



City of Hamilton
GENERAL ISSUES COMMITTEE
AGENDA

Meeting #: 21-017
Date: September 8, 2021
Time: 9:30 a.m.
Location: 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

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

1. CEREMONIAL ACTIVITIES
2. APPROVAL OF AGENDA
(Added Items, if applicable, will be noted with *)
3. DECLARATIONS OF INTEREST
4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS
 - 4.1. August 4, 2021
 - 4.2. August 9, 2021
5. COMMUNICATIONS
6. DELEGATION REQUESTS
7. CONSENT ITEMS

7.1. Arts Advisory Commission Minutes 21-003, May 25, 2021

8. STAFF PRESENTATIONS

8.1. Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding (PED21176/CM21012/LS21034)

8.2. COVID-19 Verbal Update

8.3. Financial Incentive Program Amendments Respecting Mitigation of Potential Tenant Displacement (PED21159) (City Wide)

9. PUBLIC HEARINGS / DELEGATIONS

10. DISCUSSION ITEMS

10.1. Advisory Committee for Persons with Disabilities Report 21-008, August 10, 2011

10.2. 2021 Grey Cup Update (PED18234(d)) (City Wide)

NOTE: Discussion of Confidential Appendix "A" to Report PED18234(d) would be in Closed Session. Please refer to Item 14.3.

10.3. Hamilton Tax Increment Grant - 540 King Street East, Hamilton (PED21140(a)/LS21033) (Ward 3)

Discussion of Appendix "D" to Report PED21140(a)/LS21033 would be in Closed Session. Please refer to Item 14.4.

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

14.1. Closed Session Minutes - August 4, 2021

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; 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.

14.2. Closed Session Minutes - August 9, 2021

Pursuant to Section 9.1, Sub-sections (b), (c), (d), (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (b), (c), (d), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; a proposed or pending acquisition or disposition of land by the municipality or local board; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

14.3. Appendix "A" to Report PED18234(d) respecting the 2021 Grey Cup Update

Pursuant to Section 9.1, Sub-section (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-section (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to 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.

Please refer to Item 10.2 for the public portion of this report.

14.4. Appendix "D" to Report PED21140(a)/LS21033 respecting Hamilton Tax Increment Grant - 540 King Street East, Hamilton (PED21140(a)/LS21033) (Ward 3)

Pursuant to Section 9.1, Sub-section (f) of the City's Procedural By-law 21-021 and Section 239(2), Sub-section (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Please refer to Item 10.3 for the public portion of this report.

14.5. Acquisition of Land in the City of Hamilton, Located in Ward 15 (PED21156) (Ward 15)

Pursuant to Section 9.1, Sub-section (c) of the City's Procedural By-law 21-021 and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

14.6. Update on Real Estate Matters Related to the Pandemic (PED21101(a)/PW21030(a)/LS21016(a)) (City Wide)

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; 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.

14.7. Farmers' Market - Rent Relief and Governance Comparators (LS21036) (City Wide)

Pursuant to Section 9.1, Sub-sections (f) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains 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.

15. ADJOURNMENT



SPECIAL GENERAL ISSUES COMMITTEE MINUTES 21-015

9:30 a.m.

Wednesday, August 4, 2021

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

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

Absent: Councillor T. Whitehead – Leave of Absence

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (PED17010(I)) (City Wide) (Item 8.1)

(Jackson/Pearson)

- (a) That the GRIDS 2 / MCR: Final Growth Evaluation Framework and Phasing Criteria, attached as Appendix “A”, **as amended**, to Report PED17010(I), be approved;
- (b) That the GRIDS 2 / MCR – Screening Criteria and Evaluation Tool (Waterdown and Binbrook), attached as Appendix “B” to Report PED17010(I), be approved;
- (c) ***That staff be directed to publicly release the results of the city-wide survey, regarding the Land Needs Assessment and the Municipal Comprehensive Review, the week of September 13, 2021; and,***
- (d) ***That staff be directed to conduct a 5 to 10-day comment period respecting the Evaluation Framework and report back to the General Issue Committee with those results.***

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

Absent - Mayor Fred Eisenberger
Yes - Ward 1 Councillor Maureen Wilson

Yes	-	Ward 2	Councillor Jason Farr
Yes	-	Ward 3	Councillor Nrinder Nann
Absent	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

2. GRIDS 2 and Municipal Comprehensive Review – Employment Land Review (PED17010(k)) (City Wide) (Item 8.2)

(Ferguson/Partridge)

- (a) That the Employment Land Review Report, dated August 4, 2021, attached as Appendix “C”, **as amended**, to Report PED17010(k), and the following conversions of Employment Lands, be approved for implementation through the Municipal Comprehensive Review process:
- (i) The conversion of **49.5** ha of Employment Lands to non-employment designations, as identified in Appendices “A” to “C”, **as amended**, attached to Report PED17010(k);
 - (ii) The following conversions of lands in the vicinity of the Confederation GO Station, as identified in Appendix “D” attached to Report PED17010(k):
 - (1) The southern portion of lands, known municipally as 185 Bancroft Street and 25 Arrowsmith Drive, with an area of 2.13 ha, be redesignated to a site-specific Mixed Use – High Density Designation; and,
 - (2) The northern portion of lands, known municipally as 395 Centennial Parkway North and 460 Kenora Avenue, with an area of 1.92 ha, be redesignated to a site-specific Utilities Designation;
- (b) That the following **five** privately-initiated conversion requests be DEFERRED for consideration to later in the Municipal Comprehensive Review process to allow for additional information to be provided and

evaluated and for the requests to be considered as part of the GRIDS 2 / MCR review of growth options:

- (i) McMaster Innovation Park lands within the West Hamilton Innovation District, Hamilton (approximate area of conversion request 3.1 ha);
 - (ii) 70 – 100 Frid Street (West Hamilton Innovation District “ANNEX precinct”), Hamilton (approximate area of conversion request 2.24 ha);
 - (iii) Lands in the vicinity of Twenty Road West, bounded by Upper James Street, Twenty Road West, Dickenson Road and Glancaster Road, Glanbrook (approximate area of conversion request 55.2 ha);
 - (iv) 700 Garner Road East, Ancaster (approximate area of conversion request 26.6 ha); and,
 - (v) **1725 Stone Church Road East (approximate area of conversion request 7.38 ha);**
- (c) That, following the review of the **five** deferred conversion requests identified in Recommendation (b), staff be directed to report back with a final recommendation on each request and a confirmation of the Employment Area land need calculations in the City’s Land Needs Assessment to 2051 that is scheduled to be presented to the General Issues Committee in October, 2021, to ensure that the City’s Employment Area land needs are met.

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

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

3. Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(e)/PED16248(e)) (Item 10.1)

(Ferguson/Clark)

That Report LS16029(e)/PED16248(e), respecting the Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, be received.

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

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

4. Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans (LS16029(d)/PED16248(d)) (City Wide) (Item 14.1)

(Pearson/Ferguson)

- (a) That the direction provided to staff in Closed Session, respecting Report LS16029(d)/PED16248(d), respecting Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) appeals of Rural and Urban Hamilton Official Plans, be approved; and,
- (b) That Report LS16029(d)/PED16248(d), respecting Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) appeals of Rural and Urban Hamilton Official Plans and its appendices, remain confidential.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

(i) ADDED COMMUNICATION ITEMS (Item 5)

Respecting Item 8.1 – Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles:

5.1.n. Marguerite Page

5.1.o. Vanessa Hall

5.1.p. Tanya Darby

5.1.q. Don Sephton

5.1.r. Ruth Woods

5.1.s. Carmen Cuming

5.1.t. Tracy Mewhort-Buist

5.1.u. David Sunday, Gowlings WLG, on behalf of 1507565 Ontario Limited, otherwise known as the Frisina Group

- 5.1.v. Gord McNulty, Hamilton Naturalists' Club
- 5.1.w. Grant Rinalli
- 5.1.x. Ian Branston and Angela Fabe
- 5.1.y. Marie Covert
- 5.1.z. Gail Moffatt
- 5.1.aa. Nancy Dingwall
- 5.1.bb. Reverend Daniela Mertz, Reverend Thomas Mertz, Reverend Loretta Jaunzarins, Barbara Alken, and Deborah Lindeman
- 5.1.cc. Stephen Fraser, A.J. Clark and Associates, on behalf of Multi-Area Developments
- 5.1.dd. Sheila O'Neal
- 5.1.ee. Laurie Neilson

(ii) ADDED DELEGATION REQUESTS (Item 6)

- 6.2 Nancy Hurst respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.3 Summer Thomas respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.4 James Webb, Webb Planning Consultants, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review
- 6.5 Mike Collins-Williams, West End Home Builders' Association, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.6 Dave Aston, MHBC Planning respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles

- 6.7 Lynda Lukasik, Environment Hamilton, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.8 Lynda Lukasik, Environment Hamilton, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review
- 6.9 Philip Pothen, Environmental Defence, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.10 Don McLean, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.11 Michelle Tom, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.12 T. Anne Wilcox, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.13 Mariam Hanhan, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.14 Zoe Green, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.15 Caroline Hill Smith, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.16 Akira Ourique, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.17 Alex Wilson, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles

- 6.18 Lilly Noble respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.19 Mike Crough, IBI Group Hamilton, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.20 Nathan Savelli, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles

10. DISCUSSION ITEMS

- 10.1 GRIDS 2 and Municipal Comprehensive Review – Employment Land Review (PED17010(k)) (City Wide)

As there is a presentation to accompany this report, this matter has been moved to Item 8.2 on today's agenda. The balance of the Discussion Items will be renumbered accordingly.

(Clark/Danko)

That the agenda for the August 4, 2021 special General Issues Committee meeting, be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor B. Johnson declared an interest to Item 14.1, respecting Report LS16029(e)/PED16248(e), Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, as her Administrative Assistant’s family is a party to the Appeal.

(c) COMMUNICATION ITEMS (Item 5)**(i) Correspondence respecting Report PED17010(I) - GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 5.1)****(Pearson/Partridge)**

That the following Communication Items, respecting Report PED17010(I) - GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received and referred to consideration of Item 8.1:

- (1) Gabriel Nicholson (Item 5.1.a.)
- (2) Linda Chenoweth (Item 5.1.b.)
- (3) Rose Janson and Family (Item 5.1.c.)
- (4) Denise Baker, WeirFoulds, on behalf of the Twenty Road East Landowners’ Group (Final Land Needs Assessment) (Item 5.1.d.)
- (5) Denise Baker, WeirFoulds, on behalf of the Twenty Road East Landowners’ Group (Draft Evaluation Framework and Phasing Criteria) (Item 5.1.e.)
- (6) Sue Markey (Item 5.1.f.)
- (7) Elvis Mizzau (Item 5.1.g.)
- (8) Rick Johnson (Item 5.1.h.)
- (9) John Bullock (Item 5.1.i.)
- (10) Iris Tesch (Item 5.1.j.)
- (11) Evelyn Greenwood (Item 5.1.k.)
- (12) Susan F. Pegg (Item 5.1.l.)

- (13) Norman Forrester (Item 5.1.m.)
- (14) Marguerite Page (Item 5.1.n.)
- (15) Vanessa Hall (Item 5.1.o.)
- (16) Tanya Darby (Item 5.1.p.)
- (17) Don Sephton (Item 5.1.q.)
- (18) Ruth Woods (Item 5.1.r.)
- (19) Carmen Cuming (Item 5.1.s.)
- (20) Tracy Mewhort-Buist (Item 5.1.t.)
- (21) David Sunday, Gowlings WLG, on behalf of 1507565 Ontario Limited, otherwise known as the Frisina Group (Item 5.1.u.)
- (22) Gord McNulty, Hamilton Naturalists' Club (Item 5.1.v.)
- (23) Grant Rinalli (Item 5.1.w.)
- (24) Ian Branston and Angela Fabe (Item 5.1.x.)
- (25) Marie Covert (Item 5.1.y.)
- (26) Gail Moffatt (Item 5.1.z.)
- (27) Nancy Dingwall (Item 5.1.aa.)
- (28) Reverend Daniela Mertz, Reverend Thomas Mertz, Reverend Loretta Jaunzarins, Barbara Alken, and Deborah Lindeman (Item 5.1.bb.)
- (29) Stephen Fraser, A.J. Clark and Associates, on behalf of Multi-Area Developments (Item 5.1.cc.)
- (30) Sheila O'Neal (Item 5.1.dd.)
- (31) Laurie Neilson (Item 5.1.ee.)

Result: Motion CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann

Yes	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Absent	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Absent	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Absent	-	Ward 15	Councillor Judi Partridge

For disposition of this Item, please refer to Item 1.

(d) DELEGATION REQUESTS (Item 6)

(Danko/Farr)

That the following Delegation Requests, be approved to appear before the General Issues Committee on August 4, 2021:

- (i) Ed Fothergill, Fothergill Planning and Development Inc., respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 6.1)
- (ii) Nancy Hurst respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.2)
- (iii) Summer Thomas respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.3)
- (iv) James Webb, Webb Planning Consultants, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 6.4)
- (v) Mike Collins-Williams, West End Home Builders' Association, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.5)
- (vi) Dave Aston, MHBC Planning respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.6)

- (vii) Lynda Lukasik, Environment Hamilton, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.7)
- (viii) Lynda Lukasik, Environment Hamilton, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 6.8)
- (ix) Philip Pothen, Environmental Defence, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.9)
- (x) Don McLean, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.10)
- (xi) Michelle Tom, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.11)
- (xii) T. Anne Wilcox, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.12)
- (xiii) Mariam Hanhan, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.13)
- (xiv) Zoe Green, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.14)
- (xv) Caroline Hill Smith, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.15)
- (xvi) Akira Ourique, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.16)
- (xvii) Alex Wilson, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.17)

- (xviii) Lilly Noble respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.18)
- (xix) Mike Crough, IBI Group Hamilton, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.19)
- (xx) Nathan Savelli, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.20)

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

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

For disposition of these matters, please refer to Items 1 and 2.

(e) PRESENTATIONS (Item 8)

(i) GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (PED17010(I)) (City Wide) (Item 8.1)

Heather Travis, Senior Project Manager, Planning Policy and Zoning By-law; and, Paddy Kennedy, Dillon Consulting, provided a PowerPoint presentation respecting Report PED17010(I) – GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Nann/Clark)

That the presentation, respecting Report PED17010(I) - GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

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

(Pauls/Johnson)

That consideration of Report PED17010(I), respecting GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be DEFERRED until after the delegations have been heard.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek

Absent - Ward 14 Councillor Terry Whitehead
Yes - Ward 15 Councillor Judi Partridge

(1) (Danko/Clark)

That Report PED17010(I), respecting GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be **amended** by adding a new sub-section (c), to read as follows:

(c) That staff be directed to publicly release the results of the city-wide survey on Land Needs Assessment and the Municipal Comprehensive Review the week of September 13, 2021.

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

Yes - Mayor Fred Eisenberger
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, Deputy Mayor
Yes - Ward 6 Councillor Tom Jackson
Yes - Ward 7 Councillor Esther Pauls
Yes - Ward 8 Councillor J. P. Danko
Yes - Ward 9 Councillor Brad Clark
Yes - Ward 10 Councillor Maria Pearson
Yes - Ward 11 Councillor Brenda Johnson
Yes - Ward 12 Councillor Lloyd Ferguson
Yes - Ward 13 Councillor Arlene VanderBeek
Absent - Ward 14 Councillor Terry Whitehead
Yes - Ward 15 Councillor Judi Partridge

(2) (Clark/VanderBeek)

(a) That the second consideration on page 8 of 35 of Appendix "A" to Report PED17010(I), be **amended** by adding the words "**Prime Agricultural Land classifications 1, 2 and 3**", to read as follows:

Does the growth option avoid, minimize, and mitigate impacts on the Agricultural System **Prime Agricultural Land classifications 1, 2 and 3**?

(b) That sub-section (b) to Report PED171010(I), be amended by adding the words "**as amended**", to read as follows:

- (b) That the GRIDS 2 / MCR: Final Growth Evaluation Framework and Phasing Criteria, attached as Appendix "A", **as amended**, to Report PED17010(I), be approved; and,

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(3) (Wilson/Danko)

That pages 8, 17 and 21 of Appendix "A" to Report PED17010(I), respecting GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be **amended to invite the broader Hamilton Watershed Action Plan to the Evaluation Framework.**,

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

Absent	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson

Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(4) (Nann/Wilson)

That Report PED17010(I), respecting GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be **amended** by adding a new sub-section (d), to read as follows:

(d) That staff be directed to conduct a 5 to 10-day comment period respecting the Evaluation Framework and report back to the General Issue Committee with those results.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(5) (Wilson/Danko)

(a) That the first bullet point under "Data Source" on page 8 of 35 of Appendix "A" to Report PED171010(I), be **amended** by adding the words "**include the Agricultural and Rural Affairs Committee and the Canada Land Inventory**", to read as follows:

Agricultural Impact Assessment **include the Agricultural and Rural Affairs Committee and the Canada Land Inventory.**

- (b) That the second bullet point, under “Avoid Prime Agricultural Land / Mitigate Impact on Agricultural System”, on page 27 of 35 of Appendix “A” to Report PED1701(I), be **amended** by deleting the words “Agricultural System” and replacing them with the words “**Canada Land Inventory classifications 1, 2 or 3**”, to read as follows:

- Does the Candidate Expansion Area provide an opportunity to mitigate or minimize impacts on **Canada Land Inventory Classes 1, 2 and 3?**

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(ii) GRIDS 2 and Municipal Comprehensive Review – Employment Land Review (PED17010(k)) (City Wide) (Item 8.2)

Lauren Vraets, Planner, provided a PowerPoint presentation respecting Report PED17010(k) - GRIDS 2 and Municipal Comprehensive Review – Employment Land Review.

(Johnson/Pearson)

That the presentation, respecting Report PED17010(k) - GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, be received.

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

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Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(Partridge/Clark)

That consideration of Report PED17010(k) - GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, be DEFERRED until after the delegations have been heard.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(Jackson/Clark)

WHEREAS, based on the broader community needs that these lands will meet;

THEREFORE, BE IT RESOLVED:

- (a) That Appendices “A” to “C” of Report PED17010(k), respecting the GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, be **amended to include the lands known as 1280 Rymal Road East/385 Nebo Road for conversion to permit commercial uses**;
- (b) That sub-section (a)(i) of Report PED17010(k), respecting the GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, be **amended** by deleting the figure of “44.2” and replacing with the with figure of “**49.5**”; and by adding the words “**as amended**” to read as follows:
 - (a) That the Employment Land Review Report, dated August 4, 2021, attached as Appendix “C”, **as amended**, to Report PED17010(k), and the following conversions of Employment Lands, be approved for implementation through the Municipal Comprehensive Review process:
 - (i) The conversion of 44.2 **49.5 ha** of Employment Lands to non-employment designations, as identified in Appendices “A” to “C”, **as amended**, attached to Report PED17010(k); and,
- (c) That sub-section (b) of Report PED17010(k), respecting the GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, be **amended** by deleting the word “four” and replacing it with the word “**five**” and, by adding a new sub-section (v), to read as follows:
 - (b) That the following ~~four~~ **five** privately-initiated conversion requests be deferred for consideration to later in the Municipal Comprehensive Review process to allow for additional information to be provided and evaluated; and, for the requests to be considered as part of the GRIDS 2 / MCR review of growth options:
 - (i) McMaster Innovation Park lands within the West Hamilton Innovation District, Hamilton (approximate area of conversion request 3.1 ha);
 - (ii) 70 – 100 Frid Street (West Hamilton Innovation District “ANNEX precinct”), Hamilton (approximate area of conversion request 2.24 ha);

- (iii) Lands in the vicinity of Twenty Road West, bounded by Upper James Street, Twenty Road West, Dickenson Road and Glancaster Road, Glanbrook (approximate area of conversion request 55.2 ha);
 - (iv) 700 Garner Road East, Ancaster (approximate area of conversion request 26.6 ha); and,
 - (v) **1725 Stone Church Road East (approximate area of conversion request 7.38 ha);**
- (d) That sub-section (c) of Report PED17010(k), respecting the GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, be **amended** by deleting the word “four” and replacing it with the word “**five**”, to read as follows:
- (c) That following the review of the ~~four~~ **five** deferred conversion requests identified in Recommendation (b), staff report back with a final recommendation on each request and a confirmation of the Employment Area land need calculations in the City’s Land Needs Assessment to 2051 that is scheduled to be presented to the General Issues Committee in October, 2021, to ensure that the City’s Employment Area land needs are met.

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

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

(Pearson/Johnson)

- (a) That Appendix “C” to Report PED17010(k), respecting GRIDS 2 and the Municipal Comprehensive Review – Employment Land Review, be **amended** to **add SE375 to include the residential properties located at 28 – 34 Oriole Avenue**, as shown on page 102; and,
- (b) That sub-sections (a) and (a)(i) to Report PED17010(k), respecting GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, be **amended** by adding the words “**as amended**” to read as follows:
- (a) That the Employment Land Review Report, dated August 4, 2021, attached as Appendix “C”, **as amended**, to Report PED17010(k), and the following conversions of Employment Lands, be approved for implementation through the Municipal Comprehensive Review process:
- (i) The conversion of 49.5 ha of Employment Lands to non-employment designations as identified in Appendices “A” to “C”, **as amended**, to Report PED17010(k);

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

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

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

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Ed Fothergill, Fothergill Planning and Development Inc., respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 9.1)

Ed Fothergill, Fothergill Planning and Development Inc., addressed Committee respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review.

(Pearson/Farr)

That the presentation provided by Ed Fothergill, Fothergill Planning and Development Inc., respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

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

(ii) Nancy Hurst, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.2)

Nancy Hurst addressed Committee respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Nancy Hurst, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(iii) Summer Thomas respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.3)

Summer Thomas addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Summer Thomas, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr

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Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(iv) James Webb, Webb Planning Consultants, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 9.4)

James Webb, Webb Planning Consultants, addressed Committee respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review.

(Pearson/Farr)

That the presentation provided by James Webb, Webb Planning Consultants, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead

Yes - Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(v) Mike Collins-Williams, West End Home Builders' Association, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.5)

Mike Collins-Williams, West End Home Builders' Association, addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Mike Collins-Williams, West End Home Builders' Association, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(vi) Dave Aston, MHBC Planning respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.6)

Dave Aston, MHBC Planning, addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Dave Aston, MHBC Planning respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(vii) Lynda Lukasik, Environment Hamilton, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.7)

Lynda Lukasik, Environment Hamilton, addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Lynda Lukasik, Environment Hamilton, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(viii) Lynda Lukasik, Environment Hamilton, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 9.8)

Lynda Lukasik, Environment Hamilton, addressed Committee respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review.

(Pearson/Farr)

That the presentation provided by Lynda Lukasik, Environment Hamilton, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

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

(ix) Philip Pothen, Environmental Defence, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.9)

During the meeting, this delegate advised that he would not be able to join the meeting, due to internet connectivity issues. The delegate was advised that he could also join by phone but did not rejoin the meeting.

(x) Don McLean, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.10)

Don McLean addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Don McLean, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(xi) Michelle Tom, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.11)

Michelle Tom addressed Committee, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Michelle Tom, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(xii) T. Anne Wilcox, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.12)

T. Anne Wilcox addressed Committee, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by T. Anne Wilcox, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(xiii) Mariam Hanhan, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.13)

Mariam Hanhan addressed Committee, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Mariam Hanhan, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(xiv) Zoe Green, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.14)

Zoe Green addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Zoe Green, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(xv) Caroline Hill Smith, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.15)

Caroline Hill Smith addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Caroline Hill Smith, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek

Absent - Ward 14 Councillor Terry Whitehead
Yes - Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(xvi) Akira Ourique, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.16)

Akira Ourique addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Akira Ourique, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes - Mayor Fred Eisenberger
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, Deputy Mayor
Yes - Ward 6 Councillor Tom Jackson
Yes - Ward 7 Councillor Esther Pauls
Yes - Ward 8 Councillor J. P. Danko
Yes - Ward 9 Councillor Brad Clark
Yes - Ward 10 Councillor Maria Pearson
Yes - Ward 11 Councillor Brenda Johnson
Yes - Ward 12 Councillor Lloyd Ferguson
Yes - Ward 13 Councillor Arlene VanderBeek
Absent - Ward 14 Councillor Terry Whitehead
Yes - Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(xvii) Alex Wilson, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.17)

Alex Wilson addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Alex Wilson, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(xviii) Lilly Noble respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.18)

Lilly Noble addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Lilly Noble respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review -

Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(xix) Mike Crough, IBI Group Hamilton, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.19)

During the meeting, this delegate advised that he would be leaving the meeting to attend to another commitment and would not be able to appear before Committee.

The delegates PowerPoint presentation is available on the City's web site.

(xx) Nathan Savelli, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.20)

Nathan Savelli addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

(Pearson/Farr)

That the presentation provided by Nathan Savelli, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 1.

(g) PRIVATE & CONFIDENTIAL (Item 14)

(Partridge/Pearson)

That Committee move into Closed Session respecting Item 14.1, pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; 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.

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

Absent	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann

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Absent	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(i) Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans (LS16029(d)/PED16248(d)) (City Wide) (Item 14.1)

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

(h) ADJOURNMENT (Item 14)

(Danko/VanderBeek)

That, there being no further business, the General Issues Committee be adjourned at 5:04 p.m.

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

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

Respectfully submitted,

Chad Collins, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



GENERAL ISSUES COMMITTEE MINUTES 21-016

9:30 a.m.

August 9, 2021

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

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

Absent: Councillor T. Whitehead – Leave of Absence

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. International Village Business Improvement Area (BIA) Revised Board of Management (PED21150) (Ward 2) (Item 7.2)

(Farr/VanderBeek)

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

- (a) Clay Burns

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Ninder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek

Absent - Ward 14 Councillor Terry Whitehead
Yes - Ward 15 Councillor Judi Partridge

2. Hate Prevention and Mitigation Update (CM19006(e)) (City Wide) (Item 8.2)

(Nann/Partridge)

- (a) That the recommendations presented in the Hamilton Hate Prevention – Final Report by Sage Solutions (attached as Appendix “A” to Report CM19006(e), be endorsed;
- (b) That staff be directed to report back to the General Issues Committee in October 2021 with an action plan to implement the City-focused recommendations, outlined in the Hamilton Hate Prevention – Final Report by Sage Solutions (attached as Appendix “A” to Report CM19006(e)), and next steps to further equity, diversity and inclusion priorities for the City of Hamilton; taking into consideration work underway, such as the Community Safety and Well-being Plan; Urban Indigenous Strategy; and, other related initiatives; and,
- (c) That staff be directed to provide recommendations that focus on the operations of third parties, contained in the Hamilton Hate Prevention – Final Report by Sage Solutions (attached as Appendix “A” to Report CM19006(e), to the relevant organizations for their consideration.

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

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

3. **Feasibility of Creating a Technology Hub on South City Hall Lands (PED21109) (Ward 2) (Item 10.1)**

(Farr/Eisenberger)

- (a) That staff be directed to prepare a land disposition strategy, through either a land sale or long-term land lease, for the City Hall Precinct Lands;
- (b) That staff be directed to prepare all relevant technical due-diligence studies required for executing the land disposition strategy including the following:
 - (i) Land-use, zoning, heritage planning, massing, parks and open space, environmental assessment, sustainable design, and functional servicing studies;
 - (ii) Assessment of municipal corporate requirements, including capital and operational parking impact analysis;
 - (iii) Highest and Best Use determination;
 - (iv) Property appraisal, based on highest and best use; and,
 - (v) Review of municipal financial implications;
- (c) That staff be directed to prepare options for Committee's consideration on a process to facilitate the land disposition for the City Hall Precinct lands;
- (d) That Reserve Account #112221 entitled "Economic Development Investment Reserve" be approved for up to \$100,000, for any technical due diligence and expertise necessary to complete the approved direction; and establish a project ID;
- (e) That staff be directed to report back to the General Issues Committee with recommendations for consideration, regarding the disposition for the City Hall Precinct lands, in first quarter of 2022; and,
- (f) ***That staff be directed to consider the inclusion of a tower to accommodate staff located in other downtown locations in the review of the City Hall Precinct lands.***

Result: Main Motion, As Amended, CARRIED by a vote of 7 to 5, as follows:

Yes	-	Mayor Fred Eisenberger
No	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
No	-	Ward 3 Councillor Nrinder Nann

Absent	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
No	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Absent	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
No	-	Ward 10	Councillor Maria Pearson
No	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

**4. Environmental Remediation and Site Enhancement (ERASE)
Redevelopment Grant Application, 260 and 276 Dunsmure Road, Hamilton
ERG-18-04 (PED21148) (Ward 3) (Item 10.2)**

(Nann/Farr)

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-18-04, submitted by Dunsmure Developments Ltd.(Sarit Chandaria), owner of the properties at 260 and 276 Dunsmure Road, Hamilton, for an ERASE Redevelopment Grant not to exceed \$1,875,628, the actual cost of the remediation 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 General Manager of Planning and Economic Development Department 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 Dunsmure Development Ltd. (Sarit Chandaria), owner of the properties at 260 and 276 Dunsmure Road, Hamilton, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including but not limited to: deciding on actions to take in respect of events of default and executing 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, as approved by City Council, are maintained.

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

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

5. Business Improvement Area Advisory Committee Report 21-007, July 13, 2021 (Item 10.3)

(Eisenberger/Pearson)

(a) International Village Business Improvement Area Expenditure Request (Item 11.1)

That the expenditure request from the International Village Business Improvement Area, in the amount of \$7,110.80 for Office Expenses – moving expenses, renovations and new furniture, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

(b) Business Improvement Areas Parking Master Plan Response (Item 11.2)

WHEREAS, the City of Hamilton Parking has recently shared with BIAs recommendations for a parking plan in the City of Hamilton, and in response, the Hamilton BIAs would like to see City of Hamilton support for local small businesses and local BIAs continue;

WHEREAS, in keeping with Hamilton BIAs contributions to the unique vibrant neighbourhoods, destinations and districts of Hamilton;

WHEREAS, priority pricing for parking and reduced paid hours for parking are key strategies that promote foot traffic to our local businesses and attract new visitors within the Business Improvement Areas (BIAs); and,

WHEREAS, a supportive parking plan is critical as small businesses move to recovery mode following the pandemic;

THEREFORE, BE IT RESOLVED:

- (a) That the Business Improvement Areas Advisory Committee request that there be no changes to the current paid parking schedule for Monday-to-Sunday parking, within the BIAs where paid parking is established, be approved;
- (b) That the current paid parking hours, within the BIAs where paid parking is established, remain in effect;
- (c) That a free Saturday and Sunday parking program be extended to those BIAs that wish to partake; and,
- (d) That staff, in collaboration with the BIAs, be directed to investigate parking revenue options that would support a BIA preferred parking program, and report back to the Business Improvement Area Advisory Committee.

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

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

6. Canada Community Revitalization Fund Initial Intake (FCS21077) (City Wide) (Item 10.4)

(VanderBeek/Jackson)

- (a) That the Mayor and City Clerk be authorized and directed to execute all necessary documentation, including Funding Agreements to receive

funding under the Canada Community Revitalization Fund with content satisfactory to the General Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor; and,

- (b) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to the City's acceptance of funding from the Canada Community Revitalization Fund.

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

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

7. Advisory Committee for Persons with Disabilities Report 21-007, July 13, 2021 (Item 10.6)

(Pearson/Ferguson)

(a) Communications (Item 4.4)

- (i) That the correspondence from Justin Jones, WSP Canada Inc., respecting Ward 8 Complete Streets Project Feedback (Item 4.4), be received; and,
- (ii) That Anthony Frisina and James Kemp be approved to represent the Advisory Committee for Persons with Disabilities at the Residents Advisory Council for the Ward 8 Complete Streets Project.

(b) Resignation of Shahan Aaron from the Built Environment Working Group of the Advisory Committee for Persons with Disabilities (Item 6.1(a))

That the resignation of Shahan Aaron from the Built Environment Working Group of the Advisory Committee for Persons with Disabilities, be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

8. Hate Flags and Symbols (CM19006(f)/LS19031(e)) (City Wide) (Item 10.7)

(Nann/Clark)

- (a) That signs or decoration, which include, but are not limited to, expressions and symbols associated with hate, such as the Confederate flag and the Nazi swastika, be banned from public property within the City of Hamilton, in recognition of the adverse power that such symbols can have on the psychology and well-being of community members;
- (b) That staff be directed to prepare an Amending By-law to By-law 10-197, being the Hamilton Sign By-law, to provide that the City of Hamilton may, at its sole discretion, remove, without notice, or order to be removed, any sign or decoration, which has been determined is for an unlawful activity, or contains expressions and symbols associated with hate, profanity or obscenity or other message that is deemed offensive or discriminatory, as defined in the Ontario Human Rights Code, for Council's approval;

- (c) That the Mayor correspond with the Honourable David Lametti, Minister of Justice and Attorney General of Canada, in support of the Federation of Canadian Municipalities (FCM) resolution, respecting Strengthening Canada's Hate Speech Laws (attached as Appendix "A" to Report CM19006(f) / LS19031(e)), to request the Federal Government develop legislation that would clarify and strengthen the definition of hate speech and symbols, including explicit recognition of the psychological harm that can be caused by hateful symbols, and work with all levels of government in addressing the root causes of hate speech;
- (d) That the Mayor correspond with the Honourable Doug Downey, Attorney General of Ontario, to request that the Province enact legislation that would enable municipalities to make enforceable decisions regarding symbols deemed unacceptable by the local community, with such consideration to also include a review of statutes where hate speech may be identified as illegal; and,
- (e) That a copy of this resolution be forwarded to the Association of Municipalities of Ontario, the Federation of Canadian Municipalities as well as local MPs and MPPs for their information.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

9. 2021 Property and Liability Insurance Renewal Report (LS21027) (City Wide) (Item 10.8)

(Wilson/Ferguson)

- (a) That the Liability and Property Insurance coverage for the term January 1, 2021 to January 1, 2022, be renewed through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$10,148,551 (net of taxes);
- (b) That the 2021 Risk Management Property and Liability budget shortfall of \$2,085,121 be funded through the 2021 year-end surplus or Tax Stabilization Reserve (110046);
- (c) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewals of the Liability and Property Insurance coverage for the terms January 1, 2021 to January 1, 2022, through Marsh Canada Ltd., in a form satisfactory to the City Solicitor, on behalf of the City of Hamilton;
- (d) That five (5) permanent FTEs be approved, effective January 2022, namely two litigation solicitors, a law clerk, a legal assistant and a Risk Management assistant, with the annual compensation costs totalling \$645,000 to be cost recovered from City Departments and appropriate Boards and Agencies, commencing in 2022; and,
- (e) That the one-time costs of \$29,000 related to equipment and materials in support of the additional complement, to be funded from the Unallocated Capital Reserve (108020), be approved.

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

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

10. Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) (HSC20056(a)) (City Wide) (Item 10.9)

(Nann/Farr)

- (a) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to enter into the Rapid Housing Initiative Agreement, with the Canada Mortgage and Housing Corporation (CMHC), to accept Hamilton's Rapid Housing Initiative allocation through the Cities Stream in the amount of \$12,945,935 for the creation of a minimum of 49 new affordable housing units through conversion or rehabilitation of existing buildings, new builds, including modular construction, in a form satisfactory to the City Solicitor;
- (b) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to administer the Rapid Housing Initiative (RHI) and provide support to projects applying to the RHI Cities Stream including: entering into any agreements and ancillary agreements on such terms as they consider appropriate; approving purchase orders; exempting actions from approved City policies, procedures, and business practices, as needed to meet RHI timelines; and taking other actions needed to ensure success, in a form satisfactory to the City Solicitor;
- (c) That affordable housing exemptions from Municipal Development Charges (as defined by City of Hamilton Development Charges By-laws No. 19-142 and 11-174 or successor by-laws) for projects funded under the Rapid Housing Initiatives Cities Stream, Rounds I and II, be funded from the Unallocated Capital Levy Reserve (#108020);
- (d) That an estimated increase of \$248,000 to the Housing Services Division's 2023 operating budget, to fund rent subsidies for 49 units created under the Rapid Housing Initiative Round II for the required program affordability period of 20 years, be referred to the 2023 Operating Budget (GIC) for consideration; and,
- (e) That the Housing Services Division report back to the Emergency and Community Services Committee, as appropriate, on the City's progress with the Rapid Housing Initiative including both the first and second round of funding.

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

Absent	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla

Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

11. Hamilton's Federal Election Priorities 2021 (CM21010) (City Wide) (Item 10.10)

(Partridge/Jackson)

- (a) That the following Hamilton Priorities, be approved in advance of the Federal election:
- (i) Supportive Housing & Tackling Poverty – addressing the economic impact of COVID-19 on vulnerable populations through supports for homelessness and an affordable housing strategy;
 - (ii) Impacts of Climate Change – disaster mitigation and adaption support for areas either impacted or at risk of being impacted by the effects of Climate Change;
 - (iii) Strong Economic Recovery – investment in critical infrastructure to support economic development and continued support for workers and businesses recovering from COVID-19;
 - (iv) Equity, Diversity and Inclusion – support for marginalized communities that have been impacted by hate related incidents, namely, the Black, Jewish, 2S-LGBTQIA+, and Indigenous communities;
 - (v) ***Championing rural and northern communities by committing to universal internet access and modernizing, streamlining funding tools; and,***
- (b) That staff be directed to report back to the General Issues Committee to provide relevant supplementary materials that will support election related meetings with candidates and campaign teams.

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

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

12. Disposition of City-Owned Property (PED21154) (Ward 12) (Item 14.2)

(Pearson/Jackson)

- (a) That the City's property, identified in Appendix "A" attached to Report PED21154, be declared surplus for the purposes of disposition;
- (b) That the Corporate Real Estate Office of the Planning and Economic Development Department be authorized and directed to enter into any agreements necessary (including any requisite easements) to affect the orderly disposition of the property identified in Appendix "A" to attached to Report PED21154, to the Hamilton Region Conservation Authority, for nominal land value, plus ancillary costs and fees, on the terms and conditions contained in Appendix "B" attached to Report PED21154, and such other terms and conditions deemed acceptable to the General Manager, Planning and Economic Development Department;
- (c) That the sum of \$2,500 + HST, to be charged and credited to Dept. ID No. 812036 (Real Estate – Admin Recovery), for recovery of expenses including Real Estate and Legal administration fees, be approved;
- (d) That the City Solicitor be authorized and directed to complete the transaction for the sale of the City's property identified in Appendix "A" attached to Report PED21154, on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms deemed appropriate by the City Solicitor;

- (e) That the Mayor and City Clerk be authorized and directed to execute any and all necessary documents related to the sale of the City's property identified in Appendix "A" attached to Report PED21154, in a form satisfactory to the City Solicitor; and,
- (f) That Report PED21154, respecting the Disposition of City-Owned Property, remain confidential until final completion of the real estate transaction.

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

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

13. Human Services Integration (HSC21032) (City Wide) (Item 14.3)

(Eisenberger/Pearson)

- (a) That the direction provided to staff in Closed Session, respecting Report HSC21032, Human Services Integration, be approved;
- (b) That the Ontario Works, Housing Services, Children's Services and Neighbourhood Development Divisions within the Healthy and Safe Communities Department operate under a Human Services framework for the purpose of transferring complement between these divisions, at the discretion of the General Manager, Healthy and Safe Communities Department, until such time at which human services integration work is complete;
- (c) That staff be directed to report back to the General Issues Committee on an annual basis respecting any transfer of complement made under the Human Services framework; and,

- (d) That Report HSC21032, respecting Human Services Integration, remain confidential until approved by Council.

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

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

14. Proposed Settlement of Appeals by 2362302 Ontario Inc. and West End Home Builders Association of City of Hamilton Development Charges By-law 14-153 (LS21024 / FCS21067 / PED21152) (City Wide) (Item 14.4)

(Jackson/Wilson)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21024 / FCS21067 / PED21152, Proposed Settlement of Appeals by 2362302 Ontario Inc. and West End Home Builders Association of City of Hamilton Development Charges By-law 14-153 (City Wide), be approved; and,
- (b) That Report LS21024 / FCS21067 / PED21152, Proposed Settlement of Appeals by 2362302 Ontario Inc. and West End Home Builders Association of City of Hamilton Development Charges By-law 14-153 (City Wide) including the appendices, remain confidential.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins, Deputy Mayor

Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Absent	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

15. Encampment Litigation Update (LS20023(d)) (City Wide) (Item 14.5)

(Pearson/Partridge)

That Private & Confidential Options “A” to “C”, as outlined in Report LS20023(d), respecting the Encampment Litigation Update, be REFERRED to the emergency Council meeting of August 9, 2021 for consideration.

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

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

16. Legal Opinion - Jurisdiction (LS21029) (City Wide) (Item 14.6)

(Danko/Eisenberger)

That Report LS21029, respecting Legal Opinion – Jurisdiction, remain confidential.

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

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

17. Indemnification of Legal Fees (LS21030) (City Wide) (Item 14.7)

(Pearson/Partridge)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21030 - Indemnification of Legal Fees, be approved; and,
- (b) That Report LS21030, respecting the Indemnification of Legal Fees, remain confidential.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

FOR INFORMATION:**(a) APPROVAL OF AGENDA (Item 2)**

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

6. ADDED DELEGATION REQUESTS

- 6.1. Mouna Bile, Hamilton Community Legal Clinic, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols
- 6.2. Ruth Greenspan, No Hate in the Hammer, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols
- 6.3. Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols
- 6.4. Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update
- 6.5. Lily Lumsden, Hamilton Immigration Partnership Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update
- 6.6. Kim Martin, Social Planning and Research Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update
- 6.7. Sandi Bell, Hamilton Anti Racism Resource Centre, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update
- 6.8. Lyndon George, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update

This delegate withdrew, just prior to commencement of the meeting.

8. STAFF PRESENTATIONS

- 8.2. Hate Prevention and Mitigation Update (CM19006(e)) (City Wide)

10. DISCUSSION ITEMS

- 10.9. Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) (HSC20056(a)) (City Wide)

- 10.10. Hamilton's Federal Election Priorities 2021 (CM21010) (City Wide)

14. PRIVATE AND CONFIDENTIAL

- 14.5. Encampment Litigation Update (LS20023(d)) (City Wide)

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; 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.

- 14.6. Legal Opinion - Jurisdiction (LS21029) (City Wide)

Pursuant to Section 9.1, Sub-sections (f) and (k) of the City's Procedural By-law 21- 021 and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains 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.

- 14.7. Indemnification of Legal Fees (LS21030) (City Wide)

Pursuant to Section 9.1, Sub-sections (b), (e), (f) and (k) of the City's Procedural Bylaw 21-021 and Section 239(2), Sub-sections (b), (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(Farr/Eisenberger)

That the agenda for the August 9, 2021 General Issues Committee meeting, be approved, as amended.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor B. Clark declared a potential interest to Item 14.7, respecting Report LS21030 – Indemnification of Legal Fees.

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

(i) July 5, 2021 (Item 4.1)

(Danko/Farr)

That the Minutes of the July 5, 2021 General Issues Committee meeting be approved, as presented.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Absent	-	Ward 6 Councillor Tom Jackson

Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(d) DELEGATION REQUESTS (Item 6)

(Wilson/Nann)

That the following Delegation Requests, be approved to appear before the General Issues Committee on August 9, 2021:

- (i) Mouna Bile, Hamilton Community Legal Clinic, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 6.1)
- (ii) Ruth Greenspan, No Hate in the Hammer, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 6.2)
- (iii) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 6.3)
- (iv) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 6.4)
- (v) Lily Lumsden, Hamilton Immigration Partnership Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 6.5)
- (vi) Kim Martin, Social Planning and Research Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 6.6)
- (vii) Sandi Bell, Hamilton Anti Racism Resource Centre, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 6.7)

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor

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Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

For disposition of these matters, please refer Items 2 and 8.

(e) CONSENT ITEMS (Item 7)

(i) Business Improvement Area (BIA) Advisory Committee Minutes 21-006, June 8, 2021 (Item 7.1)

(Pauls/Clark)

That the Business Improvement Area (BIA) Advisory Committee Minutes 21-006, June 8, 2021, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(f) PRESENTATIONS (Item 8)

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

Paul Johnson, General Manager, Healthy & Safe Communities Department, provided the verbal update regarding COVID-19.

(Eisenberger/Partridge)

That the presentation, respecting the COVID-19 Verbal Update, be received.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(ii) Hate Prevention and Mitigation Update (CM19006(e)) (City Wide) (Item 8.2)

Rebecca Sutherns, of Sage Solutions, addressed Committee and provided a PowerPoint presentation respecting Report CM19006 – Hate Prevention and Mitigation Update.

(Johnson/Ferguson)

That the presentation, respecting Report CM19006 – Hate Prevention and Mitigation Update, be received.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr

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Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(Partridge/Jackson)

That consideration of Report CM19006(e), respecting the Hate Prevention and Mitigation Update, be DEFERRED until after the delegates have been heard.

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

Yes	-	Mayor Fred Eisenberger
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, Deputy Mayor
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

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

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(Pearson/Danko)

That the presentations provided by the following delegates, be received:

- (i) Paven Bratch, Metro Partners Inc., respecting Item 10.1 - Report PED21109, Feasibility of Creating a Technology Hub on South City Hall Lands (Item 9.1)
- (ii) Mouna Bile, Hamilton Community Legal Clinic, respecting Item 10.7 - Report CM19006(f)-LS19031(e), Hate Flags and Symbols (Item 9.2)
- (iii) Ruth Greenspan, No Hate in the Hammer, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 9.3)
- (iv) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 9.4)
- (v) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 9.5)
- (vi) Lily Lumsden, Hamilton Immigration Partnership Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 9.6)
- (vii) Kim Martin, Social Planning and Research Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 9.7)
- (viii) Sandi Bell, Hamilton Anti Racism Resource Centre, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 9.8)

Result: Motion CARRIED by a vote of 10 to 0, as follows:

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

For disposition of these matters, please refer to Items 2, 3 and 8.

(Ferguson/Partridge)

That the General Issues Committee recess for 30 minutes until 1:00 p.m.

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

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

(h) DISCUSSION ITEMS (Item 10)**(i) Feasibility of Creating a Technology Hub on South City Hall Lands (PED21109) (Ward 2) (Item 10.1)****(Farr/Clark)**

(a) That sub-section (c) to Report PED21109, Feasibility of Creating a Technology Hub on South City Hall Lands, be deleted in its entirety and replaced with the following in lieu thereof:

(c) ~~That staff be directed to prepare options for Committee's consideration on a process to facilitate the land disposition;~~

(c) *That staff be directed to engage in direct discussions with Metro Partners that may lead to the creation of a Technology Hub development on the City Hall Precinct lands, as per Appendix "A" to Report PED21109 and determine the studies that could be completed by Metro Partners as part of a negotiated agreement;*

(b) That sub-section (e) to Report PED21109, be deleted in its entirety and replaced with the following in lieu thereof:

(e) ~~That staff report back to the General Issues Committee with recommendations for consideration in first quarter of 2022.~~

(e) ***That staff be directed to report back to General Issues Committee with recommendations and any conditions therein that would be associated to a sale or long-term land lease to Metro Partners for consideration in the first quarter of 2022.***

(Farr/Clark)

That the following Motion, be withdrawn:

(a) That sub-section (c) to Report PED21109, Feasibility of Creating a Technology Hub on South City Hall Lands, be deleted in its entirety and replaced with the following in lieu thereof:

(c) ~~That staff be directed to prepare options for Committee's consideration on a process to facilitate the land disposition;~~

(c) ***That staff be directed to engage in direct discussions with Metro Partners that may lead to the creation of a Technology Hub development on the City Hall Precinct lands, as per Appendix "A" to Report PED21109 and determine the studies that could be completed by Metro Partners as part of a negotiated agreement;***

(b) That sub-section (e) to Report PED21109, be deleted in its entirety and replaced with the following in lieu thereof:

(e) ~~That staff report back to the General Issues Committee with recommendations for consideration in first quarter of 2022.~~

(e) ***That staff be directed to report back to General Issues Committee with recommendations and any conditions therein that would be associated to a sale or long-term land lease to Metro Partners for consideration in the first quarter of 2022.***

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

No	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla

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Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(Farr/Partridge)

That Report PED21109, respecting the Feasibility of Creating a Technology Hub on South City Hall Lands, be **amended** by adding a new sub-section (f), to read as follows:

(f) That staff be directed to consider the inclusion of a tower to accommodate staff located in other downtown locations in the review the review of the City Hall Precinct lands.

Result: Amendment, CARRIED by a vote of 7 to 5, as follows:

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

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

(ii) Farmers' Markets - Rent Relief and Governance Comparators (PED21158) (City Wide) (Item 10.5)**(Farr/Jackson)**

That Report PED21158, respecting the Farmers' Markets - Rent Relief and Governance Comparators, be DEFERRED to the September 8, 2021 General Issues Committee to allow the City Solicitor time to review the matter.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

(iii) Hamilton's Federal Election Priorities 2021 (CM21010) (City Wide) Item 10.10)**(Partridge/VanderBeek)**

That sub-section (a) to Report CM21010, respecting Hamilton's Federal Election Priorities 2021, be **amended**, by adding a new sub-section (v), to read as follows:

(v) *Championing rural and northern communities by committing to universal internet access and modernizing, streamlining funding tools*

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

Absent	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann

Absent	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

For further disposition of this matter, please refer to Item 11.

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

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

(Pearson/Johnson)

That the following amendments to the General Issues Committee's Outstanding Business List, be approved:

- (1) Proposed New Due Dates (Item 13.1.a.):
 - (aa) Potential Solutions to the Chedoke Creek Matter (Item 13.1.aa.)
Current Due Date: July 5, 2021
Proposed New Due Date: December 8, 2021
 - (bb) Budgetary Plan to Address the Chedoke Creek Matter (Item 13.1.bb.)
Current Due Date: July 5, 2021
Proposed New Due Date: September 22, 2021
 - (cc) Election Expense Reserve Needs related to consideration of Internet Voting for the 2026 Municipal Election (Item 13.1.cc.)
Current Due Date: August 9, 2021
Proposed New Due Date: September 22, 2021

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

Absent	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr

Yes	-	Ward 3	Councillor Nrinder Nann
Absent	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(j) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – July 5, 2021 (Item 14.1)

(Nann/Jackson)

- (a) That the Closed Session Minutes of the July 5, 2021 General Issues Committee meeting, be approved; and,
- (b) That the Closed Session Minutes of the July 5, 2021 General Issues Committee meeting remain confidential.

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

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

(Pearson/Partridge)

That Committee move into Closed Session, respecting Items 14.2 to 14.7, pursuant to Section 9.1, Sub-sections (b), (c), (d), (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (b), (c), (d), (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; a proposed or pending acquisition or disposition of land by the municipality or local board; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

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

(k) ADJOURNMENT (Item 14)

(Clark/Pearson)

That there being no further business, the General Issues Committee be adjourned at 7:16 p.m.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla

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Yes	-	Ward 5	Councillor Chad Collins, Deputy Mayor
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Absent	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

Respectfully submitted,

Chad Collins, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



Hamilton

MINUTES
21-003
ARTS ADVISORY COMMISSION

May 25, 2021

4:00 p.m.

Due to COVID-19 and the Closure of City Buildings, this meeting virtually.

Present: Annette Paiement (Chair), Monika Ciolek, Janna Malseed, Eileen Reilly, Monolina Bhattacharyya-Ray, Lisa LaRocca, Councillor Danko, Councillor Farr, Ranil Sonnadara

Absent: Elizabeth Jayne Cardno

The Chair called the meeting to order and recognized that the Committee 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.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

(Malseed/Reilly)

That the Agenda for the May 25, 2021 Arts Advisory Commission, be approved as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**(i) March 23, 2021 (Item 4.1)****(La Rocca/Reilly)**

That the Minutes of the March 23, 2021 Arts Advisory Commission, be approved as presented.

CARRIED**(d) COMMUNICATIONS (Item 5)****(Reilly/Bhattacharyya-Ray)**

That the following Communication Items, be received:

- (i) Resignation by Eileen Reilly (Item 5.1)
- (ii) Number of members on Arts Advisory Commission Vacancy (Item 5.2)
- (iii) Minutes of Advisory Committees – Outcomes and Decisions (Item 5.3)
- (iv) General Issues Committee Report 21-002 – Arts Advisory Commission 2021 Budget (Item 5.4)
- (v) Advisory Feedback – Recording and Posting of Meetings (Item 5.5)

CARRIED**(e) DELEGATION REQUESTS (Items 6)****(i) David Hudson, Hamilton Arts Council HAMSTR Initiative (for May 25, 2021 AAC meeting) (Item 6.1)****(Malseed/La Rocca)**

That the delegation request submitted by David Hudson, of the Hamilton Arts Council, respecting the HAMSTR initiative, be approved to appear before the Arts Advisory Commission on May 25, 2021.

CARRIED**(ii) Claire Loughheed, Dundas Valley School of Art, respecting Cultural Executive Working Group, (for May 25, 2021 AAC meeting) (Item 6.2)****(Reilly/Farr)**

That the delegation request submitted by Claire Loughheed, Dundas Valley School of Art, respecting the Cultural Executive Working Group, be approved to appear before the Arts Advisory Commission on May 25, 2021.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 8)

- (i) David Hudson, Hamilton Arts Council, respecting a Request for an Arts Advisory Commission Representative to Participate in the HAMSTR Initiative (for May 25, 2021 AAC meeting) (Item 8.1)**

(Farr/Reilly)

That the presentation provided by David Hudson, Hamilton Arts Council, r respecting a Request for an Arts Advisory Commission Representative to Participate in the HAMSTR Initiative, be received.

CARRIED**(Malseed/Reilly)**

That Lisa La Rocca be approved represent the Arts Advisory Commission on the HAMSTR Steering Committee and to act as a liaison between the two groups.

CARRIED

- (ii) Claire Loughheed from Dundas Valley School of Art (Item 8.2)**

Clair Loughheed, Dundas Valley School of Art, provided an explanation of the mandate of the Cultural Executive Working Group, as leaders in the Arts and Culture sector of Hamilton, who are working to share skills and opportunities.

(Farr/Reilly)

That the presentation provided by Clair Loughheed, Dundas Valley School of Art, respecting the Cultural Executive Working Group, be received.

CARRIED**(g) STAFF PRESENTATIONS (Item 9)**

- (i) Hamilton Arts Awards Update (Item 9.1)**

Ken Coit, Program Manager Public Art and Projects, provided an update regarding the Hamilton Arts Awards, advising that the Awards will broadcast at 7pm June 3rd-12th, 2021.

(Farr/Malseed)

That the presentation, respecting the Hamilton Arts Awards, be received.

CARRIED

(ii) Public Art Update (Item 9.2)

Ken Coit, Program manager Public Art and Projects, provided an update regarding the Public Art update, advising of the following:

- (1) Healthcare box wraps are being installed and will be announced next week;
- (2) King William project delayed due to mechanism challenges;
- (3) Two new projects will need AAC representation as jurors; and,
- (4) Locke Street Marker and Ancaster Memorial Arts Centre.

(Farr/Malseed)

That the presentation respecting the Public Art Update, be received.

CARRIED**(Farr/Malseed)**

- (a) That Monika Ciolek be approved to represent the Arts Advisory Commission on the jury for the Locke Street Marker; and,
- (b) That Monolina Bhattacharyya-Ray be approved to represent the Arts Advisory Commission on the jury for the Ancaster Memorial Arts Centre.

CARRIED**(h) DISCUSSION ITEMS (Item 10)****(i) Celebrating Resilience in the Arts Proposal (Item 10.1)**

The following points were made during the discussion of the Celebrating Resilience in the Arts Proposal Sub-committee Notes:

- This Sub-committee to the Arts Advisory Commission was formed and met several times to create the Celebrating Resilience in the Arts Proposal. The goal of this project is to inform a conference in 2022 through stories from artists of all genres to celebrate accomplishments throughout the pandemic year.
- Would like to contract the Hamilton Arts Council to host the site as part of HAMSTR initiative. This would include a survey.
- Selected artists would be provided with honorariums for their stories and the opportunity to link to their work.

(Ciolek/Reilly)

- (a) That the Notes from Celebrating Resilience in the Arts Proposal Sub-committee, dated May 17, 2021, be received; and,
- (b) That \$8,000 to implement the Resilience in the Arts Project to cover administration fees, artist fees and communication initiatives in keeping with the procurement and policies of the City, to be funded through the Arts Advisory Commission's 2021 budget, be approved.

CARRIED

(i) MOTIONS (Item 11)

(i) All Advisory Committee Meeting Event Date and Selection of a Presenter (Item 11.1)

(Malseed/Farr)

- (a) That the proposed date of Monday, September 27, 2021, commencing at 4:00 p.m., for the All Advisory Committee Event be approved; and,
- (b) That Annette Paiement and Monika Ciolek be authorized to represent the Arts Advisory Commission at the All Advisory Committee Event and deliver a 5-minute presentation on the Committee's behalf, respecting the Committee's mandate, successes and challenges.

CARRIED

(j) ADJOURNMENT (Item 14)

(Paiement/Reilly)

That, there being no further business, the Arts Advisory Commission meeting be adjourned at 5:08 p.m.

CARRIED




Respectfully submitted,

Annette Paiement, Chair
Arts Advisory Commission

Lauren Anastasi
Recorder



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
General Manager's Office
and
CITY MANAGER'S OFFICE

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	September 8, 2021
SUBJECT/REPORT NO:	Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding (PED21176/CM21012/LS21034)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jason Thorne (905) 546-4339 Bryan Boodhoo (905) 546-2424 Ext. 7164
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Janette Smith City Manager
SIGNATURE:	
SUBMITTED BY:	Stephen Spracklin City Solicitor, Legal and Risk Management Services
SIGNATURE:	

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding (LS21034/PED21176/CM21012) (City Wide) - Page 2 of 11

RECOMMENDATION

(a) That the Mayor and City Manager be authorized and directed to execute the Memorandum of Understanding with Metrolinx and the Ministry of Transportation attached as Appendix “A” to Report LS21034/PED21176/CM21012 ;

(b) That the City Manager be given the delegated authority to negotiate and execute a Staffing Agreement with Metrolinx and the Ministry of Transportation, pursuant to the Memorandum of Understanding attached as Appendix A to Report LS21034/PED21176/CM21012 , to create any temporary or permanent FTEs associated with that Staffing Agreement, and to create an LRT Office as a Division within the Planning and Economic Development Department, provided there is no levy impact;

(c) That, upon execution by all parties of the Memorandum of Understanding attached as Appendix A to Report LS21034/PED21176/CM21012 , the City Manager be given the delegated authority to take any necessary steps to transfer the proponenty of the Transit Project Assessment Process (TPAP) for the Hamilton LRT Project to the Province, such that the Province will become the sole proponent of the TPAP for the LRT Project;

(d) That the Outstanding Business List Item requesting that the General Manager of Planning and Economic Development to meet with Metrolinx, the Ministry of Transportation and other governmental entities, as required, to prepare a Memorandum of Understanding (MOU) for the Hamilton Light Rail Transit project, and report back to GIC, as soon as possible, with a draft MOU be considered complete and removed from the General Issues Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

On June 23, 2021, Council directed that staff “meet with Metrolinx, the Ministry of Transportation (MTO) and other governmental entities, as required, to prepare a Memorandum of Understanding (MOU) for the Hamilton Light Rail Transit project, and report back to the General Issues Committee as soon as possible with a draft MOU.”

Subsequent to that direction, City staff have taken part in a series of meetings with staff from Metrolinx and the MTO to prepare the Memorandum of Understanding (MOU), attached as Appendix “A” to this report. The MOU has been approved in principal by both Metrolinx and the MTO, and is being recommended for Council’s approval.

SUBJECT: Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding (LS21034/PED21176/CM21012) (City Wide) - Page 3 of 11

The MOU is the first legal document that outlines the commitment of the Ministry of Transportation, Metrolinx and the City of Hamilton (City) to the Hamilton Light Rail Transit (LRT) Project. If the MOU is signed, the parties will work on more detailed agreements and protocols in the following areas:

- Schedule A Train Operator Services Agreement
- Schedule B Municipal Funding Agreement
- Schedule C Fare and Non-Fare Revenue
- Schedule D Grade Separation
- Schedule E Bridge Agreement
- Schedule F Staffing Agreement
- Schedule G Commissioning and Acceptance Protocol
- Schedule H Municipal Infrastructure Agreements
- Schedule I Real Estate Matters
- Schedule J Permits, Licences and Approvals
- Schedule K Communications Protocol
- Schedule L Dispute Resolution Protocol
- Schedule M Governance Protocol

The first anticipated agreement is expected to be the Staffing Agreement.

The Memorandum of Understanding is similar to the Memorandum of Agreement that the City entered into with Metrolinx on March 8, 2016 for the previous iteration of the Hamilton LRT project. The March 2016 MOA is attached for information as Appendix B to Report LS21034/PED21176/CM21012. The key differences are that the Ministry of Transportation is now a party to the agreement, the MOU is written as a commitment of all three parties to the LRT Project, and Metrolinx will become the sole proponent of the Transit Project Assessment Process (TPAP). It is also notable that Metrolinx will perform its own real estate transactions and, as such, the LRT project will no longer require a local property acquisition unit.

Additionally, there is more detail in the current MOU than there was in the 2016 MOA as it relates to matters such as roles and responsibilities, material design changes, City infrastructure works, inspections, and permitting and approvals. The parties were able to provide this level of detail, because the parties had worked together extensively to elaborate the LRT Project subsequent to the signing of the 2016 MOA. This included working collaboratively through both the approval of the TPAP and the finalization of the RFP document, which included developing detailed requirements for all aspects the LRT Project, i.e. the Project Specific Output Specifications (PSOS).

As with the prior iteration of the LRT Project, Metrolinx has ownership of the Project, and has control over the Project. They remain committed to pay for capital costs, with

SUBJECT: Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding (LS21034/PED21176/CM21012) (City Wide) - Page 4 of 11

limited exceptions, life-cycle costs and dedicated City staff. At the end of the Project, the City will retain control over its infrastructure assets, such as its roads, waterworks systems, traffic signal systems and sewer systems.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The MOU commits the City to funding the costs of Operating and Maintaining the LRT Project, subject to the terms and conditions that will be developed through the subsequent agreements. Report CM21006/PED21145/PW21040/FCS21068 presented to General Issues Committee on June 16, 2021 provides a more fulsome elaboration of the anticipated financial impacts of LRT operations and maintenance.

Staffing: The MOU commits the Province to funding the costs of City staff that are directly working on the implementation of the LRT Project. Recommendation (b) in this report would give the City Manager the delegated authority to negotiate and execute a Staffing Agreement with Metrolinx and the Ministry of Transportation, pursuant to the MOU, to create any temporary or permanent FTEs associated with that Staffing Agreement, and to create an LRT Office as a Division within the Planning and Economic Development Department, provided there is no levy impact.

Legal: If Council chooses to enter into the MOU, it is anticipated that legal services will be required for future agreements and protocols to review, advise and assist in negotiations.

HISTORICAL BACKGROUND

On May 13, 2021, the Province of Ontario announced a funding commitment of \$1.7 billion to support the construction of the Hamilton LRT Project, and that the Government of Canada would match the \$1.7 billion commitment for a \$3.4 billion commitment to support the construction of the Hamilton LRT Project.

On June 2, 2021, James Nolan, Assistant Deputy Minister from the Ministry of Transportation (Ontario) and Phil Verster, President and Chief Executive Officer of Metrolinx presented at the General Issues Committee meeting on activities related to the Hamilton LRT Project, and answered questions related to the LRT Project from the Mayor and Members of Council. At the same meeting, staff was directed to report back

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to the next General Issues Committee on three issues: (1) the updated net operating cost estimates for the Hamilton LRT, (2) estimated financial costs and impacts of City of Hamilton incentive programs on the corridor, and (3) historical investment activity in the proposed LRT corridor.

On June 16, 2021, staff reported back on the three issues, as requested in the prior General Issues Committee meeting.

Additionally, on June 23, 2021, Council ratified a motion of the June 16 General Issues Committee meeting that staff “be directed to meet with Metrolinx, the Ministry of Transportation and other governmental entities, as required, to prepare a Memorandum of Understanding (MOU) for the Hamilton Light Rail Transit project, and report back to the General Issues Committee as soon as possible with a draft MOU.”

Subsequent to that direction, City staff have taken part in a series of meetings with staff from Metrolinx and the MTO to prepare the Memorandum of Understanding (MOU), attached as Appendix “A” to this report. The MOU has been approved in principal by both Metrolinx and the MTO, and it is being recommended for Council’s approval.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

To develop the MOU, the City, Metrolinx and MTO established a Steering Committee as well as a Working Group. The City’s representatives on the Steering Committee are City Manager Janette Smith, General Manager of Planning and Economic Development Jason Thorne, General Manager of Corporate Services Mike Zegarac and Solicitor Bryan Boodhoo. The City of Hamilton’s representatives on the Working Group are General Manager of Planning and Economic Development Jason Thorne, Solicitor Bryan Boodhoo, Manager of Budgets and Financial Policy Kirk Weaver, Director of Financial Planning Administration Brian McMullen, and Director of Transit Maureen Cosyn Heath.

Other members of staff were also consulted in the preparation of the MOU, including staff from the following City divisions:

- Engineering Services
- Environmental Services
- Roads

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- Corporate Real Estate
- Human Resources

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Draft Memorandum of Understanding

The Draft Memorandum of Understanding (MOU) is attached as Appendix “A” to Report LS21034/PED21176/CM21012

The MOU is the first legal document that outlines the commitment of the Ministry of Transportation (MTO), Metrolinx and the City to the Hamilton Light Rail Transit (LRT) Project. If the MOU is signed, the parties will work on more detailed agreements and protocols in the following areas:

- Schedule A Train Operator Services Agreement
- Schedule B Municipal Funding Agreement
- Schedule C Fare and Non-Fare Revenue
- Schedule D Grade Separation
- Schedule E Bridge Agreement
- Schedule F Staffing Agreement
- Schedule G Commissioning and Acceptance Protocol
- Schedule H Municipal Infrastructure Agreements
- Schedule I Real Estate Matters
- Schedule J Permits, Licences and Approvals
- Schedule K Communications Protocol
- Schedule L Dispute Resolution Protocol
- Schedule M Governance Protocol

The first anticipated agreement is expected to be the Staffing Agreement.

Key Provisions

The Memorandum of Understanding (MOU) is similar to the Memorandum of Agreement (MOA) that the City entered into with Metrolinx on March 8, 2016 for the previous iteration of the Hamilton LRT project. The March 2016 MOA is attached for information as Appendix B to Report LS21034/PED21176/CM21012.

The key differences between the 2016 MOA and the current draft MOU are that the Ministry of Transportation is now a party to the agreement, the MOU is written as a commitment of the all three parties to the LRT Project, and Metrolinx will become the

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sole proponent of the Transit Project Assessment Process (TPAP). Additionally, because the parties had worked together extensively to elaborate the LRT Project subsequent to the signing of the 2016 MOA, including through the approval of the TPAP as well as the Project Specific Output Specifications (PSOS), there is more detail in the current MOU than was in the prior agreement as it relates to matters such as roles and responsibilities, material design changes, City infrastructure works, inspections, and permitting and approvals.

As with the prior iteration of the LRT Project, Metrolinx has ownership of the Project, and has control over the Project. They remain committed to pay for capital costs, with limited exceptions, life-cycle costs and dedicated City staff. At the end of the Project, the City will retain control over its infrastructure assets, such as its roads, waterworks systems, traffic signal systems and sewer systems.

Highlights of some of the key provisions of the MOU are outlined below:

1. Project Delivery: As with the previous MOA, the procurement model for the delivery of the Project is to be determined by Metrolinx. The MOU outlines the role of the City in the procurement process. As with the previous MOA, Metrolinx as the owner of the Project, has contractual responsibility for design planning, construction, maintenance and operations as well as for acquisition of the real property required for the Project, and public consultation.

2. Public Communication: As with the previous MOA, the MOU commits the Parties to working together to establish a Public Communications Protocol to more fully and completely set out the basis upon which the Parties will communicate and engage with the public, the media and stakeholders. It is anticipated that a communications lead for the City will be one of the funded staffing positions under the Staffing Agreement.

3. Capital Costs: As with the previous MOA, the Province will be responsible for capital costs (as well as land acquisition costs) associated with the Project, including all work outlined in the prior iteration of the Project Specific Output Specifications (PSOS). The City would be expected to contribute for new work only if it was not anticipated in the original PSOS and only if the work is already in a City approved and funded budget.

4. Operating, Maintenance and Life-cycle Costs: As with the previous MOA, the Province will be responsible for life-cycle costs. The City will pay for Operation and Maintenance. The MOU provides new clarity that the City will be entitled to all fare box revenues and certain non-fare box revenues, and that the LRT will be included as part of Hamilton's overall ridership for the purposes of gas tax calculations on substantially the same basis as bus ridership.

OUR Vision: To be the best place to raise a child and age successfully.

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5. Material Changes: As with the previous MOA, Metrolinx will have final decision-making authority on material changes. However, the MOU commits the Province to working collaboratively with the City to develop the Project Specific Output Specifications (PSOS). For any material change to what was contemplated in the previous PSOS, the City will have the same extensive consultation and escalation rights it had previously. For a material change that would require a Transit Project Assessment Process (TPAP) amendment, public consultation would also be required.

6. Operator: As part of Ownership, Metrolinx retains the final approval over the selection of the Operator, with significant input from the City. Any operator would be subject to performance standards set by Metrolinx. The City has the right to review materials having an effect on Operation and Maintenance costs and to participate in the portion of the RFP evaluation process for the selection of the Operator.

7. Traffic Operations: A new provision has been added to the MOU confirming that the City will retain its authority over traffic operations within and adjacent to the corridor.

8. Customer Service: A new provision has been added to the MOU acknowledging the importance of a seamless customer experience for users of the LRT and the broader HSR transit system.

9. Municipal Permits, Licenses and Approvals: As a Crown agent, Metrolinx is exempt from planning approvals. Nevertheless, the MOU includes provisions for the City to review site plan and design of major elements of the Project. For other permits, licenses and approvals, such as road cuts and lane closures, Metrolinx would be treated on the same basis as other third parties, and approvals would be provided through the usual City processes. Most of these processes involve delegated staff authorities. Metrolinx may also seek further delegated authorities to City staff for certain permitting and approvals, but Council's right to delegate authority to City staff remains unfettered.

10. Inspections: The City will have a right to review and inspect the construction of its infrastructure.

11. Affordable Housing and Community Benefits: The critical importance of affordable housing and community benefits is acknowledged in the preamble of the MOU, with a commitment by the Province to work with the City and community stakeholders to endeavour to determine how best to support these goals.

12. Real Estate: As with the original MOA, the City will transfer on corridor right-of-way lands to Metrolinx at a nominal fee. Metrolinx would pay fair market value to the City for off-corridor lands if required (e.g. for transit power substations or for the operation and maintenance facility) if they use City lands.

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13. LRT Office: Metrolinx will pay for City staff, as was done previously. Details will be contained in the Staffing Agreement.

14. Building Transit Faster Act: The MOU makes explicit reference to the Building Transit Faster Act (BTFA) and indicates that, upon the designation by regulation of the Project as a priority transit project under the Act, all provisions of the BTFA will apply.

15. Governance and Dispute Resolution: Similar to the original MOA, there will be a Project Steering Committee and an Executive Committee. In this MOU, however, it is made explicit that Metrolinx may proceed with a dispute item, but it does so at its own risk. Additionally, it is contemplated that the parties will work together to establish a detailed dispute resolution protocol, which will become a schedule to MOU, and would, be intended to be unless otherwise stated, to be binding.

16. Confidentiality: As with the original version of the MOA, there is a strict duty of confidentiality on certain aspects of the project. Under this MOU, members of City staff may be required to sign a non-disclosure agreement to access certain confidential information.

Commitment of the Parties

The MOU is meant to be a commitment of the parties to proceed with the LRT. Further details of the Project will be outlined in downstream agreements that will be attached as schedules to the MOU. Unlike the 2016 MOA, which explicitly stated that it was not binding and that a further definitive agreement would be forthcoming, the draft MOU states that it is “binding and enforceable” on the parties, and that any further agreements would be attached to the MOU as schedules.

Provincial Approvals

The principles contained within the proposed MOU have been approved by the Metrolinx Executive Committee of the Board. They have also received relevant provincial government approvals. The proposed MOU therefore can be considered as having the endorsement of the province and Metrolinx. Pending Council approval, Metrolinx and MTO are authorized to execute the MOU without the need for further approvals at their end.

Other Recent Federal and Provincial Transit Investments in Hamilton

This report relates only to the LRT Project, but it is important to look at the LRT in the context of the entire BLAST Network. In recent months, several major federal and provincial investments have been confirmed that will further support the expansion of

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enhanced transit service across the City, and the implementation of the City's 10-Year Transit Strategy and planned Rapid Transit Network.

Through the *Investing in Canada Infrastructure Program (ICIP)* which is funded jointly by the Federal Government (40%) and Provincial Government (33.33%), with contributing funds from the City (26.67%), the City will leverage \$370 M for public transit and supporting infrastructure. Projects that will be completed through this funding include:

- Construction of a new Maintenance and Storage Facility (MSF)
- Replacement of Birch Avenue Bridge to support the MSF
- Implementation of A-Line Priority Bus Measures
- Replacement fleet to support existing transit service
- Expansion of the bus fleet to support years 5-10 of the 10-Year Transit Strategy
- Supporting active transportation connections
- Transit technology enhancements

These investments build on previous investments through the *Public Transit Infrastructure Fund (PTIF)*. Under this program, announced in 2018, the City received \$36 M for the MSF design, construction of sidewalks on Rymal Road, fleet expansion, transit infrastructure state of good repair (shelters, ends-of-lines and bus stops), new automatic passenger counter technology, software upgrades and a network redesign.

Additionally, the Province of Ontario continues to invest in service and infrastructure improvements on the Lakeshore West Corridor which have led to the establishment of all-day two-way GO Rail Service to West Harbour Station as of August 2021. It is expected that these investments will continue in order to bring rail service to Confederation Station and extensions to Niagara Region.

Finally, while still in the planning stages, Metrolinx is continuing to work closely with City staff on other projects that comprise Hamilton's BLAST Transit network including the Dundas Street Bus Rapid Transit (BRT) project which see an extension of service along Highway 5 in Waterdown and the A-Line BRT study which will define ultimate rapid transit concept for this important corridor.

ALTERNATIVES FOR CONSIDERATION

Council may choose to direct staff to negotiate further amendments or changes to the Memorandum of Understanding attached as Appendix "A" to Report LS21034/PED21176/CM21012 with Metrolinx and MTO. Any further changes to the MOU, however, would require the agreement of all parties and, to the extent such

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authority has not been delegated to provincial staff, may require reconsideration of the existing government approvals.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Economic Prosperity and Growth

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

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

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” – Draft Memorandum of Understanding

Appendix “B” – March 2016 Memorandum of Agreement

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "Agreement") is made and shall be effective as of the _____ day of _____ 2021.

BETWEEN:

THE MINISTRY OF TRANSPORTATION
("MTO")

and

METROLINX
("Metrolinx")

and

CITY OF HAMILTON
("Hamilton" or the "City")

(MTO, Metrolinx and Hamilton, collectively the "Parties" and individually a "Party")

BACKGROUND

- A. On May 13, 2021, the Province of Ontario (the "**Province**") and the Government of Canada announced a commitment of up to \$3.4 billion for a 14-kilometer light rail transit line in the City extending from McMaster University to Eastgate Square.
- B. A Transit Procurement Approval Process was undertaken and approval to build the light rail transit line obtained by Metrolinx and the City by way Environmental Project Report Amendment approved by the Minister on August 2, 2017 (the "**TPAP**"). The light rail transit line as permitted by the TPAP, as it may be amended from time to time, is hereinafter the "**Project**".
- C. The Project will be designed, built, and owned by Metrolinx and operated by or on behalf of Metrolinx on land in the City which Metrolinx will own either in fee simple or by way of permanent easement.
- D. The Parties wish to enter into this Memorandum of Understanding (the "**Agreement**") to set out the provisions regarding, among other things, matters pertaining to:
 - (i) responsibility for the cost of designing, constructing, making life-cycle improvements, maintaining and operating the Project;
 - (ii) land acquisition;
 - (iii) permits, licences and approvals;

- (iv) third party utilities; and
- (v) additional infrastructure requested by and at the expense of the City,

all with a view to providing for and ensuring effective and efficient delivery of the Project and optimizing existing resources and expertise while, at the same time, respecting both Metrolinx's ownership and control of the Project, the City's ownership and control of City infrastructure and assets affected by the Project, and the City as municipal planning authority.

- E. The Parties recognize that it may be beneficial to further expand and clarify the provisions contained in certain sections of this Agreement, including as specifically referred to in this Agreement. The Parties will work together to draft and consider such further expansions and clarifications. If agreed to by the Parties, each such expansion and clarification will be appended as a schedule to this Agreement.
- F. The Province has proposed to prescribe the Project as a priority transit project under the *Building Transit Faster Act, 2020* (the "BTFA"). It is expected that prescribing the Project and the subsequent designation under the BTFA of the transit corridor lands that are required for construction will help deliver the Project on accelerated timelines. If, and when, the Province prescribes and designates the Project as aforesaid, the BTFA will apply to the Project and this Agreement.
- G. The Province continues to recognize the critical importance of building affordable housing near transit stations and maximizing high quality jobs and benefits for communities adjacent to or affected by the Project. The Province will work with the City and community stakeholders to endeavour to determine how best to support these goals of affordable housing and community benefits as part of transit project delivery.

NOW THEREFORE for valuable consideration, now paid by each Party to each other Party and in consideration of the mutual covenants and agreements contained herein, the Parties covenant and agree as follows:

1. Derogation and Waiver

- 1.1. This Agreement and the schedules to it do not and are not intended to waive, amend, or derogate from the rights of:
 - (i) Metrolinx as Crown agent of the Province and as owner of the Project;
 - (ii) the City as owner of certain infrastructure and assets that may be affected by the Project and, as municipal planning authority, or to fetter the discretion of Council, or to preclude the City from carrying out its statutory rights and obligations; and

MTO and the Province as ultimate owner of the Project with the responsibility for arranging the capital funding for the Project, including contributions by the Government of Canada.

2. Building Transit Faster Act

- 2.1. Upon the designation by regulation of the Project as a priority transit project, Part IV (Utility Company Cooperation) and Part V (Municipal Service and Right of Way Access) of the BTFA, and all provisions of the BTFA related or ancillary thereto will apply to the Project and this Agreement.
- 2.2. Upon the designation by Order in Council of transit corridor lands required for the Project, Part II (Corridor Control) and Part III (Expropriation) of the BTFA and all provisions of the BTFA related or ancillary thereto will apply to the Project and this Agreement.

3. Roles, Responsibilities and Rights of Metrolinx

- 3.1. This Agreement, including without limitation, the provisions of this Section 3, is not a covenant by Metrolinx to the City to undertake or complete the Project, which is in the sole discretion of the Province and Metrolinx.
- 3.2. Metrolinx is the owner of the Project, as Crown agent of the Province, with responsibility for, among other things:
 - (i) scope,
 - (ii) budget,
 - (iii) scheduling,
 - (iv) contractual responsibility for design, planning, construction, maintenance and operations,
 - (v) acquisition of the real property required for the Project, and
 - (vi) public consultation,except, in each case as otherwise agreed to by the Parties and specified herein, or in an amendment hereto, or in another written agreement that is subsequently entered into and executed by the Parties.
- 3.3. Metrolinx will develop project specific output specifications (the "**PSOS**") for the Project, taking into account, among other things, constructability, appropriate risk transfer, achieving value for money and guarding taxpayer dollars, design excellence, and the provision of benefit to riders including transit service. The provisions of the PSOS are in Metrolinx's sole discretion, including any amendments to it from time to time, unless specifically stated otherwise in this Agreement.
- 3.4. Project specific output specifications were developed by Metrolinx for the Project in consultation with the City prior to the termination of the Project. Such project specific output specifications and any amendments or modifications to them agreed to by the Parties prior to termination of the Project are hereinafter collectively, the "**Benchmark PSOS**".

- 3.5. Without limiting the provisions of Section 3.3, Metrolinx will work in consultation and collaboration with the City in developing the PSOS, particularly with respect to a material change from the Benchmark PSOS, or a change that requires further amendment to the TPAP. The City will be afforded an opportunity to provide comments and Metrolinx will carefully consider the City's input with a view to endeavouring to accommodate the City's comments having regard to, among other things, whether or not the changes requested by the City are material changes that result in an undue adverse impact on the Project or an increase in overall Project cost or will have a detrimental effect on schedule. For any material change as contemplated in this Section 3.5, the City will provide notice of any such proposed change to Metrolinx and to each of the Steering Committee and the Executive Committee. The Committees will endeavour to address and resolve the City's concerns to the satisfaction of the Parties. If neither the Steering Committee nor the Executive Committee is able to resolve the City's concerns and address the City's comments to the satisfaction of the Parties within timelines that ensure that there is no adverse impact on the Project, including its cost and schedule, Metrolinx will be permitted to proceed without implementing the City's comments and proposed changes. For any change that requires an amendment to TPAP, Metrolinx will engage in public consultation required by Applicable Law.
- 3.6. Metrolinx will draft and negotiate a Train Operator Services Agreement with the operator of the LRT system when the operator is chosen. Such Train Operator Services Agreement or relevant excerpts, when negotiated and executed, will be appended as "Schedule A," (Train Operator Services Agreement) to this Agreement.
- 3.7. Metrolinx will draft and negotiate a Municipal Funding Agreement with the City that will set out the terms applicable to payment of operating and maintenance costs ("**O&M Costs**") for the Project by the City. The Municipal Funding Agreement when agreed to and executed will be appended as "Schedule B," (Municipal Funding Agreement) to this Agreement.
- 3.8. Metrolinx is responsible for the following, among other, costs:
- (i) design, construction and commissioning of the Project;
 - (ii) land acquisition costs;
 - (iii) life-cycle refurbishment costs after completion of construction;
 - (iv) the costs of relocating, building and commissioning infrastructure and assets owned by the City that must be relocated to facilitate construction of the Project, including without limitation, City utilities;
 - (v) the cost of relocating third party assets and utilities to facilitate construction of the Project;
 - (vi) the cost of obtaining required permits, licenses, and approvals;

(vii) the cost of repairing and restoring any damage caused by reason of construction of the Project; and

(viii) all taxes exigible on the foregoing and other costs,

in each case on the terms set out in this Agreement and except as otherwise provided herein.

- 3.9. Metrolinx confirms that the City is not responsible for costs incurred by Metrolinx, the Province or third parties, including third party utilities, in connection with the Project even if such costs exceed the costs of any approved budget for the Project save and except only if the City has agreed to pay such costs as set out in this Agreement or in any other agreement subsequently entered into between the City and Metrolinx or between the Province and the City. Notwithstanding Metrolinx's responsibility for the cost of relocating third party utilities, the City will endeavor to exercise its rights to require utility companies to pay for or share the cost of utility relocation pursuant to any agreement that the City has with utility companies or pursuant to any statutory right available to the City. The City will provide Metrolinx with copies of any such agreements.
- 3.10. Metrolinx confirms that it will be responsible for the costs to construct or reconstruct any bridge or grade separation that is required to facilitate the Project.
- 3.11. The City confirms that upon completion of construction, the City will assume the road portion of any bridge or grade separation provided that such bridge or grade separation has been:
- (i) properly commissioned, and
 - (ii) accepted by the City in accordance the provisions of the Commissioning and Acceptance Protocol that will be appended as "Schedule C", (Commissioning and Acceptance Protocol) to this Agreement. Following assumption by the City, the City will be responsible for maintenance of and maintenance costs attributable to the road portions of such bridge or grade separation.
- 3.12. Metrolinx will construct or cause the Project to be constructed in compliance with all federal, provincial and municipal laws in force in the Province, including statutes, proclamations, regulations, by-laws, and any judgment of a relevant court of law, arbitrator or administrative agency, in each case which now or at any time hereinafter are both applicable to the Project and binding on Metrolinx ("**Applicable Law**").
- 3.13. Metrolinx will require Project Co to not cause the City to be in violation or breach of any of the City's collective agreements applicable to the Project work. Metrolinx is not a party to, bound by, or agreeing hereby, to voluntarily be bound by the City's collective agreements. If proceedings are initiated before the Labour Relations Board under the *Labour Relations Act*, Ontario, or before a court of law, by a union counterparty to a City collective agreement and the

determination is made by the Labour Relations Board or such court of law that the union has rights to the Project work or a portion of it, Metrolinx or Project Co, as the case may be, will be bound by and comply with such determination. Metrolinx and Project Co, as the case may be, shall not be precluded from being a party to any such proceedings or from appealing any determination.

3.14. The Parties acknowledge the importance of achieving a seamless customer experience to the maximum extent possible taking into account the Metrolinx asset ownership and Metrolinx design standards, and will work together to endeavour to provide for:

- (i) coordinated transit scheduling between the LRT system and the Hamilton Street Railway ("**HSR**") bus system;
- (ii) coordinated provision of customer service including customer information and handling of customer inquiries and complaints; and
- (iii) a coherent or complementary branding and wayfinding of the Project with the broader HSR transit system,

and any other matters agreed to by the Parties.

4. Roles, Responsibilities and Rights of the City

4.1. The City will pay O&M Costs, save and except life-cycle costs, whether or not the City or HSR is the operator. Such O&M Costs will include, without limitation, the following:

- (i) all costs payable to Project Co or any other entity to perform maintenance on the Project save and except only life-cycle costs, which are the responsibility of Metrolinx;
- (ii) all costs payable to the operator of the LRT system save and except life-cycle costs;
- (iii) utility consumption charges;
- (iv) costs to administer and enforce the Project Agreement, the Train Operator Services Agreement, the Municipal Funding Agreement and any other agreements referable to operations and maintenance of the LRT system;
- (v) realty taxes or payments in lieu thereof; and
- (vi) all taxes exigible on O&M Costs,

all as will be more specifically set out in the Municipal Funding Agreement.

4.2. In consideration of the payment of O&M Costs by the City, the City will be entitled to all fare box revenue generated by the Project. The City will also be entitled to certain non-fare box revenue. For example, the City will be entitled to a portion of advertising revenue. Metrolinx may utilize any advertising contracts it may have

to maximize advertising revenue for the Project, and any revenues and costs from such advertising agreements will be shared by Metrolinx and the City. Metrolinx will provide a copy of any such advertising agreement to the City. The terms of any revenue and cost sharing for non-fare revenue, including advertising on the LRT system, and a framework for setting fares, will be appended as "Schedule D", (Fare and Non-Fare Revenue) to this Agreement.

- 4.3. The Province confirms that ridership on the LRT will be included as part of the City's overall ridership for the purposes of gas tax calculations on substantially the same basis as bus ridership.
- 4.4. The City will contribute to the cost of replacing City utility assets that are required to be protected, removed, relocated or replaced to facilitate construction of the Project as reflected in the PSOS only if:
- (i) provision for the relocation or repair of any such specific utility asset is not in the Benchmark PSOS; and
 - (ii) such specific utility asset is both scheduled for replacement as reflected in a capital budget existing as at the date of this Agreement, and funds have been allocated by the City to the repair or replacement of such asset, in which case the City will pay the cost included in such budget or a reasonable amount as agreed to between the City and Metrolinx.

It is anticipated that any change from the Benchmark PSOS in the location of City utility assets will only be made for the overall benefit of the Project.

- 4.5. Without limiting or derogating Council's right to grant or refuse any delegation of its authority, the City will take reasonable steps to facilitate the construction of the Project including, without limitation, as follows:
- (i) where City staff do not already have delegated authority, City staff, at the request of Metrolinx, will, where appropriate, seek from Council delegated authority to City staff to make determinations regarding the granting of lane closures, the closure of intersections, road closures, road diversions, the assumption of temporary roads, and similar road uses; and
 - (ii) City staff will, at the request of Metrolinx, seek waivers from Council of fees for road cut permits and road occupancy permits and all other such fees that Council has the authority to waive.
- 4.6. In addition to the provisions of Section 4.5, the City will:
- (i) notify Metrolinx as soon as possible regarding any fees that Council has decided not to, or does not have the authority to, waive to enable Metrolinx to seek waivers and exemptions to the extent that it is able to do so, and
 - (ii) endeavour to align or adjust the timing of City infrastructure projects that conflict with construction of the Project to the extent that it is able to do so and will liaise and collaborate with Metrolinx in determining how best to manage such conflicts.

- 4.7. The City will retain its authority over traffic operations within and adjacent to the transit corridor, through matters such as traffic signal timing, and will endeavour to maintain such in a manner that meets the operational performance standards for the Project and operational requirements of the City.
- 4.8. The City will endeavour to streamline municipal approval processes to the extent that it is able to do so. The City will work with Metrolinx in identifying such processes.
- 4.9. The Project will be designed to allow for the use of the fare payment system identified by the Ministry of Transportation.
- 4.10. The Parties acknowledge that the City as municipal planning authority has regulatory authority regarding the issuance of planning approvals and building permits, but that Metrolinx may not be subject to or bound by all or any of them and is, among other things, not subject to the *Planning Act*, Ontario. Metrolinx is not required to engage in a site plan approval process, to obtain site plan approval or to enter into a site plan agreement with the City. However, in developing the PSOS, Metrolinx will endeavour to agree on a process with the City pursuant to which the City, subject to and without derogating from the provisions of Section 3.3, will be entitled to provide comments to Metrolinx that would normally be expected to be included in the site plan or design review process, provided that engaging in any such process will not have the result of impeding construction of the Project on the Project schedule.
- 4.11. Subject to any legal limitations, including any limitations under the *Municipal Freedom of Information and Protection of Privacy Act*, Ontario, the City will provide Metrolinx with access to such information as Metrolinx may reasonably require from time to time in conjunction with the design and construction of the Project, including without limitation, the location of infrastructure and assets owned by the City or by third party utilities and others to the extent known to the City and will also advise Metrolinx of the City's requirements for preserving or relocating City owned utilities with a view to including such information and requirements in any request for qualifications, request for proposal, and PSOS for the Project. The City will in all instances make reasonable efforts to ensure that its responses are provided in a timely manner and within timelines specified by Metrolinx.
- 4.12. The City will support requests submitted by MTO to secure funding contributions by the Government of Canada for the Project.
- 4.13. Immediately after the execution of this Agreement by the Parties, the City will take steps to remove itself as a proponent of the TPAP such that Metrolinx will be the sole proponent, and will notify Metrolinx when it makes such application, of its progress and when it has successfully been removed as a proponent.

5. Project Delivery

- 5.1. At Metrolinx's sole discretion, the Project may be delivered by a single contract or by a number of contracts including early works contracts. All contracts collectively are referred to as the "**Project Agreements**" and

individually as a " **Project Agreement**". The Project may be delivered by any one or a combination of procurement models. For the purposes of this Agreement, bidders or proponents are each referred to as a "**Proponent**", and each agreement or contract entered into between Metrolinx and a successful Proponent is referred to as a "**Project Agreement**".

The Project Agreements will contain robust contract management and enforcement provisions intended to drive on time and on budget performance. These may include liquidated damages and other rights typical to contracts similar in scope, size, and procurement model to the specific applicable Project Agreement.

6. Agreement for the Provision and Payment of City Services

- 6.1. Metrolinx and the City intend to enter into an agreement or agreements from time to time (each a "**Staffing Agreement**") which, among other things, will provide for, the delivery of services by City dedicated staff, which services will include but not be limited to the general coordination of the City's role in the Project, expediting permit issuance and other approvals, reviewing and administering project documentation and agreements, attending meetings with Proponents as provided for in this Agreement, responding to questions, undertaking communications as required, commenting on submittals, inspecting and accepting the City's infrastructure, and generally facilitating delivery of the Project and performing the City's roles and responsibilities pursuant to this Agreement. The City will make reasonable efforts to adhere to the timelines set out in any Staffing Agreement. The Staffing Agreement will set out the payment provisions for payment by Metrolinx to the City for the services provided by the City as set out therein or as may be otherwise requested by Metrolinx to facilitate delivery of the Project. No additional payments will be required to be made by Metrolinx to the City for services that are covered by the Staffing Agreement. The Staffing Agreement when agreed to will be appended as a "Schedule E", (Staffing Agreement) to this Agreement.

7. Participation by Hamilton

- 7.1. Metrolinx acknowledges that the City has unique knowledge of local conditions and considerations related to the Project and that the City, as owner of infrastructure and assets that will be affected by the Project, has important input in the development of the PSOS or the specifications in accordance with which the Project will be built. Accordingly, the City will be accorded the rights hereinafter set forth.
- 7.2. Prior to the issuance of a request for proposal to Proponents (the "**Pre-Market Phase**") and during the period between the issuance of a request for proposal to Proponents and the entering into of a Project Agreement with the successful Proponent (the "**In-Market Phase**"):
- (i) the City will enter into non-disclosure agreements with Proponents, utilities, and others before being permitted to attend meetings or engage in correspondence or discussions with them;
 - (ii) Metrolinx will consult with the City and provide an opportunity to the City to review and comment on the PSOS, including any changes proposed to the Benchmark PSOS, consistent with the various provisions of this Agreement;
 - (iii) at the specific request of Metrolinx, the City will attend and participate in design consultation meetings, commercially confidential meetings and other meetings with Proponents;
 - (iv) other than at the request of Metrolinx, the City will not contact, meet or liaise with or respond to the Proponents on any aspect of the Project;

- (v) the City will have the right to review and provide comments to Metrolinx on the PSOS, particularly but not limited to the design and specifications of infrastructure to be built by Project Co and owned by the City, aspects that have a material impact on O&M Costs, or that are proposed changes to the Benchmark PSOS;
- (vi) Metrolinx will endeavour to incorporate changes to the PSOS that minimize to the extent possible the direct or indirect impact on O&M Costs, and capital budgets, provided that such changes do not negatively impact the Project, including costs, schedule, completion date or other key factors. All comments by the City during the Pre-Market and the In-Market Phases must be provided to Metrolinx by the date specified by Metrolinx having regard to the requirement to make no changes to PSOS for a stipulated time period prior to bid submission; and
- (vii) Metrolinx will endeavour to provide the City with the PSOS in sufficient time to enable the City to review and provide comments, if any, to Metrolinx on the PSOS to enable Metrolinx, in turn, to consider and, if acceptable to Metrolinx in its discretion, include them in the PSOS.

7.3. Following the entering into of a Project Agreement with the successful Proponent (the "**Implementation Phase**") provided that the City has executed a non-disclosure agreement as required:

- (i) the City will have the right to participate in consultation meetings with Project Co on design and other submissions pertaining to infrastructure that Project Co builds for the City at Metrolinx's expense to replace City infrastructure and assets that must be replaced or relocated to facilitate the Project ("**New City Infrastructure**") or to O&M Costs;
- (ii) the City will have the right to review design and submittals pertaining to New City Infrastructure for purposes of ascertaining conformance with Basic Standards (as defined in Section 8.1), and the provisions of the PSOS;
- (iii) the City will have the right to review submittals pertaining to New City Infrastructure, Additional City Infrastructure (as defined in Section 9.1) and O&M Costs. With respect to O&M Costs submittals will include, without limitation, the following:
 - Building envelopes and finishes,
 - Custodial Maintenance Plan,
 - Maintenance Plan,
 - Facility Management Plan,
 - Signalling and Train Control System Management Plan,
 - Revenue Vehicle Handover Plan,
 - Annual Maintenance Workplan – Traction Power, Assets,
 - Management Plan – Overhead Catenary, and
 - Vehicle Maintenance Plan,

in each case for the purpose of ascertaining conformance with the provisions of the PSOS;

- (iv) the City will provide its comments on the design and submittals pertaining to New City Infrastructure to Metrolinx in reasonable detail and will categorize any non-compliance as a major deficiency or a minor deficiency, or such other designation specified by Metrolinx from time to time and will specify the nature of the non-compliance in as much detail as possible; and
- (v) the City will have the right to accompany Metrolinx on any inspections of New City Infrastructure that Metrolinx or Project Co propose to undertake from time to time. Metrolinx will give the City advance written notice of the date and time of any such inspection. The City also has the right to perform inspections of New City Infrastructure on reasonable prior written notice to Metrolinx and Project Co providing the date and time of any such inspection and provided that the City complies fully with safety and other requirements of Project Co and does not interfere with or interrupt Project Co's construction activities.

7.4. The City shall have the right to participate in the evaluation of those portions of bid submissions that are specifically related to New City Infrastructure, Additional City Infrastructure or O&M Costs provided that:

- (i) the City and any evaluators representing the City execute a non-disclosure agreement covenanting and agreeing to keep all information disclosed during the evaluation process or otherwise known to the City or to participating evaluators strictly confidential; and
- (ii) no conflict of interest exists.

8. New City Infrastructure

8.1. New City Infrastructure will be:

- (i) owned by the City;
- (ii) built to the standards and guidelines for the design, construction, rehabilitation and protection, as the case may be, of such New City Infrastructure in force in Hamilton on the date which is three months prior to the request for proposal issuance date and which are available upon request to engineers and architects licensed to practice in the Province of Ontario (the "**Basic Standard**"). Notwithstanding the foregoing, the City will accommodate requests by Metrolinx to build New City Infrastructure to standards that may differ from Basic Standard in the interest of obtaining better value provided that such change in standard does not negatively impact the City;
- (iii) built to replace existing City infrastructure and assets on a "like for like" basis with respect to function, size, capacity and location, unless otherwise provided in the Benchmark PSOS for a particular asset; and

- (iv) built in compliance with the City's laws and those federal and provincial laws applicable to and enforceable against the City.

8.2. All New City Infrastructure must be properly commissioned and comply with the terms of the Commissioning and Acceptance Protocol before the City is required to accept it.

9. Additional City Infrastructure

9.1. The City may at any time request Metrolinx to upgrade New City Infrastructure or to build new infrastructure (any such upgrade or new infrastructure is herein "**Additional City Infrastructure**") at the cost of the City and to include it in the scope of a Project, in accordance with the provisions of this Section 9.

9.2. To exercise its right under Section 9.1, the City must deliver written notice to Metrolinx specifying with reasonable particularity the Additional City Infrastructure that the City is requesting Metrolinx to construct. The notice must:

- (i) provide sufficient detail in order to enable Metrolinx to assess the impact of the request on the Project; and
- (ii) if delivered during the Pre-Market or the In-Market Phase be delivered in sufficient time to allow Metrolinx to include it in the PSOS. The determination of whether or not to incorporate such Additional City Infrastructure within the scope of the Project, whether during the Pre-Market, the In-Market or the Implementation Phase is in Metrolinx's sole discretion having regard to, among other things, the impact on the Project as a whole, including cost, schedule and completion date.

9.3. If the City makes a request for Additional City Infrastructure in accordance with the provisions of Section 9.2 during the Pre-Market Phase or the In-Market Phase, and Metrolinx agrees to proceed with it, Metrolinx or a third party retained by Metrolinx for this purpose will make a determination of the cost, if any, of such Additional City Infrastructure. The City acknowledges and agrees that the cost will be based on Metrolinx's expertise or the expertise of such third party and may include costs that are specific to the procurement model in question but will not be the actual costs that will be incurred by Proponents or included in their bid submissions. If the City accepts the cost, if any, within the timeline specified by Metrolinx, and enters into a municipal infrastructure agreement setting out the cost, payment terms and other pertinent covenants and provisions pertaining to such Additional City Infrastructure (an "**MIA**"), Metrolinx will include the Additional City Infrastructure in PSOS. The City will be required to reimburse Metrolinx for the cost (and all taxes exigible thereon) incurred by it in making a determination of the cost of such Additional City Infrastructure and its impact on the Project whether or not the City elects to proceed with such Additional City Infrastructure. The MIA will be substantially in accordance with the form that will be attached as "Schedule F", (Municipal Infrastructure Agreement) to this Agreement.

9.4. If a formal, written request for Additional City Infrastructure is made during the Implementation Phase, Metrolinx will initiate an inquiry pursuant to the provisions

of the applicable Project Agreement to ascertain the cost that will be payable to Project Co to construct the New City Infrastructure as part of a Project. The City will be responsible for all costs incurred by the City in assessing the City's request, including Project Co's costs of determining the price of such New City Infrastructure, whether or not Metrolinx agrees to the New City Infrastructure and whether or not the City elects to proceed with it.

- 9.5. Metrolinx will notify the City of the cost of such New City Infrastructure. If the City notifies Metrolinx in writing that it accepts the cost and enters into an MIA within the timeline specified by Metrolinx, Metrolinx will direct Project Co to build it as part of the work undertaken for the Project.
- 9.6. The City acknowledges and agrees that there may be circumstances in which, pursuant to a Project Agreement, a Project Co is entitled to refuse to deliver an estimate or carry out a variation, in which case Metrolinx will be entitled, in its sole discretion, to elect not to carry out the City's request for Additional Infrastructure by providing written notice to this effect to the City. Metrolinx will not be liable to the City in any way with respect to any such determination.
- 9.7. Metrolinx may, in its discretion and from time to time, make changes to Additional City Infrastructure accepted and approved by both Parties provided that:
 - (i) all changes will be at Metrolinx's expense; and
 - (ii) Metrolinx provides the City with particulars of the design, plans, specifications and other technical components of any changes that Metrolinx proposes to make for the City's approval, not to be unreasonably withheld or delayed.

If the City does approve such changes, Metrolinx is not entitled to proceed with them.

10. Real Estate Matters

- 10.1. Metrolinx will endeavour to relocate and minimize the impact on tenants of real properties that it acquires whether from the City or from third parties and in respect of which it requires vacant possession.
- 10.2. Metrolinx will manage and maintain properties that it acquires and owns pending hand over to by way of license to Project Co for Project purposes, as would a diligent property owner, including voluntarily complying with municipal by-laws, including grass cutting and snow clearance.
- 10.3. The Parties will work together to establish a real estate protocol to more fully and completely set out a process relating to the acquisition, occupation and use of lands required for the Project that are owned by the City, whether on a temporary or permanent basis. Such real estate protocol will be appended as "Schedule G", (Real Estate Matters) to this Agreement. Additionally, transfer of lands from Metrolinx to the City at nominal consideration to complete the City's road right-of-way by reason of the Project will be included in such protocol.

- 10.4. Metrolinx, as a Crown Agency created by the Metrolinx Act, 2006 has the power under the Metrolinx Act, 2006 to expropriate land for the purpose of carrying out its objects. Nothing in this Agreement shall override or supersede such right, which Metrolinx may invoke at any time. Metrolinx will endeavour to provide the City with as much advance notice as possible before exercising its power of expropriation.
- 10.5. Metrolinx will own or have a real property interest in all City lands on which the Project infrastructure will be located and will be responsible, unless otherwise agreed, for acquiring such lands or interest therein at its cost. Metrolinx does not intend to use the services of City staff for the legal work and due diligence required in connection with such acquisition.
- 10.6. Metrolinx will acquire any required City lands or real property interest therein, as the case may be, that lie within the transit corridor for nominal consideration. For the purposes of the above, the transit corridor shall include the area of land to be used for the LRT track, stations and stops, vehicular lanes, sidewalks, bike lanes and associated landscape areas. If such lands or portions of lands are not on the transit corridor, or are used for an operation and maintenance facility or a traction power sub-station, Metrolinx will acquire such lands for fair market value determined in accordance with the principles for the determination of fair market value in the *Expropriations Act*, Ontario. Metrolinx acknowledges that any lands acquired from the City whether by way of fee simple, easement or license and whether temporary or permanent will be acquired on an "as is, where is" basis. This provision does not change or affect the provisions or conditions upon which City properties have been acquired or have been contracted to be acquired prior to the effective date of this Agreement.
- 10.7. The City will grant to Metrolinx temporary licenses and temporary easements for the lands referred to in Section 10.5 pending the transfer of such lands in fee simple or by way of easement, as the case may be, to Metrolinx; and for lands required by Metrolinx temporarily for Project purposes, including without limitation, for construction of temporary infrastructure, due diligence investigation, access, laydown and other temporary uses. The terms of such licenses will be sufficient to permit Metrolinx to carry out the activities that it requires. Metrolinx will acquire the temporary interest in such lands for nominal consideration:
- (i) if such City lands are right-of-way lands; and
 - (ii) if such lands are lands referred to in Section 10.5 on the basis that Metrolinx will pay the purchase price for such Section 10.5 lands upon acquisition.
- 10.8. Compensation payable to the City for any interest that Metrolinx acquires in park lands will be determined in accordance with the foregoing principles and not by way of rental or other fee which may be applicable to park land use.
- 10.9. Upon the expiry of the term of any license or easement for lands that will be returned to the City and not acquired by Metrolinx permanently, Metrolinx will be required to repair at its expense, all damage to such City lands caused by

Metrolinx or its authorized users and to restore such City lands to substantially the same condition that such lands were in immediately prior to their use by Metrolinx.

- 10.10. At any time, at the request of Metrolinx (which may be on completion of the Project when as-built or record drawing are available), the City will grant Metrolinx:
- (i) a permanent easement over right-of-way and other City lands on which Project infrastructure is located, and
 - (ii) a permanent easement or licence for any lands required for access and other such ancillary purposes, in each case for nominal consideration, and on terms sufficient to enable Metrolinx to fully and completely operate the Project unimpeded, including without limitation, all matters pertaining to safety.
- 10.11. The obligations of the City as set out above extend to and include lands owned by the City and its boards, agencies and commissions to the extent that the City has sole jurisdiction and control over them.
- 10.12. The City will provide Metrolinx with a list of transfers, grants of easements and licences to Metrolinx or waiver or exemption of fees payable by Metrolinx that require Council approval. Metrolinx may request the City to seek delegated authority from Council to City staff for such approvals. Metrolinx acknowledges that Council has the discretion to grant or reject any such request and further acknowledges that Council may subsequently revoke or amend any delegated authority that it grants. City staff will endeavour to obtain such delegated authority from Council in a timely manner to ensure that the lands are available to Metrolinx within timelines dictated by a Project.
- 10.13. In all aspects of the Project, including design and construction, Metrolinx will, or will cause Project Co to, take all reasonable efforts to minimize impacts to trees and parks and City lands. The Parties acknowledge that tree replacement or compensation to the City in lieu thereof is, at minimum, in accordance with the provisions set out in the City's by-laws or standards applicable to tree replacement. Metrolinx will consult with the City in accordance with the City's by-laws or standards applicable to a tree replacement plan prior to any tree removal, provided that pending the determination of a replacement plan or compensation in lieu thereof, Metrolinx may at its risk remove such trees as may be required to facilitate construction of the Project. Nothing in this Section 10.13 derogates from Metrolinx's expropriation authority including with respect to trees owned by the City or third parties.

11. Permits, Licenses and Approvals to Construct

- 11.1. Metrolinx, at its expense, contractually agrees that it will obtain and be bound by, or may require Project Co to obtain and be bound by:
- (i) those permits that it is required to obtain by Applicable Law for infrastructure that it will own; and

- (ii) all permits that are required by the City for the construction of infrastructure that the City or by third parties will own. Unless City by-laws or other laws preclude a contractor from applying for and obtaining a permit and stipulates that an owner must do so, Project Co may apply for and obtain such permits.
- 11.2. Metrolinx may, in its discretion, apply for permits for the construction of infrastructure that it will own, which will not be deemed to be an attornment or waiver of Crown immunity. If Metrolinx does not meet or satisfy the statutory, legal or regulatory requirements of the City for issuance of such permits, the City is under no obligation to issue such permits to Metrolinx or Project Co, and Metrolinx may exercise its right to proceed without a permit. Metrolinx acknowledges that the City has no responsibility and bears no liability for any work that Metrolinx has chosen to undertake without a permit. Metrolinx may at any time after permit issuance elect in its discretion to proceed without such permit, in which case Metrolinx will notify the City and will ask the Chief Building Official to revoke such permit.
- 11.3. The City will review all applications for permits, licenses and approvals, as the case may be, promptly and in any event within the timelines that may be set out from time to time in a Staffing Agreement. The City will notify the applicant in writing as soon as possible following receipt of a permit application either that:
 - (i) the application is complete (contains sufficient material and information required by the City to make a determination on the application); or
 - (ii) that the application is deficient, in which case the City will specify the deficiency. Upon receipt of a completed application the City will make a determination on issuance expeditiously and promptly and in any event within the timelines specified in a Staffing Agreement in order to enable work on the Project to proceed without delay.
- 11.4. Metrolinx understands that, if a temporary diversion road for public use is required for any work on the Project, including any grade separation, Metrolinx may have to provide the City at Metrolinx's expense with either a license, or a real property interest in the nature of fee simple, easement, or lease, as determined by the City in its sole discretion over the lands that will constitute the temporary diversion road until the permanent public highway is opened to the public by the City. The City will advise Metrolinx of the advance notice that it requires for any such proposed road diversion, and Metrolinx will, or will require Project Co to, provide the City with such advance notice and will provide all documentation and information to the City that it requires, both to facilitate the City's ability to obtain the consents it requires and to designate, as a public highway, those lands intended to be used as a temporary diversion road. Unless otherwise expressly provided in this Agreement, or otherwise agreed to in writing by the Parties, the construction and maintenance of any temporary diversion road required for a Project shall be the sole responsibility of Metrolinx.
- 11.5. The Parties will work together to establish protocols and procedures expanding the provisions of this Section 11, including to identify fees and approval times

and requirements for applicable permits, licenses and approvals. At the request of Metrolinx, City staff will seek delegated authority from Council in respect of permits, licenses and approvals that would otherwise require Council approval and will seek an exemption or waiver of fees. If the City and Metrolinx settle the terms of such protocol it will be appended as "Schedule H", (Permits, Licences and Approvals) to this Agreement.

12. Artifacts

- 12.1. As between the Parties, all fossils, artifacts and other objects having artistic, geological, historic, archaeological or monetary interest or value, including human remains and burial sites, which may be found on or at City Property are or will be the sole and absolute property of the City. Upon discovery of any such item:
- (i) Metrolinx will promptly inform the City of such discovery;
 - (ii) Metrolinx will cause Project Co to take all steps not to disturb the item and, if necessary, cease any part of its work on the Project in so far as performing such work would endanger the item or prevent or impede its excavation, and the City will respond promptly in a timely manner to minimize delays;
 - (iii) Metrolinx will cause Project Co to take all necessary steps to preserve and ensure the preservation of the item in the same position and condition in which it was found; and
 - (iv) Metrolinx will advise the City if a change to the Project infrastructure or to New City Infrastructure is required as a result of the discovery of any artifact.

13. Streetscape

- 13.1. Metrolinx will pay for the repair or replacement of any and all roads, sidewalks trees, parks, plants and streetscape generally damaged by the Project (collectively, the "**Streetscape**"). Any such damaged Streetscape will be restored or replaced on a like for like basis to a standard commensurate in cost with the cost of repairing and replacing comparable streetscape in the vicinity of the Project at the date of this Agreement, as agreed to by the City and Metrolinx, acting reasonably during the Pre-Market or the In-Market Period in sufficient time to enable it to be included in the PSOS (the "**Streetscape Standard**"). Any upgrades from the Streetscape Standard requested by the City will constitute Additional Infrastructure and be dealt with in accordance with the terms of this Agreement applicable to Additional Infrastructure.
- 13.2. Without limiting the generality of any other provision of this Agreement, Metrolinx will endeavour to mitigate impacts to Streetscape resulting from the Project at its expense and in accordance with its obligations and commitments. Metrolinx will consult with the City regarding such mitigation measures, and changes to such measures from time to time.

14. Capital Coordination

- 14.1. The City will provide Metrolinx, from time to time, with prior written notice of infrastructure, utility and other work that the City intends to undertake, in as much detail as possible, including without limitation, any such work identified by the City in its 10 year capital budget and plan. Metrolinx acknowledges that City Council may, at any time, modify its 10 year capital budget and plan and may add or delete capital projects in its sole discretion, in which case, the City will endeavour to provide Metrolinx with a detailed description of such added or deleted capital projects.
- 14.2. In addition to Section 14.1, and subject to any legal limitation precluding it from doing so, the City will provide Metrolinx with written notice of the following:
- (i) existing or future capital works that the City has or intends to undertake within 100 metres of any property owned, acquired or to be acquired, whether in fee simple, easement or license and whether temporary or permanent for the Project (collectively, the "**Project Lands**");
 - (ii) any development applications and zoning applications that the City receives from any third parties pertaining to proposed developments within 100 metres of the Project Lands; and
 - (iii) information in its possession or control relating to (i) and (ii) above, including, without limitation, plans and related schedules, drawings, mapping and any other information or materials reasonably requested by Metrolinx.
- 14.3. At the request of Metrolinx, the City will endeavour to assist in facilitating and coordinating any conflicts between City capital works and the Project in order to endeavor to ensure the efficient, expeditious and on-time and on-budget delivery of the Project and any City capital works.

15. Matters Pertaining to Safety

- 15.1. The City has the right to suspend work on the Project on prior notice to Metrolinx and Project Co if the City has reason to believe that the work being performed on the Project materially negatively impacts the following City services: fire, emergency medical services and police or if public safety is at risk. Suspension will be in effect for such reasonable time as may be necessary to protect, remedy or restore the situation. The City agrees to work diligently with Metrolinx and Project Co to resolve the City's concerns giving rise to the suspension of work, having regard to scheduled completion date(s) and overall costs of applicable Project(s).

16. Public Communication

- 16.1. The Parties will work together to establish a Public Communications Protocol to more fully and completely set out the basis upon which the Parties will communicate and engage with the public, the media, and stakeholders in each

case for matters pertaining to the Project. It will be appended as "Schedule I", (Communications Protocol) to this Agreement.

17. Governance and Dispute Resolution

- 17.1. The Parties will establish and maintain a Project Steering Committee and an Executive Committee to oversee implementation of this Agreement and the Project and the commitments contained herein.
- 17.2. The Parties will meet to determine the composition of the Project Steering Committee and the Executive Committee, the number and frequency of meetings, and other matters that deal with the composition and the work of the Committees. All decisions of the Project Steering Committee and the Executive Committee must be unanimous.
- 17.3. In the event that a matter or dispute arises between the Parties that cannot be resolved at the project level such matter or dispute will immediately be escalated to the Project Steering Committee for resolution in accordance with the terms and protocols established. If the Project Steering Committee is unable to resolve the matter or dispute within the timelines set out in its protocol, the Steering Committee shall refer the matter or dispute to the Executive Committee for resolution in accordance with the terms set out in its protocol. If a resolution is achieved in respect of a matter or dispute by either the Project Steering Committee or the Executive Committee, as the case may be, the Parties will, and will instruct their staff, to take the necessary actions and steps to implement the resolution, including entering into any further agreements or seeking any additional approvals as may be required to give effect to such resolution.
- 17.4. If the Project Steering Committee and the Executive Committee are unable to resolve a matter or a dispute, the Parties will have all the rights available to them in this Agreement and at law with respect to such matter or dispute.
- 17.5. No action or failure to act by a Party shall constitute a waiver by such Party of a matter or dispute nor shall any such action or failure to act constitute an approval or acquiescence in respect of a matter or dispute except as agreed to in writing.
- 17.6. The Parties agree that timely resolution of any dispute is mutually beneficial and will accordingly act expeditiously and adhere to timelines and limits that may be agreed to in the protocol governing the Committees. In respect of disputes that may require expedited resolution, the Parties hereby agree to work collaboratively to agree upon provisions applicable to waiving certain steps in order to achieve such expedited resolution.
- 17.7. Metrolinx may proceed at its own risk and in its discretion with construction prior to resolution of a dispute, including disputes pertaining to compliance with PSOS and Basic Standard.
- 17.8. The Parties will work together agree upon and set out the provisions pertaining to the resolution of disputes in a protocol. If agreed to such protocol will be appended as "Schedule J", (Dispute Resolution Protocol) to this Agreement.

- 17.9. The protocols and procedures established by the Project Steering Committee and the Executive Committee when finalized will be appended as "Schedule K", (Governance Protocol) to this Agreement.

18. Confidentiality

- 18.1. Each Party shall keep information provided by another Party confidential and secure and limit the disclosure to those persons who have a need to know it and who are bound by agreement or otherwise to keep the information in confidence substantially on the terms of hereof.
- 18.2. Each Party shall not directly or indirectly disclose, destroy, exploit or use any such information (except for the purpose of delivering the Project, or except if required by law), without first obtaining the written consent of the disclosing party and in respect of any Confidential Information about any third-party, the written consent of such third-party and shall provide confidential information to disclosing party on demand.
- 18.3. If a receiving party becomes legally compelled to disclose any confidential information, it will notify the disclosing party in order to allow disclosing party the option of seeking a protective order to prevent disclosure.
- 18.4. The provisions of this Section shall survive termination of this Agreement and remain in full force and effect.
- 18.5. The Parties acknowledge and agree that:
- (i) they are subject to access and privacy legislation, including, in the case of MTO and Metrolinx, the Freedom of Information and Protection of Privacy Act, Ontario, and, in the case of Hamilton, the Municipal Freedom of Information and Protection of Privacy Act, Ontario; and
 - (ii) they may be required to disclose information on as required by Applicable Laws, but will not otherwise do so in contravention of this Agreement.
- 18.6. The Parties acknowledge and agree that Hamilton may make this Agreement and the draft definitive agreements available to Council and the public and may discuss the terms at Council meetings or meetings with the public other than confidential information, if any, contained therein.

19. General Provisions

- 19.1. Notices: Any notice or other communication with respect to this Agreement shall be effectively given if delivered or sent by registered mail or email addressed:
- (i) in the case of Metrolinx to:

Chief Operating Officer
 97 Front Street
 Toronto, ON
 Email: Steve. Levene@metrolinx.com

with a copy to:

Chief Legal Officer
 97 Front Street
 Toronto, ON
 Email: Heather.Platt@metrolinx.com

(ii) in the case of the City to:

-

with a copy to:

-

(iii) in the case of MTO

- Associate Deputy Minister

with a copy to:

- Assistant Deputy Minister

or to such other address or individual as Metrolinx, the City or MTO, as the case may be, may from time to time specify to the other in writing. Any notice that is delivered will be deemed to have been received if sent by email, one Business Day after the date upon which it was sent, and if sent by registered mail, four Business Days after the date upon which it was mailed.

- 19.2. Counterpart Execution and Delivery: This Agreement may be executed in counterpart and may be executed by electronic signature that is received by the Parties in a file format acceptable to the Parties. Such electronic signature shall be deemed to be an original signature for the purpose of this Agreement with the same legal effect as an original signature.
- 19.3. Liability: Nothing herein is intended to limit, alter or relieve any Party from any legal liability to third parties or to each other that such Party may have or incur in connection with the Project except as stated herein and as may be stated in subsequent amendments or future agreements. Metrolinx will require Project Co to add the City as an additional insured on insurance policies that Project Co is required to maintain for the Project.
- 19.4. Entire Agreement: This Agreement is the entire agreement between the Parties in respect of the subject matter hereof applicable to the Project and supersedes the

existing memorandum of agreement signed between Metrolinx and the City on March 8, 2016, and all intervening and other agreements, communications, and discussions, verbal or written.

- 19.5. Time of the Essence: Time is of the essence of this Agreement.
- 19.6. Written Approvals: Any approval, authorization, consent, waiver or condition by a Party under this Agreement is effective only if given in writing and only in accordance with the terms and conditions stipulated in this Agreement in connection therewith. Any such approval, authorization, consent, waiver or condition is not deemed to be effective in respect of any similar or other act or omission unless given again in writing.
- 19.7. Successors and Assigns: This Agreement is binding upon and enures to the benefit of the successors and permitted assigns of the Parties. Neither Party may assign its interest in this Agreement without the written consent of the other Party, except that Metrolinx may, without the consent of the City, transfer or assign this Agreement to the Government of Ontario or to a Crown or to a third party acquiring Metrolinx's interest in the Project.
- 19.8. Amendment: The Parties may amend this Agreement from time to time only in writing.
- 19.9. Further Assurances: Each Party will do such act or thing and will enter into, execute and deliver such documents as may reasonably be required by the other Party in furtherance of and to give effect to the provisions of this Agreement.
- 19.10. Term and Termination: This Agreement will commence on the Effective Date and shall continue in force until the later of:
- (i) the date upon which the warranty period under all Project Agreements for the Project has expired, and
 - (ii) the date on which the last payment under this Agreement and any MIA for Additional City Infrastructure has been made by the City to Metrolinx , except as otherwise extended or terminated upon mutual agreement of the Parties (the "**Term**").

Following the Term, this Agreement shall automatically and without further action terminate and be of no further force or effect. Any termination shall not affect any obligations incurred prior to the effective date of termination or any other rights that the party may have arising out of any rights or obligations that are expressed to survive termination of this Agreement.

- 19.11. Governing Law: This Agreement is governed by and shall be construed in accordance with the laws of the Province of Ontario and the laws of Canada as applicable therein. The parties hereby attorn to the jurisdiction of the courts of Ontario for any legal proceedings arising out of this Agreement.
- 19.12. Binding Agreement: This Agreement is binding upon and enforceable against each of the Parties to it.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the date first above written.

<p>Metrolinx</p> <p>By: _____</p> <p>Name: Title:</p> <p>By: _____</p> <p>Name: Title:</p> <p>I/We have the authority to bind the corporation</p>	<p>Ministry of Transportation</p> <p>By: _____</p> <p>Name: Title:</p> <p>By: _____</p> <p>Name: Title:</p> <p>I/We have the authority to bind the Province</p>
<p>City of Hamilton</p> <p>By: _____</p> <p>Name: Title:</p> <p>By: _____</p> <p>Name: Title:</p> <p>I/We have the authority to bind the corporation</p>	

Schedules:

Schedule A	Train Operator Services Agreement
Schedule B	Municipal Funding Agreement
Schedule C	Commissioning and Acceptance Protocol
Schedule D	Fare and Non-Fare Revenue Matters
Schedule E	Staffing Agreement
Schedule F	Municipal Infrastructure Agreement
Schedule G	Real Estate Protocol
Schedule H	Permits, Licenses and Approvals
Schedule I	Communications Protocol
Schedule J	Dispute Resolution Protocol
Schedule K	Governance Protocol

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (the "Agreement") is made and shall be effective as of the 8th day of March, 2016

BETWEEN:

METROLINX
("Metrolinx")

and

CITY OF HAMILTON
("Hamilton")

(Metrolinx and Hamilton, collectively the "Parties")

BACKGROUND

A. Metrolinx has a mandate to develop a Regional Transportation Plan to identify and prioritize transportation and transit projects and create an integrated transportation and transit system in the Greater Toronto and Hamilton Area.

B. Hamilton and Metrolinx engaged in and undertook initial assessments, including the Rapid Transit Feasibility Study (2008), the B-Line Benefits Case Analysis (2009), which indicated that there was a strong case for investment in a light rail transit ("LRT") project. Subsequently Hamilton initiated preliminary design and engineering work and public consultation. Metrolinx provided technical support.

C. In 2011 Hamilton, as the proponent, initiated a Transit Project Assessment Process ("TPAP") and engaged in public consultation culminating in the filing of an Environmental Project Report ("EPR") with the Ministry of the Environment and Climate Change ("MOECC") in 2012 which resulted in approval for a 13.9 km LRT line extending from the western terminus at McMaster University along Main Street to Highway 403, along King Street between Highway 403 and the junction of King Street and Main Street, and along Main Street and Queenston Road to the eastern terminus at Eastgate Square.

D. On May 26, 2015, the Province of Ontario announced a commitment of up to \$1.0 billion for the capital cost of an LRT line with a revised scope, extending from McMaster University through downtown Hamilton to Queenston Circle. The LRT line will connect directly to the West Harbour GO Station and provide for a future, high-order pedestrian connection to the Hamilton GO Centre GO Station as a component of the LRT project, and will include a maintenance and storage facility with a connection to the LRT corridor. Metrolinx and Hamilton have further agreed to examine whether an extension to the waterfront at West Harbour and rectification of negative traffic impacts, through measures such as road widening and traffic signals, can be accommodated within the approved project budget of up to \$1 billion (the "Project").

E. Based on the May 26th announcement by the Province and the change in scope, it is intended that Hamilton facilitate an amendment to the EPR and/or an additional TPAP, including by undertaking all preparatory and ancillary work required for such EPR amendment and/or additional TPAP, and that Metrolinx will reimburse Hamilton for the costs incurred by it in this

regard. The Parties agree to be co-proponents of the EPR process and to work collaboratively on the EPR amendment and/or additional TPAP technical work plan.

F. The Project will be designed, built and owned by Metrolinx and operated by or on behalf of Metrolinx on lands in the City of Hamilton which Metrolinx will either own or in which it will have real property interests.

G. The Project will be designed to allow for the use of the PRESTO farecard.

H. The Parties wish to establish protocols and procedures that will lead to effective and efficient delivery of the Project and optimize existing resources and expertise while, at the same time, respecting both Metrolinx's ownership and control of the Project and Hamilton's ownership and control of its infrastructure and assets and its authority as municipal regulator.

I. This Memorandum sets out the key terms, timelines and conditions for the Project and is intended to constitute the basis for definitive agreements for the Project dealing with the matters set out herein. The Parties affirm their commitment to proceed expeditiously, diligently and in good faith and in a co-operative and collaborative manner to negotiate and enter into a definitive agreement or agreements to include, among other things, the matters set forth in this Memorandum of Agreement to facilitate and expedite the construction and completion of the Project. It is anticipated that Metrolinx will provide a draft of the first such definitive agreement to Hamilton during the first quarter of 2016 with the others to follow.

NOW THEREFORE, the Parties hereby agree to the following:

1. Roles and Responsibilities

This Agreement and any definitive agreements contemplated by this Agreement are not intended to waive, amend or derogate from the rights of Metrolinx as Crown agent and owner of the Project, or Hamilton as owner of infrastructure and assets affected by the Project and as municipal regulatory authority.

(a) Metrolinx

- Metrolinx is the owner and developer of the Project with responsibility for and control over: (i) scope, (ii) budget, (iii) scheduling, (iv) planning, design, and construction, (v) acquisition of the real property required for the Project except as otherwise specified, and (vi) engaging in public consultation. The determination of who will operate and maintain the vehicles and be responsible for certain matters ancillary thereto, including maintenance and operating costs, will be determined at a later date and included in future definitive agreements.

- Metrolinx will pay for the Project including the costs to design, construct and commission infrastructure and assets owned by Hamilton that need to be relocated to build the Project and any taxes exigible thereon, the costs to obtain permits, licenses, and approvals on the terms set out herein and the costs to repair and restore any damage caused by reason of construction of the Project except, in each case, as otherwise specified and subject to the amount provided by the Province to fund the Project, including any designation and allocation of such funds or any portion thereof for specific components of the Project (the "Project Budget") and any restrictions as to "Eligible Costs" set forth in the document pertaining to funding of the Project from the Ministry of Transportation entitled Capital Cost Eligibility Criteria for Metrolinx Owned Rapid Transit Projects dated September 21, 2010, a copy of which is attached as Schedule A (the "Capital Cost Eligibility Criteria"). For clarity, Hamilton shall not be responsible for any of the foregoing costs including, without limitation, the costs of relocating infrastructure owned by Hamilton that is required to be relocated as a result of the Project even if the costs

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exceed the Project Budget unless specified herein, agreed to by the Parties or Hamilton is otherwise liable at law for such costs.

- Metrolinx will construct the Project in compliance with all laws that are applicable to it and binding on Metrolinx including collective agreements, if any, that are binding on Metrolinx as owner and developer of the Project.
- Consistent with the provisions of Section 4 hereof, if Metrolinx in its discretion chooses to acquire a property for a maintenance and storage facility for the Project that is owned and used by Hamilton, Metrolinx will pay for such property consistent with the principles set out for compensation in the *Expropriations Act*, Ontario. The Parties will work co-operatively, collaboratively and in good faith in an effort to arrive at a negotiated agreement before resorting to expropriation.

(b) Hamilton

- Hamilton is the owner of infrastructure and assets that may be affected by the construction of the Project and has regulatory authority over construction activities and the use of its roads and property.
- Nothing in this Agreement is intended to derogate from or waive the rights of Hamilton as owner of its infrastructure and assets or the rights and obligations it has as municipal planning authority. Furthermore, the Parties acknowledge that Hamilton has the unfettered right, authority and discretion to fulfill its statutory obligations under applicable law (including without limitation those prescribed under the *Planning Act* (Ontario), *Building Code* (Ontario), *the Fire Protection and Prevention Act* (Ontario), *the Emergency Management and Civil Protection Act* (Ontario), *the Health Protection and Promotion Act*, *Smoke Free Ontario Act* (Ontario) and the Business Licensing By-law) and the Parties understand and agree that nothing in this Agreement: (i) shall preclude Hamilton from performing, discharging or exercising its duties, responsibilities and powers under applicable law including the foregoing, or (ii) be deemed to be an attornment by Metrolinx to any applicable law including the foregoing that is not binding upon it.
- Notwithstanding Metrolinx's obligations as set forth in Section 1(a), if infrastructure and assets owned by Hamilton that are required to be relocated by Metrolinx to facilitate construction of the Project are scheduled for repair and/or upgrade and/or replacement by Hamilton, as reflected in any existing capital expenditure budget of Hamilton (whether current or future planned repair/replacement), Hamilton will reimburse Metrolinx for the costs to replace or modify such infrastructure and assets either in the amount allocated in the applicable Hamilton budget in respect of such repair, upgrade and replacement, as the case may be, or in a reasonable and equitable amount as determined by Metrolinx and Hamilton having regard to the age of such infrastructure
- Without derogating from or in any way fettering the discretion of Hamilton City Council, Hamilton agrees:
 - (i) to implement transit-supportive land use policies and provisions in any relevant municipal Official Plans, Secondary Plan and Zoning By-laws, and in doing so, shall be guided by the Ministry of Transportation's Transit-Supportive Guidelines;
 - (ii) to support Metrolinx in the delivery and implementation of the Project by, among other actions, minimizing and/or streamlining municipal approvals where possible and reasonable to ensure Project delivery timelines are achieved, and for ease of Project implementation; and

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(iii) Hamilton will support requests submitted by the Government of Ontario to acquire funding contributions from the Government of Canada for the Project. At the request of Metrolinx, Hamilton will make resources and Project information available, where necessary, to support the development of such funding requests.

2. Project Delivery

- The Project may be delivered by Metrolinx and Infrastructure Ontario as sponsors by way of Alternate Finance Procurement that may include Design, Build, Finance, Operate, Maintain depending on, among other things, value for money assessment and Provincial direction. The present intention is to work towards contract award in 2018. At the request of Metrolinx, as directed by Metrolinx and at no cost to Metrolinx, Hamilton will assist by providing information, responding to inquiries and attending meetings with the proponents and with the successful proponent but Hamilton will not otherwise meet or liaise with or respond to the proponents and the successful proponent on any aspect of the Project.
- The Parties will work collaboratively to develop a protocol of processes and approvals that will apply to infrastructure and assets owned by Hamilton that will be affected by construction of the Project.
- Metrolinx acknowledges that Hamilton has unique knowledge of local conditions and considerations related to the Project that will be important inputs in the development of the Project Agreement including the Project Specific Output Specifications ("PSOS"). Accordingly, Metrolinx shall provide Hamilton with opportunities to review the Project Agreement or components thereof and specifically the PSOS or components thereof. In the case of infrastructure and assets owned by Hamilton that are affected by or are required to be rebuilt/replaced by Metrolinx as a result of the Project Hamilton shall review, approve and accept provided that Hamilton City standards have been met. In respect of other components of the Project, Hamilton may provide input and assistance to Metrolinx and Metrolinx will use reasonable efforts to implement Hamilton's suggestions where appropriate and reasonable to do so having regard to, among other things, cost and scheduling.
- During the in-market period after issuance of the Request for Proposal and before bid submissions have been received, Metrolinx will request Hamilton to attend design consultation meetings and may request Hamilton to attend commercially confidential meetings with proponents from time to time and provide input to it and to assist in responses to various requests for information by proponents.
- During the evaluation process, Metrolinx will request a member Hamilton staff to participate in a component or components of bid evaluations.
- After award and during implementation of the Project, Hamilton will have the right to review and comment (through Metrolinx) on the design of infrastructure and assets owned by Hamilton that are being rebuilt/replaced as a result of the Project to ensure compliance with the PSOS and Hamilton standards and the right to inspect and accept such infrastructure and assets provided that the PSOS and Hamilton standards have been complied with. Metrolinx will ask Hamilton to attend working groups from time to time as required.
- Metrolinx recognizes the importance to the Parties of completing the Project by the scheduled completion date to be agreed with Project Co and conversely that delay may have an adverse impact on the Parties. To that end Metrolinx will consider providing incentives/disincentives to Project Co to drive behavior towards on time completion and minimization of delay, including liquidated damages.

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3. Project Scope

- It is intended that the Project as initially described in and approved by the EPR will be varied and amended by amendment to the EPR to take into account and reflect the May 26, 2015 project funding announcement by the Province of Ontario, which referred to an LRT corridor as described in Recital D. Additional technical studies will be undertaken to form the basis of the submission for EPR amendment.
- “Material Change” to the Project means a change to the Project as described in the amended EPR that (i) eliminates a station, (ii) significantly changes the distance between stations, or (iii) requires an amendment to an EPR. If Metrolinx proposes a Material Change, Metrolinx will provide particulars to the Project Steering Committee. Metrolinx will endeavour to arrive at a solution that is consistent with comments provided by Hamilton and acceptable to Metrolinx.

4. Real Estate Matters

- Metrolinx will own or have a real property interest in all lands on which the Project infrastructure is located and will be responsible, unless otherwise agreed, for acquiring such lands or interest therein.
- Hamilton will provide an exclusive easement for nominal consideration to Metrolinx over that portion of the right-of-way(s) on which the Project infrastructure will be built and located. The permitted uses under the easement are transit purposes and ancillary uses conducted from time to time by Metrolinx. Until the easement is transferred to Metrolinx (which may be on completion of designs or on completion when as-built drawings and surveys are available) Hamilton will grant to Metrolinx and persons authorized by it a license to use and occupy the easement lands sufficient to permit construction of the Project and otherwise on reasonable terms as agreed to by the Parties, subject to permits, licenses and approvals, if required.
- Hamilton will transfer any other property owned by it (and by its boards, agencies and commissions if and to the extent that Hamilton has jurisdiction to do so) upon which the Project infrastructure will be built and located to Metrolinx for nominal consideration save and except only if any such lands are occupied and in use and generate revenue, in which case Metrolinx will pay fair market value (referable to the revenue generated from such lands) for such lands.
- Hamilton will provide to Metrolinx and persons authorized by it a temporary construction license for lands owned by it (and by its boards, agencies and commissions if and to the extent that Hamilton has jurisdiction to do so), to facilitate construction of the Project. The license fee will be nominal save and except only if any such lands are occupied and generate revenue, in which case Metrolinx will re-imburse Hamilton or its boards, agencies and commissions, as the case may be, for lost revenue. For clarity, the use of parks will be dealt with as aforesaid and there will be no additional parks fee.
- The Parties will work together to identify the required lands, the transfer date or the commencement date, duration and term of any license, as the case may be. Hamilton will determine whether Council approval is required for the transfers and licenses and for exemptions or waivers of fees, and ensure that the appropriate applications are brought to Council or other committees and persons whose approval is required in a timely manner to ensure that the identified commencement dates are achieved and that the fees are exempted or waived, as aforesaid.

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- At the request of Metrolinx, Hamilton will make resources available to acquire real property from third parties identified as being required for the Project, including appraisers, surveyors and legal personnel. The properties may be acquired using Metrolinx's expropriating powers.

5. Permits, Licenses and Approvals Protocol

- The Parties will work together to establish a process and timelines for (i) review and approval by Hamilton of design and other matters requiring their approval pertaining to infrastructure and assets owned by them that are affected by the Project, and (ii) review and approval of applications for permits, licenses and approvals required to construct the Project and the issuance of such permits, licenses and approvals.
- Infrastructure and assets owned by Hamilton that are required to be replaced to facilitate construction of the Project will be built to the existing standard on a specified, agreed-upon date. Metrolinx will consider any request by Hamilton to exceed such standard or to build additional infrastructure and assets provided that there is no adverse impact on cost or completion of the Project by the anticipated completion date and on the basis that all additional costs associated with any such request will be paid for by Hamilton.
- Metrolinx, and Hamilton will work together to identify fees and approval times and requirements for applicable permits, licenses and approvals. Hamilton, will seek delegated authority to staff in respect of permits, licenses and approvals that would otherwise require Council approval and will seek an exemption or waiver of fees where such fees are more than nominal review fees, in each case on a blanket basis for the Project as a whole and any such delegated authority and exemption is subject to approval by Hamilton Council, whose discretion is unfettered.

6. Third Party Utilities

- Metrolinx will be responsible for relocation costs of third party utilities that need to be relocated and/or replaced as a result of and to facilitate construction of the Project.
- Hamilton will endeavor to exercise its rights under and enforce any cost sharing or similar agreements that it has with utility companies requiring utility companies to relocate or share the cost of relocation of utilities, and will provide Metrolinx with copies of any such agreements.

7. Hamilton Dedicated Staff

- Hamilton will provide dedicated staff to facilitate reviews and approvals, and other matters to expedite the delivery of the Project. A list of the positions identified to fulfill these functions will be based on Schedule B attached hereto. The positions on the list may be changed from time to time with the approval of Metrolinx or the list may be decreased or expanded as agreed to by the Parties. It is intended that Metrolinx will pay for the time expended by staff holding these positions to fulfill these functions at rates to be agreed to by the Parties.
- Metrolinx will work together with Hamilton to identify and approve costs incurred by Hamilton after May 26, 2015 to plan and develop the Project including but not limited to the costs related to consultants, staff and consultations with community groups and stakeholders with the intent that Metrolinx will reimburse Hamilton for such costs. In payment of such costs Metrolinx has advanced \$2,000,000 to Hamilton to be retained by Hamilton subject only to substantiation of such costs by Hamilton and verification by Metrolinx.

8. Public Communications and Engagement

- Metrolinx and Hamilton will jointly develop and adhere to a public communications and public engagement protocol which will provide for the basis upon which Metrolinx will communicate with the media and the public, other agencies and advertisers, and the manner in which it will engage with the public including community relations, and stakeholder engagement and consultation, in each case for matters pertaining to the Project.

9. Public Realm

- Metrolinx will allocate funds to public realm (the "Public Realm Amount") which it anticipates will be in accordance with the Capital Cost Eligibility Criteria. Hamilton, in its discretion, may request Metrolinx to construct improvements to streetscape that are in addition to Metrolinx's obligations to repair and restore damage to the agreed upon standard. For clarity, Hamilton will determine the location of such additional streetscape improvements requests. Metrolinx will endeavor to accommodate any such request provided that the Public Realm Amount is not exceeded in the aggregate, any such additional streetscape is constructed in the immediate vicinity of the Project, and is acceptable to Metrolinx, acting reasonably.

10. Access to Information

- Subject to any legal limitations including any limitations under the *Municipal Freedom of Information and Protection of Privacy Act*, Hamilton will provide Metrolinx with access to such information as Metrolinx may reasonably require from time to time in conjunction with the design and construction of the Project, including without limitation, the location of its infrastructure and assets and its requirements in respect of relocation and preservation with a view to including such information and requirements in any request for qualifications and/or proposal to design, construct and/or maintain the Project.

11. Revenue and Service Integration

- It is anticipated that when a determination has been made regarding the operator and/or maintainer of the Project, the revenue arrangements (including without limitation arrangements for the fares and costs) and matters pertaining to service integration will be documented in future definitive agreements. Hamilton has an expectation that any negative impact on the Provincial gas tax received by it as a result of the LRT will be taken into consideration in discussions on operating and maintenance costs.

12. Governance and Dispute Resolution

- The Parties intend to establish a Project Steering Committee and an Executive Committee.
- The Project Steering Committee is intended to meet at regular intervals or as-needed to endeavour to resolve issues related to the Project on a consensual basis.
- Matters that cannot be resolved by the Project Steering Committee are intended to be escalated to the Executive Committee which will meet as needed to endeavor to resolve disputes. The Parties will consider establishing a dispute resolution protocol for the resolution of certain disputes, primarily pertaining to the standard to which infrastructure and assets owned by Hamilton that needs to be relocated for the Project should be built.
- The Project Steering Committee and the Executive Committee are not intended to circumvent or override the rights of Metrolinx as owner of the Project or the rights of Hamilton as owner of its infrastructure and assets or as municipal regulatory authority.

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13. **Confidentiality**

- Each Party shall keep information provided by another Party confidential and secure and limit the disclosure to those persons who have a need to know it and who are bound by agreement or otherwise to keep the information in confidence substantially on the terms of hereof.
- Each Party shall not directly or indirectly disclose, destroy, exploit or use any such information (except for the purpose of delivering the Project, or except if required by law), without first obtaining the written consent of the disclosing party and in respect of any Confidential Information about any third-party, the written consent of such third-party and shall provide confidential information to disclosing party on demand.
- If a receiving party becomes legally compelled to disclose any confidential information, it will notify the disclosing party in order to allow disclosing party the option of seeking a protective order to prevent disclosure.
- The provisions of this Section shall survive termination of this Agreement and remain in full force and effect.
- The Parties acknowledge and agree that: (i) they are subject to privacy legislation including in the case of Metrolinx, the *Freedom of Information and Protection of Privacy Act*, Ontario and in the case of Hamilton, the *Municipal Freedom of Information and Protection of Privacy Act*, Ontario, and (ii) they may be required to disclose information on as set out in the Acts, but will not otherwise do so in contravention of this Agreement.
- The Parties acknowledge and agree that Hamilton may make this Agreement and the definitive agreements available to Council and the public and may discuss the terms at Council meetings or meetings with the public other than confidential information, if any, contained therein.

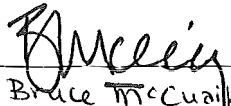
14. General Provisions

- Nothing herein is intended to limit, alter or relieve either Party from any legal liability to third parties or to each other that such Party may have or incur in connection with the Project except as may be specifically contained in future agreements. Metrolinx will require Project Co to add Hamilton as an additional insured on insurance policies that Project Co is required to maintain for the Project.
- With the exception of the obligations under Section 13 (Confidentiality), this Agreement is an expression is intended to form the basis of negotiations between the Parties in an effort to arrive at definitive agreements and is not binding on them.
- This Agreement is governed by and shall be construed in accordance with the laws of the Province of Ontario and the laws of Canada as applicable therein. The parties hereby attorn to the jurisdiction of the courts of Ontario for any legal proceedings arising out of this Agreement.

Executed by the Parties on the date written above.

METROLINX
 By: 
 Name: John Jensen
 Title: Chief Capital Officer
Capital Projects Group

CITY OF HAMILTON
 By: 
 Name: _____
 Title: _____

By: 
 Name: Bruce McCuaig
 Title: President and CEO
 I/we have the authority to bind the corporation

By: _____
 Name: _____
 Title: _____
 I/we have the authority to bind the corporation

Schedules:

- A Capital Cost Eligibility Criteria
- B Proposed Hamilton Dedicated Staff

APPROVED
 AS TO FORM

 LEGAL SERVICES

Schedule A to APPENDIX A to Report PED16042/LS16003



**Capital Cost Eligibility Criteria
for
Metrolinx-Owned Rapid Transit Projects**

September 21, 2010

Ministry of Transportation

Schedule A to APPENDIX A to Report PED16042/LS16003

1. Definitions

When used in these Guidelines, the words set out below that import the singular include the plural and vice versa.

"Guidelines" means this document entitled "Capital Cost Eligibility Criteria for Metrolinx-Owned Rapid Transit Projects", as may be amended from time to time in accordance with the Guidelines.

"Indirect Costs" means a cost that cannot be identified specifically with, or traced to, a given cost object in an economically feasible way.

"Median Transitway" means fixed route for light rail transit or bus rapid transit vehicles along the median of a street that is separated from regular traffic and employs transit prioritization techniques such as exclusive traffic signal phases.

"Metrolinx" means the Corporation established by the *Metrolinx Act, 2006*.

"Ministry" and "Minister" respectively means the Ministry of Transportation and the Minister responsible for the Ministry.

"Municipality" means a municipality as defined in the *Municipal Act, 2001* (Ontario).

"Project" means any transit project funded, in whole or in part by Metrolinx, and implemented by a Provincial crown agency, a Municipality, municipal transit authorities and/or the private sector. GO Transit infrastructure projects funded through Metrolinx's annual budgets shall be subject to a separate guideline and excluded from application of this guideline.

"Province" or "Provincial" means the Province of Ontario including the Ministry, Metrolinx and other Provincial ministries and agencies.

"Revenue Service" means the point in time when a Project is ready to accept paying customers.

2. Purpose

The purpose of the Guidelines is to introduce capital cost eligibility criteria for funding for Metrolinx-owned rapid transit capital projects, designed and constructed through agreements with others including municipal transit operators.

The Guidelines shall not be construed as a Provincial or Metrolinx commitment to fund any particular Project or the budget or budget allocations for any Project, the

Schedule A to APPENDIX A to Report PED16042/LS16003

details of which will be included in specific Project Charters relating to each funded Project.

Activities or costs identified as ineligible for Metrolinx funding under the Guidelines may still be undertaken at the expense of a non-Provincial funding partner provided such activities or costs do not directly or indirectly impact the Metrolinx-funded works.

3. Date of Effect

This Guidelines document takes effect on April 1, 2009.

4. Principles of Funding

Metrolinx funding for a Project will be applied to cover costs that are:

- A. defined as capital expenditures under the Generally Accepted Accounting Principles (GAAP) in Canada, or meeting the criteria identified in Section 6.A;
- B. directly attributable to a Project; and
- C. necessary to bring a Project into Revenue Service.

5. Appropriation by the Legislative Assembly of Ontario

Despite any other provision in this Guideline, annual funding for individual Projects being implemented will be subject to annual appropriations of such funds by the Legislative Assembly of Ontario.

6. Eligible Costs

A. Studies

Metrolinx will fund the cost of Metrolinx-approved studies that are undertaken to meet Provincial regulatory requirements or demonstrate the technical and economic feasibility of a Project. Studies eligible for funding include but are not limited to Metrolinx-approved:

- i. Environmental assessment (EA) studies to satisfy the requirements of the Ontario Environmental Assessment Act and the Canadian Environmental Assessment Act;
- ii. Technical Studies (e.g. benefits case analysis, financial analysis, ridership forecasts, and land value capture studies, environmental, geotechnical and soils investigations, and noise studies);
- iii. Planning, design and engineering (PDE); and
- iv. Value for money study undertaken by either Infrastructure Ontario (IO) or Metrolinx to determine whether an alternative financing and

Schedule A to APPENDIX A to Report PED16042/LS16003

- procurement approach to project delivery can generate a value for money advantage over traditional procurement; and
- v. Any study deemed required by the Ministry or Metrolinx prior to the finalization of a funding commitment to a Project.

B. General Expenses

Expenditures incurred which are authorized by Metrolinx and which are directly related to the construction of a Project or that must be incurred in order to bring the Project into Revenue Service, will be eligible for Metrolinx funding. These expenditures include but are not limited to:

- i. Project management;
- ii. Salaries and benefits of municipal staff (including contract positions) assigned or seconded to the Project on a full time basis;
- iii. Salaries and benefits of Metrolinx staff (including contract positions) assigned to the Project on a full time basis;
- iv. Salaries and benefits of new staff retained to work exclusively on a Project;
- v. Salaries and benefits of municipal staff and Metrolinx staff (including contract positions assigned or seconded to the Project) working on a task-specific basis or providing technical services, that are directly related to the implementation of a Project, provided that; (a) such staff provide detailed dockets of actual time spent and identifying the services provided and tasks undertaken; (b) such tasks and services require the application of specific technical skills such as legal services, appraisal services, survey services, realty negotiations; and (c) such tasks or services are not senior level management or oversight functions.
- vi. Rental and office costs directly attributable to staff referenced in B (i) to (iv) inclusive, including training, supplies, taxes, rent (including rental costs of municipal office space used by municipal staff assigned or seconded to the Project, provided such rent does not exceed market rents for comparable space);
- vii. Fixed guideway infrastructure;
- viii. Rolling stock, including but not limited to heavy rail, light rail and bus rapid transit (BRT) buses;
- ix. Acquisitions of interests in land as determined by Metrolinx , including purchases, easements, land leases, licences and other interests in real property required to bring a Project into Revenue Service,
- x. Infrastructure costs related to incorporating the PRESTO Fare system on the Projects, excluding software licensing fees;
- xi. Land transfer and other applicable taxes relating to property acquisitions referenced in B ix;
- xii. Expropriation compensation as required by the *Expropriations Act*, except claims for injurious affection where the statutory authority does

Schedule A to APPENDIX A to Report PED16042/LS16003

- not acquire part of the land of an owner (which claims will be considered by Metrolinx for eligibility of cost recovery on a case-by-case basis);
- xiii. The following administration costs and out-of-pocket expenses relating to property acquisition referenced in B ix:
 - (a) appraisal, environment and other service provider costs;
 - (b) expert witness services (including reports) relating to expropriation matters;
 - (c) registration costs;
 - (d) title search disbursements, including Teraview fees;
 - (e) off title search enquiry disbursements;
 - (f) photocopies, long distance charges and other disbursements;
 - (g) courier/process server costs;
 - (h) special examiner and other reporting costs – e.g. discoveries, and court reporter and transcripts (relating to expropriation matters).
 - xiv. Works related to structure demolition or construction;
 - xv. Safety and security equipment;
 - xvi. Computer, electronics and communication devices;
 - xvii. Transit stops, stations and terminals;
 - xviii. Garages and facilities;
 - xix. Teraview licenses;
 - xx. Commercial and other necessary Insurance;
 - xxi. Utility relocations generated primarily as a result of the Project and not associated with any other municipal repair and/or utility replacement or expansion program;
 - xxii. Standard grass landscaping at construction sites;
 - xxiii. Hording and signage at Project construction sites;
 - xxiv. Project corridor and urban design enhancements up to 1.5% of total construction cost;
 - xxv. Project operating expenses needed to bring a Project into Revenue Service including:
 - a. Testing
 - b. Safety inspection;
 - xxvi. Other costs deemed by Metrolinx as capital expenditures necessary to bring the Project into Revenue Service;
 - xxvii. Communication costs related to Projects, including expenses related to community relations, Project websites and public information; and
 - xxviii. Indirect Costs incurred to the extent authorized and necessary to bring a Project into Revenue Service will also be eligible for Metrolinx funding.

Schedule A to APPENDIX A to Report PED16042/LS16003

7. Municipal Expenditures

Municipalities shall be responsible for the following expenses:

- i. Any cost which does not qualify as an Eligible Cost, including Ineligible Costs which a Municipality wishes to incur;
- ii. Project corridor and urban design enhancements beyond 1.5% of total construction cost;
- iii. Upgrades to materials beyond pre-existing municipal standard;

8. Ineligible Costs

A. Except as otherwise specifically set out in these Guidelines Metrolinx will not fund expenditures that are not directly related to bringing a Project into Revenue Service. These ineligible costs include:

- i. Any expenses which are the responsibilities of municipalities under section 7;
- ii. Subject to section 6(B)(v), salaries and benefits of staff whose full-time services are not dedicated to the implementation, management or oversight of the Project;
- iii. Costs of any activities that are part of the regular operation and maintenance of municipal transit assets;
- iv. Carrying costs incurred on the funding share of any funding partner other than the Province;
- v. Legal or litigation costs brought by municipalities in proceedings against Metrolinx or the Province, including cross-claims by municipalities against Metrolinx or the Province; and
- vi. Municipal upgrades not expressly approved by Metrolinx. Metrolinx may agree to fund upgrades or additions to Projects which support the operational effectiveness of the Project.

B. Metrolinx will not fund expenditures related to activities that may be undertaken as part of the Project, but which are over and above the Project's defined scope. These costs include, but are not limited to:

- i. Upgrading of municipal services and utilities that are over and above relocation or basic replacement needs
- ii. Project corridor and urban design enhancements over and above a maximum allowance of 1.5% of total Project costs;
- iii. Expansion or upgrades to a Municipality's or private sector partner's existing computer and communication systems that may be undertaken as part of, or simultaneous to, the implementation of the Project;
- iv. Expansion or upgrades to existing transit garages and facilities owned by municipalities that are over and above the Project's needs;

Schedule A to APPENDIX A to Report PED16042/LS16003

- v. Software license fees and other non-infrastructure expenses relating to the Presto Implementation.
- C. Metrolinx funding of any cost or expenditure is without duplication to other sources of funding provided by Metrolinx. Metrolinx will not fund costs or expenditures which are the subject of any municipal, Federal or Provincial funding agreement or other reimbursement arrangement including development charges.

9. Amendments

The Ministry may change these Guidelines from time to time provided that no such changes will render previously eligible costs ineligible where such costs were either incurred or, through the execution of binding legal agreements, committed to prior to the effective date of such amendment.

Schedule B to APPENDIX A to Report PED16042/LS16003

Schedule B - Hamilton Dedicated Staff - Hamilton LRT Project EA Phase

1) Dedicated Staff Positions

Dedicated Project Staff	FTE	Position Title	Brief Description of Roles and Responsibilities
	1	Director of LRT Project Coordination	This position will lead the project team responsible for working collaboratively with Metrolinx to ensure the completion of the Hamilton LRT Project including the LRT Routes (north and south), the Pedestrian Link to the Hunter Street GO Station, the Maintenance and Storage Facility for the LRT vehicles and other related components along the LRT Route. They will ensure that City staff assigned to the LRT project (full time or in part) are effectively linked with the project partners including Metrolinx, Infrastructure Ontario. They will effectively communicate the Vision of LRT in Hamilton and ensure all activities are aligned with the Vision.
	0.75	Director of Transit	The Director, Transit, provides leadership and direction to the LRT multi-disciplinary technical team including Environmental Assessment (EA) consultants, and works closely with the Metrolinx project team. They also act as key technical advisor to the LRT Project Coordinator and Hamilton Senior Management Team Project Sponsor. The Director is accountable for delivering the LRT EA Phase of work within budget and scope and responsible for aligning the LRT program with Hamilton's corporate and Metrolinx goals and objectives.
	1	Manager, Communications & Stakeholder Engagement	The Manager, Communications & Stakeholder Engagement will work closely with senior project staff and the Metrolinx Communications Manager on planning and delivering communications activities in line with the Hamilton-Metrolinx Communications Protocol. This positions' primary responsibility will be to direct the City's participation in the communications, engagement and council relations elements of the LRT project. With direct oversight over the City's role in LRT specific issues management, media relations and stakeholder relations, this role will lead the City's LRT communications and engagement work and raise public awareness of City activities specific to LRT.

Schedule B to APPENDIX A to Report PED16042/LS16003

Dedicated Project Staff	FTE	Position Title	Brief Description of Roles and Responsibilities
	1	Manager, LRT	The Manager, LRT is responsible for directing and managing all administrative aspects of developing and implementing the LRT technical program during the EA phase of work. They act as the primary backup for the Transit Director to attend meetings and direct consultants. The Manager LRT will assume responsibility for all aspects of the City's role in the LRT project including coordinating, scheduling and managing the City's activities related to all components of the project and multi-disciplinary team, including working closely with Metrolinx and Infrastructure Ontario on planning, design and construction, and implementation, property acquisition and directly related strategic and land use planning activities. They will ensure management of the project is undertaken based on a "best practices" approach, and that the EA Phase of the project is delivered within budget and scope.
	1	Senior Project Manager, LRT & Coordination	The Senior Project Manager shall assume responsibility for the City's role in coordinating, scheduling and managing of all aspects of the planning, design and construction, and implementation of engineering elements of the LRT project including route alignment, maintenance and storage facility, underground infrastructure, stop/station design, location, construction, operational plan, technology integration and information co-ordination. The senior project manager shall ensure that projects are delivered within budget and scope.
	1	Senior Project Manager, Design	The Senior Project Manager LRT design will be responsible for the day to day management of all engineering design elements of the LRT project during the EA Phase. They shall be responsible for following project management best practices, project plan development and project resource planning. The senior project manager shall ensure that projects are delivered within budget and scope.
	1	Senior Project Manager, Subsurface Coordination	The Senior Project Manager Subsurface Coordination will be responsible for the City's role in planning, design, engineering and construction management of all subsurface elements related to the LRT project, working closely with Metrolinx and Infrastructure Ontario. They shall be responsible for following project management best practices, project plan development and project resource planning. They shall ensure that projects are delivered within budget and scope.

Schedule B to APPENDIX A to Report PED16042/LS16003

Dedicated Project Staff	FTE	Position Title	Brief Description of Roles and Responsibilities
	1	Project Manager - Engineering Services	The Project Manager, LRT, Engineering Services, reporting to the Manager of Design, Engineering Services, shall assume responsibility for compiling and coordinating all City of Hamilton standards related to City infrastructure and assets owned by Hamilton that are affected or are required to be rebuilt/replaced as a result of the project. The Project Manager will also function as the point of contact between the LRT Office and Engineering Services.
	1	Senior Project Manager, Planning	The Senior Project Manager, Planning provides professional land use and strategic planning services to the LRT team and is responsible for day to day management of all land use planning functions related to the LRT project including project management of streetscape master plans. They shall be responsible for following project management best practices, project plan development and project resource planning. The Senior Project Manager shall ensure that projects are delivered within budget scope.
	1	Real Estate Coordinator	This position will be responsible for the delivery and administration of real estate services to support the LRT project, working closely with Metrolinx 3rd Party/Utilities/Property team, including the real estate transactions and interim property management. This position will advise on, negotiate, make arrangements for, and/or guide the work of others (internal and external) with respect to appraisals, acquisitions (purchase or expropriation), leases or licences, relocations, property management, and disposal of real property interests (fee simple, easement, encroachment, strata, licence and lease) as it relates to the LRT.
	1	Communications Officer	The Communications officer will lead the development, implementation and evaluation of overarching communication and engagement strategies for the LRT project working with the Communications Manager and Director and the Metrolinx Communications Manager. They will manage the production of communications deliverables on time, on budget and in accordance with all established Metrolinx and City of Hamilton guidelines and consistent with the Hamilton-Metrolinx Communications Protocol. This will include building strategic relationships with key stakeholders internally including corporate and regional staff, volunteers and management, and key external stakeholders and providing a high level of strategic, professional and tactical advice to key directors and managers and senior management staff as required on communications and stakeholder engagement.

Schedule B to APPENDIX A to Report PED16042/LS16003

Dedicated Project Staff	FTE	Position Title	Brief Description of Roles and Responsibilities
	1	Administrative Assistant	Reporting to the Director of Transit, the Administrative Assistant provides confidential administrative support on a range of administrative issues to the project team. Coordinates administrative activities within the LRT Office to ensure consistency in approaches and follows up on outstanding issues as appropriate. Works with a minimum of supervision on multiple activities and ensures deadlines are adhered to and established procedures followed.
	1	Document Control	The Document Control Clerk develops, implements, and administers document management systems and compiles, distributes, tracks, and records the receipt and distribution of same for the LRT Office. They will forward documents to appropriate parties as required; ensure deadlines are met and returned documentation is complete, accurate, and properly executed. They will also assist with customer service and administrative and clerical support to LRT staff .
Total Dedicated Staff	12.75		

2) Primary Support Staff

	# of Staff	Position	Brief Description of Anticipated Roles and Responsibilities
	2	Solicitor (1) / Law Clerk (1)	Provides ongoing support on legal matters including agreements (Memorandum of Agreement, Master Agreement) and real estate negotiations and transactions.
	1	Business Administrator	Provides ongoing support on financial matters including budget, financial evaluation & cost estimates.
	1	HR Staffing Specialist	Establishing positions; support all stages of recruitment process; hire process; advice & consultation to LRT Office.
Total Support Staff	4		



Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding (PED21176/CM21012/LS21034)

Council Direction

Council at its meeting of June 23, 2021 provided direction as follows:

Staff be directed to meet with Metrolinx, the Ministry of Transportation and other governmental entities, as required, to prepare a Memorandum of Understanding (MOU) for the Hamilton Light Rail Transit project, and report back to the General Issues Committee as soon as possible with a draft MOU.

Steering Committee & Working Group

To develop the MOU, the City, Metrolinx and MTO established a Steering Committee as well as a Working Group.

City representatives on the Steering Committee:

- City Manager Janette Smith
- General Manager of Planning and Economic Development Jason Thorne
- General Manager of Corporate Services Mike Zegarac
- Solicitor Bryan Boodhoo

City representatives on the Working Group:

- General Manager of Planning and Economic Development Jason Thorne
- Solicitor Bryan Boodhoo
- Director of Financial Planning Administration Brian McMullen
- Manager of Budgets and Financial Policy Kirk Weaver
- Director of Transit Maureen Cosyn Heath

Steering Committee & Working Group

Metrolinx:

- Steven Levene, Chief Operating Officer, Rapid Transit
- Steven Hobbs, Chief of Staff, Office of the CEO
- Beatrice Herwats, Vice President, Head Sponsor, Rapid Transit
- Jia Shin, Director, Commercial Management (A, Rapid Transit)
- Joe Costigan Jr., Hamilton LRT Project Sponsor
- Dorothy Wahl, Associate General Counsel, Office of the CEO

Ministry of Transportation:

- James Nowlan, Assistant Deputy Minister,
- Vrinda Vaidyanathan, Director, Capital Projects Oversight Branch
- Michael Brewer, Manager, Transit Capital Office
- Steven Ball, Team Lead, Transit Capital Office
- Natalie Strachan, Senior Policy Advisor, Transit Capital Office
- Marci Warcop, Senior Policy Advisor, Transit Capital Office

Approach to MOU

Memorandum of Agreement (MOA) was entered into between the City and Metrolinx on March 8, 2016 for the previous iteration of the Hamilton LRT Project.

Guiding principles for the current MOU:

- retain structure, format and intent of original 2016 MOA as much as possible
- it will be a public document and written in plain language to ensure clarity
- focus on overarching principles for delivery of the project, with detailed agreements to be developed at a later date

MOU seeks to begin where the previous LRT Project left off and is therefore based on:

- 2017 Environmental Project Report completed under the Transit Procurement Approval Process (TPAP) approved by Council in March 2017 and by the Minister in August 2017
- 2018-2019 Project Specific Output Specifications (PSOS) that were developed jointly by the City and Metrolinx and that were provided to proponents as part of the RFP process

Overview of Memorandum of Understanding (MOU)

Key Differences

Key differences between 2016 MOA and the current recommended MOU:

- Ministry of Transportation is now a party to the agreement
- MOU is written as a commitment of all three parties to the LRT Project
- Metrolinx will become the sole proponent for the project under the Transit Procurement Approval Process (TPAP)
- Metrolinx will perform its own real estate transactions
- More detail as it relates to matters such as roles and responsibilities, material design changes, City infrastructure works, inspections, and permitting and approvals

MOU Overview

PROJECT DELIVERY

(similar to previous 2016 MOA)

- Metrolinx will own the LRT Project.
- Procurement model is to be determined by Metrolinx.
- Metrolinx has contractual responsibility for design, construction, maintenance and operations as well as for acquisition of the real property required for the Project, and public consultation.
- Project Agreements will include robust contract management and enforcement mechanisms, which may include liquidated damages.



**See section:
3.2**



**See section:
5.1**



**See section:
3.2**



**See section:
5.1**

MOU Overview

CAPITAL COSTS

(similar to previous 2016 MOA)

- Province will be responsible for capital costs (as well as land acquisition costs). Includes all work outlined in the prior iteration of the PSOS.
- City would be expected to contribute for new work only if it was not anticipated in the original PSOS and only if the work is already in a City approved and funded budget.
- City responsible for costs of any “Additional City Infrastructure” requested by the City.



**See sections:
3.8 to 3.10**



**See section:
4.4**



**See section:
9**

MOU Overview

OPERATING, MAINTENANCE & LIFE-CYCLE COSTS

(similar to previous 2016 MOA, new provision to add clarity regarding non-fare revenue)

- Province will be responsible for life-cycle costs. City will pay for Operation and Maintenance.
- City will be entitled to all fare box revenues and certain non-fare box revenues.
- LRT will be included as part of Hamilton's overall ridership for the purposes of gas tax calculations on substantially the same basis as bus ridership.



**See sections:
3.8 and 4.1**



**See section:
4.2**



**See section:
4.3**

MOU Overview

PROJECT SPECIFIC OUTPUT SPECIFICATIONS (PSOS)

(similar to previous 2016 MOA, new provisions establish Province as TPAP proponent)

- Province will work collaboratively with the City to develop the PSOS, but are under Provincial control.
- The City will have the same extensive consultation and escalation rights it had previously, particularly for any changes from the prior PSOS. Public consultation would also be required for TPAP amendments. Metrolinx will have final decision-making authority on material changes.



**See sections:
3.3 and 3.5**



**See section:
3.5**

MOU Overview

OPERATOR

(similar to previous 2016 MOA with new detail added)

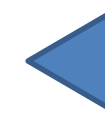
- Metrolinx retains final approval over the selection of the Operator, with significant input from the City.
- Any operator would be subject to performance standards set by Metrolinx through contract.
- City has the right to review materials having an effect on O&M costs and to participate in the RFP evaluation process for the selection of the Operator.
- Metrolinx will require Project Co to not cause the City to be in violation or breach of any of the City's collective agreements applicable to the Project.



**See recital C & sections:
3.2(iv), 3.5, 7.1**



**See section:
3.6**



**See section:
7**



**See section:
3.13**

MOU Overview

MUNICIPAL PERMITS & APPROVALS

(similar to previous 2016 MOA with new detail added)

- As a Crown agent, Metrolinx is immune from many municipal requirements and is exempt from planning approvals. Nevertheless, the MOU includes provisions for the City to review site plan and design of major elements of the Project.
- For permits, licenses and approvals, Metrolinx will be treated on a similar basis as other third parties, but may seek expedited approvals or fee exemptions.
- Metrolinx may seek delegated authorities to City staff for certain permitting and approvals, but Council's right to delegate authority remains unfettered.



**See sections:
1.1(i) and 4.10**



**See sections:
4.5 and 4.8**



**See sections:
1.1(ii) and 11.1
to 11.5**

13

MOU Overview

AFFORDABLE HOUSING & COMMUNITY BENEFITS

(new)

- The critical importance of affordable housing and community benefits is acknowledged in the MOU.
- Commitment by the Province to work with the City and community stakeholders to endeavour to determine how best to support these goals.



See recital G

MOU Overview

REAL ESTATE

(similar to previous 2016 MOA)

- Metrolinx will own or have a real property interest in all City lands on which the Project infrastructure will be located.
- The City will transfer on corridor right-of-way lands to Metrolinx at a nominal fee. Metrolinx will pay fair market value to the City for off-corridor lands, and structures, if required.
- Metrolinx will endeavour to minimize the impact on tenants of real property it acquires and will voluntarily comply with municipal by-laws in how it manages and maintains (new).



See recital C & section 10.5



See sections: 10.6



See sections: 10.1 and 10.2

MOU Overview

BUILDING TRANSIT FASTER ACT

(new)





- MOU makes explicit reference to the Building Transit Faster Act (BTFA) and indicates that, upon the designation by regulation of the Project as a priority transit project under the Act, all provisions of the BTFA will apply.



**See recital F &
section 2**

MOU Overview

OTHER MATTERS

- Communications – Parties to work together to establish a Public Communications Protocol.  **See section: 16**
- Traffic Operations (new) – It is made explicit that the City will retain its authority over traffic operations within and adjacent to the corridor.  **See section: 4.7**
- Customer Service (new) – Acknowledges the importance of a seamless customer experience for users of the LRT and the HSR transit system.  **See section: 3.14**
- Inspections – City has a right to review and inspect the construction of its infrastructure, and Metrolinx would pay for the cost of the City inspectors.  **See section: 6.1 and 7.3(v)**

MOU Overview

GOVERNANCE & DISPUTE RESOLUTION

(similar to previous 2016 MOA)

- Parties will establish a Project Steering Committee and an Executive Committee.
- Pending resolution of a dispute, Metrolinx may proceed with the disputed work, but it does so at its own risk.
- Parties will work together to establish a detailed dispute resolution protocol, which will become a schedule to MOU.



**See sections:
17.1, 17.7 and
17.8**

MOU Overview

CONFIDENTIALITY

(similar to previous MOA)

- Strict duty of confidentiality on certain aspects of the project.
- City staff may be required to sign a non-disclosure agreement to access certain confidential information or attend certain meetings.



**See sections:
7 and 18**

Staff Recommendations and Next Steps

Provincial Approvals

The principles contained within the proposed MOU have been approved by the Metrolinx Executive Committee of the Board. They have also received relevant provincial government approvals.

The proposed MOU therefore can be considered as having the endorsement of the province and Metrolinx. Pending Council approval, Metrolinx and MTO are authorized to execute the MOU without the need for further approvals.

Staff Recommendations

a) That the Mayor and City Manager be authorized and directed to execute the Memorandum of Understanding with Metrolinx and the Ministry of Transportation attached as Appendix “A” to Report LS21034/PED21176/CM21012;

 **Execute the MOU**

b) That the City Manager be given the delegated authority to negotiate and execute a Staffing Agreement with Metrolinx and the Ministry of Transportation, pursuant to the Memorandum of Understanding attached as Appendix A to Report LS21034/PED21176/CM21012 , to create any temporary or permanent FTEs associated with that Staffing Agreement, and to create an LRT Office as a Division within the Planning and Economic Development Department, provided there is no levy impact;

 **Establish a City LRT Office, funded by Province (no levy impact)**

Staff Recommendations

- c) That, upon execution by all parties of the Memorandum of Understanding attached as Appendix A to Report LS21034/PED21176/CM21012 , the City Manager be given the delegated authority to take any necessary steps to transfer the proponenty of the Transit Project Assessment Process (TPAP) for the Hamilton LRT Project to the Province, such that the Province will become the sole proponent of the TPAP for the LRT Project;
- d) That the Outstanding Business List Item requesting that the General Manager of Planning and Economic Development to meet with Metrolinx, the Ministry of Transportation and other governmental entities, as required, to prepare a Memorandum of Understanding (MOU) for the Hamilton Light Rail Transit project, and report back to GIC, as soon as possible, with a draft MOU be considered complete and removed from the General Issues Committee's Outstanding Business List.



**Establish
Province
as sole
TPAP
Proponent**

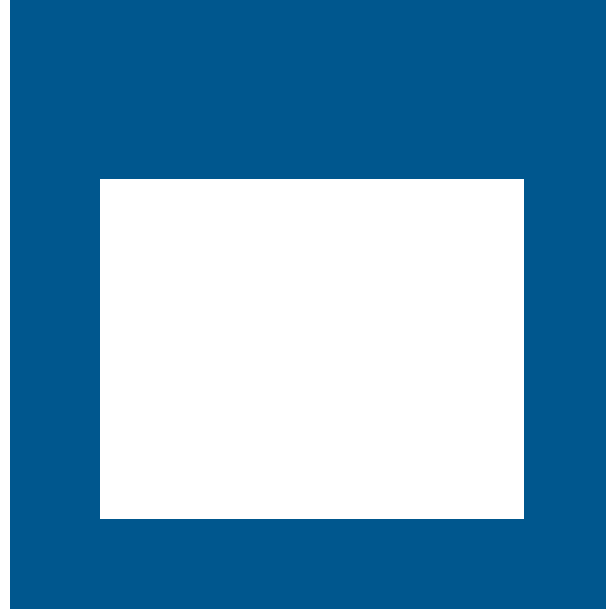


**Remove
from OBL**

Next Steps

If Council approves the staff recommendations, the priority immediate next steps would be as follows:

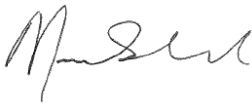
1. Finalize the “Staffing Agreement” with Metrolinx and establish the City’s LRT Office.
2. Assign TPAP proponency to Metrolinx.
3. Begin work to develop the various MOU Schedules.
4. Start preparations for “early works.”
5. Finalize the PSOS documents for the procurement process.



THANK YOU



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	September 8, 2021
SUBJECT/REPORT NO:	Financial Incentive Program Amendments Respecting Mitigation of Potential Tenant Displacement (PED21159) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Phil Caldwell (905) 546-2424 Ext. 2359
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to incorporate the necessary amendments to effect the following Financial Incentive Program changes as part of staff's preparation of an updated Downtown and Community Renewal Community Improvement Plan (DCR CIP) By-law and associated Program descriptions to be brought forward in conjunction with changes arising from staff's previously completed DCR CIP comprehensive review, as approved by Council on March 31, 2021 via Report PED21035, and that these updates be brought to the Planning Committee for a statutory public meeting, in accordance with requirements under Section 17(15)(d) of the *Planning Act*.
- (i) That the Hamilton Tax Increment Grant and Barton Kenilworth Tax Increment Grant programs exclude from Program eligibility any portion of a development/improvement Project consisting of renovations to existing residential rental units except where one or more of the following conditions are met:
- (1) the Project does not result in tenant displacement; or,

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SUBJECT: Financial Incentive Program Amendments Respecting Mitigation of Potential Tenant Displacement (PED21159) (City Wide) - Page 2 of 14

- (2) the Project has been approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), Federal, Provincial or City Program for the purposes of creating residential housing to address housing affordability in the City; or,
 - (3) the existing building has been entirely vacant for at least two years prior to a program application or pre-application being submitted to the City; or,
 - (4) the property owner and program applicant are a registered, not-for-profit organization;
- (ii) That the Barton/Kenilworth Commercial Corridor Building Improvement Grant and Commercial Corridor Housing Loan and Grant Programs no longer permit as eligible costs interior renovations to existing residential rental units except where one or more of the following conditions are met:
- (1) the same conditions identified in Recommendation (a)(i); or,
 - (2) the interior renovations directly support improvements to a commercial space or will improve/replace shared building services utilized by a commercial space and another use within the same building (such as plumbing, electrical or Heating, Ventilation and Air Conditioning (HVAC) systems); or,
 - (3) the planned renovations are solely in response to the landlord being ordered to make repairs under any act or law or where the renovations are intended to support the legalization and/or recognition of an existing residential rental unit, without which, the unit would no longer be permitted to be occupied.

EXECUTIVE SUMMARY

On July 9, 2021 City Council approved a direction to staff in relation to a Hamilton Tax Increment Grant recommendation report for 540 King Street East, Hamilton that, among other matters, directed staff to provide "...policy revisions to address any potential loopholes of this program, which may result in displacement of tenants and report back to the General Issues Committee".

In response to Council's direction, staff undertook a review of the Hamilton Tax Increment Grant Program along with other City Financial Incentive Programs in which eligible development/improvement Project could include renovations to existing residential rental units. This necessitated the inclusion of the Barton/Kenilworth Tax

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Increment Grant, the Barton/Kenilworth Commercial Corridor Building Improvement Grant and the Commercial Corridor Housing Loan and Grant Programs as part of the review.

As a result, staff have developed recommended program amendments that, while not seeking to assess/evaluate the historical use of N11 and N13 notices or claims of tenant displacement, will reduce the potential for the City's incentive programs to contribute to tenant displacement by excluding renovations to existing residential rental units from eligibility under applicable City Programs except where certain conditions are met.

Staff's recommended Program amendments are intended to minimize the potential use of City Incentive Programs in circumstances where tenant displacement could take place while still retaining the availability of key programs to support the renovation of existing residential units where housing affordability will be part of the broader Project and/or where private-sector investment leveraged will maintain/increase the supply of safe, healthy and legal housing, contribute to the stock of new or improved commercial spaces, and generally support revitalization efforts in areas with the greatest need.

Given the scope of recommended program amendments, a statutory public meeting under the *Planning Act* for changes to the authorizing DCR CIP will be required. As such, staff are recommending that Program amendments be incorporated into draft updates to the DCR CIP By-law already being prepared by staff in connection with staff's completion of a comprehensive review of the DCR CIP previously presented via Report PED21035 and approved by Council on March 31, 2021. The updated DCR CIP By-law is planned to be brought forward for a statutory public meeting and Planning Committee consideration at its September 21, 2021 meeting.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from the recommendations of this Report.

Staffing: There are no staffing implications arising from the recommendations of this Report.

Legal: In accordance with the *Planning Act*, amendments to a Community Improvement Plan (CIP) requiring a statutory public meeting will result in a required 20-day appeal period from the date notice has been provided of Council's approval of an updated CIP by-law. As noted in the "Policy Implications and Legislated Requirements" section of this Report, a statutory public meeting and resulting appeal period will be required to implement the

SUBJECT: Financial Incentive Program Amendments Respecting Mitigation of Potential Tenant Displacement (PED21159) (City Wide) - Page 4 of 14

recommendations of this Report. This will likely result in an effective date of recommended amendments, occurring no earlier than October 19, 2021, subject to Council approval and any appeals to the Ontario Land Tribunal. At present, staff have multiple applications under either the Hamilton Tax Increment Grant, the Barton/Kenilworth Tax Increment Grant, Barton/Kenilworth Building Improvement Grant or Commercial Corridor Housing Loan and Grant programs involving the renovation of existing residential rental units.

Until such time as the recommended program amendments could come into effect, any existing program applications which meet the current purpose and intent of an applicable program, as well as complies with the existing program terms and eligibility criteria, may be subject to a recommendation report being brought forward by staff for Council consideration or the consideration of the General Manager of Planning and Economic Development (GM) in instances where approval has been delegated to the GM.

HISTORICAL BACKGROUND

On July 9, 2021 City Council approved the following direction to staff respecting a recommendation report for a Hamilton Tax Increment Grant Program Application for 540 King Street East, Hamilton submitted by Malleum Real Estate Partners IV, by its General Partner Malleum General Partner IV Limited (the Applicant):

“Report PED21140, respecting the Hamilton Tax Increment Grant - 540 King Street East, Hamilton, was referred back to staff to meet with ACORN Hamilton and the applicant, as well as to provide a legal analysis, and policy revisions to address any potential loopholes of this program, which may result in displacement of tenants and report back to the General Issues Committee”

Although Council’s direction to staff was with respect to the Hamilton Tax Increment Grant Program, staff recognize that there are other existing City Financial Incentive Programs which also currently support renovations to existing residential rental units. In recognition of this, staff’s review and recommendations as contained in this Report have been expanded to also include the Barton/Kenilworth Tax Increment Grant, the Barton/Kenilworth Commercial Corridor Building Improvement Grant and the Commercial Corridor Housing Loan and Grant Programs.

Since 2002, the City has provided various Financial Incentive Programs intended to support the development/improvement of under-utilized and/or derelict properties within key commercial districts and corridors including Downtown Hamilton, the community downtowns of Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown, Business

SUBJECT: Financial Incentive Program Amendments Respecting Mitigation of Potential Tenant Displacement (PED21159) (City Wide) - Page 5 of 14

Improvement Areas (BIAs), strategic commercial corridors within the urban area as well as designated historic properties throughout the City.

The private sector investment leveraged to-date with these Programs have increased the supply of safe, healthy and legal housing, provided an increase to the City's assessment base and facilitated efficient and cost-effective population growth within the existing urban area. To-date, the programs subject to this Report have collectively assisted with the renovation of 162 residential units and the creation of 1041 new units, of which 676 units were planned as rental.

The availability of each incentive program subject to this Report varies across the different Community Improvement Project Areas (CIPAs). The chart below provides a summary of the current geographic availability of each program:

		Community Improvement Project Areas (CIPA)						
		Downtown Hamilton	Community Downtowns (Ancaster, Binbrook, Dundas, Stoney Creek, Waterdown)	Business Improvement Areas (BIA)	Barton/Kenilworth Commercial Corridors (including Barton Village BIA)	Commercial Corridors	Mount Hope/Airport Gateway	Buildings Designated under Part IV or V of the Ontario Heritage Act
Programs	Commercial Corridor Housing Loan and Grant	✓	✓	✓	✓	✓	✓	✓
	Hamilton Tax Increment Grant	✓	✓	✓			✓	✓
	Barton/Kenilworth Tax Increment Grant				✓			
	Barton/Kenilworth Commercial Corridor Building Improvement Grant				✓			

In October 2019, City Council approved amendments to the terms of the Hamilton Tax Increment Grant, the Barton/Kenilworth Tax Increment Grant, the Barton/Kenilworth Commercial Corridor Building Improvement Grant and the Commercial Corridor Housing Loan and Grant Programs via Report PED19178/HSC19052.

These amendments were in response to a July 2019 Motion of Council and intended to mitigate the potential use of City Incentive Programs in a manner that could result in potential tenant displacement. Program amendments approved by Council at this time, and which came into effect on January 1, 2020, included:

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- Requiring applicants to disclose which residential units, if any, are occupied at the time an application or pre-application for a financial incentive has been made to the City;
- Providing tenants of units occupied at the time of application to the City with a comprehensive education package regarding their legal rights, Hamilton rental market conditions and available resources should they be required;
- That approvals be subject to new conditions that require non-condominium residential unit(s) which are occupied at the time of application to the City to not be the subject of an approved Above Guideline Increase (AGI) request by the LTB, except in certain circumstances for a period beginning from the date the application is received by the City and ending upon completion of the prescribed term of the incentive to be provided, or five years from the date of the initial financial disbursement, whichever is greater;
- Initiating quarterly requests to the LTB to receive a summary of property addresses which have been the subject of an AGI request within the City of Hamilton to facilitate staff's monitoring of approval conditions; and,
- Providing written notice to each occupied unit with information respecting the estimated value of the incentive to be provided by the City, and the improvements the incentive is intended to facilitate, which may be used by the tenant as needed, including potentially as evidence at the LTB.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Recommendations contained in this Report require amendments to the purpose and intent of the Hamilton Tax Increment Grant, the Barton/Kenilworth Tax Increment Grant, the Barton/Kenilworth Building Improvement Grant and Commercial Corridor Housing Loan and Grant Programs. These changes will require amendments to the authorizing DCR CIP which, in accordance with Section 17(15)(d) of the *Planning Act*, must be the subject of a statutory public meeting.

RELEVANT CONSULTATION

Staff from the Economic Development Division of the Planning and Economic Development Department, Housing Services Division of the Healthy and Safe Communities Department and the Legal Services Division of the Corporate Services Department have been consulted as part of the review and development of the recommendations contained in this Report.

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In concert with staff's review, meetings with representatives of ACORN's Hamilton chapters and the Applicant with respect to the Hamilton Tax Increment Grant Program Application at 540 King Street East, Hamilton were undertaken by staff and have informed this Report. A fulsome response and details regarding these meetings will be presented to Council as part of a separate staff report specifically with respect to the Hamilton Tax Increment Grant application for 540 King Street East, Hamilton

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Through staff's previous Report PED19178/HSC19052, Program amendments intended to mitigate potential tenant displacement concentrated on implementing protections for tenants that continued to reside at the property at the time a program application or pre-application was submitted to the City. Staff did not include considerations respecting potential historical tenant displacement at a property as part of Program eligibility due to a number of limitations and constraints staff identified at that time which included:

- Anticipated difficulties with correlating renovations as being the sole factor in the past displacement of a tenant;
- Anticipated issues with retroactively seeking to contact former tenants to confirm the circumstances under which their tenancy at the property ended;
- Staff's inability to independently verify potentially competing claims as to the circumstances that led to a tenant's tenancy ending; matters generally addressed in Tribunal settings such as the LTB; and,
- Concern that issues of historical tenant displacement may be the result of broader issues beyond the scope of what current Incentive Programs could address including the need for tenant education/resources concerning the existing rights provided under the *Residential Tenancies Act* required before an application for a City Financial Incentive Program has been submitted (note that Council's recent approval of Report HSC19011(a) on April 28, 2021 respecting the Tenant Defence Fund may assist with some aspects of this concern).

In accordance with Council's direction respecting the Hamilton Tax Increment Grant Application for 540 King Street East, Hamilton, staff have undertaken a further review of the existing purpose and intent of the Hamilton Tax Increment Grant, Barton Kenilworth Tax Increment Grant, the Barton/Kenilworth Commercial Corridor Building Improvement Grant and Commercial Corridor Housing Loan and Grant Programs, including those amendments intended to mitigate potential tenant displacement which came into effect on January 1, 2020 via Report PED19178/HSC19052.

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As a further response to Council's direction, staff also reviewed regulations and practices regarding two specific tenant notices commonly used in conjunction with Projects involving renovations to existing residential rental units and about which concerns were raised by delegations at the July 5, 2021 General Issues Committee. These notices include an N11 notice (being a mutual agreement between a tenant and landlord to end a tenancy) and an N13 notice (being a notice to end tenancy because the landlord is seeking to demolish a rental unit, repair it or convert it to another use).

Issuance of N11/N13 notices by landlords to existing tenants are permitted through the Province's *Residential Tenancies Act* subject to certain requirements. With respect to the N13 notice, *the Act* further provides specific rights to tenants issued this notice including (but not limited to):

- The right of first refusal so the tenant may return to the same unit once renovations are complete;
- The right to return to the unit at a similar rent as prior to the renovations; and,
- The right to compensation for the period that the tenant cannot occupy the unit while renovations are being undertaken or be offered another rental unit acceptable to the tenant (except where the owner/landlord was ordered to demolish or repair the rental unit under any act or law).

Staff are aware of community concern that events may transpire in association with the issuance of an N11/N13 notice that may result in a tenant not exercising rights provided to them under *the Act*. Examples of concerns brought to staff's attention include:

- Landlords/property owners not being able to contact tenants to resume their tenancy after a renovation has been completed where an N13 notice was issued;
- Tenants being offered inducements or "buy-outs" to enter into N11 agreements to end a tenancy or, in the case of an N13 notice, to not exercise a right of first refusal to return to a unit; or,
- Difficulties tenants may face in finding short term accommodations during the period their unit is being renovated and the resulting need to relocate to another part of the City or move to another municipality permanently as a result.

It is noted by staff that the above matters are not in contravention of *the Act* but are rather matters that may arise in conjunction with, or as a result of, a landlord issuing a notice to a tenant. As such, any amendment to City programs that would attempt to assess the appropriateness of historical N11/N13 notices at a property as a condition of

SUBJECT: Financial Incentive Program Amendments Respecting Mitigation of Potential Tenant Displacement (PED21159) (City Wide) - Page 9 of 14

program eligibility would require staff and/or Council to make determinations about highly subjective, or easily disputed, matters such as:

- Whether a tenant was aware of rights provided to them under *the Act* when an inducement was accepted to end a tenancy;
- Whether a tenant was aware of Hamilton rental market conditions and potential increased rental costs that may be incurred from ending a tenancy; and/or,
- Whether any actions taken by the landlord as part of the providing of a notice under *the Act* were, while not in contravention of *the Act*, considered to be “acceptable” and by what standard if not related to compliance with Provincial legislation.

It is staff’s assessment that these subjective matters require the exploration of claims and facts, and ultimately determinations of right or wrong, that should occur under the Province’s jurisdiction in a formal tribunal setting via the LTB.

Notwithstanding the above, staff are cognizant of continued community and Council concerns respecting potential tenant displacement which may occur at properties which subsequently become the subject of an application under a City Financial Incentive Program.

For the reasons stated in this section, staff have not explored Program amendments that would require Staff/Council to make evaluation/determinations about historical use of N11 and N13 notices or evaluate claims of tenant displacement at a property. Instead, staff have focused on Program amendments that would attempt to minimize the potential use of City Incentive Programs for renovation Projects where tenant displacement is most likely to occur while still retaining the availability of key programs to support developments/improvements in specific circumstances where programs can continue to leverage private-sector investment that will increase the supply of safe, healthy and legal housing, contribute to the stock of new or improved commercial spaces, and generally support revitalization efforts in areas with the greatest need.

As such, staff are recommending the following Program amendments:

- Hamilton Tax Increment Grant and Barton/Kenilworth Tax Increment Grant Programs

Staff are recommending that the purpose and intent of these Programs be modified to exclude from eligibility those portions of a development/improvement Project which consist of renovations to existing residential rental units, except where certain conditions are met.

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Through staff's review, it was identified that due to Municipal Property Assessment Corporation's (MPAC) methodology for determining the assessment value of the vast majority of residential rental Projects, Projects consisting of only renovations to existing residential rental units will primarily generate the increased assessment (and resulting municipal property tax uplift) required to be generated for eligibility under a tax increment-based program only if there are increased market rents and rental income that can be generated from the renovated units.

Although staff believe these Programs have made positive contributions to the revitalization of key commercial districts and corridors through the renovation of existing residential rental units, and that the Programs have the potential to continue leveraging positive private-sector investments that would benefit the revitalization of Hamilton's commercial districts and corridors, staff recognize that the inherent need for renovated units to generate increased market rents in order to generate the municipal tax uplift needed to be eligible under these Programs, may compete with other community/Council priorities and have thus led to staff's recommendation to remove such residential rental unit renovation Projects from Program eligibility.

Development/improvement Projects which would continue to be eligible for participation under these Programs going forward would include:

- New or renovated non-residential spaces (such as commercial buildings or the commercial portion of a mixed-use building otherwise containing existing residential rental units);
- New or renovated residential condominium units;
- New residential rental units; and,
- Renovations to spaces that were residential units but are subject to a change of use to another non-residential rental use, such as commercial.

Notwithstanding the above, staff recognize there may be instances where the renovation of existing residential rental units may result in a municipal tax increment but nonetheless will form part of a boarder Project that will continue to meet affordability or revitalization objectives with limited, or no potential tenant displacement. As such, staff are recommending exceptions to permit as eligible all new or renovated residential rental units which will generate a municipal tax increase where:

- The Project does not result in tenant displacement.

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- The broader improvement/development has been approved for financial assistance under a CMHC, Federal, Provincial or City program for the purposes of creating residential rental housing to address housing affordability in the City.

This exception will allow mixed income Projects to continue benefiting from these programs when being supported by government programs where a portion of residential rental units will be subject to a maximum affordability threshold.

- An existing building has been entirely vacant for at least two years prior to a program application or pre-application being submitted to the City.

A key focus of all DCR CIP Programs is to support the revitalization of commercial districts and corridors by reducing the number of long-standing vacant and derelict properties. Properties which have been vacant for an extended period of time are generally vacant due to challenges not related to the presence of existing tenants at low market rents. The presence of vacant buildings hinders the broader revitalization of these areas and represent lost opportunities to increase the supply of safe, healthy and legal housing in, or in close proximity to, key commercial districts and corridors. Staff are comfortable that the recommended two-year vacancy requirement will capture longer-term vacant buildings in need of support but will be a long-enough vacancy period to make it financially untenable for a property owner to intentionally leave a building vacant to meet program eligibility requirements. However, staff will monitor any use of this exception to ensure it is meeting its intended purpose and make recommendations for changes, as needed.

- The property owner and program applicant are a registered, not-for-profit organization.

This exception will allow not-for-profit housing provider to benefit from these programs to support improved residential rental unit conditions with a limited risk that any renovations would occur in connection with tenant displacement. Staff note that with respect to tax increment-based programs, this condition will only apply where the not-for-profit is subject to municipal property taxes.

- The Barton/Kenilworth Building Improvement Grant and Commercial Corridor Housing Loan and Grant Programs.

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Unlike tax increment-based programs, the Barton/Kenilworth Commercial Corridor Building Improvement Grant and Commercial Corridor Housing Loan and Grant programs do not require development/improvement Projects to generate an increase in assessment/municipal taxes in order to be eligible. This creates an opportunity for these Programs to continue supporting renovations to existing residential rental units without the inherent need for an increase in potential market rents for renovated rental units.

However, in order to further mitigate the potential for these Programs to be used for properties which may have had potential historical tenant displacement, staff are recommending amendments that are intended to reduce this possibility and will further refine the focus of development/improvement Projects which could be eligible under the Program going forward. As such, staff are recommending that, in addition to the four exceptions provided for under the tax increment-based programs, two additional exceptions be provided that are possible due to the non-tax increment nature of these programs:

- The interior renovations directly support improvements to a commercial space or will improve/replace shared building services utilized by a commercial space and another use within the same building (such as plumbing, electrical or HVAC systems).

Staff believe maintaining the ability to provide incentives for the improvement of existing commercial spaces is vital to achieving the City's revitalization goals in the CIPAs subject to these Programs. Common within these areas are older, low-rise buildings with mixed uses (typically consisting of commercial spaces at grade and residential uses above grade). In staff's experience, these mixed-use buildings will contain common building services that serve both the commercial space and another use in the building. To facilitate improvements to commercial spaces, these common services (such as plumbing, electrical or HVAC services) may need to be replaced/repared resulting in indirect improvements to other uses in the building. Staff are recommending that these types of improvements continue to be permitted as eligible provided they are primarily intended to support a commercial space, will only result in indirect improvements to existing residential units and do not involve any upgrades/improvements within individual residential rental units.

- The planned renovations are solely in response to the landlord being ordered to make repairs under any act or law or where the renovations are intended to support the legalization and/or recognition of an existing residential rental unit, without which, the unit would no longer be permitted to be occupied.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Financial Incentive Program Amendments Respecting Mitigation of Potential Tenant Displacement (PED21159) (City Wide) - Page 13 of 14

These Programs apply in areas of the City where staff have noted a higher concentration of existing residential rental units where the age and condition of the units may lead to increased instances of landlords being subject to orders to make repairs or where the legal status/ability for the unit to be recognized by Building staff is in question. In these instances, renovations may be required to existing units to comply with the current Provincial Building and Fire Codes or the City's Property Standards By-law. These Programs provide a potential avenue to provide financial support to landlords to enable their undertaking of necessary repairs which, if not undertaken, could result in a loss of existing housing.

Correlation to Staff's Completed Comprehensive Review of the Downtown and Community Renewal Community Improvement Plan

At the time of Council's direction, staff were in the process of finalizing updates to the DCR CIP Implementing By-law and associated Program descriptions, including those Programs subject to the recommendations of this Report, which had resulted from staff's completion of a comprehensive review of the DCR CIP previously presented via Report PED21035 at the March 24, 2021 General Issues Committee and subsequently approved by Council at its March 31, 2021 meeting.

Should Council approve the recommendation of this Report, staff will incorporate the recommended amendments as part of the broader update to the DCR CIP and its programs and bring this update forward to the Planning Committee for a statutory public meeting as required under the *Planning Act*.

ALTERNATIVES FOR CONSIDERATION

Alternative to the recommendations of this Report, the existing purpose and intent of City Financial Incentive Programs and associated program terms could remain unchanged with respect to the eligibility of development/improvement Projects consisting of renovations to existing residential rental units.

This alternative would continue to support existing revitalization efforts in key commercial districts and corridors with the acknowledgement that historical tenant displacement issues are beyond the ability of staff to consider in the recommendation of program applications due to the issues/constraints identified in this Report and that applications recommended for approval by staff may involve properties which have been the subject of historical tenant displacement.

SUBJECT: Financial Incentive Program Amendments Respecting Mitigation of Potential Tenant Displacement (PED21159) (City Wide) - Page 14 of 14

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.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.



Financial Incentive Program Amendments Respecting Potential Historical Tenant Displacement (PED21159) (City-Wide)

General Issues Committee – September 8, 2021

Council Direction to Staff

On July 9, 2021 City Council approved the following direction:

“Report PED21140, respecting the Hamilton Tax Increment Grant - 540 King Street East, Hamilton, was referred back to staff to meet with ACORN Hamilton and the applicant, as well as to provide a legal analysis, and policy revisions to address any potential loopholes of this program, which may result in displacement of tenants and report back to the General Issues Committee.”

Additional Programs subject to staff’s review:

- Barton/Kenilworth Tax Increment Grant
- Barton/Kenilworth Commercial Corridor Building Improvement Grant
- Commercial Corridor Housing Loan and Grant

Responding Staff Reports

There are two staff reports on today's agenda responding to different aspects of Council's direction:

- PED21159 respecting recommended policy revisions to programs (the subject of this presentation)
- PED21140(a)/LS21033 respecting the Hamilton Tax Increment Grant for 540 King Street East specifically addressing Council's request for staff to meet with ACORN Hamilton and the Applicant, as well as to provide a legal analysis

Background

- Programs are intended to support the revitalization of commercial districts and corridors through the improvement/creation of commercial, residential and mixed use buildings and properties
- Since the programs subject to review were created, they have assisted with the renovation of **162** residential units and the creation of **1041** residential units, of which **676** units were rentals.
- These programs were last subject to amendments in October 2019 in response to a Motion of Council respecting mitigation of potential tenant displacement. Program amendments approved by Council via PED19178/HSC19052 came into effect on Jan. 1, 2020

Staff's Review

- Concerns raised by delegations at the July 5, 2021 General Issues Committee focused on the use of *N11/N13 notices to displace tenants
- Staff note that concerns with *N11/N13 notices generally focused on actions taken by landlords in conjunction with providing such notices such as offering 'buy-outs' to end a tenancy or being provided such notices in bad-faith
- Actions such as offering buy-outs or other inducements to tenants are not in contravention of Provincial legislation.

**an N11 notice being a mutual agreement between a tenant and landlord to end a tenancy and an N13 notice being a notice to end tenancy because the landlord is seeking to demolish a rental unit, repair it or convert it to another use*

Staff's Review

- Consideration of a landlord's use of N11/N13 notices as a means of determining program eligibility requires subjective considerations such as:
 - Was a tenant aware of their rights when a 'buy-out' or inducement was accepted?
 - Was a tenant aware of Hamilton's rental market conditions and the potential for increased rents at a new location?
 - Were actions taken by the landlord (such as offering a buy-out), while not in contravention of provincial regulations, considered to be "acceptable"? By what standard would this be determined if not in contravention of legislation?
- These subjective matters require the exploration of claims and facts, and ultimately determinations of right or wrong, that should be made under the Province's jurisdiction in a formal tribunal setting via the Landlord and Tenant Board.

Recommendations

- Staff are recommending that programs be amended to exclude from future eligibility renovations to existing rental units except in certain circumstances:

		Programs			
		Hamilton Tax Increment Grant	Barton/Kenilworth Tax Increment Grant	Barton/Kenilworth Commercial Corridor Building Commercial	Corridor Housing Loan and Grant
Exceptions	It can be confirmed that no tenant displacement has occurred	✓	✓	✓	✓
	The project includes affordable housing that is supported by a CMHC, Federal, Provincial or City program	✓	✓	✓	✓
	The existing building has been entirely vacant for at least two years prior to an application being submitted	✓	✓	✓	✓
	The property owner and program applicant are a registered, not-for-profit organization	✓	✓	✓	✓
	Improvements are for shared services also utilized by a commercial space within the same building (HVAC, pumbing etc.)	*No municipal tax increment anticipated		✓	✓
	Improvements respond to an order issued under any act or law or support the legalization/recognition of an existing unit, without which, the unit would no longer be permitted to be occupied.			✓	✓

Implementation

- Staff's recommendations will require amendments to the Downtown and Community Renewal Community Improvement Plan (DCR CIP) which will require a statutory public meeting and associated public notice to be provided in accordance with the *Planning Act*
- At the time of Council's direction, staff were already finalizing updates/changes to the DCR CIP arising from a previously completed comprehensive review presented via PED21035 and approved by Council March 31, 2021
- The previously planned updates already required a statutory public meeting and new implementing by-laws which were planned for the September 21, 2021 Planning Committee meeting
- Staff are recommending that the additional changes presented today be consolidated with already planned updates and brought forward together

Transition

- In accordance with required appeal periods provided under the *Planning Act*, the updated DCR CIP could not come into effect any earlier than October 19, 2021
- Until the updated CIP has come into effect, staff may be required to bring forward recommendation reports for existing program applications involving the renovation of existing rental units which meet existing program terms
- Once the updated CIP has come into effect, new applications, as well as any existing applications not yet approved will be subject to the updated programs.



THANK YOU



Hamilton

**ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES
REPORT 21-008**

4:00 p.m.

Tuesday, August 10, 2021

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

Present: A. Mallet (Chair), P. Kilburn (Vice-Chair), S. Aaron,
P. Cameron, J. Cardno, M. Dent, L. Dingman,
A. Frisina, S. Geffros, J. Kemp, T. Manzuk,
M. McNeil, T. Murphy, K. Nolan, T. Nolan and
R. Semkow

Absent

with regrets: Mayor F. Eisenberger
C. McBride

Also Present: J. Bowen, Supervisor, Diversity and Inclusion
C. Cutler, Advisor to the Mayor

**THE ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES PRESENTS REPORT 21-008 AND
RESPECTFULLY RECOMMENDS:**

- 1. Advisory Committee for Persons with Disabilities'
Disability Awareness Calendar (Item 6.3(a))**

WHEREAS, the Disability Awareness Calendar generates awareness to a wide variety of annual health, disability awareness and inclusion campaigns and includes various disability awareness dates and commemorative observance days, weeks and months;

THEREFORE, BE IT RESOLVED:

- (a) That the Advisory Committee for Persons with Disabilities' Annual Disability Awareness Calendar, attached as Appendix "A" to Advisory Committee for Persons with Disabilities Report 21-008, be approved; and,
- (b) That the Advisory Committee for Persons with Disabilities' Annual Disability Awareness Calendar, attached as Appendix "A" to Advisory Committee for Persons with Disabilities Report 21-008, be posted on the Advisory Committee for Persons with Disabilities webpage (<https://www.hamilton.ca/council-committee/council-committee-meetings/advisory-committee-persons-disabilities>).

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

6. CONSENT ITEMS

6.3 Outreach Working Group Update

6.3(b) Outreach Working Group Meeting
Notes – June 29, 2021

12. GENERAL INFORMATION / OTHER BUSINESS

12.4 Vote Housing Campaign Video

CHANGES TO THE ORDER OF ITEMS:

That the following agenda items moved up on the agenda to be considered following the Approval of Minutes of the Previous Meeting:

8. PUBLIC HEARINGS / DELEGATIONS

- 8.1 Susan Creer, Accessible Hamilton, respecting Accessibility Concerns with the Outdoor Dining District Program (approved at the July 13, 2021 meeting)

7. STAFF PRESENTATIONS

- 7.1 Complete, Livable, Better Streets Design Manual

The agenda for the August 10, 2021 meeting of the Advisory Committee for Persons with Disabilities was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)**(i) July 13, 2021 (Item 3.1)**

The minutes of the July 13, 2021 meeting of the Advisory Committee for Persons with Disabilities, were approved, as presented.

(d) CONSENT ITEMS (Item 6)**(i) Built Environment Working Group Update (Item 6.1)**

The Built Environment Working Group advised the Committee that they are engaged in discussions with Public Works staff respecting the 2022/2023 sidewalk snow-clearing program. The Working Group has also followed up with Landscape Architectural Services to pursue the development of accessibility guidelines for municipal parks and recreational spaces. Other ongoing topics of discussion include, but are not limited to, sidewalk curb cuts and the integration of accessibility in heritage properties.

The verbal update from T. Manzuk, respecting the Built Environment Working Group, was received.

(ii) Housing Issues Working Group Update (Item 6.2)**(1) Housing Issues Working Group Meeting Notes – June 15, 2021 (Item 6.2(a))**

That the Housing Issues Working Group Meeting Notes of June 15, 2021, were received.

(iii) Outreach Working Group Update (Item 6.3)**(1) Outreach Working Group Meeting Notes –
June 29, 2021 (Added Item 6.3(b))**

The Outreach Working Group Meeting Notes of June 29, 2021, were received.

(iv) Transportation Working Group Update (Item 6.4)**(1) Transportation Working Group Meeting Notes
– July 27, 2021 (Item 6.4(a))**

The Transportation Working Group Meeting Notes of July 27, 2021, were received.

(v) Strategic Planning Working Group Update (Item 6.5)

A. Mallet relinquished the Chair to P. Kilburn to provide the Committee with an update on the Strategic Planning Working Group.

The verbal update from A. Mallet, respecting the Strategic Planning Working Group, was received.

A. Mallet assumed the Chair.

**(1) Strategic Planning Working Group Meeting
Notes – July 26, 2021 (Item 6.5(a))**

The Strategic Planning Working Group Meeting Notes of July 26, 2021, were received.

The following Motion was DEFEATED:

That members of the Advisory Committee for Persons with Disabilities be permitted to delegate at the August 12, 2021 meeting of the Audit, Finance and Administration Committee respecting Item 1 of Governance Review Sub-Committee Report 21-005 - July 14, 2021 (2022 Municipal Election: Voting Methods and Tabulating By-law (FCS21073) (City Wide)).

(e) STAFF PRESENTATIONS (Item 7)**(i) Complete, Livable, Better Streets Design Manual (Item 7.1)**

Trevor Jenkins, Project Manager – Sustainable Mobility, addressed Committee respecting the Complete, Livable, Better Streets Design Manual.

Brian Hollingworth, Director, Transportation Planning and Parking, was also present and assisted in answering questions.

The presentation, respecting the Complete, Livable, Better Streets Design Manual, was received.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)**(i) Susan Creer, Accessible Hamilton, respecting Accessibility Concerns with the Outdoor Dining District Program (approved at the July 13, 2021 meeting) (Item 8.1)**

Susan Creer, Accessible Hamilton, addressed the

Committee respecting Accessibility Concerns with the Outdoor Dining District Program, with the aid of a presentation.

The delegation from Susan Creer, Accessible Hamilton, respecting Accessibility Concerns with the Outdoor Dining District Program, was received.

The Committee felt that a more fulsome discussion respecting the Outdoor Dining District Program should be the subject matter of a Special Meeting of the Advisory Committee for Persons with Disabilities and therefore, requested that the Legislative Coordinator schedule a Special Meeting with all relevant City staff being invited.

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

(i) Accessibility Complaints to the City of Hamilton (Item 12.1)

Jessica Bowen, Supervisor, Diversity and Inclusion, advised that an accessibility complaint was received in relation to the placement of a pole at an intersection. The complaint was forwarded to the appropriate staff in Public Works for further discussion and resolution.

The verbal update from Jessica Bowen, respecting Accessibility Complaints to the City of Hamilton, was received.

(ii) *Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Update (Item 12.2)*

No update.

**(iii) Presenters List for the Advisory Committee for
Persons with Disabilities (Item 12.3)**

No update.

(iv) Vote Housing Campaign Video (Added Item 12.4)

The Vote Housing Campaign Video was shown for the
Committee's information.

The Vote Housing Campaign Video, was received.

(h) ADJOURNMENT (Item 14)

There being no further business, the Advisory Committee for
Persons with Disabilities adjourned at 6:05 p.m.

Respectfully submitted,

A. Mallet, Chair
Advisory Committee for
Persons with Disabilities

Alicia Davenport
Legislative Coordinator
Office of the City Clerk

The Advisory Committee for Persons with Disabilities

Celebrates

International Day for Persons with Disabilities

The Advisory Committee for Persons with Disabilities presents you with this 2022 Calendar recognizing International Day for Persons with Disabilities. Statistics tell us that one in five Canadians have some kind of disability. This Calendar is our attempt to show how many of us strive to overcome our disabilities and how diverse our different needs are.

Darnley Cascade



Hamilton



Local Waterfall Photography By: Sarah Powell

JANUARY 2022

S	M	T	W	T	F	S
						1
2	3	4 World Braille Day	5	6	7	8
9	10	11 ACPD	12	13	14	15
16	17	18	19	20	21	22
23	24 Moebius Syndrome Awareness Day	25	26	27	28	29
30 Chronic Traumatic Encephalopathy Awareness Day	31 World Leprosy Day International Day of the Zebra					



Alzheimer's Awareness Month

Can.

Birth Defects Prevention Month

U.S.

Cervical Health Awareness Month

U.S.

Co-Dependency Awareness Month

U.S.

Glaucoma Awareness Month

U.S.

Thyroid Awareness Month

U.S.

Jan. 30 - Feb. 5

World Leprosy Week

Intl.

Chedoke Falls



Hamilton



"DI54BILIT7 N33D NO7 B3 4N OB574CL3
 7O 5UCC355"

5. H4WKING



FEBRUARY 2022



S	M	T	W	T	F	S
		1	2 Rheumatoid Arthritis Awareness Day	3	4 World Cancer Day	5
6	7	8 ACPD	9	10	11 World Day Of The Sick	12
13	14 Sexual and Reproductive Health Day Congenital Heart Defect Awareness Day	15 International Childhood Cancer Day	16	17	18	19
20	21	22 Heart Valve Disease Awareness Day	23	24	25	26
27 Anosmia Awareness Day	28 Rare Disease Day					



Hamilton



"We rise by lifting others."
R. Ingersoll



MARCH 2022



- Brain Injury Awareness Month Intl.
- Colorectal Cancer Awareness Month Intl.
- Colour Therapy Month U.S.
- Deep Vein Thrombosis Prevention Awareness Month U.S.
- Developmental Disabilities Awareness Month U.S.
- Endometriosis Awareness Month Intl.
- Epilepsy Awareness Month Can.
- Essential Tremor Awareness Month Intl.
- Help Fight Liver Disease Month Can.
- Hemophilia Awareness Month U.S.
- Kidney Month Intl.
- Liver Health Month Can.
- Multiple Sclerosis Awareness Month U.S.
- Music Therapy Awareness Month Can.
- Muscular Dystrophy Awareness Month Aust.
- Ovarian Cancer Awareness Month U.K.
- Self Injury Awareness Month Intl.
- Trisomy Awareness Month Intl.
- Mar. 6 - 12 Glaucoma Awareness Week Intl.
- Mar. 14 - 20 Brain Awareness Week Intl.

Sherman Falls

S	M	T	W	T	F	S
		1 Disability Day of Mourning Self Injury Awareness Day International Wheelchair Day	2	3	4 World Obesity Day HPV Awareness Day	5
6 World Lymphedema Awareness Day	7	8 ACPD Breast Implant Illness Awareness Day	9	10 Women and Girls HIV/AIDS Awareness Day	11	12
13	14	15	16	17	18 Trisomy 18 Awareness Day	19
20	21 World Down Syndrome Day	22	23	24 World Tuberculosis Day	25 Cerebral Palsy Awareness Day	26 Purple Day for Epilepsy
27 Amniotic Fluid Embolism Awareness Day	28	29	30	31		



"Kindness begins with the understanding that we all struggle."

C. Glassman



APRIL 2022

Autism Awareness Month U.S.
Cushing Disease/Syndrome Awareness Month U.S.
Limb Loss Awareness Month U.S.
IBS Awareness Month Can.
National Donate Life Month U.S.
Parkinson's Disease Awareness Month Intl.
Paralyzed Veterans Across America Month U.S.
Primary Immunodeficiency Awareness Month U.S.
Rosecea Awareness Month Can.
Sarcoidosis Awareness Month Intl.
Apr. 3 - 9 Oral, Head and Neck Cancer Awareness Week U.S.
Apr. 9 - 16 Porphyria Awareness Week U.S.
Apr 10 - 16 Parkinson's Awareness Week U.K.
Apr. 18 - 24 Multiple Sclerosis Awareness Week U.K.
Apr. 21 - 28 World Primary Immunodeficiency Week Intl.
Apr. 24 - 30 Infertility Awareness Week Can.
Apr. 24 - 30 Organ and Tissue Donation Awareness Week Can.

Albion Falls

S	M	T	W	T	F	S
					1	2 World Autism Awareness Day
3	4	5	6 Bohring-Optiz Syndrome Awareness Day	7 Green Shirt Day World Health Day	8 Cushing Disease/Syndrome Awareness Day	9
10	11 Parkinson's Disease Awareness Day	12 ACPD	13 Sarcoidosis Awareness Day Functional Neurological Disorder Awareness Day	14	15	16
17 World Hemophilia Day	18	19 Congenital Diaphragmatic Hernia Action Day	20	21	22	23 Fibrodysplasia Ossificans Progressiva Awareness Day
24	25 World Meningitis Day World Malaria Day	26	27 Show Your Mettle Day (Amputees)	28 Day of Mourning	29 World Wish Day	30



"There is nothing impossible to they who will try."

A. The Great (para)



MAY 2022

Allergy/Asthma Awareness Month	U.S.
Amyotrophic Lateral Sclerosis (ALS) Awareness Month	U.S.
Ankylosing Spondylitis Awareness Month	Can.
Arthritis Awareness Month	U.S.
Better Speech and Hearing Month	U.S.
Bladder Cancer Awareness Month	Intl.
Borderline Personality Disorder Awareness Month	U.S.
Brain Tumour Awareness Month	Intl.
Celiac Disease Awareness Month	Intl.
Cystic Fybrois Awareness Month	Intl.
Crohn's and Colitis Awareness Month	Aust.
Ehler-Danlos Syndrome Awareness Month	U.S.
Guillain-Barre Syndrome Awareness Month	Can.
Hepatitis Awareness Month	U.S.
Hemochromatosis Awareness Month	Can.
Huntington's Disease Awareness Month	U.S.
Lupus Awareness Month	U.S.
Lyme Disease Awareness Month	Intl.
Melanoma and Skin Cancer Awareness Month	Can.
Mental Health Month	U.S.
Mobility Awareness Month	U.S.
Multiple Sclerosis Awareness Month	Can.
Myositis Awareness Month	U.S.
Older Americans Awareness Month	U.S.
Speech and Hearing Month	Can.
Stroke Awareness Month	U.S.
Vision Health Month	Can.
May 1 - 7 Brain Tumour Action Week	U.S.
May 11 - 17 Brain Injury Awareness Week	U.S.
May 29 - Jun 4 AccessAbility Awareness Week	Can.

Felker's Falls (summer)

S	M	T	W	T	F	S
1 Childhood Stroke Awareness Day	2	3 World Asthma Day	4	5 Ependymoma Awareness Day World Pulmonary Hypertension Day	6	7 Children's Mental Health Awareness Day
8 World Ovarian Cancer Awareness Day	9	10 ACPD World Lupus Day	11	12 Fibromyalgia Awareness Day International CFS/ME Awareness Day	13	14 Apraxia Awareness Day
15 Mucopolysaccharidoses Awareness Day	16	17 World Hypertension Day World Neurofibromatosis Awareness Day	18	19 Schizencephaly Awareness Day	20 World Autoimmune Arthritis Day Global Accessibility Awareness Day	21
22	23 International Day to End Obstetric Fistula	24 World Schizophrenia and Psychosis Day	25 World Thyroid Day	26	27	28
29	30 World Multiple Sclerosis Awareness Day	31				



Hamilton



"The only disability in life is a bad attitude."
S. Hamilton



JUNE 2022

Alzheimers and Brain Awareness Month	Intl.
Amyotrophic Lateral Sclerosis Awareness Month	Can.
Antiphospholipid Antibody Syndrome Awareness Month	U.S.
Aphasia Awareness Month	U.S.
Brain Injury Awareness Month	Can.
Bowel Cancer Awareness Month	Aust.
Migraine and Headache Awareness Month	U.S.
Myasthenia Gravis Awareness Month	U.S.
Hemiplegic Migraine Awareness Month	U.S.
Osteoporosis Month	U.K.
Post Traumatic Stress Disorder Awareness Month	U.S.
Thyroid Awareness Month	Can.
Scleroderma Awareness Month	U.S.
Spina Bifida and Hydrocephalus Awareness Month	Can.
Stroke Awareness Month	Can.
Jun. 6 - 13 Spinal CSF Leak Awareness Week	Can.
Jun 14 - 20 Diabetes Week	U.K.
Jun. 24 - 30 Deaf/Blind Awareness Week	U.K.
Jun. 26 - Jul 2 Hellen Keller Deaf/Blind Awareness Week	U.S.

Tiffany Falls

S	M	T	W	T	F	S
			1 World Hypoparathyroidism Awareness Day	2	3	4
5	6	7 Cancer Survivors Day	8 World Brain Tumour Day	9	10	11 Neuropathy Action Awareness Day
12	13 Albinism Awareness Day	14 ACPD	15	16	17 CDKL5 Worldwide Awareness Day	18 Autistic Pride Awareness Day
19 World Sickle Cell Day	20	21 Global Day of Recognition of ALS/MND	22	23 Dravet Syndrome Awareness Day	24	25 World Vitiligo Awareness Day
26	27 Helen Keller Day Post Traumatic Stress Disorder Awareness Day	28	29 Cancer Wellness Awareness Day World Scleroderma Awareness Day	30 Arthrogryposis Awareness Day		



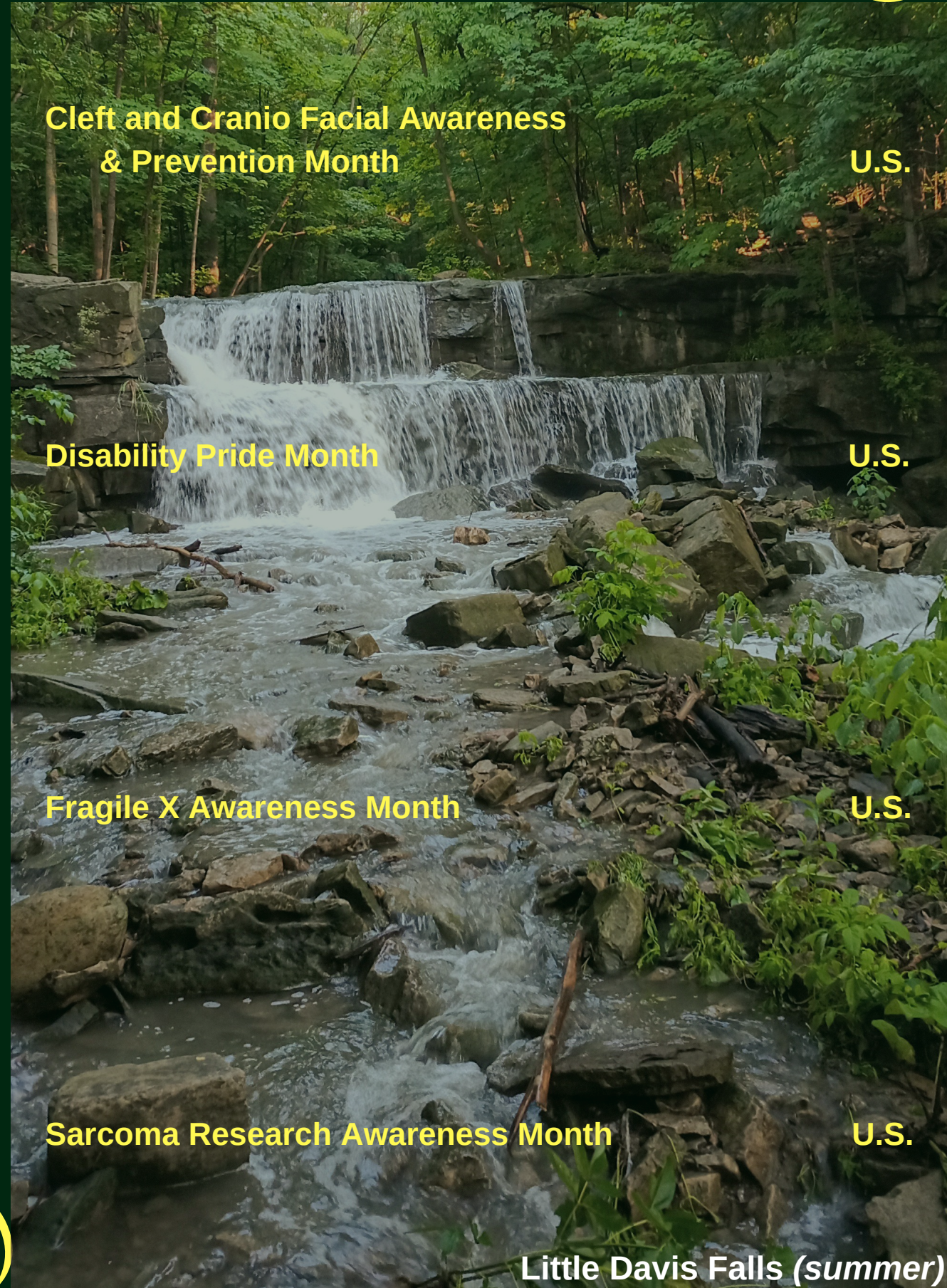
Hamilton



"Aerodynamically, the bumblebee shouldn't be able to fly but it doesn't know that and flies anyways."
M. K. Ash



JULY 2022



**Cleft and Cranio Facial Awareness
& Prevention Month**

U.S.

Disability Pride Month

U.S.

Fragile X Awareness Month

U.S.

Sarcoma Research Awareness Month

U.S.

Little Davis Falls (summer)

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12 ACPD Heterochromia Awareness Day	13 Gastrointestinal Stromal Tumour Awareness Day	14	15	16
17	18	19	20	21 Glioblastoma Awareness Day	22	23 World Sjogren's Day
24 Seasonal Affective Disorder Day	25	26 Disability Independence Day	27	28 World Hepatitis Day	29	30 Gastroschisis Awareness Day
31						



Hamilton

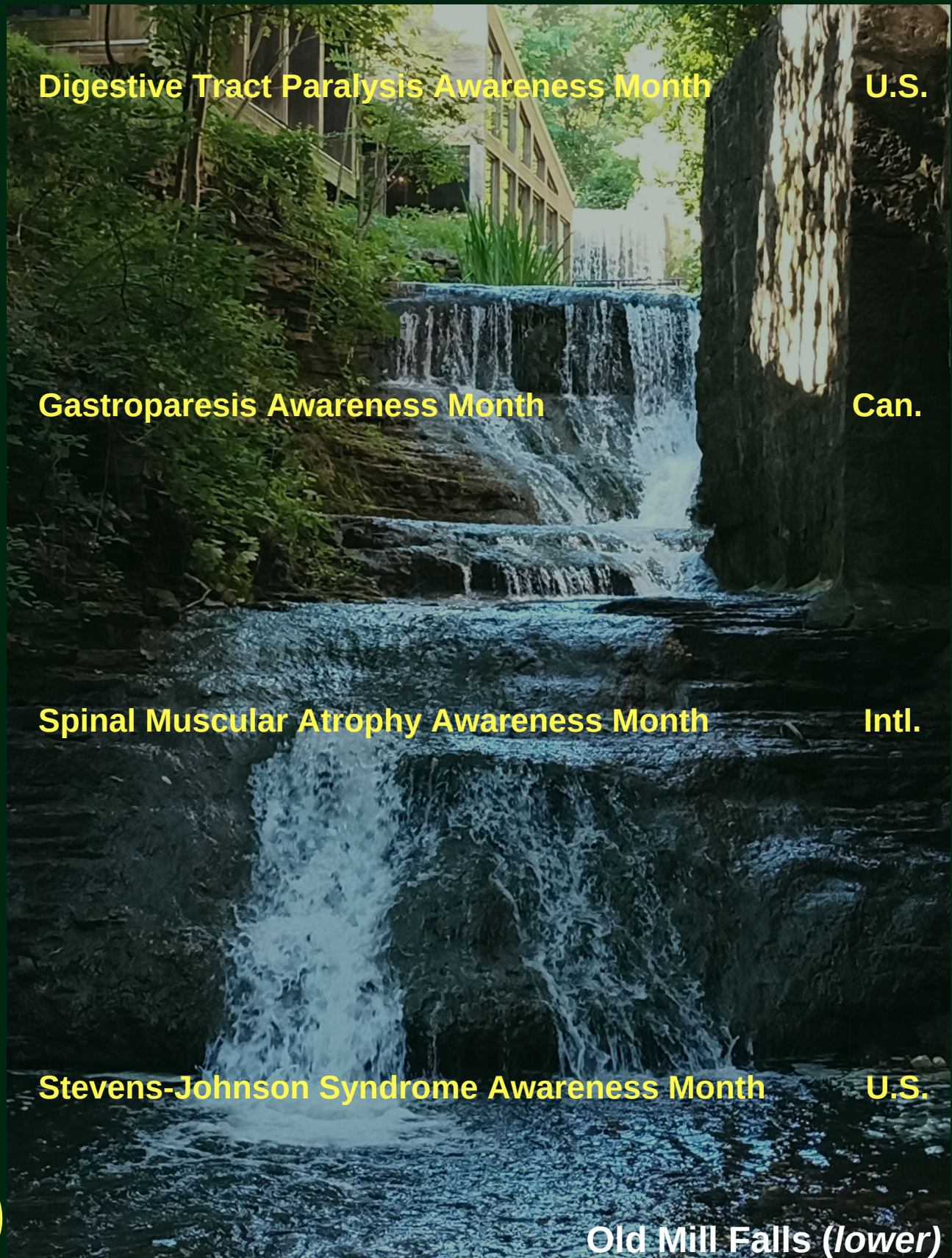


**"I wouldn't change you for the world but I
would change the world for you."**

Unknown



AUGUST 2022



S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9 ACPD	10	11	12	13
14	15	16	17	18	19	20
21 Senior Citizen's Day	22	23	24	25	26	27
28	29	30	31 International Overdose Awareness Day			



**"It does not matter how slowly you go
 as long as you do not stop."
 Confucius**



SEPTEMBER 2022



- Achalasia Awareness Month U.S.
- Alopecia Areata Awareness Month U.S.
- Arthritis Awareness Month Can.
- Charcot-Marie-Tooth Awareness Month Can.
- Childhood Cancer Awareness Month Intl.
- Craniofacial Acceptance Month Can.
- Duchenne Muscular Dystrophy Awareness Month Can.
- Fetal Alcohol Spectrum Disorder Awareness Month Can.
- Guide Dog Awareness Month U.S.
- Hydrocephalus Awareness Month U.S.
- Lymphoma Awareness Month U.S.
- Orthostatic Tremor Awareness Month U.S.
- Ovarian Cancer Awareness Month Intl.
- Pain Awareness Month U.S.
- Peripheral Artery Disease Awareness Month U.S.
- Polycystic Ovary Disease Awareness Month U.S.
- Prostate Cancer Awareness Month Intl.
- Sickle Cell Anemia Awareness Month Can.
- Suicide Prevention Awareness Month U.S.
- Spinal Cord Injury Awareness Month U.S.
- Syringomyelia & Chiari Malformation Month Can.
- Thyroid Cancer Awareness Month U.S.
- World Alzheimer's Disease Awareness Month Intl.
- Sep. 19 - 26 Week of the Deaf People Awareness Week Intl.

Buttermilk Falls

S	M	T	W	T	F	S
				1	2	3
4 Polycystic Kidney Disease Awareness Day	5 Disability Awareness Day	6	7 World Duchenne Muscular Dystrophy Awareness Day	8	9 International Fetal Alcohol Spectrum Disorder Awareness Day	10
11	12	13 ACPD Celiac Disease Awareness Day	14	15 Myotonic Dystrophy Awareness Day World Hodgkin's Lymphoma Awareness Day	16	17
18 HIV/AIDS and Aging Awareness Day	19 Terry Fox Run Usher Syndrome Awareness Day	20	21 World Alzheimer's Day	22 World Chronic Myeloid Leukemia Awareness Day	23 International Day of Sign Language	24 Atypical Hemolytic Uremic Syndrome Awareness Day
25 Ataxia Awareness Day	26 Mesothelioma Awareness Day	27	28	29	30 Sport Purple for Platelets Day Limb Girdle Muscular Dystrophy Awareness Day	



"I am different but not less"

T. Grandin



OCTOBER 2022

ADHD Awareness Month	U.S.
Breast Cancer Awareness Month	Intl.
Colon Cancer Awareness Month	U.S.
Depression Education and Awareness Month	U.S.
Disability Employment Awareness Month	Intl.
Down Syndrome Awareness Month	U.S.
Dwarfism Awareness Month	U.S.
Dysautonomia Awareness Month	Intl.
Dyslexia Awareness Month	U.S.
Eczema Awareness Month	U.S.
Liver Cancer Awareness Month	U.S.
Learning Disability Awareness Month	Intl.
Lupus Awareness Month (French)	Can.
Mark it Read for Dyslexia Awareness Month	Can.
Occupational Therapy Month	Can.
Raynaud's Awareness Month	U.S.
Rett Syndrome Awareness Month	Intl.
Selective Mutism Awareness Month	U.S.
Spinal Bifida Awareness Month	U.S.
Oct 18 - 24 Invisible Disabilities Week	Can.
Oct. 25- 31 Epidermolysis Bullosa Awareness Week	Intl.

Borer's Falls

S	M	T	W	T	F	S
						1
2	3	4	5 Veterans Disabled for Life Day	6 World Cerebral Palsy Awareness Day	7 Trigeminal Neuralgia Awareness Day	8 World Sight Day
9 PANDAS/PANS Awareness Day	10 World Sight Day World Mental Health Day	11 ACPD	12 World Arthritis Day	13 World Thrombosis Day Metastatic Breast Cancer Awareness Day	14	15 Blind Americans Equality Day
16 World Spine Day	17	18	19 Psoriatic Arthritis Day	20 World Osteoporosis Day	21	22 International Stuttering Awareness Day
23	24 Brain Cancer Awareness Day World Polio Day	25 World Spina Bifida and Hydrocephalus Day	26	27	28	29 World Stroke Day
30	31					



"Believe you can and you are halfway there."
T. Roosevelt



NOVEMBER 2022



- Alzheimer's Awareness Month U.S.
- Chronic Obstructive Pulmonary Disorder Awareness Month U.S.
- Crohn's and Colitis Awareness Month Can.
- Dercum's Disease (Adiposis Dolorosa) Awareness Month U.S.
- Epilepsy Awareness Month U.S.
- Lung Cancer Awareness Month Intl.
- Movember Can.
- Indigenous Disability Awareness Month Can.
- Pancreatic Cancer Awareness Month U.S.
- Prostate Cancer / Men's Health Awareness Month U.S.
- Osteoporosis Awareness Month Can.

S	M	T	W	T	F	S
		1	2	3	4	5
6	7 Cancer Awareness Day	8 ACPD Aicardi Syndrome Awareness Day	9	10	11	12 World Pneumonia Day
13 World Pancreatic Cancer Day	14 World Diabetes Day	15 World Ohtahara Awareness Day	16	17	18 World COPD Day	19 Enteropathic Arthritis Awareness Day
20	21	22	23	24 N24 Syndrome Awareness Day	25	26
27	28	29	30 Stomach Cancer Awareness Day			



"The only thing worse than being blind is having sight but no vision."
H. Keller



DECEMBER 2022



Little Davis Falls (Winter)

S M T W T F S

				1 World AIDS Day	2 Women's Brain Health Day	3 International Persons With Disabilities Day
4	5	6	7	8	9	10
11	12	13 ACPD	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31



Hamilton




"Once you choose hope, anything is possible."

C. Reeve





INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	September 8, 2021
SUBJECT/REPORT NO:	2021 Grey Cup Update (PED18234(d)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ryan McHugh (905) 546-2424 Ext. 4132
SUBMITTED BY:	Carrie Brooks-Joiner Director Tourism and Culture Planning and Economic Development
SIGNATURE:	

Discussion of Confidential Appendix “A” to Report PED18234(d) in closed session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-law and the Ontario Municipal Act, 2001:

- 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.

RATIONALE FOR CONFIDENTIALITY

Appendix “A” to Report PED18234(d) is being considered in closed session as it contains details related to the confidential negotiation.

RATIONALE FOR MAINTAINING CONFIDENTIALITY

Staff are recommending that Appendix “A” to Report PED18234(d) remain confidential to protect the competitiveness of current and future negotiations.

COUNCIL DIRECTION

Staff were directed to provide periodic updates on the status of the 2021 Grey Cup.

INFORMATION

In February of 2019, the Canadian Football League (CFL) announced that the 2021 Grey Cup would be held at Tim Hortons Field in Hamilton.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: 2021 Grey Cup Update (PED18234(d)) (City Wide) - Page 2 of 3

On August 17, 2020, the CFL announced the cancellation of the entire 2020 CFL season. This included the cancellation of the 2020 Grey Cup, which was to be held in Regina, Saskatchewan.

On November 20, 2020, the CFL released the schedule for the 2021 Grey Cup season. The season was to begin on June 10, 2021 and conclude with the Grey Cup on November 21, 2021 in Hamilton.

On April 21, 2021, the CFL announced the delay of the start of the 2021 CFL season to August 5, 2021 and the Grey Cup to December 12, 2021 respectively. This April 21, 2021 communication also expressed the continued uncertainty around:

- “The approval of public health officials across the country of our plans for protecting the health of our players, coaches, and ultimately our fans, so a 2021 season is safe”; and,
- “Permission from governments to host a significant number of fans in the stands, in a significant number of venues at the start of the season, and in the rest of our venues soon after that, so a 2021 season is financially tenable for our clubs”.

The CFL’s communication highlighted the importance of ticket revenue to CFL clubs and spoke to various contingency scenarios that were being contemplated:

- “For example, if we are unable to host fans in the East because of COVID-19, we are prepared to start play in the West, provided eastern teams can return to their home provinces, and play in front of their fans, later in the season.
- And we have contingency plans in place, should factors beyond our control delay the start of our season beyond August 5. The bottom line is we are optimistic we will have a season in 2021, culminating in a great Grey Cup.”

On July 9, 2021, the Ontario Provincial Government announced that as of 12:01 a.m. on Friday, July 16, 2021, Ontario would be moving to “Step Three of the Roadmap to Reopening”. Under Step Three, “capacity for outdoor spectators is 75% of the usual seating capacity or 15,000 people, whichever is less.”

Subsequently, the Hamilton Tiger-Cats put forward their reopening plan to the City of Hamilton’s Emergency Operations Centre, which was approved.

According to the Roadmap to Reopening, “the province will remain in Step Three for at least 21 days and until 80% of the eligible population aged 12 and over has received one dose of a COVID-19 vaccine, and 75% have received their second, with no public health unit having less than 70% of their eligible population aged 12 and over fully vaccinated.”

SUBJECT: 2021 Grey Cup Update (PED18234(d)) (City Wide) - Page 3 of 3

On July 30, 2021, a spokesperson for Health Minister Christine Elliott said that “upon exiting the Roadmap, the vast majority of public health measures, including capacity limits, will be lifted. Only a small number of measures will remain in place, including the requirement for passive screening, such as posting a sign, and businesses requiring a safety plan.”

On July 10, 2021, the Hamilton Tiger-Cats began their training camp at Tim Hortons Field and their home opener is scheduled to take place at Tim Hortons Field on September 6, 2021. As permitted under Step Three of the Provincial Roadmap to Reopening, up to 15,000 people could attend the home opener in person.

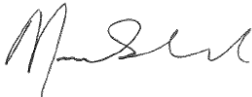

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Confidential 2021 Grey Cup Update

RM:ac



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Economic Development Division
 and
CORPORATE SERVICES DEPARTMENT
 Legal and Risk Management Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	September 8, 2021
SUBJECT/REPORT NO:	Hamilton Tax Increment Grant - 540 King Street East, Hamilton (PED21140(a)/LS21033) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Carlo Gorni (905) 546-2424 Ext. 2755 Phil Caldwell (905) 546-2424 Ext. 2359 Michael Kovacevic (Appendix D) (905) 546-2424 Ext. 4641
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Division Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Stephen Spracklin City Solicitor, Legal and Risk Management Services Division Corporate Services Department
SIGNATURE:	

Discussion of Appendix "D" to Report PED21140(a)/LS21033 in Closed Session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the Ontario Municipal Act, 2001:

- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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**SUBJECT: Hamilton Tax Increment Grant - 540 King Street East, Hamilton
(PED21140(a)/LS21033) (Ward 3) - Page 2 of 9**

RECOMMENDATION

- (a) That submissions provided by ACORN Hamilton representatives and the Hamilton Tax Increment Grant Program Applicant for 540 King Street East, Hamilton, contained in Appendix “B” and “C” respectively to Report PED21140(a)/LS21033, be received;
- (b) That a Hamilton Tax Increment Grant Program Application submitted by Malleum Real Estate Partners IV, by its General Partner Malleum General Partner IV Limited (Tyler Pearson and Greg Clewer), for the property at 540 King Street East, Hamilton, estimated at \$169,801.83 over a maximum of a five (5) year period, and based upon the incremental tax increase attributable to the renovation of 540 King Street East, Hamilton, be authorized and approved in accordance with the terms and conditions of the Hamilton Tax Increment Grant Program;
- (c) 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 IV, by its General Partner Malleum General Partner IV Limited (Tyler Pearson and Greg Clewer) for the property known as 540 King Street East, Hamilton, in a form satisfactory to the City Solicitor;
- (d) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including but not limited to: deciding on actions to take in respect of events of default and executing any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

EXECUTIVE SUMMARY

On July 9, 2021 Council approved the following direction to staff originating from the July 5, 2021 General Issues Committee in respect to staff’s original recommendation Report PED21140 regarding an Application for a Hamilton Tax Increment Grant (HTIG) at 540 King Street East, Hamilton submitted by Malleum Real Estate Partners IV, by its General Partner Malleum General Partner IV Limited (the Applicant):

“Report PED21140, respecting the Hamilton Tax Increment Grant - 540 King Street East, Hamilton, was referred back to staff to meet with ACORN Hamilton and the applicant, as well as to provide a legal analysis, and policy revisions to

**SUBJECT: Hamilton Tax Increment Grant - 540 King Street East, Hamilton
(PED21140(a)/LS21033) (Ward 3) - Page 3 of 9**

address any potential loopholes of this Program, which may result in displacement of tenants and report back to the General Issues Committee.”

As part of staff’s meetings with representatives of ACORN Canada’s three Hamilton Chapters: Mountain; Downtown and East End (hereon referred to as “ACORN”) and the HTIG Program Applicant, staff requested ACORN submit a letter outlining their specific concerns regarding potential historical tenant displacement at 540 King Street East, Hamilton, and which is contained in Appendix “B” to this Report (City staff have redacted from the ACORN submission any identifying personal information such as individual’s phone numbers). Staff subsequently provided ACORN’s submission to the Applicant and requested that they provide a response to the matters raised in the letter. The Applicant’s response letter is contained in Appendix “C” to this Report.

Staff present the responses from ACORN and the Applicant, as contained in Appendix “B” and “C” to this Report respectively, impartially and without opinion or comment as to the validity or accuracy of the content submitted to staff by each party. Both parties were informed that their respective submissions would be presented in their entirety to Council as part of this Report.

Staff are not in a position to independently verify any of the disputing claims made as this would require the exploration of historical claims and facts, and ultimately require determinations of right or wrong, that should be made under the Province’s jurisdiction in a formal tribunal setting via the Landlord and Tenant Board (LTB).

As such, staff are recommending that the Hamilton Tax Increment Grant Application in respect of renovations undertaken at the property located at 540 King Street East, Hamilton be approved as the Application has met all applicable HTIG Program terms.

Improvements undertaken at the property are estimated to increase the assessed value of the property from its current value of \$2,542,000 to approximately \$4,643,000. Upon the completion of all renovations, the eligibility of costs will be subject to compliance with the HTIG Program terms and an audit of invoices by staff.

As a result, total annual property taxes generated by the property will increase with the municipal share of this property tax increase (municipal tax increment) estimated to be approximately \$56,600.61, of which 100% would be granted to the owner during year one, 80% or approximately \$45,280.49 in year two, 60% or approximately \$33,960.37 in year three, 40% or approximately \$22,640.24 in year four and 20% or approximately \$11,320.12 in year five. The estimated total value of the Grant is approximately \$169,801.83. Note that every year the tax increment is based on actual taxes for that year.

**SUBJECT: Hamilton Tax Increment Grant - 540 King Street East, Hamilton
(PED21140(a)/LS21033) (Ward 3) - Page 4 of 9**

Notwithstanding staff's recommendation, and in further response to Council's direction, staff have developed, and are recommending via separate Report PED21159, changes to the purpose/intent and terms of various City financial incentive Program that would exclude renovations to existing residential rental units for future Program Applications except where certain conditions are met.

Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City will collect full property taxes on the property and, in turn, provide a Grant for five years, declining each year after the first year by 20%, based on the increase in the municipal portion of the taxes, post-renovation completion of 540 King Street East, Hamilton. Following year one of the Grant Payment, the City will start to realize the positive results of the Program from a financial perspective. Based on the projected figures, the estimated tax increment over five years totals \$283,003.05, of which the Applicant would receive a Grant totalling approximately \$169,801.83 and the City retaining taxes totalling approximately \$113,201.22.

Staffing: Applicants and subsequent Grant Payments under the HTIGP are processed by the Commercial Districts and Small Business Section and Taxation Section, Corporate Services Department. There are no additional staffing requirements.

Legal: Confidential legal advice prepared by staff are provided in Appendix "D" to this Report for Council consideration.

Section 28 of the *Planning Act* permits a municipality, in accordance with a Community Improvement Plan, to make loans and grants which would otherwise be prohibited under Section 106(2) of the *Municipal Act*, to registered / assessed owners and tenants of lands and buildings. A Community Improvement Plan can only be adopted and come into effect within a designated Community Improvement Project Area. Changes to a Community Improvement Plan or Community Improvement Project Area require formal amendments as dictated by the *Planning Act*.

Should Council approve the Application, the Applicant will be required to execute a Grant Agreement prior to the Grant being advanced. The Grant Agreement will be developed in consultation with the Legal and Risk Management Services Division.

As construction projects move forward, it is sometimes necessary to amend previously approved Grant Agreements and any ancillary documentation.

**SUBJECT: Hamilton Tax Increment Grant - 540 King Street East, Hamilton
(PED21140(a)/LS21033) (Ward 3) - Page 5 of 9**

Therefore, staff recommends that the General Manager of Planning and Economic Development be authorized to amend Grant Agreements and any ancillary documentation, provided that the terms and conditions of the HTIG Program are maintained.

HISTORICAL BACKGROUND

On July 9, 2021 Council approved the following direction to staff originating from the July 5, 2021 General Issues Committee in respect to staff's original recommendation Report PED21140 regarding an HTIG Program Application at 540 King Street East, Hamilton submitted by Applicant:

“Report PED21140, respecting the Hamilton Tax Increment Grant - 540 King Street East, Hamilton, was referred back to staff to meet with ACORN Hamilton and the applicant, as well as to provide a legal analysis, and policy revisions to address any potential loopholes of this Program, which may result in displacement of tenants and report back to the General Issues Committee.”

Report PED21140 had recommended approval of the Applicant's HTIG in respect of improvements made to 36 residential rental units at the subject site as well as exterior building including, not limited to, new windows, doors and other façade improvements.

This Report responds to the following aspects of the direction to staff:

- An overview of staff's meetings with ACORN's Hamilton Chapters and the Applicant, further discussed in the “Relevant Consultation” section of this Report and including letters submitted by ACORN representatives and the Applicant contained in Appendix “B” and Appendix “C” to this Report respectively; and,
- Providing a legal analysis regarding the Program Application at 540 King Street East, Hamilton for Council consideration. This analysis is discussed in the “Legal Implications” Section of this Report and in the associated Confidential Memorandum contained in Appendix “D” to this Report.

Not contained within this Report are recommendations for broader Program policy revisions which are provided via separate recommendation Report PED21159.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan

The site is municipally known as 540 King Street East, Hamilton and is located within a Primary Urban Corridor on Schedule E – Urban Structure and designated “Mixed Use –

**SUBJECT: Hamilton Tax Increment Grant - 540 King Street East, Hamilton
(PED21140(a)/LS21033) (Ward 3) - Page 6 of 9**

Medium Density” on Map E-1 – Urban Land Use Designations which is intended to permit a full range of retail, service commercial, entertainment and residential uses at a moderate scale.

The existing use of the site conforms to the above designation.

Zoning By-law No. 05-200

Under the City of Hamilton Zoning By-Law No. 05-200, the site is zoned “Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone” which provides for a mixture of uses in stand-alone or mixed-use buildings along higher order transit corridors in a built form that creates complete streets and are transit supportive. The existing use of the site is permitted.

RELEVANT CONSULTATION

In response to Council’s direction, staff met with representatives of ACORN on July 13, 2021. At this meeting staff listened to concerns raised by ACORN that included claims of historical tenant displacement at 540 King Street East as well as at other properties owned by the Applicant in Hamilton.

To further staff’s report back to Council, staff requested that ACORN articulate in writing the grounds on which they believed the HTIG Program Application for 540 King Street East, Hamilton should be refused. ACORN’s response is contained in Appendix “B” to this Report. City staff have redacted from the ACORN submission any identifying personal information such as individual’s phone numbers.

On July 7, 2021 staff met with the representatives of the Applicant. Subsequent to this meeting, on July 27, 2021, staff provided the Applicant with a copy of ACORN’s submission (as contained in Appendix “B” to this Report) and requested that the Applicant provide a written response. The Applicant’s response is contained in Appendix “C” to this Report.

Staff from the Taxation Section and the Finance and Administration Section, Corporate Services Department and the Legal and Risk Management Services Division, Corporate Services Department were consulted, and the advice received is incorporated into this Report

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Staff present the responses from ACORN and the Applicant, as contained in Appendix “B” and “C” to this Report respectively, impartially and without opinion or comment as to the validity or accuracy of the content submitted to staff by each party. Both parties

**SUBJECT: Hamilton Tax Increment Grant - 540 King Street East, Hamilton
(PED21140(a)/LS21033) (Ward 3) - Page 7 of 9**

were informed that their respective submissions would be presented in their entirety to Council as part of this Report.

Staff are not in a position to independently verify any of the disputing claims made as this would require the exploration of historical claims and facts, and ultimately require determinations of right or wrong, that should be made under the Province's jurisdiction in a formal tribunal setting via the Landlord and Tenant Board (LTB).

As such, staff are recommending that the HTIG Program Application in respect of renovations undertaken at the property located at 540 King Street East, Hamilton be approved as the Application has met all applicable HTIG Program terms.

Should Council approve the Application, the Applicant will qualify for the grant upon completion of the development project. Renovation costs are estimated at \$2,775,000 with the eligibility of costs subject to compliance with the HTIG Program terms and an audit of invoices by staff. The total estimated Grant over the five year period is estimated at approximately \$169,801.83.

Commercial Districts and Small Business staff, in co-operation with staff from the Taxation Section and Legal and Risk Management Services Division, developed an estimated Schedule of Grant Payments under the terms of the Program. The final Schedule of Grant Payments will be contingent upon a new assessment by MPAC following completion of the project. The Applicant will be required to sign a Grant Agreement. The Grant Agreement contains provisions for varying the Grant payment in each, and every year based on MPAC's assessed value. By signing, the Applicant will accept the terms and conditions outlined therein prior to any Grant Payments being made. The Agreement outlines the terms and conditions of the Grant Payments over the five year period.

The estimated Grant shall be calculated according to the following formulas:

Grant Level:	100%	
Total Eligible Costs (Maximum):	\$ 2,775,000	
Total Pre-project CVA: MT (Multi Residential)	\$ 2,542,000	Year: 2019
Pre-Project Property Taxes		
Municipal Levy:	\$ 63,011.72	
Education Levy:	\$ 3,725.14	
Pre-project Property Taxes	\$ 66,736.86	

**SUBJECT: Hamilton Tax Increment Grant - 540 King Street East, Hamilton
(PED21140(a)/LS21033) (Ward 3) - Page 8 of 9**

*Post-project CVA:

MT (Multi Residential)	\$ 4,643,000	Year: TBD
Estimated Post-project CVA	\$ 4,643,000	

Post-Project Property Taxes

****Estimated** Municipal Levy: \$ 119,612.33

****Estimated** Education Levy: \$ 7,103.79

****Estimated** Post-Project Property Taxes: \$ 126,716.12

*The actual roll number(s) assessed value(s), tax classification(s) and value partitioning (where applicable) are to be determined by the Municipal Property Assessment Corporation (MPAC).

**2020 tax rates have been used for calculation of the estimated post-development property taxes.

Pre-project Municipal Taxes = Municipal Levy = \$63,011.72

Municipal Tax Increment = \$119,612.33 - \$63,011.72 = \$56,600.61

Payment in Year One = \$56,600.61 x 1.0 = \$56,600.61

ESTIMATED GRANT PAYMENT SCHEDULE for renovation of two multi-residential buildings containing a total of thirty-six (36) residential units

Year	Grant Factor	Tax Increment*	Grant
1	100%	\$56,600.61	\$56,600.61
2	80%	\$56,600.61	\$45,280.49
3	60%	\$56,600.61	\$33,960.37
4	40%	\$56,600.61	\$22,640.24
5	20%	\$56,600.61	\$11,320.12
Total		\$283,003.05	\$169,801.83

*Note that the tax increment is based every year on actual taxes for that year. The figures above are estimates. In other words, for each year a Grant Payment is paid, the actual taxes for the year of the Grant Payment will be used in the calculation of the Grant Payment.

Details of the proposed renovation and its estimated assessment and municipal tax increments are based on the project as approved, or conditionally approved, at the time of writing this Report. Any minor changes to the planned renovation that occur prior to the final MPAC reassessment of the property may result in an increase/decrease in the actual municipal tax increment generated and will be reflected in the final Grant amount.

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**SUBJECT: Hamilton Tax Increment Grant - 540 King Street East, Hamilton
(PED21140(a)/LS21033) (Ward 3) - Page 9 of 9**

ALTERNATIVES FOR CONSIDERATION

Declining a Grant and/or approving a reduced amount would undermine the principles of the HTIG Program and regeneration efforts in general. This alternative is not recommended.

Financial: Grants totalling an estimated \$169,801.83 over a five year period would not be issued.

Staffing: N/A

Legal: See Appendix “D” to this Report for Council consideration.

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21140(a)/LS21033 – Location Map

Appendix “B” to Report PED21140(a)/LS21033 – Letter submitted by ACORN respecting 540 King Street East, Hamilton

Appendix “C” to Report PED21140(a)/LS21033 – Response Letter submitted by HTIG Program Applicant for 540 King Street East, Hamilton

Appendix “D” to Report PED21140(a)/LS21033 – Confidential Legal Advice



Submission for August 4th General Issues Committee by ACORN Hamilton.

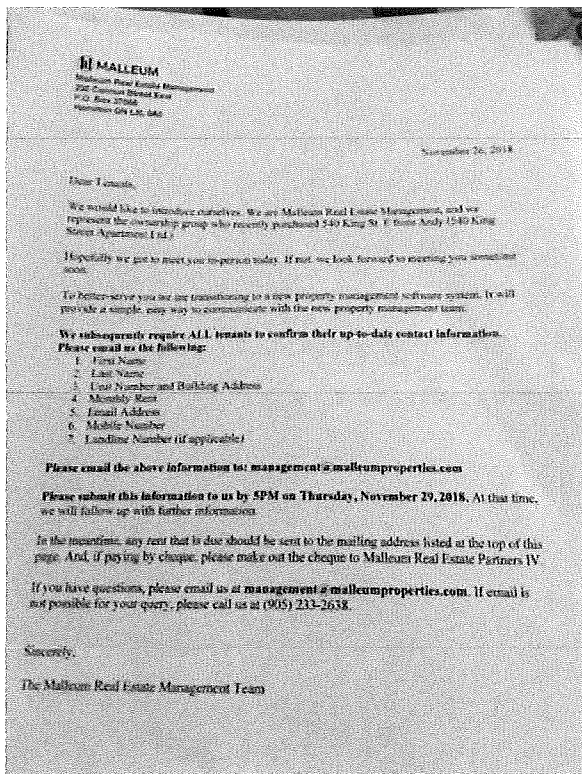
Item: Tenant Displacement by Malleum

On July 5th, ACORN members delegated to the General Issues Committee asking that Council deny the grant application to Malleum for renovations at 540 King St E in Ward 3.

This request was made on the following grounds:

1) Malleum purchased 540 King St E with tenants in 2018 but remaining tenants were displaced. The building was vacant by summer 2019. Rent at the building went from \$825 in 2018 (previous landlord) to starting at \$1,395 in 2021 (Malleum) after tenants displaced & "upscale" renovations.

A) ACORN conducted outreach in the building in November 2018 and saw a notice from Malleum posted on Block entrances introducing themselves as the new landlord.



- B) Documents shared with ACORN at the end of 2018 that were given to the tenants by the landlord that sold the building to Malleum. Tenants told ACORN that the landlord (known as Andy) informed tenants that he was selling the building and tenants had to move.

Relocation Benefit Package

Hello,

Included in this package, you will find multiple ways you can be assisted in relocating. We are prepared to offer multiple ways of making the transition as easy and smooth as possible for you and everyone in your unit.

Some of these include:

- Assistance in finding a new apartment, find list of some options of available apartments throughout Hamilton attached
- Provide you with the necessary tools for your move; boxes, tape, bubble wrap/packing paper, sharpies, bins, blankets/covers for fragile items, garbage bags, etc.
- A helping hand on moving day, including a moving truck rental with a driver and people to help you move your items
- A written letter of recommendation from your landlord to help towards getting a new tenancy
- Support in the moving process, find a list of moving companies attached
- Assistance with the application process and any other paperwork that needs to be handled throughout moving process

For any questions or if you would like to discuss your options, please feel free to email:
(or you can call Andy, 647-201-4088)

[REDACTED]
540 King Street Apartments Ltd.
540 King St. E. Hamilton, ON
L8N 1E2

To Whom It May Concern,
RE: Tenancy at 540 King St. E., Hamilton

This Letter of Recommendation is to confirm that _____
have been tenants at the above property since _____. The rental property is a
_____ bedroom apartment.

Their last rent payment was _____ which was paid on time on _____. During
the tenancy, they have been responsible and timely with their rent payments which were due
monthly.

I can highly recommend renting to _____ and can confirm that the tenants were
respectful, quiet and friendly.

You are welcome to contact me at 647-201-4088 if you have any further questions or concerns.

Sincerely,

[REDACTED]
[REDACTED]

C) ACORN kept in contact with a family living in Block [REDACTED] till around May 2019. They shared that they were repeatedly approached by management to accept the buyout to move out. The Block was not maintained with tenants still living there and the rest of the vacant units under construction.



D) ACORN kept in contact with [REDACTED] whose mother lived at 540 King St E. [REDACTED] wrote this statement to share with Council and Mountain Chair [REDACTED] read part of the statement during her July 5th delegation.

For City Council

RE: Malleum renovation(s) city grant

I, [REDACTED] make this statement on behalf of the late [REDACTED] my Mother,

and a former tenant of 540 King St. E. who was eventually renovicted by Malleum.

For just about 2 years, my Mother was a tenant at the said address. My Mom was classified as a low-income individual who was receiving social assistance from the ODSP Support Program. The apartment she was in was affordable for her. She was happy living there. She had everything there that she could have needed. Her rent and hydro bills was always paid on time. She had a good working relationship with her Landlord.

My Mother was a sick woman who was always receiving treatment and home health care services for her many medical issues as well as her addictions.

Unfortunately, Malleum came into the picture. My Mom did not want to leave. She was stable. She said for as long as she could. Unfortunately she was one of the very last tenants to eventually move out. I remember her calling me upset asking for my help (which I provided as not only am I her Son but I was also her Executor, Power of Attorney, and Next of Kin). I also took care of her for years up until the day she died.

Eventually, Malleum "won" and paid her first and last month's rent for a new place to live in and minimal moving expenses. I told my Mother to keep the moving expense aspect of the cheque as I moved her myself (like I always did for her when she needed to move). I moved her from the place she had once loved and called home to the apartment that she had lived and passed away in.

Her rent went from \$800.00 monthly to \$1200.00 monthly. She now lived beside the Helping Hands organization on Barton and Emerald. The apartment she was able to get in a hurry was not even better than the one she had at 540 King St. E. It was run down and with drug activity being high in the area, her personal safety became more of a concern. My Mother accepted this however and she made do. This should never have happened to her!

The City of Hamilton has a major housing crisis. One that is not getting any better and one that no one not even the Municipal Government is dealing with. We have Landlords here in this city who are more concerned about making monetary profits than to provide proper and affordable housing for people, who are concerned with people's credit ratings and reports (which in my opinion should not be allowed to begin with), and who will actively discriminate those who are not within a certain income tax bracket and whose credit report may not be the greatest amongst many other things (again this should not be allowed).

Housing is a given human right in Provincial Law, Federal Law, and even under International Law. This human right is constantly being infringed upon and no one seems to even want to speak about it.

This needs to stop! Malleum does not deserve a grant to cover their renovation costs. They can recoup their costs some other way. This grant only encourages gentrification and the eviction for low income and vulnerable citizens that we are supposed to serve.

Enough is enough! People like my Mother should not be put in renoviction types of situations. It is unfair and unjust. We need affordable housing not big corporations

coming in and driving costs up unnecessarily.

Reject Malleum's grant application and send a message out to the general public that they are seen and heard and that help is on the way! As elected officials who were voted in by the people, you are supposed to work for and serve the people and not the other way around.

Make the right decision and reject Malleum's application.

Thank you for your time.

Sincerely,

[Redacted Signature]

E) ACORN recovered a 2018 rental ad for 540 King St E. The rent was listed at \$825 for a 1 bedroom in 2018 but after Malleum bought and renovated the building, rent starts at \$1,395. 540 King St E was part of Hamilton's market affordable housing stock.

2018 Rental Ad for 540 King St E	2021 Rental Ad for 540 King St E										
<p>\$825, 1 Bedroom, For Rent, 540 King Street East, Hamilton, ON L8N 1E2</p> <p>2018-06-19 - 540 King Street East, Hamilton, ON L8N 1E2, Canada - Downtown Location - 1 Bedroom Apartment 1 Bedroom Hamilton Description Large 1 Beds Apartment - \$825+ Hydro Available Now! Call Jim or Andy 905 522 7979 / 647 201 4088 for a tour! One bedroom suites is very spacious, freshly painted, newly hardwood floor and newly upgraded security entry system, 905-522-7979, 647-201-4088</p>	<p>1 BEDROOM</p> <table border="1"><tr><td>Bedrooms</td><td>1</td></tr><tr><td>Bathrooms</td><td>1</td></tr><tr><td>Square feet</td><td>509</td></tr><tr><td>Rent Starting From</td><td>\$1,395</td></tr><tr><td>Availability</td><td>Available Now</td></tr></table>	Bedrooms	1	Bathrooms	1	Square feet	509	Rent Starting From	\$1,395	Availability	Available Now
Bedrooms	1										
Bathrooms	1										
Square feet	509										
Rent Starting From	\$1,395										
Availability	Available Now										
											

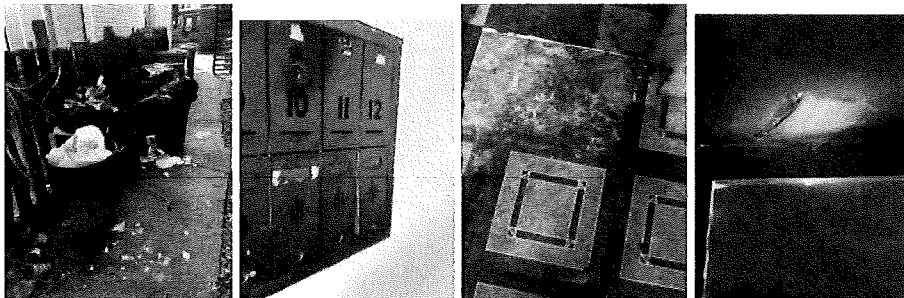
F) ACORN conducted outreach to 540 King St E on July 1 2021 and spoke to two current tenants in the building. The tenants shared that the renovations were cheaply done, there is nowhere for tenants to put their garbage, common areas and grounds are not being maintained / cleaned and that the rent is very expensive. One tenant (who made a video delegation for GIC July 5) shared that there are sometimes homeless people in front of the building that tell her & her neighbors that they used to live there.



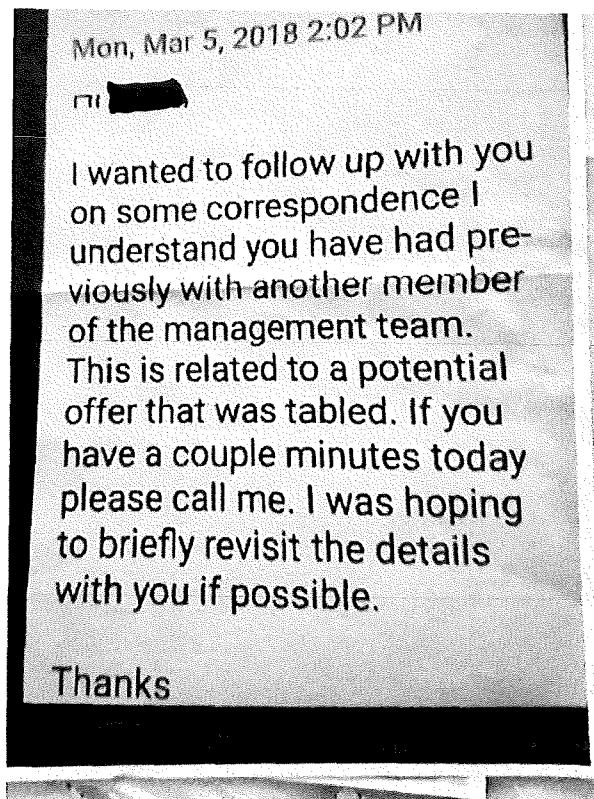
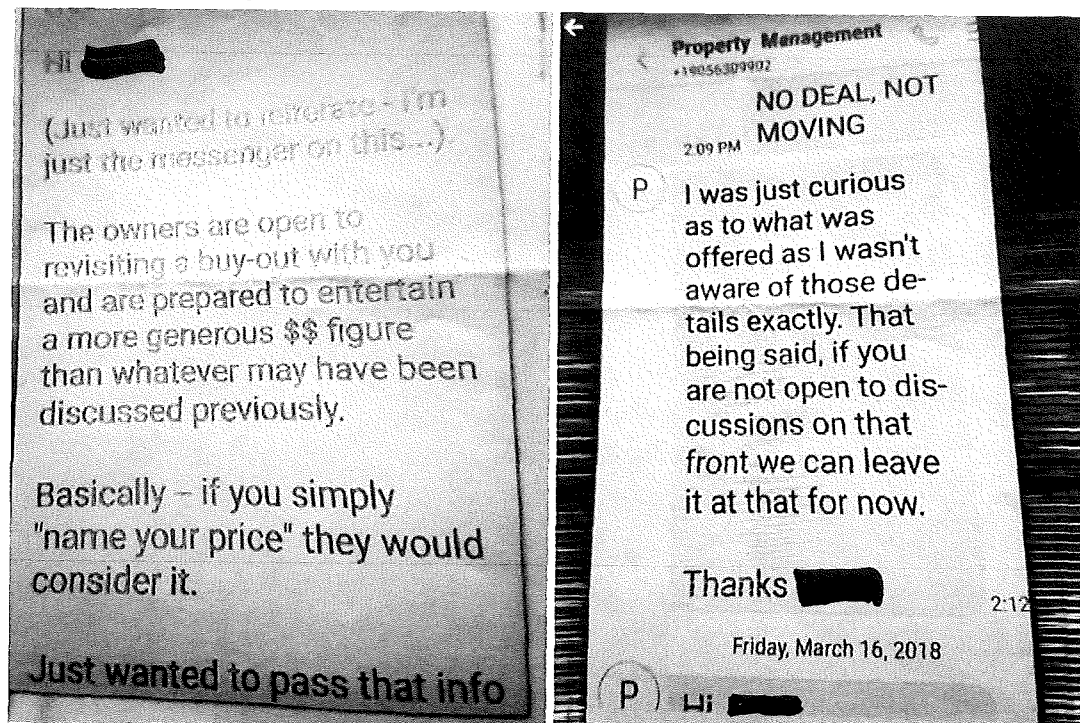
2) Malleum has caused tenant displacement at several of their properties in downtown Hamilton through aggressive buyout offers, handing tenants N13s & deliberate neglect at their buildings

a) Malleum aggressively offered buyouts to ACORN members at [REDACTED] Albert St during their ownership between August 2016 - December 2019, served one tenant a N13 notice and deliberately neglected the building.

Photos taken during Malleum Ownership. *Left to right.* Unmaintained grounds, broken mailboxes, broken tiles in ACORN member's unit, leak in ACORN's members unit.



Text messages between a tenant at [REDACTED] Albert St and a Malleum property manager RE: buyouts in March 2018.



Real estate ad for [REDACTED] Albert St which states opportunity to displace the 5 remaining tenants in unrenovated units and re-rent at a higher price.



41 Albert Street, Hamilton, Ontario, L8M 2Y1

\$2,449,500

PROPERTY INFORMATION

Great opportunity to own this carefully redeveloped 13 unit apartment building. 3 storey walkup with 12-1 bedroom units & 1-4 bedroom unit. Separate coin laundry room for all tenants. This building has seen great attention to detail with renovations in 8 of 13 units. New kitchens with quartz counter tops, stainless steel appliances, refinished original hardwood floors, restored character and charm throughout. This building is in demand and commands excellent rents with 1 bedrooms currently renting for \$1325 plus hydro. Basement has been fully redeveloped into a luxury 5 bedroom unit and is rented to great tenants who utilize the basement commercial lease for their employees during short local stays. OPPORTUNITY 1: to renovate remaining 5 units and re-rent at \$1,295 (or higher), resulting in income increase of \$3,136 per month (\$37,632 annual), equal to approx \$640,000+ value lift, available to the new owner! OPPORTUNITY 2: 13 separate condo titles for each unit, offers buyer significantly lower land transfer taxes in addition to the option to sell individual units in future. Current gross income of \$180,025 and a net operating income of \$135,638. Offered at a 5.5 cap. rate. Located within walking distance to new LRT line and all transit options. A short walk to Gage park, Hamilton's largest city park. Financials available on request. Buy now and as cap rates decrease watch value increase. \$1,295

Press:

[https://www.hamiltonnews.com/news-story/9647871-tenant-advocates-argue-against-grant-for-hamilton-developer-accused-of-renoviction-/](https://www.hamiltonnews.com/news-story/9647871-tenant-advocates-argue-against-grant-for-hamilton-developer-accused-of-renoviction/)

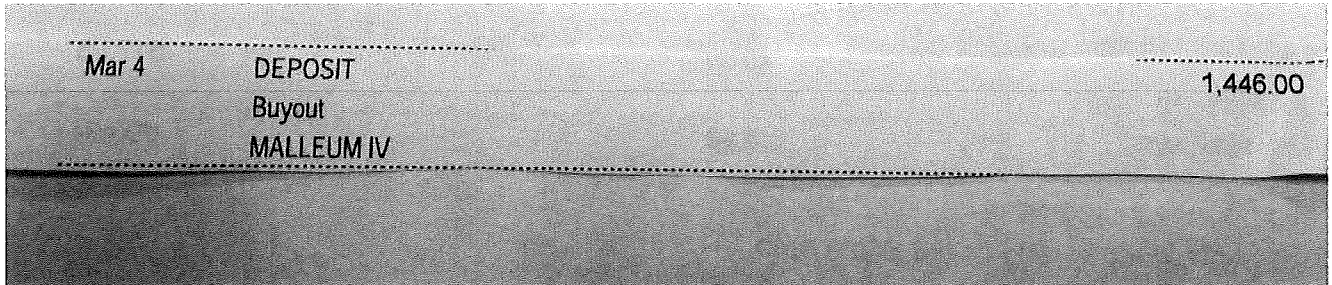
"Another tenant, who didn't want to be named because she feared repercussions, said she has been pressured to leave her apartment of 11 years at [REDACTED] Albert St. "I'm staying put. I can't afford to move."

The woman said tenants in five apartments in the low-rise, 13-unit building still pay under \$700 a month but renovated units go for \$1,325 a month.

Malleum has put the property up for sale with a listed price of \$2.4 million. The advertisement notes the buyer can renovate the remaining five units and "re-rent at \$1,295 (or higher)."

b) Malleum displaced ACORN members at █████ Sherman Ave N by forcing tenants to accept low ball buyouts between fall 2018 & February 2019.

Photo of ACORN member █████ bank statement with buyout from Malleum. She moved out February 2019. █████ has delegated three times to Council sharing her experience.



Mar 4	DEPOSIT	1,446.00
	Buyout	
	MALLEUM IV	

Press:

<https://www.cbc.ca/news/canada/hamilton/160-sherman-problems-1.4833633>

<https://www.thespec.com/news/hamilton-region/2019/05/13/fight-renovictions-with-policy-hamilton-tenant-advocates-urge-city.html>

“█████ regrets taking a \$2,000 buyout from her landlord.

In fact, she wanted to stay at █████ Sherman Ave. N., but under pressure from the building's new owner, agreed to leave, Ellis says.”

- c) Malleum displaced an ACORN member & tenants at 1083 Main St E in 2019 by buyouts but also showed N13 notices if tenants did not accept the buyout.

Photos of neglect at the building (taken September 2019). *Left to right.* Malleum made no improvements to the facade, unkept parking garage, common areas not cleaned.



Example of N13 given to tenants at King side of 1083 Main St. The tenant at this specific unit felt forced to accept the buyout and the unit remains vacant till this day.

Notice to End your Tenancy
 Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use
 N13
 (Disponible en français)

To: (Tenant's name) (circle all tenant names)	From: (Landlord's name)
[REDACTED]	MALLEUM REAL ESTATE MANAGEMENT CORP
Address of the Rental Unit	
1286.5 KING STREET EAST [REDACTED] HAMILTON ON L8M 1G8	

This is a legal notice that could lead to you being evicted from your home.

The following information is from your landlord

I am giving you this notice because I want to end your tenancy. I want you to move out of your rental unit by the following termination date: 3/17/2019.

My Reason for Ending your Tenancy
 have shaded the circle next to my reason for ending your tenancy.

Reason 1: I intend to demolish the rental unit or the residential complex.

Reason 2: I require the rental unit to be vacant in order to do repairs or renovations so extensive that I am required to get a building permit and the rental unit must be vacant to do the work.

Note: You have the right to move back into the rental unit once I have completed the repairs or renovations. If you want to move back in once the work is done, you must give me written notice telling me you want to move back in. Also, you must keep me informed in writing any time your address changes.

Reason 3: I intend to convert the rental unit or the residential complex to a non-residential use.

Details About the Work I Plan to do
 I have described below the work I plan to do for the reason shown above, including specific details about how I will carry out the work.

Work planned	Details of the Work
1. Electrical Upgrades 2. Heating Upgrades	1. The Landlord intends to upgrade the electrical infrastructure in the building. To complete this work, the section of the building where you reside will not have any electrical service for a period in excess of 6 months. The Landlord intends to begin this work starting on January 2nd 2020. The Landlord expects the work to be completed within 8-12 months, assuming there are no major delays or surprises. 2. The Landlord intends to upgrade the heating infrastructure in the building and complete substantial repairs to the existing heating system. To complete this work the section of the building where you reside will not have any heat for a period in excess of 6 months. The Landlord intends to begin this work starting on January 2nd 2020. The Landlord expects the work to be completed within 8-12 months, assuming there are no major delays or surprises.

One of our members who took the buyout described to us the pressure to move out.

“Once I was alone in this section the cockroaches increased. One crawled on my son. The dumpster was broken on a regular basis, the tower door lock was broken. I didn’t want my son living in those conditions.”

The tenant accepted a buyout because he felt like there was no other option.

2021 Real Estate Brochure for Malleum selling the building. States 41 vacant units out of 60.

FOR SALE | 60 Units

1083 Main St. E.

Hamilton, ON

PROPERTY OVERVIEW

ABOUT HAMILTON

Hamilton is a historic port city known as "Steeltown" thanks to its years of work in steel that made the city what it is today. It's a rapidly growing region in Southern Ontario with a population of approximately 747,545. Thanks to both its proximity to Toronto and its employment boom in recent years, Hamilton has begun to attract a growing crowd of young people and creative professionals to the downtown core.

ABOUT PARK MANOR

1083 Main St. E is located at the intersection of King Street East and Main Street East in one of the most sought after neighbourhoods in Hamilton, Crown Point West. Right across the street is the iconic Gage Park, a 71 acre urban park featuring floral gardens, fountains, playgrounds and ice-skating rinks.

This is the ideal property for any investor looking to add value immediately. The amazing location right across from Gage Park allows for complete rebranding and is an exciting opportunity to create a boutique 60 unit building. The 41 vacant units provide a huge upside potential on rents. You can create a quick turnaround by upgrading this building and units all at one time.

PROPERTY DETAILS

Unit Breakdown: 60 residential (23 x 1 bed, 35 x 2 bed and 2 x 3 bed)

Construction: Concrete block, brick exterior

AC: Present in 8 renovated units

Heating: Electric Baseboards and HWG

Year Built: 1922 and c.1945

Number of Full Storeys: 5


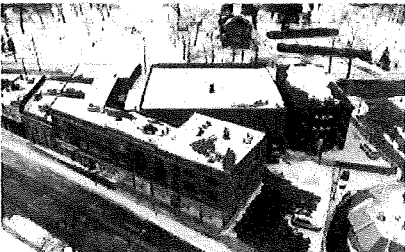
Flooring Type: Vinyl Plank


Vacancies: 41 units


Square Footage of Lot: 24,111.14 ft² (0.554 ac)

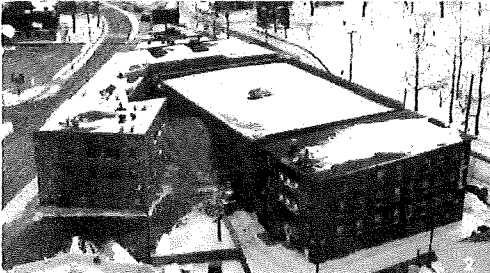
Balconies: None

Legal Description: PT LT 6, CON 2 BARTON , AS IN CD470792 ; HAMILTON

 **Location:** Central location close to St. Peter's Hospital (3 minute walk), The Centre Mall on Barton St. E., Ottawa Street, The Hamilton's Children's Museum, The Tim Hortons Field and McMaster University

 **Public Transportation:** Hamilton Street Railway (HSR) operates public transit buses in the city with multiple bus routes near the property.



D) A father of a senior tenant living at [redacted] Kenilworth Ave N called the ACORN office to share that his father was displaced by Malleum. He sent ACORN a copy of an N13 & N11 form given to his father in October 2019.

72-1

Notice to End your Tenancy
Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use
N13

To: (Tenant's name) include all tenant names	From: (Landlord's name) MALLEUM REAL ESTATE MANAGEMENT
---	--

Address of the Rental Unit:
[redacted] Kenilworth Ave. N. [redacted] Hamilton, ON L8H 4S8

This is a legal notice that could lead to you being evicted from your home.

The following information is from your landlord

I am giving you this notice because I want to end your tenancy. I want you to move out of your rental unit by the following termination date:

3	0	/	0	4	/	2	0	1	9
---	---	---	---	---	---	---	---	---	---

dd/mm/yyyy

My Reason for Ending your Tenancy
I have shaded the circle next to my reason for ending your tenancy.

- Reason 1:** I intend to demolish the rental unit or the residential complex.
- Reason 2:** I require the rental unit to be vacant in order to do repairs or renovations so extensive that I am required to get a building permit and the rental unit must be vacant to do the work.
Note: You have the right to move back into the rental unit once I have completed the repairs or renovations. If you want to move back in once the work is done, you must give me written notice telling me you want to move back in. Also, you must keep me informed in writing any time your address changes.
- Reason 3:** I intend to convert the rental unit or the residential complex to a non-residential use.

Details of the Work I Plan to do
I have shaded the circle next to the work I plan to do for the reason shown above, including specific details about the work to be done.

Work planned	Details of the Work

Page 1 of 3

Appendix "B" to Report PED21140(a)/LS21033

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Agreement to End the Tenancy
N11

Name of Tenant: include all tenant names	Name of Landlord: MALLEUM REAL ESTATE MANAGEMENT
Address of the Rental Unit:	

The landlord and the tenant agree that the tenancy will end on / / .
dd/mm/yyyy

This is the termination date. The tenant will move out of the rental unit on or before the termination date.

Important information from the Landlord and Tenant Board**The landlord can apply to evict the tenant**

After the landlord and tenant sign this agreement, the landlord can apply to the Board for an order evicting the tenant. The earliest eviction date the Board can include in its order is the termination date set out above.

The tenant must move out

The tenant must move out and remove all their personal possessions from the rental unit by the termination date set out above. If the tenant moves out by the termination date set out above, but leaves behind personal possessions, the tenant will no longer have any rights to those possessions and the landlord will be allowed to dispose of them.

The tenant can't be required to sign this agreement

A landlord cannot require the tenant to sign an N11 *Agreement to End the Tenancy* as a condition of agreeing to rent a unit. A tenant does not have to move out based on this agreement if the landlord required the tenant to sign it when the tenant agreed to rent the unit.

Exceptions: A landlord can require a tenant to sign an N11 *Agreement to End the Tenancy* as a condition of agreeing to rent a rental unit in the following two situations:

- The tenant is a student living in accommodation provided by a post-secondary institution or by a landlord who has an agreement with the post-secondary school to provide the accommodation.
- The tenant is occupying a rental unit in a care home for the purposes of receiving rehabilitative or therapeutic services, and
 - the tenant agreed to occupy the rental unit for not more than 4 years,
 - the tenancy agreement set out that the tenant can be evicted when the objectives of providing the care services have been met or will not be met, and
 - the rental unit is provided to the tenant under an agreement between the landlord and a service manager under the *Housing Services Act, 2011*.

Keep a copy of this agreement

Both the landlord and the tenant should keep a copy of this agreement for their records.

How to get more information

For more information about this notice or your rights, you can contact the Landlord and Tenant Board. You can reach the Board by phone at **416-645-8080** or **1-888-332-3234**. You can visit the Board's website at sijo.ca/LTB.

E) ACORN also had contact in 2019 with tenants at [redacted] Steven St & [redacted] King St (both buildings became vacant after Malleum took over, properties are beside each other) but we were not provided copies of any forms.

Vacant [redacted] Steven St, photo taken 2019.



Vacant apartments above commercial space - [redacted] King St E. Photo taken 2019.





July 15 2021

Submission for August 4th General Issues Committee by ACORN Hamilton.

Item: Improvements to city incentive grant programs to ensure the City of Hamilton is not contributing to tenant displacement

ACORN has advocated to the city to not give grants to companies with a history of tenant displacement. In July 2019, a motion was approved unanimously to review and make changes to city incentives programs to ensure city grants were not contributing to tenant displacement.

Unfortunately the staff recommendations passed in October 2019 are not adequate.

ACORN recommends:

Long term

- Reevaluating the purpose of the grant programs. Why is the city giving money to a private equity firm for interior renovations? Malleum promises huge return to their investors & charges rents out of reach for low and moderate income tenants. Malleum & similar private investment companies are making it harder for tenants in Hamilton to afford housing.

Short term

- Approved applications should be restricted on offering tenant buyouts & serving N13 eviction notices (renovictions)
- Grant applicants should be required to disclose if there were tenants when they bought the building and if there were and they are no longer there, explain why the building / units are now vacant. If the applicant displaced tenants (buyouts, N13) then the application should be denied.
- Reject grants to applicants with a history of tenant displacement in Hamilton. Weight should be given to the applicant's impact in the community. Consult local tenant & housing groups as needed.

Hamilton is in a housing crisis. The city needs to protect tenants & our existing market affordable housing stock.

Renoviction is when tenants are forced out or evicted from their home because the landlord claims they need vacancy for major renovations. The goal is to get out long term tenants / tenants playing under market rent and re-rent the units to new tenants at a higher rent.

Renoviction has a huge social and financial impact on tenants and Hamilton:

- Displacement of low income & vulnerable residents
- Destroys existing stock of market affordable housing
- Drives up rents in the neighborhood
- Housing instability for tenants
- Increases demand for social housing
- Incentivizes landlords to deliberately let their buildings fall into disrepair
- Increasing pressure on social and health services
- Increase in homelessness

Renoviction is usually a combination of tactics:

- Offering tenants low ball buyouts (also known as "Cash for keys"). Buyouts are only offered when a landlord is trying to get a tenant to give up their rent controlled apartment. The idea is to offer a financial incentive for tenants to move. This eliminates the tenant's right to have the option to return to the unit after renovations (N13 - first right of refusal).
- N13 eviction notices (Landlord may not even file at the Landlord and Tenant Board). Tenants often will not challenge the eviction at the board and move out by the 'move out date'. Landlords are under no obligation to keep to a certain timeline. Finding a short term affordable lease is near impossible, most tenants are forced to move on.
- Stopping repairs, maintenance & pest control to frustrate tenants
- Verbal or written notices that tenants have to move out for renovations (not a legal notice to move out but may come across as one to tenants)
- Disturbing tenants with water shutoffs, noise, and dust during renovations as units become vacant

The City of Hamilton needs to pass local legislation to restrict renoviction and stop subsidizing developers that are making the housing crisis worse.

Appendix "C" to Report PED21140(a)/LS21033

Page 1 of 8

To: Hamilton City Council c/o Economic Development (Norm Schleeahn & Judy Lam)

From: Malleum Real Estate Management

RE: Response to Acorn comments re: 540 King St E & additional properties

Date: August 13, 2021

Response to comments re: 540 King St E:

Malleum would like to respond to the issues raised during and after the July 5, 2021 GIC meeting related to our management of 540 King Street East.

When Malleum took over management of 540 King Street East, the property was in complete disrepair, unsafe, and unfit for habitation. The property had not been maintained by prior ownership, it was infested with pests, and it had virtually no fire safety equipment and systems. The property had been cited by the City of Hamilton and by-law with orders to comply and major structural work was required.

While we understood the condition of the property when our management commenced, we don't have insight into how prior ownership managed this property. At the commencement of our management of the property, there were six active tenancies and 30 units without valid leases. Within the six active tenancies, four of these tenants had already provided notice to end their tenancies to the prior owner, before our tenure. We suspect the unsafe conditions and serious deficiencies at the property meaningfully contributed to their only being two tenancies that had not yet provided notice to leave at the start of our management.

We have heard the tragic story of [redacted] and we believe that more should be done in order to assist vulnerable individuals. [redacted] was not one of the six active tenancies in place when we commenced managing the property and we understand that her tenancy was scheduled to end in October 2018. We do not have the particulars related to this tenant's rental account under prior ownership nor do we have full details pertaining to any Landlord Tenant Board matters related to this tenancy.

Appendix "C" to Report PED21140(a)/LS21033

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While this tenancy was scheduled to end prior to our management, this individual remained in occupation of a unit at the property past the established tenancy end date, in contradiction of the LTB process completed under the prior ownership. An LTB order to enforce this matter was not received until after we began managing the property and this individual remained in illegal occupation of a unit at the property for months afterwards. In early 2019, a Ministry appointed Sheriff enforced the LTB directive in order to end this illegal unit occupation. This individual did not provide any consideration for their use of the property and we elected not to pursue any further actions after their departure.

Shortly after Malleum began managing the property, in November 2018, one of the two active tenants that had not previously terminated their tenancy provided Malleum with notice to terminate their lease. We agreed to allow this individual to terminate their tenancy with less than the typical 60 day notice period. Again, the unsafe condition of the property and the need for major repair and restoration work contributed to our willingness to allow this tenant to terminate their lease with a short notice period.

We believe that the lone other active tenancy at the property is the tenant whose story has also been publicized by delegates to City Council as well as within the press. We will refrain from disclosing identifying details due to this tenant's privacy, although this tenancy involved a family and the individuals involved remained in possession of a unit at the property until June 2019.

Unfortunately, the situation with this tenant is also extremely heartbreaking, particularly given the involvement of young minors. During our management of the property, this tenant remained in possession of a unit for almost eight months without providing any rental payments to the landlord. While we are willing to work with tenants in order to structure payment arrangements that can preserve a tenancy, we simply are not in a position to allow a tenant to occupy a unit without the tenant providing rental payments.

There were also other very serious issues related to the individuals occupying the unit in question, including alleged physical altercations with representatives of the landlord as well as alleged extensive property damage that we believe was willfully caused by these individuals.

The culmination of these issues led to this tenancy ending, with ultimate Sheriff enforcement of an LTB order occurring in June 2019. During the time in which these individuals occupied a unit at the property, various authorities were contacted by building property management given the involvement of minors and our concerns related to safety.

Appendix "C" to Report PED21140(a)/LS21033

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We strongly support groups like Acorn and would like to see more action taken by all levels of government to stop renovations and other illegal and improper actions by landlords. Further, we would like to see the City take further actions to enforce property standards so that situations like the one in place when we purchased 540 King Street East do not occur in the first place.

We do not have the ability to end tenancies unilaterally in order to upgrade a unit and attempt to achieve a higher rental rate. In any case where a landlord unilaterally ends a tenancy in order to renovate and re-rent a unit to a new tenant, this is wrong and there should be harsh consequences. We believe that any landlords found to have taken such actions, should be denied the right to participate in City of Hamilton grant programs and there should be further consequences levied by any level of government with the authority to do so.

We have no information that suggests that any of the tenancies that ended under the property's prior ownership were improperly terminated via unilateral action by the Landlord; this action would include the improper use of an N13 document where a landlord unilaterally terminates a tenancy with the intent to re-rent the unit to a new tenant instead of offering the unit to the former tenant at their prior rental rate. If it is discovered that leading up to our management of the property, any of the tenancies in place were improperly ended by the building's prior owner, without consent by the tenant or an appropriate order from the LTB, we would be willing to review these matters and would be willing to place the tenant in question in a comparable unit at the same rental rate that existed prior to their tenancy being improperly terminated. We believe this is the right thing to do, despite us not having involvement in these tenancies prior to our management of the property.

In the case of the tenancies in place as of the start of our management, all of these tenancies were ended through either a tenant providing notice to end their lease or via actions before the LTB. In the event that any of these tenants had decided not to provide notice to terminate their lease and assuming these tenants remained in good standing by making rental payments and adhering to their other obligations, we would have maintained these tenancies even after the required extensive repairs and renovations were conducted. In such cases, we adhere to the provisions set out by the Province, in order to protect tenant's rights; including their right to resume occupation of a unit, at their former rental rate, after needed repairs are completed.

We believe that properties like 540 King Street East have a meaningful positive impact on the Hamilton community. We have made a significant investment in this property in order to correct numerous pre-existing deficiencies, including major structural and fire safety upgrades at the property. Absent these actions, these units would not be safe or fit for habitation. This property adds 36 safe rental units to the inventory within central Hamilton and this increase in supply benefits all tenants.

**Appendix "C" to Report PED21140(a)/LS21033
Page 4 of 8**

The rental rates at this property are set by the market and these rates account for the condition and amenities within the property. We understand that many groups and individuals take issue with the market forces that determine rental rates. While we respect the right for these groups to make such objections, we believe the repeated opposition to Malleum is simply rooted in a desire to protest against changes in the rental market.

This opposition to Malleum has included a large number of unfair and untrue characterizations. The information delegates provided to Council during the July 5, 2021 GIC meeting is not true and it mischaracterizes the situation in attempt to protest broader conditions within the rental market. We have repeatedly supported groups like Acorn and their efforts to enhance tenant protections and consequences for bad actor landlords. Malleum has also made a meaningful effort to assist groups like Acorn with affordable housing initiatives and we remain committed to working with all parties to enhance tenant protections and to be part of a solution for housing needs within our community.

Response to additional properties:

Malleum would also like to address Acorn's comments related to various other properties, besides 540 King Street, that have been managed by Malleum. Overall, we disagree with the information and characterizations that have been provided and believe this information to be unfairly misleading:

41-43 Albert Street

At 41-43 Albert Street, which is not currently managed by Malleum, when our management of this property commenced in 2016, there was a significant number of deferred maintenance and pest issues at the property that had been neglected by prior managers. During Malleum's tenure as manager, tenant maintenance requests were addressed as promptly as possible and the condition of the property was meaningfully improved.

When it was discovered that the City of Hamilton only recognized residential use for 12 of the existing 13 units at the property, Malleum invested considerable time and resources in order to attempt to have the City recognize all of the existing units within the property. This effort included appeals to various authorities within the City (including Building and Zoning Departments) as well as an appearance before the Committee of Adjustments. We believed that investing in this process to have all existing units recognized by the City would not only preserve all existing tenancies, which included affordable units, but also support the overall supply of rental housing in the City.

Despite our best efforts, unfortunately, the Committee of Adjustments rejected our application to have all existing units be deemed legal for residential use. As part of this process, numerous delegates from the neighbourhood advocated against our application citing concerns over density and traffic within the area.

Given there was one existing unit that was not legally recognized, we were put in the uncomfortable position of having to decommission a single unit at the property in order to comply with the law. Our preference was to approach existing tenants in order to come to a mutual agreement with one of them whereby an existing tenant would agree to move-out under a timeline acceptable to all parties in exchange for consideration that exceeded the amount mandated by the Province. Unfortunately, we were not able to reach an agreement with any of the existing tenants and we were compelled to undertake the process to unilaterally decommission a unit in order to comply with the City's directive that only 12 of the 13 units were legal. We conducted this decommissioning process under the Provincial framework within the Residential Tenancies Act. This process required an N13 to be served. After the process of decommissioning one of the units was completed, this unit remained vacant for the duration of our management of the property.

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Further, after this decommissioning process had concluded and prior to the end of our tenure as manager of 41-43 Albert Street in late 2019, we considered approaching the City a second time in order to attempt to have the decommissioned unit legally recognized. In conjunction, we contacted the prior tenant of the decommissioned unit in order to offer this tenant the unit at their prior rental rate in the event that we could be successful in having the City legally recognize all units at the property. This process was not concluded as the property was sold and Malleum no longer served as the property manager.

160 Sherman Avenue

Within the property located at 160 Sherman, this is yet another example of Malleum taking over management of a property that had fallen in to significant disrepair and was unsafe for tenants. These issues became apparent after Malleum began managing the property in 2018. As an example, portions of the property, including entire occupied units, did not have running water or functioning bathrooms.

It became evident that meaningful restoration and repair work would be required and it was unclear whether or not all of the property's existing units could remain permanently intact as a result of this work. Similar to other situations where there is a need to conduct major repair work and/or decommission units within a property, property management attempted to find mutually agreeable solutions with tenants, including providing tenants with consideration that exceeds the amounts mandated by the Province as well as helping tenants secure safe and suitable housing.

In cases where such work is needed and tenants wish to retain possession of their unit, Malleum accommodates these tenants by allowing them to either remain within their units through the duration of the repairs or, if it is not safe for tenants to remain, allowing these tenants to resume occupancy of their unit at their former rental rate when work is completed and the unit is safe for occupation.

The information provided to Council related to 160 Sherman is not accurate and it is knowingly misleading. Tenants who exercised their right to terminate their lease and were offered financial assistance were provided considerably more total consideration than what has been reported to council. We disagree with the characterization that any such tenants were misled or pressured and we reiterate our position that any tenant who wished to remain in their unit would have been provided the opportunity to do so, provided their unit could have been rehabilitated and deemed safe.

6 Steven & 571-575 King Street

When Malleum began managing this property there were no ongoing residential leases in place. We aren't aware of the full particulars as to how any of the tenancies formed prior to our management were ended including details related to any LTB processes or the circumstances related to any tenant who

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provided a termination notice to the prior manager. There have been a number of instances where Malleum has taken over management of properties that are completely vacant or that do not have any ongoing residential leases where we have been accused of tenant displacement. We believe these accusations are yet another example of groups being critical of Malleum's rejuvenation of such properties in protest against the market conditions that have set the rental rates for such properties.

293 Kenilworth Avenue

Prior to Malleum's management, this property was formerly being operated as an illegal rooming house without proper fire safety, sanitation, or zoning. The property had a pest infestation and units did not even have bathrooms. After taking over management of this property in 2018, beyond the horrid unsafe conditions that existed, Malleum was forced to work with occupants at the property to assist in relocation as the City did not legally recognize residential use at this property and we could not allow the occupants to legally remain.

Given our desire to comply with the law, including the City's zoning regulations, all of the units had to be decommissioned under the provincial regulations that exist within the Residential Tenancies Act and Malleum worked with the prior occupants in order to provide the best transition possible.

1083 Main Street

When Malleum began managing this property, there were meaningful pre-existing maintenance and pest issues. Many of the units required major repair work, including heating and electrical upgrades in order to ensure these units were safe for tenants. While Malleum no longer manages this property, this work was underway throughout the timeframe in which Malleum did serve as manager.

During our tenure managing the property, significant efforts were made to address deferred maintenance and pest issues and significant work was conducted on the heating systems within the property. This work required management to relocate any tenants using certain portions of the property given heating would not be available within these units while this work was underway.

Management issued an N13 to a tenant related to this work. As part of this process, Malleum found a comparable unit within the property and relocated this tenant to this alternate unit, while maintaining their prior rental rate. Once this work was completed, and it was safe for the tenant to resume occupation of their prior unit, this tenant was moved back in to their prior unit at their prior rental rate. Similar to all other examples, Malleum strictly adheres to its obligations and the tenant protections in place under the law.

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We are disappointed with the unfair criticism that Malleum has received and we believe the critical comments provided are exaggerations, mischaracterizations, or simply untrue. Many of these criticisms are wholly unrelated to Malleum management; as an example, Malleum has been criticized for the upkeep of 1083 Main as of September 2019, although this property was not managed by Malleum until three months after this date in December of 2019.

Additionally, one of the tenants at this property, who delegated to council on behalf of Acorn during the July 5, 2021 GIC meeting, provided Malleum with the following message at the conclusion of our management of the property (note that names have been truncated): “Thanks [A] for your prompt response. I guess we forgot to say, but we've had a positive relationship with Malleum (especially you and [C]). Truth is, Malleum has been the best landlord we've had since coming here in 2004 (think there were 8 before Malleum!). Sorry to see you go”

We are deeply concerned about the credibility of the information provided to the City. Further, we continue to be frustrated by the unwillingness of tenant advocacy groups like Acorn to accept our offer to assist with tangible affordable housing initiatives. We remain aligned with the goals of these tenant advocacy groups and we strongly support initiatives to hold landlords to higher property standards and to punish landlords who improperly evict tenants.