



City of Hamilton

CITY COUNCIL ADDENDUM

21-011

Wednesday, June 23, 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>

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

4. COMMUNICATIONS

- *4.10. Correspondence from Viv Saunders respecting the Barton St EA - 2 rural lanes widening to 5 urbanized vehicle lanes.

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

- *4.11. Correspondence from the Honourable Doug Downey, Attorney General respecting an update on modernization initiatives and court recovery in Ontario's Provincial Offence Act (POA) courts.

Recommendation: Be received and referred to the City Solicitor for appropriate action.

- *4.12. Correspondence from Rose Janson and Family respecting the Urban Indigenous Strategy - time for meaningful action.

Recommendation: Be received.

7. NOTICES OF MOTIONS

- *7.1. Support for the Issuance of a Manufacturer's Limited Liquor Sales Licence ("By the Glass") for Carlisle Cider Company
- *7.2. Peer Review of Land Needs Assessment Methodology

Pilon, Janet

Subject: Barton St EA - 2 rural lanes widening to 5 urbanized vehicle lanes

From: Viv Saunders

Sent: June 21, 2021 10:05 AM

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

Subject: Barton St EA - 2 rural lanes widening to 5 urbanized vehicle lanes

Words Matter.

Timing Matters

Delivery Method Matters.

Dear Clr Pearson, City Council & City Manager Janette Smith,

With the greatest respect to City Staff, what is occurring should not be allowed. The process is flawed and either our City Manager or Council should provide direction which puts people first.

Timing: A 5 km stretch of road widening that is comparable to the likes of the LRT corridor re: expropriations of peoples home or 2/3rds of their driveways should not have been presented to the public at large, **without prior notification to the actual homeowners impacted**, ... during a pandemic & during a Housing Crisis.

Delivery Method: Besides the fact that a **virtual** Public Information Consultation meeting is not an appropriate Delivery Method for what appears to be a Phase 1 \$100 M project (inclusive of ~ \$32M in 'residential buy-outs'), I've been advised that ~ 100 people who were sent registered letters to attend last week's meeting are still unaware. Letters are still sitting at the Winona Post Office awaiting pick-up. Using a virtual meeting format, with direction to go look at the detailed plans online after the meeting, downplays the significant impact this project will have on people's lives and borders on underhandedness. People deserve better.

Words Matters: To add insult to injury, rather than having presentation slides/plans that reference Phase 1 and Phase 2, of the proposed plans for Barton St, the wording is "Alternative" and "Ultimate". As an example, this impacted home which obviously has a great deal of pride of ownership, is presently on the city's website as the "Ultimate" plan. I'm quite sure the people living there, if they even realize what the plan is, feel expropriation to **demolish** their home's structure is anything but 'optimal'. Note, there appears to be a vast space of industrial land directly across the street however the 'ultimate' plan, during a housing crisis, is demolish a home to make room for 5 vehicle lanes?!?!



As per the timeline, this project will come before Council in the Fall and is scheduled to be in the 2025 capital budget for funding. Phase 1 of the plan is to do some expropriations in order to construct 5 vehicle lanes, one sidewalk on the north side, and one multi-use pathway on the southside. Phase 2, is to do a second round of expropriations from some of the same homes, in order to rip out the multi-use pathway & replace with cycle tracks & 4m wide promenade on the southside.

Surely under these circumstances & with the complexities of the plan, common courtesy should prevail & direction be given to 'hit pause' until:

- (a) private connections can be made to each and every property owner impacted in Phase 1 and in Phase 2; and
- (b) a more effective, forthright & fulsome consultation can occur with the public at large and some of the City's Advisory Committees; such as Cycling; after (a) has occurred.

As an aside, the plan itself is premature. Decisions need to be made in regards to which route is the ultimate route for the lrt extension/ rapid transit corridor (presently proposed as being Highway 8 to Fifty Road; not Barton St) as well as extending conventional public transit (presently not proposed in the 10 year Transit Strategy). Why do we need 5 vehicle lanes; 40 ms ROW in an area with very little commercial/retail zoning & a 3 1/2 storey residential height limit?

Respectfully,

Viv Saunders
Concerned Ward 10 Resident

c.c. Andrea Holland, City Clerk - Please add this correspondence to the next Council Agenda and/or appropriate Standing Committee Agenda.

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Ontario

Our Reference #: M-2021-9473

June 18, 2021

Dear Heads of Council, Municipal Chief Administrative Officers and Clerks:

I am pleased to be writing you today to provide an update on modernization initiatives and court recovery in Ontario's *Provincial Offence Act* (POA) courts.

Summonses

O. Reg. 475/21 was filed on June 16, 2021 to permit provincial offences officers to serve Part III summonses on individuals within the province by registered mail, courier, or email. It also permits service on a recipient's licensed lawyer or paralegal (if any), with advance consent.

Section 39 of the POA provides that these methods of service will also be available to any person serving a witness summons.

This change will permit new efficiencies going forward and will help minimize health risks associated with in-person contact during the pandemic. The regulation can be viewed [online](#).

Proclamation of POA Clerk Amendments

Bill 177, the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, and Bill 229, *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, introduced amendments to the POA aimed at modernizing and streamlining POA court processes.

Effective November 1, 2021, the following amendments will come into force:

- Clerks of the court will grant, but not deny, an extension of time to pay a fine. If the clerk is not satisfied that the application should be granted, the clerk must forward the application to a justice of the peace to make the determination whether to grant or deny the request for an extension.
- Clerks of the court will review the POA ticket and, if the ticket is not defective as determined by regulation, enter a conviction and impose a set fine where a defendant has failed to respond to the ticket and is deemed not to dispute. The Attorney General has made a regulation prescribing the characteristics that make a certificate of offence defective. The regulation can be viewed [online](#).

These amendments will significantly assist municipalities in recovering from the disruption of court operations created by the pandemic by freeing up judicial time and allowing municipal court staff to more quickly address the backlog of cases.

More details about these amendments are described in the appendix.

Updated POA Forms

The *COVID-19 Economic Recovery Act, 2020*, also amended the POA to further enable the enhanced use of remote appearances in POA proceedings.

Effective November 1, 2021, updated POA forms, including Offence Notices, Certificates of Offence, Part I Summons, Notice of Trial and Early Resolution Meeting Notices, will come into effect to reflect the availability of remote appearance methods for POA proceedings. In addition, Offence Notices will also advise the defendant that a clerk may enter a conviction against them, and that the defendant may apply to a justice for a review of their conviction.

Updated POA forms are posted on the [Ontario Court Forms website](#).

POA Court Recovery

The Recovery Division and Court Services Division, acting on behalf of the Ministry of the Attorney General, continue to work closely with the Ontario Court of Justice (OCJ) on advancing virtual court appearances and the eventual resumption of in-person proceedings, when appropriate. The ministry continues to meet regularly with the OCJ, providing updates and guidance on POA recovery.

The collaborative partnership between justice partners and the ministry has been, and will continue to be, a fundamental principle of our success as we work together to build the most modern, efficient, and effective justice system attainable.

If you have any questions, or if you would like more information on these initiatives, please contact Ms. Wendy Chen, Manager of my ministry's POA Unit, by telephone at (437) 244-8733 or by email at JUS.G.MAG.POASupport@ontario.ca.

Thank you for your commitment to the administration of justice and supporting access to justice services for all Ontarians.

Sincerely,

A handwritten signature in black ink that reads "Doug Downey". The signature is written in a cursive, flowing style with a long horizontal stroke at the end of the name.

Doug Downey
Attorney General

Enclosure

c: Ms. Wendy Chen, Manager POA Unit, Court Services Division,
Ministry of the Attorney General

APPENDIX “A”

Proclamation of POA Clerk Amendments

Currently, a defendant who is issued a ticket and fails to exercise an option on the back of the ticket (i.e., plead guilty by paying the fine, request an early resolution meeting with a prosecutor, where available, plead guilty with submissions as to penalty, or request a trial) within 15 days of being served with the ticket is deemed not to dispute the charge. A judicial official then reviews the ticket, and if it is “complete and regular on its face”, a conviction is entered and the set fine is imposed, which becomes due after 15 days. Should a defendant require more time to pay the fine, they may make an application to a justice for an extension of time to pay.

Beginning November 1, 2021, clerks of the court, rather than justices of the peace, will have new responsibilities:

Extension of Time to Pay Applications

- Clerks of the court will grant, but not deny, an extension of time to pay a fine. If the clerk is not satisfied that the application should be granted, the clerk must forward the application to a justice of the peace to make the determination whether to grant or deny the request for an extension.
- To support this amendment, consequential amendments were made to provisions in both the *Municipal Act, 2001* and the *City of Toronto Act, 2006* that authorize the treasurer or an agent to give notice to a defendant of any part of a fine that remains unpaid for the contravention of a municipal business license by-law for the purposes of collecting the unpaid fine.

Deemed not to Dispute Proceedings

- Clerks of the court will review the POA ticket and, if the ticket is not defective as determined by regulation, enter a conviction and impose a set fine where a defendant has failed to respond to the ticket and is deemed not to dispute.
- The Attorney General has made a regulation prescribing the characteristics that make a certificate of offence defective. The regulation can be viewed [online](#).
- Should the clerk of the court enter a conviction, the amendments give the defendant 15 days after becoming aware of the conviction to make an application to a justice to strike out the conviction. A justice would be required to strike the conviction if the justice is satisfied that the charging document is defective under the regulation or otherwise not complete or regular on its face.

Pilon, Janet

Subject: URBAN INDIGENOUS STRATEGY-time for meaningful action

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

From: Rose Janson

Sent: June 21, 2021 6:13 PM

To: Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; sam.medulla@hamilton.ca; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; judy.partridge@hamilton.ca; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca

Subject: URBAN INDIGENOUS STRATEGY-time for meaningful action

Good afternoon members of City Council

Yesterday we took part in a very respectful and moving vigil in front of the John A. MacDonald statue. Speakers explained why we should not honour this Prime Minister.

The statue should definitely be removed, preferably with an official ceremony.

We have a copy of the Indigenous Strategy report the City put out two years ago. It is excellent, thank you. Many good actions and calls to action are listed in this report. The main request is to respect, listen to, and engage the indigenous community in Hamilton.

Please reconsider your decision regarding the statue.

Show that you are serious about the issues in the Strategy Report you adopted.

Sincerely,

Rose Janson and Family

CITY OF HAMILTON

NOTICE OF MOTION

Council: June 23, 2021

MOVED BY COUNCILLOR J. PARTRIDGE.....

Support for the Issuance of a Manufacturer’s Limited Liquor Sales Licence (“By the Glass”) for Carlisle Cider Company

WHEREAS Carlisle Cider Company is operating at 1453 Millborough Line, Carlisle, Ontario.

WHEREAS the Carlisle apple farm has been operating since 1904 and in 2020 opened the cider facility.

WHEREAS in addition to brewing apple cider, the business model has a retail, tourism and education component; and

WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) requires written notice from the Council of the Municipality within which the applicant's site is located confirming that it has passed a resolution in support of the issuance of a Manufacturer’s Limited Liquor Sales Licence (“By the Glass”), for tastings.

THEREFORE BE IT RESOLVED:

That the Council of the City of Hamilton confirms their support for the issuance of a Manufacturer’s Limited Liquor Sales Licence (“By the Glass”) for Carlisle Cider Company located at 1453 Millborough Line, Carlisle, Ontario.

CITY OF HAMILTON

NOTICE OF MOTION

Council: June 23, 2021

MOVED BY COUNCILLOR B. CLARK.....

Peer Review of Land Needs Assessment Methodology

WHEREAS the City commissioned land economist Antony Lorus Consulting to undertake the technical analysis for the land needs assessment for the City's GRIDS2 initiative;

WHEREAS the results of that analysis were presented to Council on March 31, 2021 in the report "City of Hamilton Land Needs Assessment to 2051 – Technical Working Paper" and "Residential Intensification Market Demand Study" as part of Report PED17010(i); and

WHEREAS Council will be considering the land needs assessment and recommended GRIDS2 growth scenario at a Special GIC meeting on October 25, 2021

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to retain a consultant with the appropriate expertise in land economics and planning to undertake a review of the approach and methodology utilized for the "City of Hamilton Land Needs Assessment to 2051 – Technical Working Paper" and "Residential Intensification Market Demand Study" to confirm that the approach and methodology meets the requirements of all applicable provincial policies and is an appropriate application of all applicable provincial policies with respect to determining the city's land needs to 2051
- (b) That the consultant prepare a memorandum summarizing their findings and that staff include this memorandum as part of the GRIDS2 report back at the Special GIC meeting on October 25, 2021
- (c) That the cost for completing the review be charged to the Economic Development Investment Fund Reserve 112221