Director of Growth Management.”

4. That Schedule F: Special Figures of Zoning By-law No. 05-200 is hereby amended by adding Figure 24: Maximum Building Heights for 354 King Street West.
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*.
6. That this By-law No. 21-081 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this by-law or as otherwise provided by the said Sub-section.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-20-008/UHOPA-20-003



This is Schedule "A" to By-law No. 21-  
 Passed the ..... day of ....., 2021

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 Mayor  
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 Clerk

**Schedule "A"**  
 Map forming Part of  
 By-law No. 21-\_\_\_\_\_  
 to Amend By-law No. 05-200  
 Maps 909 & 951

**Subject Property**  
 354 King Street West, Hamilton

 Change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741, H120) Zone

 Additional lands not subject to rezoning

Scale: N.T.S	File Name/Number: ZAC-20-008/UHOPA-20-003	 Hamilton
Date: March 25, 2021	Planner/Technician: AD/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 12, Committee of the Whole  
Report 01-033 (PD01184)  
CM: October 16, 2001  
Ward: 5

**Bill No. 082**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-**

#### **Respecting Removal of Part Lot Control, Blocks 3 to 9 on Registered Plan No. 62M-1265, municipally known as 154, 158 and 166 Mount Albion Road**

**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 29 lots for street townhouse dwellings shown as Parts 1 to 18, inclusive, on deposited Reference Plan 62R-21465 and Parts 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, 19 and 20, inclusive, on deposited Reference Plan 62R-21530, and to create a common element condominium easement shown as Parts 4, 13, 14, 15, 16 and 21, inclusive, on deposited Reference Plan 62R-21530, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Blocks 3 to 9, Registered Plan No. 62M-1265, 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 12th day of May, 2023.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

PLC-20-001

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A. Holland  
City Clerk

**CITY OF HAMILTON**

**BY-LAW NO. 21-**

To Confirm the Proceedings of City Council at its meeting held on May 12<sup>th</sup>, 2021.

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

1. The Action of City Council at its meeting held on the 12<sup>th</sup> day of May 2021, in respect of each recommendation contained in

Public Works Committee Report 21-006 – May 3, 2021,  
Planning Committee Report 21-007 – May 4, 2021,  
General Issues Committee Report 21-010 – May 5, 2021,  
Audit, Finance & Administration Committee Report – May 6, 2021,  
and,  
Emergency & Community Services Committee Report – May 6, 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 12<sup>th</sup> day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk