



City of Hamilton

CITY COUNCIL AGENDA

21-020

Wednesday, November 10, 2021, 9:30 A.M.

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

All electronic meetings can be viewed at:

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

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

Call to Order

1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

2. DECLARATIONS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1. October 27, 2021

4. COMMUNICATIONS

4.1. Correspondence from Maureen Cassidy, Board Chair, Middlesex-London Health Unit in support of the City of Hamilton's resolution respecting support for local boards of health.

Recommendation: Be received.

- 4.2. Correspondence from Brian Henley respecting Garbage Can Lids.
Recommendation: Be received.
- 4.3. Correspondence from Don Jackson, member, Hamilton Veterans Committee in response to Council's request for an apology letter.
Recommendation: Be received.
- 4.4. Correspondence from Brad Kuhn respecting Maintaining and Improving the Quality of Fresh Water in the Great Lakes.
Recommendation: Be received.
- 4.5. Correspondence from Huron County requesting support for their resolution requesting that the Province of Ontario and the Government of Canada identify Homelessness as a "Provincial" and "National Crisis" across the Province of Ontario and Canada.
Recommendation: Be endorsed.
- 4.6. Correspondence from the City of Kitchener requesting support for their resolution thanking the Province of Ontario for developing the vaccine passport program and urging the Province to provide financial supports for businesses to cover capital and human resource costs necessary to execute the program.
Recommendation: Be endorsed.
- 4.7. Correspondence from Devyn Thomson respecting 537 King Street East.
Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 21-017.
- 4.8. Correspondence from Fred Hahn, President, CUPE Ontario respecting their serious concerns with OMERS' investment performance.
Recommendation: Be received.

5. COMMITTEE REPORTS

- 5.1. Recommendation Report of the Integrity Commissioner Code of Conduct Complaint Against Councillor Whitehead
- 5.2. CityHousing Hamilton Shareholder, Report 21-002, October 28, 2021
- 5.3. Public Works Committee Report 21-016, November 1, 2021
- 5.4. Planning Committee Report 21-017, November 2, 2021

- 5.5. General Issues Committee Report 21-021, November 3, 2021
 - 5.6. Audit, Finance and Administration Committee Report 21-019, November 4, 2021
 - 5.7. Emergency and Community Services Committee Report 21-011, November 4, 2021
 - 5.8. General Issues Committee Budget Report 21-022, November 8, 2021
 - 5.9. General Issues Committee Report 21-023, November 9, 2021 - WITHDRAWN
- The meeting was recessed and will continue on November 19, 2021

6. MOTIONS

- 6.1. Residential Municipal Relief Assistance Program for Basement Flooding for the Heavy Rain Event that began on August 26, 2021 (Ward 9)

7. NOTICES OF MOTIONS

8. STATEMENT BY MEMBERS (non-debatable)

9. COUNCIL COMMUNICATION UPDATES

- 9.1. October 22, 2021 to November 4, 2021

10. PRIVATE AND CONFIDENTIAL

- 10.1. Closed Session Minutes - October 27, 2021

Pursuant to Section 9.1, Sub-section (c) of the City's Procedural By-law 21-021, as amended, 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 for City or a local board purposes.

11. BY-LAWS AND CONFIRMING BY-LAW

- 11.1. 203

To Permanently Close a Portion of Mountain Brow Road, Hamilton, from approximately 400m east of Flanders Drive to 1120m east of Flanders Drive, described as Parts 1, 2, and 3 on Plan 62R-21756, City of Hamilton

Ward: 15

- 11.2. 204
To Impose a Storm and Sanitary Sewer and Watermain Charge Upon Owners of Land Abutting Davinci Boulevard from Rymal Road West to 24m of Upper Paradise Road, in the City of Hamilton
Ward: 14
- 11.3. 205
To Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4, and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 174446-1077 (LT) and Part of PIN 17446-1082(LT), City of Hamilton
Ward: 12
- 11.4. 206
To Permanently Close Lang Street, Hamilton, established Registered Plan 1168, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21449, being All of PIN 17258-0106(LT), City of Hamilton
Ward: 4
- 11.5. 207
A By-law to Regulate Public Notices at Infill Construction Sites
Ward: City Wide
- 11.6. 208
To Amend Zoning By-law No. 87-57 Respecting Lands Located at 3658 Springbrook Avenue and Part of Block 121, Plan 62M-1161
ZAR-21-015
Ward: 12
- 11.7. 209
To Amend By-law No. 01-218, as amended, being a By-law to Regulate On-Street Parking
Schedule 12 (Permit Parking Zones)
Ward: 1, 3, 4
- 11.8. 210
To Confirm the Proceedings of City Council

12. ADJOURNMENT



CITY COUNCIL MINUTES 21-019

9:30 a.m.
October 27, 2021
Council Chamber
Hamilton City Hall
71 Main Street West

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

Absent: Councillor T. Whitehead – Leave of Absence

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

4. COMMUNICATIONS

- 4.9. Correspondence from Bob Maton, PhD, President, Ancaster Village Heritage Community respecting the Council decision regarding Heritage Permit for moving 398 Wilson St. E.

Recommendation: Be received.

- 4.10. Correspondence from Damian Borrelli respecting an idea to help beautify and help the environment.

Recommendation: Be received.

4.11 Correspondence respecting Encampments:

- (a) Kayla Crabtree
- (b) Anne Dwyer
- (c) Sarah Van Berkel
- (d) Kaelyn Koepke
- (e) Christine Rigby
- (f) Elia Hamelin
- (g) Edith Wilson
- (h) Dr. Joda Kuk
- (i) Jie Chen
- (j) Daniel Boot
- (k) Margaret Wilding
- (l) Daniel Ashworth
- (m) Will Allen
- (n) Jeanette Eby
- (o) Catherine Craig
- (p) Nancy Hurst
- (q) Maddie Brockbank
- (r) Michelle Tom
- (s) Federico Galindo
- (t) Emily Downs
- (u) Megan McBride
- (v) Montana Mellett
- (w) Kal Ing
- (x) Andrea Phair
- (y) Mariam Novick
- (z) Sherly Kyorkis
- (aa) Dr. Laura Pin
- (bb) Rebecca Londner
- (cc) Phoebe Taylor
- (dd) Ariel Kligerman
- (ee) Kaitlin Holden
- (ff) Montana Mellett
- (gg) Connor Bennett
- (hh) Ian Walker
- (ii) Jess Glegg
- (jj) Rehoboth Roba Dekamo
- (kk) Annilee Baron
- (ll) Simone Blain
- (mm) Kevin Makins
- (nn) Amber Boyle
- (oo) Brandi Matthews
- (pp) Mackenzie Glachan
- (qq) June Make
- (rr) Blake McCall
- (ss) Leo Dragtoe
- (tt) Kevin Simms
- (uu) James Lambert
- (vv) Garrett Johnson

(ww) Klyde Broox
(xx) Kat Williams
(yy) Hannah MacDonald
(zz) Nicole Tollenaar
(aaa) Natalie Castellino
(bbb) Navin Garg
(ccc) Laurel Carter
(ddd) Rabbi David Mivasair
(eee) Katie Sullivan
(fff) Alexa MacKenzie
(ggg) Caitlin MacLennan Penman
(hhh) John P. and Deborah C. Bowen
(iii) Erica Ames
(jjj) Cara & Mark Siska
(kkk) Kendra Foord
(lll) Marin Hudson
(mmm) Meaghan Ross
(nnn) Laura Katz
(ooo) Hannah Uzelac
(ppp) Taras Hemon
(qqq) Jessica Hymers
(rrr) Andrea Pohlmann
(sss) Rebecca Chin
(ttt) Olivia Mancini
(uuu) Taylor Chinn
(vvv) Ben Robinson
(www) Ani Chenier
(xxx) Lee Raback
(yyy) Sonali Menezes
(zzz) Justin Aitcheson
(aaaa) Miles Oreskovic
(bbbb) Eshan Merali
(cccc) Marnie Saskin
(dddd) Sydney Szijarto
(eeee) Emily Kulpaka
(ffff) Matthew James William Higginson
(gggg) Sarah Dawson
(hhhh) Joanna Aitcheson
(iiii) Monique Kauling
(jjjj) Lisa Bedell
(kkkk) Daya Williams
(llll) Steve Jackson
(mmmm) Michelle Wood
(nnnn) Don Vautour
(oooo) Paul Vicari

Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 21-016.

- 4.12 Correspondence from Gabriel Nicholson respecting the Special Capital Re-investment Levy.

Recommendation: Be received and referred to the consideration of Item 3 of Public Works Committee Report 21-015.

- 4.13 Correspondence from Anita Thomas respecting the City's plan for pedestrian-only downtown mall.

Recommendation: Be received and referred to the consideration of Item 2 of General Issues Committee Report 21-020.

CHANGE TO THE ORDER OF ITEMS:

Item 5.7 (a) the City of Hamilton Code of Conduct Complaint Against Don Jackson, Member, Hamilton Veterans Committee Recommendation Report October 21, 2021 is to be moved up on the agenda, to be dealt as the first item after Council moves into Committee of the Whole.

(Johnson/Clark)

That the agenda for the October 27, 2021 meeting of Council be approved, *as amended*.

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

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

DECLARATIONS OF INTEREST

Councillor Wilson declared a conflict to Item 5 of Planning Committee Report 21-016 respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198), as her spouse is a Corporate Board Member of Fengate Capital.

Councillor Wilson declared a conflict to Bill 198, To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands located at 15 Picardy Drive, Stoney Creek ZAH-21-038, Ward: 9, as her spouse is employed by the Hamilton Community Foundation which has a business relationship with the applicant of this matter.

Councillor Ferguson declared an interest to Item 2, of Audit, Finance and Administration Committee Report 21-018, respecting Options for Relief from Municipal Charges for the Taxi Industry (LS21020(a)), as his family has an interest in the taxi industry.

Councillor Danko declared an interest to Item 6.2, Amendment to Item 3 of the School Board Properties Sub-Committee Report 19-001 and Item 10 of General Issues Committee Report 19-013, respecting the Potential Acquisition of 16 Broughton Avenue East (Broughton East Park), as his wife is a Trustee for the Hamilton-Wentworth District School Board.

APPROVAL OF MINUTES OF PREVIOUS MEETING
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3. October 13, 2021 (Item 3.1)

(Jackson/Pearson)

That the Minutes of the October 13, 2021 meeting of Council be approved, as presented.

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

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

COMMUNICATIONS

(Johnson/Clark)

That Council Communications 4.1 to 4.13 be approved, *as amended*, as follows:

- 4.1 Correspondence from the City of Mississauga requesting support for their resolution requesting that the Government of Ontario amend Ontario Regulation 364/20 to remove the exemption from the proof of vaccination requirements for youth between the ages of 12-18 years of age participating in organized sport, and associated volunteer coaches, and officials.

Recommendation: Be ***referred to the Medical Officer of Health and Public Health staff for review.***

- 4.2 Correspondence from the Honourable Sylvia Jones, Solicitor General thanking all municipalities together with their multi-sectoral partners, who have taken steps towards developing, adopting and implementing their local community safety and well-being (CSWB) plans.

Recommendation: Be received.

- 4.3 Correspondence from the Climate Action Consultancy (CAC) respecting a unique opportunity for Hamilton/Halton community stakeholders to participate in Federal Government Initiative NRCan's "Smart Renewable and Electrification Pathways Program".

Recommendation: Be received.

- 4.4 Correspondence from the Township of Enniskillen requesting support for their resolution requesting that Health Canada research more fully applications for licenses for cannabis; notify and communicate with the respective municipality; perform mandatory regular inspections of licensed facilities; perform unannounced inspections upon receiving complaints and complete a comprehensive study of the Cannabis Act be undertaken.

Recommendation: Be received.

- 4.5 Correspondence from the Township of Enniskillen requesting support for their resolution requesting that the Minister of Agriculture and Rural Affairs re-evaluate their position that cannabis is not an agricultural product and support all Ontario municipalities in order for them to determine appropriate setbacks in Zoning Bylaws for the placement of cannabis facilities within their Official Plan.

Recommendation: Be received.

- 4.6 Correspondence from the City of Vaughan requesting support for their resolution Endorsing National Teen Driver Safety Week and Requesting the Ministry of Transportation to Review Measures Impacting Newly Licensed Drivers. Link to the Ontario Ministry of Transportation published report "Ontario Road Safety Annual Report 2018" can be accessed through the following link:
<http://www.mto.gov.on.ca/english/publications/pdfs/ontario-road-safety-annual-report2018.pdf>

Recommendation: Be received.

- 4.7 Correspondence from the Honourable Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing respecting Enhanced COVID-19 Vaccine Certificate with QR Code and Verify Ontario App Available for Download starting October 15.

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

- 4.8 Correspondence from the Ministry of the Environment, Conservation and Parks respecting the decision on the Proposed Land Use Compatibility Guideline.

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

- 4.9. Correspondence from Bob Maton, PhD, President, Ancaster Village Heritage Community respecting the Council decision regarding Heritage Permit for moving 398 Wilson St. E.

Recommendation: Be received **and referred to the City Clerk/City Solicitor/Director, Planning and Chief Planner to respond to Mr. Maton respecting the allegations within the correspondence.**

- 4.10. Correspondence from Damian Borrelli respecting an idea to help beautify and help the environment.

Recommendation: Be received.

- 4.11 Correspondence respecting Encampments:

- (a) Kayla Crabtree
- (b) Anne Dwyer
- (c) Sarah Van Berkel
- (d) Kaelyn Koepke
- (e) Christine Rigby
- (f) Elia Hamelin
- (g) Edith Wilson
- (h) Dr. Joda Kuk
- (i) Jie Chen
- (j) Daniel Boot
- (k) Margaret Wilding
- (l) Daniel Ashworth

- (m) Will Allen
- (n) Jeanette Eby
- (o) Catherine Craig
- (p) Nancy Hurst
- (q) Maddie Brockbank
- (r) Michelle Tom
- (s) Federico Galindo
- (t) Emily Downs
- (u) Megan McBride
- (v) Montana Mellett
- (w) Kal Ing
- (x) Andrea Phair
- (y) Mariam Novick
- (z) Sherly Kyorkis
- (aa) Dr. Laura Pin
- (bb) Rebecca Londner
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- (dd) Ariel Kligerman
- (ee) Kaitlin Holden
- (ff) Montana Mellett
- (gg) Connor Bennett
- (hh) Ian Walker
- (ii) Jess Glegg
- (jj) Rehoboth Roba Dekamo
- (kk) Annilee Baron
- (ll) Simone Blain
- (mm) Kevin Makins
- (nn) Amber Boyle
- (oo) Brandi Matthews
- (pp) Mackenzie Glachan
- (qq) June Make
- (rr) Blake McCall
- (ss) Leo Dragtoe
- (tt) Kevin Simms
- (uu) James Lambert
- (vv) Garrett Johnson
- (ww) Klyde Broox
- (xx) Kat Williams
- (yy) Hannah MacDonald
- (zz) Nicole Tollenaar
- (aaa) Natalie Castellino
- (bbb) Navin Garg
- (ccc) Laurel Carter
- (ddd) Rabbi David Mivasair
- (eee) Katie Sullivan
- (fff) Alexa MacKenzie
- (ggg) Caitlin MacLennan Penman
- (hhh) John P. and Deborah C. Bowen
- (iii) Erica Ames
- (jjj) Cara & Mark Siska

(kkk) Kendra Foord
(lll) Marin Hudson
(mmm) Meaghan Ross
(nnn) Laura Katz
(ooo) Hannah Uzelac
(ppp) Taras Hemon
(qqq) Jessica Hymers
(rrr) Andrea Pohlmann
(sss) Rebecca Chin
(ttt) Olivia Mancini
(uuu) Taylor Chinn
(vvv) Ben Robinson
(www) Ani Chenier
(xxx) Lee Raback
(yyy) Sonali Menezes
(zzz) Justin Aitcheson
(aaaa) Miles Oreskovic
(bbbb) Eshan Merali
(cccc) Marnie Saskin
(dddd) Sydney Szijarto
(eeee) Emily Kulpaka
(ffff) Matthew James William Higginson
(gggg) Sarah Dawson
(hhhh) Joanna Aitcheson
(iiii) Monique Kauling
(jjjj) Lisa Bedell
(kkkk) Daya Williams
(llll) Steve Jackson
(mmmm) Michelle Wood
(nnnn) Don Vautour
(oooo) Paul Vicari

Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 21-016.

- 4.12 Correspondence from Gabriel Nicholson respecting the Special Capital Re-investment Levy.

Recommendation: Be received and referred to the consideration of Item 3 of Public Works Committee Report 21-015.

- 4.13 Correspondence from Anita Thomas respecting the City's plan for pedestrian-only downtown mall.

Recommendation: Be received and referred to the consideration of Item 2 of General Issues Committee Report 21-020.

Result: Motion on the Communication Items, as Amended, CARRIED by a vote of 14 to 0, as follows:

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

(Johnson/Pearson)

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

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

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

REPORTS

5.7(a) City of Hamilton Code of Conduct Complaint Against Don Jackson, Member, Hamilton Veterans Committee Recommendation Report October 21, 2021**(Johnson/Ferguson)**

That the October 21, 2021, Recommendation Report respecting the City of Hamilton Code of Conduct Complaint Against Don Johnson, Member, Hamilton Veterans Committee, be received.

Mayor Eisenberger relinquished the Chair to Deputy Mayor Johnson, in order to move the following amendment:

(Eisenberger/Partridge)

That the motion to receive the October 21, 2021, Recommendation Report respecting the City of Hamilton Code of Conduct Complaint Against Don Johnson, Member, Hamilton Veterans Committee, be **amended** to add Sub-Section (b), to read as follows:

(b) That Mr. Jackson be requested to provide a more fulsome apology for Council and the Hamilton Veterans Committee.

Result: Motion on the Amendment to Item 5.7(a), CARRIED by a vote of 8 to 5, as follows:

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

Mayor Eisenberger assumed the Chair for the remainder of the meeting.

At Council's request, Sub-Sections (a) and (b) of Item 5.7(a) were voted on separately, as follows:

(a) That the October 21, 2021, Recommendation Report respecting the City of Hamilton Code of Conduct Complaint Against Don Johnson, Member, Hamilton Veterans Committee, be received.

Result: Motion on Sub-Section (a) of Item 5.7(a), CARRIED by a vote of 10 to 3, as follows:

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

(b) *That Mr. Jackson be requested to provide a more fulsome apology for Council and the Hamilton Veterans Committee.*

Result: Motion on Sub-Section (b) to Item 5.7(a), CARRIED by a vote of 8 to 5, as follows:

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

BOARD OF HEALTH REPORT 21-010**(Wilson/Nann)**

That Board of Health Report 21-010, being the meeting held on Monday, October 18, 2021, be received and the recommendations contained therein be approved.

Result: Motion on Board of Health Report 21-010, CARRIED by a vote of 14 to 0, as follows:

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

PUBLIC WORKS COMMITTEE REPORT 21-015**(VanderBeek/Nann)**

That Public Works Committee Report 21-015, being the meeting held on Monday, October 18, 2021, be received and the recommendations contained therein be approved.

Result: Motion on Public Works Committee Report 21-015, CARRIED by a vote of 13 to 0, as follows:

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

YES - Ward 9 Councillor Brad Clark

PLANNING COMMITTEE REPORT 21-016

(Danko/Johnson)

That Planning Committee Report 21-016, being the meeting held on Tuesday, October 19, 2021, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 5 was voted on separately, as follows:

5. Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2) (Item 10.2)

That Staff be directed to withdraw the appeal letter respecting Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton, which was filed by staff against the decision of the Committee of Adjustment to the Ontario Land Tribunal, which will allow the Committee of Adjustment's decision to permit a maximum building height of 108.0 metres on the subject site.

Result: Motion on Item 5 of the Planning Committee Report 21-016, CARRIED by a vote of 13 to 0, as follows:

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

Result: Motion on the balance of the Planning Committee Report 21-016, CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 VACANT - Ward 5
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls

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

(Pearson/Ferguson)

That Council recess at 12:10 p.m.

CARRIED

Council reconvened at 12:40 p.m.

GENERAL ISSUES COMMITTEE REPORT 21-020

(Johnson/Ferguson)

That General Issues Committee Report 21-020, being the meeting held on Wednesday, October 20, 2021, be received and the recommendations contained therein be approved.

At Council's request, Item 4 was voted on separately, as follows:

4. Memorandum of Understanding with City and Aeon Studios on Barton-Tiffany Lands – Status Update (PED19063(c)) (Ward 2) (Item 10.2)

That Report PED19063(c), respecting the Memorandum of Understanding with City and Aeon Studios on Barton-Tiffany Lands – Status Update, be received.

Result: Motion on Item 4 of the General Issues Committee Report 21-020, CARRIED by a vote of 9 to 3, as follows:

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

At Council's request, Sub-Sections of Item 6, were voted on separately, as follows:

6. Disposition of Real Estate in Ward 2 (PED19063(b)) (Ward 2) (Item 14.2)

- (a) That the direction provided to staff in Closed Session, respecting Report PED19063(b) - Disposition of Real Estate in the Barton-Tiffany Area, be approved; and,

Result: Motion on Item 6 (a) of the General Issues Committee Report 21-020, CARRIED by a vote of 9 to 3, as follows:

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

- (b) That Report PED19063(b), respecting the Disposition of Real Estate in the Barton-Tiffany Area, remain confidential until completion of the real estate transaction.

Result: Motion on Item 6 (b) of the General Issues Committee Report 21-020, CARRIED by a vote of 12 to 0, as follows:

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

YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the General Issues Committee Report 21-020, CARRIED by a vote of 11 to 0, as follows:

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

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-018
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(Ferguson/Pearson)

That Audit, Finance and Administration Committee Report 21-018, being the meeting held on Thursday, October 21, 2021, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 2 was voted on separately, as follows:

- 2. Options for Relief from Municipal Charges for the Taxi Industry (LS21020(a)) (City Wide) (Added Item 10.2)**
 - (a) That Report LS21020(a), respecting Options for Relief from Municipal Charges for the Taxi Industry, be received.
 - (b) That Government Relations staff be directed to begin discussions with the relevant Ministries, Association of Municipalities of Ontario and other municipalities to collaborate on challenges that the Taxi and Snow Plow industries are facing with insurance and report back to the Audit, Finance & Administration Committee; and
 - (c) That staff be directed to obtain input from local Taxi brokers and appropriate Snow Plow representatives prior to sending the letters attached as Appendix "A" and "B" to Report LS21020(a), respecting Options for Relief from Municipal Charges for the Taxi Industry.

Result: Motion on Item 2 of the Audit, Finance and Administration Committee Report 21-018, CARRIED by a vote of 12 to 0, as follows:

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

1. 2023 Development Charges Background Study – Procurement Policy 11 Request (FCS21085) (City Wide) (Item 10.1)**(Clark/Wilson)**

That Report FCS21085, respecting the 2023 Development Charges Background Study – Procurement Policy 11 Request, be **amended** by adding a new sub-section, to read as follows:

- (d) *That staff be directed for the Development Charges Background Study post 2023 to undertake a Request for Proposal (RFP) as it relates to consulting services necessary to support the Development Charges Background Study.***

Result: Motion on the Amendment to Item 1 of the Audit, Finance and Administration Committee Report 21-018, CARRIED by a vote of 13 to 0, as follows:

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

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

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

- (a) That a new Development Charges Background Study for all City services be initiated, at an appropriate time, subject to the Growth Related Integrated Development Strategy (GRIDS) 2 process, to support a new Development Charges By-law in accordance with the *Development Charges Act, 1997*;
- (b) That the single source procurement of Watson & Associates Economists Ltd. as external consultants for the City's 2023 Development Charges Background Study, pursuant to Procurement Policy #11 – Non-competitive Procurements within the planned budget of \$900 K in Capital Project 3382155301 “Development Charges By-law Studies” be approved; and,
- (c) That the General Manager, Finance and Corporate Services, be authorized to negotiate, enter into and execute a contract and any ancillary documents required to procure Watson & Associates Economists Ltd. as the consultant to complete the 2023 Development Charges Background Study in a form satisfactory to the City Solicitor.
- (d) ***That staff be directed for the Development Charges Background Study post 2023 to undertake a Request for Proposal (RFP) as it relates to consulting services necessary to support the Development Charges Background Study.***

Result: Main Motion, Item 1 as *Amended* of the Audit, Finance and Administration Committee Report 21-018, CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann

YES - Ward 4 Councillor Sam Merulla

VACANT - Ward 5

YES - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead

NOT PRESENT - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson

YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the Audit, Finance and Administration Committee Report 21-018, CARRIED by a vote of 13 to 0, as follows:

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

(Johnson/Danko)

That Section 5.8(2) of the City's Procedural By-law 21-021, which provides that a minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review, be waived in order to consider the CityHousing Hamilton Corporation Shareholder Report 21-001.

Result: Motion CARRIED by a 2/3 vote of 12 to 0, as follows:

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

CITYHOUSING HAMILTON CORPORATION SHAREHOLDER REPORT 21-001**(Johnson/Pauls)**

That CityHousing Hamilton Corporation Shareholder Report 21-001, being the meeting held on Monday, October 25, 2021, be received and the recommendations contained therein be approved.

Result: Motion on CityHousing Hamilton Corporation Shareholder Report 21-001, CARRIED by a vote of 13 to 0, as follows:

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

(Johnson/Pauls)

That the Committee of the Whole Rise and Report.

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

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

MOTIONS

6.1 2021 Ward 3 Let's Get Growing Seed Share Program**(Nann/Jackson)**

WHEREAS, food security remains a critical health equity issue during the COVID-19 pandemic;

WHEREAS, residents are engaged on a hyper-local and neighbourhood level to express needs and offer support to each other during these challenging times;

WHEREAS, community resilience is supported through enabling residents to grow their own food in their gardens on balconies and yards with access to quality seeds;

WHEREAS, these efforts increase community resilience and provide sustainable models to support a more thriving community for years to come;

WHEREAS, in 2020, the Ward 3 Office partnered with Environment Hamilton to offer the Let's Get Growing Seed Share Program to increase food security through education and tools for self-sufficiency and will serve as the primary coordinating body of this effort; and

WHEREAS, 240 residents participated in the program resulting in over 1700 seed packages being delivered across Ward 3.

THEREFORE, BE IT RESOLVED:

- (a) That \$1,985.00 be allocated from the Ward 3 Bell Cell Tower Account Number 3301609603 to Environment Hamilton for the implementation of the 2021 Let's Get Growing project in Ward 3, Hamilton Ontario; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents in relation to funding the 2021 Ward 3 Let's Get Growing Project, with such terms and conditions in a form satisfactory to the City Solicitor.

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

YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann

YES - Ward 4 Councillor Sam Merulla

VACANT - Ward 5

YES - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead

NOT PRESENT - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson

YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.2 Amendment to Item 3 of the School Board Properties Sub-Committee Report 19-001 and Item 10 of General Issues Committee Report 19-013, respecting the Potential Acquisition of 16 Broughton Avenue East (Broughton East Park)

(Jackson/Eisenberger)

WHEREAS, a housekeeping amendment is required to correct an omission to the School Board Properties Sub-Committee Report 19-001 respecting the Potential Acquisition of 16 Broughton Avenue East (Broughton East Park).

THEREFORE, BE IT RESOLVED:

- (a) ***That the directions to staff in Closed Session respecting the Potential Acquisition of 16 Broughton Avenue East (Broughton East Park), be approved; and***
- (b) That the motion respecting the Potential Acquisition of 16 Broughton Avenue East (Broughton East Park), remain confidential.

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

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

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Johnson/Nann)

That the listing of Council Communication Updates from October 8, 2021 to October 21, 2021, be received.

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

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

PRIVATE AND CONFIDENTIAL

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

10.1 Closed Session Minutes – October 13, 2021

(Ferguson/VanderBeek)

That the Closed Session Minutes dated October 13, 2021 be approved, as presented, and remain confidential.

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

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

(Jackson/Danko)

That Council move into Closed Session respecting Item 10.2, Amendment to Item 35 of the General Issues Committee Report 20-023, respecting PRIVATE & CONFIDENTIAL Report PED20207 - Acquisition of Part of 344 Mountain Brow Road, which was approved by Council on December 16, 2020, pursuant to Section 9.1, Sub-section (c) of the City's Procedural By-law 21-021, as amended, 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 for City or a local board purposes.

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

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

10.2 Amendment to Item 35 of the General Issues Committee Report 20-023, respecting PRIVATE & CONFIDENTIAL Report PED20207 - Acquisition of Part of 344 Mountain Brow Road, which was approved by Council on December 16, 2020

(Partridge/Pearson)

That sub-section (a) to Item 35 of the General Issues Committee Report 20-023, respecting Private & Confidential Report PED20207 - Acquisition of Part of 344 Mountain Brow Road, **be amended** by adding the words "**as amended**", to read as follows:

35. Acquisition of Part of 344 Mountain Brow Road (PED20207) (Ward 15) (Item 13.3)

- (a) That the direction provided to staff in Closed Session, **as amended**, respecting Report PED20207, Acquisition of Part of 344 Mountain Brow Road, Hamilton, be approved; and,
- (b) That Report PED20207, respecting the acquisition of part of 344 Mountain Brow Road, Hamilton, remain confidential until completion of the real estate transaction.

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

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

BY-LAWS AND CONFIRMING BY-LAW**(Johnson/Wilson)**

That Bills No. 21-197 to No. 21-202, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 197 To Rename a Portion of Woodworth Drive, from West of Elgin Place to Calvin Street, and Calvin Street to Hatton Drive, to Woodworth Drive West, in the Former Town of Ancaster
Ward: 12
- 198 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands located at 15 Picardy Drive, Stoney Creek
ZAH-21-038
Ward: 9
- 199 To Amend Noise Control By-law No. 11-285, a By-law to Regulate Noise
Ward: City Wide
- 200 To Amend City of Hamilton By-law No. 20-221, being a By-law to Provide for and Regulate a Waste Management System for the City of Hamilton
Ward: City Wide
- 201 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 15 (Commercial Vehicle Loading Zones)

Ward: 2, 3, 4, 7, 8, 13, 15

202 To Confirm the Proceedings of City Council

Due to declared conflict, Bill 198 was voted on separately, as follows:

198 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands located at 15 Picardy Drive, Stoney Creek
ZAH-21-038

Result: Motion on Bill 198, CARRIED by a vote of 12 to 0, as follows:

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

Result: Motion on the balance of the Bills, CARRIED by a vote of 13 to 0, as follows:

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

(Pauls/Partridge)

That, there being no further business, City Council be adjourned at 2:01 p.m.

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

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

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk

October 22, 2021

Mayor Fred Eisenberger
City of Hamilton
Hamilton City Hall
71 Main Street West, 2nd Floor
Hamilton, Ontario
L8P 4Y5

Re: **Support for Local Boards of Health**

Dear Mayor Eisenberger,

At the October 21, 2021 meeting, under Correspondence item a), the Middlesex-London Board of Health moved to endorse the following item:

Date: September 15, 2021
Topic: Support for Local Boards of Health
From: Mayor of the City of Hamilton, Fred Eisenberger
To: Honourable Christine Elliott

On behalf of the Board of Health, we support the Mayor of Hamilton's letter to the Honourable Christine Elliott, regarding the support for local boards of health. The Middlesex-London Health Unit serves a large geographic and populous area and acknowledges the City of Hamilton's position on decision making being made locally – not regionally. If health units move to a regional model of governance, there will be less autonomy and flexibility with governance related decisions within communities. The pandemic has proven that local responsiveness has reinforced the position that a local public health unit is the preferred governance option of health units.

Sincerely,



Ms. Maureen Cassidy
Board Chair, Middlesex-London Health Unit



Dr. Christopher Mackie
Medical Officer of Health

Pilon, Janet

Subject: Garbage Can Lids

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

From: Brian Henley

Sent: Tuesday, October 26, 2021 4:33 PM

To: clerk@hamilton.ca

Subject: Garbage Can Lids

This goes to all councillors and Mayor, I assume For God's sake, a potential \$200 fine for not putting a lid on a garbage can?

Are you all serious?

Maybe some places within the urban boundary, there are never any high winds or city raccoons but not in this neighborhood.

Please quash this staff recommendation.

Brian Henley

Pilon, Janet

Subject: apology letter

From: Don Jackson

Sent: Sunday, October 31, 2021 10:51 AM

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

Cc: Pilon, Janet <Janet.Pilon@hamilton.ca>

Subject: apology letter,

If you could please submit my letter to the next council meeting. Thank you

I am very sorry for the embarrassment and bad publicity that I have caused, and I deeply regret my actions. This experience has taught me many life lessons and I will never repeat that behaviour again.

I appreciate the opportunity to continue working with the veterans by participating on the Veterans Committee.

If there is anything I can do further, please do not hesitate to contact me directly at the following.

Don Jackson

Saturday, October 30, 2021

Mayor and Councillors

City of Hamilton

Re: Maintaining and Improving the Quality of Fresh Water in the Great Lakes

Dear Mayor and City Councillors

The number one natural resource that we have in Canada is the fresh water that exists in our rivers and lakes. Presently, I am not convinced that there are systems and programs in place to protect this natural resource. If they are in place, it seems that they are not being utilized.

In all good conscious I do not know how the City of Hamilton, under the direction of City Council, can continue to support and implement intensification initiatives and the expansion of development into farmland while our fresh water resources are being negatively impacted.

Within the last few weeks the City of Hamilton has allowed raw sewage to go directly into creeks and rivers that ultimately flow into Burlington Bay and Lake Ontario. As you know, this practice has happened before. Whether this is a regular occurrence or not, it is totally unacceptable.

Scientists are forecasting in the short and long term that we should be expecting higher levels of precipitation that will regularly break records that have been documented over the past 100 years.

Thus we have a perfect storm forming that will make diverting raw sewage into our fresh water basins a regular occurrence. Intensification initiatives plus increasing development in farmland plus increased occurrences of diverting sewage into our fresh water basins means that quality of fresh water will be decreasing rapidly.

I highly recommend that the City of Hamilton, terminate all intensification initiatives and the expansion of development into the farmlands immediately. It is the only responsible thing to do.

When a sewage treatment system is constructed that can handle the present and future needs of our city, then that would be the time to continue the suspended development.

On April 26, 2021, Collingwood Town Council shocked local residents, developers and bordering municipalities alike when it passed an Interim Control Bylaw (ICBL), which essentially terminated new developments for at least one year due to a projected shortfall in its treated water capacity. Considering the ramifications of the possibility of having raw sewage being diverted periodically to our local fresh water basins and further contaminating it, the City of Hamilton should take the same bold and responsible action that the Collingwood Town Council took.

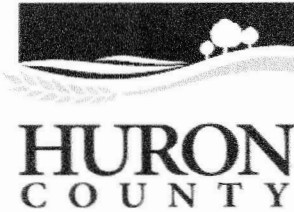
I cannot think of one compelling reason why the intensification initiatives including the expansion of development into farmland should not be terminated immediately. I would like to hear from council why my recommendation cannot be implemented as soon as possible.

I would respectfully point out that the City of Hamilton should be a strong guardian of our fresh water resources. That means to do everything in your power not to ever allow raw sewage to be diverted into our fresh water basins again. Our future generations should be afforded the same quality of water that our generation has enjoyed.

Your careful consideration of my recommendation will be truly appreciated.

Sincerely,

Brad Kuhn



October 29, 2021

RE: County of Huron Homelessness Task Force Request for Support

The following motion was passed at the County of Huron Council meeting of October 6, 2021 and ratified on October 20, 2021:

Moved by: Councillor Finch and Seconded by: Councillor Klopp

THAT:

The Council of the County of Huron directs staff to resubmit correspondence containing the following motion to the Province of Ontario and the Government of Canada and Social Service Managers in Ontario:

Whereas the County of Huron has established a "Huron County Homelessness Task Force" to address the rapidly increasing issue of homelessness in the County.

That the County of Huron, due to the substantial increase in chronic homelessness not only in Huron County but across Ontario and Canada, requests the Province of Ontario and the Government of Canada to identify Homelessness a "Provincial" and "National Crisis" across the Province of Ontario and Canada.

AND FURTHER THAT the Province of Ontario and Government of Canada acknowledge that lack of resources to support addiction and mental health programs to be a leading cause of homelessness.

AND FURTHER THAT the County of Huron requests the Province of Ontario and Government of Canada to provide further financial support for housing and homelessness programs as well as increase funding to mental health and addiction services.

CARRIED

Respectfully,

Susan Cronin

Digitally signed by Susan Cronin
DN: cn=Susan Cronin, o=County of Huron,
ou=Clerk's Department,
email=s.cronin@huroncounty.ca, c=CA
Date: 2021.10.29 17:31:45 -0400

Susan Cronin
County Clerk

Sent by Mail:

Right Honourable Prime Minister of Canada
Honourable Premier of Ontario

County Clerk

Corporation of the County of Huron, 1 Court House Square, Goderich, Ontario N7A 1M2 CANADA

Tel: 519.524.8394

Fax: 519.524.2044

Toll Free: 1.888.524.8394 Web: www.huroncounty.ca



CHRISTINE TARLING
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Corporate Services Department
Kitchener City Hall, 2nd Floor
200 King Street West, P.O. Box 1118
Kitchener, ON N2G 4G7
Phone: 519.741.2200 x 7809 Fax: 519.741.2705
christine.tarling@kitchener.ca
TTY: 519-741-2385

November 1, 2021

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

Dear Premier Ford:

This is to advise that City Council, at a meeting held on October 18, 2021, passed the following resolution regarding the vaccine passport program:

"WHEREAS the Covid-19 pandemic has been both a health crisis and an economic crisis; and,

WHEREAS lockdown and physical distancing measures have caused significant hardship to businesses, particularly those dependent on in-person delivery or experience (ex: retail, restaurant, hospitality, personal service, etc.); and,

WHEREAS vaccinations have proven to be an effective means of keeping Ontarians safe and can enable businesses to safely remain open without compromising the health of their customers and employees; and,

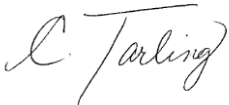
WHEREAS the Province of Ontario and the Regional Municipality of Waterloo are the primary authorities governing public health in the city of Kitchener;

WHEREAS the Economic Development Advisory Committee expressed concerns about financial supports for businesses and the City's ability to support, maintain and grow the economy;

THEREFORE BE IT RESOLVED that the City of Kitchener thank the Province of Ontario for developing the vaccine passport program, but urge the Province to provide financial supports for businesses to cover capital and human resource costs necessary to execute the program; and,

THEREFORE BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Honourable Premier of Ontario, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario; and, all other Ontario municipalities."

Yours truly,

A handwritten signature in cursive script, appearing to read "C. Tarling".

C. Tarling
Director of Legislated Services
& City Clerk

c: Honourable Steve Clark, Minister of Municipal Affairs and Housing
Monika Turner, Association of Municipalities of Ontario
Ontario Municipalities

Pilon, Janet

Subject: Written Delegation for 537 King Street East at November 2nd Planning Committee

From: Devyn Thomson

Sent: Sunday, October 31, 2021 7:50 PM

To: clerk@hamilton.ca

Subject: Written Delegation for 537 King Street East at November 2nd Planning Committee

Good evening,

The following is a request from myself, a concerned member of the community to have 537 King Street East added to the Heritage Register.

This home was built in 1890's and has many ornate terracotta features. The exterior of the home appears to remain intact and appears to be original. It also features a decorative representative turret and resembles the style of some of the heritage homes in the Durand neighbourhood. This home displays strong contextual value and could be a neighbourhood landmark given its association with the Rebel Rock Pub in that area.

Ward 3 has few protected heritage properties and many other significant buildings are facing demolition and neglect including St. Giles and the many LRT buildings to be demolished. 537 King Street East would be a strong candidate for protection as there is not another one like it. This is a defining home in the area and is a unique style while displaying strong craftsmanship. I would really like to see it integrated into a future development. Myself and many other community members are concerned about the future of this landmark in Ward 3.

Please consider adding this home to the Heritage Register as seeing it demolished would be a loss to the community.

Regards,

Devyn



80 Commerce Valley Drive E, Suite 1
 Markham, ON L3T 0B2
 Phone: 905-739-9739 • Fax: 905-739-9740
 Web: cupe.on.ca E-mail: info@cupe.on.ca

Dear City of Hamilton Council:

On behalf of CUPE Ontario's nearly 125,000 active members of the Ontario Municipal Employees Retirement System (OMERS), I am writing today to express our serious concerns with OMERS' investment performance.

In 2020, OMERS posted a net loss 2.7%, representing three billion dollars in losses. This was during a year that comparable defined benefit pension plans and funds in Canada posted substantial investment gains. CUPE Ontario investigated further and tracked investment returns at OMERS for ten years. We found that OMERS has underperformed relative to other large pension plans and funds, as well as relative to its own benchmarks. We also found that OMERS no longer shares this critical information in their annual reporting, making it difficult for plan members to hold their investment managers accountable.

Attached you will find a report detailing OMERS investment underperformance. Also attached, you will find the analysis of a third-party actuary (PBI Actuarial consultants) who confirmed that our reasoning and conclusions were sound.

CUPE Ontario believes plan members and employers have the right to know why OMERS' investments have, over a ten-year period, underperformed other large defined benefit pension plans and funds. If OMERS had performed in line with the average large Canadian public pension plan, it would have a substantial, multi-billion-dollar surplus, versus the deficit it currently faces.

Considering the significant impact such underperformance could have on plan members and on all sponsors who hold the liabilities of the plan, **we are calling on OMERS to cooperate fully with an independent and transparent third-party review of its investment performance** transparent and accountable to plan members, sponsors like CUPE Ontario, other unions, and employers like the City of Hamilton.

We are hoping that the City of Hamilton Council will join our call for an independent expert review of OMERS. **We are asking you, and other municipal councils across the province, to debate the following motion or to pass a similar motion calling for a third-party expert review of OMERS.** The terms of such a review would need to be agreed upon by sponsors and they could explore whether reasonable costs could be funded from the plan.

We simply cannot afford another decade of investment returns so far below other pension plans and funds. We know that ensuring strong investment returns is a goal shared by employers like the City of Hamilton and by unions like CUPE.

CUPE Ontario staff person Liam Bedard is available to answer any questions you may have. He can be reached at lbedard@cupe.on.ca.

All materials are available in French at cupe.on.ca/francaisomers.

It's time for all of us to work together to #FixOMERS.

Thank you,



Fred Hahn
President of CUPE Ontario

Proposed Motion – Independent Review of OMERS’ Investment Performance

1. The City of Hamilton Council is calling for an immediate, comprehensive and independent third-party expert review of OMERS’ investment performance and practices over the past ten years, conducted by the OMERS Pension Plan’s sponsors and stakeholders.
2. Such a review would, at a minimum:
 - a. Compare OMERS plan-level, and asset class-level performance to other comparable defined benefit pension plans and funds, OMERS internal benchmarks, and market-based benchmarks.
 - b. Examine OMERS decision-making processes around the timing of various investment decisions.
 - c. Assess the risk management policies and protocols that were in place and determine if they were followed and/or if they were sufficient to protect the plan from undue risk.
 - d. Assess whether the disclosures provided to the OMERS Administrative and Sponsorship Boards were sufficient evidence to allow the Boards to respond appropriately and in a timely manner.
 - e. Examine executive compensation, investment fees and investment costs at OMERS in comparison to other major defined benefit pension plans and funds.
 - f. Examine other relevant issues identified by the third-party expert review.
 - g. Make recommendations for changes at OMERS to ensure stronger returns moving forward.
 - h. Issue their final report and recommendations in a timely manner.
 - i. Publicly release its full report and recommendations to ensure that it is available to OMERS sponsors, stakeholders, and plan members.
3. The City of Hamilton Council further calls on the OMERS Administrative Corporation to:
 - a. Provide all requested data, documentation and information required of the review panel to fulfill its mandate.
 - b. Establish a step-by-step plan, with OMERS sponsors and stakeholders, to implement any recommendations set out in the review report.



PBI Actuarial Consultants Ltd.

Suite 1070, One Bentall Centre, 505 Burrard Street, Box 42, Vancouver, BC V7X 1M5
pbi@pbiactuarial.ca T. 604-687-8056 F. 604-687-8074

April 27, 2021

To: Fred Hahn, President CUPE Ontario
CUPE Ontario

From: Bradley Hough

Subject: **OMERS Performance Review**

Scope of review

CUPE has asked PBI to review "CUPE Ontario Concerns With OMERS Investment Returns". PBI has reviewed the performance data, methods, and comparisons of OMERS with peer pension plans and funds in CUPE's report.

The intention of our review is to determine:

- a) if comparisons made between the pension plans and funds and their respective benchmarks are reasonable; and
- b) if the analysis completed by CUPE supports the conclusions of their report.

We have reviewed the performance comparisons in CUPE's report by reviewing public information provided by the plans and funds referenced. Statements of investment policies and procedures, actuarial valuation reports, annual reports and other governance documents were reviewed to add as much context around plan performance as possible with the public information available.

Summary

We conclude that the comparisons made by CUPE are reasonable and show that there is a significant gap in performance between OMERS and other comparable public pension plans and funds. In our opinion, public information is unable to fully explain the performance gap. More information is required to truly understand why performance is so different between OMERS and comparable public pension plans and funds.

In our opinion, the comparisons and analysis in the report support CUPE's request for further review of performance.

Review

Is the choice of peer universe reasonable?

CUPE has chosen a universe of large public sector defined benefit plans ("plans"), or public sector investment managers managing assets ("funds") including, but not exclusively, defined benefit pension plans. Scale gives public plans and funds a different opportunity set versus smaller private sector plans as a result of the size of assets and also investment opportunities. We therefore believe that CUPE's approach of focusing on a limited universe of public sector peers rather than a broader pension plan universe is reasonable and fair.

Of the universe supplied, HOOPP, OTPP, BCMPP and LAPP are easier to directly compare given they are pension plans rather than funds; however, the public sector investment managers referenced by CUPE are still useful



points of reference when looking at comparable performance. Performance of funds such as PSP, CDPQ, BCI and AIMCO suggests that client defined benefit plans are likely to have higher absolute returns than OMERS for 2020.

LAPP and AIMCO have not published full performance information for 2020.

Would conclusions change if the universe of plans was expanded?

Defined benefit plans have different benefits, contributions, funding policies, and member demographics. Making comparisons across universes of defined benefit plans requires caution and it is difficult to draw firm conclusions. However, it is worth noting that OMERS performance is significantly below not only public peers, but wider universes of defined benefit plans.

RBC’s universe of pension plans shows a median return of 9.2% for 2020¹. PBI has access to the Northern Trust universe of Canadian defined benefit pension plans² and note that the median return is similar to RBC (full year 2020 median return is 9.9%). The lowest return in the Northern Trust Universe is 5% for 2020. We are not aware of an absolute return for PBI clients below 5%.

Could ‘context’ such as different asset mixes driven by Plan demographics or situation explain OMERS performance?

a. Asset Mix

We compared asset mixes with HOOPP, BCMPP and OTPP. HOOPP has a liability driven investment strategy and has a higher fixed income allocation. BCMPP and OTPP are return focused like OMERS. OMERS has a higher proportion in real assets and credit than these plans and lower fixed income assets. OTPP has a specific inflation management strategy. However, at a high level, asset allocations between OMERS, BCMPP and OTPP make use of similar asset classes and are comparable.

Asset Class	OMERS	BCMPP	OTPP	HOOPP
Public Equity	31%	33%	19%	23%
Fixed Income	6%	21%	16%	86%
Private Equity	14%	10%	19%	13%
Real Assets	34%	27%	21%	15%
Credit/Mortgages	17%	6%	8%	0%
Inflation Sensitive	0%	0%	17%	0%
Innovation	0%	0%	2%	0%
Absolute Return Strategies	0%	0%	6%	0%
Money Market	-2%	2%	-8%	-37%

Source: annual reports as of December 31, 2020, except for BCMPP, which is as of December 31, 2019.

¹ The RBC pension plan universe is published by RBC Investor and Treasury Services. “All Plan Universe” currently tracks the performance and asset allocation of a cross-section of assets under management across Canadian defined benefit pension plans.

² The Northern Trust universe of defined benefit plans is provided to PBI by Northern Trust. It consists of 34 defined benefit plans ranging from \$16.4M to \$8.7B in size. Average plan assets are \$1.9B, median plan assets are \$627M as of December 31, 2020.



As the differences in performance are so large between OMERS and two plans with comparable asset mixes (albeit with some differences), more information on specific strategies within each asset class, such as style of equity manager, exposure to office, retail, and industrial real estate within real assets, use of leverage/overlay strategies and derivatives, currency hedging, and approach to liquidity management would be required to explain differences in performance.

We note that on page 43 of the OMERS 2020 Annual Report, losses were incurred on foreign currency hedging positions due to actions taken to protect liquidity. This contributed \$2.2B to the overall loss. Again, this indicates that a review, significantly beyond simple asset mix comparisons, is required to truly understand performance differentials.

Finally, understanding the role of the 'Total Portfolio Management' approach in determining asset allocations and strategies would be helpful to putting context around the asset mix choices and investment strategies.

b. Membership Demographics

We note that BCMPP and HOOPP have broadly similar membership demographics to OMERS. OTPP is more mature with a greater proportion of retirees. PBI does not believe plan demographics are different enough to render comparisons between the plans invalid.

Comments on CUPE's five principal findings:

- 1) **OMERS 10-year annualized performance was below peer group as of December 31, 2019.** PBI believes the comparisons made are reasonable and agree with the conclusion.
- 2) **OMERS performance in 2020 was significantly below peers.** PBI agrees with this conclusion and notes that expanding the peer group adds weight to this conclusion.
- 3) **OMERS does not report comparisons of its annualized long-term returns to its own benchmarks**
Page 143 of the 2020 report has a comparison of calendar year returns vs benchmarks to 2011. We could not find a comparison of annualized long term performance vs benchmarks for OMERS.

We understand benchmarks are set annually by OMERS and approved by the Administration Corporation Board. From the information made public by OMERS, we would need more detail on the methodology used to derive the absolute return benchmark to interpret performance.

- 4) **5 to 10-year returns versus 5 to 10-year benchmarks.**

PBI verified the calendar year returns shown by CUPE. We were unable independently to verify the 5 and 10-year performance versus the benchmark as this was provided verbally to CUPE by OMERS and is not published. The peer group of public plans and funds all take different approaches to benchmarking. Some use composites of public market indices/asset class benchmarks according to their target allocations. PSP uses a reference portfolio approach and HOOPP may use a liability focused benchmark. We note that comparisons of relative performance vs stated benchmarks across peer group plans are challenging because of the differences in methodology.

However, in our opinion the analysis is sufficient to show that OMERS is the only Plan underperforming their internal benchmark over a 10-year horizon. Understanding why requires a deeper understanding



of performance and benchmarking methodology beyond the information made public. In our opinion this adds weight to CUPE's request for a review of performance.

- 5) **OMERS 20-year return is not above its 20-year benchmark.** We were unable to independently verify this point as the performance versus the benchmark was provided verbally to CUPE by OMERS and is not publicly available.

Conclusions

The comparisons made by CUPE are high level and broad by the nature of information made public. However, we believe the comparisons are reasonable and that CUPE has chosen similar public plans and funds as practically possible. Overall, we believe the analysis is sufficient to conclude that OMERS investment performance in 2020 and longer term is significantly lower than other comparable plans.

PBI would require considerably more information than made public on OMERS' total portfolio management approach, investment strategies, third party managers, asset mix policies, liquidity management approach and derivative positions to interpret performance.

In our opinion, the comparisons made demonstrate that the longer-term performance gap between comparable peers is significant and supports CUPE's request for a further, more detailed review of performance beyond the information made public.

A handwritten signature in dark ink, appearing to read 'Bradley Hough', is written over a horizontal line.

Bradley Hough, FIA, ACIA, CAIA

BH:jh

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NOT JUST ONE "TOUGH YEAR": THE NEED FOR A REVIEW OF OMERS INVESTMENT PERFORMANCE

May 2021



Executive Summary

CUPE Ontario represents nearly half of the 289,000 active members of the Ontario Municipal Employees Retirement System (OMERS) – the province’s Defined Benefit (DB) pension plan for municipal, school board and certain other public sector workers.

While most pension plans had strong returns in 2020, OMERS recently reported billions of dollars of losses over the year. This has prompted CUPE Ontario to examine how OMERS investments have performed compared to other large pension plans and funds. We have also looked at how OMERS has performed against its own internal benchmarks.

We find that OMERS underperformance is not a new or a short-term problem. Specifically, we find that:

- 1) OMERS longer-term performance has significantly lagged behind other large pension funds and plans, in periods both before and after 2020 results were in.
- 2) OMERS has now fallen behind even some of its own internal longer-term return benchmarks – a troubling fact that, contrary to industry standards, is not disclosed in OMERS Annual Report.

Since investment returns fund the vast majority of pensions paid from the plan, returns are incredibly important to DB plan members. Lower investment returns may lead to members being asked to pay more into the plan, or could result in additional pressure for more benefit cuts.

Despite requests, OMERS has not committed to an independent, transparent review of its investment decisions.

CUPE Ontario feels these issues are so serious that a fully transparent expert review of OMERS investment strategies, returns, and internal performance assessment is urgently needed. This review should be conducted by the plan sponsors and stakeholders themselves (the risk-bearing parties to OMERS) and should be fully independent of OMERS staff, who have a clear conflict of interest in conducting a review of their own performance. We invite the other sponsors of OMERS, including our employer counterparts and the broader community of the plan’s organizational stakeholders, to support this proposal and to work with us to conduct this review.



Introduction

CUPE Ontario represents 125,000 plan members of the Ontario Municipal Employees Retirement System (OMERS). We are the largest sponsor in this defined benefit (DB) pension plan that is – at least in theory – jointly-controlled by plan sponsors like CUPE Ontario and other unions and employers.



**WE CONTINUE
TO STRONGLY
BELIEVE THAT
DB PLANS ARE
A MODEL WORTH
NOT ONLY
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BUT EXTENDING
TO ALL WORKERS.**

CUPE Ontario strongly believes that DB pension plans are the best way to provide a decent and secure retirement for our hard-working members. Large public sector DB plans like OMERS allow for an efficient pooling and sharing of costs and risks between employers and plan members. DB plans allow members to know what their pensions will be in retirement. This security is incredibly important for plan members. However, it is not only retirees who benefit from good, secure pension benefits. DB pension plans have been shown to have positive macroeconomic effects on the economy as a whole.¹ The concerns we raise in this report are not concerns with the DB model itself; we continue to strongly believe that DB plans are a model worth not only defending, but extending to all workers.

For a number of years, we have been concerned with the lower level of OMERS pension fund investment returns in comparison to those of other similar plans. OMERS recently reported that the plan had a very bad year in 2020. This has led CUPE Ontario to perform a more in-depth examination of publicly-available annual reporting documents to determine how, in our view, OMERS is performing compared to the seven other large (\$50 billion+) pension plans and funds in Canada.² OMERS themselves refer to this club of large plans and funds as the “eight leading Canadian pension plan investment managers,” and occasionally takes coordinated activity with them.³

¹ Conference Board of Canada, “Economic Impact of British Columbia’s Public Sector Pension Plans,” October 2013; Boston Consulting Group, “Measuring Impact of Canadian Pension Funds,” October 2015; Ontario Teachers Pension Plan News Release, “New analysis confirms that defined benefit pensions provide significant benefits to Canadian economy,” October 22, 2013.

² Unless otherwise specified, the data in this document has been compiled from publicly-available annual reporting of the respective plans. With the exception of CDPQ, returns are as reported in these documents, and are net. CDPQ results were reported gross of some expenses, and have been reduced by 0.2% to best approximate a net return. Longer-term periods are annualized, and are as reported by the respective plans.

³ OMERS News Release, “CEOs of Eight Leading Canadian Pension Plan Investment Managers Call on Companies and Investors to Help Drive Sustainable and Inclusive Economic Growth,” November 25, 2020.



**AS BAD AS
OMERS
PERFORMANCE
WAS IN 2020,
THIS IS NOT A
NEW OR A SHORT-
TERM PROBLEM**

Due to their scale, these large pension plans and funds are able to invest in asset classes that are typically not available to smaller investors or individuals. At the same time, we acknowledge that these eight plans are not completely similar: they have their own governance structures, asset mixes, risk appetites, and reporting periods, all of which are described in the public documents of the respective plans. However, we also acknowledge that many of these differences are the result of specific investment decisions made by the respective plans and funds. We therefore believe that there is value in comparing the performance of this small set of large funds, particularly over longer-term periods.

Acronym	Name	Assets Under Management (\$ Billion)	Funded Status in Most Recent Annual Report	Most Recent Annual Reporting Date
CPPIB	Canada Pension Plan Investment Board	410	N/A	March 31, 2020
CDPQ	Caisse de dépôt et placement du Québec	366	108% (RREGOP)	Dec 31, 2020
OTPP	Ontario Teachers Pension Plan	221	103%	Dec 31, 2020
PSP	Public Sector Pension Investment Board	170	111% (Public Service Plan)	March 31, 2020
OMERS	Ontario Municipal Employees Retirement System	105	97%	Dec 31, 2020
HOOPP	Healthcare of Ontario Pension Plan	104	119%	Dec 31, 2020
BC MPP	BC Municipal Pension Plan (investments managed by BCI, the BC Investment Management Corporation)	59 (MPP) 171 (BCI)	105%	Dec 31, 2019 (MPP) March 31, 2020 (BCI)
LAPP	Alberta Local Authorities Pension Plan (investments managed by Alberta Investment Management Corporation)	50 (LAPP) 119 (AIMCO)	119%	Dec 31, 2019

In some cases, the pension funds above manage the investments of several pension plans (CDPQ, PSP, BCI, AIMCO are all such cases). In those cases, we look most closely at the returns at an individual plan level for the respective client plan that most closely compares to OMERS.

We have also looked at how OMERS has performed against its own internal benchmarks.

This review has resulted in some very troubling findings which suggest that, as bad as OMERS performance was in 2020, this is not a new or a short-term problem. We found evidence that OMERS longer-term return performance has significantly lagged behind

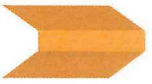


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other large pension funds and plans. We also found that OMERS has now fallen behind even some of its own internal longer-term return benchmarks – a troubling fact that, contrary to industry standards, is not disclosed in OMERS Annual Report.

Investment results are incredibly important to DB plan members because compounded returns typically fund the vast majority of the pensions that are eventually paid. OMERS indicates that investment returns are expected to fund approximately 70% of the pensions paid by the plan.⁴ When investment returns are insufficient, it can put upward pressure on required contribution rates for both members and employers. Most other plans have now returned to pension surpluses since the global financial crisis more than a decade ago, but OMERS continues its long climb out of deficit. Contribution levels were a central talking point from OMERS when plan decision-makers removed guaranteed indexation in 2020. And we expect that, in the months to come, OMERS will once again be looking to plan members to bear the burden of plan funding issues that are, in part, a result of these investment returns. Meanwhile other pension plans, who have had better returns, are currently holding significant surpluses, many have lower contribution rates and some are even improving pension benefits.⁵ Higher investment returns would have been better for OMERS plan members, and for OMERS employers.

Despite requests⁶, OMERS has not committed to an independent, transparent review of its investment decisions. Any reviews that have taken place have been behind closed doors at OMERS and have not been shared with sponsors or described in any detail. While OMERS has outlined several investment policy changes it plans to make, its overriding message remains: “the fundamentals of our long-term strategy remain sound, and we will continue to advance that strategy.”⁷



**A FULLY
TRANSPARENT
EXPERT REVIEW
OF OMERS
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RETURNS,
AND INTERNAL
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NEEDED.**

CUPE Ontario feels these issues are so serious that a fully transparent expert review of OMERS investment strategies, returns, and internal performance assessment is urgently needed. This review should be conducted by the plan sponsors and stakeholders themselves (the risk-bearing parties to OMERS) and should be fully independent of OMERS staff, who have a clear conflict of interest in conducting a review of their own performance. We invite the other sponsors of OMERS, including our employer counterparts and the broader community of the plan’s organizational stakeholders, to support this proposal and to work with us to conduct this review.

⁴ OMERS 2020 Annual Report, p. 2.

⁵ HOOPP News Release, “HOOPP posts 11.42% return in 2020, surpasses \$100 billion in assets,” March 31, 2021.

⁶ CUPE Ontario Press Release, “We won’t pay for the mistakes of OMERS executives,” February 25, 2021.

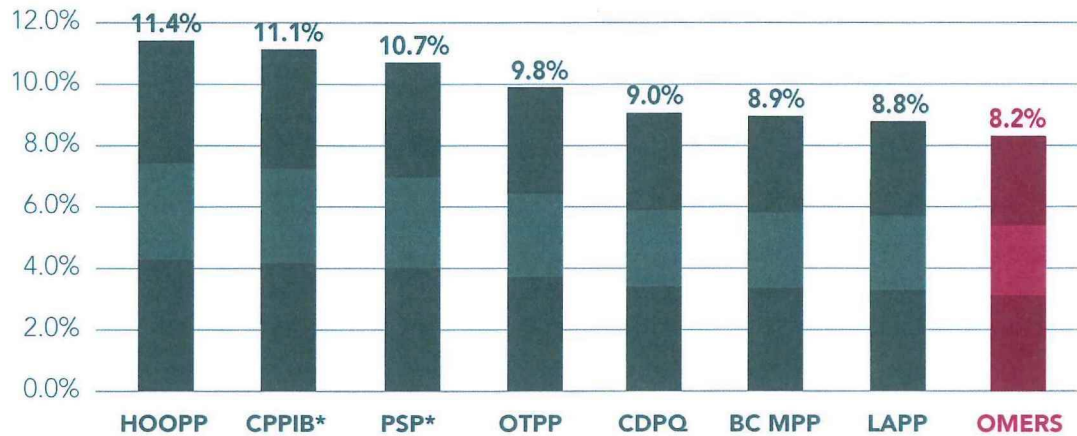
⁷ OMERS 2020 Annual Report, p. 23.



Our five principal findings are as follows:

- CUPE Ontario's concerns go beyond one "difficult" year in 2020. OMERS 10-year annualized returns trailed those of the other major funds and plans before the COVID crisis hit.**

10-Year Annualized Returns at 2019



*To March 31, 2019, otherwise to Dec 31, 2019
Source: Respective Annual Reports



**THIS WAS
A HISTORIC
ANNUAL
UNDER-
PERFORMANCE
COMPARED TO
BENCHMARKS.**

- OMERS 2020 investment performance was especially poor**

OMERS 2020 annual return (-2.7%) fell far short of the plan's own benchmark for the year of +6.9%. This was a historic annual underperformance compared to benchmarks.

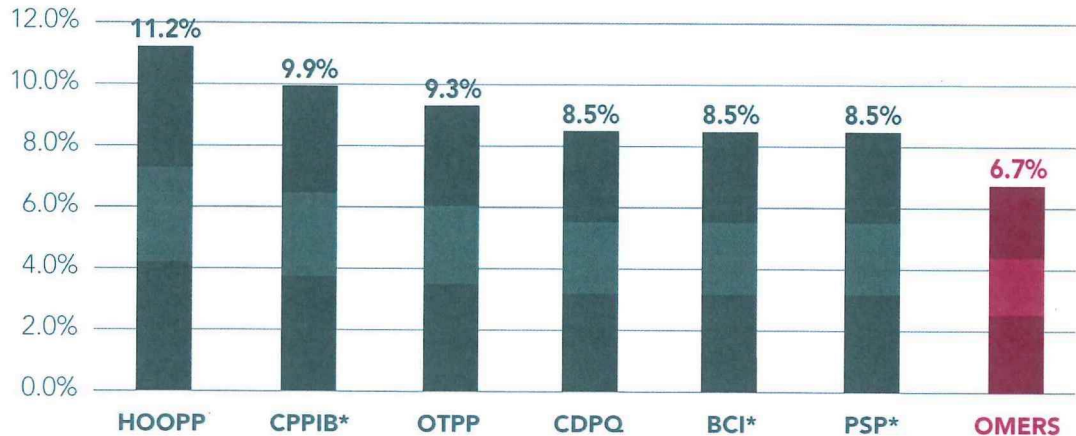
Other plans, however, have reported very strong annual returns for calendar year 2020:

2020 ANNUAL RETURNS	
HOOPP	+ 11.4%
RBC Pension Plan Universe ^B	+ 9.2%
OTPP	+ 8.6%
CDPQ	+ 7.5%
OMERS	-2.7%

^B RBC Investor & Treasury Services, "Canadian DB pensions post near-double-digit returns despite historic, turbulent year," January 29, 2021.

This negative result led OMERS 10-year annualized return to fall from 8.2% to 6.7%.

10-Year Annualized Returns at 2020



*To March 31, 2020 otherwise to Dec 31, 2020

The chart above reports the most recent available return information for the respective funds and plans as disclosed in their annual reports. LAPP and BC MPP have yet to report their December 31, 2020 results. AIMCO has also not fully reported its 2020 results. However, BCI (the investment agent for BC MPP and other BC public sector plans) has reported its March 31, 2020 results and has been included here. The chart can be updated as more plans report their 2020 investment returns.



OMERS

DOES NOT REPORT CLEAR COMPARISONS OF THE PLAN'S LONG-TERM ANNUALIZED RETURNS TO ITS CORRESPONDING LONG-TERM BENCHMARKS.

3. OMERS does not report comparisons of its annualized long-term returns to its own benchmarks.

Benchmarking is a common practice where an investment *standard or goal* is set, against which *actual plan returns* are compared for ongoing assessment of investment performance. OMERS itself describes a benchmark as “a point of reference against which the performance of an investment is measured.”⁹ Comparisons of returns vs. benchmarks are typically done on a 1-year basis, but it is very common for long-term annualized comparisons to also be disclosed. Reporting these benchmarks is standard practice for pension plans and third-party investment managers. Even individual investment vehicles like mutual funds and ETFs typically provide details on how their performance compares to both annual and long-term benchmarks.

The OMERS Administration Corporation (AC) sets OMERS benchmarks each year, as described in the “Performance Management” section of the OMERS investment policy document.¹⁰ OMERS Annual Reports describe how these benchmarks are constructed for each asset class. For many years, these reports stated that “Our goal is to earn stable returns that meet or exceed our benchmarks.” OMERS Annual Reports compare OMERS single-year returns to the plan’s single-year benchmarks. However, in sections describing investment performance, **OMERS does not report clear comparisons of the plan’s long-term annualized returns to its corresponding long-term benchmarks.** While the Annual Report does compare performance to the plan’s discount rate and a long-term return expectation set by the AC Board, it omits comparisons of the plan’s long-term performance against their own long-term benchmarks.

⁹ OMERS 2015 Annual Report, p. 131.

¹⁰ OMERS “Statement of Investment Policies and Procedures – Primary Plan,” January 1, 2021.



IN THE ABSENCE OF LONGER-TERM COMPARATIVE DATA, STAKEHOLDERS FACE SERIOUS OBSTACLES IN EVALUATING PERFORMANCE

OMERS believes that “paying pensions over decades means a long-term approach.”¹¹ But in the absence of longer-term comparative data, stakeholders face serious obstacles in evaluating performance. A review of historical Annual Reports shows that OMERS had a longstanding practice of reporting these long-term comparisons, but OMERS stopped this reporting, without explanation, in 2013. **This is dramatically out of step with other pension plans and is, in our view, a serious lack of transparency from OMERS.**

	HOOPP	CPPIB	PSP	OTPP	CDPQ	BC MPP	LAPP	OMERS
Does annual report compare annualized longer-term returns to corresponding benchmarks?	YES	YES	YES	YES	YES	YES	YES	NO

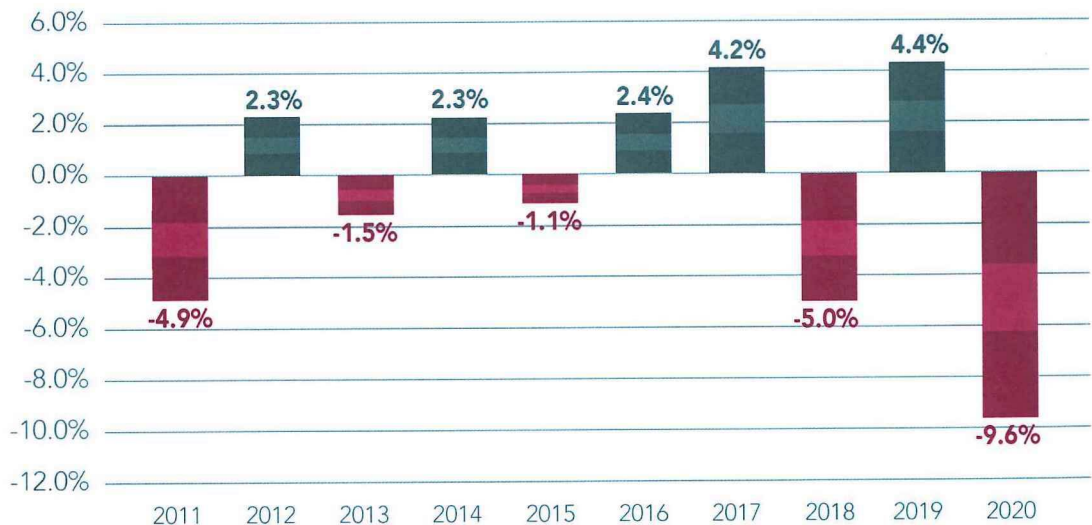


THIS IS DRAMATICALLY OUT OF STEP WITH OTHER PENSION PLANS AND IS, IN OUR VIEW, A SERIOUS LACK OF TRANSPARENCY FROM OMERS.

The OMERS Statement of Investment Policies and Procedures states that “performance reporting is consistent with industry recognized practices.”¹² The OMERS Statement of Investment Beliefs says that “articulating our investment goals and performance measures helps ensure clear accountability.”¹³ We do not believe OMERS is meeting these standards of reporting and accountability on this point.

4. OMERS 5 and 10-Year Returns are now below OMERS own benchmarks for these periods.

OMERS Annual Returns vs OMERS Annual Benchmark



Source: OMERS 2020 Annual Report, Ten-Year Financial Review, p. 142.

¹¹ OMERS News Release, “OMERS Reports 2020 Financial Results: paying pensions over decades means a long-term approach,” February 25, 2021.

¹² OMERS “Statement of Investment Policies and Procedures,” January 1, 2021. www.omers.com/governance-manual-policies-and-guidelines

¹³ OMERS “Statement of Investment Beliefs,” January 1, 2020. www.omers.com/governance-manual-policies-and-guidelines

	OMERS Return	OMERS Benchmark	Difference
5-Year Annualized	6.5%	7.4%	-0.9%
10-Year Annualized	6.7%	7.3%	-0.6%

Source: Returns from OMERS 2020 Annual Report
Annualized Long-Term benchmarks not referenced in Annual Report and were reported verbally to CUPE by OMERS on our request.

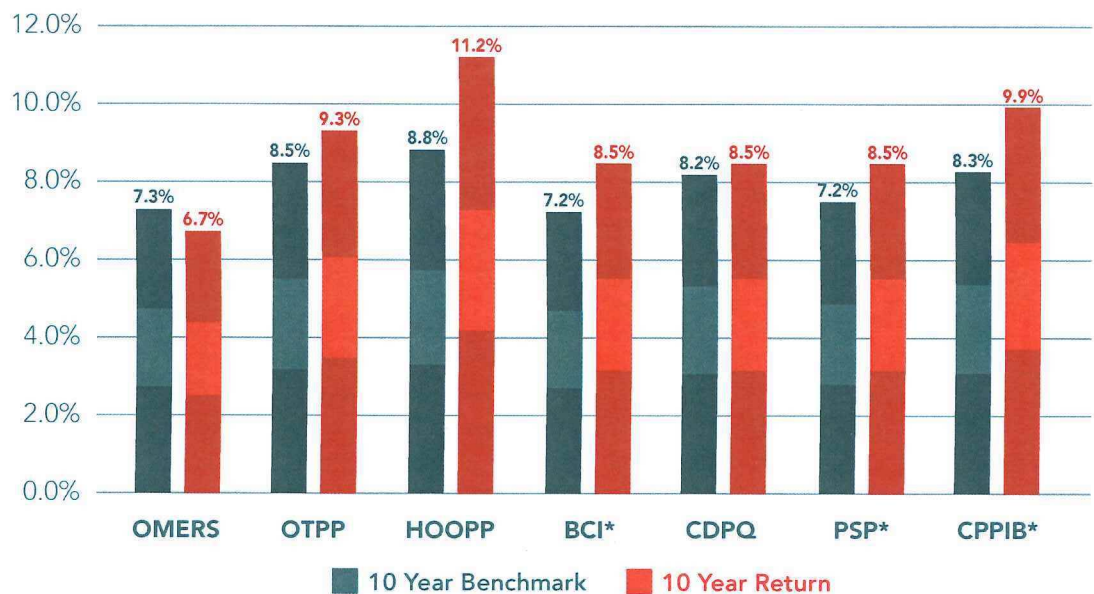
The 5 and 10-year annualized benchmark figures above were not disclosed in the OMERS 2020 Annual Report. OMERS provided these numbers verbally to CUPE Ontario upon our request. Previous OMERS Annual Reports normally included a statement that "Our goal is to earn stable returns that meet or exceed our benchmarks."¹⁴ This statement appears to have been struck from the 2020 Annual Report.

We also note that, OMERS benchmarks are comparatively low over this period when examined alongside other plans. We believe this is due to a different benchmarking methodology for certain investments at OMERS compared to industry standards. The other major plans and funds that have reported 2020 results, however, are all ahead of their 10-year benchmarks as of their most recent annual reports.



THE OTHER MAJOR PLANS AND FUNDS THAT HAVE REPORTED 2020 RESULTS, HOWEVER, ARE ALL AHEAD OF THEIR 10-YEAR BENCHMARKS AS OF THEIR MOST RECENT ANNUAL REPORTS.

10-Year Returns vs 10 Year Benchmarks to 2020



*To March 31, 2020 otherwise to Dec 31, 2020

¹⁴ 2010 Annual Report p. 27; 2011 Annual Report p. 25; 2012 Annual Report p. 23; 2013 Annual Report p. 22; 2014 Annual Report p. 12; 2015 Annual Report p. 9; 2016 Annual Report p. 33; 2017 Annual Report p. 33; 2018 Annual Report p. 33; 2019 Annual Report p. 42; 2020 Annual Report N/A.



**HAD OMERS
ACHIEVED
THESE BETTER
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HOLD A VERY
SUBSTANTIAL
SURPLUS.**

The impact on OMERS of these longer-term below-benchmark returns has been significant. The difference of 0.6% between OMERS actual annualized 10-year investment returns of 6.7% and its benchmark of 7.3% has meant an absolute return outcome that would have been roughly 6% higher after these 10 years (all other factors being equal). Even achieving just this benchmark return on an annualized 10 year basis would have resulted in an asset base of roughly \$6 billion higher current plan assets.¹⁵ This better result would have brought OMERS reported funding level into surplus.

This difference is even greater if we were to compare the impact of OMERS investment performance to that of any of these other large plans. For example, had OMERS achieved the actual 10-year annualized returns of the OTPP of 9.3% (just below the average of the other six plans listed above), the OMERS asset base would now be (all other factors being equal) approximately 27% higher than OMERS actual asset level. In dollar-value terms, this difference represents roughly \$28 billion more in assets after the 10-year period from 2011 to 2020. Had OMERS achieved these better results, the plan would now hold a very substantial surplus.

5. OMERS 20-year return is not above its 20-year benchmark.

Upon request from CUPE Ontario, OMERS also verbally disclosed that its 20-year return is equal to its 20-year benchmark of 6%. In our view, it is troubling that the plan has not outperformed its benchmark over this long period, and that this comparison is also not disclosed in OMERS annual reporting.

¹⁵ The alternative scenarios for investment performance results outlined in this section are necessarily approximate as they are based on data that is made publicly available by OMERS, and were generated using the reported OMERS asset base as at December 31, 2010 of \$53.3 billion.



Conclusion

CUPE Ontario has serious concerns with OMERS investment performance, and with what we believe is a troubling lack of transparency about these issues. In our view, these issues cannot be dismissed as a one-year problem.



**THESE ISSUES
CANNOT BE
DISMISSED AS
A ONE-YEAR
PROBLEM.**

We anticipate that these long-term, below-benchmark investment returns are very likely to lead directly to yet another round of proposals to reduce pension benefits payable to current actives and future retirees. OMERS has already eliminated the guarantee of indexation of pension benefits for service after 2022, and OMERS management has indicated it will be examining further changes in plan design. OMERS has recently stated in writing to CUPE that “the OMERS pension plan has been facing sustainability issues for some time now and the investment results of 2020 have amplified the need to address those issues.” At the recent 2021 OMERS AGM, OMERS Sponsors Corporation CEO Michael Rolland stated that “There are no guarantees as to what decisions we will have to make based on our performance...it’s a long term performance we need to look at...the results of 2020 did have an impact...and that’s why we’re taking a look at it.”



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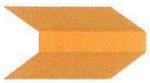
CUPE Ontario is the largest sponsor representing plan members in OMERS, with over 125,000 active members in the plan. It is true that CUPE Ontario appoints representatives to both the OMERS Administrative Corporation and the OMERS Sponsors Corporation. However, because of restrictive confidentiality rules at both boards, our representatives are unable to keep CUPE Ontario fully-informed about what is really happening at OMERS governing boards, and the decisions that are being made about our members’ hard-earned retirement savings. We do not believe this is how well-governed jointly-sponsored pension plans are supposed to function. The result is that we feel that we are a plan sponsor in name only. Our members are not being well-served by a structure that effectively cuts them out of playing the oversight function they should over their pension plan.



WE ARE NOT
CONFIDENT
THAT **OMERS**
MANAGEMENT
ITSELF HAS TAKEN,
OR IS PLANNING
TO TAKE,
SUFFICIENT STEPS
TO CRITICALLY
EXAMINE ITS OWN
PERFORMANCE.

These barriers will not stop CUPE Ontario from doing everything we can to ensure these concerns about OMERS investment performance are addressed. Based on their public comments to date, we are not confident that OMERS management itself has taken, or is planning to take, sufficient steps to critically examine its own performance, nor are we confident that plan members or sponsors and organizational stakeholders will receive a transparent reporting of any such review.

Therefore, CUPE Ontario is calling on other plan sponsors from both sides of the table to work with us to commission a fully transparent and independent expert review of the investment program at OMERS. This review should be conducted in the open by the sponsors and stakeholders themselves, and not behind closed doors at OMERS. Ensuring our pension returns are as strong as they can be is not a partisan issue, nor is it an issue that the member and employer side of the table should have a difference of opinion on. We want to work with other OMERS sponsors and stakeholders to address these issues for the good of all OMERS members.



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MEMBERS.

Principles
Integrity

City of Hamilton

Recommendation Report of the Integrity Commissioner
Code of Conduct Complaint Against Councillor Whitehead
November 3, 2021

Introductory Comments

- [1] Principles *Integrity*, was appointed the Integrity Commissioner for the City of Hamilton in July 2018. Integrity Commissioners carry out a range of functions for municipalities (and their local boards). They assist in the development of the ethical framework, conduct education and training for members of Council and provide advice to members to help sort out ethical grey areas or to confirm activities that support compliance. And finally, but not principally, they investigate allegations that a member has fallen short of compliance with the municipality's ethical framework.
- [2] Where, following an investigation, the Integrity Commissioner finds that a member has contravened the Code of Conduct then, unless a reasonable resolution can be achieved, the Integrity Commissioner must submit a public report on the findings.
- [3] In the City of Hamilton, Council has delegated to the Integrity Commissioner the authority to impose sanctions as warranted. Any other remedial measures can only be imposed by Council.
- [4] In every case, including this one, the highest objective is to make recommendations that serve the public interest, if there are recommendations to be made.

Process Followed for this Investigation

- [5] In conducting this investigation, Principles *Integrity* applied the tenets of procedural fairness and was guided by the complaint process set out under the Code of Conduct.
- [6] This fair and balanced process includes the following elements:
 - Reviewing the complaint to determine whether it is within scope and jurisdiction and in the public interest to pursue, including giving consideration to whether the complaint should be restated or narrowed, where this better reflects the public interest

Principles *Integrity*

- Notifying the Respondent, and providing him with an opportunity to respond in full to the allegations, including ‘meeting’ with the Respondent virtually
 - Reviewing the Code of Conduct, reports, recordings of archived meetings and other documentation including emails
 - Conducting interviews of persons with information relevant to the issues under investigation, including all members of the City’s leadership team and some members of Council
 - Providing the Respondent with the opportunity to review and provide comments to the Integrity Commissioner’s Preliminary Findings Report, although none were provided to us
 - Deferring delivery of this Report until the Respondent’s return to office following his absence due to illness.
- [7] In accordance with the foregoing, on February 2, 2021 we provided Councillor Whitehead with our preliminary Findings Report and invited him to provide any response or submissions by February 17, 2021.
- [8] The process of providing a preliminary Findings Report to the Respondent, seeking comments, and reflecting upon those comments prior to finalizing a report to Council is a helpful aspect of our process.
- [9] On February 16, 2021 we received a voice mail message from the Councillor’s assistant, looking for a copy of the preliminary Findings Report. By return email to the Councillor and his assistant, we directed them to our email of February 2, advising to contact us if they could not locate it, and extending the time for response to February 25, 2021.
- [10] On March 1, 2021 we received two voice mail messages from the Councillor, responding to the preliminary Findings Report, and engaged in a 30-minute telephone conversation with the Councillor regarding his response to our preliminary Findings Report. The Councillor was encouraged to provide any additional comments to us in writing.
- [11] On March 2, 2021 we received an email from the Councillor’s assistant, apologizing in detail that she had not brought the preliminary Findings Report to the Councillor’s attention, and requesting a further extension of one week for his response. We responded to the Councillor, copying his assistant, extending the time for his response to March 9, 2021.

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- [12] On March 8, 2021 we received a further email from the Councillor's assistant, requesting a further 2-week extension to allow the Councillor to retain legal counsel, which we responded to that same day, extending time to respond to March 12, 2021.
- [13] On March 12, 2021 we received a further request from the Councillor's legal counsel, requesting a further 2-week extension to respond. On the undertaking of the legal counsel that there would be no further requests for extension, we extended time to respond to March 26, 2021.
- [14] On March 26, 2021 we received the Councillor's 17-page written response along with 47 pages of attachments.
- [15] In his response to our preliminary Findings Report, the Councillor raised, for the first time, issues regarding our independence and impartiality. He has also challenged the process as unfair, unethical and flawed.
- [16] We are satisfied that the process we followed in investigating the complaint adhered to the tenets of procedural fairness, and that our independence and impartiality has been evident throughout. However, with the Councillor's comments in mind we have revisited our report to provide greater clarity.

Councillor's Sick Leave

- [17] Once an investigation is commenced, and where the Integrity Commissioner finds that a member has contravened the Code of Conduct, unless a reasonable satisfactory resolution can be achieved, then the Integrity Commissioner must file a report to Council at the earliest possible opportunity.
- [18] On March 31, 2021 the Councillor obtained leave of City Council for his absence due to illness until June 30, 2021.
- [19] As in cases of workplace investigations, delays can occur because a party takes a medical leave.
- [20] In this investigation, following receipt of the complaint on November 12, 2020, the investigation was completed and our preliminary Findings Report drafted by February 2, 2021.
- [21] At the end of March 2021 the Respondent took a medical leave.

Principles *Integrity*

- [22] On June 18, 2021 in response to an inquiry from the Councillor's legal counsel, we advised that in deference to his client's health issues and absence from Council, we would delay our final Report to Council pending the Councillor's return to work. We advised that while we did not feel it necessary to deliver an Interim Report to explain the delay, if the Councillor had any concerns we would provide an Interim Report to Council.
- [23] In June his sick leave was extended until September 30, 2021 and in September, that date was extended to October 31, 2021.
- [24] We have held our final Recommendation Report in abeyance pending his return to his position on Council.
- [25] While recognizing that issuing our Report within days of the Respondent's return to work may appear insensitive, we hasten to point out that the Respondent has had our preliminary Findings Report in hand (containing essentially everything except the recommendations set out at the end of this document) since February 2, 2021.
- [26] We also note that, in the time that has elapsed, at least three members of senior staff whose evidence contributed to our work are no longer on staff at the City.
- [27] Our obligation to issue this Report is not merely our obligation to Council, but to those staff who filed the complaint and those who supported the investigation of the complaint by coming forward and participating in our investigation.
- [28] For such a complainant, the Integrity Commissioner offers the only possible recourse for problematic behaviour by a member of Council. Our reports should be as timely as possible.

The Complaint

- [29] On November 12, 2020 we received a complaint from the City of Hamilton's Human Resources department filed on behalf of City staff alleging that Councillor Whitehead has engaged in a course of conduct and behaviour with respect to staff which breaches the Code of Conduct.
- [30] During the investigation, we were advised that the impetus for this complaint was the recognition by the Human Resources department and the City's senior management team that they had an obligation to seek recourse for what they perceived as a Councillor's unacceptable conduct and behaviour toward a member of staff. The conduct complained of in this complaint was viewed as the culminating incident in a familiar pattern of behaviour by the Councillor.

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- [31] Senior management determined that the complaint should come from the Human Resources department and not the individual directly and recently involved. Management staff felt compelled to bring the allegations forward on behalf of staff directly affected; as such, we have treated this complaint as being filed by the Human Resources department, not by the staff member whose treatment by the Councillor was the culminating incident. The staff member will be referred to as Staff Member A in the balance of this Report.
- [32] Staff who were interviewed during the course of our investigation, provided cogent and relevant evidence revealing a pattern of conduct and behaviour.
- [33] The particulars set out in the complaint are as follows:
- During a Committee meeting, Councillor Whitehead repeatedly verbally attacked and impugned the professional integrity and competence of Staff Member A
 - Councillor Whitehead claimed that Staff Member A had been terminated from previous employment and suggested their job was 'on the line', thereby maligning and impugning the professional reputation of Staff Member A.

Background and Context:

- [34] The safety and operational characteristics of roadways in the City of Hamilton have sometimes been contentious. The Complete Streets objective, which places emphasis on pedestrian-friendly design, at times pits members of the community with divergent perspectives (commuters in cars, cyclists and pedestrians) against each other.
- [35] The review of Aberdeen Avenue from Queen to Longwood, initially sought by Motion in late fall 2015, was one such issue.
- [36] On November 18, 2015, the former Ward 1 Councillor brought a motion requesting the review to the General Issues Committee (GIC) without first providing the requisite Notice at the preceding meeting in accordance with the Procedural By-law.
- [37] Although the segment of Aberdeen identified by the motion was situated in Ward 1, because it serves as one of the routes for commuters travelling from other Wards, most particularly Wards 2 and 8 (now 2, 8 and 14) the initial motion lost on a tie vote, but prompted a further motion.
- [38] This further motion directed that, on those occasions when staff are engaged to write a Motion for a Councillor, where such Motion will require waiving of the rules (in other words, arriving at Council or Committee without Notice), that:

Principles *Integrity*

“those staff involved in the formulation of the Notice of Motion be directed to review the Notice of Motion with the affected ward Councillors so that they may have a reasonable timeframe with which to engage their communities”.

- [39] On April 27, 2016, Council directed (Item 7.11) that staff work with the affected Ward Councillors on interim safety measures along Aberdeen, during the full review of Aberdeen from Queen to Longwood respecting the safety and operational characteristics of the roadway.
- [40] On March 20, 2017, a report to Public Works outlined those interim measures to be implemented in advance of the completion of the Transportation Master Plan, which would result in many more changes.
- [41] On June 17, 2019 in a report to Public Works entitled *Update on Safety Measures on Aberdeen Avenue from Queen Street to Longwood Road (PW17021(a))*, staff specified the additional measures to be implemented along Aberdeen. This implementation was ratified by Council.
- [42] Among those measures was the allowance of parking on both the north and south sides of Aberdeen between Queen and Dundurn (the ‘road diet’), and with respect to the timing of implementation, that all of the changes set out “coincide simultaneously with the two-way traffic conversion of Queen Street South from Aberdeen Avenue to Main Street West”.
- [43] In September of 2020 that two-way conversion was completed, and staff were proceeding with implementation of the road diet.
- [44] Changing implementation would have required a reconsideration of Council’s earlier decision.
- [45] On September 11, 2020, a petition opposing the parking along Aberdeen was before Public Works committee. This prompted other members of the community to ‘delegate to’ (attend and speak to the committee) in support of the imminent changes.
- [46] Councillor Whitehead, whose constituents are commuters using Aberdeen, challenged the members of the community who spoke in favour of the implementation of street parking along Aberdeen.
- [47] He then questioned Staff Member A about the road diet and the procedure leading to implementation, alleging missteps including lack of consultation and acting without Council direction.

Principles *Integrity*

- [48] One of the elements in this Complaint is the treatment of Staff Member A during that meeting by the Councillor, on the basis that the Councillor was publicly attacking the staff member.
- [49] The other element relates to conduct and behaviour by Councillor Whitehead targeting that same staff member outside of the public meeting which amounted to the Councillor privately attacking the staff member.

The Applicable Code of Conduct Provisions, and their Interpretation:

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

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

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

- [52] The provisions of the Code which are most relevant to our findings and analysis in this investigation are¹:

Section 11: Conduct Respecting City Employees

11. (1) ...

(a) every Member of Council shall be respectful of the role of City officers and employees to provide service and advice based on political neutrality and objectivity, and without undue influence from any one or more Members of Council;

(b) no Member of Council shall maliciously, falsely, negligently, recklessly, or otherwise improperly, injure the professional or ethical reputation, or the prospects or practice, of any one or more City employees; and

¹ During the period of our investigation the City had not yet adopted a Council/Staff Relations Policy, which may have been relevant had it been in place.

Principles *Integrity*

(c) every Member of Council shall show respect for the professional capacities and position of officers and employees of the City.

...

(3) No Member shall use, or attempt to use, the Member's authority or influence for the purpose of intimidating, threatening, coercing, or otherwise improperly influencing any City employee with the intent of interfering with that employee's duties, including the duty to disclose improper activity.

(4) It is the policy of the City that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment and workplace violence.

Accordingly:

...

(b) no Member of Council shall harass or engage in acts of workplace violence towards another Member of Council, any City officer or employee, or any member of the public; and

(c) every Member of Council shall:

(i) treat other Members, City officers and employees, and members of the public, appropriately, and without bullying, abuse, intimidation or violence; and

(ii) make all reasonable efforts to ensure that his or her work environment is free from discrimination, harassment and violence.

Analysis and Findings:

Evidentiary Standard for Findings of Fact:

- [53] In order to make findings of fact, the test in an integrity commissioner's investigation is a "balance of probabilities". This means that a finding requires that it be more likely true than not that the alleged conduct occurred. This is a much lower threshold than the criminal standard of proof "beyond a reasonable doubt".
- [54] Despite this lower threshold, the evidence available to us in this investigation provides a preponderance of proof on which we are able to make our findings.
- [55] We are satisfied that the alleged events occurred as reported.
- [56] We are also satisfied, as detailed below, that those alleged events constitute a pattern of conduct and behaviour by Councillor Whitehead, directed at various employees at different times, over several years.

Principles *Integrity*

Harassment, bullying; attacking, impugning staff integrity and competence:

- [57] When the issue of Aberdeen lane restrictions arose at the September 11, 2020 Public Works Committee meeting the Chair reminded Councillors that there was to be no debate, as Council direction already had been passed in June 2019 to implement the changes.
- [58] Throughout the next hour and fifteen minutes of the meeting, Councillor Whitehead's opposition to the road diet implementation manifested itself in an aggressive barrage of rapid-fire questions of Staff Member A.
- [59] Although not the subject of this complaint, he also aggressively questioned delegates speaking in support of the changes. The Chair reminded him repeatedly to confine his comments to questions of clarification.
- [60] Starting at about 2:15:00 into the meeting Staff Member A explained the pilot project of lane restrictions through parking permissions along Aberdeen. Questioning on the subject continues until 3:30:48 in the meeting recording.
- [61] It is staff's role to provide information and professional advice so that Council can make informed decisions. Councillors can ask questions of clarification, seeking to better understand issues.
- [62] It is the role of Councillors to debate each other, not staff, on issues before them. Staff are not adversaries in 'opposition' in a debate, and are not witnesses in a trial.
- [63] Councillor Whitehead's style in this meeting was to treat Staff Member A alternately as a hostile witness under cross-examination, and an adversary in a debate.
- [64] One frequent device the Councillor employs is to state his opinion or perspective (essentially, the position he would like to be adopted), then conclude with "Is that correct?"
- [65] Not surprisingly, Staff Member A did not agree with the Councillor's positions.
- [66] When used sparingly, it may be effective in ensuring the Councillor's perspective is understood.
- [67] When used repeatedly, it takes on a quality of witness-badgering that has no place in a Council chamber. No court would condone it. The opposing lawyer would object.
- [68] In a workplace, such questioning of another employee would quickly be recognized as harassment.

Principles *Integrity*

- [69] The Council chamber (including a virtual council or committee meeting) constitutes a workplace for those working for the municipality.
- [70] Employers have an obligation to ensure a harassment-free workplace, in the same way employers have an obligation to ensure a violence-free workplace. The Code of Conduct requires members of Council to refrain from harassing and bullying behaviour towards employees.
- [71] It is fair for a municipal staff member to expect prodding, even challenging, questions from Members of Council who seek to understand an issue, or seek to convey opposition to a matter. The decision after all is the responsibility of the Council, and not staff, to make.
- [72] That said, questioning which takes the form of cross-examination and interrogation is disrespectful and inappropriate and places staff in the unfair position of having to simply endure it, since they have no right to speak, unless asked, or to vote on a matter before Council or a committee.
- [73] The Respondent's questioning of Staff Member A was in form and substance disrespectful and inappropriate.
- [74] Councillor Whitehead wrongly accused Staff Member A of acting contrary to previous Council direction, implied that Staff Member A was misleading the committee, accused Staff Member A of giving different answers in private than in public, and suggested Staff Member A was lying. The Councillor then proceeded to demand a public apology from Staff Member A for the alleged transgression of failing to consult before implementing the Council direction. Although Staff Member A clearly did not agree with the Councillor's position, he attempted to deflect and assuage the Councillor, avoiding directly disputing or debating with him.
- [75] We find this aggressive and hostile questioning of Staff Member A by Councillor Whitehead constitutes harassment and bullying.
- [76] It is inappropriate to argue and debate with staff, and accuse staff of dishonesty. Staff cannot fight back, because they are expected to demonstrate respect for members of Council.
- [77] Staff cannot question Councillors, nor 'return fire' even when they are being blatantly disrespected. The situation reflects a power imbalance.
- [78] We note that the Chair attempted repeatedly to rein in the questioning, without success.

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- [79] It is not solely the role of the Chair to maintain orderly and respectful decorum in meetings.
- [80] In our observations of hundreds of municipal council and committee meetings, such disrespectful treatment of staff would prompt quick interjection by other members of council.
- [81] At one point, the Chair ruled that the questions and comments by Councillor Whitehead were out of order, given that there was no decision being considered by the committee, and therefore nothing to 'debate'.
- [82] On a challenge to the ruling, the ruling was overturned. Shortly afterwards, when the line of questions continued, the Chair unilaterally 'removed' the Councillor from the virtual meeting.
- [83] If committee members choose to spend their time hearing about issues already decided and not before them, that is certainly their prerogative. But allowing aggressive and harassing interrogation-style questioning to continue is not acceptable.
- [84] Passively sitting on the sidelines allowing inappropriate conduct and behaviour to unfold, particularly against a member of City staff, is enabling if not encouraging this bad behaviour.
- [85] The Councillor's conduct and behaviour – peppering Staff Member A with interrogation-style questions, not listening, interrupting, and refusing to accept the responses, then suggesting they are untruthful, lying, incompetent or lack integrity – these are not acceptable behaviours from a member of a municipal Council.
- [86] The Councillor has offered a number of justifications for his behaviour: that he was experiencing stresses in his personal life; that he was just reacting in 'the heat of the moment'; that other Councillors did not find his behaviour inappropriate; that it was warranted because Staff Member A was exhibiting contempt.
- [87] We find that none of these factors are sufficient to justify or excuse the harassment and bullying which we find occurred at the Public Works committee meeting.
- [88] This public episode of protracted unbridled bullying is damaging to staff in the workplace environment.
- [89] During this investigation we interviewed a number of the City's management staff – both current and former staff - at different levels.
- [90] During those interviews, we learned that similarly bullying behaviour by Councillor Whitehead had been brought to the Councillor's attention in the past, by senior

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managers who witnessed it being targeted at other subordinates and even at themselves. We were made aware of half a dozen separate incidents, involving as many different management staff, who experienced similar bullying by Councillor Whitehead in public meetings.

- [91] We have been advised that Councillor Whitehead's approach to staff questioning has had a chilling effect which requires management to curate who can attend committee meetings to present reports when Councillor Whitehead is anticipated to be present, with senior staff members often taking on the role themselves in lieu of staff who might have more direct experience with a matter.
- [92] The damage to staff, and to the culture of respect in the organization, is significant and lasting. Such conduct causes stress and anxiety to those on whom it is visited and inculcates a culture of apprehension and fear in others who know they will have to interact with the Councillor in the course of their employment.
- [93] A concern exists that left unchecked, the behaviour will exacerbate retention/recruitment difficulties. Experienced professionals with long track records and excellent credentials would be understandably hesitant to risk exposing their reputations to damage wrought in such an environment.

Intimidation and Threats to job-security

- [94] The complaint alleges that Councillor Whitehead told the City Manager that Staff Member A had been fired from his former municipal job before taking the position at Hamilton.
- [95] Councillor Whitehead advised us that a Council colleague confided this information to him. He advised that he learned more when he asked councillors of that other municipality when they and he were at an FCM meeting, the Federation of Canadian Municipalities.
- [96] The Councillor refused to disclose to us which Council colleague had told him this, and advised that his trustworthiness would be eroded among his colleagues if he told us.
- [97] The Councillor told us that before sharing this information with the City Manager, he first raised it with Staff Member A, but obtained no satisfactory response, as Staff Member A merely changed the subject.
- [98] In the course of this investigation, the Councillor advised us that:
- He only told 3 individuals (aside from Staff Member A): the City Manager, the General Manager, and the Executive Director of Human Resources
 - He never heard anything back from any of them, to contradict it

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- The information was given to him by a Council colleague, and he checked it by asking councillors from that other municipality, at the Federation of Canadian Municipalities (FCM)

[99] In the course of this investigation, we learned that:

- The Councillor never asked Staff Member A about being fired
- The Councillor shared this information with several individuals, including with one of the Staff Member A's subordinates
- The City Manager promptly told the Councillor that the information was false
- In December 2020 the Councillor continued to repeat it

[100] Members of Council have no role in the hiring (or termination) of staff below the level of General Manager.

[101] While there might be circumstances where a member of Council, upon learning that a recently-hired employee had been terminated from previous employment (thus suggesting the possibility that the organization might have hired the individual unaware of relevant information) might share it confidentially with the City Manager or a General Manager, under the circumstances of this investigation, we find that the Councillor's 'sharing' of information was a blatant attempt to falsely undermine and malign the reputation of Staff Member A.

[102] For the record, it is clear that Staff Member A was the preferred candidate when hired in mid-2018 following a thorough recruitment process, and voluntarily left a position of responsibility with a previous employer to take the job with the City of Hamilton. Staff Member A is a nationally-recognized expert in their professional field, who has held positions of responsibility for over two decades before coming to Hamilton.

[103] Further, we find that the Councillor did not confine sharing his false information – malicious gossip, in fact – with Staff Member A's superiors, but also shared it with at least one of Staff Member A's staff.

[104] On that occasion, the Councillor told a non-management staff member that Staff Member A's job was 'on the line' when they were unable to immediately take a phone call when the Councillor demanded.

[105] This is egregious conduct, as it serves the dual purposes of undermining and impugning Staff Member A's reputation and ability to support and manage staff, and intimidating to staff, by reminding them that he, as a Councillor, is able to damage and destroy the reputation and, by extension, career and livelihood of those who do not comply with his wishes and desires.

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- [106] This is a devastating message to municipal staff, whose overarching purpose is to provide independent professional advice and information, in the public interest, to support Council's informed decision-making.
- [107] If staff can be threatened and controlled through veiled, and not-so-veiled, threats of termination, it renders the public interest subordinate to the intimidation tactics of individual Councillors.
- [108] Councillor Whitehead has not denied the allegations, but offers justification relating to his desire to do his due diligence in passing along information about the supposed termination of Staff Member A.
- [109] We do not find the Councilor's explanation to be credible.
- [110] During our investigation, we were made aware of a number of other instances, over several years, of Councillor Whitehead threatening the job of other management staff, at very senior levels, in attempting to extract a change in position in their professional advice or opinions.
- [111] Even during the time we were investigating this complaint, the Councillor has threatened other senior staff with 'firing' when he disagrees with their position or handling of a matter.
- [112] While an individual member of Council does not have any authority to fire (or direct the firing of) an employee – barring, perhaps, their own personal administrative support – the threat represents a significant act of intimidation. It is egregious and cannot be condoned.
- [113] If a member of Council is dissatisfied with the performance of any employee, there are appropriate channels to seek corrective action.
- [114] Demanding obedience to a Councillor on threat of termination is never appropriate, whether the threat can be reasonably executed or not.
- [115] We find that the conduct and behaviour in telling others that Staff Member A had been terminated was contrary to Section 11 of the Code of Conduct. We find that the Councillor's explanation regarding refusal to disclose the source of his information lacks credibility.
- [116] We find it more likely that he was intentionally attempting to plant the seed with this falsehood, to put in motion a process that would result in removal of Staff Member A, for the simple reason that he found the person resistant to complying with and acquiescing to the expectations and demands of the Councillor.

Additional Observations:

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- [117] While the Complaint was confined to incidents occurring over a span of a few months, our interviews with numerous management staff – senior management in particular - and several Council colleagues reveal a consistent pattern of behaviour by Councillor Whitehead which occurs when he opposes information presented by staff. When this happens, he turns his attacks on staff whose job it is to convey or implement the information or direction.
- [118] Those we interviewed described these episodes of hostile, harassing behaviour as ‘Terry being Terry’.
- [119] When there is silence around the table, this likely speaks volumes to Councillor Whitehead. More than merely enabling this bad behaviour, it condones and encourages it.
- [120] Management staff told us that Councillor Whitehead’s approach in dealing with them frequently amounts to harassment and bullying, and that there has been some effort over the years to get the Councillor to ‘stop it’.
- [121] The Councillor asserts that his behaviours – which he denies are bullying or amount to a violation of the Code – are the result of personal health issues he has recently experienced during the pandemic. He asserts that the conduct of the investigation demonstrates our insensitivity, exacerbating his already high levels of stress.
- [122] As noted, we have been provided with ample evidence of credible senior staff and Council colleagues that the Councillor’s pattern of periodic bullying and harassing behaviour dates back several years.
- [123] We heard from senior managers that this complaint was just the latest in a series of incidents experienced at the hands of the Councillor, indicating that he is quick to go after staff’s competence and integrity, threatening and intimating that they will be fired.
- [124] The Councillor asserts that concerns about his approach have never before been brought to his attention by anyone, and claims to be genuinely surprised that his style and approach could be construed as bullying.
- [125] This contradicts the evidence provided by those we interviewed who said that, when confronted afterwards, in conversation, Councillor Whitehead acknowledges his attacks, sometimes apologizes, but does not ever change.
- [126] Staff characterize his bullying as situational; it happens when he is not getting the professional advice or opinion that he wants on a particular issue.

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- [127] Finally, there is a general awareness by management staff that when he is attacking a staff member in public, there are unquestionably more attacks taking place behind the scenes. It is extremely stressful for the individual, and corrosive to the integrity of the organization.
- [128] Councillor Whitehead asserted Staff Member A had a 'lack of empathy' regarding how the Councillor was 'beaten up badly' (for the impact of the Aberdeen road diet changes on his constituents). Yet, the Councillor demonstrates a considerable lack of empathy or even basic recognition of the impact he causes to others, including but not limited to this staff member, when he wages a campaign of attacks, to get his way.
- [129] In the course of this investigation, it was made clear that there is no expectation among management staff that the Councillor will actually genuinely apologize for, or even acknowledge problems with, his conduct and behaviour.
- [130] We applaud the courage of the participants in this investigation for supporting the City's employees and a more respectful work environment.
- [131] One recurrent theme we heard is that management are pessimistic that not only will Councillor Whitehead's behaviour not change, but there is the concern that the Councillor will retaliate against those who participated in this complaint, as well as Staff Member A. While Staff Member A is well-respected in his field and among management at the City, it is felt that the disclosure of this behaviour and the outcome of this investigation would expose him to more of the Councillor's objectionable behaviour.
- [132] Council members are not mere by-standers when conduct escalates. They can play a role in calling it out and challenging it, with the voice of reason.
- [133] It would be unfortunate if members of Council do not place value in supporting the appropriate and respectful treatment of professional staff above their personal allegiances and loyalties to each other.
- [134] We note that any reprisal or retaliation by the Councillor can form the basis for a separate finding of contravention under the Code of Conduct.

Summary of Findings:

- [135] In summary, we find that the Councillor Whitehead's conduct and behaviour occurred as alleged, and that this conduct contravenes the Code of Conduct.
- [136] We find his aggressive and hostile questioning during the Public Works Committee meeting of September 11, 2020 constituted harassment and bullying of Staff Member A.

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[137] We find that his conduct in telling the City Manager and others that Staff Member A had been terminated previously was an attempt to intimidate and to falsely injure the professional reputation of an employee, contrary to the Code of Conduct.

[138] We find that the conduct and behaviour of Councillor Whitehead has contravened the Code of Conduct, in particular the provisions contained within section 11:

- s.11.(1)
 - (a) be respectful of staff and not attempt to exert undue influence
 - (b) not maliciously, falsely injure professional and ethical reputation
 - (c) fail to show respect for professional capacities of employee
- s.11(3) attempt to use authority / influence for purpose of intimidating, coercing, improperly influencing employee
- s.11(4)(b) engage in harassment of employee
- s.11(4)(c) (i) & (ii) bullying, creating a harassing environment

Concluding Remarks:

[139] An Integrity Commissioner's investigation report is not simply the conclusion of a technical exercise to determine whether there has been a breach of codified standards of behaviour. Our role is more than simply the task of bringing adjudication to grievances between individuals. As noted at the outset, we see as our highest objective in concluding an investigation to be the making of recommendations that serve the public interest.

[140] One of the most important functions of an integrity commissioner is to provide training, advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance. The integrity commissioner's role is as much about education as it is about adjudication, so that municipal government can function better, and that members of the public are able to confidently conclude that members of their municipal council are acting with integrity.

[141] Sometimes we are able to resolve complaints on the basis of course correction by the Member. Where the Member acknowledges inappropriate conduct and commits to meaningful change, a public report may not be necessary. In such cases, only the complainant and Respondent are made aware of the disposition of the matter.

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- [142] However, where a breach is substantiated, and it is important to daylight the concern, the integrity commissioner, following procedural fairness, submits a public report.
- [143] As detailed above, we are of the view that the Respondent's conduct represents a significant breach of the provisions of the Code of Conduct.
- [144] In appropriate circumstances, it may be that a Member of Council is able to correct his behaviour. In those circumstances, it is fair to give the Member the benefit of the doubt.
- [145] However, where a pattern of behaviour is observed, informal resolution is not in the public interest.
- [146] In the circumstances of this investigation, the evidence reveals a persistent pattern of unacceptable conduct and behaviour which is directed at particular staff. The evidence discloses that private attempts to prevail upon the Councillor to curtail this conduct and refrain from such unacceptable behaviour have failed.
- [147] The Councillor's response to our preliminary findings report makes it clear that the Councillor defends his conduct and behaviour as warranted, (because it allegedly arises in response to staff mistakes), and appropriate (as reflecting a style which has served the Councillor well).
- [148] He demonstrated a complete lack of acknowledgement that the conduct and behaviour raised legitimate concerns and he denied that these issues have ever previously been brought to his attention in the past.
- [149] While protecting the identity of specific individuals, we are satisfied based on our interviews with multiple senior management staff and members of Council, that the Councillor has been spoken to regarding his treatment of staff in meetings.
- [150] In our view, a significant change in behaviour is necessary.
- [151] We are not inclined to believe that training would bring about meaningful change in the Councillor's behaviour, particularly as the Councillor appears to exhibit little self-awareness in regard to the impacts of his behaviours on others.
- [152] While sympathetic to the Councillor's personal issues, we observed a lack of appreciation of the personal and professional toll his behaviour has taken on others. Without acknowledgement, there is no expectation the Councillor will see a need to change.
- [153] As such, we believe that a meaningful sanction is warranted.

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[154] The purpose of a sanction is to reinforce Council's ethical framework when education, or acknowledgement, is insufficient. In other words, the Code of Conduct must ultimately have 'teeth'.

[155] The Hamilton Council Code of Conduct provides as follows:

s.14 If the Integrity Commissioner concludes that, in his or her opinion, a Member has contravened the Code of Conduct, he or she may:

- (1) Impose the penalty of a reprimand upon the Member; or
- (2) Impose the penalty of suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council, for a period of up to 90 days.

[156] A suspension of pay does not affect the Councillor's ability to attend meetings and fulfill their duties, but it does take away a portion of his salary, as a penalty for violation of the Code.

[157] The important factors to be taken into consideration in determining that penalty ought to include proportionality and deterrence.

[158] In our view, a meaningful monetary penalty is warranted to make the point that such continued conduct is not acceptable.

[159] We are mindful that the hardships and challenges of the past year of pandemic have taken their toll on the Councillor, as they have on so many others navigating these difficult times. However, we must also recognize that the conduct and behaviour which triggered this complaint reflects a pattern of targeted and bullying behaviour which has been observed over several years.

[160] Under the circumstances, the severity of the sanction is tempered so that the Councillor is not unduly financially penalized.

[161] An integrity commissioner may also recommend, and Council may impose, certain remedial actions within its power, upon receipt of an integrity commissioner's report. The Hamilton Code references these powers under its Code of Conduct:

s.16 The Council may also, upon receiving a report from its Integrity Commissioner, take such further or other action as are within its lawful powers with respect to the subject-matter of the report and/or with respect to the Member of Council in question, including:

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(1) Removal from membership ...

...

[162] We are recommending that the Councillor be restricted in his communications with City staff, outside of his own office staff, to only communicating with General Managers and the City Manager, for the balance of the term or for such shorter period determined by Council as appropriate. Further, we recommend that Councillor Whitehead be obliged, during Council and committee meetings, to confine his questions of staff by only directing his questions to the Mayor or Chair and not directly to staff.

Recommendations:

[163] Having found that Councillor Whitehead, the Respondent, contravened the Code of Conduct, we impose the sanction of suspension of his remuneration for a period of 30 days commencing with the next pay period.

[164] We recommend that Council impose the following remedial measures with respect to the Councillor for the balance of this term of Council or such shorter period as Council deems appropriate:

(1) That Councillor Whitehead be restricted in his communications with City staff, outside of his own office staff, to communicating only with General Managers and the City Manager;

(2) That Councillor Whitehead be obliged, during Council and committee meetings, to confine his questions of staff by directing his questions to the Mayor or Chair and not directly addressing staff.

[165] We wish to conclude by publicly thanking the parties, members of Council and current and former staff who participated in our investigation. We express genuine appreciation for the sharing of time, knowledge and perspective by everyone concerned.

[166] We will be available to introduce this report and respond to questions during the Council meeting at which this report is considered.



**CITYHOUSING HAMILTON CORPORATION
SHAREHOLDER ANNUAL GENERAL MEETING
REPORT 21-002**

9:30 a.m.

Thursday, October 28, 2021

Council Chambers

Hamilton City Hall, 71 Main Street West

Present: Councillor B. Johnson (Chair)
Mayor Eisenberger, Councillors B. Clark, J.P. Danko, J. Farr,
L. Ferguson, N. Nann, J. Partridge, E. Pauls, M. Pearson,
A. VanderBeek, and M. Wilson

Absent Councillor T. Whitehead – Leave of Absence
Councillors T. Jackson and S. Merulla - Personal

**THE CITYHOUSING HAMILTON CORPORATION SHAREHOLDER PRESENTS
REPORT 21-001, AND RESPECTFULLY RECOMMENDS:**

1. Shareholder Resolutions (Item 11.1)

WHEREAS the City of Hamilton is the sole voting member of the Corporation (“Sole Voting Member”); and

WHEREAS the Sole Voting Member is authorized to hold shares in the Corporation and to exercise the rights attributed thereto, pursuant to Subsection 203(1) of the *Municipal Act*, 2001, SO 2001, c25 (“Act”), but the Corporation is not an Offering Corporation within the meaning ascribed to that term in the *Business Corporations Act*, R.S.O. 1990, c. B.16 (“OBCA”); and

WHEREAS the Council of the City of Hamilton are sitting as representatives of the Sole Voting Member of the Corporation; and

NOW THEREFORE the Council of the City of Hamilton, acting in its capacity as representative of the Sole Voting Member of the Corporation, RESOLVES AS FOLLOWS:

(a) Notice

That, in accordance with the provisions of the OBCA, the Sole Voting Member hereby waives any notice requirement for the manner or time of notice required to be given under any provision of any Act, any regulations thereunder, the articles, the by-laws or otherwise and such waiver shall cure any default in the manner or time of such notice, as the case may be.

(b) Financial Statements and Auditor's Report

That the financial statements of the Corporation for the fiscal year ended December 31, 2020 together with the auditor's report, attached as Appendix A to CityHousing Hamilton Corporation Shareholder Report 21-002, if applicable, be and the same are hereby received.

(c) Audit Appointment

That the undersigned, being the Sole Voting Member, hereby authorizes the Directors of the Corporation to appoint an auditor of the Corporation to hold office until the next following annual meeting at such remuneration as may be fixed by the Directors and the Directors are hereby authorized to fix such remuneration.

2. 2020 CityHousing Hamilton Corporation Annual Report

That the 2020 CityHousing Hamilton Corporation Annual Report, be received.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

That the agenda for the October 28, 2021 meeting of the CityHousing Hamilton Corporation Shareholder be approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) October 25, 2021 (Item 4.1)

That the Minutes of the October 25, 2021 meeting be approved, as presented.

(d) STAFF PRESENTATIONS (Item 9)

(i) 2020 Annual Report (Item 9.1)

Tom Hunter, CEO of CityHousing Hamilton, addressed the Shareholder, with the aid of a PowerPoint Presentation.

- (a) That the CityHousing Hamilton Shareholder Annual General Meeting recess for 20 minutes until 10:45 a.m. to resolve technical issues affecting the livestream.
- (b) That the presentation from Tom Hunter, CEO of CityHousing Hamilton, respecting the 2020 CityHousing Hamilton Corporation Annual Report, be received.

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

(e) MOTIONS (Item 11)

(i) Shareholder Approval RE: CHMC Loans and Associated Security

WHEREAS the Corporation is seeking certain loans from the Canada Mortgage and Housing Corporation through the National Housing Co-investment Fund – Repair and Renewal Stream; and

WHEREAS the pledge of certain wholly owned Corporation properties as security is a requirement of such above-mentioned loans; and

WHEREAS the Sole Voting Member has acquired the requisite delegated authority from the Council of the City of Hamilton to endorse the resolutions contained herein.

NOW THEREFORE the Council of the City of Hamilton, acting in its capacity as representative of the Sole Voting Member of the Corporation, RESOLVES AS FOLLOWS:

- (a) That the Sole Voting Member approves the redevelopment plans contemplated by CityHousing Hamilton Report 21009(b);
- (b) That the Sole Voting Member approves the Corporation entering into credit agreements with the City of Hamilton and the Canada Mortgage and Housing Corporation to facilitate the Corporation's borrowing of (CAN) \$145,688,880 (comprised of \$87,413,328 in repayable loans and \$58,275,552 in forgivable loans), as further outlined in CityHousing Hamilton Report 21009(b);
- (c) That the Sole Voting Member approves using certain wholly owned Corporation properties as collateral in relation to the above-

mentioned credit agreements, such security to be provided to the City of Hamilton and the Canada Mortgage and Housing Corporation respectively, as further outlined in Appendix "A" to CityHousing Hamilton Report 21009(b);

- (d) That the Sole Voting Member approves the preparation of all necessary documents and/or agreements to give effect to the foregoing;
- (e) That the Mayor and City Clerk are hereby authorized and directed to sign and/or dispatch and deliver all other agreements, documents, notices, articles and/or certificates to be signed and/or dispatched or delivered under or in connection with the Shareholder Declaration or to take any action deemed necessary in respect of any of the foregoing.

(e) ADJOURNMENT (Item 15)

That there being no further business the CityHousing Hamilton Corporation Shareholder meeting be adjourned at 11:04 a.m.

Respectfully submitted,

Councillor B. Johnson
Chair, CityHousing Hamilton
Corporation Shareholder

Tamara Bates
Legislative Coordinator
Office of the City Clerk



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Tom Hunter
Chief Executive Officer
CityHousing Hamilton Corporation
181 Main St. West
Hamilton, ON L8P 4S1

May 25, 2021

Dear Tom:

In planning and performing our audit of the financial statements of CityHousing Hamilton Corporation ("the Entity") for the period ended December 31, 2020, we obtained an understanding of internal control over financial reporting (ICFR) relevant to the Entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances for the purpose of expressing an opinion on the financial statements, but not for the purpose of expressing an opinion on ICFR. Accordingly, we do not express an opinion on the effectiveness of the Entity's ICFR. Our understanding of ICFR was for the limited purpose described above and was not designed to identify all control deficiencies that might be significant deficiencies and therefore, there can be no assurance that all significant deficiencies or other control deficiencies have been identified. As a result, any matters reported below are limited to those deficiencies in ICFR that we identified during the audit. Our awareness of control deficiencies varies with each audit and is influenced by the nature, timing, and extent of audit procedures performed, as well as other factors.

Refer to the Appendices for the definitions of various control deficiencies.

Significant Deficiencies

We did not identify any control deficiencies that we determined to be significant deficiencies in ICFR.

Other control deficiencies

We did not identify any other control deficiencies during the course of our engagement.



CityHousing Hamilton Corporation
May 25, 2021

Use of letter

This letter is for the use of management and those charged with governance in carrying out and discharging their responsibilities and should not be used for any other purpose or by anyone other than management and those charged with governance.

KPMG shall have no responsibility or liability for loss or damages or claims, if any, to or by any third party as this letter has not been prepared for, and is not intended for, and should not be used by, any third party or for any other purpose.

Yours very truly,

A handwritten signature in black ink that reads 'KPMG LLP'. The signature is written in a cursive, slightly slanted style. Below the signature is a long, horizontal, slightly curved line that serves as a decorative underline.

Licensed Public Accountants



Appendices

Terminology	Definition
Deficiency in Internal Control (“control deficiency”)	<p>A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis.</p> <p>A deficiency in design exists when (a) a control necessary to prevent, or detect and correct, misstatements in the financial statements is missing; or (b) an existing control is not properly designed so that, even if the control operates as designed, the control is unable to prevent, or detect and correct, misstatements in the financial statements.</p> <p>A deficiency in operation exists when a properly designed control does not operate as designed or the person performing the control does not possess the necessary authority or competence to perform the control effectively.</p>
Significant Deficiency in Internal Control (“significant deficiency”)	<p>A significant deficiency in internal control is a deficiency, or combination of deficiencies, in internal control that, in the auditor's professional judgment, is of sufficient importance to merit the attention of those charged with governance.</p>

Financial Statements of

**CITYHOUSING HAMILTON
CORPORTATION**

And Independent Auditors' Report thereon
Year ended December 31, 2020

CITYHOUSING HAMILTON CORPORATION

Financial Statements

December 31, 2020, with comparative information for 2019

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INDEPENDENT AUDITORS' REPORT

To the Board of Directors of CityHousing Hamilton Corporation

Opinion

We have audited the financial statements of CityHousing Hamilton Corporation (the Entity), which comprise:

- the statement of financial position as at December 31, 2020,
- the statement of operations and accumulated surplus for the year then ended
- the statement of changes in net debt for the year then ended
- the statement of cash flows for the year then ended
- and notes to the financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the “financial statements”)

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of CityHousing Hamilton Corporation as at December 31, 2020 and its results of operations, its changes in net debt and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the “**Auditors’ Responsibilities for the Audit of the Financial Statements**” section of our report.

We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.



Other Information

Management is responsible for the other information. Other information comprises:

- the information, other than the financial statements and the auditor's report thereon, included in the 2020 annual report

Our opinion on the financial statements does not cover the other information and we do not and will not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information identified above and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit and remain alert for indications that the other information appears to be materially misstated.

We obtained the information, other than the financial statements and the auditors' report thereon, included in the 2020 annual report as at the date of this auditors' report. If, based on the work we have performed on this other information, we conclude that there is a material misstatement of this other information, we are required to report that fact in the auditors' report.

We have nothing to report in this regard.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.



Auditors' Responsibility for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Entity to cease to continue as a going concern.



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- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represents the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

KPMG LLP

A handwritten signature in black ink that reads 'KPMG LLP'. The signature is written in a cursive, slanted style. Below the signature is a long, horizontal, slightly curved line that tapers at both ends, serving as a decorative underline.

Chartered Professional Accountants, Licensed Public Accountants

Hamilton, Canada
May 25, 2021

CITYHOUSING HAMILTON CORPORATION

Statement of Financial Position

As at December 31, 2020, with comparative information for 2019

	2020	2019
Financial assets		
Cash	\$ 28,402,537	\$ 23,703,954
Accounts receivable (note 2)	5,541,361	5,388,935
Investments (note 3)	13,470,187	13,010,845
	<u>47,414,085</u>	<u>42,103,734</u>
Liabilities		
Accounts payable and accrued liabilities (note 10)	10,327,600	7,946,017
Accrued mortgage interest	82,941	96,011
Deferred revenue (note 4)	3,755,611	4,190,822
Due to City of Hamilton (note 5)	10,629,671	1,520,843
Loans and mortgages (note 6)	44,740,909	46,966,734
Post-employment benefits (note 9)	3,086,300	2,682,100
Rent deposits	1,460,251	1,368,240
	<u>74,083,283</u>	<u>64,770,767</u>
Net debt	(26,669,198)	(22,667,033)
Non-financial assets		
Prepaid expenses	1,137,817	890,821
Tangible capital assets (note 13)	178,600,076	151,397,189
	<u>179,737,893</u>	<u>152,288,010</u>
Accumulated surplus (note 11)	\$ 153,068,695	\$ 129,620,977

See accompanying notes to financial statements.

On behalf of the Board:



Director CHAD COLLINS



Director NRINDER NANN

CITYHOUSING HAMILTON CORPORATION

Statement of Operations and Accumulated Surplus

Year ended December 31, 2020, with comparative information for 2019

	Budget 2020	Actual 2020	Actual 2019
	(note 12)		
Revenue:			
Residential rental	\$ 38,447,561	\$ 37,602,497	\$ 36,956,941
Commercial rental	1,319,634	1,025,733	1,008,011
Tenant recoveries	486,944	685,158	876,739
Government subsidies	20,513,848	18,472,122	18,520,594
Amortization of deferred revenue	-	435,211	435,211
Government subsidies - capital	-	4,946,803	14,953,872
Other income	486,574	2,632,209	2,466,413
Gain on sale of units	-	9,900,330	3,984,935
	61,254,561	75,700,063	79,202,716
Expenditures:			
Administration	14,648,999	16,008,371	16,274,689
Bad debts	346,500	300,735	420,682
Insurance	1,148,442	1,320,069	1,141,644
Maintenance	13,185,160	12,911,616	12,361,797
Amortization	7,330,793	7,330,793	6,883,000
Interest on long-term debt	2,024,831	1,607,216	1,930,413
OHC repayment	2,374,538	2,374,538	2,659,769
Municipal property tax	827,154	741,730	726,118
Utilities	10,721,538	9,601,536	9,801,024
	52,607,955	52,196,604	52,199,136
Annual surplus before service manager reconciliation	8,646,606	23,503,459	27,003,580
Service manager reconciliation	-	(55,741)	(2,782)
Annual surplus	8,646,606	23,447,718	27,000,798
Accumulated surplus, beginning of year	129,620,977	129,620,977	102,620,179
Accumulated surplus, end of year	\$ 138,267,583	\$ 153,068,695	\$ 129,620,977

See accompanying notes to financial statements.

CITYHOUSING HAMILTON CORPORATION

Statement of Changes in Net Debt

Year ended December 31, 2020, with comparative information for 2019

	2020	2019
Annual surplus	\$ 23,447,718	\$ 27,000,798
Purchase of tangible capital assets	(35,480,092)	(16,815,219)
Gain on sale of tangible capital assets	(2,506,956)	(3,984,935)
Proceeds on disposal of tangible capital assets	3,453,368	4,372,526
Amortization of tangible capital assets	7,330,793	6,883,000
	(3,755,169)	17,456,170
Net (increase) decrease in prepaid expenses	(246,996)	105,792
Change in net debt	(4,002,165)	17,561,962
Net debt, beginning of year	(22,667,033)	(40,228,995)
Net debt, end of year	\$ (26,669,198)	\$ (22,667,033)

See accompanying notes to financial statements.

CITYHOUSING HAMILTON CORPORATION

Statement of Cash Flows

Year ended December 31, 2020, with comparative information for 2019

	2020	2019
Cash provided by (used in):		
Operating activities:		
Annual surplus	\$ 23,447,718	\$ 27,000,798
Items not involving cash:		
Amortization	7,330,793	6,883,000
Gain on disposal of tangible capital assets	(9,873,623)	(3,984,935)
Amortization of deferred revenue	(435,211)	(435,211)
Post-employment benefits	404,200	1,730,067
Change in non-cash assets and other liabilities:		
Accounts receivable	(152,426)	(821,163)
Prepaid expenses	(246,996)	105,792
Accounts payable and accrued liabilities	2,381,583	865,183
Rent deposits	92,011	(55,063)
Accrued mortgage interest	(13,070)	(7,893)
	22,934,979	31,280,575
Capital activities:		
Purchase of tangible capital assets	(35,480,092)	(16,815,219)
Proceeds on disposal of tangible capital assets	10,820,035	4,372,526
	(24,660,057)	(12,442,693)
Financing activities:		
Repayment to City of Hamilton	(120,672)	(124,049)
Advances from City of Hamilton	9,229,500	-
Proceeds from loans and mortgages	3,750,000	-
Repayment of loans and mortgages	(5,975,825)	(5,836,263)
	6,883,003	(5,960,312)
Investing activities:		
Change in investments (net)	(459,342)	(392,785)
Net change in cash	4,698,583	12,484,785
Cash, beginning of year	23,703,954	11,219,169
Cash, end of year	\$ 28,402,537	\$ 23,703,954

See accompanying notes to financial statements.

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

CityHousing Hamilton Corporation (the "Corporation") is incorporated with share capital under the Ontario Business Corporations Act to provide, operate, and construct housing accommodation primarily for persons of low and moderate income. The Corporation's shares are 100% owned by the City of Hamilton (the "City"). The City is also the Service Manager for the Corporation. The Corporation is exempt from tax under the Federal Income Tax Act.

1. Significant account policies:

The financial statements of the Corporation have been prepared in accordance with Canadian public sector accounting standards. Significant accounting policies adopted by the Corporation are as follows:

(a) Basis of accounting:

The Corporation follows the accrual method of accounting for revenues and expenses. Revenues are recognized in the year in which they are earned and measurable. Expenses are recognized as they are incurred and measurable as a result of a receipt of goods or services and the creation of a legal obligation to pay.

(b) Government transfers:

Government transfers received are from federal and provincial governments and the City of Hamilton. Government transfers paid relate to service manager reconciliation adjustments to the City of Hamilton. Government transfers are recognized as revenue in the financial statements when the transfer is authorized, any eligibility criteria are met and a reasonable estimate of the amount can be made except, when and to the extent that, stipulations by the transferor give rise to an obligation that meet the definition of a liability. Government transfers that meet the definition of a liability are recognized as revenue as the liability is extinguished. Government transfers made by the Corporation are recognized as expenses when the transfer is paid.

(c) Other income including rental income:

Other income is reported as revenue in the period earned. Rental income is reported as revenue in the period earned at the agreed upon rental rate between the Corporation and the tenant.

(d) Non-financial assets:

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations.

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

1. Significant account policies (continued):

(d) Non-financial assets (continued):

(i) Tangible capital assets:

Tangible capital assets are recorded at cost which includes all amounts that are directly attributable to acquisition, construction, development or betterment of the asset. Contributed or donated tangible capital assets are recognized as tangible capital assets at their fair value at the date of receipt and as revenue. Interest is not capitalized to tangible capital assets during construction.

(ii) Amortization:

Amortization is recorded to reflect the cost, net of anticipated salvage value, associated with the use of the asset in providing services over the estimated useful life of the asset. Amortization expense is calculated on a straight-line basis over the assets' estimated useful lives as follows:

Asset	Number of years
Buildings and structures	20 - 40
Furniture and equipment	5 - 20
Leasehold improvements	20
Land improvements	20
IT equipment	3 - 5

One half of the annual amortization is charged in the year of acquisition and in the year of disposal. Assets under construction are not amortized until the asset is available for productive use.

(e) Post-employment benefits:

The Corporation provides certain employee benefits which will require funding in future periods. These benefits include extended health and dental benefit for early retirees and vested sick leave. The costs of extended health and dental benefits and vested sick leave are actuarially determined using management's best estimate of salary escalation, earned days accumulated for certain employees payable at retirement, health care cost trends, long term inflation rates and discount rates.

For self-insured retirement and other employee future benefits that vest or accumulate over the periods of service provided by employees, such as service payments and health and dental benefits for retirees, the cost is actuarially determined using the projected benefits method prorated on service. Under this method, the benefit costs are recognized over the expected average service life of the employee group. Any actuarial gains or losses related to the past service of employees are amortized over the expected average remaining service life of the employee group.

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

1. Significant account policies (continued):

(e) Post-employment benefits (continued):

The costs of multi-employer defined contribution pension plan benefits, such as the Ontario Municipal Employees Retirement System (OMERS) pensions, are the employer's contributions due to the plan in the period. These contributions are recognized in the period in which the contributions are earned.

(f) Deferred revenue:

Deferred revenue arising from the receipt of government transfers for the construction and acquisition of housing units are amortized to revenue over the period that the units are operated. Under the terms of the Corporation's government transfer agreements, the Corporation is required to operate the units for 20 years. Accordingly, these government transfers are amortized to revenue over 20 years.

(g) Investments:

Investments consist of short-term and long-term bonds and pooled equity instruments. Investments are carried at cost. Investment income is recognized only to the extent received or receivable. When there has been a loss in value that is other than a temporary decline in value, the respective investment is written down to recognize the loss.

(h) Provincial debentures:

Certain public housing properties which were originally financed by the Province of Ontario through general obligation provincial debentures are currently being repaid by the Corporation, however the Corporation is not legally responsible for the settlement of the debt. Accordingly, the provincial debentures are not presented on the Corporation's statement of financial position. Under PSAS, the amount of repayment in the year is recognized as an expense in the statement of operations.

(i) Use of estimates:

The preparation of financial statements in accordance with public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Significant estimates include assumptions used in performing actuarial valuations of liability for post-employment benefits. Actual results could differ from those estimates.

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

2. Accounts receivable:

	2020	2019
Tenant receivable	\$ 2,765,761	\$ 2,274,908
Subsidy receivable	1,306,749	1,399,864
Other	644,937	1,089,893
HST receivable	1,124,649	852,140
Allowance for doubtful accounts	(300,735)	(227,870)
	<u>\$ 5,541,361</u>	<u>\$ 5,388,935</u>

3. Investments:

	2020	2019
Cost	\$ 13,470,187	\$ 13,010,845
Market value	13,740,640	13,173,080

4. Deferred revenue:

Deferred revenue consists of grants received for housing units. The Corporation must operate and maintain the units for a period of 20 years.

	2020	2019
557 Queenston St.	\$ 596,496	\$ 715,796
Bridgewater	3,159,115	3,475,026
	<u>\$ 3,755,611</u>	<u>\$ 4,190,822</u>

Continuity	2020	2019
Balance, beginning of year	\$ 4,190,822	\$ 4,626,033
Add: Grants received	-	-
Less: Amounts recognized in revenue	(435,211)	(435,211)
Balance, end of year	<u>\$ 3,755,611</u>	<u>\$ 4,190,822</u>

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

5. Due to the City of Hamilton:

- a) Included in amounts owing to the City of Hamilton is a long-term liability for 211 King William (City Views). The liability bears interest at 4.75% per annum, maturing December 31, 2040 and payable in equal annual installments of principal and interest of \$61,437. The liability is secured under a general security agreement on the property. The balance outstanding at the end of the year is \$770,820 (2019 - \$795,370)

Principal charges in each of the next five years are as follows:

2021	\$	25,730
2022		26,967
2023		28,263
2024		29,622
2025		31,046
2026 and thereafter		629,192
	\$	770,820

- b) Included in amounts owing to the City of Hamilton is a long-term liability for the water conservation project. The liability bears interest at 2.5% per annum, maturing August 31, 2026 and payable in equal annual installments of principal and interest of \$114,259. The liability is secured under a general security agreement over the assets of the corporation. The balance outstanding at the end of the year is \$629,351 (2019 - \$725,473)

Principal charges in each of the next five years are as follows:

2021	\$	98,525
2022		100,988
2023		103,513
2024		106,101
2025		108,753
2026		111,471
	\$	629,351

- c) Included in amounts owing to the City of Hamilton is a long-term liability for 500 MacNab project. The liability bears interest at 2.63% per annum, maturing May 6, 2030 and payable in equal annual installments of principal and interest of \$1,063,000. The liability is secured by 20 Congress and 30 Congress Ave. The balance outstanding at the end of the year is \$9,229,500 (2019 - \$nil). Principal will be repaid in equal installments of \$922,950 over the 10-year period.

The remaining amounts owing to/from the City of Hamilton are non-interest bearing with no fixed repayment terms and are recognized in accounts receivable and accounts payable in the normal course of operations. These amounts are recognized at the carrying amount.

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

6. Loan and mortgage payable:

	2020	2019
Canada Mortgage and Housing Corporation, 0.96% mortgage for 772 Upper Paradise, renewing August 1, 2021, payable in equal monthly instalments of principal and interest of \$12,792	\$ 101,953	\$ 253,685
Scotia Mortgage Corporation, 2.590% mortgage for 470 Stone Church Road East, renewing January 1, 2023 payable in equal monthly instalments of principal and interest of \$23,206	564,261	824,548
Canada Mortgage and Housing Corporation, 2.22% mortgage for 75 Wentworth Street North and Ashley/Century, renewing January 1, 2024, payable in equal monthly instalments of principal and interest of \$16,479	1,124,583	1,295,418
Canada Mortgage and Housing Corporation, 0.69% mortgage for 1150 Limeridge Road East, renewing January 1, 2025, payable in equal monthly instalments of principal and interest of \$22,940	1,108,062	1,372,344
Scotia Mortgage Corporation, 2.195% mortgage for 1781 King Street East, renewing January 1, 2022, payable in equal monthly instalments of principal and interest of \$6,719	458,889	528,661
Scotia Mortgage Corporation, 2.195% mortgage for 67 Ossington Drive, renewing January 1, 2022, payable in equal monthly instalments of principal and interest of \$10,798	737,477	849,606
Scotia Mortgage Corporation, 1.865% mortgage for 1081 Rymal Road East, renewing June 1, 2022, payable in equal monthly instalments of principal and interest of \$11,441	839,973	960,438
Scotia Mortgage Corporation, 5.83% mortgage for 10 Brock Street, renewing May 1, 2024, payable in equal monthly instalments of principal and interest of \$7,225	577,163	628,982
Canada Mortgage and Housing Corporation, 1.73% mortgage for 25 Towercrest Drive, renewing August 1, 2024, payable in equal monthly instalments of principal and interest of \$30,845	2,924,683	3,241,429

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

6. Loan and mortgage payable (continued):

	2020	2019
Canada Mortgage and Housing Corporation, 1.69% mortgage for 1285 Upper Gage Avenue, renewing September 1, 2024, payable in equal monthly instalments of principal and interest of \$5,930	573,450	634,393
First National Financial LP, 2.99% mortgage for 430 Cumberland Avenue, renewing October 1, 2029, payable in equal monthly instalments of principal and interest of \$69,967	6,515,840	7,151,545
Canada Mortgage and Housing Corporation, 0.69% mortgage for 101 Broadway Avenue, renewing June 1, 2025, payable in equal monthly instalments of principal and interest of \$13,732	1,450,557	1,602,071
First National Financial LP, 2.20% mortgage for 1100 Limeridge Road East, renewing February 1, 2022, payable in equal monthly instalments of principal and interest of \$20,833	2,276,566	2,474,351
Canada Mortgage and Housing Corporation, 1.73% mortgage for 1900 Main Street West, renewing August 1, 2024, payable in equal monthly instalments of principal and interest of \$71,892	4,523,876	5,301,289
Canada Mortgage and Housing Corporation, 0.96% mortgage for 25 Lynden Avenue, renewing August 1, 2021, payable in equal monthly instalments of principal and interest of \$9,271	73,893	183,867
Canada Mortgage and Housing Corporation, 1.01% mortgage for 122 Hatt Street, renewing February 1, 2021, payable in equal monthly instalments of principal and interest of \$15,434	902,693	1,077,848
Canada Mortgage and Housing Corporation, 1.14% mortgage for 700 Stonechurch Road West, renewing July 1, 2021, payable in equal monthly instalments of principal and interest of \$12,973	90,467	244,168
MCAP Financial Corporation, 2.559% mortgage for 680 Stonechurch Road West, renewing December 1, 2022, payable in equal monthly instalments of principal and interest of \$18,371	498,880	703,805

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

6. Loan and mortgage payable (continued):

	2020	2019
Canada Mortgage and Housing Corporation, 1.14% mortgage for 7-23 Gurnett Drive, renewing June 1, 2021, payable in equal monthly instalments of principal and interest of \$1,779	83,432	103,704
Canada Mortgage and Housing Corporation, 2.02% mortgage for 185-206, 210 Jackson Street East, renewing September 1, 2027, payable in equal monthly instalments of principal and interest of \$36,538	2,765,239	3,143,916
People's Trust Company 2.89% mortgage for 162 King William Street, renewing June 1, 2030, payable in equal monthly instalments of principal and interest of \$9,571	1,322,657	1,398,333
MCAP Financial Corporation, 2.559% mortgage for 580 Limeridge Road East, renewing December 1, 2022, payable in equal monthly instalments of principal and interest of \$19,577	457,602	677,842
Scotia Mortgage Corporation, 2.37% mortgage for 170 East Avenue South, renewing September 1, 2022, payable in equal monthly instalments of principal and interest of \$20,892	1,563,046	1,774,186
Sunlife Financial 3.950% mortgage for 350-360 King Street East, renewing June 1, 2027, payable in equal quarterly instalments of principal and interest of \$250,176	5,715,505	6,472,856
MCAP Financial Corporation 3.260% mortgage for 4 Bridgewater Court, renewing June 1, 2022, payable in equal monthly instalments of principal and interest of \$17,816	2,853,306	2,972,607
MCAP Financial Corporation, 2.559% mortgage for 405 York Boulevard, renewing December 1, 2022, payable in equal monthly instalments of principal and interest of \$19,453	886,856	1,094,842
Federation of Canadian Municipalities, 3.10% debenture for 500 MacNab St N, renewing September 1, 2040, payable in semi annual instalments of principal and interest of \$87,864	3,750,000	-
	\$ 44,740,909	\$ 46,966,734

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

6. Loan and mortgage payable (continued):

Future principal payments required on all long-term debt for the next five years and thereafter are as follows:

2021	\$	6,038,702
2022		13,383,271
2023		4,145,502
2024		8,215,218
2025		3,241,644
2026 and thereafter		9,716,572
	\$	44,740,909

7. Provincial debentures:

The value of the provincial debentures not recognized at the end of the year is \$5,965,894 (2019 - \$8,340,432). The Corporation made payments in the amount of \$2,374,538 during the year (2019 - \$2,659,769).

8. Pension agreements:

The Corporation makes contributions to OMERS, which is a multi-employer plan, on behalf of 137 members of its staff. The plan is a defined benefit plan, which specifies the amount of the retirement benefit to be received by the employees based on the length of service and rates of pay.

The latest actuarial valuation as at December 31, 2020, reported a funding deficit of \$3.2 billion (2019 - \$3.4 billion). OMERS expects the contributions and policy changes made in response to the deficit to return the plan to a fully funded position by 2025. Contributions were made in the 2020 calendar year at rates ranging from 9% to 14.6% depending on the level of earnings. As a result, \$908,085 was contributed to OMERS (2019 - \$861,906) for current service.

9. Post-employment benefits:

The Corporation provides certain employees benefits which will require funding in future periods. These benefits include sick leave and life insurance and extended health and dental benefits to early retirees.

	2020	2019
Retiree benefits	\$ 1,081,300	\$ 890,400
Vested sick leave	76,500	73,200
WSIB obligations	240,500	227,700
LTD plan	1,688,000	1,490,800
Balance, end of year	\$ 3,086,300	\$ 2,682,100

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

9. Post-employment benefits (continued):

Information about the Corporation's employee future benefits and obligations are summarized below. The most recent actuarial valuation on the Corporation's retiree benefits and vested sick leave was completed for the December 31, 2020 year-end.

	2020	2019
Accrued benefit obligation:		
Balance, beginning of year	\$ 2,682,100	\$ 977,800
Current benefit cost	561,900	485,900
Interest	97,500	95,700
Benefits paid	(568,900)	(626,000)
WSIB and long-term debt obligation recognition	-	1,748,700
Actuarial loss	313,700	-
Balance, end of year	3,086,300	2,682,100
Net actuarial loss	-	-
Liability for benefits	\$ 3,086,300	\$2,682,100

a) Liability for vested sick leave benefit plans:

The Corporation provides a sick leave benefit plan for certain employee groups. Under the sick leave benefit plan, unused sick leave can accumulate, and employees may become entitled to a cash payment when they leave the Corporation's employment.

The significant actuarial assumptions adopted in estimating the Corporation's accrued benefit obligation for vested sick leave is as follows:

	2020	2019
Interest (discount rate)	3.25%	3.50%
Salary increases	3.00%	3.00%
Inflation	3.00%	3.00%

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

9. Post-employment benefits (continued):

b) Liability for retiree benefits:

The Corporation provides certain health, dental and life insurance benefits between the time an employee retires under the Ontario Municipal Employees Retirement System (OMERS) or the normal retirement age and up to the age of 65 years.

The significant actuarial assumptions adopted in estimating the Corporation's accrued benefit obligation for vested sick leave is as follows:

	2020	2019
Interest (discount rate)	3.50%	3.75%
Health care trend rate*	6.21%	5.87%
Dental care trend rate	4.00%	4.00%

* Decreasing at a rate of 0.13% per annum reaching 4.00% in 2038.

c) Liability for WSIB benefits obligations:

In common with other Schedule 2 employers, the Corporation funds its obligations to the Workplace Safety and Insurance Board ("WSIB") on a pay as you go basis for employees under Schedule 2. An independent actuarial valuation has been performed on the Corporation's liabilities for future payments, with the most recent valuation completed for the December 31, 2020 year-end.

d) Liability for LTD plan:

The Corporation provides certain long-term disability benefits which are self-insured by the Corporation. An independent actuarial valuation has been performed on the Corporation's liabilities for future payments, with the most recent valuation completed for the December 31, 2020 year-end.

10. Accounts payable:

	2020	2019
Accounts payable	\$ 5,014,424	\$ 4,866,823
Contractor holdbacks	3,734,068	1,225,601
Accrued liabilities including payroll	1,455,714	1,513,339
Service manager payable	123,394	340,254
	<u>\$ 10,327,600</u>	<u>\$ 7,946,017</u>

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

11. Accumulated surplus:

Accumulated surplus consists of individual fund surplus and reserve and reserve funds as follows:

	2020	2019
Reserves and reserve funds	\$ 32,154,679	\$ 28,598,096
Unfunded loans and mortgages	(54,599,760)	(47,692,208)
Unfunded post-employment benefit	(3,086,300)	(2,682,100)
Tangible capital assets	178,600,076	151,397,189
Balance, end of year	\$ 153,068,695	\$ 129,620,977

12. Budget data:

The budget data presented in these financial statements are based upon the 2020 approved operating and capital budgets approved by the Board of the Corporation. The chart below reconciles the approved budget to the budget figures reported in these financial statements.

Revenues		
Operating budget		\$ 61,254,561
Capital budget		7,282,000
Less: capital		(7,282,000)
Total revenue		61,254,561
Expenses:		
Operating budget		61,254,561
Capital budget		7,282,000
Add:		
OHC repayment		2,374,538
Less:		
Amortization – repayments		(2,126,848)
Transfers to replacement reserve		(8,894,296)
Capital expenses		(7,282,000)
Total expenses		52,607,955
Annual surplus		\$ 8,646,606

CITYHOUSING HAMILTON CORPORATION

Notes to Financial Statements

Year ended December 31, 2020

13. Tangible capital assets:

(a) Assets under construction:

Assets under construction having a value of \$43,339,984 (2019 - \$14,320,046) have not been amortized. Amortization of these assets will commence when the asset is put into service.

(b) Contributed tangible capital assets:

No contributed tangible capital assets have been received in 2020 or 2019.

(c) Tangible capital assets disclosed at nominal values:

Where an estimate could not be made, the tangible capital asset was recognized at a nominal value. No assets were recognized at nominal amount in 2020 or 2019.

(d) Works of art and historical treasures:

The Corporation does not have any works of art or historical treasures.

(e) Write-down of tangible capital assets:

No capital assets were written down during the year.

Year ended December 31, 2020											
12. Tangible Capital Assets (continued)											
	Cost				Accumulated Amortization				2020	Net	
	Balance Beginning of Year	Additions	Disposals	Balance End of Year	Balance Beginning of Year	Amortization	Disposals	Balance End of Year			Book Value
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Land	28,627,400.00	-	(817,386.00)	27,810,014.00	-	-	-	-	-	27,810,014.00	
Building and structures	330,723,060.00	4,420,680.00	(1,979,261.00)	333,164,479.00	251,688,955.00	5,378,851.00	(2,506,956.00)	254,560,850.00	78,603,629.00		
Furniture and Equipment	29,201,426.00	850,762.00	368,840.00	30,421,028.00	6,762,024.00	1,487,789.00	-	8,249,813.00	22,171,215.00		
Leasehold Improvement	2,704,643.00	-	-	2,704,643.00	1,149,473.00	135,232.00	-	1,284,705.00	1,419,938.00		
Land Improvement	5,401,094.00	163,151.00	-	5,564,245.00	1,287,808.00	287,404.00	-	1,575,212.00	3,989,033.00		
It equipment	1,659,419.00	-	-	1,659,419.00	351,639.00	41,517.00	-	393,156.00	1,266,263.00		
WIP	14,320,046.00	30,045,499.00	(1,025,561.00)	43,339,984.00	-	-	-	-	43,339,984.00		
December 31, 2020	412,637,088.00	35,480,092.00	(3,453,368.00)	444,663,812.00	261,239,899.00	7,330,793.00	(2,506,956.00)	266,063,736.00	178,600,076.00		
Land	29,007,216.00	-	(379,816.00)	28,627,400.00	-	-	-	-	28,627,400.00		
Building and structures	326,523,002.00	5,244,827.00	(1,044,769.00)	330,723,060.00	247,697,692.00	5,028,257.00	(1,036,994.00)	251,688,955.00	79,034,105.00		
Furniture and Equipment	28,669,404.00	532,022.00	-	29,201,426.00	5,350,711.00	1,411,313.00	-	6,762,024.00	22,439,402.00		
Leasehold Improvement	2,704,643.00	-	-	2,704,643.00	1,014,241.00	135,232.00	-	1,149,473.00	1,555,170.00		
Land Improvement	5,098,829.00	302,265.00	-	5,401,094.00	1,021,127.00	266,681.00	-	1,287,808.00	4,113,286.00		
It equipment	1,659,419.00	-	-	1,659,419.00	310,122.00	41,517.00	-	351,639.00	1,307,780.00		
WIP	3,583,941.00	10,736,105.00	-	14,320,046.00	-	-	-	-	14,320,046.00		
December 31, 2019	397,246,454.00	16,815,219.00	(1,424,585.00)	412,637,088.00	255,393,893.00	6,883,000.00	(1,036,994.00)	261,239,899.00	151,397,189.00		



**PUBLIC WORKS COMMITTEE
REPORT 21-016**

1:30 p.m.

Monday, November 1, 2021

Council Chambers

Hamilton City Hall

71 Main Street West

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

**THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 21-016 AND
RESPECTFULLY RECOMMENDS:**

1. Hamilton Water Leak Detection Program (PW21063) (City Wide) (Item 8.1)

That Report PW21063, Hamilton Water Leak Detection Program, be received.

2. Update to Hamilton's Solid Waste Collection Design Guidelines for Developments (PW21061) (City Wide) (Item 8.2)

That Appendix "A" attached to Public Works Committee Report 21-016 respecting the City of Hamilton Waste Requirements for Design of New Developments and Collection be approved.

3. Proposed Permanent Closure of a Portion of Kelly Street, Hamilton (PW21060) (Ward 2) (Item 10.1)

(a) That the application of the City of Hamilton's Landscape Architectural Services Section, to permanently close a portion of Kelly Street, Hamilton ("Subject Lands"), as shown in Appendix "B" attached to Public Works Committee Report 21-016, be approved, subject to the following conditions:

- (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close the highway, for enactment by Council;

- (ii) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing the highway in the proper land registry office;
- (iii) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- (iv) That the Public Works Department publish any required notice of the City's intention to pass the by-laws pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
- (v) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

**4. Garner Road Pumping Station (HD018) Upgrades (PW21062) (Ward 12)
(Item 10.2)**

- (a) That the single source procurement, pursuant to Procurement Policy #11 – Non-Competitive Procurements, for additional consultancy services including project management, contract administration during construction, site inspection and commissioning/warranty services for the Garner Road Pumping Station (HD018) upgrades, at the upset limit of \$750,000 be awarded to R.V. Anderson and Associates and funded from Project ID No. 5141667421; and,
- (b) That the General Manager of Public Works, or their designate, be authorized and directed to negotiate, enter into and execute a contract and any ancillary documents required to give effect thereto with R.V. Anderson and Associates in a form satisfactory to the City of Hamilton Solicitor.

5. Truck Route Master Plan Proposal (Hamilton Cycling Committee - Citizen Committee Report) (Item 10.3)

That the following recommendations from the Hamilton Cycling Committee - Citizen Committee Report respecting Truck Route Master Plan Proposal be referred to staff to review and assess their feasibility for consideration of integration by the Truck Route Sub Committee:

That the City of Hamilton amend the Truck Route Master Plan draft proposal to avoid routes on the Cycling Master Plan, pedestrian oriented areas, unnecessary secondary detour routes, including the entire Downtown Secondary Plan Area and the future BLAST network, and maintain truck routes mostly to highways including the Highway 403, the

QEW, Lincoln Alexander Parkway, Red Hill Valley Parkway, arterials with as few residential properties as possible, and Burlington Street.

In particular non-local truck routes should not follow:

- All daytime only routes within the urban boundary; and,
- Rymal Road, between Highway 6 and Upper Centennial Parkway.

6. Public Information Portal to Track Environmental Issues on City of Hamilton Projects (City Wide) (Item 11.1)

WHEREAS, there is growing public interest to better track environmental issues which include public remediation projects conducted by the City of Hamilton,

WHEREAS, especially in older parts of the City and particularly north of Cannon Street, the historical industrial and light industrial uses, in many cases, have long since been built upon in eras where environmental standards were not as robust, and,

WHEREAS, of late, Council has made great strides in reporting regularly on environmental information on locally owned assets such as Chedoke Creek and Storm Water Overflow;

THEREFORE, BE IT RESOLVED:

That the appropriate staff from Public Works be requested to report back on the feasibility of a regularly updated one-stop easy access public information portal that would track environmental issues on City of Hamilton projects, including the need for remediation, clean-up, or ground-water diversion infrastructure (or whatever else staff feels can be reported).

7. Removal of Birch Tree at 102 Cumming Court, Ancaster (Ward 12) (Added Item 11.2)

WHEREAS, the home at 102 Cumming Court will be demolished and rebuilt;

WHEREAS, the owner would like to remove a mature birch tree that is partially on City property at 102 Cumming Court;

WHEREAS, the birch tree is old and decayed on one side and the current location of the tree is in the way of the new proposed driveway;

WHEREAS, the property owner will replace the tree to be removed with another large caliber mature tree; and,

WHEREAS, the owner has agreed to remove the birch tree at their own expense and replace the tree at their own expense;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to permit the owner to remove the tree at 102 Cumming Court and replace it with a new birch tree; and,

- (b) That Building Division of the Planning and Economic Development Department, be advised.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Delegation Requests respecting Item 8.2 - Update to Hamilton's Solid Waste Collection Design Guidelines for Developments (PW21061) (City Wide) (for today's meeting):

- 6.1(d) Matt Johnson, Urban Solutions Planning and Land Development

12. NOTICES OF MOTION

- 12.1 Removal of Birch Tree at 102 Cumming Court, Ancaster (Ward 12)
- 12.2 Addressing Traffic Speed and Volume on Harbourfront Drive
- 12.3 Environmentally Sustainable Solutions for Food Trucks at Bayfront (and other) Park(s)
- 12.4 Road Safety Audit of the Intersection of Barton Street East and Wellington Street North

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Merulla declared an interest to Item 9.4, Delegation from Matt Johnson Urban Solutions Planning and Land Development, respecting Item 8.2 Update to Hamilton's Solid Waste Collection Design Guidelines for Development, as Matt Johnson is the Planning consultant for a property he and his wife are developing.

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

(i) October 18, 2021 (Item 4.1)

The Minutes of the October 18, 2021 meeting of the Public Works Committee be approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

- (a) That the following delegation requests, respecting Item 8.2 - Update to Hamilton's Solid Waste Collection Design Guidelines for Developments (PW21061) (City Wide), be approved for today's meeting:

- (i) Brian Page and Tim Corcoran, Molok North America Ltd. (Item 6.1(a))
- (ii) Mike Collins-Williams, West End Home Builders' Association (Item 6.1(b))
- (iii) Graham McNally, Toms + McNally Design (Item 6.1(c))
- (iv) Matt Johnson, Urban Solutions Planning and Land Development (Added Item 6.1(d))

(e) CONSENT ITEMS (Item 7)

(i) Various Advisory Committee Minutes (Item 7.1)

The following Consent Items were received:

- (i) Hamilton Cycling Committee Minutes – September 1, 2021 (Item 7.1(a))
- (ii) Keep Hamilton Clean and Green Advisory Committee Minutes – September 21, 2021 (Item 7.1(b))

(f) STAFF PRESENTATIONS (Item 8)

(i) Hamilton Water Leak Detection Program (PW21063) (City Wide) (Item 8.1)

Dave Alberton, Manager of Public Works, addressed Committee respecting Report PW21063, Hamilton Water Leak Detection Program, with the aid of a presentation.

The presentation, respecting Report PW21063, Hamilton Water Leak Detection Program, was received.

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

(ii) Update to Hamilton's Solid Waste Collection Design Guidelines for Developments (PW21061) (City Wide) (Item 8.2)

Ryan Kent, Waste Planning Program Coordinator, addressed the Committee respecting Report PW21061, Update to Hamilton's Solid Waste Collection Design Guidelines for Developments, with the aid of a presentation.

The presentation respecting Report PW21061, Update to Hamilton's Solid Waste Collection Design Guidelines for Developments, was received.

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

(g) PUBLIC HEARINGS/DELEGATIONS (Item 9)

- (a) The following delegations addressed the Committee respecting the Update to Hamilton's Solid Waste Collection Design Guidelines for Developments (PW21061) (City Wide) (Item 9.1):
- (i) Brian Page and Tim Corcoran, Molok North America Ltd.
 - (ii) Mike Collins-Williams, West End Home Builders' Association
 - (iii) Graham McNally, Hamilton/Burlington Society of Architects
 - (iv) Matt Johnson, UrbanSolutions Planning and Land Development

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

(i) NOTICES OF MOTION

Councillor Farr introduced the following Notice of Motion:

(ii) Addressing Traffic Speed and Volume on Harbourfront Drive (Ward 2) (Added Item 12.2)

WHEREAS, the enjoyment of Bayfront Park by residents across the City has noticeably increased during COVID which has resulted in an increased demand for parking despite Council's dedication to and implementation of dedicated cycling infrastructure and pedestrian trails to this destination; and,

WHEREAS, residents have expressed concerns that auto traffic on the winding Harbourfront Drive (descending into and out of the main park area) is increasing in both volume and speeds with the 20km limit increasingly not adhered to;

THEREFORE, BE IT RESOLVED:

- (a) That staff from Hamilton Street Railway be requested to explore expanding bus service into the lower park and report back to Public Works before the end of Q2, 2022; and,
- (b) That Transportation Operations be requested to explore options using a Vision Zero lens on Harbourfront Drive with the objective of further enabling appropriate vehicle speed limit compliance and enhancing the safety and comfort of vulnerable road users and report back in Q1, 2022.

Councillor Farr introduced the following Notice of Motion:

(iii) Environmentally Sustainable Solutions for Food Truck sat Bayfront (and other) Park(s) (Ward 2) (Added Item 12.3)

WHEREAS, the food trucks providing food to visitors at Bayfront and other Parks use gas generators to provide their electricity, consistently emitting CO₂ and fine particulates into the surrounding neighbourhood;

THEREFORE, BE IT RESOLVED:

That the appropriate staff be requested to explore the feasibility of installing electrical outlets (or other measures) for the food trucks to utilize to eliminate or greatly reduce CO₂ emissions and fine particulates into neighbouring areas and report back in Q1, 2022.

Councillor Nann introduced the following Notice of Motion:

(iv) Road Safety Audit of the Intersection of Barton Street East and Wellington Street North (Ward 3) (Added Item 12.4)

WHEREAS, in 2019 Council approved the Strategic Road Safety Program and Vision Zero Action Plan aiming to create the conditions for zero fatalities and serious injuries due to collisions;

WHEREAS, the evaluation component of the Vision Zero Action Plan includes identifying the root causes behind traffic related injuries and fatalities;

WHEREAS, the roadways abutting the Hamilton General Hospital, inclusive of Barton Street East and Wellington Street North, are designated Community Safety Zones;

WHEREAS, enhancements were undertaken in 2020 including the installation of ladder crosswalk pavement markings, pedestrian count-down timers and bump-outs as approved as part of Report PW20079 – Hamilton General Hospital Safety Zone; and,

WHEREAS, on October 28, 2021, a resident on a mobility scooter was struck and killed in the intersection at Barton Street East and Wellington Street North;

THEREFORE, BE IT RESOLVED:

That Transportation Operations and Maintenance undertake a roadway safety audit, based on Vision Zero principals, of the intersection of Barton Street East and Wellington Street North to assess potential safety

enhancements and report back to Public Works Committee by the end of Q2, 2022.

(j) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – October 18, 2021

The Closed Session Minutes of the October 18, 2021 meeting of the Public Works Committee were approved, as presented, and remain confidential.

(k) ADJOURNMENT (Item 15)

There being no further business, the Public Works Committee adjourned at 5:32 p.m.

Respectfully submitted,

Councillor A. VanderBeek Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON WASTE REQUIREMENTS FOR DESIGN OF NEW DEVELOPMENTS AND COLLECTION

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1.0 DEFINITIONS

- **Access Route** means a designated route used by a Waste Collection Vehicle to enter, exit and travel throughout a Development for the purpose of completing Waste Collection Services.
- **Accessory Structure** when used to describe a use of land, building or structure, shall mean a use which is commonly incidental, subordinate and exclusively devoted to the main use or main building situated on the same lot.
- **Agreement for On-Site Collection of Municipal Solid Waste** means an agreement, in a form set out in Schedule "F" of the Waste By-Law, between the City and an Owner within the City for the collection of waste on private property, and may be amended by the General Manager, with approval as to form by the City Solicitor, from time to time.
- **Blue Box** refers to a Recyclable Material container used for the collection of Recyclable Material from a Single-Family Residential, Multi-Residential or Commercial property described in Appendix "D" of the Waste By-Law.
- **Blue Cart** refers to a wheeled Recyclable Material container used for the collection of Recyclable Material from a Multi-Residential Building described in Appendix "D" of the Waste By-Law.
- **Bulk Item** means a household waste item that is too large or heavy for regular Collection Services, and which is not Recyclable Materials, Organic Materials, Yard Waste or prohibited collection waste.
- **City** means the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires.
- **Compactor** means a machine or mechanism used to reduce the size and volume of Garbage through compaction.
- **Contractor** means a private company that is under contract to the City to carry out Waste Collection Service on behalf of the City.
- **Curbside Collection Services** means Waste Collection Services where waste is set-out for collection at the edge of the travelled portion of the Street or Private Road abutting the property receiving Waste Collection Service.
- **Developer** means a person, corporation, consulting firm or any party involved in the proposal, and construction of a new Development.
- **Development** means a change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.
- **Development Application** means a City of Hamilton application detailing a Developer's proposed plans for a Development on a property submitted through the City of Hamilton Planning and Economic Development Department for review and comment by City staff.
- **Duplex** means a Single-Family Residential Property containing two Dwelling Units but shall not include a Semi-Detached Dwelling.

- **Dwelling Unit** means a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway.
- **Front-End Collection Services** means Waste Collection Services where waste is collected in a Front-End Container(s) from a location on the property.
- **Front-End Container** means a metal or plastic container with a secured lid that is collected by a collection vehicle designed to collect Front-End Containers as illustrated in Appendix 2: Front-End Container Details. Front-End Containers are permitted to be used for the collection of Garbage, Recyclable Material and Organic Material.
- **Fronting** refers to the Street that the entrance and/or front of a building is located. Additionally, a building's principle address is usually directly related to where a building is Fronting, except for Secondary Dwelling Units. If a building is Fronting a Private Road, then the entrance of the building can be reached by the Private Road and the building will have an address based on the name of the Private Road.
- **Garbage** means waste other than Recyclable Materials, Organic Materials, Yard Waste, Bulk Items, and prohibited collection waste.
- **Garbage Container** means a container used for the collection of Garbage from a Single-Family Residential property, Multi-Residential Townhouse, Multi-Residential Building or Commercial Property described in Appendix "D" of the Waste By-Law.
- **Green Cart** means a wheeled container used for the collection of Organic Material described in Appendix "D" of the Waste By-Law.
- **Individual Curbside Collection Services** means Waste Collection Services where Waste is set-out for collection at the edge of the travelled portion of the road abutting the property receiving Waste Collection Services for each Dwelling Unit and where the Waste is not combined with the Waste from any other Dwelling Unit.
- **Industrial Property** means property designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.
- **In-ground Container** means a container based on the specifications in "Appendix 5: Recommended Dimensions for In-ground Containers" in which a receptacle to receive Waste is located above-ground with a storage component that extends underground.
- **Institutional Property** means a property designated as educational, health, retirement residence and other institutional uses as described by Municipal Property Assessment Corporation (MPAC). They may include government owned and operated facilities or be privately owned and operated.

- **Laneway** means a public highway or road allowance having a width of less than 12 metres.
- **Large Commercial Property** means a property used mainly for commercial purposes, with four or more floors and/or is part of a shopping centre.
- **Loading Area** means an area where Front-End Containers are set out to be collected as part of Shared Waste Collection Service.
- **Lodging House** means a house or other building or portion thereof in which four (4) or more persons are or are intended to be harboured, received or lodged for hire, where lodging rooms are without kitchen facilities for the exclusive use of the Occupants and where each Occupant does not have access to all of the habitable areas in the building, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution, is licensed, approved or supervised under a general or special Act other than the Municipal Act, 2001, and does not include student residences or convents.
- **Mixed-Use Development** means a Development or area comprised of different land uses either in the same building or in separate buildings. The mix of land uses may include agricultural, residential, commercial, industrial or institutional uses. Mixed-Use Developments may have uses that are eligible for Waste Collection Service and uses that are ineligible for Waste Collection Service.
- **Multiple Dwelling** shall mean a building or part thereof containing three or more Dwelling Units but shall not include Dwelling Units that are part of a Street Townhouse property or Semi-Detached Dwelling.
- **Multi-Residential Building** means a property used mainly for residential purposes which contains six or more Dwelling Units, and does not include institutional facilities, Residential Care Facilities, Lodging Houses, student residence, or a hotel, hospital, nursing home, home for the young or the aged or institution if the facility, house, residence, hotel, hospital, home or institution, as applicable, is licensed, approved or supervised under a general or special Act other than the Municipal Act, 2001.
- **Multi-Residential Townhouse** means a Townhouse Development with six or more Dwelling Units, in which some or all the Townhouses are not Street Townhouses, and so receive Shared Waste Collection Services. As an example, Multi-Residential Townhouses include stacked Townhouses.
- **Occupant** means an Owner, lessee, tenant or any other person inhabiting a property in the City.
- **Organic Material** means Waste items or materials referred to in Schedule "A" of the Waste By-law.
- **Owner** means any person with ownership over a property in the City or is either in charge or in control of a property on behalf of the Owner in the City.
- **Place of Worship** shall mean a building used by any religious organization for public worship or other religious functions and may include accessory or ancillary

uses which shall include but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, bookstore, out of the cold program, day nursery and educational or recreational uses.

- **Private Road** means a paved road or thoroughfare which is not assumed by the City, and which is owned and maintained by the Owner or Owners of a property.
- **Private Waste Collection Services** refers to a private waste company contracted by the Owner of a property for the collection of waste.
- **Property Manager** means a person or firm hired by the Owner of a property to maintain and operate the property.
- **Recyclable Material** means recyclable containers material and/or recyclable fibres material, as the context requires; waste items or materials referred to as Recyclable Materials in Schedule "A" of the Waste By-law.
- **Residential Care Facility** means a "Residential Care Facility" as it is defined in the City's Zoning By-law of the City of Hamilton, By-law No. 05-200, as may be amended, restated, superseded or replaced from time to time.
- **Right of Way** means the section of property abutting the road, which is administered by the City and which the City can use for providing municipal services.
- **Roadway** means the section of a road intended for the use by vehicular traffic.
- **Secondary Dwelling Unit** means a self-contained Dwelling Unit with a private kitchen, bathroom facilities and sleeping areas located within a Single Detached Dwelling, Semi-Detached Dwelling, Townhouse or within an accessory building located within the rear or side yard of the principle dwelling.
- **Semi-Detached Dwelling** means a building divided vertically into two Dwelling Units, by a common wall which prevents internal access between Semi-Detached Dwelling Units and extends from the base of the foundation to the roof line and for a horizontal distance of not less than 35% of the horizontal depth of the building. Each Semi-Detached Dwelling Unit shall be designed to be located on a separate lot with frontage on a Street or Private Road.
- **Set-Out Area** means an area designated for waste to be placed for collection.
- **Shared Collection Services** means Waste Collection Services provided by the City that consists of Waste generated from all Dwelling Units on a property being stored and set out for collection in a combined manner using Front-End Containers and/or Blue Carts and Green Carts.
- **Single Detached** means a Single-Family Residential Property consisting of a home which is not attached to any other home in any way.
- **Single-Family Residential Property** means a property used mainly for residential purposes containing five or fewer Dwelling Units, including Lodging Houses and Residential Care Facilities in residential neighbourhoods.
- **Small Commercial Property** means a property used mainly for commercial purposes, excluding commercial properties with four or more floors and/or shopping centres.

- **Staging Pad** means the area adjacent to the Loading Area of a property receiving Front-End Collection Services, which is used to manipulate and move Front-End Containers so that their contents can be loaded into the Waste Collection Vehicle.
- **Storage Area** means the area of a Development where Waste containers and material is stored in between collection days. Storage Areas in Multi-Residential Buildings may also be used by Occupants to separate and dispose of Waste from their individual Dwelling Units.
- **Storey** shall mean that portion of a building or structure, other than a cellar, included between the surface of any floor and the surface of the floor, roof deck or ridge next above it, except an attic Storey.
- **Street** means a public highway or road allowance having a minimum width of 12 metres.
- **Street Townhouse** means a Townhouse that is designed to be on a separate lot having access to and frontage on a Street or Private Road, Laneway or common condominium driveway.
- **Townhouse** means a building divided vertically into three or more Dwelling Units, by common walls which prevent internal access between units and extend from the base of the foundation to the roof line and for a horizontal distance of not less than 35% of the horizontal depth of the building but shall not include a maisonette.
- **Turning Radius** means the smallest radius of a circular turn that a Waste Collection Vehicle can make.
- **Waste** means Garbage, Organic Material and Recyclable Material collectively.
- **Waste By-law** means City of Hamilton By-law 20-221, Solid Waste Management By-law as may be amended.
- **Waste Collection Service(s)** means either Curbside Collection Services or Front-End Collection Services delivered by the City, or its Contractor, to properties enrolled in the service.
- **Waste Collection Vehicle** means a vehicle used by the City, or its Contractor, to carry out Waste Collection Service operations.
- **Waste Diversion Program** refers to a source separation program, where at minimum, Recyclable Material and Organic Material are separated from Garbage by Occupants and Owners, but may also include the separation of Yard Waste, and collected by Waste Collection Services.
- **Yard Waste** means material referred to as Yard Waste in Schedule "A" of the Waste By-law.
- **Yard Waste Container** refers to a container used for the collection of Yard Waste described in Appendix "D" of the Waste By-Law.

2.0 INTRODUCTION

2.1 Purpose of Document

The City of Hamilton Waste Requirements for Design of New Developments and Collection ("the Design Requirements") provides information on how new Developments must be designed to ensure safe Waste Collection Services through the City.

Additionally, the Design Requirements include design principles for New Developments to:

- Provide efficient movement of Waste Collection Vehicles; and
- Ensure that all Occupants have equal access to both Garbage disposal and Waste Diversion Programs provided by the City for that Development type OR provide greater accessibility to Waste Diversion Programs than Garbage disposal.

In all cases, best efforts should be made to satisfy these principles.

All properties requesting municipal Waste Collection Services must:

- Be constructed according to the submitted drawings approved by the City; and
- Successfully apply for Waste Collection Services.

Redevelopments where a change of service or classification occurs should meet all applicable requirements set forth in the Design Requirements (for example: a Single-Family Residential Property being redesigned into a Multiple Dwelling with five units).

The Design Requirements include specific requirements that should be satisfied when designing certain development types, however, staff will exercise on a case by case basis flexibility in applying the Design Requirements. This flexibility is intended to satisfy the purpose of Occupants receiving equal access to Waste Diversion Programs and Garbage collection in cases where application of the Design Requirements could result in a new development conflicting with the existing character of the street, the urban design and density objectives of the applicable land use policies, existing heritage features and/or the existing surrounding context.

2.2 City Waste Collection Services

City Waste Collection Services includes the collection of Garbage, Recyclable Material, Organic Material, Yard Waste, as well as Bulk Items. The City enforces a limit on the amount of Garbage and Bulk Items that are collected from each type of property. If a property generates more Garbage and Bulk Items than are permitted to be collected by the City, then it is the responsibility of the Owner to secure other means of disposal. City Waste Collection Service is provided as an all-or-nothing service. If a property is not designed to receive Waste Collection Service for all material, then the property will not receive any Waste Collection Services. For example, a Multi-Residential Building that is designed to accommodate Garbage collection but not Recycling and/or Organic material collection, then the building will not receive collection of any material.

2.3 Eligible and Ineligible Properties

Properties that are eligible for Waste Collection Service through the Waste By-law include:

- Single-Family Residential Properties;
- Multi-Residential Properties;
- Commercial Properties that meet eligibility criteria;
- Other properties through an agreement with the City; and
- Other properties deemed eligible by the General Manager.

Property types not listed above are considered ineligible for Waste Collection Services. Notwithstanding that a property may be included in the list of eligible properties above, the property will not receive Waste Collection Services unless it has also been deemed serviceable through the Development Application process. Properties that are Mixed-Use Developments may contain property uses that are deemed eligible for Waste Collection Service and land uses that are ineligible for Waste Collection Service. For further details, please refer to section 3.12.

2.4 Transition of Recyclable Material Program

On June 3, 2021, the Ontario Ministry of Environment, Conservation and Parks approved the regulation under the Resource Recovery and Circular Economy Act, 2016 that will make producers responsible for blue box programs as part of the Province’s full producer responsibility framework. The Province is also proposing to make amendments to Regulation 101/94: Recycling and Composting of Municipal Waste to sunset municipal obligations to run blue box systems after transition to full producer responsibility ([ERO #019-2579](#)).

Developers are advised that the City of Hamilton Recyclable Material program, under direction by the provincial government, will be transitioned to the responsibility of the producers of Blue Box Recyclable Material. This transition may result in new requirements for the storage and collection of Blue Box Recyclable Material which may be different than the requirements that the City has established in the Design Requirements. The current date for when this transition will occur for the City is April 1, 2025; however, this transition may happen either before or after this date based on provincial direction.

2.5 How to Use This Document

Please use *Table 1: Applicable Sections for Development Types* to determine what sections of this document must be complied with when designing certain types of Developments. This document includes section 3.1 “Design Requirements for all Developments” that apply to all Development Applications.

Table 1: Applicable Sections for Development Types

Dwelling/Building Type	Property Description and Associated Collection Method	Sections with Applicable Requirements
Single Detached, Semi-Detached, Street Townhouse	Single-Family Residential Properties that receive Individual Curbside Collection Services on Streets or Private Roads. Includes Street Townhouses and Semi-Detached Dwelling Units. No limit to number of Dwelling Units in the development.	3.2 Design Requirements for Single-Family Residential Properties with Individual Curbside Waste Collection Service
Duplex, Multiple Dwelling	Buildings with two to five Dwelling Units (excluding Semi-Detached dwellings) are classified as Single-Family Properties and will receive Curbside Collection Services. Includes Townhouse Developments with less than 6 Dwelling Units.	3.3 Design Requirements for Buildings with Two to Five Dwelling Units
Multi-Residential Townhouses such as stacked Townhouses	Townhouse Developments with six or more Dwelling Units on Streets or Private Roads that lack sufficient area for individual waste storage and waste set out. Will receive Shared Waste Collection Services.	3.4 Design Requirements for Multi-Residential Townhouse Developments
Multi-Residential Building	Multi-family buildings with six or more Dwelling Units with Front-End Collection Services for Garbage.	3.5 Design Requirements for Multi-Residential Buildings
Small Commercial	Developments that are Small Commercial Properties generating six or less containers of Garbage per week. Will receive curbside waste collection.	3.6 Design Requirements for Serviceable Commercial Developments
Places of Worship	Developments serving ecclesiastical functions that are deemed either serviceable or non-serviceable by the City.	3.7 Design Requirements for Places of Worship
Large Commercial	Commercial Developments that will generate seven or more Garbage Containers per week are ineligible for Waste Collection Services through the City.	3.8 Design Requirements for Non-Serviceable Commercial and Institutional Properties
Institutional	Student residences, schools, day cares, long-term care facilities, retirement homes and other Institutional Properties that will not be serviced by the City.	3.8 Design Requirements for Non-Serviceable Commercial and Institutional Properties

Schools	Schools that receive public funds and have an agreement for Waste Collection Services with the City.	3.9 Design Requirements for Publicly Funded Schools
Municipal Buildings	Buildings that will be owned and/or operated by the City.	3.10 Design Requirements for Municipal Buildings
Manufacturing and Industrial Property	Developments that will serve manufacturing purposes as defined in Hamilton’s zoning by-law 05-200 or as amended.	3.11 Design Requirements for Industrial Buildings
Mixed-Use Developments	Developments that include more than one property use included in this table.	3.12 Design Requirements for Mixed-Use Developments
Live/Work	Dwelling Units that will also serve as a place of employment for at least one Occupant of the Dwelling Unit	3.13 Design Requirements for Live/Work Units

2.6 Relevant Legislation

This document is to be used in conjunction with, and not in place of the following legislation:

- Hamilton Solid Waste Management By-law 20-221
- The Environmental Protection Act (EPA), R.S.O. 1990
- The Waste Free Ontario Act, 2016
- Ontario Building Code
- The Environmental Assessment Act, R.S.O. 1990
- The Planning Act, R.S.O. 1990
- Ontario Fire Code, Regulation 213/07

When conflict occurs between the Design Requirements and the listed legislation, the relevant legislation shall take precedence. It is the responsibility of the applicant to comply with the most recent version of the applicable legislation or, in the case that legislation may be repealed and replaced, any new and applicable legislation.

2.7 Governing Department

The Waste Management Division of the Public Works Department reviews Development Applications and provides comments in respect to the Design Requirements. Any proposed changes to the location of Waste Collection Services, method of collection, structural changes and change in property classification or purpose must be reviewed for compliance by the Waste Management Division.

2.8 Effective Date

The Design Requirements will take effect on the day in which the Design Requirements are endorsed by Hamilton City Council. Complete Development Applications received by the City prior to the effective date will not be subject to the Design Requirements. Complete Development Applications received by the City on or after the effective date

will be required to meet the Design Requirements unless a complete Development Application for the Development had previously been received by the City.

3.0 DESIGN REQUIREMENTS

3.1 Design Requirements for all Developments

This section identifies the requirements that apply to all new Developments and redevelopments regardless of the type of building/property. All new Developments that will receive Waste Collection Services from the City must be designed to accommodate four-stream Waste Collection Services (container Recyclable Material, fibre Recyclable Material, Organic Material, and Garbage). If the Development consists of only one dwelling or building type as per *Table 1: Applicable Sections for Development Types*, the collection method provided by the City will be consistent across the entire Development; for example, if the entire Development is made up of Street Townhouses, then all Dwelling Units in the Development will receive Individual Curbside Waste Collection Service. If the Development is made up of multiple dwelling or building types as per *Table 1: Applicable Sections for Development Types*, each dwelling or building type will be subject to its own applicable requirements. Additionally, Owners may procure Private Waste Collection Services to collect Garbage above the limit set out in the Waste By-Law.

Access to Waste Diversion Programs and disposal of Garbage must be equally accessible to all Occupants or, access to Waste Diversion Programs must be greater than access to disposal of Garbage. Developments must be designed and supplied with enough containers to store all types of Waste for a minimum of eight days.

The Design Requirements include specific requirements that should be satisfied when designing certain development types, however, staff will exercise on a case by case basis flexibility in applying the Design Requirements. This flexibility is intended to satisfy the purpose of Occupants receiving equal access to Waste Diversion Programs and Garbage collection in cases where application of the Design Requirements could result in a new development conflicting with the existing character of the street, the urban design and density objectives of the applicable land use policies, existing heritage features and/or the existing surrounding context. The City recognizes, in particular, that flexibility will be required in older urban areas as well as with respect to infill development where application of the Design Requirements could conflict with other City land use planning and urban design objectives.

3.1.1 Waste Storage

Waste Storage Areas must contain drainage, hose taps, electrical outputs, lighting, ventilation, rodent proofing, hose bibs, space for waste management signage, waste management program material and climate controls in accordance with the Ontario Building Code and all Fire Codes (where applicable).

3.1.2 Access Routes

- 1) If a new Development is proposed to be accessed by a Street and/or Laneway, the design of such Access Routes must be in accordance with the City's "Comprehensive Development Guidelines and Financial Policies Manual" and all other applicable standards generated by the Transportation Planning and Parking Division of the City.
- 2) For Developments proposed to be accessed by one or more Private Roads, the Development must be designed according to sections 3.1.2, 3.1.3 and 3.1.4 of the Design Requirements.
- 3) In all cases, for Waste Collection Vehicles to service Developments they must be able to enter and exit the Development in a forward motion. To meet this requirement, the City requires that Access Routes meet its specifications. Developments will not be serviced by Laneways that are not assumed and/or maintained by the City.

3.1.3 Private Access Route Dimensions

- 1) The City requires that two-way Access Routes have a minimum width of 6 metres and that one-way Access Routes on private property have a minimum width of 3 metres.
- 2) To receive Waste Collection Services, the maximum gradient of the road/Access Route must be no more than eight percent and the Access Route must have an overhead clearance of at least 4.4 metres throughout.
- 3) The Access Route must be constructed according to the City's Comprehensive Development Guidelines and Financial Policies and any part of the Access Route which is suspended must be able support a minimum overall load of 35,000 kg, and a 6000 kg point load.

3.1.4 Vehicle Movement Throughout the Access Route

3.1.4.1 Access Route Dimensions

- 1) The Access Route should be designed to allow for continuous forward movement of Waste Collection Vehicles throughout the Development, including the radius of a cul-de-sac turning circle. The only exception to having continuous forward motion is when the Waste Collection Vehicle is entering or exiting a Loading Area as described in sections *3.4 Design Requirements for Multi-Residential Townhouse Developments* and *3.5 Design Requirements for Multi-Residential Buildings*.
- 2) Changes of direction on the Access Route must have turning radii of at least 10.4 metres for the inside of the curve, and 13 metres for the outside of the curve if the curb or sidewall is higher than 0.375 metres.
- 3) The Access Route may have a Turning Radius of 9.4 metres for the inside of the curve and 12 metres for the outside of the curve if the curb is shorter than 0.375 metres and, if the City will permit a portion of the Waste Collection Vehicle to hang over areas not designated as Access Routes as indicated on plans during movement. Please refer to "Appendix 7: Turning Radius" for reference.

3.1.4.2 Continuous Forward Motion

To confirm that Waste Collection Vehicles can travel throughout the Development in a forward motion, the Development Application must include a copy of the site plan with the travel path of the Waste Collection Vehicle throughout the Development. This travel path must be generated by software approved by the City (for example AutoTurn). The dimensions of City of Hamilton Waste Collection Vehicles are included in "Appendix 1: Diagram of Waste Collection Vehicle(s)". If, in the opinion of the City, continuous forward motion is not possible due to site constraints, Waste Collection Vehicles will be permitted to make a three-point turn using an approved turnaround area consistent with "Appendix 3: Acceptable Turnaround Designs". Use of a turnaround area will only be permitted on Developments that meet all the following criteria:

- Reversing of collection vehicles is only made on the turnaround area; and
- Collection of Waste from all Dwelling Units can occur by the Waste Collection Vehicle making no more than one three-point turn.

3.1.4.3 Use of Turnaround Areas

In addition to the criteria listed above, no Dwelling Units or parking is permitted to front onto or be directly adjacent to the portion of the turnaround area where the Waste Collection Vehicle will reverse. Dead-ends not equipped with an acceptable turnaround design will only be permitted for temporary situations in accordance with the City's "Comprehensive Development Guidelines and Financial Policies Manual" and all other applicable standards generated by the Transportation Planning and Parking Division of the City.

Turnaround areas will be used solely for the collection of Waste. No visitor parking, snow storage or any other accessory uses can occur within the turnaround area. Drawings must indicate how these accessory uses will be accommodated and that "no parking" signage will be included along the turnaround area.

3.1.4.4 Safety Measures

Access Routes must include signage, pavement markings, mirrors and other methods to minimize conflicts with pedestrian traffic. The required methods to be used will be at the discretion of the City. Access Routes must be provided exclusive of any parking spaces or areas reserved for snow storage.

3.1.5 Requirements for Development Applications

The requirements for Waste Collection Services are considered during the Development Application process of all eligible Developments. All new eligible Developments must be designed to receive City Waste Collection Service.

All ineligible Developments must be designed according to applicable by-laws and ensure that waste is stored and collected according to the applicable Design Requirements.

The Design Requirements serve as a tool to assist Developers, architects and planners in navigating the application process to design their proposals in ways that satisfy the needs of Hamilton's Waste Collection Services. To ensure that proposed Developments meet all the applicable conditions in the Design Requirements, the associated Development Application must include, but is not limited, to the following details:

- Scale of diagram
- Dimensions of any unique features in the site plan (roads, buildings, waste containers, Storage Areas, etc.), vertical clearances of overhangs/balconies over the Access Route(s) and Loading Area(s)
- Use(s) of the Development must be explicitly stated
- The number of Dwelling Units and number of Storeys for each building
- Access Routes
- Illustration of the anticipated movement of Waste Collection Vehicles through the building site that includes turning radii i.e. preferably in a program such as AutoTurn
- Clear illustration of area(s) where waste will be collected (i.e. Set-Out Area, Staging Pad and Loading Area)
- Clear illustration of Storage Areas, including any additional Storage Area in Multi-Residential Buildings and the number of waste containers in Storage Areas
- The proposed route of Front-End Containers from the Storage Area to the Loading Area
- Any external enclosures to be used as Storage Areas on site plan
- The Developer must specify if a Garbage Compactor will be used

3.1.6 Private Waste Collection Services

It is the responsibility of the Developer to inform the City in all Development Applications if there is a desire to retain Private Waste Collection Services for the Development. The City may allow for an eligible Development to be designed in a manner that does not conform to the Design Requirements and retain Private Waste Collection Services but only if staff determine the site has constraints that make it impossible for all the applicable requirements in the Design Requirements to be met without having a significant negative impact on the development with respect to the City's objectives related to land use, urban design and density..

The Developer shall provide a waste management plan identifying the waste design considerations for the Development and the proposed method of providing waste collection services. Information which should be included in the waste management plan includes the size and locations of internal and external storage areas, waste collection services to be provided, waste collection method, and collection frequency.

3.1.6.1 Communication to Future Owners

If staff determine that Private Waste Collection Services is appropriate for the development, the Developer will inform all purchasers of Dwelling Units that Waste

Collection Services for the Development will not be provided by the City and that all Dwelling Units in the development may be subject to future costs related Private Waste Collection Services. At minimum, wording must be included in the site plan, all purchase and sales agreements and condominium declarations, and include that this condition will remain in effect until such time that the Development is brought into compliance with the Design Requirements.

The Developer must provide a copy of the Purchase and Sale Agreement and a copy of the Condominium documents with the applicable clauses relating to Private Waste Collection Services as a condition of final approval.

3.1.6.2 Denial of Private Waste Collection Services

If staff determine that a Development does not have site constraints that make it impossible to meet the applicable Design Requirements, then the request to retain Private Waste Collection Services will be denied and the Developer will be obligated to meet the applicable Design Requirements.

3.2 Design Requirements for Single-Family Residential Properties with Individual Curbside Waste Collection Services

Sub-sections 3.2.1 and 3.2.2 describe the requirements for designing Developments with Dwelling Units Fronting a Street, Laneway, or Private Road and which can receive Curbside Collection Services for each Dwelling Unit. Single-Family Residential Properties must be built to accommodate Waste Collection using Dual Stream Rear Loading Waste Collection Vehicles, and Bulk Loading Waste Collection Vehicles. Waste Collection Service for Secondary Dwelling Units will be provided through the Single-Family Residential Property on/in which the Secondary Dwelling Unit is located. For further clarification, all set out limits will be applied to the entire property.

3.2.1 Waste Storage

Developers must provide at minimum, 2.5 square metres for waste storage for each Dwelling Unit to store waste between collection days. The Storage Area must be exclusive of living space, be fully enclosed, be large enough to accommodate two Blue Boxes, a Green Cart, a Garbage Container, and a Yard Waste Container and the layout will be at the discretion of the City. The Storage Area must not be in the front yard of the property. An acceptable Storage Area is the garage of each Dwelling Unit.

3.2.2 Waste Set Out

Waste shall be set out in front of each Dwelling Unit as close to the edge of the Roadway or Private Road as possible without being placed on the sidewalk (if one is present) or on the surface of the Roadway or Private Road. Examples of acceptable Set-Out Areas include:

- On the grassed area (if present) adjacent to the roadway or private road; or
- On private property adjacent to the curb or sidewalk.

Set-Out Areas must not interfere with pedestrian, bike traffic or any public services. A 2.5 square metre area for each Dwelling Unit on the boulevard or the Owner's private property, shall be included in the design of the Set-Out Area. If the property backs onto a Private Road and receives Waste Collection Service from said Private Road, then the Dwelling Unit's address must be clearly identifiable from the Private Road and the waste containers must be placed on the Owner's property.

3.3 Design Requirements for Buildings with Two to Five Dwelling Units

Sub-sections 3.3.1 and 3.3.2 describe the requirements for designing buildings Fronting a Street or Private Road which contain no less than two and no more than five Dwelling Units (excluding Semi-Detached dwellings). This includes Townhouse Developments with five or less Dwelling Units where each Dwelling Unit does not have sufficient individual Storage Areas and Set-Out Areas. Buildings with two to five Dwelling Units (inclusive) must be built to accommodate Curbside Waste Collection Services from Dual Stream Rear Loading Waste Collection Vehicles and Bulk Loading Waste Collection Vehicles.

3.3.1 Waste Storage

Submitted drawings must include a fully enclosed Storage Area, exclusive of living space, for the storage of waste between collection days that is to be shared by all Dwelling Units. The Storage Area must be large enough to accommodate at minimum, two Garbage Containers for each Dwelling Unit in the building, one Green Cart for every three Dwelling Units, and two Blue Boxes for every two Dwelling Units, in addition to Yard Waste Containers for the building. The configuration of the Storage Area will be at the discretion of the City and the dimensions of each container can be found in "Appendix 6: Container Dimensions". Access to the Storage Area may be internally or externally from the building but must be equally convenient for Occupants in all Dwelling Units and all waste diversion streams must be equally accessible. The Storage Area must not be within the front yard of the property. Storage Areas must contain drainage, hose taps, electrical outputs, lighting, ventilation, rodent proofing, hose bibs, and climate controls at minimum, according to the Ontario Building Code. Storage Areas must adhere to the Ontario Fire Code.

3.3.2 Waste Set Out

Waste from the building shall be set out for collection in front of the building as close to the edge of the Roadway or Private Road as possible without being placed on the sidewalk (if one is present) or on the surface of the Roadway or Private Road.

Examples of acceptable Set-Out Areas include:

- On the grassed area (if present) adjacent to the roadway or private road; or
- On private property adjacent to the curb or sidewalk.

The minimum size of the Set-Out Area will be 2.5 square metres for buildings with up to three Dwelling Units and four square metres for buildings with up to five Dwelling Units. Set-Out Areas must not interfere with pedestrian, bike traffic or any public services and

the layout of the Set-Out Area will be at the discretion of the City. If the property is adjacent to a Laneway and receives Waste Collection Services from the Laneway, then the property’s address must be clearly identifiable from the Laneway and the waste containers must be placed on the Owner’s property or as close as possible to the Owner’s property.

3.4 Design Requirements for Multi-Residential Townhouse Developments

Townhouse Developments where any Dwelling Unit cannot receive Individual Curbside Waste Collection Service must receive Shared Collection Services and are referred to as Multi-Residential Townhouses. To receive Curbside Collection Services, Dwelling Units must have both individual Storage Areas and Set-Out Areas for Waste that are of sufficient size (see section 3.2 *Design Requirements for Single-Family Residential Properties with Individual Curbside Waste Collection Services*). For Multi-Residential Townhouse Developments, the requirements of this section must be met. Review *Table 2: Container and Storage Requirements for Multi-Residential Townhouse Developments* for a summary of requirements for Multi-Residential Townhouse Developments.

Table 2: Container and Storage Requirements for Multi-Residential Townhouse Developments

Waste Stream	Waste Container	Minimum Storage Space per Container	In-ground Container Permitted?
Garbage	Front-End Container	5 square metres	Yes*
Recyclable Material	Blue Cart	1.1 square metre	No
Organic Material	Green Cart	0.53 square metre	No
Bulk Items	N/A	6 square metres for developments with 50 Dwelling Units or less, 10 square metres for developments with more than 50 Dwelling Units	No

* - for more information on the permitted use of In-ground containers please refer to section 3.4.1

3.4.1 Waste Storage

3.4.1.1 Waste Storage Details

Submitted drawings must include a fully enclosed Storage Area, or multiple Storage Areas, for the storage of waste between collection days that is to be shared by all Dwelling Units. Shared waste Storage Areas may be:

- A dedicated room attached to the building
- A dedicated room within a parking structure (above or below grade)
- A fully enclosed Accessory Structure

3.4.1.2 Minimum Size of Storage Areas

The layout of the Storage Area is at the discretion of the City. To calculate the minimum required size of the Storage Area, use *Table 3: Minimum Container Requirements for Multi-Residential Townhouse Developments* and *Table 4: Maximum Number of Garbage Containers Collected by City for Multi-Residential Townhouse Developments* to determine the number of containers required and multiply the number of containers by the required storage space for each container in *Table 2: Container and Storage Requirements for Multi-Residential Townhouse Developments*.

Example: A Multi-Residential Townhouse Development with 50 Dwelling Units requires six Front-End Containers for Garbage, 34 Blue Carts for Recyclable Material, six Green Carts for Organic Material and space for Bulk Items. Minimum size of the waste Storage Area is therefore:

$$(6 \text{ Front-End Containers} \times 5 \text{ square metres}) + (34 \text{ Blue Carts} \times 1.1 \text{ square metre}) + (6 \text{ Green Carts} \times 0.53 \text{ square metre}) + 10 \text{ square metres} = 81 \text{ square metres}$$

3.4.1.3 Garbage Compaction

It is assumed that Multi-Residential Townhouse Developments will have uncompacted Garbage. If a Garbage Compactor is planned to be used, submitted drawings must annotate this and the number of required Front-End Containers for Garbage will be reduced to one third (1/3) of what is detailed in *Table 4: Maximum Number of Garbage Containers Collected by City for Multi-Residential Townhouse Developments*. For example, a Multi-Residential Townhouse Development with 50 Dwelling Units requires six Front-End Containers for Garbage without a Compactor, but only two Front-End Containers if a Garbage Compactor is used. Access doors to the Storage Areas must have a minimum width of at least two metres. The Storage Area(s) require a minimum overhead clearance of 2.5 metres. Storage Areas must contain drainage, hose taps, electrical outputs, lighting, ventilation, rodent proofing, hose bibs, space for educational materials and climate controls.

3.4.1.4 Waste Container Requirements

Use the following tables as a reference for the required number of containers for Waste storage.

Table 3: Minimum Container Requirements for Multi-Residential Townhouse Developments

No. of Units	Minimum Number of Blue Carts	No. of Units	Minimum Number of Green Carts
6 to 10	4	1 to 9	2
11 to 19	6	10 to 18	3
20 to 29	8	19 to 27	4
30 to 39	10	28 to 36	5
40 to 49	12	37 to 45	6
50 to 59	14	46 to 54	7

60 to 69	16	55 to 63	8
70 to 79	18	64 to 72	9
80 to 89	20	73 to 81	10
90 to 99	22	82 to 90	11
100 to 109	24	91 to 99	12
110 to 119	26	100 to 108	13

Table 4: Maximum Number of Garbage Containers Collected by City for Multi-Residential Townhouse Developments

No. of Dwelling Units	Maximum Number of Front-End Containers for Garbage (Based on Uncompacted 3yd ³ Containers)
6 to 9	1
10 to 18	2
19 to 27	3
28 to 36	4
37 to 45	5
46 to 54	6
55 to 63	7
64 to 72	8
73 to 81	9
82 to 90	10

3.4.1.5 In-Ground Containers

As an alternative to Front-End Containers, In-ground Containers may be permitted at the City’s discretion for Garbage collection at Multi-Residential Townhouse Developments. To be permitted, In-ground Containers must be compatible with Front-End Waste Collection Vehicles used to provide Waste Collection Services on behalf of the City. Currently, the only In-ground Containers being contemplated by the City are Earth Bins, however the City reserves the right to update this. In-Ground Containers must not exceed eight cubic yards in volume for loose material. Please see “Appendix 5: Recommended Dimensions for In-ground Containers” for an example of a compatible system. Separate Storage Areas will be required for any Waste not collected through In-ground Containers and these Storage Areas must be directly adjacent to the In-ground Containers and meet the minimum size requirements detailed in this section.

3.4.1.6 Accessibility to Storage Areas

Access to the Storage Area (or In-ground Containers) must be convenient for all Dwelling Units with no Occupant having to travel more than 100 metres on a round trip to reach it based on using walkways illustrated on submitted drawings. Multiple Storage Areas may be used to meet this requirement. Within each Storage Area all waste streams must be equally accessible. Storage Areas must have signage indicating storage amenities, material type of containers, and container locations. Other signage

may be required as per direction from the City. Storage Areas must contain drainage, electrical outputs, hose taps, lighting, ventilation, rodent proofing, hose bibs, and climate controls at minimum, according to the Ontario Building Code. Storage Areas must adhere to the Ontario Fire Code.

The location of the Storage Area must be communicated to all Owners of Dwelling Units through sales and lease agreements.

3.4.2 Waste Loading Areas

3.4.2.1 Loading Area Requirements

Submitted drawings must include details for Waste Collection Services including:

- A Loading Area for the collection of Front-End Containers by a Front-End Loading Waste Collection Vehicle
- A Staging Pad adjacent to the Loading Area if more than one Front-End Container will be set out
- A Set-Out Area where Blue Carts and Green Carts will be collected by an Automatic Cart Side Loading Collection Vehicle
- A Set-Out Area where Bulk Items will be collected by a Bulk Loading Waste Collection vehicle

A paved route must connect the Loading Area with the Storage Area and the travel route of the Front-End Containers to the Loading Area must be indicated on submitted drawings. Movement of Front-End Containers on public property is not permitted. The Loading Area must be located on private property within the Development with an Access Route meeting the City's Access Route requirements.

3.4.2.2 Loading Area Dimensions

The Loading Area must be at grade and the Staging Pad can be raised a maximum of one metre higher than the Loading Area. The Loading Area must be constructed of reinforced concrete with a minimum depth of 0.02 metres. The Loading Area must be at minimum, 3.5 metres in width and 13.0 metres in length and have a minimum vertical clearance of seven metres over the entire Loading Area (please see "Appendix 4: Diagram of Staging and Loading Area" for an example).

3.4.3 Staging Pads

The Staging Pad must be at minimum five square metres in size for each container that will be collected on collection day (minus one). The Loading Area and Staging Pad location and layout will be at the discretion of the City and must not interfere with pedestrians, bike traffic or any public services. The City may require signage, mirrors and other safety measures to reduce risks.

3.4.4 Set-Out Areas for Multi-Residential Townhouse Developments

The Set-Out Area must be located on private property and be located as close as possible to the Private Road. The minimum required size of the Set-Out Area for Blue Carts, Green Carts and Bulk Items is:

- 0.9 metres x 0.65 metres for each Blue Cart
- 0.6 metres x 0.5 metres for each Green Cart
- 10 square metres for Bulk Items

The layout of the Set-Out Area will be at the discretion of the City and the Set-Out Area must be constructed of a hard surface approved by the City and may be asphalt, concrete or pavers.

3.5 Design Requirements for Multi-Residential Buildings

3.5.1 Waste Separation

3.5.1.1 Multi-Residential Building Types

For the purposes of this document, Multi-Residential Buildings that have 30 or more Dwelling Units and are greater than six Storeys in height, will be referred to as large Multi-Residential Buildings and Multi-Residential Buildings that are six or less Storeys in height and/or contain less than 30 Dwelling Units will be referred to as small Multi-Residential Buildings.

3.5.1.2 Configuration of Waste Chutes

Large Multi-Residential Buildings are required to have a Waste separation system that includes three separate chutes, one for each Waste stream. For greater clarity, one chute is required for Garbage, one chute for Organic Material, and one chute for Recyclable Material. The chute for Recyclable Material must be equipped with a bi-sorter to divide material into fibres and containers. Each floor must be equipped with a chute room and the door for each chute in each chute room is required to be colour coded in the following manner:

- The chute for Garbage will have a black door
- The chute for Organic Material will have a green door
- The chute for Recyclable Material will have a blue door

Each chute must terminate into a Storage Area within the building where all Waste will be stored in between collection days in Front-End Containers. Waste chutes must be equipped with lock out mechanisms and chute washing systems as per Section 3.6.33 of the Ontario Building Code.

3.5.1.3 Chute Limitations

Small Multi-Residential Buildings are not required to have a Waste separation system that includes separate chutes but may include this system if they wish and the City approves the use of such a system for the building. Multi-Residential Buildings are not permitted to be designed with a chute that is for Garbage only or equipped with a tri-sorter. In cases where small Multi-Residential Buildings opt to not utilize a Waste separation system with separate chutes, or the City does not approve the use of such a system for the building, the building must be designed to have a Storage Area for all Waste that is accessible to all residents. Please refer to *Table 5: Container and Storage*

Requirements for Multi-Residential Buildings for the container and storage requirements for all Multi-Residential Buildings.

3.5.2 Waste Storage

3.5.2.1 Storage Area Details

For large Multi-Residential Buildings, the Storage Area must be large enough to accommodate the required number of Front-End Containers for Garbage, Recyclable Material and Organic Material. *Table 7: Number of Garbage Containers for Multi-Residential Buildings*, has been calculated based on the use of a Garbage Compactor. Submitted drawings must include whether a Garbage Compactor is planned to be used. The Storage Area will require an overhead clearance of at least 3.1 metres and submitted drawings must annotate the vertical clearance of the Storage Area. In addition, Multi-Residential buildings must be equipped with a drop off area for Bulk Items and for large Recyclable Material not suitable to be disposed of in chutes (i.e. cardboard). The drop-off area shall be in a separate room adjacent to the Storage Area or may be included as part of the Storage Area.

3.5.2.2 Minimum Size of Storage Areas

Please use *Table 5: Container and Storage Requirements for Multi-Residential Buildings* to determine the appropriate Waste container for each Waste stream as well as the minimum required Storage Area requirements for each type of Waste container. Please use *Table 6: Minimum Container Requirements for Waste Diversion Program at Multi-Residential Buildings Equipped with Separate Waste Chutes* and *Table 7: Number of Garbage Containers for Multi-Residential Buildings* to determine the minimum required number of Waste containers based on the number of Dwelling Units. Note that the minimum number of Front-End Containers considers that, a Front-End Container must be located at the bottom of each chute at all times. Use the information in *Table 5: Container and Storage Requirements for Multi-Residential Buildings*, *Table 6: Minimum Container Requirements for Waste Diversion Program at Multi-Residential Buildings Equipped with Separate Waste Chutes* and *Table 7: Number of Garbage Containers for Multi-Residential Buildings* to determine the minimum required size of the Storage Area.

Example: A Multi-Residential Building with 200 Dwelling Units requires five Front-End Containers for Garbage, ten Front-End Containers for Recyclable Material, two Front-End Containers for Organic Material and space for Bulk Items. Minimum size of the Storage Area is therefore:

(5 Front-End Containers for Garbage x 5 square metres) + (10 Front-End Containers for Recyclable Material x 5 square metres) + (2 Front-End Containers for Organic Material x 5 square metres) + 10 square metres for Bulk Items = 95 square metres

3.5.2.3 Layout of Storage Areas

The layout of the Storage Area will be at the discretion of the City and submitted drawings must clearly indicate at the bottom of each chute a Front-End Container and at

the bottom of the Garbage chute a Front-End Container and the Garbage Compactor, if one is planned, to confirm sufficient space has been provided to manoeuvre containers. Occupants are not permitted to have access to Garbage Compactors and as such, if the Storage Area contains both a Garbage Compactor and the drop-off area, then drawings must indicate how the Garbage Compactor will be inaccessible when dropping off material. Storage Areas must contain drainage, electrical outputs, lighting, ventilation, rodent proofing, hose bibs and climate controls.

3.5.2.4 Multi-Residential Buildings Without Chutes

For small Multi-Residential Buildings that do not include a chute system, a Garbage Compactor will not be used and therefore the Garbage will be uncompacted. The Storage Area must be large enough to accommodate a sufficient number of Front-End Containers for Garbage, Blue Carts for Recyclable Material and Green Carts for Organic Material. Please use *Table 7: Number of Garbage Containers for Multi-Residential Buildings* to determine the required number of Front-End Containers for Garbage and *Table 8: Minimum Container Requirements for Waste Diversion Program at Multi-Residential Buildings Not Equipped with Separate Waste Chutes* to determine the minimum required number of Blue Carts and Green Carts.

Example: A Multi-Residential Building with 25 Dwelling Units requires two Front-End Containers for Garbage, four Blue Carts for Recyclable Material, two Green Carts for Organic Material and space for Bulk Items. Minimum size of the Storage Area is therefore:

$$(2 \text{ Front-End Container} \times 5 \text{ square metres}) + (6 \text{ Blue Carts} \times 1.1 \text{ square metre}) + (3 \text{ Green Carts} \times 0.53 \text{ square metre}) + 6 \text{ square metres} = 24 \text{ square metres}$$

3.5.2.5 Waste Container and Storage Requirements

Use the following tables as a reference for the required number of containers for Waste storage.

Table 5: Container and Storage Requirements for Multi-Residential Buildings

	Waste Stream	Waste Container	Minimum Storage Space per Container
Large Multi-Residential Buildings	Garbage	Front-End Container	5 square metres
	Recyclable Material	Front-End Container	5 square metres
	Organic Material	Front-End Container (only 2yd ³ permitted)	5 square metres
Small Multi-Residential Buildings	Garbage	Front-End Container	5 square metres
	Recyclable Material	Blue Cart	1.1 square metre
	Organic Material	Green Cart	0.53 square metre
All Multi-Residential Buildings	Bulk Items	N/A	6 square metres for buildings with 50 Dwelling Units or less, 10 square

			metres for buildings with more than 50 Dwelling Units
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Table 6: Minimum Container Requirements for Waste Diversion Program at Multi-Residential Buildings Equipped with Separate Waste Chutes

No. of Units	Minimum Number of Front-End Containers for Recyclable Material (based on 3yd ³ containers)	No. of Units	Minimum Number of Front-End Containers for Organic Material (based on 2yd ³ containers)
30 to 90	4	30 to 215	2
90 to 135	6	216 to 430	3
136 to 180	8		
181 to 225	10		
226 to 270	12		
270 to 315	14		
316 to 360	16		
361 to 405	18		

Table 7: Number of Garbage Containers for Multi-Residential Buildings

No. of Dwelling Units	Number of Front-End Containers for Garbage (based on compacted 3yd ³ containers)	No. of Dwelling Units	Number of Front-End Containers for Garbage (based on uncompacted 3yd ³ containers)
First 50	2	First 17	1
51 to 100	3	18 to 34	2
101 to 150	4	35 to 51	3
151 to 200	5	52 to 68	4
201 to 250	6	69 to 85	5
		86 to 102	6
		103 to 119	7
		120 to 136	8
		137 to 153	9
		154 to 170	10
		171 to 187	11
		188 to 204	12

Table 8: Minimum Container Requirements for Waste Diversion Program at Multi-Residential Buildings Not Equipped with Separate Waste Chutes

No. of Units	Minimum Number of Blue Carts	No. of Units	Minimum Number of Green Carts
6 to 13	4	1 to 17	2
14 to 27	6	18 to 35	3
28 to 41	8	35 to 51	4
42 to 55	10	52 to 68	5
56 to 69	12	69 to 82	6
70 to 83	14	83 to 99	7
84 to 97	16	100 to 116	8

3.5.3 Waste Loading Areas

3.5.3.1 Requirements for Loading Areas

Large Multi-Residential Buildings will receive Front-End Collection Services for all Waste and small Multi-Residential Buildings will receive Front-End Collection Services for Garbage. Submitted drawings must include for all Multi-Residential Buildings a Loading Area that can be serviced by a Front-End Loading Waste Collection Vehicle as well as Bulk Loading Waste Collection Vehicles. A paved route on private property connecting the Loading Area with the Storage Area and the travel route of the Front-End Containers from the Storage Area to the Loading Area must be indicated on submitted drawings. Movement of Front-End Containers over public property is not permitted. Requirements of the Loading Area that must be included in submitted drawings include (refer to “Appendix 4: Diagram of Staging and Loading Area” for more details):

- Constructed of reinforced concrete with a minimum depth of 0.02 metres
- Minimum dimensions of 3.5 metres wide and 13 metres long
- Minimum vertical clearance over entire Loading Area of seven metres
- Minimum size of the Staging Pad is five square metres per Front-End Container
- Staging Pad may be a maximum of one metre higher than the Loading Area

3.5.3.2 Location of Loading Areas

The Loading Area must be located on private property within the Development with an Access Route meeting the City’s Access Route requirements. If the Loading Area is to be located below grade, submitted drawings must indicate Access Routes do not exceed an 8% grade and include a cross-sectional drawing(s) showing a Waste Collection Vehicle travelling throughout the Access Route. The Loading Area location and layout will be at the discretion of the City and must not interfere with pedestrian traffic, vehicular traffic, bike traffic or any public services. The City may require signage, mirrors and other safety measures to reduce risks. The Loading Area may be located within the building and/or underground if all Waste Loading and Access Route

requirements are met. In all cases, Loading Areas and should be screened and positioned in a way that keeps them from conspicuous public view.

3.5.4 Staging Pads

- 1) Submitted drawings must include a Staging Pad for all large Multi-Residential Buildings and for small Multi-Residential Buildings that require more than one Front-End Container for Garbage. The Staging Pad for large Multi-Residential Buildings must be of sufficient size to accommodate Front-End Containers for all Waste streams. The Staging Pad for small Multi-Residential Buildings must be of sufficient size to accommodate Front-End Containers for Garbage.
- 2) The Staging Pad must be located on private property within the Development with an Access Route meeting the City's Access Route requirements. The Staging Pad location and layout will be at the discretion of the City and must not interfere with pedestrian traffic, vehicular traffic, bike traffic or any public services.
- 3) The City may require signage, mirrors and other safety measures to reduce risks to pedestrians and motorists.
- 4) The Staging Pad may be located within the building and/or underground if all Access Route requirements are met. In all cases, Staging Pads should be screened and positioned in a way that keeps them from conspicuous public view.

3.5.5 Set-Out Area for Small Multi-Residential Buildings

For small Multi-Residential Buildings not utilizing a chute system, drawings must include a Set-Out Area for the collection of Blue Carts, Green Carts and Bulk Items. The Set-Out Area must be located on private property and be located as close as possible to the Right of Way. The minimum required size of the Set-Out Area for Blue Carts, Green Carts and Bulk Items is:

- 0.9 metres x 0.65 metres for each Blue Cart
- 0.6 metres x 0.5 metres for each Green Cart
- For bulk items, 6 square metres for buildings with 50 Dwelling Units or less, or 10 square metres for buildings with more than 50 Dwelling Units

The layout of the Set-Out Area will be at the discretion of the City and the Set-Out Area must be constructed of a hard surface approved by the City and may be asphalt, concrete or pavers. The location of the Set-Out Area must not interfere with any public services.

3.5.6 Shared Loading Areas

The City may, at its discretion, allow for multiple Multi-Residential Buildings within one Development to share a Loading Area and Staging Pad to receive Front-End Collection Services. This sharing of facilities will be contingent on at minimum, the following:

- That easements for the use of the Loading Area has been secured for the buildings that do not own the property that the Loading Area and Staging Pad are situated on;

- That all buildings proposed to use the Loading Area have active Development Applications filed with the City; and
- That the Staging Pad is large enough to accommodate the Front-End Containers for all buildings being proposed to use it at the same time.

3.5.7 City’s Discretion for Waste Collection Services

Notwithstanding the different requirements for small and large Multi-Residential Buildings detailed throughout section 3.5, the City may, at its discretion, use flexibility in applying the Design Requirements to these types of developments. Two examples of how this could be applied have been provided. Example a) is a small Multi-Residential Building not using chutes receiving Front-End Collection Services for Organic Material and Recyclable Material. Changing the requirement for small Multi-Residential Buildings will be based on operational efficiencies for waste collection. This could occur with a Multi-Residential Building with four storeys containing 150 Dwelling Units. This building would require 20 Blue Carts and 10 Green Carts under the requirements for small Multi-Residential Buildings, however, using Front-End Containers to collect these materials would result in significant efficiencies realized by the City. This is because only 6 Front-End Containers for Recyclable Material and 1 Front-End Container for Organic Material would be required.

	Carts	Front-End Containers
Organic Material	10 – 5.3m ²	1 – 5m ²
Recyclable Material	20 – 22m ²	6 – 30m ²
Required Storage Space	27.3	35

Example b) is a small Multi-Residential Building with six or more Dwelling Units that, if designed to accommodate Front-End Collection Services, would conflict with the existing character of the street and the urban design objectives of the City. In this example, the City may determine that providing Curbside Collection Services would best serve the property and the objectives of the City.

3.6 Design Requirements for Serviceable Commercial Properties

3.6.1 Serviceability

Commercial properties with three or less Storeys that are not part of a shopping centre, strip mall etc., are, for the purposes of this document, considered to be Small Commercial Properties and may receive Waste Collection Services through the City. For the purposes of this document, mezzanines are considered a Storey. To receive Waste Collection Services through the City, these properties must comply with the requirements for Waste storage and set out as outlined in this section. Serviceable Commercial Properties must not generate more than six Garbage Containers per collection day. Commercial properties that City staff anticipate will generate more than six Garbage Containers per collection day will not be serviced by the City and will be

required to retain Private Waste Collection Services for all Waste. The City may, at its discretion, determine a commercial property not serviceable based on the proposed use and size of the property.

3.6.2 Waste Storage

Commercial properties that are deemed serviceable by the City will receive Waste Collection Services with Blue Boxes for Recyclable Material, Green Carts for Organic Material and Garbage Containers consistent with those permitted for Single-Family Residential Properties as detailed in the Waste By-law. Submitted drawings must include a fully enclosed Storage Area for the storage of waste between collection days which must be either a dedicated room inside the proposed building, a fully enclosed Storage Area (including a roof) attached to an external wall of the building (other than a front wall), or a fully enclosed Accessory Structure (including a roof). The Storage Area must provide at minimum, one square metre for each Garbage Container, 0.9 metres x 0.65 metres for each Blue Box and 0.6 metres x 0.5 metres for each Green Cart, and the layout of the Storage Area will be at the discretion of the City.

3.6.3 Waste Set Out

Waste shall be set out in front of the property on the boulevard or sidewalk adjacent to the Roadway (whichever is closest to the curb). The size of the Set-Out Area will be based on the anticipated amount of Waste to be generated by the building but will be at minimum, 2.5 square metres. The location and layout of the Set-Out Area will be at the discretion of the City. If no boulevard or sidewalk adjacent to the Roadway exists, then the Owner's private property shall be used for the Set-Out Area. Waste Set-Out Areas must not interfere with pedestrians, vehicular traffic, bike traffic or any public services.

3.7 Design Requirements for Places of Worship

Places of Worship may receive Waste Collection Services from the City. Waste Collection Services will only be provided to buildings (or portions therein) that are dedicated to religious functions. The remaining building uses of the Place of Worship will only receive Waste Collection Services at the discretion of the City. Submitted drawings for Places of Worship must include information detailing the uses of the building. If City staff anticipate a Place of Worship will generate more than six Garbage Containers per week, the building may be required to retain Private Waste Collection Services for all waste.

3.7.1 Waste Storage

- 1) Places of Worship that are deemed serviceable by the City will receive Waste Collection Services with Blue Boxes for Recyclable Material, Green Carts for Organic Material and Garbage Containers consistent with those permitted for Single-Family Residential Properties as detailed in the Waste By-law.
- 2) Submitted drawings must include a fully enclosed Storage Area for the storage of waste between collection days which must be either a dedicated room inside the proposed building, a fully enclosed (including a roof) Storage Area attached to an

external wall of the building (other than a front wall) or a fully enclosed (including a roof) Accessory Structure.

- 3) The Storage Area must provide at minimum, one square metre for each Garbage Container, 0.9 metres x 0.65 metres for each Blue Box and 0.6 metres x 0.5 metres for each Green Cart.

3.7.2 Waste Set Out

- 1) Places of Worship that are deemed serviceable by the City shall set out waste in front of the property for collection on the boulevard or sidewalk adjacent to the Roadway (whichever is closest to the curb).
- 2) The size of the Set-Out Area will be based on the anticipated amount of Waste to be generated by the building but will be at minimum, 2.5 square metres in size. The location and the layout of the Set-Out Area will be at the discretion of the City. If no boulevard or sidewalk adjacent to the Roadway exists, then the Owner's private property shall be used for the Set-Out Area. Set-Out Areas must not interfere with pedestrian, bike traffic or any public services.
- 3) For Places of Worship (or portions thereof) that are not deemed serviceable by the City, all Waste will be collected on private property.

3.8 Design Requirements for Non-Serviceable Commercial and Institutional Properties

Commercial and Institutional Properties that do not meet serviceability requirements for City Waste Collection Services must retain Private Waste Collection Services. This includes, but is not limited to, Large Commercial Properties, student residences, long-term care facilities, private schools and commercial properties with more than three Storeys. Submitted drawings must include a Storage Area to store Waste between collection days which must be either a dedicated room inside the proposed building, or a fully enclosed (including a roof) Accessory Structure. All Waste will be collected on private property and no waste is permitted to be placed on the Right of Way at any time for the purpose of collection. Submitted drawings must indicate where Waste Collection Services will be carried out on private property.

3.9 Design Requirements for Publicly Funded Schools

- 1) Publicly funded elementary and secondary schools may receive Waste Collection Services for Recyclable Material and Organic Material through the City, provided that an agreement has been established between the City and the school board. The collection of all other Waste must be through Private Waste Collection Services.
- 2) Regardless of whether the property is serviced by the City, submitted drawings must include a fully enclosed Storage Area for the storage of Waste between collection days which must be either a dedicated room inside the proposed building or a fully enclosed (including a roof) Accessory Structure, or both. The Storage Area (or areas) must be large enough to accommodate at minimum:
 - Two Green Carts for Organic Material;
 - Four Blue Carts for container Recyclable Material;

- One Front-End Container for Garbage; and
 - One Front-End Container for fibre Recyclable Material.
- 3) All Waste will be collected on the school property. No Waste is permitted to be placed on the public Right of Way at any time for the purpose of collection. Submitted drawings must indicate where waste will be set out on private property for collection including the Loading Area for the Front-End Containers. The Loading Area must be exclusive of any on-site parking. The Loading Area location and layout will be at the discretion of the City and must not interfere with pedestrians, vehicular traffic, bike traffic or any public services and the City may require signage, mirrors and other safety measures to reduce risks.

3.10 Design Requirements for Municipal Buildings

Buildings that are proposed for City uses and to be owned and/or operated by the City (i.e. arenas, community centres, libraries etc.) will be provided with Waste Collection Services through the City.

Submitted drawings must include a fully enclosed Storage Area for the storage of Waste between collection days which must be either a dedicated room inside the proposed building or a fully enclosed Accessory Structure (including a roof), or both. The required size of the Storage Area (or areas) will be determined on a case by case basis based on the proposed use(s) and size of the building. Additionally, the proposed uses will determine the appropriate Waste containers and the corresponding appropriate set out requirements. Municipal buildings must have Loading Areas and Staging Pads screened and positioned in a way that keeps them from conspicuous public view.

Waste set out must not interfere with pedestrian traffic, bike traffic or any public services and may require signage, mirrors and other safety measures to reduce risks.

3.11 Design Requirements for Industrial Properties

Industrial Properties are not eligible for Waste Collection Services through the City and will be required to retain Private Waste Collection Services. All Storage Areas, Loading Areas, Staging Pads, and Set-Out Areas must be located on private property and according to any applicable by-laws.

3.12 Design Requirements for Mixed-Use Developments

Each use of a Mixed-Use Development will be reviewed as a separate Development Application for the purposes of Waste storage and collection, and the requirements for each use can be found in the different sections of the Design Requirements. For example, if a Development Application is proposing a Multi-Residential Building with 10 Storeys and 100 Dwelling Units with ground floor commercial units, then submitted drawings must indicate that the residential portion complies with section 3.5 *Design Requirements for Multi-Residential Buildings* and that the commercial portion complies with section 3.8 *Design Requirements for Non-Serviceable Commercial and Institutional Properties*. This will result in separate Waste storage facilities for each Development use. Waste Loading Areas may be shared by multiple uses of the Development,

however on collection days for residential Waste, the Loading Area will be dedicated to the use of the City.

3.13 Design Requirements for Live/Work Units

Live/Work units may receive Waste Collection Services through the City. These Dwelling Units will be classified as residential and must not exceed the set out limits for Garbage from residential Dwelling Units. If, in the opinion of the City, the Live/Work unit is projected to exceed the set out limit for Garbage, then the Development will need to retain Private Waste Collection Services. Additionally, if in the opinion of the City it is possible to separate the waste from each property use, then separate waste storage facilities will be required.

3.14 Design Requirements for Development Types Not Addressed

Development types that have not been mentioned in the Design Requirements will be reviewed on a case by case basis.

4.0 SERVICING REQUIREMENTS

4.1 Requirements for New Developments to Receive Collection

This section outlines the requirements for Developments to receive Waste Collection Services through the City. The City will not provide Waste Collection Services to the property if, during the Development Application process the Development was not deemed both eligible AND serviceable. The Owner is responsible for securing Waste Collection Services for new Developments until such time that the City commences Waste Collection Services. The City will not assume Waste Collection Services for any residential Development prior to the Owner providing confirmation that at minimum, 70% occupancy has been achieved.

4.2 Servicing Requirements for Single-Family Residential Properties Receiving Curbside Waste Collection

The requirements that must be met for Single-Family Residential Properties on Laneways, Streets or Private Roads to receive Curbside Collection Services through the City include, but are not limited to:

- Addresses are identifiable and visible;
- All boulevards are rough-graded;
- All curbs are installed;
- All roads are completed to at minimum, base curb and base asphalt with no raised maintenance/service covers;
- Winter maintenance is provided for all roads;
- Waste Set-Out Areas must be free of any construction equipment, debris and waste;
- All roads are free from obstruction related to construction including, but not limited to, vehicles, equipment and supplies; and

- If "no parking signs" are indicated on the site plan these must be installed prior to collection commencing.

4.3 Servicing Requirements for Townhouse Developments Receiving Shared Waste Collection Services and Multi-Residential Buildings

The requirements that must be met for Townhouse Developments receiving Shared Waste Collection Services and Multi-Residential Buildings to commence with Waste Collection Services through the City include, but are not limited to:

- All chute systems are fully operational and maintained as per the City's Property Standards By-Law;
- All required Front-End Containers have been provided to the Development by the Owner/Developer and are compatible with City Waste Collection vehicles;
- All required Blue Carts and Green Carts have been provided to the Development by the City, or, if they are procured separately by the Owner, these are of sufficient number and are compatible with City Waste Collection Vehicles;
- Winter maintenance is provided for all Access Routes, Loading Areas, Staging Pads, Set-Out Areas and walkways (if applicable);
- Access Routes and Loading Areas are free of any construction equipment, debris and waste;
- If "no parking signs" are indicated on the site plan these must be installed prior to collection commencing;
- Each unit must receive the applicable in-unit waste containers/bags. These containers will be provided by the City; however, the Owner/Property Manager is responsible for distributing them; and
- If the Loading Area and/or any part of the Access Route is a supported structure, a letter certified by a structural engineer must be provided to the City detailing the weight restrictions of the supported structure.

4.4 Requirements for Developments to Maintain Waste Collection Services

Once Waste Collection Services through the City have commenced, it is the Owner's responsibility to meet all requirements to maintain Waste Collection Services. If the Owner fails to meet these requirements, the City reserves the right to cease Waste Collection Services to the property.

The requirements to maintain service are detailed in the Waste By-Law and the Agreement for On-Site Collection of Municipal Solid Waste and these requirements include, but are not limited to:

- The Owner and/or Property Manager must provide all required assistance during Garbage collection to maneuver and manipulate Front-End Containers;
- Property Managers must distribute, or post communications provided by the City to/for Occupants;
- Maintaining waste streams that are free of contamination;

- Loading Areas must be accessible on collection day and not occupied or blocked by vehicles or any other obstruction and/or cleared of any snow or ice; and
- If the Loading Area is shared between different property uses, on collection day the Loading Area will only be used for the collection of Waste by the City.

4.5 Application for Service

All new Developments must apply for Waste Collection Services to be provided by the City. Developers must contact Waste Management Customer Service through email at wastemanagement@hamilton.ca or by calling the City's Contact Centre at 905-546-CITY to request and schedule the start of Waste Collection Services. In addition to requesting Waste Collection Services, if the Service requires Waste Collection Vehicles to enter private property, then an "Agreement for On-Site Collection of Municipal Solid Waste" must be completed and provided to the City. This form is found in Schedule "F" of the Waste By-Law.

Prior to an application being approved, City staff will inspect the property to confirm that it has been constructed as per the approved drawings. If the site has either not been constructed as per drawings and/or does not satisfy the servicing requirements for the property, the application for service will be denied. If the application is denied, the Developer/Developer/Owner may reapply for service at a later date, when the site condition requirements have been met.

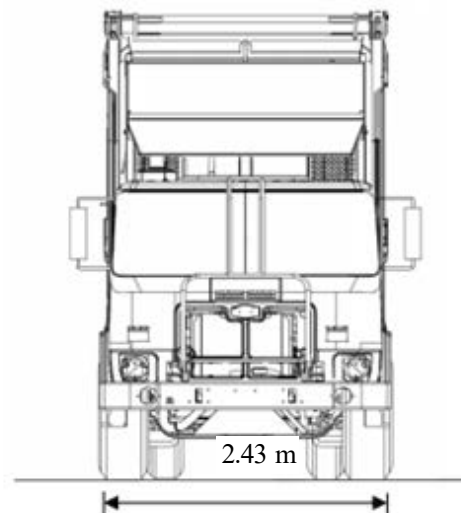
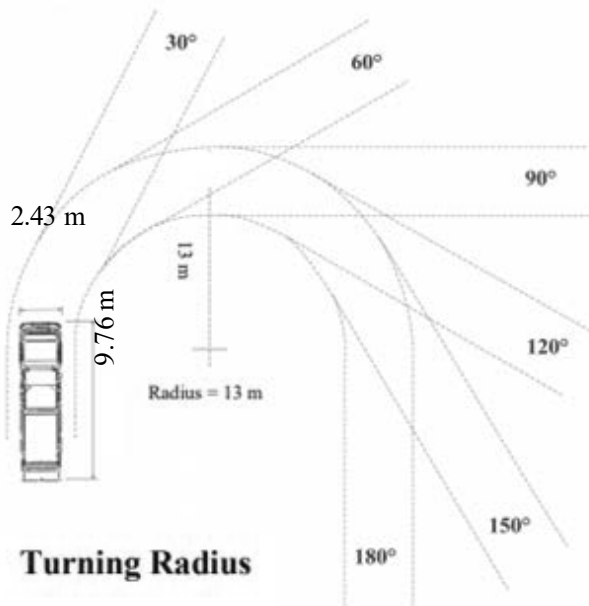
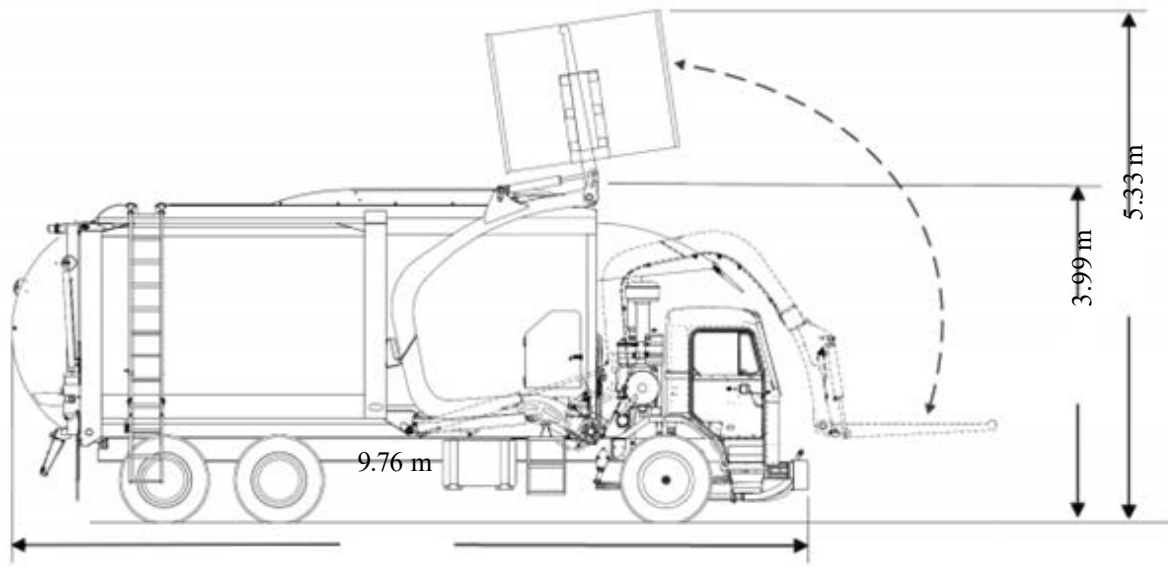
Following the approval of an Application for Service, the City will provide a collection commencement date, as well as further details concerning collection for the Development. The Property Manager or Developer must inform Occupants of the commencement date for Waste Collection Services.

APPENDICES

Appendix 1: Diagrams of Waste Collection Vehicles

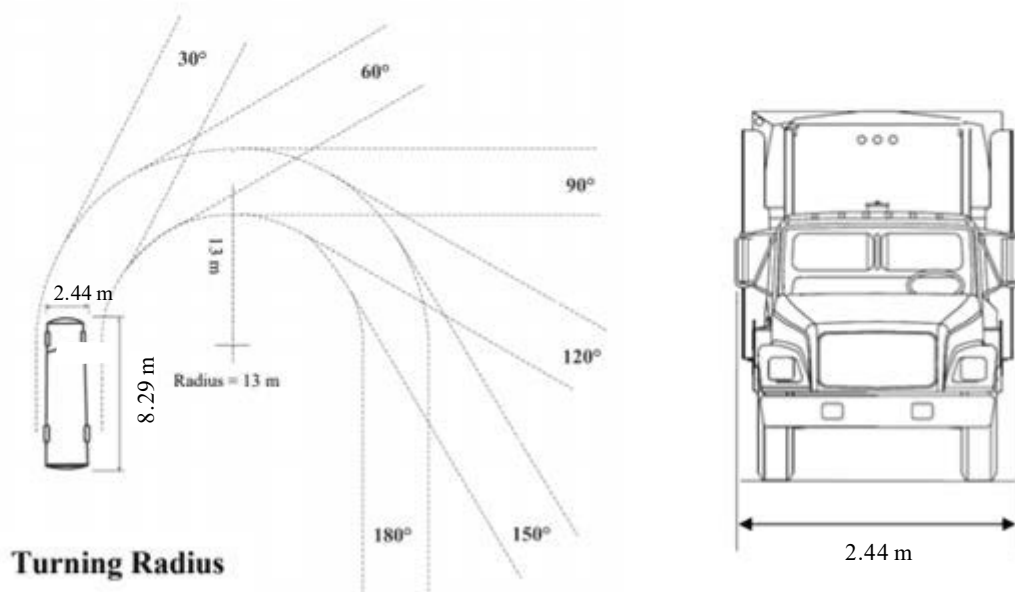
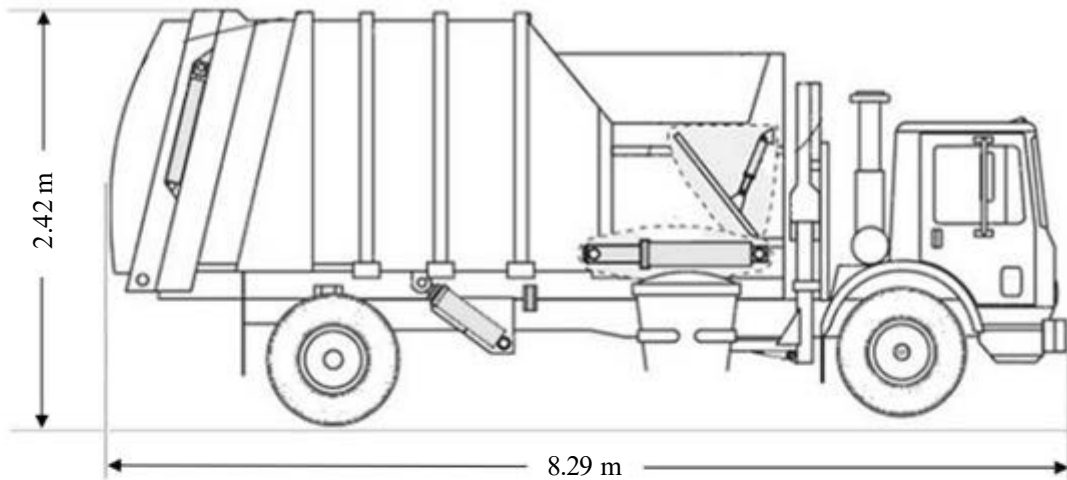
Front-End Waste Collection Vehicle

Front-End Bin Loading Waste Collection Vehicle



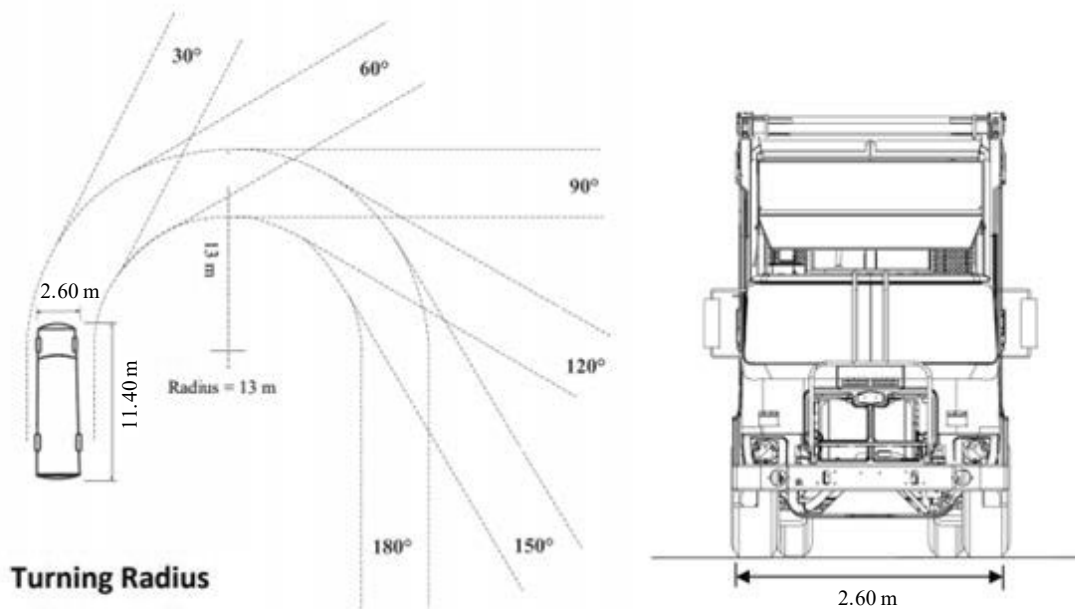
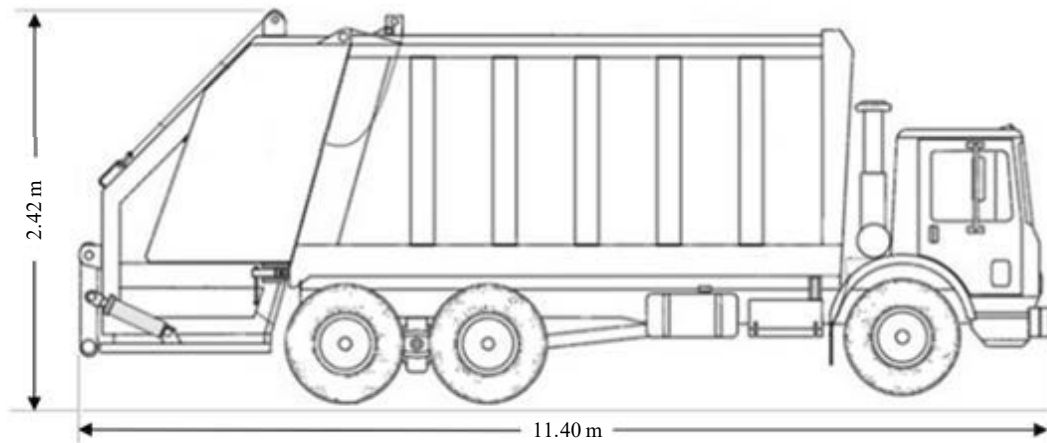
Note: Drawings are not to scale. Actual dimensions may vary depending on the make and model of vehicles used by the City of Hamilton's Contractor, which vary from time to time.

Automated Side Loading Cart Waste Collection Vehicle



Note: Drawings are not to scale. Actual dimensions may vary depending on the make and model of vehicles used by the City of Hamilton's Contractor, which vary from time to time.

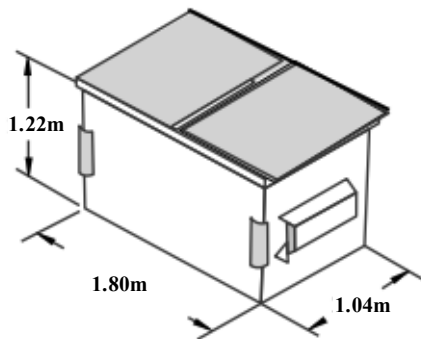
Rear Packer Waste Collection Vehicle



Note: Drawings are not to scale. Actual dimensions may vary depending on the make and model of vehicles used by the City of Hamilton's Contractor, which vary from time to time.

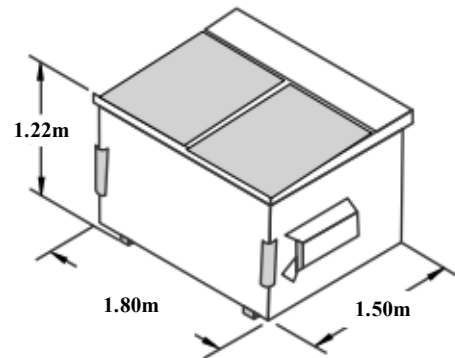
Appendix 2: Front-End Container Details

3-Cubic Yard



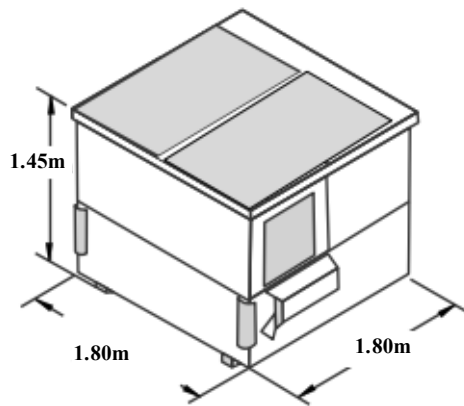
3-yard Front-End Container
1.22 metres high, 1.80 metres wide, 1.04 metres deep

4-Cubic Yard



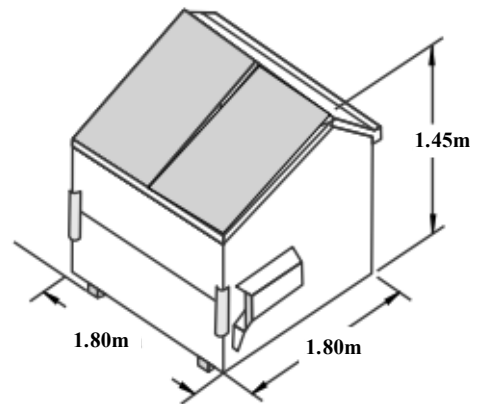
4-yard Front-End Container
1.22 metres high, 1.80 metres wide, 1.50 metres deep

6-Cubic Yard



6-yard Front-End Container
1.45 metres high, 1.80 metres wide, 1.80 metres deep

6-Cubic Yard Slant



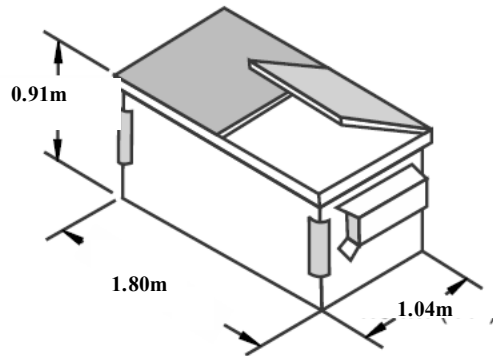
Note:

*3- & 4-cubic yard bins include casters.

**Garbage receptacle model and dimensions may vary depending on model and manufacturer.

***Drawing is not to scale

2-Cubic Yard (Organic Material Only)

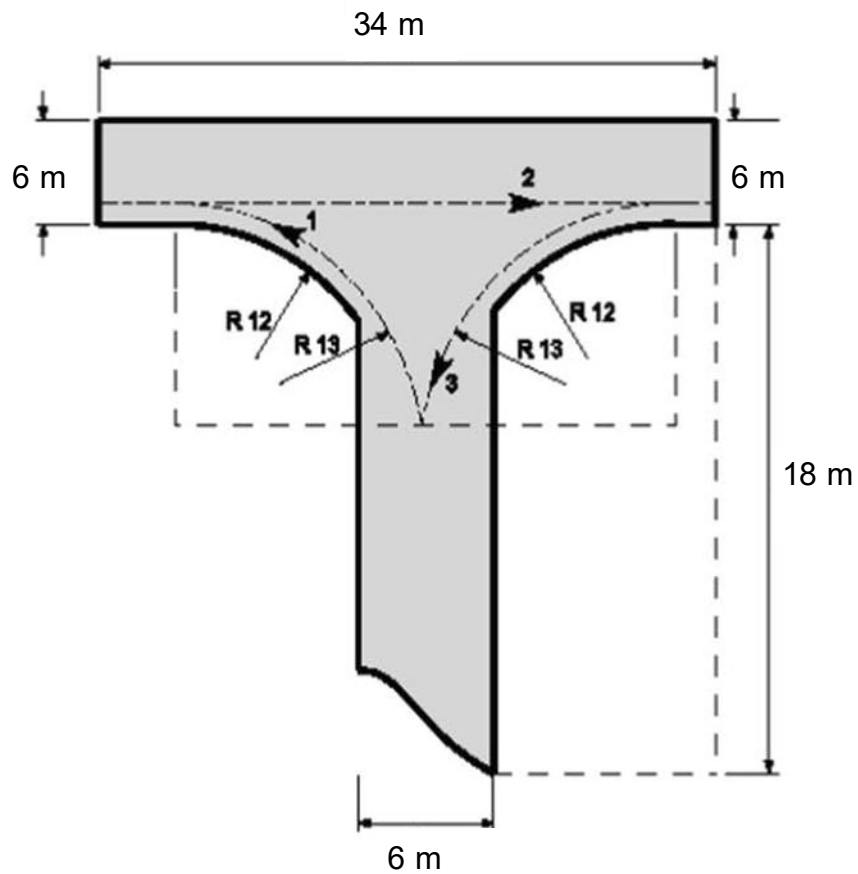


2-yard Front-End Container
0.91 metres high, 1.80 meters wide, 1.04
metres deep

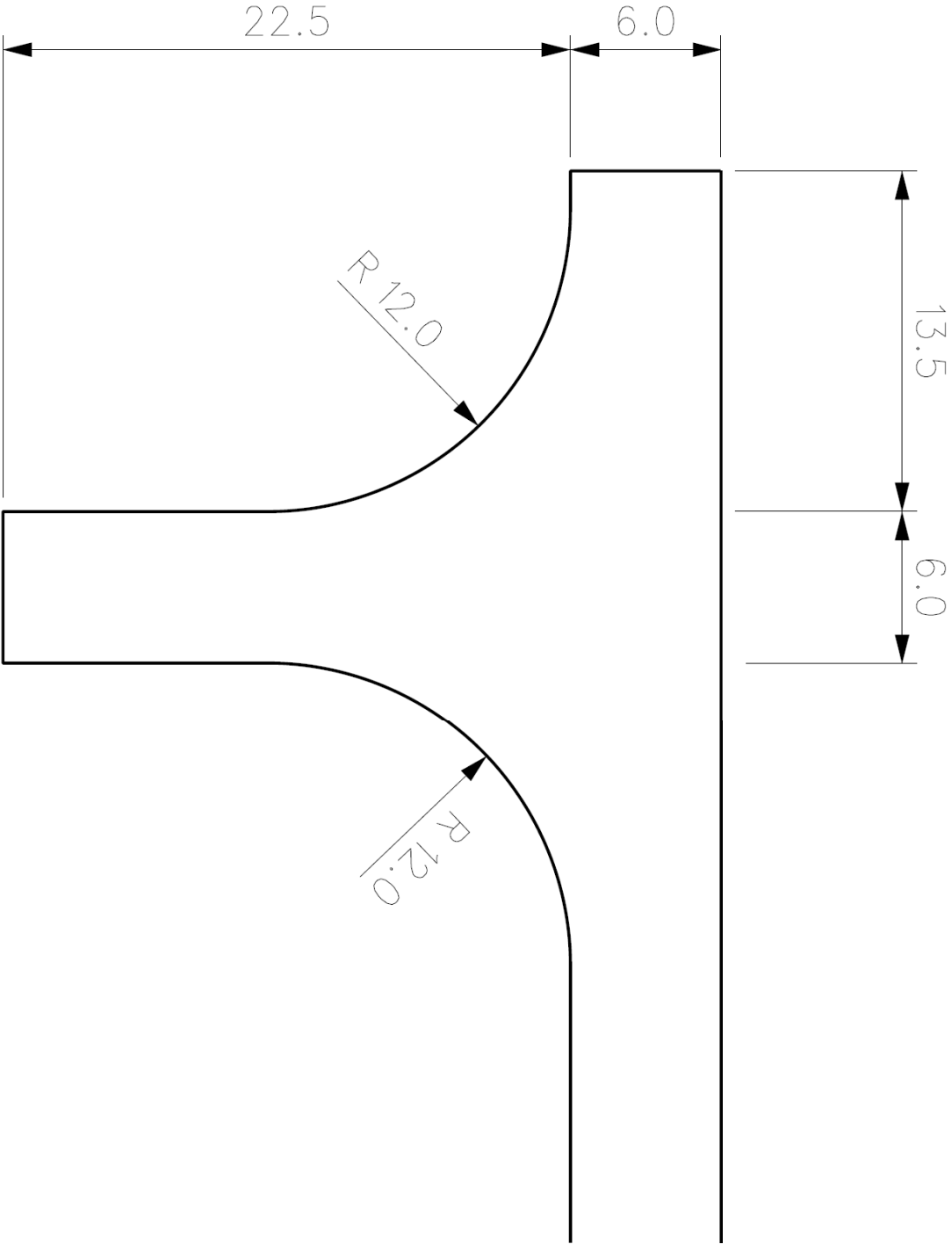
Appendix 3: Acceptable Turnaround Designs



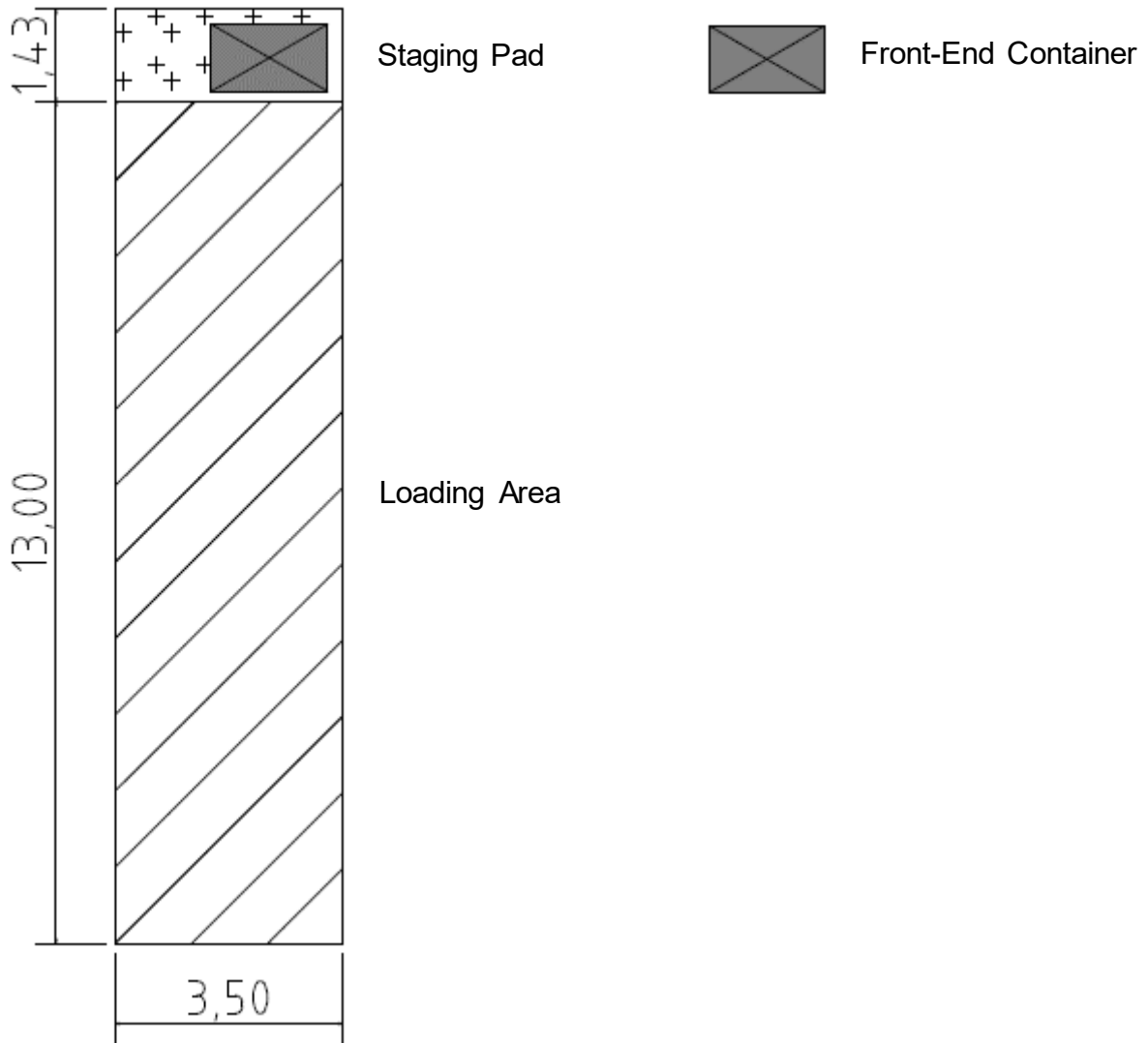
"T" Turnaround Specification



Note: All dimensions are in metres, not to scale



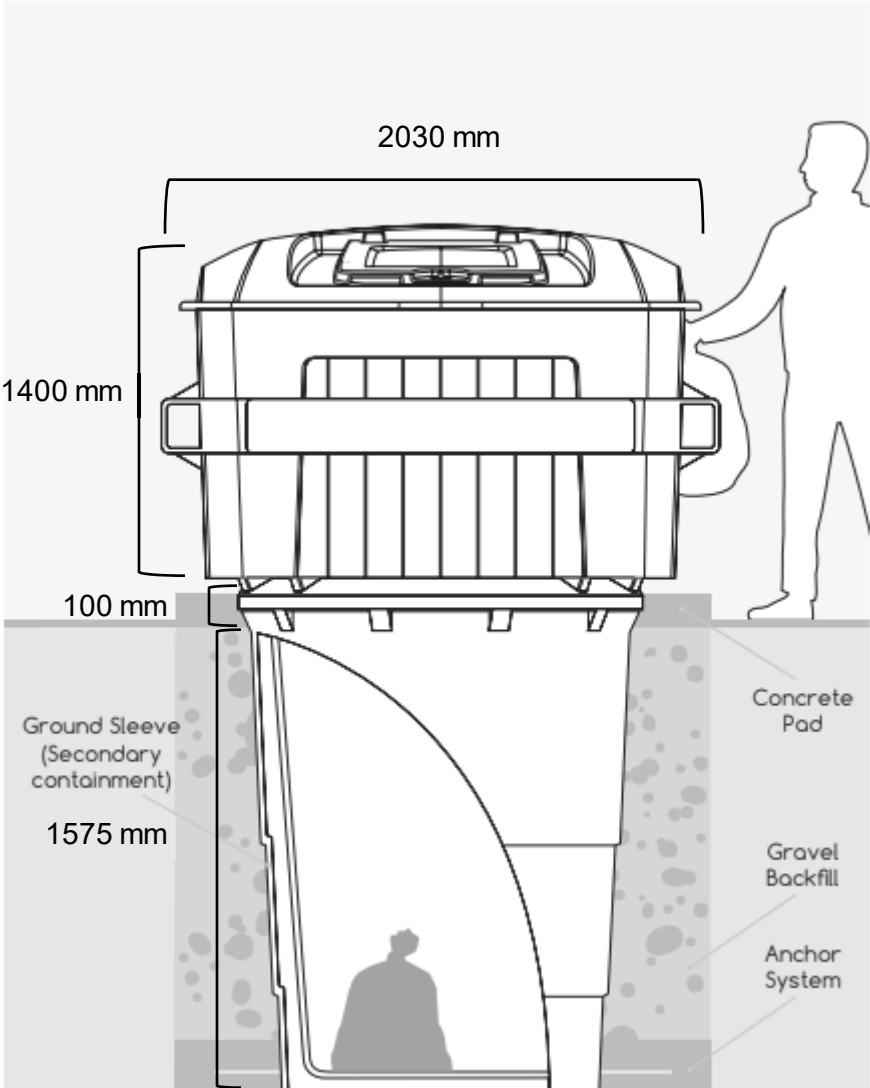
Appendix 4: Diagram of Staging and Loading Areas



All dimensions included in Appendix 4 are in metres.

Appendix 5: Recommended Dimensions for In-ground Containers

Diagram provided by Earth Bin



Appendix 6: Curbside Container Dimensions

Blue Box Dimensions



Green Bin Dimensions



Blue Cart Dimensions

Recycling container for Multi-residential buildings

Side view, depth 89 cm

Front view, width 61 cm



Green Cart Dimensions

Organics container for Multi-residential buildings

Side view, depth 55 cm

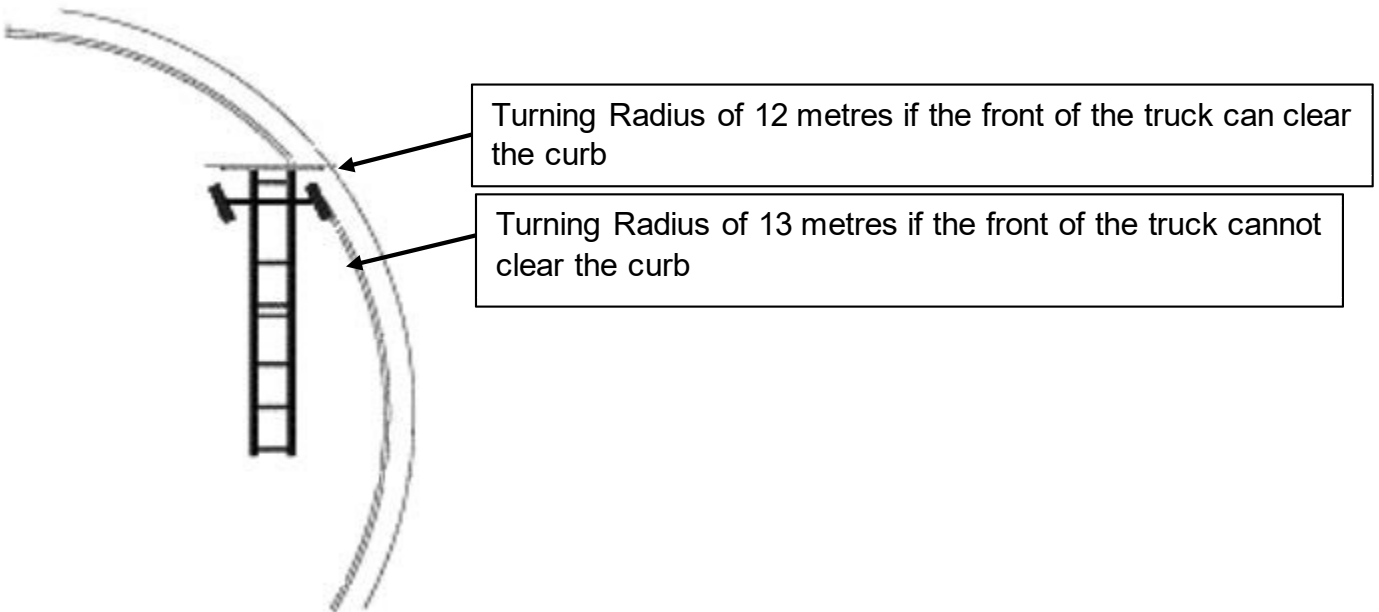


Front view, width 48 cm



Height 93 cm

Appendix 7: Turning Radius



Appendix 8: Access Route Examples

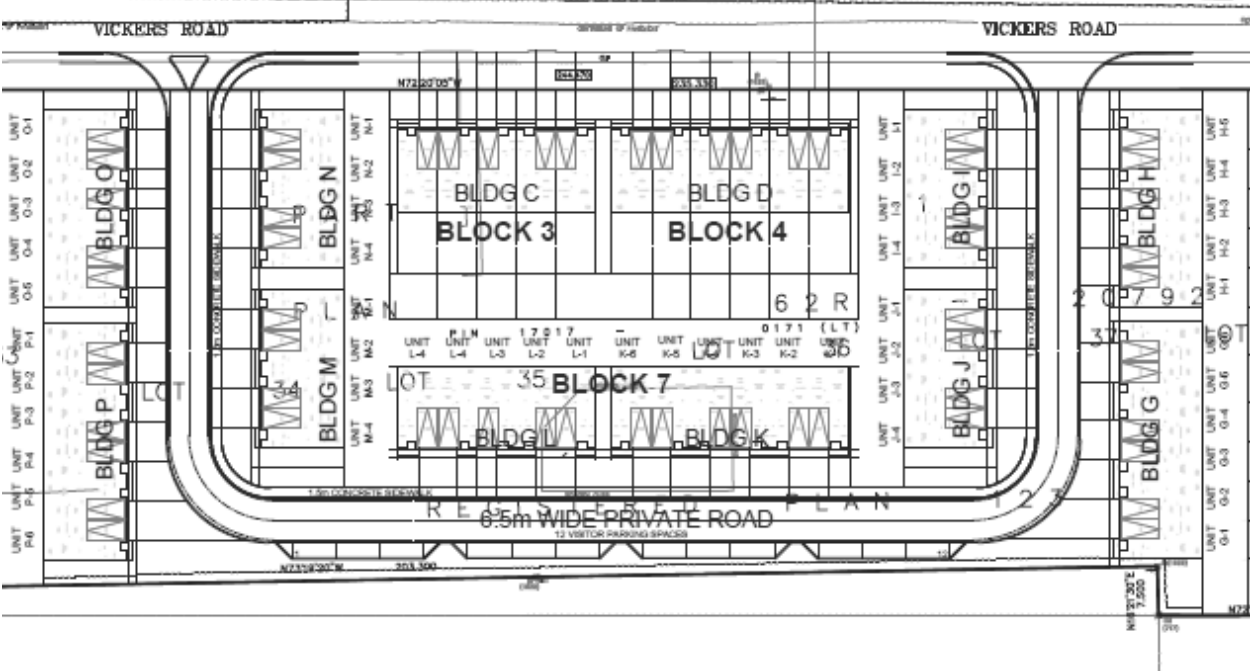


Figure 1: Townhouse Development showing an Access Route with continuous forward motion acceptable for Waste Collection



Figure 2: Satellite image showing a T-Turn in a subdivision which would be acceptable to Waste Collections. Diagram is not to scale.



PROPOSED CLOSURE OF KELLY STREET, HAMILTON

Geomatics & Corridor Management Section
Public Works Department

LEGEND

 Lands to be Closed



**PLANNING COMMITTEE
REPORT
21-017**

November 2, 2021

9:30 a.m.

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

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

THE PLANNING COMMITTEE PRESENTS REPORT 21-017 AND RESPECTFULLY RECOMMENDS:

1. Public Notices at Infill Construction Sites (PED21202) (City Wide) (Item 7.1)

That the draft By-law attached as Appendix "A" to Report PED21202, requiring public notices to be posted at infill construction sites, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted on April 1, 2022.

2. Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED21210) (Ward 1) (Item 7.2)

That the annual Pre-Christmas Free Parking Program, approved by City Council on June 25, 2003, and amended from time to time, be further amended as follows:

- (a) That on-street parking be free at all times from November 24 to December 24 annually, and limited to two hours in duration for the Westdale Business Improvement Area.

3. Hamilton Municipal Heritage Committee Report 21-008 (Added Item 7.3)

(a) **Heritage Permit Application HP2021-043, Under Part V of the *Ontario Heritage Act*, for Demolition of a Circa 1980 Detached Garage, 19 Mill Street South, Waterdown (PED21205) (Ward 15) (Item 8.1)**

- (i) Implementation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2023. If the

alterations are not completed by November 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;

- (ii) That the property owner shall submit a fencing option, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to any application for a Building Permit and / or the commencement of any alterations;
- (iii) That appropriate notice of the Council decision be served on the owner of 19 Mill Street South, Waterdown, as required under Section 42 of the *Ontario Heritage Act*.

(b) Waterdown Village Built Heritage Inventory Project Recommendations (PED21201) (Ward 15) (Item 8.2)

That staff be directed to list the properties identified in Appendix "A", to Report 21-008, on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest in accordance with Section 27 of the *Ontario Heritage Act*.

(c) Recommendation to Designate 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) Under Part IV of the *Ontario Heritage Act* (PED21211) (Ward 3) (Item 8.3)

- (i) That City Council state its intention to designate under Part IV, Section 29 of the *Ontario Heritage Act*, the property at 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes of 1099 King Street East, Hamilton, attached as Appendix "B" to Report PED21211;
- (ii) That the Clerk be directed to give notice of intention to designate the property at 1099 King Street East, Hamilton as a Property of Cultural Heritage Value or Interest in accordance with the requirements of section 29 of the *Ontario Heritage Act* subject to the following:
 - (1) If there are no objections to the designation in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate 1099 King Street East, Hamilton to be of cultural heritage value or interest to City Council; or,
 - (2) If there are objections in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Council to allow Council to consider the objection and make

a decision on whether or not to withdraw the notice of intention to designate the property.

(d) Heritage Permit Application HP2021-044, under Part V of the *Ontario Heritage Act* for the demolition of 983 Beach Boulevard, Hamilton (PED21208) (Ward 5) (Item 8.4)

- (i) That Heritage Permit Application HP2021-044, for the demolition of the Part V designated heritage building and construction of a new single detached dwelling for lands located at 983 Beach Boulevard, under Section 42 of the *Ontario Heritage Act*, be approved with the following conditions:
 - (1) Implementation of the demolition and construction of the new dwelling, in accordance with this approval, shall be completed no later than November 30, 2023. If the alterations are not completed by November 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
 - (2) That material specifications for the wood cladding proposed for the new dwelling and front of the new garage and cladding for the proposed addition be consistent with the Hamilton Beach Heritage Conservation District (HCD) guidelines and submitted for review, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
 - (3) That the existing leaded glass window in the front gable be salvaged prior to demolition and reincorporated into the front gable of the new dwelling;
 - (4) That the existing wrought iron fence in the front yard be repaired and maintained in its current location;
- (ii) That appropriate notice of the Council decision be served on the owner of 983 Beach Boulevard, Hamilton, as required under Section 42 of the *Ontario Heritage Act*.

(e) Inventory & Research Working Group Meeting Notes – August 23, 2021 (Item 10.1)

- (i) That the property located at 537 King Street East, be added to the Municipal Heritage Register and to the staff work plan for heritage designation under the *Ontario Heritage Act* ; and

- (ii) That the property located at 99 Creighton Road, Dundas to be added to the Municipal Heritage Register.

4. Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) (Item 9.1)

- (a) That Amended Zoning By-law Amendment Application ZAR-21-015, by GSP Group Inc., on behalf of John and Geraldine Bouwers & LIV Communities, Owners, for a change in zoning from the Agricultural “A” Zone to the Residential “R4-714 Zone, Modified (Blocks 1 and 2) and from the Residential “R4-563” Zone, Modified, to the Residential “R4-714” Zone, Modified (Block 3) to facilitate the development of two future residential lots for single detached dwellings, as shown on Appendix “A”, attached to Report PED21203, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED21203, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan.
- (b) That there were no public submissions received regarding the application.

5. Outdoor Dining Districts Extension (Item 11.1)

WHEREAS, early in the pandemic, Council - through GIC motion(S) - supported a local "Outdoor Dining Districts" initiative to permit restaurants the ability to easily accommodate safe outdoor dining on public road allowances and other spaces (both public and private);

WHEREAS, the Outdoor Dining Districts initiative complemented and expanded upon the City's pre-COVID on-street temporary patio program;

WHEREAS, the council born program proved to be extremely successful with over 200 establishments taking advantage of the streamlined and cost effective safe outdoor dining spaces in 2021;

THEREFORE BE IT RESOLVED:

That the appropriate staff be requested to report back to Council with options and the necessary policy or by-law changes to maintain the Outdoor Dining Districts program on a permanent basis, alongside the existing on-street temporary patio program

6. Pier 8 and Copps Pier - Haida Improvements (Item 11.2)

WHEREAS, A considerable amount of private and public investments continue on the West Harbour including Pier 8; and

WHEREAS; The Haida plays an historic and ongoing significant role as it relates to community building, tourism attraction to the greater investments.

THEREFORE BE IT RESOLVED:

That the appropriate staff from the Planning and Economic Development Department reach out to Parks Canada and the HMCS Haida Board of Directors regarding any plans or potential investment by the federal government into an enhanced entrance and gateway to the HMCS Haida National Historic Site that would better integrate with the City's significant investment in the enhanced public space along Pier 8 and the Copps Pier.

7. 412 Southcote Road Development Agreement (Added Item 11.3)

WHEREAS, recommendation (a)(ii) of Report PED16235, approved by Planning Committee on January 31, 2017 and Council on February 8, 2017, requires that 412 Southcote Road be developed per a required Consent Agreement with a restriction of the rear 14 metre portion of the property to be held vacant and free of structural encumbrances; and,

WHEREAS, staff have deemed Condition 56 to be satisfied;

THEREFORE BE IT RESOLVED:

That Condition 56 continue to be deemed satisfied and that said restriction be removed from the required Consent Agreement, in order to allow for the construction of a single family dwelling on the subject lands.

8. Demolition Permit – 270 Shaver Road (Added Item 11.4)

That the Chief Building Official be authorized to issue a demolition permit for 270 Shaver Road, Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That within 5 years of the demolition of the existing house, the applicant has applied for and received a building permit for a replacement building on this property and erected the replacement building on the property;
- (b) That the said building permit specifies that if the replacement building is not erected within the five years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (ii) is a lien or charge on the property until paid; and
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.1 Delegation Requests respecting Outdoor Dining Districts Extension (Item 11.1) (For Today's meeting)

(a) Virtual Delegations

- (i) Cristina Geissler, Concession Street BIA
- (ii) Tracy McKinnon, Westdale Village BIA and Stoney Creek BIA

(b) Written Submissions

- (i) Susan Braithwaite, International Village BIA

2. CONSENT ITEMS (Item 7)

7.3 Hamilton Municipal Heritage Committee Report 21-008

3. NOTICES OF MOTION (Item 12)

12.1 412 Southcote Road Development Agreement

12.2 Demolition Permit – 270 Shaver Road

The agenda for the November 2, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) October 19, 2021 (Item 4.1)

The Minutes of the October 19, 2021 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests respecting Outdoor Dining Districts Extension (Item 11.1) (For Today's meeting) (Added Item 6.1)

The following Delegation Requests were approved for today's meeting:

(a) Virtual Delegations

- (i) Cristina Geissler, Concession Street BIA**
- (ii) Tracy McKinnon, Westdale Village BIA and Stoney Creek BIA**

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

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

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) (Item 9.1)

The staff presentation was waived.

Nancy Frieday with GSP Group Inc., was in attendance and indicated support for the staff report.

The delegation from Nancy Frieday with GSP Group Inc., was received.

The public meeting was closed.

- (a) That Amended Zoning By-law Amendment Application ZAR-21-015, by GSP Group Inc., on behalf of John and Geraldine Bouwers & LIV Communities, Owners, for a change in zoning from the Agricultural “A” Zone to the Residential “R4-714 Zone, Modified (Blocks 1 and 2) and from the Residential “R4-563” Zone, Modified, to the Residential “R4-714” Zone, Modified (Block 3) to facilitate the development of two future residential lots for single detached dwellings, as shown on Appendix “A”, attached to Report PED21203, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21203, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan.

The recommendations in Report PED21203 were **amended** by adding the following sub-section (b):

- (b) *That there were no public submissions received regarding the application.***

For disposition of this matter, refer to Item 4.

The Delegations respecting Outdoor Dining Districts Extension (Item 11.1) (Added Item 9.2) and Item 11.1 respecting Outdoor Dining Districts Extension were moved to be heard after Item 12.2.

(f) NOTICES OF MOTION (Item 12)

(i) 412 Southcote Road Development Agreement (Added Item 12.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting 412 Southcote Road Development Agreement.

For disposition of this matter, refer to Item 7.

(ii) Demolition Permit – 270 Shaver Road (Added Item 12.2)

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit – 270 Shaver Road.

For disposition of this matter, refer to Item 8.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9) – Continued

(i) Delegation Requests respecting Outdoor Dining Districts Extension (Item 11.1) (Added Item 9.2)

The following Delegation was not in attendance when called upon to speak:

9.2(a) (ii) Cristina Geissler, Concession Street BIA

The following Delegation addressed the Committee respecting Outdoor Dining Districts Extension:

(a) Virtual Delegations

(ii) Tracy McKinnon, Westdale Village BIA and Stoney Creek BIA

The above Delegation was received.

The following Written Delegation was received.

(i) Susan Braithwaite, International Village BIA

For disposition of this matter, refer to Item 5.

(i) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 10:34 a.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 21-021

9:30 a.m.

Wednesday, November 3, 2021

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

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

Absent: Councillors M. Pearson, T. Whitehead – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-021, AND RESPECTFULLY RECOMMENDS:

1. Placemaking Grant Pilot Program Update (PED20048(a)) (City Wide) (Item 7.1)

That Report PED20048(a), respecting the Placemaking Grant Pilot Program Update, be received.

2. Farmers' Market - Rent Relief and Governance Comparators (LS21036(a)) (City Wide) (Item 14.2)

(a) That staff be directed to review the following options with respect to the Hamilton Farmer's Market and report back to the General Issues Committee with recommendations and alternative options:

- (i) Use of the Community Improvement Plan, as it relates to the Hamilton Farmers' Market;
- (ii) The provision of financial support to the Hamilton Farmers' Market to enable the Market to work with and provide indirect support to vendors on the adoption of new commercial initiatives such as e-commerce and technological sharing via an online/virtual market;

- (iii) Encourage the Hamilton Farmers' Market Corporation to consider longer term licence agreements with vendors, using a minimum base fee with the balance of fees owed as a percentage of sales;
 - (iv) Revisions to the conditions of the Operating Agreement between the City and the Hamilton Farmers' Market Corporation and the degree to which the entity is governed by provisions of the Municipal Act, 2001 including the provisions referencing Section 106, could be considered if aligned with the recommended outcomes from the governance review;
 - (v) The provision of further and specific marketing campaign support on the benefits of healthy and fresh food (for example, less handling than large retail) at the Hamilton Farmers' Market as part of the urban food system with proximity and access to transportation;
 - (vi) In conjunction with Economic Development, connect arts and craft vendors in the Market with Tourism Hamilton to promote tourism and Market attendance; and,
 - (vii) Develop and support outreach and partnership initiatives between the Hamilton Farmers' Market and community gardens and urban and rural "Grow a Row" providers to promote local agriculture and the purchase of goods through the Hamilton Farmers' Market;
- (b) That this motion, respecting the Hamilton Farmers' Market - Rent Relief and Governance Comparators, be referred to the staff responsible for the Hamilton Farmers' Market Governance and Operational Review Project for review and inclusion in that forthcoming report; and,
 - (c) That Report LS21036(a), respecting the Farmers' Market - Rent Relief and Governance Comparators, remain confidential.

3. Instructions regarding Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit (LS21042-FCS21108) (City Wide) (Item 14.3)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21042-FCS21108 - Instructions regarding the Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit, be approved; and,

- (b) That Report LS21042 / FCS21108, Instructions Regarding Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit and Appendix "A" attached thereto, remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

14. PRIVATE & CONFIDENTIAL

14.3 REVISED: Instructions regarding Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit (LS21042-FCS21108) (City Wide)

Pursuant to Section 9.1, Sub-sections (e) and (f) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda for the November 3, 2021 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor M. Wilson declared an interest to Item 14.3, respecting Report LS21042/FCS21108 – Instructions regarding the Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit, as her spouse's employer, Hamilton Community Foundation, provides the funding for second mortgages for low to moderate income first time home buyers. It is her understanding is that this entity will be accessing that mortgage pool as part of their operations.

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

(i) October 20, 2021 (Item 4.1)

The Minutes of the October 20, 2021 General Issues Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) David Carter, Innovation Factory-Synapse Life Sciences Consortium respecting their Annual Funding Request (Item 6.1)

The delegation request submitted David Carter, Innovation Factory-Synapse Life Sciences Consortium respecting their Annual Funding Request, was approved for the December 8, 2021 General Issues Committee.

(e) PRESENTATIONS (Item 8)

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

Jason Thorne, General Manager, Planning and Economic Development and Director of the Emergency Operations Centre; and, Michelle Baird, Public Health Services, Epidemiology Wellness and Communicable Disease Control, provided the verbal update regarding COVID-19.

The verbal update respecting the COVID-19 was received.

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

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

The following amendments to the General Issues Committee's Outstanding Business List, were approved, as amended:

(1) Proposed New Due Dates (Item 13.1.a.)

(aa) Budgetary Plan to Address the Chedoke Creek Matter (Item 13.1.a.a.)

Current Due Date: September 22, 2021

Proposed New Due Date: ~~January 12, 2022~~ **November 22, 2021 (Capital Budget)**

- (bb) Grant or Low-Interest Loans from FCM (for the purposes of the park development of the project lands including the properties – Ward 3) (Item 13.1.a.b.)

Current Due Date: December 8, 2021
Proposed New Due Date: November 30, 2022

- (2) Items to be Removed (Item 13.1.b.)

- (aa) CityLab Pilot Update (Item 13.1.b.a.)

(Addressed at the October 6, 2021 GIC as Item 8.2 - Report CM21009.)

- (bb) Code of Conduct for Council-Appointed Citizen Members of External Boards and Agencies (Item 13.1.b.b.)

(Addressed at the October 6, 2021 GIC as Item 10.3 - Report FCS21081.)

(g) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – October 20, 2021

- (a) The Closed Session Minutes of the October 20, 2021 General Issues Committee meeting, were approved; and,
- (b) The Closed Session Minutes of the October 20, 2021 General Issues Committee meeting, shall remain confidential.

The following Councillors advised that, as they are members of the Audit, Finance and Administration Committee's Development Charge Complaint hearings body, they would be recusing themselves from participating in the Closed Session discussion of Item 14.3 - Instructions regarding Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit (LS21042-FCS21108), in order to maintain the judicial independence and integrity of that body, should a hearing be required:

- (i) Councillor Lloyd Ferguson
- (ii) Councillor Maureen Wilson
- (iii) Councillor Brenda Johnson

- (iv) Councillor Arlene VanderBeek
- (v) Councillor Brad Clark
- (vi) Councillor Maria Pearson

Committee moved into Closed Session respecting Items 14.2 and 14.3, 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 matters pertain 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.

(ii) Farmers' Market - Rent Relief and Governance Comparators (LS21036(a)) (City Wide) (Item 14.2)

- (a) Staff was directed to review the following options with respect to the Hamilton Farmer's Market and report back to the General Issues Committee with recommendations and alternative options:
 - (i) Use of the Community Improvement Plan, as it relates to the Hamilton Farmers' Market;
 - (ii) The provision of financial support to the Hamilton Farmers' Market to enable the Market to work with and provide indirect support to vendors on the adoption of new commercial initiatives such as e-commerce and technological sharing via an online/virtual market;
 - (iii) Encourage the Hamilton Farmers' Market Corporation to consider longer term licence agreements with vendors, using a minimum base fee with the balance of fees owed as a percentage of sales;
 - (iv) Revisions to the conditions of the Operating Agreement between the City and the Hamilton Farmers' Market Corporation and the degree to which the entity is governed by provisions of the Municipal Act, 2001 including the provisions referencing Section 106, could be considered if aligned with the recommended outcomes from the governance review;
 - (v) The provision of further and specific marketing campaign support on the benefits of healthy and fresh food (for

example, less handling than large retail) at the Hamilton Farmers' Market as part of the urban food system with proximity and access to transportation;

- (vi) In conjunction with Economic Development, connect arts and craft vendors in the Market with Tourism Hamilton to promote tourism and Market attendance; and,
- (vii) Develop and support outreach and partnership initiatives between the Hamilton Farmers' Market and community gardens and urban and rural "Grow a Row" providers to promote local agriculture and the purchase of goods through the Hamilton Farmers' Market; and,

- (b) That this motion, respecting the Hamilton Farmers' Market - Rent Relief and Governance Comparators, be referred to the staff responsible for the Hamilton Farmers' Market Governance and Operational Review Project for review and inclusion in that forthcoming report.

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

(h) ADJOURNMENT (Item 14)

There being no further business, the General Issues Committee adjourned at 12:31p.m.

Respectfully submitted,

Brenda Johnson, Deputy Mayor
Chair, General Issues Committee

Mayor Fred Eisenberger, Chair
General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-019

9:30 a.m.

**November 4, 2021
Council Chambers
Hamilton City Hall**

Present: Councillors L. Ferguson (Chair), B. Clark, B. Johnson, M. Pearson, A. VanderBeek and M. Wilson

Also Present: Councillor J.P. Danko

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 21-019 AND RESPECTFULLY RECOMMENDS:

1. Workplace Mental Health and Wellbeing Strategy (2019-2021) (HUR21013) (City Wide) (Item 7.2)

That Report HUR21013, respecting Workplace Mental Health and Wellbeing Strategy (2019-2021), be received.

2. Citizen Committee Report - Status of Women Advisory Committee - Renaming the Committee and Changes to the Terms of Reference and Mandate (Item 10.1)

(a) That the Status of Women Advisory Committee be renamed the Women and Gender Equity Committee; and,

(b) That the amended Terms of Reference and Mandate, attached as Appendix "A" to Audit, Finance & Administration Committee Report 21-019, be approved.

3. Procurement Sub-Committee Report 21-001 - October 29, 2021 (Added Item 10.2)

(a) Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. (FCS21102 / LS21044 / PW21064) (City Wide) (Item 14.2)

(i) That the directions provided to staff in Closed Session, be approved;

(ii) That Closed Session recommendations be released publicly following approval by Council; and,

- (iii) That the contents of Report FCS21102 / LS21044 / PW21064, Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. and the attached Appendix remain confidential.

(b) Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances (FCS21103 / LS21045) (City Wide) (Item 14.3)

- (i) That the directions provided to staff in Closed Session, be approved;
- (ii) That Confidential Appendix A to Report FCS21103 / LS21045, Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances, **as amended**, be released when the by-law is for consideration at Council; and,
- (iii) That the contents of Report FCS21103 / LS21045, Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances remain confidential.

4. Timely Access To View Confidential Documents (Item 11.1)

That staff be directed to create a Procedure **and Policy** to enable Council timely access to confidential documents such as Memorandums of Understanding, Contracts and Agreements.

5. Commercial Relationship Between City of Hamilton and Garda Canada Security Corporation also known as GardaWorld Canada Security Corporation also known as GardaWorld Corporation (LS20025(a) / FCS20083(a)) (City Wide) (Item 14.1)

- (a) That the directions provided to staff in Closed Session, be approved;
- (b) That Closed Session recommendations be released publicly following approval by Council; and,
- (c) That the contents of Report LS20025(a) / FCS20083(a), respecting the Commercial Relationship Between City of Hamilton and Garda Canada Security Corporation also known as GardaWorld Canada Security Corporation also known as GardaWorld Corporation, remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.2 Correspondence from Howard Krupat, DLA Piper (Canada) LLP, respecting Associated Paving and Materials Ltd.

Recommendation: Be received and referred to consideration of Item 6.1.

- 5.3 Correspondence from Stan Capobianco, President, Associated Paving & Materials Ltd, respecting the commercial relationship between the City and Associated Paving & Materials Ltd.

Recommendation: Be received and referred to consideration of Item 6.1.

6. DELEGATION REQUESTS

- 6.1 Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving & Materials Ltd., respecting the commercial relationship between the City and Associated Paving (For today's meeting)

- 6.2 Max Warmuth, Garda Canada Security Corporation "GardaWorld", respecting the commercial relationship between the City of Hamilton and Garda (For today's meeting)

10. DISCUSSION ITEMS

- 10.2 Procurement Sub-Committee Report 21-001 - October 29, 2021

The agenda for the November 4, 2021 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) October 21, 2021 (Item 4.1)

The Minutes of the October 21, 2021 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from the Hamilton Waterfront Trust respecting their December 31, 2020 Audited Financial Statements (Item 5.1)

That staff be directed to meet with Hamilton Waterfront Trust Staff and gather information surrounding their 2020 audited financial statements in an effort to provide a summary of the relevant changes, and report back to the Audit, Finance and Administration Committee.

(ii) Communications 5.2 to 5.3, were received and referred to consideration of Item 6.1:

- (a) Correspondence from Howard Krupat, DLA Piper (Canada) LLP, respecting Associated Paving and Materials Ltd. (Added Item 5.2)
- (b) Correspondence from Stan Capobianco, President, Associated Paving & Materials Ltd, respecting the commercial relationship between the City and Associated Paving & Materials Ltd. (Added Item 5.3)

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved for today's meeting:

- (i) Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving & Materials Ltd., respecting the commercial relationship between the City and Associated Paving (For today's meeting) (Added Item 6.1)
- (ii) Max Warmuth, Garda Canada Security Corporation "GardaWorld", respecting the commercial relationship between the City of Hamilton and Garda (For today's meeting) (Added Item 6.2)

(f) CONSENT ITEMS (Item 7)

That the following Consent Item, was received:

- (i) Immigrant and Refugee Advisory Committee - No Quorum Notes - October 14, 2021 (Item 7.1)**

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)

- (i) Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving & Materials Ltd., respecting the commercial relationship between the City and Associated Paving (Added Item 9.1)**

Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated

Paving & Materials Ltd., addressed the Committee respecting the commercial relationship between the City and Associated Paving.

The delegates were granted an additional fifteen minutes for their delegation.

The delegation from Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving & Materials Ltd., respecting the commercial relationship between the City and Associated Paving, was received.

For disposition of this matter, refer to Item 3(a).

(ii) Max Warmuth, Garda Canada Security Corporation "GardaWorld", respecting the commercial relationship between the City of Hamilton and Garda (Added Item 9.2)

Max Warmuth, Garda Canada Security Corporation "GardaWorld", addressed the Committee respecting the commercial relationship between the City of Hamilton and Garda.

The delegation from Max Warmuth, Garda Canada Security Corporation "GardaWorld", respecting the commercial relationship between the City of Hamilton and Garda, was received.

For disposition of this matter, refer to Item 5.

(h) DISCUSSION ITEMS (Item 10)

(i) Procurement Sub-Committee Report 21-001 - October 29, 2021 (Added Item 10.2)

Consideration of Procurement Sub-Committee Report 21-001 – October 29, 2021, was DEFERRED until after Closed Session.

For disposition of this matter refer to Item 3.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session, respecting Items 10.2 and 14.1 pursuant to Section 9.1, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (e), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain 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; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or

interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(i) Procurement Sub-Committee Report 21-001 - October 29, 2021
(Added Item 10.2)**

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

**(ii) Commercial Relationship Between City of Hamilton and Garda
Canada Security Corporation also known as GardaWorld Canada
Security Corporation also known as GardaWorld Corporation
(LS20025(a) / FCS20083(a)) (City Wide) (Item 14.1)**

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

(j) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee, adjourned at 12:00 p.m.

Respectfully submitted,

Councillor Ferguson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

HAMILTON WOMEN AND GENDER EQUITY COMMITTEE

TERMS OF REFERENCE (Updated)

MANDATE:

The Women and Gender Equity Committee for the City of Hamilton acts as an Advisory Committee on matters pertaining to gender inequities faced by women, trans, and non-binary individuals. It achieves this mandate by providing Council input on matters of municipal concern and evaluating the City on its related efforts.

STRATEGIC OBJECTIVES:

Define, investigate, study and make recommendations on issues of concern affecting women, trans and non-binary individuals of the City of Hamilton and other matters of social or municipal concern including matters referred to this Committee by City Council, staff and City of Hamilton Committees.

Inform citizens of the City of Hamilton on issues affecting women, trans and non-binary individuals.

Actively encourage women, trans and non-binary individuals to participate in all aspects of society and support them in their life choices.

Advise citizens of the City of Hamilton of decisions made by City Council which may impact on women, trans and non-binary individuals including matters of social concern and those referred to City Council by this Committee.



EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 21-011

1:30 p.m.

Thursday, November 4, 2021

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors N. Nann (Chair), B. Clark, T. Jackson, S. Merulla, and E. Pauls

Regrets: Councillor T. Whitehead – Personal

THE EMERGENCY & COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 21-011 AND RESPECTFULLY RECOMMENDS:

1. Seniors Advisory Committee Citizen Committee Report, respecting Macassa and Wentworth Lodges (Item 7.1)

That Seniors Advisory Committee Citizen Committee Report, respecting Macassa and Wentworth Lodges, be received.

2. LGBTQ Advisory Committee Citizen Committee Report, respecting Recommendations from the Community Conversation (Item 7.2)

(a) That LGBTQ Advisory Committee Citizen Committee Report, respecting Recommendations from the Community Conversation, be received and referred to staff for review and report back to the Emergency and Community Services Committee; and

(b) That staff from the Healthy and Safe Communities be directed to attend meetings of the LGBTQ Advisory Committee.

3. Standardization of Self-Contained Breathing Apparatus (SCBA) Equipment for the Hamilton Fire Department (HSC21036) (City Wide) (Item 10.1)

(a) That Council approve the standardization of Self-Contained Breathing Apparatus (SCBA) Equipment manufactured by MSA The Safety Company, pursuant to Procurement Policy #14 – Standardization, until December 31, 2031 and that the Fire Chief of the Hamilton Fire Department be authorized to negotiate, enter into and execute any

required contract and any ancillary documents required to give effect thereto with MSA The Safety Company, in a form satisfactory to the City Solicitor; and,

- (b) That the Fire Chief of the Hamilton Fire Department, or his/her designate, be authorized to amend any Contracts executed and any ancillary documents as required if MSA The Safety Company undergoes a name change.

4. Voluntary Safe Isolation Space Program Funding (HSC21042) (City Wide) (Item 10.2)

That the General Manager of the Healthy and Safe Communities Department, or their designate, be authorized and directed to enter into and execute a Contribution Agreement with the Public Health Agency of Canada (PHAC) to administer Voluntary Safe Isolation Space Program (VSISP) allocation to a maximum amount of \$210,928, as well as any ancillary agreements, contracts, extensions and documents required to give effect thereto in a form satisfactory to the City Solicitor.

5. Fireworks By-Law Review (Item 11.1)

WHEREAS, there appear to have been several residential fires started by fireworks across the Province in 2021;

WHEREAS, there has been an increase in complaints pertaining to fireworks damaging properties with falling, hot embers;

WHEREAS, the power, size and explosive force of retail fireworks appear to have increased;

WHEREAS, a 24-year-old goaltender from Latvia, who was spending the summer in the United States, was killed after being struck in the chest with a fireworks mortar; and,

WHEREAS, there are fireworks retailers in Ontario open year-round.

THEREFORE, BE IT RESOLVED:

That the Hamilton Fire Chief and staff be directed to review the City's bylaws that regulate fireworks sales and residential use with a report back to the Emergency and Community Services Committee in the first quarter of 2022.

6. Winter Services Plan for People Experiencing Homelessness (Item 11.2)

WHEREAS, cold weather disproportionately impacts residents experiencing homelessness;

WHEREAS, needs are unique during cold alerts and circumstances change, requiring winter services to be monitored and adapted to ensure safe and welcoming places for people experiencing homeless during winter are available;

WHEREAS, there has been expressed need for increased provision of 24-hour respite sites during cold weather alerts that prioritize ease of access to safe indoor resting spaces; and

WHEREAS, Hamilton Housing Service Division works with various partners to help mitigate and address negative impacts related to homelessness during the winter season.

THEREFORE, BE IT RESOLVED:

That staff be directed to develop an annual winter services plan for people experiencing homelessness that includes monitoring and adapting to emerging needs, for report back to the Emergency and Community Services Committee.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

6.2. Respecting Winter Services Plan (Added Item 6.2)

6.2 (a) James Lambert

6.2 (b) Vic Wojciechowska

6.2 (c) Katie Sullivan, Hamilton Encampment Response Network

6.2 (d) Merima Menzildzic

12. NOTICES OF MOTION

12.1. Winter Services Plan for People Experiencing Homelessness

12.2 National Childcare Strategy – investigating the potential for direct municipal agreement with the Federal Government

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Ambulance Offload Delays – Update

The agenda for the November 4, 2021 Emergency and Community Services Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) October 7, 2021

The Minutes of the October 7, 2021 meeting of the Emergency and Community Services Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

That the following Delegation Requests, be approved for today's meeting:

- (i) Jennifer Hompoth, NGen Youth Centre, respecting expert contribution on youth housing, transitional and emergency shelter, with respect to municipal removal of encampment protocols (Item 6.1)
- (ii) Respecting Winter Services Plan (Added Item 12.1) (Added Item 6.2)
 - 1. James Lambert (Added Item 6.2 (a))
 - 2. Vic Wojciechowska (Added Item 6.2 (b))
 - 3. Katie Sullivan, Hamilton Encampment Support Network (Added Item 6.2 (c))
 - 4. Merima Menzildzic (Added Item 6.2 (d))

(d) PUBLIC HEARINGS / DELEGATIONS (Item 9)

- (i) **Jennifer Hompoth, NGen Youth Centre, respecting expert contribution on youth housing, transitional and emergency shelter, with respect to municipal removal of encampment protocols (Item 9.1)**

Jennifer Hompoth, NGen Youth Centre was not present when called upon.

- (ii) **Winter Services Plan - Added Item 12.1 (Added Item 9.2)**

- 1. **James Lambert (Added Item 9.2 (a))**

James Lambert addressed the Committee respecting Winter Services Plan (Added Item 12.1).

2. Vic Wojciechowska (Added Item 9.2 (b))

Vic Wojciechowska addressed the Committee respecting Winter Services Plan (Added Item 12.1).

3. Katie Sullivan, Hamilton Encampment Support Network (Added Item 9.2 (c))

Katie Sullivan, Hamilton Encampment Support Network addressed the Committee respecting Winter Services Plan (Added Item 12.1).

4. Merima Menzildzic (Added Item 9.2 (d))

Merima Menzildzic addressed the Committee respecting Winter Services Plan (Added Item 12.1).

The following Delegations, were received, and referred to the consideration of Item 12.1, Winter Services Plan for People Experiencing Homelessness:

- (i) James Lambert (Added Item 9.2 (a))
- (ii) Vic Wojciechowska (Added Item 9.2 (b))
- (iii) Katie Sullivan, Hamilton Encampment Support Network (Added Item 9.2 (c))
- (iv) Merima Menzildzic (Added Item 9.2 (d))

For disposition of this matter, please refer to Item 6.

(e) NOTICES OF MOTION (Item 12)

(i) Winter Services Plan for People Experiencing Homelessness (Added Item 12.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Winter Services Plan for People Experiencing Homelessness.

For further disposition of this matter, refer to Item 6.

(ii) National Childcare Strategy – investigating the potential for direct municipal agreement with the Federal Government (Added Item 12.2)

Councillor Nann introduced the following Notice of Motion:

WHEREAS, on April 19, 2021 the Government of Canada's budget announcement included a \$30 billion investment over five years to create a national system of Early Learning and Child Care and Indigenous Early Learning and Child Care;

WHEREAS, the Government of Canada has entered into Child Care Agreements with seven provinces and one territory to improve the quantity and quality of regulated child care while reducing the costs for parents to an average of \$10 per day;

WHEREAS, the provinces and territory that signed agreements with the federal government are collectively committing to expanding capacity of new regulated child care spaces by 125,000;

WHEREAS, an agreement between the Government of Canada and Province of Ontario on a bilateral child care program remains outstanding with public reports stating negotiations are ongoing;

WHEREAS, Ontario is home to 38% of Canada's children under the age of 6;

WHEREAS, like other cities in Ontario, families in Hamilton struggle with accessing child care and managing the high fees required to maintain care once secured;

WHEREAS, the COVID-19 pandemic has particularly amplified the precarious position that women, primarily the caregivers of children, are placed in when forced to choose between participating in the workforce and caring for their children or their extended family's children;

WHEREAS, twice as many women as men vacated the paid labour force by September 2021 compared to February 2020;

WHEREAS, the adoption of a National Child Care strategy would provide the resources required to ensure all families have access to the child care supports that meet their needs while providing all members of our community the opportunity to fully participate in the work force;

WHEREAS, the National Child Care strategy aligns with Hamilton's Economic Recovery Task Force recommendation to ensuring a direct connection is made to the health and well-being of the community and the economy; and

WHEREAS, the National Child Care strategy aligns with Hamilton's Early Years Community Plan and the commitment to providing responsive, high quality, accessible early years programming that achieves equitable outcomes for all children and families.

THEREFORE, BE IT RESOLVED:

That staff from the Healthy and Safe Communities Department investigate the potential for entering into a direct municipal agreement with the Federal Government that would allow the City of Hamilton to participate in

the National Childcare Strategy and report back to the Emergency and Community Services Committee as soon as possible.

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

(i) Ambulance Offload Delays - Update (Added Item 13.1)

Chief Michael Sanderson provided the Committee with an update respecting the Ambulance Offload Delays.

The verbal update provided by Chief Michael Sanderson, regarding Ambulance Offload Delays, was received.

(g) ADJOURNMENT (Item 15)

There being no further business, the Emergency and Community Services Committee be adjourned at 3:22 p.m.

Respectfully submitted,

Councillor N. Nann
Chair, Emergency and Community Services
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



GENERAL ISSUES COMMITTEE (BUDGET) REPORT 21-022

3:00 p.m.

November 8, 2021

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

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

Absent: Councillors T. Whitehead, L. Ferguson – Personal
Councillor J. Partridge – Other City Business

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-022, AND RESPECTFULLY RECOMMENDS:

1. 2022 Budget, Public Engagement Process (FCS21110) (City Wide) (Item 5.1)

That Report FCS21110, respecting the 2022 Budget, Public Engagement Process, be received.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

4. COMMUNICATIONS

4.1 Respecting the 2022 Budget Process

4.1.a. Keanin Loomis, President and CEO, Hamilton Chamber of Commerce

4.1.b. United Way Halton and Hamilton

4.1.c. Sasha Katz

6. DELEGATION REQUESTS

6.1 Respecting the 2022 Budget Process

- 6.1.f. Claire Middel
- 6.1.g. Louise Concepcion
- 6.1.h. Kojo Dampsey, Hamilton Centre for Civic Inclusion
- 6.1.i. Violetta Nikolskaya, YWCA
- 6.1.j. Thomas Cooper, Hamilton Roundtable for Poverty Reduction
- 6.1.k. Dr. Lynda Lukasik, Environment Hamilton
- 6.1.l. Don McLean
- 6.1.m. Bill Foley
- 6.1.n. Karl Andrus, Hamilton Community Benefits Network
- 6.1.o. Ian Borsuk, Environment Hamilton
- 6.1.p. Sarah Jama, Disability Justice Network of Ontario
- 6.1.q. Gabriel Baribeau
- 6.1.r. Vic Wojciechowska
- 6.1.s. Matthew Higginson
- 6.1.t. Abedar Kamgari
- 6.1.u. Sarah Dawson
- 6.1.v. Katharine King
- 6.1.w. James Lambert
- 6.1.x. Zeinab Khawaja
- 6.1.y. Tanya Collins
- 6.1.z. Joanna Aitcheson
- 6.1.aa. Caitlin Thompson
- 6.1.ab. Sabreina Dahab
- 6.1.ac. Merima Menzildizic

6.2. Respecting the 2022 Budget Process - Video

- 6.2.a. Jonathan Lopez
- 6.2.b. Marnie Schurter
- 6.2.c. Michael Lopez
- 6.2.d. Laura Katz
- 6.2.e. Becky Katz

The agenda for the November 8, 2021 General Issues Committee (Budget) meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) COMMUNICATIONS (Item 4)

(i) Correspondence respecting the 2022 Budget Process (Item 4.1)

The following Communication Items respecting the 2022 Budget process were received:

- (1) Keanin Loomis, President and CEO, Hamilton Chamber of Commerce (Item 4.1.a.)
- (2) United Way Halton and Hamilton (Item 4.1.a.)
- (3) Sasha Katz (Item 4.1.c.)

(d) DELEGATION REQUESTS (Item 6)

(i) Respecting the 2022 Budget Process (Items 6.1 and 6.2)

The following delegation requests, respecting the 2020 Budget process, were approved for the November 8, 2021 General Issues Committee (Budget) meeting:

- (1) Anthony Marco, Hamilton and District Labour Council, respecting the Living Wage (Item 6.1.a.)
- (2) Craig Burley (Item 6.1.b.)
- (3) Ayla Bahram (Item 6.1.c.)
- (4) Aya Younis (Item 6.1.d.)
- (5) Sam Fernandes (Item 6.1.e.)
- (6) Claire Middel (Item 6.1.f.)
- (7) Louise Concepcion (Item 6.1.g.)
- (8) Kojo Dampsey, Hamilton Centre for Civic Inclusion (Item 6.1.h.)
- (9) Violetta Nikolskaya, YWCA (Item 6.1.i.)
- (10) Thomas Cooper, Hamilton Roundtable for Poverty Reduction (Item 6.1.j.)
- (11) Dr. Lynda Lukasik, Environment Hamilton (Item 6.1.k.)
- (12) Don McLean (Item 6.1.l.)
- (13) Bill Foley (Item 6.1.m.)
- (14) Karl Andrus, Hamilton Community Benefits Network (Item 6.1.n.)
- (15) Ian Borsuk, Environment Hamilton (Item 6.1.o.)
- (16) Sarah Jama, Disability Justice Network of Ontario (Item 6.1.p.)

- (17) Gabriel Baribeau (Item 6.1.q.)
- (18) Vic Wojciechowska (Item 6.1.r.)
- (19) Matthew Higginson (Item 6.1.s.)
- (20) Abedar Kamgari (Item 6.1.t.)
- (21) Sarah Dawson (Item 6.1.u.)
- (22) Katharine King (Item 6.1.v.)
- (23) James Lambert (Item 6.1.w.)
- (24) Zeinab Khawaja (Item 6.1.x.)
- (25) Tanya Collins (Item 6.1.y.)
- (26) Joanna Aitcheson (Item 6.1.z.)
- (27) Caitlin Thompson (Item 6.1.aa.)
- (28) Sabreina Dahab (Item 6.1.ab.)
- (29) Merima (Item 6.1.ac.)

6.2. Respecting the 2022 Budget Process - Video

- (1) Jonathan Lopez (Item 6.2.a.)
- (2) Marnie Schurter (Item 6.2.b.)
- (3) Michael Lopez (Item 6.2.c.)
- (4) Laura Katz (Item 6.2.d.)
- (5) Becky Katz (Item 6.2.e.)

(e) DELEGATIONS (Item 7)

The following delegations respecting the 2022 Budget process were received:

- (1) Anthony Marco, Hamilton and District Labour Council, respecting the Living Wage (Item 7.1.a.)
- (2) Craig Burley (Item 7.1.b.)
- (3) Ayla Bahram (Item 7.1.c.)
- (4) Aya Younis (Item 7.1.d.)
- (5) Sam Fernandes (Item 7.1.e.)
- (6) Claire Middel (Item 7.1.f.)
- (7) Louise Concepcion (Item 7.1.g.)
- (8) Kojo Dampety, Hamilton Centre for Civic Inclusion (Item 7.1.h.)
- (9) Violetta Nikolskaya, YWCA (Item 7.1.i.)
- (10) Thomas Cooper, Hamilton Roundtable for Poverty Reduction (Item 7.1.j.)
- (11) Dr. Lynda Lukasik, Environment Hamilton (Item 7.1.k.)
- (12) Don McLean (Item 7.1.l.)
- (13) Karl Andrus, Hamilton Community Benefits Network (Item 7.1.n.)
- (14) Ian Borsuk, Environment Hamilton (Item 7.1.o.)
- (15) Sarah Jama, Disability Justice Network of Ontario (Item 7.1.p.)

- (16) Gabriel Baribeau (Item 7.1.q.)
- (17) Vic Wojciechowska / Diana Wood (Item 7.1.r.)
- (18) Matthew Higginson (Item 7.1.s.)
- (19) Abedar Kamgari (Item 7.1.t.)
- (20) Sarah Dawson (Item 7.1.u.)
- (21) Katharine King (Item 7.1.v.)
- (22) James Lambert (Item 7.1.w.)
- (23) Zeinab Khawaja (Item 7.1.x.)
- (24) Tanya Collins / Annemarie Lavigne (Item 7.1.y.)
- (25) Joanna Aitcheson (for Stacey Easton) (Item 7.1.z.)
- (26) Caitlin Thompson (Item 7.1.aa.)
- (27) Sabreina Dahab / Talal Abdul Wahed (Item 7.1.ab.)
- (28) Merima Menzildizic (Item 7.1.ac.)

6.2. Respecting the 2022 Budget Process - Video

- (1) Jonathan Lopez (Item 7.2.a.)
- (2) Marnie Schurter (Item 7.2.b.)
- (3) Michael Lopez (Item 7.2.c.)
- (4) Laura Katz (Item 7.2.d.)
- (5) Becky Katz (Item 7.2.e.)

Bill Foley (Item 7.1.m.) was not present when called upon.

(h) ADJOURNMENT (Item 10)

There being no further business, the General Issues Committee adjourned at 5:42 p.m.

Respectfully submitted,

Maria Pearson, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk

CITY OF HAMILTON

MOTION

Council: November 10, 2021

MOVED BY COUNCILLOR B. CLARK.....

SECONDED BY COUNCILLOR

Residential Municipal Relief Assistance Program for Basement Flooding for the Heavy Rain Event that began on August 26, 2021 (Ward 9)

WHEREAS, the heavy rain event that began on August 26, 2021, caused basement flooding at properties within Ward 9 in the City of Hamilton.

THEREFORE BE IT RESOLVED:

- (a) That for the purpose of invoking the Residential Relief Assistance Program for Basement Flooding, City Council declare the heavy rain event that began on August 26, 2021, as a “Disaster” for all affected properties within Ward 9 in the City of Hamilton;
- (b) That payment of claims to a maximum of \$1,000, be based on compassionate grounds only and not be construed as an admission of liability on the part of the City of Hamilton;
- (c) That the Eligibility Criteria for the Residential Municipal Disaster Relief Assistance Program as previously approved in report FCS06007 be applied;
- (d) That the costs associated with these claims be funded from the Storm Sewer Reserve 108010; and,
- (e) That staff be authorized, if necessary, to retain an independent adjusting service for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the Storm Sewer Reserve 108010.

COUNCIL COMMUNICATION UPDATES

October 22, 2021 to November 4, 2021

Council received the following Communication Updates during the time period listed above, the updates are also available to the public at the following link: <https://www.hamilton.ca/government-information/information-updates/information-updates-listing>, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Date	Department	Subject	Link
October 22, 2021	Planning and Economic Development	Rescheduled Special GIC Meeting Respecting the GRIDS2 Project ~ October 25 to Early November 2021	https://www.hamilton.ca/sites/default/files/media/browser/2021-10-22/communication-update-ped-grids-oct22-2021.pdf
October 25, 2021	Public Works	Chedoke Creek Order – Chedoke Creek Workplan – Extension - HW.21.06	https://www.hamilton.ca/sites/default/files/media/browser/2021-10-26/communication-update-pw-chedokecreekworkplanextension-oct25-2021.pdf
October 26, 2021	Public Works	Procurement Policy 10 – Emergency – Main Electrical Feed (High Voltage) Failure at Materials Recycling Facility (MRF) (EFFM-2021-01)	https://www.hamilton.ca/sites/default/files/media/browser/2021-10-28/communication-update-policy10-high-voltage-electrical-mrf.pdf
October 28, 2021	Corporate Services	City of Hamilton 'AA+' Credit Rating (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-10-28/communication-update-cs-spcreditrating-oct28-2021.pdf
November 2, 2021	Planning and Economic Development	2030 Commonwealth Games Bid, Sports Venues Request for Proposals (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-11-02/comm-update-2030-commonwealth-games-bid-sports-venues-rfp-city-wide-november-2-21.pdf
November 2, 2021	Planning and Economic Development	Hamilton Farmers' Market (HFM) Governance and Operational Review Project Update (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-11-03/comm-update-hamilton-farmers-market-governance-and-operational-review-november2-21.pdf

November 3, 2021	Corporate Services	Council Access to Confidential Information	https://www.hamilton.ca/sites/default/files/media/browser/2021-11-04/communication-update-cs-council-access-to-conf-info-oct2021.pdf
November 4, 2021	Healthy and Safe Communities	Ambulance Offload Delays (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-11-04/communication-update-hsc-ambulance-offload-delays-nov2021.pdf
November 4, 2021	Public Works	Virtual Public Forum: Accessibility on the HSR and Accessible Transportation Services (TRN2112) (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-11-05/communication-update-hsr-ats-accessibility-virtual-public-forum.pdf

Authority: Item 6, Public Works Committee
Report 17-008 (PW17047/PED17109)
CM: June 28, 2017
Ward: 15

Bill No. 203

CITY OF HAMILTON

BY-LAW NO. 21-

To Permanently Close a Portion of Mountain Brow Road, Hamilton, from approximately 400m east of Flanders Drive to 1120m east of Flanders Drive, described as Parts 1, 2, and 3 on Plan 62R-21756, City of Hamilton

WHEREAS section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS the Council of the City of Hamilton on June 28, 2017, inadopting Item 6 of the Public Works Committee Report 17-008, authorized the closure of that portion of Mountain Brow Road, Hamilton, from approximately 400m east of Flanders Drive to 1120m east of Flanders Drive, City of Hamilton;

WHEREAS it is necessary to repeal and replace By-Law No. 21-001, to include the legal description of the road closure;

AND WHEREAS the road is a highway under the jurisdiction of the City of Hamilton;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 21-001 is hereby repealed and this By-law be substituted therefore.
2. The part of the road allowance, being That a portion of Mountain Brow Road, Hamilton, from approximately 400m east of Flanders Drive to 1120m east of Flanders Drive, described as Parts 1, 2, and 3 on Plan 62R-21756, City of Hamilton, is permanently closed.
3. This by-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 10th day of November, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 17, Public Works Committee
Report 07-011
(TOE2005b/FCS02026b/PED07248)
CM: September 26, 2007
Ward: 14

Bill No. 204

CITY OF HAMILTON
BY-LAW NO. 21-

To Impose a Storm and Sanitary Sewer and Watermain Charge Upon Owners of Land Abutting Davinci Boulevard from Rymal Road West to 24m South of Upper Paradise Road, in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized recovering a portion of costs associated with the construction of a storm and sanitary sewer and watermain on Davinci Boulevard from Rymal Road West to 24m south of Upper Paradise Road, in the City of Hamilton, by approving, on September 26, 2007, Item 17 of Public Works Committee Report 07-011 (Report TOE2005b/FCS02026b/PED07248), (the "Sewer and Watermain Works");

AND WHEREAS a developer DiCenzo Construction Company, in satisfaction of terms and conditions of Paradise Meadows Phase 1 Subdivision Agreement 62M-1118, did construct certain Sewer and Watermain Works, in the City of Hamilton, as more particularly described in Schedule "A" attached to this By-law;

AND WHEREAS to the extent that the construction of the said Sewer and Watermain Works benefits the property owners described in Schedule "A", such works were services or activities that were provided or done on behalf of the City of Hamilton with the express intention that section 392(1)(a) of the Municipal Act, S.O. 2001, c. 25 as amended would apply thereto;

AND WHEREAS the cost of the said Sewer and Watermain Works, that relate to the benefitting property owners described in Schedule "A" is \$127,067.97, and this amount is to be recovered from all benefitting property owners as set forth in this By-law, (the "Sewer and Watermain Charges");

AND WHEREAS the said Sewer & Watermain Charges are imposed pursuant to Part XII of the Municipal Act, S.O., 2001, c. 25 as amended and pursuant to section 14 of the City of Hamilton Act, 1999, S.O., 1999, c. 14, Schedule C amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sewer and Watermain Charges are imposed upon the owners or occupants of land who benefit from the construction of the Sewer and Watermain Works (the "Assessed Owners").
2. The Assessed Owner's lands and the respective Sewer and Watermain Charges are more particularly described in Schedule "A", which Schedule is attached to and forms part of this By-law.

3. The Sewer and Watermain Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE02005b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a Sewer Charge of \$821.25 per metre of property frontage attributable to each Assessed Owner of an existing lot and a Watermain Charge of \$172.40 per metre of property frontage attributable to each Assessed Owner of an existing lot. The Sewer and Watermain Charges shall be indexed in accordance with the percentage change in the composite Canadata Cost Index (Ontario Series) commencing from the completion date of construction February 6, 2009 until October 2020, then the charges will be adjusted yearly by the City of Hamilton's 15 year serial all-in interest rate for each year, (2021 rate 1.60%) to the date of permit issuance.
4. The amount resulting from the application of the Sewer and Watermain Charges (the "Indebtedness"), shall be collected at the time of permit issuance for any connection to the said Sewer and Watermain Works, in addition to any applicable permit fees.
5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of 15 years from the date of permit issuance for connection by entry on the tax roll, to be collected in the same manner as municipal taxes. The interest rate utilized for the 15 year payment shall be the City of Hamilton's then-current 15 year borrowing rate (2021 rate 2.00%).
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of the Indebtedness without penalty, but including interest, at any time.
7. Should an Assessed Owner sever or subdivide their parcel of land, the Sewer and Watermain Charges owed to the City of Hamilton, whether the parcel of land is connected or not, and whether or not the Assessed Owner has previously exercised the repayment option set out in Section 5 above, shall be paid forthwith to the City of Hamilton in a lump sum as a condition of the severance or subdivision approval.
8. The developer, DiCenzo Construction Company, upon satisfying the City that it has completed its obligations with respect to the construction of the said Sewer and Watermain Works, shall receive repayment of that portion of the associated cost of the construction hereunder, pursuant to the terms and conditions of its subdivision agreement.
9. Unpaid Sewer and Watermain Charges constitute a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.
10. If any provision or requirement of this By-law, or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.

11. This By-law comes into force on the day following the date of its passing.

PASSED this 10th day of November, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "A" to By-law No. 21-204

Davinci Boulevard

Storm and Sanitary Sewer and Watermain on Davinci Boulevard from Rymal Road West to 24m South of Upper Paradise Road.

Sewer and Watermain Charges

Property Address	Frontage (m)	Storm and Sanitary Sewer	Watermain	Total Charge
545 Rymal Rd. W	63.894	\$52,472.95	\$11,015.33	\$63,488.28
525 Rymal Rd. W.	63.986	\$52,548.50	\$11,031.19	\$63,579.69
TOTAL		\$105,021.45	\$22,046.52	\$127,067.97

CITY OF HAMILTON

BY-LAW NO. 21-

To Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT) and Part of PIN 17446-1082 (LT), City of Hamilton

WHEREAS Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

AND WHEREAS the Council of the City of Hamilton on June 27, 2018, in adopting Item 2 of Public Works Committee Report 18-009, authorized the City to permanently close and sell a portion of Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT) and Part of PIN 17446-1082 (LT), City of Hamilton;

AND WHEREAS notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That portion of road allowance, set out as:

Part of Queen Street, Registered Plan 347, Part of Reserve, Registered Plan 347, designated as Parts 2, 3, 4 and 5 on Plan 62R-19878 and Parts 1, 2 and 3 on Plan 62R-20864, City of Hamilton

is hereby permanently closed.

To Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT) and Part of PIN 17446-1082 (LT), City of Hamilton

Page 2 of 2

2. That the soil and freehold of Parts 2, 3, 4 and 5 on Plan 62R-19878 and Parts 1, 2 and 3 on Plan 62R-20864, hereby permanently closed.
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED this 10th day of November, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 3, Public Works
Committee Report 20-033
(PW20009)
CM: February 26, 2020
Ward: 4

Bill No. 206

CITY OF HAMILTON

BY-LAW NO. 21-

To Permanently Close Lang Street, Hamilton, established Registered Plan 1168, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21449, being All of PIN 17285-0106 (LT), City of Hamilton

WHEREAS Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

AND WHEREAS at its meeting of February 26, 2020, the Council approved Item 3 of Public Works Committee Report 20-003, and authorized the City to permanently close and sell Lang Street, established by Registered Plan 1168, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21449, being All of PIN 17285-0106 (LT), City of Hamilton;

AND WHEREAS notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That All of Lang Street, set out as:

All of Lang Street on Registered Plan 1168, designated as Part 1 on Plan 62R-21449, being All of PIN 17285-0106 (LT), City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-21449, hereby permanently closed, be sold to Roxborough Park Inc. for the sum of One Thousand, Five Hundred and Two Dollars (\$1,502.00).

3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED on this 10th day of November, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 1, Planning Committee
Report 21-017 (PED21202)
CM: November 10, 2021
Ward: City Wide
Bill No. 207

CITY OF HAMILTON

BY-LAW NO. 21-

A By-law to Regulate Public Notices at Infill Construction Sites

WHEREAS under subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Act”), the City may pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City;

AND WHEREAS under subsection 128 (1) of the Act, a local municipality may prohibit and regulate with respect to public nuisances;

AND WHEREAS the collection of activities commonly referred to as Infill Housing Projects, involves a series of activities that have a variety of impacts on the surrounding area, such as increased traffic and creation of unusual traffic patterns in the surrounding area, interference with the use of public places, along with increased amounts of noise, waste, odour and dust which due to the sensitive nature of land uses in residential communities are of particular concern and may become or cause public nuisances;

AND WHEREAS under subsection 10(1) of the Act, the City may provide any service or thing that the City considers necessary or desirable for the public;

AND WHEREAS under subsection 10(2) of the Act, the City may enact by-laws respecting accountability and transparency of the City and its operations;

AND WHEREAS under section 425 of the Act, the City may pass by-laws providing that a person who contravenes a by-law of the City passed under this Act is guilty of an offence, and under section 429 may establish a system of fines for offences;

AND WHEREAS under section 445 of the Act, the City may make an order requiring the person who contravened, or caused or permitted the contravention, of a by-law or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, or do work to correct the contravention;

AND WHEREAS under sections 446 of the Act, the City may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the City may enter upon land at any reasonable time for this purpose;

AND WHEREAS the City currently has a variety of operations and responsibilities which are designed to balance the public interest in the development of housing, with the public interest in the responsible management of the negative impacts on the surrounding area related to some activities related to Infill Housing Projects;

AND WHEREAS the required Information Notices will provide the public with clear and accessible information regarding residential Infill Housing Projects, the means by which to obtain more detailed information about the projects, and contact information for Builders of the projects so that the public may easily and directly address any complaints or concerns regarding the manner in which the projects are being carried out to the entity responsible;

AND WHEREAS Council has authorized the collection of information by the City regarding residential infill projects, including contact information for the Builders of said projects and the Owners of the properties where such projects take place, for the purpose of production of the Information Notices to be installed and displayed to the public and to enable the City to more efficiently implement its operations regarding Infill Housing Projects;

AND WHEREAS keeping the public informed about residential Infill Housing Projects, responsible construction practices, and the City's operations to respond to concerns and address compliance issues are part of the City's strategy to minimize or eliminate the negative impacts related to Infill Housing Projects;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

"Builder" means the person who is responsible for carrying out or causing the carrying out of all demolition and/or construction activities of an Infill Housing Project.

"Building Code Act, 1992" means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

"By-law" means this By-law, to Regulate Public Notices at Infill Construction Sites;

"City" means the City of Hamilton;

"Chief Building Official" means the Chief Building Official appointed by the Council of the City of Hamilton pursuant to the *Building Code Act, 1992*, and any person authorized by the Chief Building Official to carry out the duties of the Chief Building Official under this By-law;

"Construction Declaration Form" means a Declaration Form required to be submitted to the Chief Building Official under this By-law where an application for an Infill Housing Construction Permit has been filed with the Chief Building Official;

“Declarant” means the person who submits a Declaration Form or a revised Declaration Form to the Chief Building Official in accordance with the requirements of this By-law;

“Declaration Form” means a Demolition Declaration Form or a Construction Declaration Form required to be submitted to the Chief Building Official under the provisions of this By-law;

“Demolition Declaration Form” means a Declaration Form required to be submitted to the Chief Building Official under this By-law where an application for an Infill Housing Demolition Permit has been filed with the Chief Building Official;

“House” means a detached or semi-detached house, but shall not include a detached or semi-detached house which is to be built pursuant to a plan of subdivision registered 5 years or less from the date of construction of the new detached or semi-detached house, or for a new detached or semi-detached house in an agricultural or open space zone;

“Infill Housing” means demolition and/or construction in any of the following scenarios:

- (a) the construction of a new detached or semi-detached House on a vacant lot;
- (b) the demolition of an existing House and construction of a replacement new House;
- (c) the demolition of an existing House where there is no proposed construction of a replacement new House;
- (d) the construction of an addition or additions to an existing House where the combined total area of the additions is 100 square metres or more; or
- (e) the construction of a detached secondary dwelling unit;

“Infill Housing Construction Permit” means an infill housing permit authorizing only construction and not demolition;

“Infill Housing Demolition Permit” means an infill housing permit authorizing only demolition and not construction;

“Infill Housing Permit” means a permit issued for infill housing including an Infill Housing Construction Permit and an Infill Housing Demolition Permit;

“Infill Housing Project” means the infill housing demolition and/or construction work authorized by an Infill Housing Permit on a property;

“Information Notice” means the device as described in Schedule A that uses form, graphic, symbols and writing to convey information to the public regarding an Infill Housing Project;

“Information Notice Template” means the digital file prepared by the Chief Building Official consisting of the template for the production of the Information Notice;

“Notice of Violation” means an order issued by the Chief Building Official requiring a person to discontinue an activity which is in contravention of this By-law, or to do work to correct the contravention;

“Occupancy Permit” means an occupancy permit issued by the Chief Building Official pursuant to Article 1.3.3 of Division C of the Ontario *Building Code, 2012*;

“Owner” means the registered Owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property;

“Permit” means a demolition or construction permit issued by the Chief Building Official under the *Building Code Act, 1992*, but shall not include plumbing, HVAC and mechanical permits;

“Property” means the land on which infill housing is authorized under an Infill Housing Permit;

“Revised Declaration Form” means the form required to be submitted to the Chief Building Official under this By-law where there has been a change or changes to information provided in the original Construction Declaration Form;

“Revised Information Notice Template” means an Information Notice Template prepared by the Chief Building Official under this By-law on the basis of information provided in the Revised Declaration Form; and

“Street” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.

2. ADMINISTRATION

- 2.1 The Chief Building Official shall be responsible for the administration and enforcement of this By-law.
- 2.2 The Chief Building Official shall collect the information required by this By-law specifically for the purpose of creating and maintaining a record available to the general public.
- 2.3 An Information Notice shall not be considered a “Construction Information Ground Sign” pursuant to the City of Hamilton’s Sign By-law 10-197. For further clarity, the City of Hamilton’s Sign By-law 10-197, as amended, does not apply to an Information Notice.

3. INFORMATION NOTICE REGULATIONS

Requirement to Post Information Notices

- 3.1 Where an Infill Housing Permit has been issued by the Chief Building Official for an Infill Housing Project, one or more Information Notices shall be erected and displayed on the property in accordance with the provisions of this By-law.
- 3.2 Where an Infill Housing Project requires both an Infill Housing Demolition Permit and an Infill Housing Construction Permit, separate Information Notices shall be erected and displayed on the property in respect of the demolition and construction, respectively, in accordance with the provisions of this By-law.

Demolition Declaration Form

- 3.3 On the same date that an application for an Infill Housing Demolition Permit is filed with the Chief Building Official, a Demolition Declaration Form shall be submitted to the Chief Building Official in the manner prescribed by the Chief Building Official, and the Declarant shall pay the fee prescribed in the City's Fees and Charges By-law, as amended.
- 3.4 The Demolition Declaration Form shall contain the following information:
 - (a) The municipal address of the property;
 - (b) The name of the Owner of the property, and where the Owner is a corporation, the name of an officer of the corporation responsible for the property;
 - (c) A working contact phone number and contact e-mail address for the Owner, both of which shall at all times be active and reliable, and where the Owner is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in Subsection 3.4 (b);
 - (d) The name of the Builder, and where the Builder is a corporation, the name of an officer of the corporation responsible for the Infill Housing Project;
 - (e) A working contact phone number and contact e-mail address for the Builder, both of which shall at all times be active and reliable, and where the Builder is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in Subsection 3.4 (d); and
 - (f) Any other information required and prescribed by the Chief Building Official.

Construction Declaration Form

- 3.5 At any time following the filing of an application for an Infill Housing Construction Permit with the Chief Building Official but no later than the date of issuance of the Infill Housing Construction Permit, a Construction Declaration Form shall be submitted to the Chief Building Official in the manner prescribed by the Chief Building Official, and the Declarant shall pay the fee prescribed in the City's Fees and Charges By-law, as amended.

- 3.6 Notwithstanding Subsection 3.5, where no Builder has assumed responsibility for the Infill Housing Project as at the date of issuance of the Infill Housing Construction Permit such that construction of the Infill Housing Project will not yet be commencing, the Construction Declaration Form shall be submitted to the Chief Building Official within 24 hours of a Builder assuming responsibility for the Infill Housing Project.
- 3.7 The Construction Declaration Form shall contain the following information:
- (a) The municipal address of the property;
 - (b) A description of the Infill Housing Project;
 - (c) The name of the Owner of the property, and where the Owner is a corporation, the name of an officer of the corporation responsible for the property;
 - (d) A working contact phone number and contact e-mail address for the Owner both of which shall at all times be active and reliable, and where the Owner is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in Subsection 3.7(c);
 - (e) The name of the Builder, and where the Builder is a corporation, the name of an officer of the corporation responsible for the Infill Housing Project;
 - (f) A working contact phone number and contact e-mail address for the Builder, both of which shall at all times be active and reliable, and where the Builder is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in Subsection 3.7(e);
 - (g) The decision file numbers and decision dates of any decision of the Committee of Adjustment, Ontario Municipal Board, and/or Local Planning Appeal Tribunal, pertaining to the Infill Housing Project; and
 - (h) Any other information required and prescribed by the Chief Building Official.
- 3.8 The Construction Declaration Form shall be accompanied by a rendering of the building at the property as it is expected to look following the completion of the Infill Housing Project, and the rendering shall meet the following requirements:
- (a) shall be in black and white;
 - (b) shall consist of a line drawing of the front and rear elevation of the Infill Housing Project; and
 - (c) in a minimum resolution of 300 dpi.

Preparation and Delivery of the Information Notice Template

- 3.9 Where the Chief Building Official is satisfied that the Declaration Form contains all the required information, the Chief Building Official shall prepare an Information Notice Template in a design prescribed by the Chief Building Official.
- 3.10 Where the Declaration Form submitted to the Chief Building Official is a Demolition Declaration Form, the Information Notice Template shall contain the following information:
- (a) The Infill Housing Demolition Permit application number;
 - (b) The municipal address of the property;
 - (c) The name of the Builder and the contact phone number and e-mail address for the Builder;
 - (d) Reference to Hamilton Building's website;
 - (e) Hamilton Building Inspections Contact Phone Number; and
 - (f) Any other information required by the Chief Building Official.
- 3.11 Where the Declaration Form submitted to the Chief Building Official is a Construction Declaration Form, the Information Notice Template shall contain the following information:
- (a) The Infill Housing Construction Permit number;
 - (b) The date of issuance of the Infill Housing Construction Permit;
 - (c) The municipal address of the property;
 - (d) The name of the Builder and the contact phone number and e-mail address for the Builder;
 - (e) The decision file numbers and decision dates of any decision of the Committee of Adjustment, Ontario Municipal Board, and/or Local Planning Appeal Tribunal;
 - (f) The rendering filed with the Construction Declaration Form under section 3.8 of this By-law;
 - (g) Reference to Hamilton's Building's website;
 - (h) Hamilton's Building Inspections Contact Phone Number; and
 - (i) Any other information required by the Chief Building Official.
- 3.12 In the case of a Demolition Declaration Form, the Chief Building Official shall deliver the Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official within two business days of the date of receipt of the completed Demolition Declaration Form to the Chief Building Official's satisfaction.

- 3.13 In the case of a Construction Declaration Form, the Chief Building Official shall deliver the Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official within two business days of the later of:
- (a) the issuance of the Infill Housing Construction Permit by the Chief Building Official; and
 - (b) the date of receipt of the completed Construction Declaration Form by the Chief Building Official to the Chief Building Official's satisfaction.
- 3.14 The Information Notice Template shall be deemed to have been received by the Declarant on the date it is delivered by the Chief Building Official.

Production and Erection of Information Notice

- 3.15 Using the Information Notice Template provided by the Chief Building Official to the Declarant, the Owner or Builder shall, at the Owner's or Builder's own cost, produce or arrange for the production of the number of Information Notices, required pursuant to section 3.16, which shall comply with the following standards:
- (a) Be sized in accordance with Schedule A;
 - (b) Be constructed entirely of Coroplast, corrugated Polypropylene plastic or other durable weather resistant material; and
 - (c) Prominently display the forms, graphics, symbols and writing as indicated in Schedule A and the Information Notice Template delivered by the Chief Building Official.
- 3.16 One Information Notice shall be required for every lot line of a property facing a Street.
- 3.17 Where the Infill Housing Project is pursuant to an Infill Housing Demolition Permit, the Owner or Builder shall erect and display or cause the erection and display of the number of Information Notices required by section 3.16 on the property at least five business days prior to the commencement of demolition.
- 3.18 Where the Infill Housing Project is pursuant to an Infill Housing Construction Permit, the Owner or Builder shall erect and display or cause the erection and display of the number of Information Notices required by section 3.16 on the property within five business days of the commencement of construction.
- 3.19 All Information Notices shall be erected and displayed on the property either on the construction fence or in any other visible and conspicuous location on the property and in accordance with the following requirements:
- (a) Each Information Notice shall face a Street;
 - (b) Each Information Notice shall be erected and displayed such that the bottom of the Information Notice is not less than 0.61 metres from grade;

- (c) Nothing shall obscure or block the view of the Information Notice; and
 - (d) Each Information Notice shall be erected in a safe and secure manner.
- 3.20 Within 24 hours of erecting the required number of Information Notices at the property, a photograph of each Information Notice erected shall be provided to the Chief Building Official in the manner prescribed by the Chief Building Official confirming that the Information Notices have been erected and are being displayed in accordance with the provisions of this By-law.

Removal of the Information Notice

- 3.21 All Information Notices shall remain erected and displayed on the property to which they relate until an Occupancy Permit has been issued by the Chief Building Official at which time they may be removed.
- 3.22 Notwithstanding section 3.21, where the Information Notice relates to an Infill Housing Demolition Permit, the Information Notice shall remain erected and displayed on the property until all demolition work authorized by the Infill Housing Demolition Permit has been completed, to the satisfaction of the City, at which time it may be removed.

Maintenance

- 3.23 Information Notices shall at all times be maintained in good condition and, without limiting the foregoing, shall not become unsafe, damaged, structurally unsound, or dangerous.
- 3.24 Should an Information Notice become damaged, unsafe, structurally unsound, dangerous, obstructed or no longer visible for any reason, it shall immediately be replaced with a new Information Notice produced using the Information Notice Template provided by the Chief Building Official under this By-law.

Revisions

- 3.25 Should any information provided in the Construction Declaration Form change following the submission of the Construction Declaration Form to the Chief Building Official by the Declarant under this By-law, a revised Declaration Form with the revised information shall be submitted to the Chief Building Official in the manner prescribed by the Chief Building Official.
- 3.26 A revised Declaration Form is not required where the only change following the submission of the Construction Declaration Form to the Chief Building Official is to the rendering provided in section 3.8.
- 3.27 The revised Declaration Form need not be accompanied by a new rendering of the building at the property as it is expected to look following the completion of the Infill Housing Project.

- 3.28 Where a revised Declaration Form is submitted to the Chief Building Official after the Chief Building Official has delivered the Information Notice Template to the Declarant, and where the changes to the information in the original Construction Declaration Form relate to the information required under this By-law, the Chief Building Official shall prepare a revised Information Notice Template and shall, within two business days of receiving the revised Declaration Form, deliver the revised Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official.
- 3.29 The Declarant shall be deemed to have received the revised Information Notice Template on the date it is delivered by the Chief Building Official.
- 3.30 Using the revised Information Notice Template provided by the Chief Building Official to the Declarant, the Owner or Builder shall produce or arrange for the production of new Information Notices which comply with the requirements of this By-law.
- 3.31 Within three business days of receipt of the revised Information Notice Template by the Declarant, the Owner or Builder shall erect and display or cause the erection and display of new Information Notices on the property which comply with the requirements under this By-law.
- 3.32 Within 24 hours of erecting the new Information Notices at the property, a photograph of each Information Notice erected shall be provided to the Chief Building Official in the manner prescribed by the Chief Building Official confirming that the Information Notices have been erected and are being displayed in accordance with the provisions of this By-law.

4. ENFORCEMENT

Inspections

- 4.1 The Chief Building Official may enter upon the property at any reasonable time to:
 - (a) Determine whether Information Notices have been erected and displayed as required; and/or
 - (b) Inspect an Information Notice for the purpose of determining whether it complies with the provisions of this By-law.

Offences and Penalties

- 4.2 Any person, other than a corporation, who contravenes any provision of this By-law or who obstructs or attempts to obstruct an officer in carrying out his or her duties under this By-law, is guilty of an offence and on conviction is liable to a fine of not less than \$500 and no more than \$50,000, recoverable under the provisions of the *Provincial Offences Act, R.S.O., Chapter P. 33*, as amended, or any successor legislation thereto.

- 4.3 Any corporation which contravenes any provision of this By-law or who obstructs or attempts to obstruct an officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and no more than \$100,000, recoverable under the provisions of *the Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended, or any successor legislation thereto.
- 4.4 In addition to offences referred to in sections 4.2 and 4.3, every person, including a corporation, is guilty of an offence who:
- (a) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this By-law;
 - (b) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, application or other document prepared, submitted or filed under this By-law;
 - (c) Fails to submit a Declaration Form or a revised Declaration Form as required;
 - (d) Fails to erect and display an Information Notice as required;
 - (e) Fails to erect and display the number of Information Notices required;
 - (f) Erects and displays or causes to be erected and displayed an Information Notice without first obtaining an Information Notice Template from the Chief Building Official;
 - (g) Erects and displays or causes to be erected and displayed an Information Notice contrary to the Information Notice Template or revised Information Notice Template delivered by the Chief Building Official;
 - (h) Erects and displays an Information Notice which does not comply with the provisions of this By-law;
 - (i) Fails to maintain an Information Notice in accordance with the provisions of this By-law;
 - (j) Produces or causes to be produced an Information Notice for which an Information Notice Template has not been prepared by the Chief Building Official;
 - (k) Produces or causes to be produced an Information Notice which does not comply with the provisions of this By-law;
 - (l) Removes an Information Notice contrary to the provisions of this By-law; and
 - (m) Is a director or officer of a corporation and knowingly concurs with actions taken by or on behalf of the corporation in relation to an offence described in subsections 4.4 (a-l).

- 4.5 Each offence in section 4.4 with the exception of the offences in Subsections 4.4 (l) and (m), is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a minimum fine of no less than \$250 and a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence in section 4.5 may exceed \$100,000.

Enforcement

- 4.6 The Chief Building Official may issue a Notice of Violation requiring compliance with this By-law within 14 days to any person who:
- (a) Has failed to erect and display or cause to be erected and displayed an Information Notice as required under this By-law;
 - (b) Has erected and displayed or caused to be erected and displayed an Information Notice contrary to the Information Notice Template or revised Information Notice Template delivered by the Chief Building Official; or
 - (c) Has erected and displayed or caused to be erected and displayed an Information Notice which does not comply with the provisions of this By-law.
- 4.7 Where a Notice of Violation has been issued under section 4.6 and the matter has not been brought into compliance with this By-law within 14 days, the Chief Building Official may take any action deemed necessary to achieve compliance including but not limited to erecting and displaying or causing to be erected and displayed Information Notices on the property, removing or causing to be removed an Information Notice, altering or causing to be altered an Information Notice, and repairing or causing to be repaired an Information Notice, and the City may recover the costs incurred by action or by adding the costs to the tax roll for the property and collecting them in the same manner as property taxes.
- 4.8 The Chief Building Official may enter onto the property for the purpose of actions taken under section 4.6.

5. MISCELLANEOUS

- 5.1 The short title of this By-law is the “Infill Notice By-law.”
- 5.2 This by-law comes into force on April 1, 2022.

PASSED this 10th day of November, 2021.

F. Eisenberger
Mayor

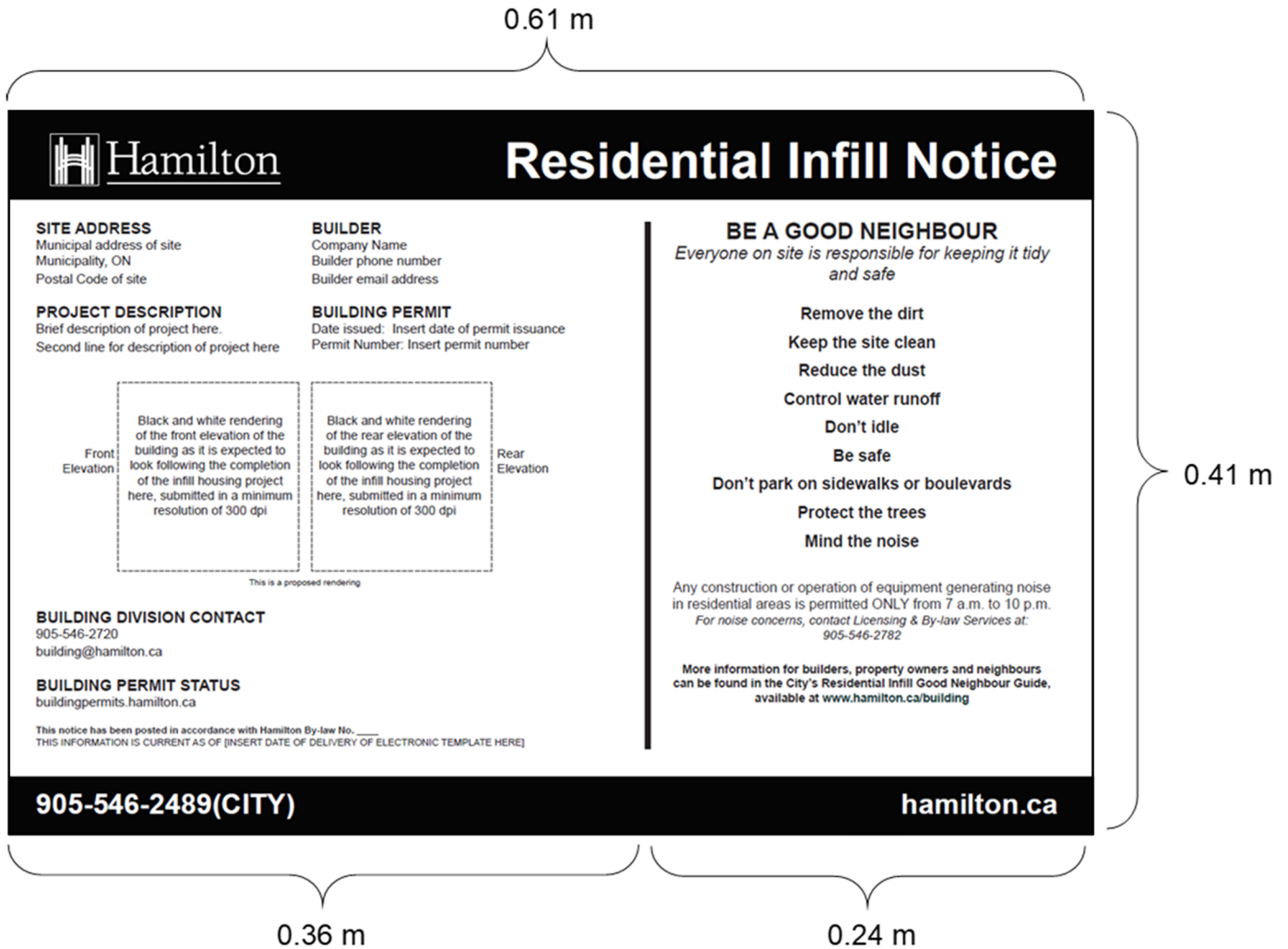
A. Holland
City Clerk

Schedule A

Information Notice Specifications

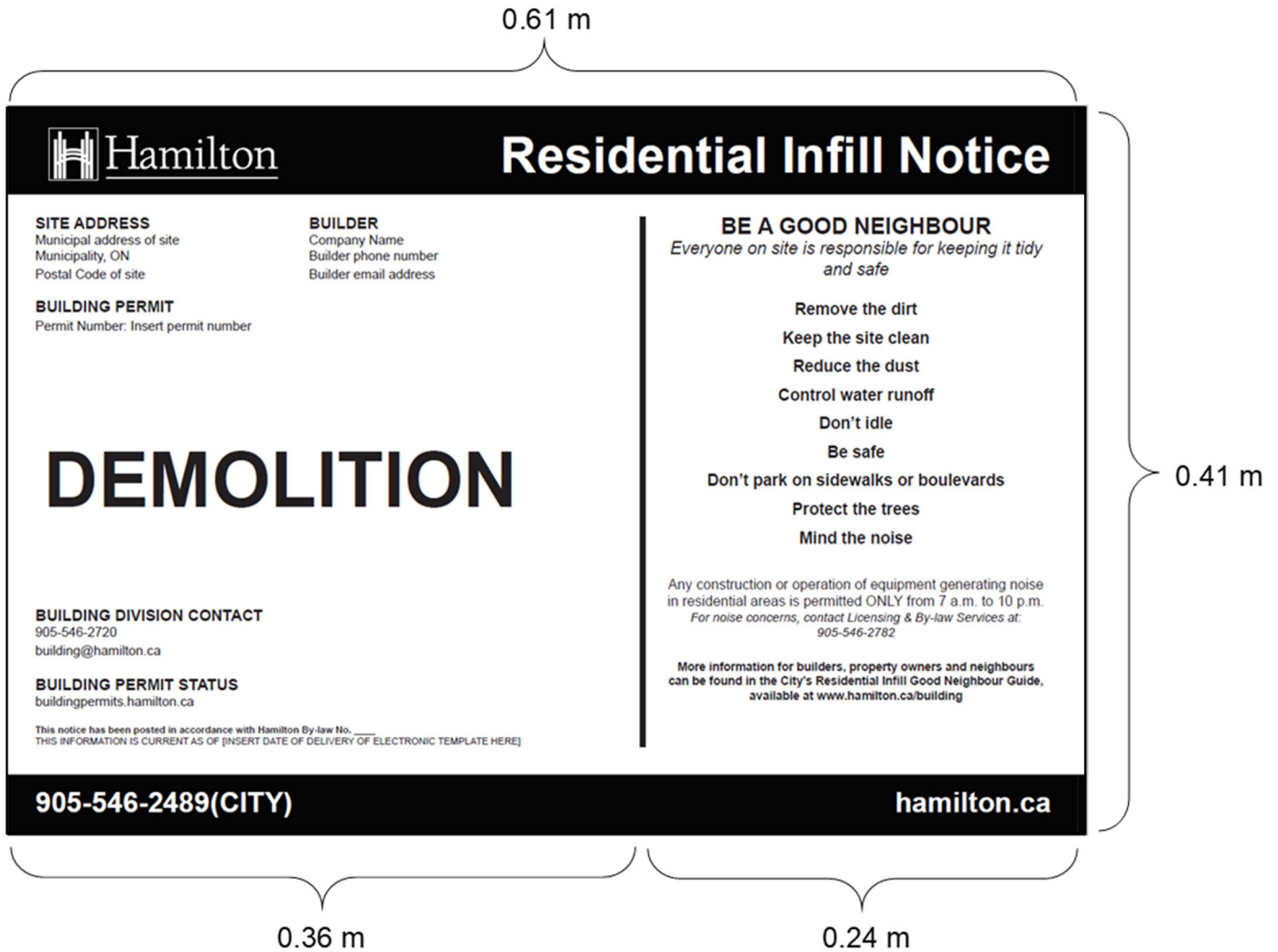
- 1.1 The Information Notice related to an Infill Housing Project containing construction shall be sized in accordance with the requirements of Section 3 of this by-law and shall be in general accordance with the Information Notice Template entitled "Residential Infill Notice – Construction" shown in Diagram 1.

Diagram 1
Residential Infill Notice – Construction



- 1.2 The Information Notice related to an Infill Housing Project, which includes only demolition and no proposed construction, shall be sized in accordance with the requirements of Section 3 of this by-law and shall be in general accordance with the Information Notice Template entitled "Residential Infill Notice – Demolition" shown in Diagram 2.

Diagram 2
Residential Infill Notice – Demolition



- 1.3 The Information Notice Templates shown in Diagram 1 and 2 may be revised by the Chief Building Official as required.

CITY OF HAMILTON

BY-LAW NO. 21-

**To Amend Zoning By-law No. 87-57 Respecting Lands Located at 365
Springbrook Avenue and Part of Block 121, Plan 62M-1161**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 4 of Report 21-017 of the Planning Committee at its meeting held on the 10th day of November 2021, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- (1) That Map No. 1-B of Schedule “A”, appended to and forming part of Zoning By-law No. 87-57 (Ancaster) is amended, by changing the zoning from the Agricultural “A” Zone to the Residential “R4-714” Zone, Modified (Block 1), the Agricultural “A” Zone to the Residential “R4-714” Zone, Modified (Block 2) and the Residential “R4-563” Zone, Modified to the Residential “R4-714” Zone, Modified (Block 3), on the lands to the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
- (2) The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-section:

“R4 – 714” (Block 1)

That notwithstanding the provisions of Sub-section 12.2: Regulations of Section 12: Residential “R4” Zone (f) the following special provision shall apply to the lands zoned “R4-714”:

REGULATIONS

- (f) Minimum Rear Yard: 4.5 metres for the dwelling existing as of the passage of R4-714 Zoning By-law.

“R4 – 714” (Block 2 and Block 3)

That notwithstanding the provisions of Sub-section 12.2: Regulations of Section 12: Residential “R4” Zone (a), (b), (c), (d) and (e) the following special provisions shall apply to the lands zoned “R4-714”:

REGULATIONS

- (a) Minimum Lot Area: 365 square metres
- (b) Minimum Lot Frontage: 11.4 metres
- (c) Maximum Lot Coverage: 45%
- (d) Minimum Front Yard: 5.5 metres to a dwelling and 6 metres to an attached garage
- (e) Minimum Side Yard: 1.1 metres

That notwithstanding the provisions of Sub-section 7.12: Yard Encroachments of Section 7: General Provisions (d) the following special provision shall apply to the lands zoned “R4-714” (Blocks 2 and 3):

- (d) Yard Encroachments An unenclosed porch and stairs may project not more than 2.0 metres into the required front yard.

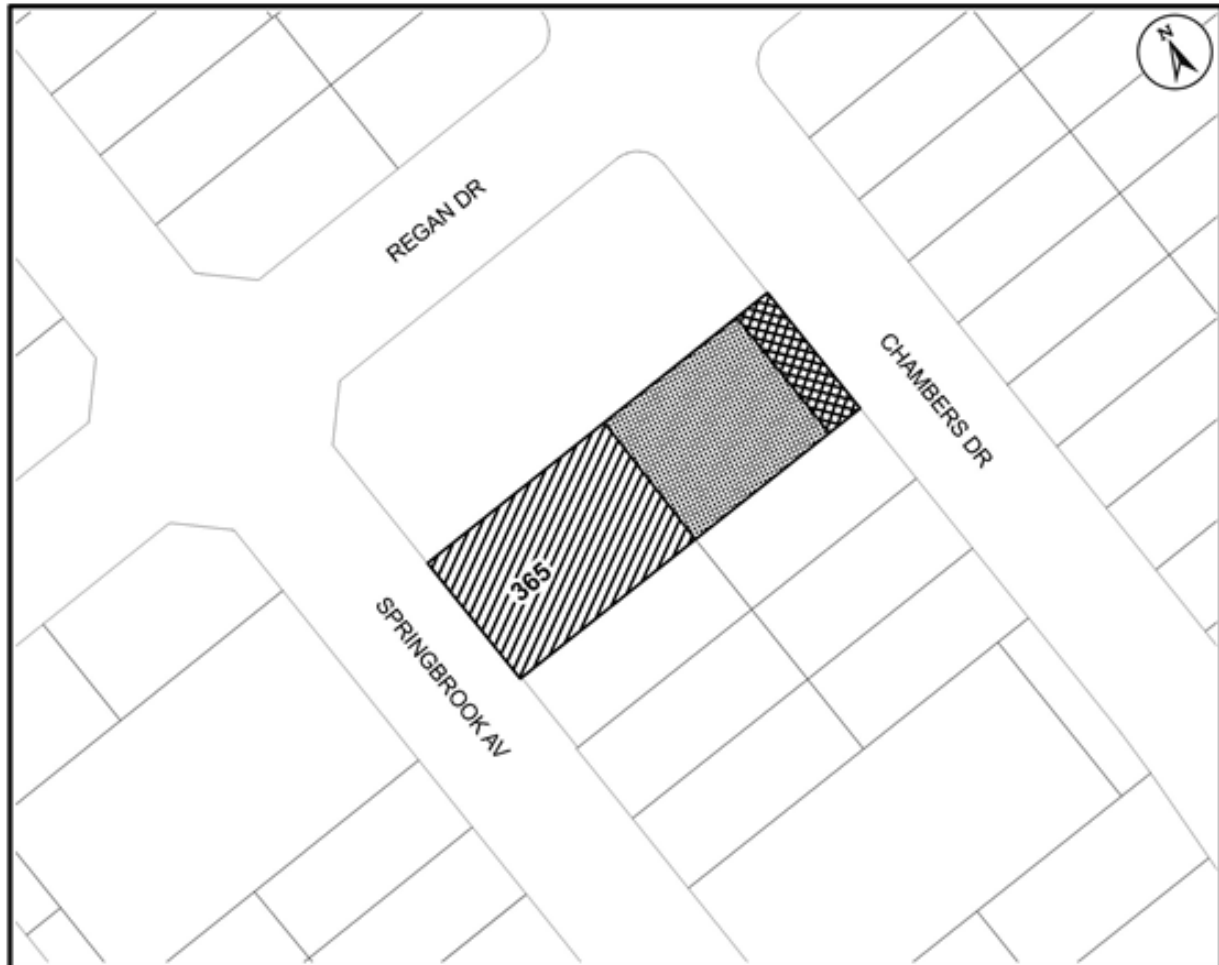
- (3) That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential “R4” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
- (4) That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 10th day of November, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAR-21-015



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 5px 0 0 0;">Map forming Part of</p> <p style="margin: 5px 0 0 0;">By-law No. 21-_____</p> <p style="margin: 5px 0 0 0;">to Amend By-law No. 87-57</p>		<p>Subject Property</p> <p>365 Springbrook Avenue</p> <ul style="list-style-type: none"> <li style="margin-bottom: 10px;"> Block 1 - Change in zoning from the Agricultural "A" Zone to the Residential "R4-714" Zone, Modified <li style="margin-bottom: 10px;"> Block 2 - Change in zoning from the Agricultural "A" Zone to the Residential "R4-714" Zone, Modified Block 3 - Change in zoning from the Residential "R4-563" Zone, Modified to the Residential "R4-714" Zone, Modified 				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Scale: N.T.S</td> <td style="width: 50%; padding: 2px;">File Name/Number: ZAR-21-015</td> </tr> <tr> <td style="padding: 2px;">Date: October 12, 2021</td> <td style="padding: 2px;">Planner/Technician: MA/V.S</td> </tr> </table>	Scale: N.T.S	File Name/Number: ZAR-21-015	Date: October 12, 2021	Planner/Technician: MA/V.S	<p>Hamilton</p>	
Scale: N.T.S	File Name/Number: ZAR-21-015					
Date: October 12, 2021	Planner/Technician: MA/V.S					
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>						

Authority: Item 14, Committee of the Whole
 Report 01-003 (FCS01007)
 CM: February 6, 2001
 Wards: 1,3,4

Bill No. 209

BY-LAW NO. 21-

**To Amend By-law No. 01-218, As Amended,
 Being a By-law to Regulate On-Street Parking**

WHEREAS Section 11(1)1 of the *Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
12 - Permit	E	Case	South	from 72.9m west of Lottridge to 7.1m west	Anytime	Deleting
12 - Permit	E	Case St.	North	80m east of Lottridge St to 6m easterly	Anytime	Deleting
12 - Permit	E	Newlands	North	from 10.7m west of Cope to 6m westerly	Anytime	Deleting
12 - Permit	E	Bold Street	North	67 metres east of Pearl Street South to 6 metres east thereof	Anytime	Adding
12 - Permit	E	Garside Avenue North	West	58 metres south of Roxborough Avenue to 6 metres south thereof	Anytime	Adding
12 - Permit	E	Rosemont Avenue	South	144 metres east of Sherman Avenue North to 6 metres east thereof	Anytime	Adding
12 - Permit	E	Rosemont Avenue	North	90 metres west of Barnesdale Avenue North to 6 metres west thereof	Anytime	Adding

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 10th day of November, 2021.

F.
Eisenberger
Mayor

A. Holland
City Clerk

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 21-

To Confirm the Proceedings of City Council at its meeting held on November 10, 2021.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 10th day of November 2021, in respect of each recommendation contained in

CityHousing Hamilton Shareholder Report 21-002 – October 28, 2021,
Public Works Committee Report 21-016 – November 1, 2021,
Planning Committee Report 21-017 – November 2, 2021,
General Issues Committee Report 21-021 – November 3, 2021,
Audit, Finance & Administration Committee Report 21-018 – October 21, 2021,
Emergency & Community Services Report 21-011 – November 4, 2021,
General Issues Committee Budget Report 21-022 – November 8, 2021,
and
General Issues Committee Report 21-023 – November 9, 2021

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 10th day of November 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk