



City of Hamilton
GENERAL ISSUES COMMITTEE
AGENDA

Meeting #: 22-005
Date: February 16, 2022
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

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

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

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

1. CEREMONIAL ACTIVITIES
2. APPROVAL OF AGENDA
(Added Items, if applicable, will be noted with *)
3. DECLARATIONS OF INTEREST
4. APPROVAL OF MINUTES OF PREVIOUS MEETING
 - 4.1. February 2, 2022
5. COMMUNICATIONS
6. DELEGATION REQUESTS
7. CONSENT ITEMS
 - 7.1. Concession Street Business Improvement Area (BIA) Revised Board of Management (PED22034) (Ward 7)

7.2. Arts Advisory Commission Minutes 21-005, November 23, 2021

8. STAFF PRESENTATIONS

8.1. COVID-19 Verbal Update

8.2. Life Sciences Sector Strategy: Findings and Recommendations (PED22033) (City Wide)

8.3. Our People Survey Update (CM22001) (City Wide)

9. PUBLIC HEARINGS / DELEGATIONS

10. DISCUSSION ITEMS

10.1. *Airport Employment Growth District (AEGD) Wastewater System Allocation Policy (PED20040(a)) (Wards 8, 11, 12 and 14)

NOTE: As there is now a presentation to accompany this report, the matter has been moved to Item 8.4.

10.2. Municipal Accommodation Tax (PED20009(b)) (City Wide)

10.3. Delegation of Authority to Hold Education Development Charge Complaint Hearings (LS22012) (City Wide)

10.4. City of Hamilton / Ministry of Transportation 2021-2022 Dedicated Gas Tax Funding Agreement (FCS22013) (City Wide)

10.5. Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003/LS22006/PED22018) (City Wide)

(Referred by the Planning Committee from its meeting of January 11, 2022.)

Please refer to Item 14.2 for Private & Confidential Appendix "C" to this report.

10.6. Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003(a)/LS22006(a)/PED22018(a)) (City Wide)

Please refer to Item 14.3 for Private & Confidential Appendix "C" to this report.

11. MOTIONS

11.1. Local Tree Planting Initiatives in the City of Hamilton

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

13.1. Amendments to the Outstanding Business List

13.1.a. Proposed New Due Dates:

13.1.a.a. Parkland Acquisition Strategy

Current Due Date: June 15, 2022

Proposed New Due Date: September 7, 2022

13.1.b. Items to be Removed:

13.1.b.a. Hamilton Famers' Market Governance

(No longer required by the Ward Councillor)

14. PRIVATE AND CONFIDENTIAL

14.1. Closed Session Minutes, February 2, 2022

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

14.2. Appendix C to Report FCS22003/LS22006/PED22018 - Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs

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

(Referred by the Planning Committee from its meeting of January 11, 2022)

Please refer to Item 10.5 for the public portion of this report.

14.3. Appendix C to Report FCS22003(a)/LS22006(a)/PED22018(a) - Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs

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

Please refer to Item 10.6 for the public portion of this report.

15. ADJOURNMENT



GENERAL ISSUES COMMITTEE MINUTES 22-004

9:30 a.m.

February 2, 2022

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

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

Absent: Councillors T. Whitehead, B. Clark – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. International Village Business Improvement Area (BIA) Revised Board of Management (PED22026) (Ward 2) (Item 7.1)

(Pearson/Wilson)

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

- (a) Kristin Kusturin

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

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

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

2. Vacant Home Tax in Hamilton (FCS21017(b)) (City Wide) (Item 8.2)

(Eisenberger/Powers)

That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to request to the Minister of Finance that the City of Hamilton be a designated municipality under Part IX.1 Optional Tax on Residential Vacant Units, of the *Municipal Act, 2001* starting in the 2022 taxation year.

Result: MOTION, CARRIED by a vote of 10 to 2, as follows:

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

3. Business Improvement Area Advisory Committee Report 22-001, January 11, 2022 (Item 10.1)

(Pauls/Nann)

(a) Appointment of Chair and Vice-Chair (Item 1)

- (i) That Councillor E. Pauls be appointed as Chair of the Business Improvement Area Advisory Committee for 2022; and,
- (ii) That the Vice-Chair position rotate among Committee members for the Business Improvement Area Advisory Committee for 2022.

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

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

4. Advisory Committee for Persons with Disabilities Report 22-001, January 11, 2022 (Item 10.2)

(Eisenberger/Merulla)

(a) Request from Corbin McBride for a Leave of Absence from the Advisory Committee for Persons with Disabilities for a Duration of Three Months (Item 11.1)

WHEREAS, pursuant to the Advisory Committee Procedural Handbook, members of the Committee who miss more than three meetings during their term without Committee approval, may be subject to replacement on the Committee and may not be eligible for re-appointment.

THEREFORE, BE IT RESOLVED:

That the request from Corbin McBride for a leave of absence from the Advisory Committee for Persons with Disabilities for the duration of three months due to a scheduling conflict with a post-secondary education class, be approved.

(b) Committee for Persons with Disabilities to Correspond with CityHousing Hamilton to Request CityHousing Hamilton Review their Policies Respecting Accessibility (Item 11.2)

WHEREAS, CityHousing Hamilton is the Housing Corporation responsible for providing affordable housing in the City;

WHEREAS, in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, it is a requirement for public sector organizations to develop, implement and enforce standards for accessibility to goods, services, facilities, employment, accommodation and buildings, for persons with disabilities; and,

WHEREAS, the aim of the *Accessibility for Ontarians with Disabilities Act, 2005*, is to have a fully accessible Ontario by 2025.

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities respectfully requests that Council authorize the Advisory Committee for Persons with Disabilities' Housing Working Group to correspond with CityHousing Hamilton to request CityHousing Hamilton review their policies for compliance with the *Accessibility for Ontarians with Disabilities Act, 2005*.

(c) Invitation to the City of Hamilton Chief of Police to Discuss Topics of Interest to the Advisory Committee for Persons with Disabilities Related to Police Services (Item 11.3) (REVISED)

WHEREAS, the Advisory Committee for Persons with Disabilities will benefit from meeting with the City of Hamilton Chief of Police to discuss topics of interest to the Advisory Committee for Persons with Disabilities related to Police Services.

THEREFORE, BE IT RESOLVED:

That the City of Hamilton Chief of Police be invited to attend the March 2022 meeting (or earliest meeting thereafter) to discuss topics of interest to the Advisory Committee for Persons with Disabilities related to Police Services and any items of concern the Chief of Police may want to bring forward.

(d) Request from Lance Dingman for a Leave of Absence from the Advisory Committee for Persons with Disabilities for a Duration of Three Months (Added Item 11.4)

WHEREAS, pursuant to the Advisory Committee Procedural Handbook, members of the Committee who miss more than three meetings during their term without Committee approval, may be subject to replacement on the Committee and may not be eligible for re-appointment.

THEREFORE, BE IT RESOLVED:

That the request from Lance Dingman for a leave of absence from the Advisory Committee for Persons with Disabilities for the duration of three months due to a scheduling conflict with training, be approved.

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

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

5. West Harbour Development Sub-Committee, Report 22-001, January 17, 2022 (Item 10.3)

(Farr/Danko)

(a) Discovery Centre Strategy Framework (PED21090(b)) (Ward 2) (Item 8.1)

- (i) That staff be authorized and directed to implement the Discovery Centre Strategy Framework, outlined in Appendix "A" to West Harbour Development Sub-Committee Report 22-001; and
- (ii) That staff be directed to report back to the West Harbour Development Sub-Committee by Q1 2023 with a recommended long-term Strategy for the Discovery Centre property and Hamilton Waterfront Trust managed lands immediately south of the Discovery Centre, up to the South Pier wall.

(b) Pier 8 Animation Program and Hamilton Waterfront Trust (HWT) (Discovery) Centre - Status Update (PED21090(a)) (Ward 2) (Item 8.2)

- (i) That staff be authorized and directed to negotiate and finalize a Lease Agreement between the City of Hamilton (Landlord) and The

Waterfront Shores Corporation (Tenant) for a portion of the Discovery Centre facility, that is identified as areas of Exclusive-Use of the tenant in Appendix “B” to West Harbour Development Sub-Committee Report 22-001, based substantially on the Major Terms and Conditions outlined in Confidential Appendix “B” to Report PED21090(a) attached, and such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department;

- (ii) That staff be directed to negotiate terms and conditions for a proportionate share of The Waterfront Shores Corporation (Tenant) usage for the Non-Exclusive and Common-Use areas, as identified in Appendix “B” to West Harbour Development Sub-Committee Report 22-001, and report back to the Sub Committee on the results;
- (iii) That all net rent proceeds from the Lease Agreement at the Hamilton Waterfront Trust (HWT) (Discovery) Centre be received and credited to Account No. 46000-Dept. ID No. 791554;
- (iv) That all costs related to the Lease Agreement at the HWT (Discovery) Centre, including the real estate and legal costs of \$45,750, be funded from Account No. 55778-Dept. ID No. 791554 and credited to Account No. 55778-Dept. ID No. 812036 (Real Estate – Admin Recovery);
- (v) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as Landlord, be authorized to administer the Lease and provide any requisite consents, approvals, and notices related to the Lease Agreement at the HWT (Discovery) Centre;
- (vi) That the City Solicitor be authorized to amend and waive terms and conditions on such terms as considered reasonable to complete the leasing transaction, respecting the Lease Agreement at the HWT (Discovery) Centre;
- (vii) That the Mayor and Clerk be authorized and directed to execute the Lease Agreement at the HWT (Discovery) Centre, or such other form and all other necessary associated documents with all such documents to be in a form satisfactory to the City Solicitor; and
- (viii) That Appendix “B” to Report PED21090(a) and Appendix “C” to Report PED210909(a) remain confidential.

**(c) West Harbour Re-Development Plan - Implementation Status Update
(PED17181(c)) (Ward 2) (Item 10.1)**

That Report PED17181(c), respecting West Harbour Re-Development Plan - Implementation Status Update, be received.

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

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

**6. All Our Relations Public Art Project – West Harbour James Street Plaza
(Item 11.1)**

(Farr/Nann)

WHEREAS, the All Our Relations Public Art Project was Awarded in 2019 at a cost of \$420,000, and is in fabrication by an artist selected through the City of Hamilton Call for Artists Policy and contracted to the City or its agents through a fixed price Artist Agreement;

WHEREAS, due to the COVID-19 pandemic and resulting supply chain issues, artists are identifying sudden unanticipated increases in the cost and delivery of materials required to complete their art works in excess of the typical 10% contingences they carried in their budgets;

WHEREAS, these sudden and unanticipated material and delivery cost increases now make the completion of the art works unfeasible within the original budget;

WHEREAS, the Public Art Reserve #10844 had a balance of \$1,150,000 as of March 31, 2021, including an unallocated contingency of approximately \$85,000 and allocations are set to be updated as part of the Public Art Master Plan review in 2023; and,

WHEREAS, the West Harbour Project ID 4411806104 has a balance of \$415,000 as of January 8, 2022, which is identified for future public art;

THEREFORE, BE IT RESOLVED:

That cost increases for material supply and delivery in excess of the original budgeted amount with documented current competitive bids, for the public art project All Our Relations by Angela DeMontigny to be installed at the West Harbour James Street Plaza, in an amount up to \$50,000, to be funded from Project ID #4411806104 West Harbour Public Art, be approved.

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

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

7. Encampments at City Hall First Floor Rear Doors (Item 13.2) (no copy)

(Eisenberger/Powers)

That Facilities staff and the City Manager be commended for their good work and diligence in all that they do.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Russ Powers
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls

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

**8. Acquisition of Part of 339 Mountain Brow Road, Hamilton (PED22017)
(Ward 15) (Item 14.2)**

(Partridge/Eisenberger)

- (a) That an Option to Purchase, scheduled to close on February 28, 2022, for the partial acquisition of land municipally known as 339 Mountain Brow Road, Hamilton, as shown in Appendix "A" attached to Report PED22017, based substantially on the Terms and Conditions attached as Appendix "B" to Report PED22017, and such other terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department, be approved;
- (b) That all costs related to the acquisition of part of 339 Mountain Brow Road, Hamilton, be charged to Project ID 4031280288 as outlined in Appendix "B" attached to Report PED22017;
- (c) That the sum of \$22,150 be funded from Project ID Account No. 59806-4031280288 and be credited to Account No. and Dept. ID No. 59806-812036 (Real Estate – Admin Recovery) for recovery of expenses including real estate and legal fees and costs;
- (d) That the City Solicitor be authorized to complete the acquisition of part of 339 Mountain Brow Road, Hamilton, transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as considered reasonable;
- (e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City Solicitor; and,
- (f) That the complete Report PED22017, respecting the acquisition of part of 339 Mountain Brow Road, Hamilton, remain confidential until completion of the real estate transaction.

Result: MOTION, CARRIED by a vote of 11 to 1, as follows:

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1. Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton

10. DISCUSSION ITEMS

- 10.3. West Harbour Development Sub-Committee, Report 22-001, January 17, 2022

12. NOTICES OF MOTION

- 12.1. Local Tree Planting Initiatives in the City of Hamilton

13. GENERAL INFORMATION / OTHER BUSINESS

13.1. Amendments to the Outstanding Business List

13.1.a. Proposed New Due Dates:

- 13.1.a.a. Airport Employment Growth District (AEGD)
Wastewater Servicing Update and Capacity
Allocation Policy
Current Due Date: February 2, 2022
Proposed New Due Date: February 16, 2022

13.2 Encampments at City Hall First Floor Rear Doors (no copy)

(Johnson/Ferguson)

That the agenda for the February 2, 2022 General Issues Committee meeting, be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

- (i) Councillor A. VanderBeek declared an interest to Item 6.1 – Delegation Request, Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton, as she is a rental property landlord.

- (ii) Councillor A. VanderBeek declared an interest to Item 8.2, Report FCS21017(b) - Vacant Home Tax in Hamilton, as she is a rental property landlord.
- (iii) Councillor S. Merulla declared an interest to Item 6.1 – Delegation Request, Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton, as he and his wife are rental property landlords.
- (iv) Councillor S. Merulla declared an interest to Item 8.2 , Report FCS21017(b) - Vacant Home Tax in Hamilton, as he and his wife are rental property landlords.
- (v) Councillor M. Pearson declared an interest to Item 6.1 – Delegation Request, Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2, Report FCS21017(b) - Vacant Home Tax in Hamilton, as she and her husband are rental property landlords.
- (vi) Councillor M. Pearson declared an interest to Item 8.2, Report FCS21017(b) - Vacant Home Tax in Hamilton, as she and her husband are rental property landlords.

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

(i) January 12, 2022 and January 17, 2022 (Items 4.1 and 4.2)

(Powers/Pearson)

That the Minutes of the January 12, 2022 and January 17, 2022 General Issues Committee meetings, be approved, as presented.

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

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

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

(d) DELEGATION REQUESTS (Item 6)

- (i) Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton (Item 6.1)**

(Partridge/Powers)

That the delegation request submitted by Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton, be approved for the February 2, 2022 General Issues Committee.

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

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

(e) STAFF 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, Dr. Ninh Tran, Associate Medical Officer of Health, provided the verbal update respecting COVID-19.

(Eisenberger/Partridge)

That the verbal update respecting the COVID-19, be received.

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

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

(ii) Vacant Home Tax in Hamilton (FCS21017(b)) (City Wide) (Item 8.2)

Kirk Weaver, Manager, Budgets and Fiscal Policy; and, Gloria Rojas, Senior Tax Policy Advisory, provided the presentation respecting Report FCS21017(b) – Vacant Home Tax in Hamilton, and answered questions of Committee.

(Eisenberger/Powers)

That the presentation respecting Report FCS21017(b) – Vacant Home Tax in Hamilton, be received.

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

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

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

(Partridge/Ferguson)

That consideration of Report FCS21017(b) – Vacant Home Tax in Hamilton, be DEFERRED until such time as Committee has heard the delegate respecting this matter.

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

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

1. Deferral of sub-sections (b) through (d) of Report FCS21017(b), respecting the Vacant Home Tax in Hamilton

That sub-sections (b) through (d) of Report FCS21017(b), respecting the Vacant Home Tax in Hamilton, a follows, be DEFERRED until such time as staff has received a response from the Minister of Finance, respecting the City's request to be designated under Part IX.1 Optional Tax on Residential Vacant Units, of the *Municipal Act, 2001*:

- (b) That the 2022 implementation costs, estimated at \$2,600,000 for the Vacant Home Tax to be funded through an internal loan plus interest from the Investment Stabilization Reserve (110046) to be repaid from revenues collected from the program over a 5-year term, be approved;
- (c) That the estimated gross annual operating costs of \$2,200,000 for administration of the Vacant Home Tax

Program and related 16 Full Time Equivalent (FTE), to be funded from revenues generated by the program, be referred to the 2022 Budget Process for consideration; and,

- (d) That the matter respecting Vacant Home Tax, be removed from the General Issues Committee's Outstanding Business List.

Result: MOTION, CARRIED by a vote of 10 to 2, as follows:

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

For further disposition of this matter, please see Item 2.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

- (i) Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton (Item 9.1)**

Lou Piriano, President, REALTORS Association of Hamilton-Burlington, addressed Committee respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton.

(Pauls/Nann)

That the presentation provided by Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton, be received.

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

**General Issues Committee
Minutes 22-004**

**February 2, 2022
Page 17 of 22**

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

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

(Ferguson/Wilson)

That the General Issues Committee recess for 20 minutes until 1:00 p.m.

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

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

(g) NOTICES OF MOTION (Item 12)

Councillor J. Farr introduced the following Notice of Motion:

(i) Local Tree Planting Initiatives in the City of Hamilton (Item 12.1)

WHEREAS, the City of Hamilton has declared a Climate Emergency;

WHEREAS, the Federal Government has created a program to plant 2 billion trees over 10 years;

WHEREAS, \$3.2 Billion will be invested in tree planting efforts to support Provinces, Territories, Third Party Organizations (for and not-for-profit) and Indigenous organizations;

WHEREAS, the Federal Government has recently issued a Call for Proposals (December 16, 2021) to access federal tree planting resources;

WHEREAS, the program identifies cost-shared tree planting projects as one of two funding streams;

WHEREAS, trees can be planted on public lands;

WHEREAS, the City of Hamilton has funded its own tree planting program for nearly two decades;

WHEREAS, Indigenous people are the original Hamiltonians and the original people of the Ancaster, Stoney Creek, Glanbrook, Flamborough, and Dundas areas;

WHEREAS, the City of Hamilton has approved the development of the Hamilton Urban Indigenous Strategy;

WHEREAS, Hamilton's Urban Indigenous Strategy's Indigenous Relations team will assist to engage, support, and collaborate;

WHEREAS, the City of Hamilton continues to work with the local urban Indigenous and treaty territories; and,

WHEREAS, Hamilton's Urban Indigenous Strategy, through its commitment of implementing the Strategy, focuses on strengthening the City's relationship with the local Indigenous community;

THEREFORE, BE IT RESOLVED:

That staff be directed to consult with representatives of Six Nations of the Grand River, the Mississaugas of the Credit First Nations, the Huron-

Wendat Nation, and the Joint Stewardship Board representatives, as well as representatives of Hamilton's urban Indigenous community / organizations for the purpose of establishing partnerships to access federal funding to assist with local tree planting initiatives in the City of Hamilton, and report back to the General Issues Committee.

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

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

(Pearson/Powers)

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

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

(1) Proposed New Due Dates (Item 13.1.a.)

- (aa) Airport Employment Growth District (AEGD)
Wastewater Servicing Update and Capacity Allocation
Policy
Current Due Date: February 2, 2022
Proposed New Due Date: February 16, 2022**

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

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

(ii) Encampments at City Hall First Floor Rear Doors (Item 13.2) (no copy)

Staff responded to questions of Committee with respect to the encampments at the City Hall first floor rear doors.

For disposition of this matter, refer to Item 7.

(i) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – January 12, 2022

(Ferguson/Pearson)

- (a) That the Closed Session Minutes of the January 12, 2022 General Issues Committee meeting, be approved; and,
- (b) That the Closed Session Minutes of the January 12, 2022 General Issues Committee meeting, remain confidential.

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

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

(Pearson/Partridge)

That Committee move into Closed Session respecting Item 14.2, pursuant to Section 9.1, Sub-section (c) of the City's Procedural By-law 21-021 and Section 239(2), Sub-section (c) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

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

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

(j) ADJOURNMENT (Item 14)

(Powers/Pearson)

That there being no further business, the General Issues Committee be adjourned at 1:59 p.m.

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

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

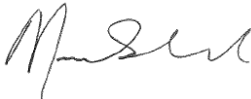
Respectfully submitted,

Arlene VanderBeek, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 16, 2022
SUBJECT/REPORT NO:	Concession Street Business Improvement Area (BIA) Revised Board of Management (PED22034) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

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

- (a) Diane Hines;
- (b) Dave Andrews;
- (c) Sarah Maticic.

EXECUTIVE SUMMARY

Appointment of three new Directors to the Concession Street Business Improvement Area (BIA) Board of Management.

Alternatives for Consideration –Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

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

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

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

SUBJECT: Concession Street Business Improvement Area (BIA) Revised Board of Management (PED22034) (Ward 7) - Page 2 of 4

Legal: The *Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of, (a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality.” Section 204 Subsection (12) stipulates “...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

The Board of Management of the Concession Street BIA have appointed Diane Hines, Dave Andrews and Sarah Maticic to fill vacancies in Director positions.

Should Council adopt the recommendation in PED22034, the aforementioned nominated persons would be appointed to serve on the Concession Street BIA Board of Management for the remainder of this term, through the end of 2022.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 204 of the *Municipal Act (Act)*, together with the Procedural By-law adopted by the Board of Management (the “BIA Procedural By-law”), govern the election of Directors, Appointment of Directors by Council, and the Filling of Vacancies within a Board of Management.

Section 204(3) *Act* provides, “A board of management shall be composed of:

- (a) one or more directors appointed directly by the municipality; and,
- (b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality.”

Section 204(9) of the *Act* provides, “Subject to subsection (9), if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

Article 4, Section 1 of the Procedural By-law provides, “All Directors of the Board of Management are appointed by City Council.

- (a) The Board of Management shall consist of 10 Directors (which will provide for a minimum of three Directors and a maximum of 20 Directors), selected by a vote of the Members of the BIA and then appointed as Directors by City Council. In

SUBJECT: Concession Street Business Improvement Area (BIA) Revised Board of Management (PED22034) (Ward 7) - Page 3 of 4

addition, the Board of Management shall consist of the Councillor(s) of the Ward(s) in which the BIA is located, directly appointed as Directors by the City.”

Article 4, Section 3 of the Procedural By-law provides, “Appointment to the Board In the event of a vacancy occurring on the Board of Management:

- (a) The remaining Directors may nominate for the City’s consideration and appointment an individual for Directorship to fill the vacancy for the remaining portion of the term of office;
- (b) In the event that the remaining Directors no longer constitute a quorum, a meeting of the Members shall be called by the remaining Directors for the purpose of nominating an individual for Directorship for consideration and appointment by the City; and,
- (c) The Board of Management shall notify the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department, as soon as any vacancy occurs and shall further notify him or her if and when a nomination is made by the remaining Directors or the Members for appointment to the Board of Management by the City.”

Shortly put, pursuant to the *Act* and the Procedural By-law, Council is permitted to directly appoint the Councillor(s) of the Ward in which the BIA is located and appoint person(s) who have been selected by a vote of the BIA membership to fill a vacancy on the Board of Management. Where a vacancy occurs and the remaining Directors no longer constituting a quorum, the BIA membership is required to hold a meeting for the purpose of nominating an individual to fill the vacancy, for consideration and appointment by Council.

While the provisions of the City of Hamilton Policy respecting the Appointment of Citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees (the “Policy”) restrict the filling of vacancies within 12 months of the end of the Term of Council where there are insufficient applicants on file to fill the vacancy, the Policy has no application to the filling of vacancies on a Board of Management. As outlined above, this process is within the control and responsibility of the Board itself and is governed under the *Act* and the Procedure By-law. Therefore, the Policy does not restrict Council from making the appointments being recommended by this Report.

RELEVANT CONSULTATION

N/A

SUBJECT: Concession Street Business Improvement Area (BIA) Revised Board of Management (PED22034) (Ward 7) - Page 4 of 4

ANALYSIS AND RATIONALE FOR RECOMMENDATION

N/A

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

APPENDICES AND SCHEDULES ATTACHED

N/A



Hamilton

**MINUTES
21-005
ARTS ADVISORY COMMISSION**

November 23, 2021

4:00 p.m.

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

Present: Annette Paiement (Chair), Monolina Bhattacharyya-Ray, Elizabeth Jayne Cardno, Monika Ciolek, Councillor Danko, Janna Malseed, Jason Samilski (Guest from Canadian Artists' Representation Le Front des Artistes Canadiens), Ranil Sonnadara

Absent: Councillor Farr, Lisa LaRocca

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

(Malseed/Sonnadara)

That the Agenda for the November 23, 2021 Arts Advisory Commission, be approved as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**(i) July 27, 2021 (Item 4.1)****(Ciolek/Bhattacharyya-Ray)**

That the Minutes of the July 27, 2021 Arts Advisory Commission, be approved as presented.

CARRIED**(d) COMMUNICATIONS (Item 5)****(Malseed/Cardno)**

That the following Communication Items, be received:

- (i) Audit, Finance and Administration Committee Report – Aug 12, 2021 (Item 5.1)
- (ii) A By-law to govern the proceedings of Council and Committees of Council Consolidation - By-law 21-021 – Aug 13, 2021 (Item 5.2)
- (iii) Hybrid Meetings approved by Council for 2022 – Aug 13, 2021 (Item 5.3)
- (iv) Recording and Retention of Meetings (Item 5.4)

CARRIED**(e) DELEGATION REQUESTS (Items 6)**

There were no delegation requests.

(f) CONSENT ITEMS (Items 7)

There were no consent items.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 8)**(Cardno/Malseed)**

That the following Delegation Item, be received:

- (i) Artists' Legal Advice Services (ALAS) – (Item 8.1)
 - Virtual legal and peer support network for artists. Entertainment lawyers, mental health supports, copyright and agreement group seminars, all are mostly free of charge. Many resources and legal database available. Want to make people aware of services,

particularly those who face systemic barriers. Can help with policy creation recommendations.

CARRIED

(Malseed/ Bhattacharyya-Ray)

That the following Delegation Item, be received:

- (ii) Canadian Artists' Representation Le Front des Artistes (CARFAC) – presentation by Jason Samilski (Item 8.2)
 - Provincial representation of Artists to assist in creating a strong and equitable ecosystem for fair pay and equal rights. Work with ALAS to offer assistance and provide support to artists. CARFAC Fee Schedule assists those seeking minimum rates of pay for artists.

(g) STAFF PRESENTATIONS (Item 9)

- (i) **2021 Hamilton Arts Awards Program Evaluation Report (Item 9.1)**

Ken Coit, Program Manager Public Art and Projects, provided an update regarding the Hamilton Arts Awards, advising that the new nomination and adjudication processes worked well and resulted in increase number of nominations. Viewership increased from last year.

(Ciolek/Malseed)

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

CARRIED

- (ii) **Public Art Update (Item 9.2)**

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

- (1) Century Street Parkette award announced – Convergence Hooman Mehdizadehjafari.
- (2) Electric City Nicola Tesla and the Five Johns Public Art Project on the Waterfront is underway. Ranil Sonnadara to be the AAC representative adjudicator.
- (3) Locke St. Marker Public Art Project has started.

(4) Ancaster Call for Artists in the new year.

(5) Keddy Access Trail Temporary Street Art Project – Approved by Council.

(Malseed/ Bhattacharyya-Ray)

That the presentation respecting the Public Art Update, be received. And that, Ranil Sonnadara will represent AAC as the Adjudicator for Electric City Public Art Project.

CARRIED

(h) DISCUSSION ITEMS (Item 10)

(i) Celebrating Resilience in the Arts Update (Item 10.1)

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

- Hamilton Arts Council (HAC) has collected submissions. Adjudication is complete and all artists have been contacted regarding whether their submission have been selected.
- HAC ran the survey via social media and the results are presented here by David Hudson.
- Survey results will be shared as a public document and will inform the 2022 Symposium.

(Bhattacharyya-Ray /Malseed)

That the Celebration of Resilience of the Arts Sub-committee update and David Hudson's presentation on behalf of HAC be received.

CARRIED

(ii) 2022 AAC Budget Submission (Item 10.2)

The following points were made during the discussion of the 2022 AAC Budget Submission Notes:

- \$9,000 is the annual request made by AAC.
- Big Picture Recovery Event Symposium suggested budget of \$19,300. Suggested we request \$10,300 from \$18,000 in reserves currently.
- If approved, Chair will sign the budget request to go to council in 2022.

(Ciolek/Malseed)

(a) That the annual budget request be approved

- (b) That \$10,300 be requested from reserves to fund the 2022 Symposium.

CARRIED

**(iii) Social Determinants of Health in COVID-19 (BOH20015) (City Wide)
(Item 10.3)**

The following point was made during the discussion of the Social Determinants of Health in COVID-19 Study Notes:

- No feedback at this time.
- AAC Members with feedback to offer will email Jennifer Vickers-Manzin, Director, Healthy & Safe Communities as advised. Jennifer.Vickers-Manzin@hamilton.ca
- No due date was given. The request that we attach report to next advisory committee agenda was made September 14, 2021.

(Ciolek/Malseed)

- (a) To accept receipt of study and request for feedback from AAC.

- (b) That the AAC Secretary will send the report, feedback contact and due date to the members via email.

(iv) All Advisory Committee Meeting (Item 10.4)

The following points were made during the discussion of the All Advisory Committee Meeting Notes:

- Each Advisory Committees presented over the span of three hours.
- Would like the presentation to be available to online to inform citizens.
- Suggestion that Committees have grant funds available to award to community.
- Including youth on Committees was a welcome suggestion.
- Updated handbook is anticipated.
- AAC has been successful in retaining membership and achieving quorum as compared to some other Committees.

(Sonnadara/ Bhattacharyya-Ray)

That the All Advisory Committees Meeting Update as presented be received.

CARRIED

(I) ADJOURNMENT (Item 14)

(Malseed/Sonnadara)

That, the Arts Advisory Commission meeting be adjourned at 5:01pm.

CARRIED

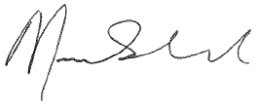
Respectfully submitted,

Annette Paiement, Chair
Arts Advisory Commission

Lauren Anastasi
Recorder



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 16, 2022
SUBJECT/REPORT NO:	Life Sciences Sector Strategy: Findings and Recommendations (PED22033) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Asmaa Al-Hashimi (905) 546-2424 Ext. 4381
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

In the Spring of 2021, KPMG International Limited (KPMG), a Canadian consulting firm was awarded the contract to develop a life sciences sector strategy for the City of Hamilton in partnership with Synapse Life Sciences Consortium. This Strategy describes the current state of the sector, identifies key subsectors of strength, and highlights the key challenges and opportunities along with the city's value proposition. KPMG also identified opportunities for growth, investment and jobs and an implementation roadmap complete with key performance indicators to consider. Further information is under Appendix "A" to Report PED22033.

Life Sciences – Definition

Life Sciences are defined as the sciences related to the study of living organisms, including biology, zoology, microbiology, physiology, and related subjects. This sector has a significant impact on people's lives and the ability to create a real and meaningful change and opportunities for the advancement of science.

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

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

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

**SUBJECT: Life Sciences Sector Strategy: Findings and Recommendations
(PED22033) (City Wide) - Page 2 of 5**

Hamilton is strategically positioned to capture a share of the rising foreign direct investment (FDI) in life sciences globally, as well as attract domestic investment opportunities.

Hamilton is one of Canada's fastest growing life sciences clusters. With more than 30,000 employees, and CAD \$5.7 billion in annual economic activity, life sciences is one of the City's largest industry sectors (Appendix "A" to Report PED22033).

Hamilton has the potential to lead Canada's national life sciences ecosystem and attract investments. The Strategy identified key subsectors of strength that are poised for further growth within the ecosystem:

1. Nuclear Medicine (related to the use of small amount of radioactive materials for diagnoses and treatments such as oncology).
2. Digital Health Service delivery (related to telehealth systems which connects patients with practitioners; also includes the storage and collection of patient data).
3. Infectious Disease R&D (related to the research and development to combat diseases such as influenza, E. coli, HIV/AIDS, Chicken pox, etc).
4. Biomanufacturing (related to the use of living cells to create products such as vaccines).
5. Medical Devices (related to developing devices that can be used for treatments, diagnoses and prevention).

Growing Hamilton's Life Sciences Sector

Hamilton's Life Sciences Sector provides the opportunity to support innovation, economic growth, equity, diversity, and inclusion in the region. In addition, Hamilton presents several key advantages such as:

1. Growing presence of companies (start-up and scale up).
2. Deep talent pool especially in research and development.
3. Hamilton is the home to internationally recognized academic and public research institutions.
4. Existing life sciences infrastructure.
5. Economic prosperity.
6. Affordability comparing to neighbouring regions.
7. Strategic location.
8. Culture and supportive environment.

Key Challenges and Opportunities to be Addressed

Based on research and consultations with stakeholders, several challenges and key opportunities have been identified that limits the growth the of the sector, these include:

OUR Vision: To be the best place to raise a child and age successfully.
 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Life Sciences Sector Strategy: Findings and Recommendations
(PED22033) (City Wide) - Page 3 of 5**

- **Strengthening Hamilton's life sciences branding**
This will focus on building awareness among sector champions of Hamilton's life sciences to effectively promote the City and the available opportunities;
- **Attracting executive level talent**
Create a number of executive level opportunities for business leaders;
- **Increasing access to capital**
Work with Canadian entrepreneurs to recognize the available investment opportunities for start-up and scale-up companies;
- **Increasing focus on life sciences sector**
Work with elected officials to showcase Hamilton's life sciences sector at all government levels and engage their help in promoting the sector; and,
- **Improving access to wet lab space**
Continue to support expansion of infrastructure to allow expansion of wet lab spaces and streamline development approval processes.

Life Sciences Sector Action Plan

Detailed research and consultations with stakeholders were conducted to evaluate the current status of the sector including a focus on targeting foreign direct investments for the City. Based on the collected data and analysis, the following recommendations have been identified to assist staff in growing the life sciences sector and attract investment. These recommendations have been divided into three different categories with action items associated with each section:

Strategic Initiatives: Hamilton company expansion (i.e. scaling up) and overall ecosystem growth

1. Increase collaboration across the innovation corridor to promote flow of employment opportunities to potential talent.
2. Partner with academia to promote the entire life sciences ecosystem (including quality of life) to key potential talent.
3. Undertake an educational campaign on life sciences-related opportunities / investment lifecycle for local investors not currently focused on the sector.
4. Expand match-making programs focused on targeted events (e.g. investor 'speed dating'), supported by a robust online platform.
5. Create a network of regional mentors specifically focused on the regulatory / approvals/ licensing process.

**SUBJECT: Life Sciences Sector Strategy: Findings and Recommendations
(PED22033) (City Wide) - Page 4 of 5**

6. Develop a roadmap showing the current scale-up process to identify key pain points and gaps within existing support networks.
7. Identify champions within key stakeholder groups and arm them with compelling messaging and up-to-date information about wins /opportunities.
8. Increase buy-in from government leaders by promoting Hamilton's value proposition / role as the region's emerging life sciences ecosystem.
9. Facilitate the introduction of a fee for service model for the usage for underutilized research / academic assets (e.g. Redeemer University's labs during the summer months).
10. Partner with the private sector to build new wet lab space across the City.
11. Streamline / reduce barriers to the land development approvals process
12. Promote areas where Hamilton is a collaborator and not to a competitor in the innovation corridor.
13. Continue to foster a collaborative relationship with neighboring jurisdictions interested in broader regional growth.

Branding and Marketing Efforts

14. Identify champions across key stakeholder groups that promote the City's value proposition and key assets.
15. Deliver roadshow promoting the sector Strategy (value proposition and life sciences brand) across the City.
16. Host 'Queen's Park' information day with key elected officials from the Province to raise awareness about Hamilton Life Sciences.
17. Identify federal champion who is kept up-to-speed about key wins and opportunities.
18. Carry out promotional campaigns targeted at investors in emerging tier-2 life sciences hubs within the US that highlights Hamilton's competitiveness.
19. Develop partnerships with emerging collaborator jurisdictions within each sub-sector.
20. Undertake targeted marketing campaign at key sub-sector conferences / events.
21. Develop compelling and tailored pitches for potential life sciences investors.

Targeted Investment Attraction Efforts

22. Map all emerging life sciences companies across the GTA and prioritize for active outreach.
23. Develop GTA-focused concierge services for companies interested in relocating to facilitate re-location / expansion efforts.
24. Develop pitch books highlighting Hamilton's cost competitiveness against other regions and U.S. peers.
25. Partner with stakeholders in jurisdictions with existing engagement with Hamilton companies (e.g. distribution channels) to further develop two-way flow of products and services.

**SUBJECT: Life Sciences Sector Strategy: Findings and Recommendations
(PED22033) (City Wide) - Page 5 of 5**

- 26. Deliver reverse trade missions for companies operating within Hamilton's sub-sectors.
- 27. Develop targeted investor list and tailored pitches.
- 28. Support companies with investment attraction or expansion bids by providing resources / information

The completion of the Life Sciences Sector Strategy was an identified action item in the City's Economic Development Action Plan 2021 – 2025 (item 28) and now it will be positioned for implementation.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Life Sciences Sector Strategy



City of Hamilton

LIFE SCIENCES SECTOR
STRATEGY

DECEMBER 2021

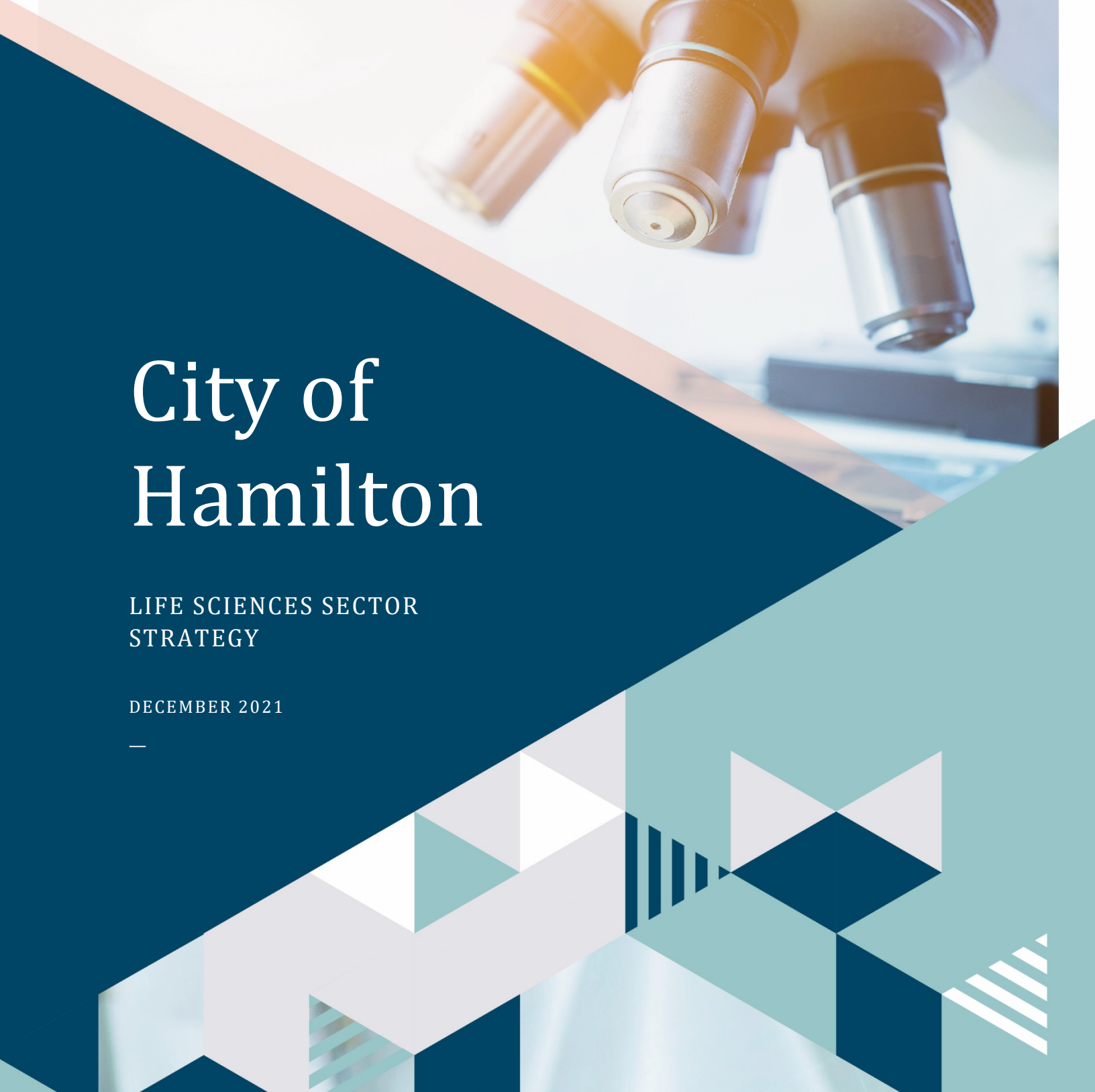




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Executive Summary



Global growth opportunity

Hamilton is one of Canada's fastest growing life sciences clusters. With more than 30,000 employees,¹ and CAD \$5.7 billion in annual economic activity, the life sciences sector is one of the city's largest industries.² The largest life sciences employer in the city, Hamilton Health Sciences (HHS), is the second largest hospital network in Ontario and the fourth largest in Canada.³ Hamilton is also home to McMaster Innovation Park (MIP), which houses over 70 businesses, with a strong plan to add 1.8 million square feet of new office and wet lab space for scaling and established life science companies.

Hamilton's life sciences sector produced a total of 83 new products and services that were commercialized or licensed over the previous five years – such as Fusion Pharmaceutical's targeted alpha therapies, VoxNeuro's Cognitive Health Assessment Management Platform (CHAMP), and SanteSuite's Immunization Management System. The sector is supported by multinational companies with a strong presence in Hamilton, such as the Canadian headquarters of medical technology company Stryker Canada.

Taken together, the life sciences sector includes a more than CAD \$4 billion spend in the Hamilton region.⁴ To put that in perspective, that's the equivalent of the total GDP that the video game industry contributes to the entire Canadian economy annually.⁵

Life sciences are defined as the sciences concerned with the study of living organisms, including biology, zoology, microbiology, physiology, and related subjects. This sector has a significant impact on people's lives and the ability to create real and meaningful change and opportunities for the advancement of science. Hamilton is strategically positioned to capture a share of the rising foreign direct investment (FDI) in life sciences globally, as well as attract domestic investment opportunities. The time is now for Hamilton to increase national and foreign life sciences investment.

Globally, the life sciences sector is growing rapidly. Since 2010, the sector accounted for more than CAD \$294 billion 'greenfield FDI' worldwide — i.e., foreign direct investment where a parent company creates a subsidiary in a new country and builds its operations from the ground up. This can include new production facilities, building new distribution hubs and even offices which require staff talent, research supplies and the like.⁶ The onset of the pandemic has accelerated the pace of change and attracted record global investment into the sector – CAD \$42.2 billion in 2020 alone, and a record-breaking CAD \$34.5 billion worth of venture capital in the first half of 2021.⁷ The accelerated

¹ (Invest In Hamilton, n.d.)

² (Synapse Life Science Consortium, n.d.)

³ (Research Info Source, 2020)

⁴ (Invest in Hamilton, Life Sciences in Hamilton, n.d.)

⁵ (Shankar, 2019)

⁶ (Chen, 2020)

⁷ (United Nations Conference on Trade and Development, 2020)

pace of change positions Hamilton as a prime location for investment and opportunities to scale-up local businesses.



Focusing on life sciences

Hamilton possesses the potential to lead Canada's national life sciences ecosystem and attract increased national and international. Hamilton's life sciences sector further presents an opportunity to support innovation, economic growth, equity, diversity, and inclusion in the region. The objective of this strategy is to enable sector growth by leveraging Hamilton's successful track record in the life sciences sector, identifying strategic opportunities, and showcasing the city's value proposition.

This strategy offers an actionable roadmap for growing the sector. It builds on Hamilton's past and recent successes in the life sciences sector. Actions to drive the strategy, along with key performance indicators (KPIs) to track results, are included to operationalize the strategy. Each section in this document further defines a key component of the overall strategy. Additional information, including an overview of Hamilton's life sciences sector profile, can be found in Appendix B.



Strategy for growing Hamilton's life sciences sector

Successful strategies start with a clear vision for the future. For Hamilton, this vision is to be Canada's leader in life sciences research and commercialization – with a focus on key subsectors such as nuclear medicine, digital health, infectious diseases, biomanufacturing, and medical devices. This vision draws on Hamilton's long-standing history of research and development which has been supported by key organizations such as McMaster University and Hamilton Health Sciences. Further, this vision focuses on leveraging expertise and opportunities that exist in key subsectors and looks to capitalize on the emergence of key, high potential start-up companies primarily in the Hamilton area.

Based on the current state of Hamilton's life sciences ecosystem, including the local, national, and international landscape, focus is required on the areas (or 'strategic pillars') which present the greatest opportunities for sustained growth. The strategic pillars for growing Hamilton's life sciences sector include: developing resources and programs to enable life sciences companies to scale-up; strengthening and promoting Hamilton's life sciences brand; and developing and undertaking a targeted investment attraction approach.

The strategic pillars are supported by a set of tactical actions aimed at achieving the desired outcome of each pillar and the overarching vision. The strategy will ultimately be led by the City of Hamilton and supported by the Synapse Consortium (Synapse). Synapse, as a not-for-profit regional cluster organization for the life sciences sector in Hamilton, plays a central role in promoting the sector by supporting related initiatives, projects, and the acceleration of commercialized life science

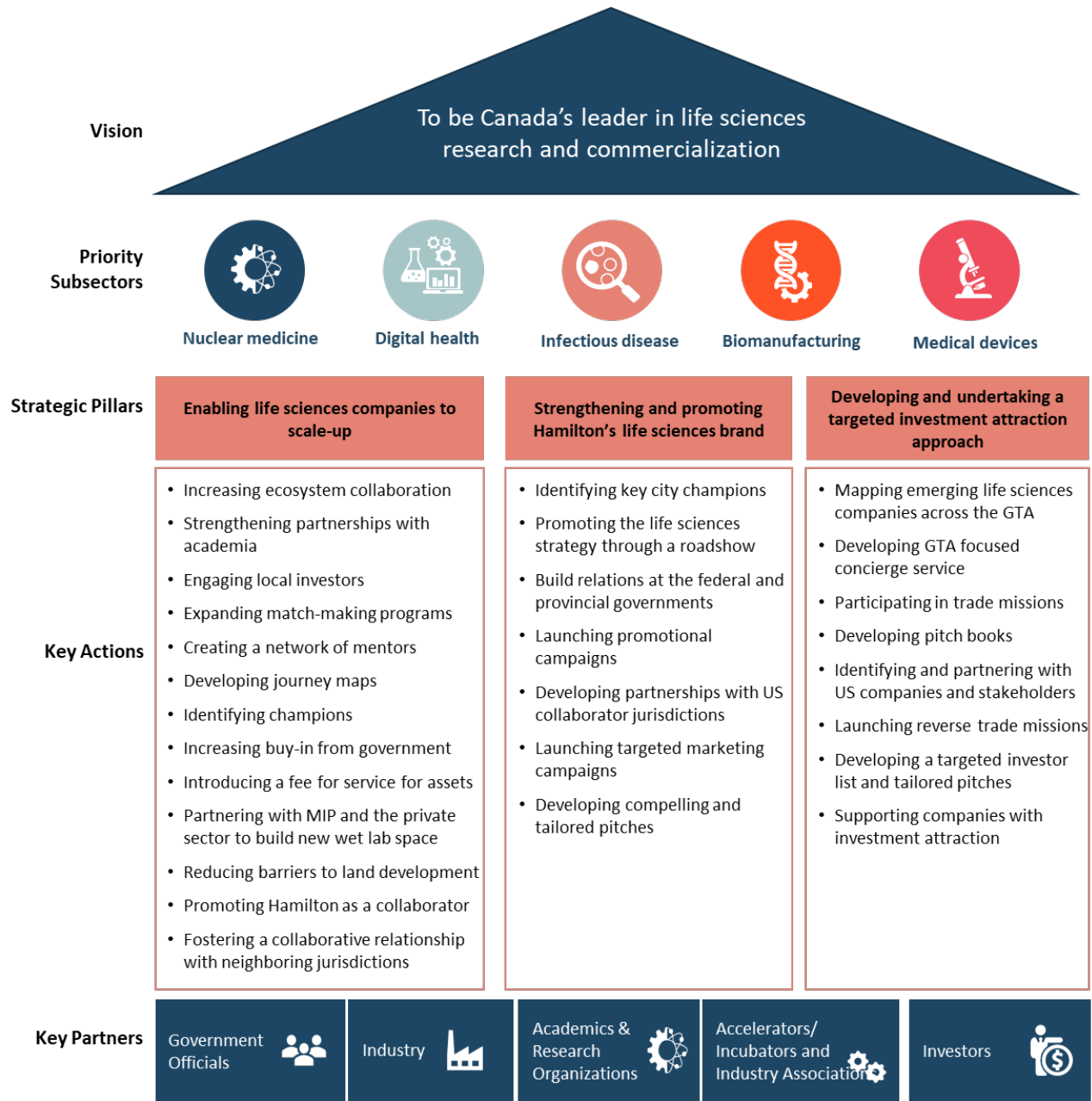
innovation.⁸ Synapse partners include Bay Area Health Trust, Hamilton Health Sciences, St. Joseph's Healthcare, Hamilton Chamber of Commerce, Hamilton Economic Development, McMaster University, Mohawk College, McMaster Innovation Park, and Innovation Factory.

The strategy needs to also be supported by key partners in and around the ecosystem to ensure successful execution. These partners include stakeholders across government, industry, academia and research organizations, accelerators/incubators, and industry associations.

Collectively, each of these elements – including the vision, priority subsectors, strategic pillars, key actions, and key actors – comprise the strategy for growing Hamilton's life sciences sector. These elements are presented in *Figure 1* below and are further discussed later in this document.

⁸ (Synapse, About Synapse, 2018)

Figure 1: Summary of Hamilton's Life Sciences Strategy

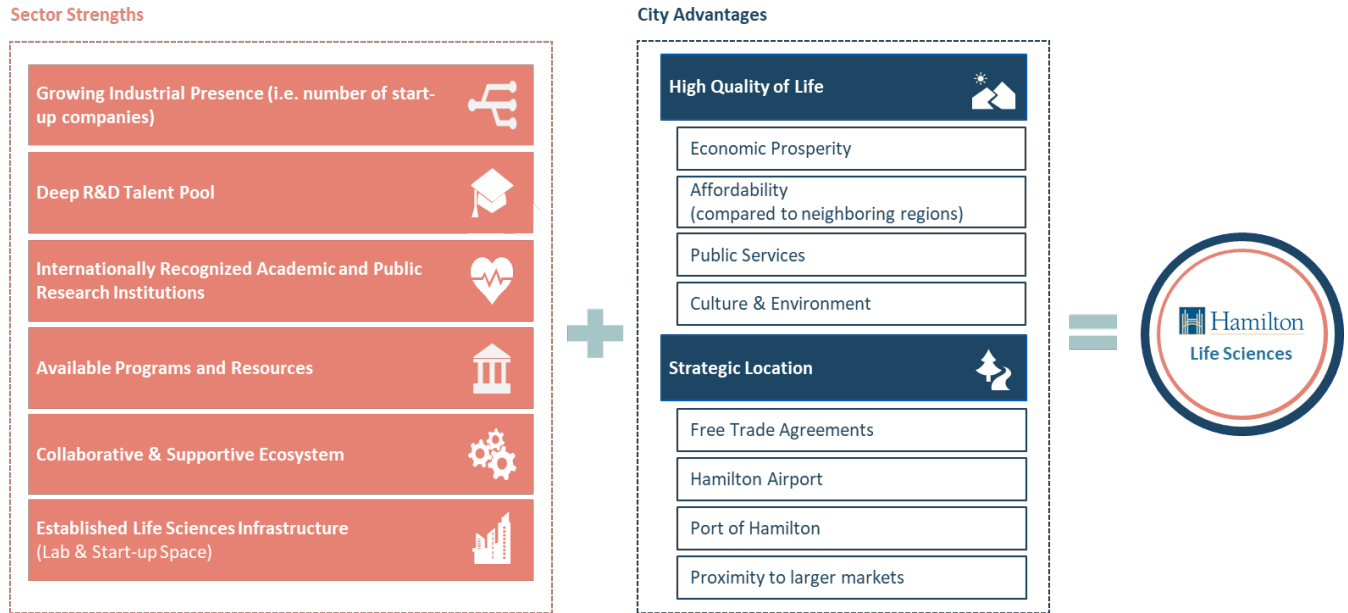


Hamilton's advantages and strengths

Successful sector strategies emphasize competitive advantages and opportunities for growth in local/regional, national, and international markets. Hamilton's life sciences advantages and strengths are summarized in *Figure 2* below. Additionally, highlighting the benefits of living in

Hamilton, alongside opportunities within the life sciences sector is an important part of Hamilton’s value proposition.

Figure 2: Hamilton’s Advantages and Strengths



To help ensure differentiation, regions which successfully support sector growth commonly concentrate their efforts and resources on areas where they have unique strengths. This includes focusing on a select number of subsectors where the region has a competitive advantage and where national and international growth opportunities exist in the near and long-term. Based on research, consultation with stakeholders, and analysis, the key subsectors in Hamilton include:

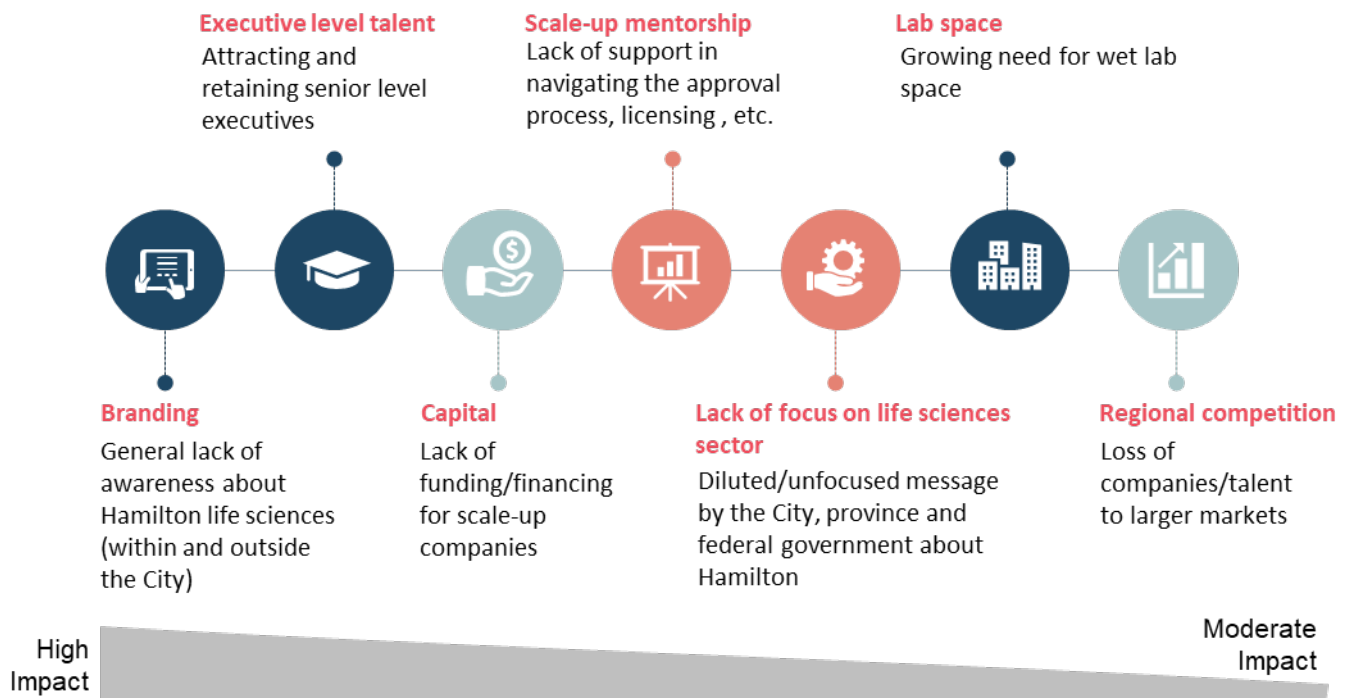




Key challenges creating barriers for accelerated growth

The city undertook a current state assessment of the life sciences sector that included extensive stakeholder consultation and in-depth research and analysis to identify challenges impacting its ability to grow. To enable growth, the city and key partners will need to work and collaborate with key stakeholders to overcome these challenges, including:

Figure 3: Key Challenges Limiting Growth



Unlike other sectors, return on investment in life sciences has a longer time horizon. Between research and development (R&D) timelines, the regulatory approvals process and commercialization, returns on investment can take years to be realized. Thus, the city must account for this longer time horizon when addressing both current and future challenges and opportunities. Long-term commitment to growth is imperative for a sustainable ecosystem to be realized.

As part of the analysis for this strategy, a short, medium, and long-term lens was applied to help ensure successful growth of life sciences sector. To move from strategy to action, the city will need to prioritize its efforts and resources. These priority actions and the actors required to support successful execution are further outlined in the Implementation Roadmap section of this document.



02

Hamilton's Life Sciences Subsectors

Hamilton's Life Sciences Sector is Well Positioned for Growth in Priority Subsectors

The life sciences sector is comprised of key subsectors, each with a unique set of requirements for growth. Some subsectors, such as medical devices and biomanufacturing, rely heavily on infrastructure including factories and distribution networks to get products to market. Other subsectors, including digital health can have a higher reliance on innovative technologies. Given the diversity of subsectors and associated requirements for each, it is important that cities identify their key subsectors to focus their efforts and resources. Each subsector identified below provides an opportunity for the City of Hamilton to draw on its strengths and grow the overarching life sciences ecosystem.

The five key subsectors identified for prioritization are:



These subsectors include areas where Hamilton either has the presence of a strong base to draw from (such as emerging start-ups/scale-ups), or unique assets which can help distinguish the city from key competitors domestically – including Montreal, Toronto, London, Quebec City and Vancouver. Focus was placed on competitor jurisdictions that are often considered by investors when looking to expand into the life sciences sector. These subsectors have potential short-term and long-term growth projections.

The following provides an overview of each of the identified subsectors. This includes an overview of global and Canadian growth trends and opportunities, and Hamilton's strengths within each subsector.



Nuclear Medicine

Definition

Nuclear medicine refers to procedures that use small amounts of radioactive materials to diagnose and treat patients.⁹ Nuclear medicine consists of three different branches: medical isotopes, nuclear imaging, and radiation.

- Medical isotopes – use radioactive substances to diagnose, characterize and treat disease.¹⁰ Two of the most common medical isotopes include:
 - Molybdenum-99 (Mo-99) – Technetium-99m is derived from Mo-99 and accounts for 82% of diagnostic imaging procedures; and
 - Iodine-131 (I-131) – used for diagnosing and treating thyroid cancer and hyperthyroidism.¹¹
- Nuclear imaging – similar to x-rays, nuclear imaging enables in-depth examinations into internal organs that cannot be achieved through x-ray by injecting patients with isotopes.¹²
- Radiation therapy – where doses of radiation damage targeted cells so that they can no longer reproduce and are destroyed.¹³

Global Trends

Nuclear medicine is a growing area of life sciences, where it is projected to:

- Reach CAD \$9.5 billion by 2026, up from CAD \$6.1 billion in 2021 globally;¹⁴ and
- Experience a compound annual growth rate (CAGR) of approximately 9% through to 2026.¹⁵

Growth is primarily attributed to an increasing prevalence in treatable ailments due to:

- Aging populations in developed economies; and
- Stronger diagnostic and treatment capacity in emerging economies.¹⁶

Growth in this subsector poses an opportunity to leverage Hamilton's competitive advantage as the leading life sciences cluster in Canada with nuclear reactor output, research, and diagnostic testing capacity.

⁹ (John Hopkins Medicine, 2021)

¹⁰ (Canadian Nuclear Isotope Council (CNIC), n.d.)

¹¹ (Natural Resources Canada (Government of Canada), 2020)

¹² (John Hopkins Medicine, 2021)

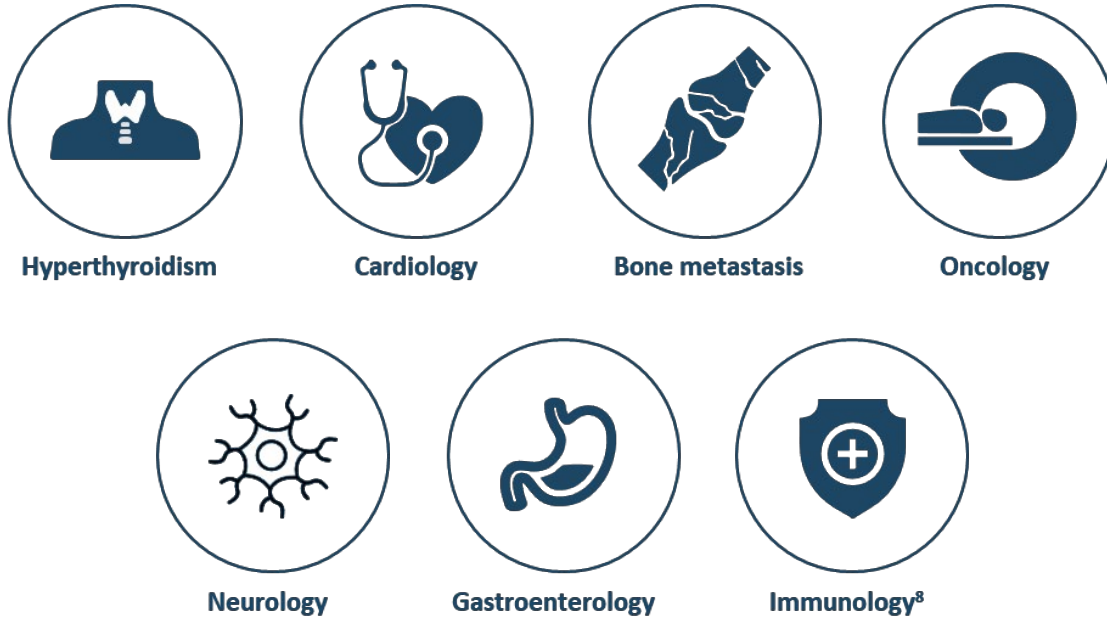
¹³ (Natural Resources Canada (Government of Canada), 2020)

¹⁴ (Global News Wire, The global nuclear medicine market, 2021)

¹⁵ (Markets and Markets, 2020)

¹⁶ (Global News Wire, Global Oncology Market Forecast 2023, 2020)

Nuclear medicine can be applied for treatment and diagnostics in the following areas:



The subsector is seeing a shift away from a ‘one-size-fits-all’ approach, to increasingly focusing on precision/personalized medicine to ensure patients are receiving specific care in relation to their unique biological makeup.¹⁷

Canadian Trends

Canada is well known internationally for its expertise in nuclear research and technology. Canada’s entry into nuclear medicine began in 1951, where the world’s first cancer treatment using radiation was conducted in Ontario.¹⁸ Today, Canada is a key supplier of medical isotopes, such as cobalt-60 and iodine-125.¹⁹ Cobalt-60 is used in 70% of cancer therapies that use radiation. Canadian exports of Cobalt-60 have helped provide more affordable cancer care treatments to 10 million individuals worldwide.²⁰

Additionally, McMaster University makes notable contributions to Canada’s research and medical isotope production. The McMaster Nuclear Reactor, a 5MW multi-purpose reactor, is Canada’s most powerful research reactor and the country’s only major neutron source.²¹

Hamilton’s Strengths

Within Canada, Hamilton is a nuclear medicine epicenter, housing key assets, such as specialized hot cell labs and the reactors, that are capable of producing products and conducting research that are impossible in most other jurisdictions globally. These features leave Hamilton well positioned

¹⁷ (Cardinal Health, 2019)

¹⁸ (Canadian Nuclear Isotope Council (CNIC), n.d.)

¹⁹ (Natural Resources Canada (Government of Canada), 2020)

²⁰ (Canadian Nuclear Isotope Council (CNIC), n.d.)

²¹ (McMaster University, 2021)

to take advantage of subsector growth and bolster its life sciences industry from investments into research and industry.

Hamilton's assets consistently demonstrate leading-edge scientific output, where many of the city's established institutions and programs are focused on research and treatment of patients with unmet needs. This includes the Stem Cell and Cancer Research Institute that is further enhanced by its collaborations and access to the nuclear reactor at McMaster University.

The nuclear reactor is one of only a few global suppliers of iodine-125. The reactor typically produces and exports about 60% of the world's iodine-125 supply²² – enough for approximately 70,000 treatments per year.²³ Stakeholder interviews frequently cited the nuclear reactor as a major attractor and enabler of life sciences R&D.

Hamilton is an increasingly favoured destination for nuclear therapeutic companies, which have nearly tripled in number since 2016.²⁴ These companies have continued to experience successful growth over time – the most notable being Fusion Pharmaceuticals Inc. The company, which is located at McMaster Innovation Park, saw the second largest IPO for a Canadian biotechnology start-up, with CAD \$271.3 million raised (following a CAD \$58.9 million Series A and CAD \$134.4 million Series B raise), and is the Canada Pension Plans Investment Board (CPPIB) first direct investment (\$20 million) into a Canadian biotechnology firm.²⁵

²² (Canadian Nuclear Association, 2015)

²³ (McMaster University, 2019)

²⁴ Synapse Data

²⁵ Synapse Data



Digital Health

Definition

Digital Health refers to the intersection of healthcare and technology. Digital Health encompasses a range of traditional and emerging technologies.

Traditional technologies include:

- Electronic health records – that collect, store, and analyze patient data; and
- Telehealth systems – that remotely connect patients with practitioners.

Emerging technologies include:

- Blockchain – a decentralized database that records the transactions of assets, with applications in healthcare relevant to patient data, clinical trials, healthcare supply chains, etc.;²⁶
- Machine Learning (ML) – using machines and algorithms to interpret imaging data and identify suspicious spots or identifying difficult to diagnose diseases;²⁷
- Artificial intelligence (AI) – with advanced software capable of diagnosing patients, suggesting treatments plans, and interacting with patients; and
- Extended reality (virtual and augmented reality) – that can provide patients with mental wellness treatments and enable practitioners to perform remote procedures.

Global Trends

Globally, this subsector is seeing significant growth due to strong investor confidence and perceived investment opportunities.²⁸ The COVID-19 pandemic will intensify subsector growth by demonstrating the benefits of health technologies to both patients and care providers.

- Global market size is estimated to be over CAD \$128 billion;²⁹
- Global spending on digital health is projected to represent 8% of all healthcare expenditures by 2030, from 3% currently;³⁰ and
- Funding for digital health companies rose by 72% since 2018, amounting to CAD \$17.9 billion invested across 440 deals.

The digital health technologies listed above are revolutionizing the way in which patients are receiving treatment. Digital health services are providing patients with more personalized treatment which is ultimately more effective and improves the overall patient experience. Services such as Electronic Health Records and blockchain collect, store, and analyze patient data, which assists healthcare practitioners with diagnosis as well as enabling them to create tailored treatment

²⁶ (Badr, 2019)

²⁷ (Sarkar, 2020)

²⁸ (Accenture, 2021)

²⁹ (Popliger & Lakhdar, 2020)

³⁰ (Bomba, Chan, Heine, Lakhdar, & Popliger, 2020)

plans based on the unique needs of the patient. Widespread patient data collection can also be leveraged to track health trends and explain, influence or predict health related outcomes.

Additionally, digital health services are enabling patients to be more involved in the provision and management of their own treatment. Through self-health monitoring and mobile-based healthcare, patients can track activities related to their healthcare management – from daily exercise to eating habits. Applicable technologies include:

- Wearables that monitor vitals and inform patients through user friendly systems; and
- Assistive devices/systems such as hearables.

The adoption of these technologies has led to an increase in consumer and patient demand for value-added services, improved communication, and better channels of engagement with healthcare providers.³¹

Canadian Trends

The digital health subsector in Canada is experiencing similar trends to those that have been occurring globally.

- The Canadian digital health market is estimated to be valued at around CAD \$5.1 billion;³² and
- Canada has a strong ecosystem of digital health start-ups, which managed to collectively raise over CAD \$1.2 billion in venture capital funding in the first half of 2020.³³

Demand for digital health services in Canada has increased substantially since the COVID-19 pandemic, where a survey conducted by the Canadian Federal Competition Bureau in December 2020 revealed that 72% of Canadians now obtain medical advice from healthcare providers by phone and 42% access websites, mobile applications, or interactive online tools and services. Canadians are increasingly looking to receive treatment from their family doctors and specialists via telephone or virtual means.³⁴ These trends are further supported by the Government of Canada through investments in programs such as the Canadian Technology Accelerator which helps Canadian businesses focused on life sciences, digital technologies and cleantech.³⁵

Hamilton's Strengths

Although Hamilton does not have the same abundance of large innovative multinational companies like Toronto or Montreal, the city offers businesses an environment that is highly conducive to growth. With the recent advancements in digital health technology and accelerated adoption due to the COVID-19 pandemic, businesses aiming to enter this subsector benefit from being located in Hamilton with features such as:

- A strong, diverse talent pipeline with over 28,000 STEM students at McMaster University³⁶ and Mohawk College³⁷;
- Talent pool required to support a robust research environment with focused researchers;

³¹ (Capgemini, 2018)

³² (Popliger & Lakhdar, 2020)

³³ (Popliger & Lakhdar, 2020)

³⁴ (Government of Canada, Digital Health Services Survey: What We Heard from Canadians, 2021)

³⁵ (Government of Canada, Digital Health - Canadian Technology Accelerator, 2021)

³⁶ (McMaster University, 2019)

³⁷ Data provided by Synapse Consortium

- Resources and infrastructure that supports digital health research (e.g., mHealth & eHealth Development and Innovation Centre (MEDIC) at Mohawk and Centre for Data Science and Digital Health (CREATE) at HHS); and
- An existing ecosystem of innovative start-ups.

The digital health talent pipeline in Hamilton includes graduates specifically trained to work in the digital health subsector through Canada's only graduate program in e-Health at McMaster University. The program is designed to build capacity around digital health informatics. Additionally, Mohawk College offers programs that provide extensive hands-on learning opportunities related to technology that can be applied to digital health.

Further, Hamilton's healthcare ecosystem offers significant opportunity for research collaboration, which has been beneficial to digital health companies and resulted in innovative discoveries. For example, Hamilton-based company Adapsyn uses an algorithm to evaluate potential new drug compounds through meta-analysis of organic materials. Furthermore, the mHealth & eHealth Development and Innovation Centre (MEDIC) at Mohawk College conducts digital health applied research, provides advanced skill development services and leads development of electronic medical records (EMR);³⁸ while the Centre for Data Science and Digital Health (CREATE) team at HHS was launched in 2020 with experts in artificial intelligence, data sciences and software engineering.³⁹ SanteSuite, an immunization management system, is a spinoff from technology developed at MEDIC.

Lastly, industry development has been strong with the emergence of start-ups focused on digital health organizations and services. The number of digital health entities in Hamilton has tripled since 2016.⁴⁰ As identified through stakeholder interviews, digital health start-ups are focused on areas such as increasing healthcare service delivery efficiency, leveraging digital health as a means of addressing ageing-related challenges and reducing pressures on the healthcare system. There are a number of institutes and labs in addition to the ones listed above, focused on addressing aging-related health issues in Hamilton, including:

- Labarge Centre for Mobility in Aging;
- Canadian Longitudinal Study on Aging;
- Geriatric Education and Research in Aging Sciences Centre;
- Gilbrea Centre for Studies in Aging;
- McMaster Institute for Research on Aging;

Coupled with industry supports within the ecosystem, through local accelerators and incubators, the digital health subsector in Hamilton is well positioned for future growth.

³⁸ (Mohawk College, mHealth & eHealth Development and Innovation Centre (MEDIC), n.d.)

³⁹ (Hamilton Health Sciences launches advanced IT group, 2020)

⁴⁰ Source: Synapse Data



Infectious Diseases

Definition

Infectious diseases refers to combatting diseases that are spread through direct or indirect contact. Infectious diseases are microscopic organisms such as bacteria, viruses, fungi, or parasites and include a wide range of sicknesses such as:

- COVID-19;
- Chicken pox;
- Diphtheria;
- HIV/AIDS;
- E. coli;
- Lyme disease;
- Pneumonia; and
- Influenza.

Global Trends

Infectious diseases have been and will continue to be an area that is highly prioritized by governments and research institutions all around the world. This subsector is wide-ranging and can include anything from assessing the efficacy of influenza vaccines for patients with different conditions, to reducing the threat of a biological terrorist attack (e.g., the US government's Biological Warfare Defense Program).⁴¹ Spending on infectious diseases has skyrocketed since the COVID-19 pandemic. Global spending on COVID-19 research reached CAD \$6.4 billion in January 2021,⁴² while spending on COVID-19 vaccines is projected to reach CAD \$201.2 billion by 2025 (\$67.8 billion in 2021, \$65.3 billion projected in 2022, and \$29.4 billion projected in 2023).⁴³ When looking forward, the cost of preventing future pandemics globally is much less than the economic cost of the disruption caused. The economic disruption caused by COVID-19 could cost more than CAD \$20.5 trillion. The cost to prevent the next pandemic would mean spending CAD \$108.9-\$166.6 billion over the next two years, and CAD \$25.6 -\$64.1 billion annually after that.⁴⁴

Global infectious disease R&D had already been experiencing steady growth before the COVID-19 pandemic. Emerging infectious diseases research spending grew on average by approximately 6.9% annually over the past two decades.⁴⁵ G20 countries alone spent over CAD \$133.2 billion between 1999 and 2017. This funding was spent on research related to:

- HIV/AIDS (receiving 40.1% of the funding);
- Tuberculosis (6.7%);
- Malaria (5.3%);

⁴¹ (Riedel, 2004)

⁴² (OECD, 2021)

⁴³ (IQVIA Institute, 2021)

⁴⁴ (McKinsey & Company, Not the last pandemic: Investing now to reimagine public-health systems, 2021)

⁴⁵ (The Elsevier Community, 2020)

- Influenza (4.2%);
- Pneumonia (3.3%);
- Ebola virus (1.1%);
- Zika virus (0.3%); and
- Coronavirus pre-pandemic (0.5%).⁴⁶

Most of the funding was allocated to pre-clinical research studies (receiving 58%), awards and public health research (28%).⁴⁷ The primary focus of this R&D includes developing new prevention and control strategies, as well as ensuring the maintenance of research and training infrastructure.

Canadian Trends

Canada is home to globally recognized infectious diseases centres. This includes the Institute for Infection and Immunity, National Collaborating Centre for Infectious Diseases, Canadian Foundation for Infectious Diseases, and various centers within hospital research institutes.

In light of the COVID-19 pandemic, the Government of Canada increased funding supports for infectious disease research. These supports include a CAD \$2.4 million grant available to infectious disease researchers from Canadian universities,⁴⁸ and a CAD \$10 million investment to launch five multidisciplinary infectious disease modelling networks.⁴⁹

Funding for infectious diseases is likely to stay at elevated levels for years following the pandemic, as has been the case for previous outbreaks in recent years (SARS in 2002, H1N1 in 2009, MERS in 2012, Ebola in 2014, and Zika in 2015).⁵⁰

Hamilton's Strengths

Hamilton is a leading jurisdiction in Canada for work related to infectious diseases. The subsector in Hamilton benefits from a large and highly educated talent pool, as well as numerous globally and nationally leading research centres. Hamilton research centres include:

- McMaster Immunology Research Centre – a nationally leading health sciences research centre that specializes in infectious diseases and vaccines, among other research areas. The centre occupies approximately 45,000 square feet of lab space with a biosafety level 3 lab, a GMP facility that develops immunotherapies, and a flow cytometry facility.
- Population Health Research Institute (PHRI)– a world leading research group in large clinical trials and population health studies that is supported by McMaster University and Hamilton Health Sciences.
- Michael G. DeGroote Institute for Infectious Disease Research – a world-leading infectious diseases centre that was established in 2007 and has over 30 principal investigators and 2,000 trainees.

Given these features, research centres and the relevant government programs related to infectious diseases that are available, Hamilton is well positioned to leverage the enhanced interest around infectious diseases following the pandemic and attract investment and research initiatives.

⁴⁶ (Head, Brown, Newell, & Scott, 2020)

⁴⁷ (Head, Brown, Newell, & Scott, 2020)

⁴⁸ (Rodgers, 2021)

⁴⁹ (Government of Canada, Government of Canada invests in infectious disease modelling networks, 2021)

⁵⁰ (The Elsevier Community, 2020)

Hamilton credibility with working on infectious diseases by demonstrating important R&D abilities during the onset of the COVID-19 pandemic when collaboration between academia and practitioners at St. Joseph's Healthcare, Hamilton. Called McMaster's HealthLabs, this initiative among doctors and scientists to generate scientific data and provide testing and surveillance for infectious diseases.

Hamilton's efforts during the pandemic were made possible in part by the city's large and highly educated talent pool that is supported by departments within McMaster University including:

- Faculty of Health Science, Department of Medicine, Division of Infectious Diseases;
- Department of Pathology and Molecular Medicine;
- Michael G. DeGroot Institute for Infectious Disease Research;
- Department of Biochemistry and Biomedical Sciences;
- Department of Health Research, Evidence, and Impact, and;
- Hamilton Regional Laboratory Medicine Program at Hamilton Health Sciences.

This increased activity in research and the overall talent pool across Hamilton paired with the global trend to find means of reducing and eliminating infectious diseases, presents an opportunity for Hamilton grow the sector and attract investments.



Biomanufacturing

Definition

Biomanufacturing is a process that uses complete living cells or their components (e.g., bacteria, enzymes, chloroplasts) to create products such as vaccines, antibiotics, and monoclonal antibodies. Products are made from either mammalian-based organisms or microbial and other non-mammalian organisms (e.g., plant and insect expression systems).⁵¹

Global Trends

The biomanufacturing subsector has experienced consistently strong growth over the past 20 years and is forecasted to remain strong into the future.

- Annual global growth has averaged 12% in the last 20 years and is expected to remain at similar levels into the future.⁵²
- The subsector is forecasted to reach a value of CAD \$54.8 billion globally by 2029.⁵³

The US still dominates the international biomanufacturing landscape – with the country seeing over CAD \$512 billion in annual drug sales and an approximate capacity of 30% of global manufacturing.⁵⁴

The majority of biomanufacturing is dedicated to mammalian-based organisms – which represents over 70% of worldwide biomanufacturing capacity.⁵⁵ The subsector is dominated by a few large processing facilities, where 10 facilities comprise approximately 40% of global capacity and 100 facilities comprise 75%.⁵⁶

The COVID-19 pandemic has increased investment into biomanufacturing from governments, private-sector companies, and nonprofit organizations to boost capacity and launch new products. More than 215 novel and repurposed therapies were in the pipeline for COVID-19 by spring of 2020.⁵⁷ Nonetheless, the increased focus on COVID-19 has left non-pandemic related activities unaffected.⁵⁸ The COVID-19 pandemic has also prompted biomanufacturing companies to bolster their domestic and regional supply chains as opposed to outsourcing. This comes as a shift in the previously dominated trend of heavily focusing on outsourcing.⁵⁹

Canadian Trends

While the Canadian biomanufacturing subsector demonstrates a strong ability to develop new biologics (i.e., biomanufacturing products), the country lacks the manufacturing capacity to support

⁵¹ (DCAT Value Chain Insights, 2020)

⁵² (Rader, Langer, & Jhamb, 2020)

⁵³ (GlobalNewswire, 2020)

⁵⁴ (Nature Biotechnology, 2019)

⁵⁵ (DCAT Value Chain Insights, 2020)

⁵⁶ (DCAT Value Chain Insights, 2020)

⁵⁷ (Rader, Langer, & Jhamb, 2020)

⁵⁸ (Rader, Langer, & Jhamb, 2020)

⁵⁹ (Rader, Langer, & Jhamb, 2020)

development. The Canadian biologics sector is valued at around CAD \$12 billion and projected to grow by 5.8% CAGR through to 2025.⁶⁰

The limited availability of large-scale biomanufacturing facilities in Canada has resulted in only a small number of foreign companies considering Canada as a destination for outsourcing. According to industry surveys conducted by the biomanufacturing consulting firm BioPlan, only 9% of biomanufacturing companies viewed Canada as a likely destination for outsourcing, whereas 25.5% viewed the US as a likely destination.⁶¹

To help combat this challenge, the Government of Canada is attempting to boost domestic biomanufacturing capacity. In 2021, the federal government launched the Biomanufacturing and Life Sciences Strategy that committed an investment of CAD \$2.2 billion over seven years into the subsector.⁶² Additionally, since the outbreak of the COVID-19 pandemic, the Government of Canada has invested more than CAD \$1.2 billion in 28 COVID-19 domestic biomanufacturing, vaccine and therapeutics projects.⁶³ While nine of the projects were in Ontario, none were in Hamilton. The Federal Government's increased focus on space and Hamilton's manufacturing history and capabilities present an opportunity for Hamilton to grow its biomanufacturing sector.

Hamilton's Strengths

Hamilton's post-secondary institutions and related programs offer a strong talent pool which can help further build the manufacturing subsector. For example, McMaster University has partnered with Sartorius, a global leader in biomanufacturing, to study ways to improve manufacturing processes of antibody and virus-based treatments.

Biomanufacturers would additionally benefit from building and land costs that are comparatively cheaper than those of Toronto – with the average R&D tangible products facility costing CAD \$6.48 per square foot in Hamilton, versus CAD \$9.06 per square foot in Toronto.⁶⁴

Hamilton's history as a manufacturing hub also provides unique infrastructure assets that are absent in many other Canadian jurisdictions. Biomanufacturers can utilize these assets either through repurposing or conversion of previous manufacturing assets. This was demonstrated during the COVID-19 pandemic when existing manufacturing capabilities were leveraged to provide critical personal protective equipment (PPE) – such as The Centre of Excellence in Protective Equipment and Materials (CEPEM) which helps Canadian companies with design, research, development and scale up manufacturing.

Lastly, there are efforts currently underway in Hamilton to build out infrastructure that would help meet capacity needs. There has been a growing need and identified gap of more biotechnology infrastructure, including scale-up space. McMaster Innovation Park (MIP) is Canada's premier research and innovation park that supports start-ups, businesses and research through coworking space, with large growth plans.⁶⁵ MIP has begun addressing this gap through its announcement of establishing a Bio-Manufacturing Campus (BMC), created in partnership with the Centre for the

⁶⁰ (Lier, 2021)

⁶¹ (Lier, 2021)

⁶² (Government of Canada, The Government of Canada announces biomanufacturing and life sciences strategy, 2021)

⁶³ (Government of Canada, Biomanufacturing: Projects underway, 2021)

⁶⁴ (KPMG, 2021)

⁶⁵ (McMaster Innovation Park, n.d.)

Commercialization of Regenerative Medicine (CCRM). This initiative will create a new facility that specializes in the commercial production of cells and viral vectors that are used for regenerative medicine.⁶⁶

By successfully leveraging and building the qualities listed above, Hamilton has strong potential to attract significant investments and become a national leader in biomanufacturing.



Medical Devices

Definition

Medical devices are equipment used to diagnose, treat, mitigate, or prevent ailments.⁶⁷ Medical devices generally require regulatory approval from government agencies (e.g., FDA, Health Canada) before they can be used.

Global Trends

Technological innovation in the medical device subsector is leading to robust growth with strong investor confidence and perceived investment opportunities. Additionally, aging populations and economic expansion in emerging markets are driving growth even further. Emerging markets are especially attractive to medical device manufacturers due to their growth potential and less complex regulatory frameworks.⁶⁸

- The medical devices subsector is projected to grow from CAD \$582.7 billion in 2021 to CAD \$842.7 billion in 2028, at a CAGR of 5.4%.⁶⁹

As of 2019, the key global business segments of this sector include:

- Diagnostic imaging (e.g., MRI, CT-scan) with 23% of the market;
- Consumables (e.g., syringes, needles, tubing, catheters, adhesives and sealants, etc.) with 17%;
- Patient aids (e.g., hearing aids and pacemakers) with 13%;
- Orthopedic products with 12%;
- Dental products with 8% and
- All other equipment with 28%.^{70 71}

Innovations in the subsector have led to widespread adoptions of numerous new technologies in healthcare. Technologies such as augmented reality and virtual reality are now commonly used in patient care (e.g., remote procedures and mental health treatment) and healthcare training. Biosensors that monitor patients' wellbeing can better predict the possibility of worsening

⁶⁶ (Paterson, 2021)

⁶⁷ (Government of Canada, Medical devices, 2021)

⁶⁸ (Government of Canada, Medical Devices: Industry Profile, 2021)

⁶⁹ (Fortune Business Insights, 2020)

⁷⁰ (Government of Canada, Medical Devices: Industry Profile, 2021)

⁷¹ Note: the numbers do not add up to 100% due to rounding

conditions and monitor the impact of clinical interventions,⁷² while advancements in 3D printing are improving prosthetic limbs and bioprinting of medication and organs.⁷³

Canadian Trends

The subsector in Canada is valued at CAD \$9.3 billion, about 1.8% of the total global medical devices market.⁷⁴ While the national subsector includes innovative small Canadian-owned firms, it is largely dominated by foreign-owned companies.⁷⁵ Similar to global markets, Canada's subsector is heavily diversified across a number of different products. Specifically, Canada's medical devices subsector:

- Has the eighth largest market in the world;⁷⁶
- Saw CAD \$5.5 billion in exports in 2019;⁷⁷
- Includes 727 businesses in Canada that operate in the subsector;⁷⁸ and
- Employees 17,065 individuals.⁷⁹

The Government of Canada also supports the subsector through numerous programs that are available to domestic companies. These programs include the National Research Council's Industrial Research Assistance Program that helps companies develop and commercialize technologies, and the Canadian Scientific Research and Experimental Development tax incentive program that subsidizes firms conducting R&D in Canada, among others.⁸⁰

Hamilton's Strengths

Within Canada, Hamilton has developed a robust medical device subsector capable of becoming a national leader with a large and highly educated talent pool, innovative start-up environment and available existing infrastructure. Programs at McMaster University and Mohawk College help support the development of the skills needed by the subsector, including Mohawk's Medical Device Reprocessing program. Additionally, the Institute for Applied Health Sciences Campus at Mohawk prepares students to become leading health care practitioners. A unique asset is the Centre of Health Care Simulation that provides the opportunity to test and expand our skills in more real-life settings. These programs are increasingly providing start-up/scale-up medical device companies the opportunities to partner with academic and research hospitals such as McMaster University, Mohawk College and Hamilton Health Sciences to commercialize products. Additionally, FedDev Ontario's investment of \$6 million to the Innovation Factory to the Southern Ontario Pharmaceutical and Health Innovation Ecosystem (SOPHIE), which is aimed at supporting and developing specialized pharmaceutical and health innovations to scale up companies represents a key win and investment in Hamilton.

Stakeholder discussions also highlighted the existing presence of medical device companies in the city. Specifically, the number of medical device entities in Hamilton has more than tripled since 2016. These companies have the opportunity to leverage existing manufacturing capabilities and

⁷² (Medical Design Briefs, 2021)

⁷³ (Advent Health University, 2020)

⁷⁴ (Government of Canada, Medical Devices: Industry Profile, 2021)

⁷⁵ (Government of Canada, Medical devices, 2021)

⁷⁶ (International Trade Administration, 2021)

⁷⁷ (Government of Canada, Medical Devices: Industry Profile, 2021)

⁷⁸ (IBIS World, 2020)

⁷⁹ (IBIS World, 2020)

⁸⁰ (Government of Canada, Medical Devices: Industry Profile, 2021)

distribution networks within Hamilton. For example, Stryker invested CAD \$128 million in building their Canadian headquarters in Hamilton to house their 235 local employees.

While COVID-19 disrupted Hamilton's medical devices subsector performance, there is optimism that growth will return and potentially surpass previous levels.



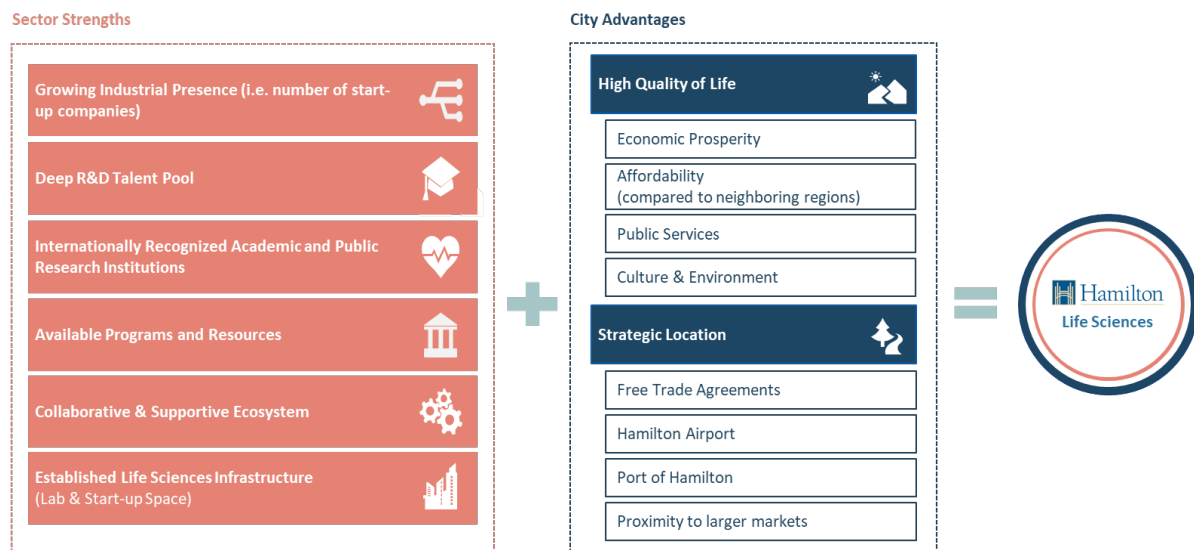
03

Key Strengths in Hamilton's Life Sciences Sector

Key Strengths in Hamilton’s Life Sciences Sector Make the City Primed for Investment

Growing Hamilton’s life sciences sector and attracting investment will require drawing on the city’s life sciences sector strengths and broader advantages. Hamilton’s sector strengths include the diversity of the talent pool, wide array of academic professionals, advancements in digital health technology and global company investment. Broader city advantages include a high quality of life and strategic location. Focus is also necessary on areas of competitive advantage to help the city stand out against competing jurisdictions. Further information on Hamilton’s life sciences ecosystem can be found in Appendix B.

Figure 4: Hamilton’s Strengths



Based on analysis of Hamilton’s life sciences sector profile, key subsectors and competitiveness, the following key areas of strength across the life sciences sector were identified:

Growing Industrial Presence

Hamilton has seen notable growth in life sciences start-ups over the last two decades. Supported by a growing number of resources and ecosystem, researchers and entrepreneurs alike are turning their innovations into services and products. Key successes, such as Fusion, Stryker, and Affinity Biologics (or others) are creating critical anchor life sciences companies that can help foster and grow the pool of start-ups.

Deep R&D Talent Pool

Hamilton has a deep talent pool focused on R&D. This is in part the result of STEM and specific programs for life sciences offered at McMaster University, Mohawk College, and Redeemer University. Combined with cutting edge research at HHS and St. Joseph’s Healthcare Hamilton (SJHH), and The Research Institute at St. Joe's Hamilton (RSJH), stakeholders highlighted the strong

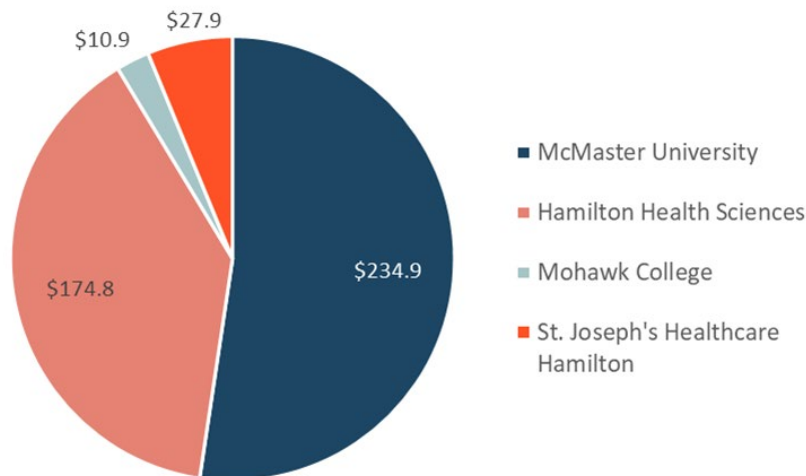
presence of highly skilled researchers which contribute to globally recognized research and innovations. Additionally, programs such as mHealth & eHealth Development and Innovation Centre (MEDIC) at Mohawk and Centre for Data Science and Digital Health (CREATE) at HHS help further build and foster the talent pool.

Internationally Recognized Academic and Research Hospitals

In addition to the presence of a deep talent pool, Hamilton is home to leading academic and research hospitals. These organizations employ leading researchers across the ecosystem, provide necessary programs, funding, and infrastructure to support scientific discovery and commercialization. Research centres include:

- McMaster Immunology Research Centre
- Population Health Research Institute (PHRI)
- Michael G. DeGroote Institute for Infectious Disease Research

Figure 5: 2020 Total Research Spend from Academic and Research Hospitals in Hamilton (in Millions)



As mentioned by stakeholders, Hamilton is seen as being a ‘one stop shop’ for R&D through a mix of programs and initiatives offered at research hospitals, the volume of clinical trials being performed, and applied research (e.g., testing and prototyping) across the city. Ecosystems with robust value chains have a higher likelihood of success and sustainability. Hamilton’s network provides an opportunity to create a relatively seamless value chain from scientific discovery to commercialization to distribution, supporting overall ecosystem growth.

Targeted Entrepreneurship and Commercialization Programs and Resources

Between MILO, MIP, Innovation Factory, and Bay Area Health Trust, The Forge (among others), start-ups located in the city are provided with critical supports to help establish and grow their companies. These programs have often served as a critical lifeline for new entrepreneurs starting their commercialization journey. For more information on these organizations, refer to Appendix B.

Academics and researchers looking to develop their innovative ideas often do not have the business background or acumen required to start and grow a company successfully. The programs help

bridge that gap by providing the necessary know-how and practical guidance – from how to create a business plan, to creating a pitch-book for potential investors.

Collaborative & Supportive Ecosystem

Collaboration and support across Hamilton’s life sciences ecosystem was raised by stakeholders as a key differentiator and a unique strength. While some challenges were raised (including siloes between certain organizations), stakeholders noted the invaluable support they received from key stakeholders, support organizations, including Synapse.

With the presence of an emerging number of start-ups, a collaborative and supportive ecosystem is critical for the success of many of these companies. The collaboration included partnerships between industry and academia, and research organizations. Stakeholders highlighted the ability to tap into the support network and access to key officials who could respond or direct their queries to the appropriate places.

Established Life Sciences Infrastructure

With research-intensive organizations present throughout the city, opportunities exist for Hamilton to increase its physical life sciences infrastructure capacity (albeit some challenges exist). Spaces such as MIP are dedicated to growing life sciences companies which spurs interest and investment. MIP owns over 35 acres of developable land with direct highway access and visibility, where ongoing development projects will eventually provide in the future, 2.5 million square feet of commercial laboratory and office space across 11 buildings.⁸¹ MIP is further developing infrastructure in support of sector growth with a focus on companies who have moved beyond the incubation phase.

⁸¹ (Invest in Hamilton, MIP Brochure, 2020)



04

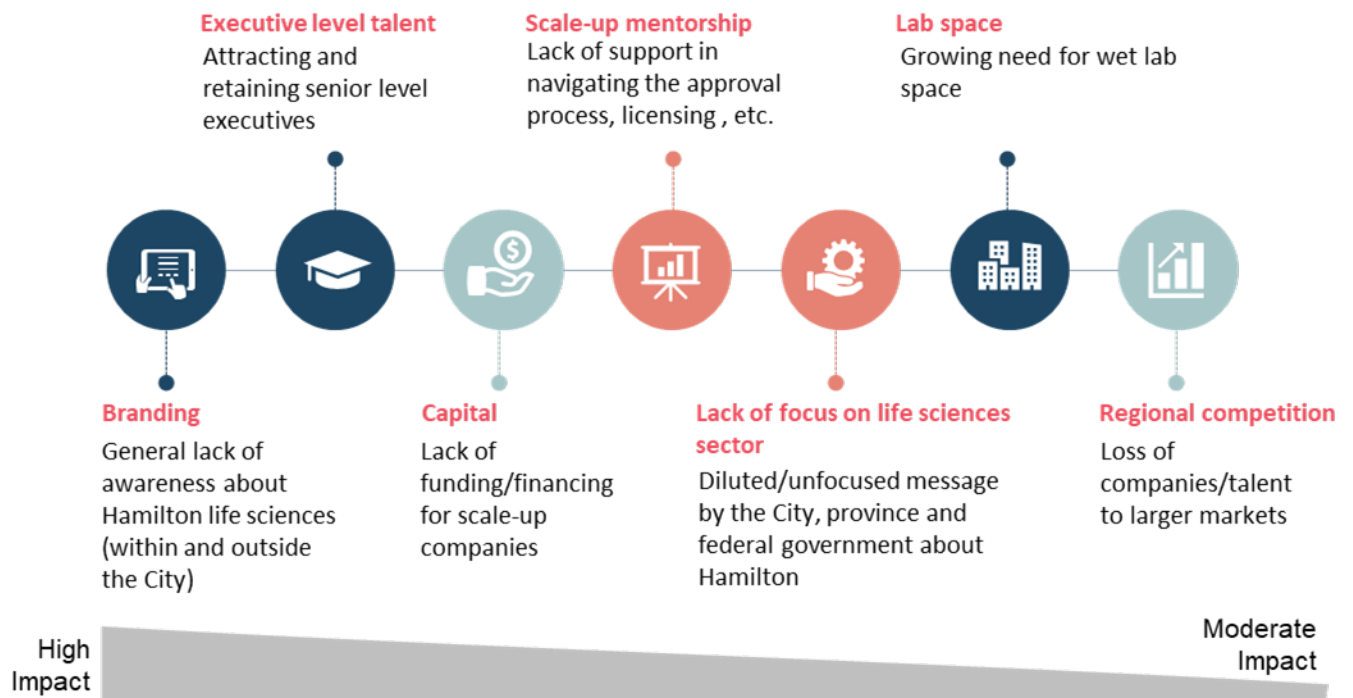
Key Challenges and Opportunities

Key Challenges Need to be Addressed to Enable Sector Growth

Growing Hamilton’s life sciences sector requires mitigating local challenges and roadblocks. While generally well positioned for growth, the analysis revealed several key challenges companies face (particularly scale-ups) within the ecosystem and roadblocks limiting investment attraction. Challenges with a high degree of impact are defined as those as the greatest impediment to sector growth.

The key challenges identified through stakeholder discussions and analysis limiting accelerated sector growth include:

Figure 6: Key Challenges Facing Hamilton’s Life Sciences Sector





Strengthening Hamilton's life sciences brand

Stakeholders highlighted a general lack of awareness about Hamilton's life sciences sector (within and outside the city). This includes a lack of knowledge about key assets, opportunities for growth and recent wins across the sector. While McMaster University is well known across the region, other assets or recent wins tend to fall under the radar for anyone not directly involved in Hamilton's life sciences sector. This is in part attributed to the persistent association of Hamilton as a 'steel town', and not a city with a growing life sciences sector.

The lack of awareness about Hamilton's life sciences further extends to outside of Canada. Start-up and scale-up companies noted that investors in the United States were unfamiliar with Hamilton, let alone the opportunities that exist within the life sciences sector. This lack of familiarity with the jurisdiction extends beyond the US to global investors who are often unaware of where Hamilton, or even Toronto, is located.



Attracting executive level talent

While Hamilton was observed to have a strong supply of life sciences talent, gaps were identified in the availability of executives and individuals with 5-8 years of experience. This includes individuals with a successful track record and skillsets required to grow start-ups into multi-million-dollar corporations. As companies look to scale-up, experience and executive skillsets are critical to help companies reach the next stage. Hamilton has excelled at attracting top tier talent within the STEM categories and needs to apply the same focus on creating a business environment conducive to attracting future business executives. A challenge for the city will be to create the number of executive level opportunities for business leaders. Challenges surrounding the attraction of executive-level talent were in part attributed to the perceived lack of opportunities across the sector. Should the initial employment opportunity not pan out in the short-term the individual may be needed to once again relocate to another jurisdiction.

Individuals with specialized skills in navigating the regulatory approvals process for life sciences products was also identified as a gap. With a growing number of start-ups in the city, the ability to successfully commercialize life sciences products and gain federal approvals is paramount.



Increasing access to capital

Entrepreneurs identified access to scale-up capital as a primary barrier to growth for start-ups. While not unique to jurisdictions across Canada, start-ups pointed to challenges in accessing capital within the city and Canada more broadly. Entrepreneurs across the city perceived Canadian investors to be more risk averse in their valuations of new companies and innovative products, impeding the ability of Canadian start-ups to raise the required investment for growth. Combined with lower amounts of capital available across the country, starts-ups oftentimes look to the US

when raising capital. This challenge is further compounded by US investors' lack of awareness regarding life sciences opportunities across Hamilton.



Addressing the scale-up mentorship gap

As noted by stakeholders, Hamilton lacks a robust pool of mentors with entrepreneurial expertise in the life sciences sector. This gap is largely the result of a growing ecosystem that has yet to reach a critical mass of successful scale-up companies.

A specific set of skills are needed along each step of the growth journey – from start-up, to successful scale-up. To compensate for a lack of experience, entrepreneurs often look to mentors to help them along the commercialization journey and beyond. With longer product development and licensing timelines in the life sciences sector, knowledgeable mentors that provide meaningful guidance in navigating the process can be the difference between success and failure.



Increasing focus on life sciences sector

Stakeholders noted limited showcasing of the life sciences sector from elected officials at all levels of government when profiling Hamilton. While a few recent wins and success stories (including the recent IPO of Fusion Pharmaceuticals) were identified, Hamilton continues to be closely linked to its industrial history despite life sciences organizations collectively constituting the largest employers in the city.

While the city has been working on profiling the life sciences sector– including through partnerships with Invest in Canada – opportunities exist to further profile the sector. This includes the opportunity to focus efforts on promoting the life sciences sector to key government officials within the provincial and federal governments. When making investment decisions, investors will oftentimes begin their selection process by considering a country, region and ultimately a city. Federal and provincial officials are most commonly the first point of contact for investors. They are then responsible for connecting the investor to municipal relationships to further carry out the deal. If Hamilton is not closely associated with opportunities in life sciences, the city is not likely to be top of mind for government officials who are likely to defer to other cities in their considerations.



Improving access to wet lab space

Through stakeholder discussions, the availability of infrastructure, particularly access to wet lab space was noted. While advancements are being made in artificial intelligence and virtual reality which could help address some of these challenges by providing new methods to test innovative research, in the short and near-term these barriers to access key infrastructure assets present a roadblock to innovation and commercialization.

While an opportunity exists for the private sector to help fill in life science asset infrastructure gaps, inefficiencies within the city's development process were highlighted. Unique requirements associated with the development of life sciences assets, such as regulations surrounding laboratories, lead to additional barriers in approvals. Additionally, there are several barriers that impact the development of business cases for the private sector to undertake the construction, operations, and maintenance of wet labs. This includes uncertainties related to the nature of testing (and the possibility of only having one client); lack of understanding from the public sector about the 'true' cost per-test, and barriers related to turnaround time and logistics.



Mitigating regional competition

While Hamilton's geographic location presents opportunities for growth, including access to larger markets, it also presents challenges. Hamilton is located within the innovation corridor, neighboring Mississauga's 'pill hill' (pharmaceutical companies located in the Mississauga), and Canada's largest city, Toronto. The city faces competition from larger and more well-known cities, all within a 75km radius.

As Hamilton looks to grow its life sciences sector, it needs to distinguish itself against its regional peers to attract investment, while retaining scaling-up companies considering relocation to the neighboring larger market in Toronto.

If addressed, each challenge presents an opportunity to grow an aspect of Hamilton's life sciences ecosystem and bring greater awareness for investment opportunities. For example, addressing brand challenges and increasing awareness about Hamilton's life sciences sector with government officials at the Provincial and Federal levels enables increased opportunities from international investors to be passed along to the city, instead of neighboring jurisdictions. Strategic opportunities and related actions aimed at addressing these challenges and roadblocks are further discussed in section 6 of this document.



05

Hamilton's Life Sciences Value Proposition

Hamilton's Life Sciences Value Proposition

The international investment attraction landscape is fiercely competitive. Cities have a small window of opportunity to capture and keep investor attention. To effectively attract investors, Hamilton will need to have a compelling value proposition that is in-line with market needs and opportunities for growth within the city's key subsectors in life sciences.

A value proposition is a statement that summarizes a promise of value to be delivered to potential customers, users, or investors. The objective of a value proposition is to convey an organization's or jurisdiction's competitive advantage quickly and clearly.

Effective value propositions are:

- Relevant – demonstrating the benefit or need the organization or jurisdiction is addressing.
- Clear – articulating key messaging in a manner that is easy to understand.
- Distinct – highlighting what sets the organization or jurisdiction apart from its competitors.
- Succinct – conveying key messaging quickly to the potential customer or user.

An effective value proposition will help attract investment into Hamilton by highlighting specific opportunities for investors. It will deliver a compelling message about 'what makes Hamilton special'. Insights were leveraged from the sector strategy as well as feedback from the city and key partners to develop Hamilton's life sciences value proposition. Underneath the value proposition, Hamilton has facts and information to support efforts to attract investment and accelerate growth in the life sciences sector.

Figure 7: Hamilton's Life Sciences Value Proposition



Hamilton: Canada's Emerging Leader in Life Sciences Research and Commercialization

Hamilton has a long history of excellence in life sciences research and innovation and today, we're putting that research and innovation to work.

- Through strong collaboration with McMaster University (Canada's most research-intensive university), and world-class academic partners, Hamilton's emerging companies are turning their innovative life sciences ideas and designs into treatment realities.
- Hamilton is leading the way in nuclear medicine, digital health, infectious disease R&D, biomanufacturing and medical devices.
- Entrepreneurs, and growing companies alike are benefiting from the expanding 2.5 million square foot McMaster Innovation Park, and leading clinical trials.

Growing your investment in life sciences? – Hamilton is the place to be.



06

Opportunities for Growth, Investment and Jobs in Life Sciences

Opportunities for Growth, Investment and Jobs in Life Sciences

Based on the state of Hamilton's current life sciences ecosystem, including the local, national and international landscape, focus is required on areas which present the greatest opportunities for growth. The opportunity below outlines the three strategic priority areas Hamilton needs to focus on to enable sustained sector growth and investment attraction. Each strategic priority area seeks to address one of the key challenges outlined previously in this strategy. The strategic priority areas are supported by a small number of associated actions to be undertaken by the city, in partnership with key stakeholders and champions.

To enable successful sector growth, the city will need to:

- Address local roadblocks limiting company expansion (i.e., scaling-up) and overall ecosystem growth;
- Introduce strong and focused branding / marketing initiatives; and
- Engage in targeted investment attraction efforts

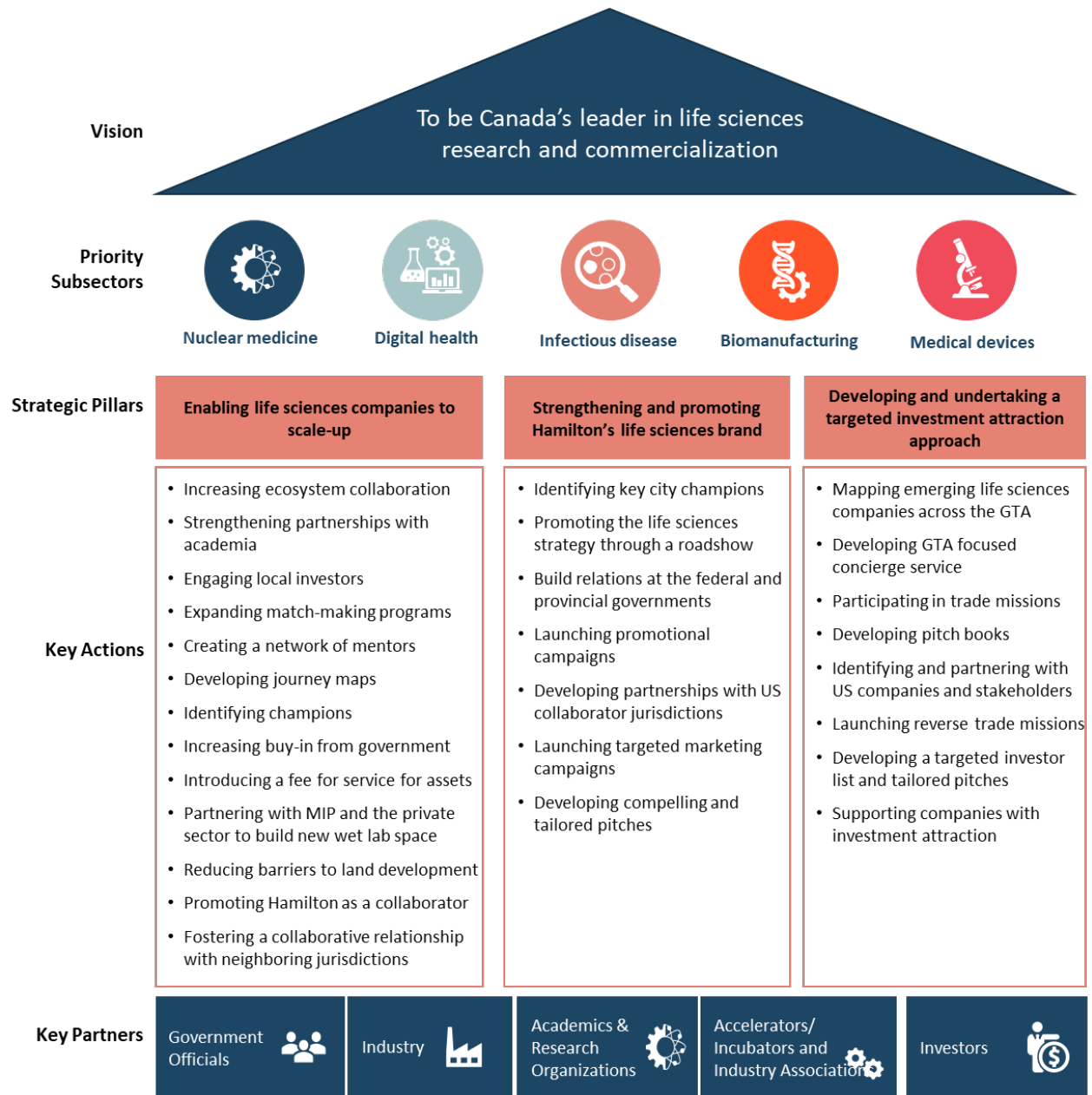
In order to achieve success, the strategy will need to be assessed on a short, medium- and long-term time horizon.



Strategy for growing Hamilton's life sciences sector

As outlined previously, growing Hamilton's life sciences sector will require a focus on the key elements outlined in the below graphic.

Figure 8: Summary of Hamilton's Life Sciences Strategy



Enabling life sciences companies to scale-up.

Hamilton has several long-standing life sciences academic and research hospitals (such as McMaster University), which are key differentiators for the city. Between 2016 to 2021, there were 43 new life science companies established in the city. In some respects, the life sciences industry in Hamilton is reaching a critical mass for sustainable growth. A core focus of Hamilton's life sciences sector strategy needs to be centered around capitalizing on the emergence of these scale-ups.

Through consultations, local entrepreneurs noted their desire to stay in Hamilton. This was partially associated with the collaborative environment and quality of life. However, their biggest pull to other jurisdictions was the increased ability to grow in larger markets with more life sciences sector supports, such as access and availability of mentors.

Competition for large-scale anchor companies looking to relocate is incredibly fierce within the global marketplace. Between grants, loans, rebates, and 'white glove' investment concierge services, countries utilize all the tools at their disposal to attract multi-national enterprises. Helping local companies expand provides an opportunity for Hamilton to bridge the gap with anchor companies. To do so, the city will need to work with key stakeholders in and around the city to address the key roadblocks currently limiting company expansion.

Table 1: Strategic Opportunities and Actions for Enabling Hamilton Life Sciences Companies to Scale-up

Roadblocks	Strategic opportunities	Actions
Skills	<p>Attracting experienced life sciences talent requires:</p> <ul style="list-style-type: none"> (i) The availability of multiple employment opportunities within a region. (ii) Competitive compensation and a high quality of life. 	<ul style="list-style-type: none"> • Increase collaboration (including information sharing sessions) with accelerators/incubators focused on life sciences across Canada’s innovation corridor to promote flow of employment opportunities to potential talent. • Strengthen partnerships with academia (including employment liaison officers, researchers with recently obtained large-scale grants) to promote opportunities to recent graduates, mid-level talent and address the mentorship gap within key subsectors.
Capital	<p>Matching companies with potential investors and promoting life sciences opportunities to those outside the region/sector.</p>	<ul style="list-style-type: none"> • Explore opportunities to engage local investors not currently focused on the sector by assessing the broader investor landscape in Hamilton and potential interest in life sciences. • Expand match-making programs that are focused on targeted events (e.g., investor ‘speed dating’), supported by a robust online platform.
Scale-up mentorship	<p>Leverage virtual platforms to connect Hamilton scale-ups with mentors from across Ontario/Canada to help navigate the regulatory and approvals process, and fill gaps of available Hamilton mentors.</p>	<ul style="list-style-type: none"> • Create a network of regional mentors specifically focused on the regulatory / approvals / licensing process. • Develop journey maps of the current scale-up process to identify key pain points and gaps within existing support networks.

Roadblocks	Strategic opportunities	Actions
Stakeholder commitment	Provide key stakeholders – including champions across municipal, provincial, and federal governments – with the same compelling message about opportunities in Hamilton.	<ul style="list-style-type: none"> • Identify champions within key stakeholder groups and arm them with compelling messaging and up-to-date information about wins/opportunities. • Increase buy-in from government leaders by promoting Hamilton’s value proposition/role as the region’s emerging life sciences ecosystem.
Infrastructure	Introduce innovative partnerships (i.e. ad hoc access during off-peak times) between industry/academia/research organizations to bridge the gap of available infrastructure (e.g. wet labs).	<ul style="list-style-type: none"> • Facilitate the introduction of a fee for service model for the usage for underutilized research/academic assets to increase lab space for start – up/ scale ups or generate small amounts of revenue (e.g. Redeemer’s labs during the summer months). • Partner with MIP and the private sector to build new wet lab space across the city. • Streamline/reduce barriers (such as approval timelines and complexity associated with navigating the approvals process) to the land development approvals process.
Regional collaboration (instead of competition)	<p>Focus on subsectors and key assets where Hamilton has a distinct value proposition within Canada’s innovation corridor.</p> <p>Foster a regional life sciences corridor where each member has a clear role to play and drive strategic collaboration.</p>	<ul style="list-style-type: none"> • Promote areas where Hamilton is collaborator and not a competitor in the innovation corridor – including areas where Hamilton has a distinct advantage in the life sciences value chain (e.g. distribution networks, repurposing manufacturing and chemical processing talent, etc.). • Continue to foster a collaborative relationship with neighboring jurisdictions interested in broader regional growth, by highlighting Hamilton’s value proposition in the subsectors identified in this strategy.

Strengthening and promoting Hamilton's life sciences brand

The most common roadblock identified by stakeholders is the lack of awareness about the City of Hamilton. This includes an awareness about Hamilton's life sciences sector and as the city as a whole. Within Canada, Hamilton continues to be predominantly associated with its history as a 'steel town'. Those in and around the city are also not often aware of the success and opportunities of the life sciences sector. Outside of Canada, investors are often not familiar with Hamilton or even Southern Ontario.

To successfully attract national and international investment, investors need to be aware of and intrigued by what Hamilton offers. First and foremost, Hamilton's life sciences sector needs to be associated with a strong brand. Pittsburgh for example, has marketed itself as a top US life sciences hub and is often top of mind when thinking of leading sector jurisdictions. Closer to home – although its ecosystem is changing with manufacturers leaving the city, Mississauga has become synonymous with 'pill hill' – a cluster of pharmaceutical and other life sciences companies in Ontario. Hamilton will similarly need to draw on its value proposition of being an ecosystem where a strong history and presence of research is supporting an emergence of innovative companies to build a compelling brand (for further details of Hamilton's life sciences ecosystem, refer to Appendix B). This brand will need to capture and keep investor attention and help local companies get in the door as they look to pitch their products and/or services to investors.

While led by the city, marketing efforts will need to be supported by key champions. For the purposes of the strategy, champions are individuals within and outside of the city committed to promoting Hamilton life sciences and supporting sector growth. Champions should be identified within each stakeholder group – including academia, industry (both established companies and scale-ups), support organizations, and leaders across all levels of government. These champions will help raise the profile to key decision-makers and help ensure the city is top-of-mind when potential opportunities arise. Marketing the life sciences sector will need to be done within the city to ensure all stakeholders support a unified message; across the country to increase national investment opportunities and ensure Hamilton is top-of-mind for Provincial and Federal connectors; in the US as the country continues to be the largest market for Canadian firms; and globally to ensure Hamilton captures on emerging international opportunities. Promoting Hamilton across all of these jurisdictions should be done simultaneously as different champions and campaigns will be required for each group.

Finally, a compelling message should be developed to support each effort. For example, this includes drawing on specific strengths within the subsector of interest, and profiling Hamilton's cost competitiveness for the operating costs which align with the investor's business needs (e.g. facilities costs for biomanufacturing companies). Paramount will be an effective value proposition that highlights opportunities across Hamilton's key subsectors in life sciences.

Table 2: Strategic Opportunities and Actions for Strengthening and Promoting Hamilton’s Life Sciences Brand

Roadblocks	Strategic opportunities	Sample actions
Within Hamilton	<p>Build awareness amongst sector champions of Hamilton’s life sciences value proposition/brand to effectively promote the city.</p> <p>Accelerate the transition of Hamilton as only being a ‘steel town’ to a city that is also a ‘life sciences hub’ to neighboring jurisdictions, and provincial and federal officials.</p>	<ul style="list-style-type: none"> • Identify champions across key stakeholder groups that promote the city’s value proposition and key assets. • Promote the life sciences sector strategy through a roadshow (which both the value proposition and life sciences brand) across the city.
Across Canada	<p>Promote Hamilton life sciences to government entities federally (e.g. Invest in Canada); and provincially (e.g. Invest Ontario) who are often the first point of contact for international investors.</p>	<ul style="list-style-type: none"> • Host a ‘Queen’s Park’ day with key provincial officials to raise awareness about Hamilton life sciences. • Host a ‘Day on the Hill’ to build awareness of Hamilton’s strengths at a federal level, and build Tri-Council awareness of the expertise of Hamilton’s post-secondary sector • Identify a federal champion who is kept up-to-speed about key wins and opportunities (e.g., high-ranking local MP’s such as cabinet ministers).
In the US	<p>Market not only life sciences, but Hamilton as a whole to US investors to raise both city and sector awareness.</p>	<ul style="list-style-type: none"> • Launch promotional campaigns targeted at investors in emerging US life sciences hubs which highlight Hamilton’s competitiveness, directly and through participation in trade missions to the US. • Develop partnerships with emerging US collaborator jurisdictions (such as Buffalo, Minneapolis, Houston, etc.) within each subsector.

Globally

Focus on targeted outreach (centered around the subsectors) to investors aligned with the city's distinct value proposition.

- Launch a **targeted marketing campaign** such as trade missions and/or key subsector conferences/events.
 - Develop **compelling and tailored pitches** for each potential investor.
-

Developing and undertaking a targeted investment attraction approach.

Throughout each step of the process, Hamilton will need to have a tailored approach that builds on the city's value proposition. A 'one-size-fits all' approach is unlikely to garner successful results. As a first step, Hamilton will need to identify which entities are aligned with its value proposition and operate within the city's key subsectors in life sciences. This will help ensure a targeted approach that will increase the chances of successful investment attraction.

Based on this analysis, the city will focus on three primary target groups (including GTA enterprises, US enterprises, and international investors interested in opportunities in Hamilton's subsectors). With increasing real estate costs (both in terms of housing and business space) around the Greater Toronto Area (GTA), an opportunity exists for Hamilton to attract growing companies looking for more affordable options. While Hamilton's costs are increasing, the city continues to be more affordable compared to its peers – with average office space in Hamilton costing an average of CAD \$6.48 per square foot (compared to an average of CAD \$9.06 per square foot for Toronto). Additionally, average labour costs in Research and Development for the city of Hamilton are CAD \$139,655 versus the city of Toronto at CAD \$149,905.⁸² Entrepreneurs across the GTA often note their desire to stay within area. Hamilton presents an opportunity for these entrepreneurs to do so if they are considering relocation or expansion.

The United States represents approximately 47% of Canada's overall FDI stock. US investors continue to be the primary focus for most life sciences companies and cities considering a foreign investment. The city should continue to prioritize US investors in its attraction efforts. To do so effectively, a targeted approach will be vital, including compelling messaging which distinguishes Hamilton from Canadian and US cities (for more information on Hamilton's competitiveness, please refer to Appendix C). Targeted approaches include tailored messaging and can involve business development initiatives with the potential investor. As shown through the KPMG City Competitiveness Index analysis, Hamilton ranks in the top two for all but one cost factor. As cost factors continue to be one of, if not the primary decision factor for investors, this point will need to be highlighted in any pitch or presentation to US investors. Combined with quality of life benefits and the city's assets (including McMaster Innovation Park), Hamilton has a compelling story to tell.

As with all outreach, global efforts will need to begin with identifying potential investors within the city's key subsectors. Life sciences is a diverse sector comprised of research, manufacturing, technology, etc. Each subsector has a unique set of requirements and opportunities. Focusing on specific benefits available within each subsectors will help the city deliver a message aligned with the specific strategy, needs, interests, and expertise of the potential investor.

⁸² (KPMG, 2021).

Table 3: Strategic Opportunities and Actions for Developing and Undertaking a Targeted Investment Attraction Approach

Roadblocks	Strategic opportunities	Actions
GTHA enterprises and other national entities considering investment (e.g. expansion) to Hamilton.	Target growing/expanding companies within the GTA. This includes local start-up/scale-ups wanting to stay in the region that may be facing challenges due to increasing costs in the GTA.	<ul style="list-style-type: none"> – Map all emerging life sciences companies across the GTA within the nuclear medicine, digital health, infectious diseases, biomanufacturing, and medical devices subsectors. – Develop GTA-focused concierge services which offers relocation support (including finding office/research space assistance, connections with support organizations, etc.) for companies interested in relocating.
US enterprises considering investment (e.g. expansion) to Hamilton.	Focus on Hamilton’s cost competitiveness (relative to peer US cities) when targeting US investors/companies.	<ul style="list-style-type: none"> – Participate in targeted federal and/or provincial trade missions related to life sciences. – Develop pitch books highlighting Hamilton’s cost competitiveness against US peers. – Identify and partner with US companies/stakeholders focused on Hamilton’s key subsectors with existing relationships with Hamilton entities to develop the city’s distribution channels, value chain and access to US markets.
International investors interested in opportunities in Hamilton’s subsectors.	Focus international efforts on companies operating within Hamilton’s life sciences subsectors to ensure the city stands out against peer jurisdictions. Efforts need to be targeted and tailored to each pitch.	<ul style="list-style-type: none"> – Launch reverse trade missions for companies operating within Hamilton (i.e., bringing key stakeholders from foreign jurisdictions to Hamilton). – Develop targeted investors list/tailored pitches. – Support companies with investment attraction bids by providing resources/information (e.g. data and information on operating costs within the city; municipal, provincial, and federal supports including available grants, etc.).



07

Implementation Roadmap

Moving from Strategy to Action Requires Prioritization

A sector strategy needs to be led by a single entity to ensure clarity and accountability. In this case, the lead is the City of Hamilton and associated entities such as Invest in Hamilton. While the city will need to rely on key stakeholders such as Synapse to help grow the sector and attract investment, the city is ultimately responsible for leading initiatives, taking action, and measuring results. Overall, it is important that all stakeholder groups work together to attain a common goal for sector growth. Fragmentation or a lack of collaboration among key stakeholders can result in efficiency-loss and lost investment opportunities as potential investors seek to invest in a market where a comprehensive suite of services or supports are easily accessible.

The tables below provide a high-level implementation roadmap to support the city, as well as key stakeholders from the Synapse consortium (MIP, Innovation Factory, HHS, St. Joseph's Healthcare Hamilton, The Research Institute of St. Joe's Hamilton, McMaster University, Mohawk College, Bay Area Health Trust), in the execution of Hamilton's life sciences sector strategy. The roadmap identifies each of the strategies and actions outlined in the previous section aimed at growing Hamilton's life sciences sector. The roadmap showcases areas that require the city's leadership/support, Synapse's leadership/support, and additional stakeholder (or group) involvement.

The groups listed include the key stakeholders mentioned earlier in the strategy. To support successful execution, the city or Synapse will need to be responsible for leading or supporting each action. Leads are responsible for spearheading the action, are responsible for its success, and coordinate the different groups that are involved. While supporting entities assist in executing each action, they are however not decision makers and do not hold the same level of accountability as a lead. Connectors are focused on bringing together different entities, assets, information, etc.

The actions are associated with a time-horizon that details whether the action will require a short-term commitment (less than six months), a medium-term commitment (six to 24 months), or a long-term commitment (more than two years). Each action is also assigned a priority level (high or low). Following the initial time-horizon, the associated lead should then reevaluate to determine a path forward. The level of priority is determined by the potential impact that the activity has in facilitating growth and attracting investor attention.

Relevant groups that are identified for involvement in the include:



Academia & Research Hospitals

Including universities, colleges, training programs, and research organizations that are focused on life sciences. In Hamilton, these include McMaster University, Mohawk College, Redeemer University, Hamilton Health Sciences (HHS), St. Joseph's Healthcare Hamilton (SJHH), and The Research Institute of St. Joe's Hamilton.



Industry

Includes both established organizations such as medical device and equipment manufacturers, Stryker, and start-up/scale-up companies.



Government

Including all three levels of government (Government of Ontario, Government of Canada, and the City of Hamilton).



Potential investors

Including angel investors, private equity funds, and venture capitalists that provide companies with initial and ongoing financial means to invest in research, development, clinical trials, marketing, and commercialization.







Support organizations

Including the Synapse Consortium, accelerators (Innovation Factory Hamilton Technology Centre, etc.), economic development agencies (Invest Ontario, Invest in Hamilton), and other organizations (Ontario Bioscience Innovation Organization, Hamilton Chamber of Commerce, etc.) that support Hamilton's life sciences sector.

Table 4: Hamilton Life Sciences Strategy Implementation Roadmap

Roadblock	Action	City of Hamilton role	Synapse role	Groups Involved	<6 months	6-24 months	>24 months	Priority
Strategic Initiatives: Hamilton company expansion (i.e. scaling up) and overall ecosystem growth								
Skills	Increase collaboration (including information sharing sessions) with accelerators / incubators focused on life sciences across Canada's innovation corridor to promote flow of employment opportunities to potential talent.	Connector	Lead	Industry, Academia, Government				Medium
	Strengthen partnerships with academia (including employment liaison officers, researchers with recently obtained large-scale grants) to promote opportunities to recent graduates and mid-level talent within key subsectors.	Support	Lead	Academia, Support Organizations				Medium
Capital	Explore opportunities to engage local investors not currently focused on the sector by assessing the broader investor landscape in Hamilton and potential interest in life sciences.	Lead	Support	Industry, Academia				High





Roadblock	Action	City of Hamilton role	Synapse role	Groups Involved	<6 months	6-24 months	>24 months	Priority
Scale-up Mentorship	Expand match-making programs that are focused on targeted events (e.g. investor 'speed dating'), supported by a robust online platform.	Lead	Connector	Industry, Potential Investors				Medium
	Create a network of regional mentors specifically focused on the regulatory / approvals / licensing process.	Connector	Lead	Support Organizations, Industry				Medium
	Develop journey maps of the current scale-up process to identify key pain points and gaps within existing support networks.	Support	Lead	Support Organizations				High
Stakeholder Commitment	Identify champions within key stakeholder groups and arm them with compelling messaging and up-to-date information about wins / opportunities.	Lead	Support	Support Organizations, Government, Industry, Academia, Potential Investors				High
	Increase buy-in from government leaders by promoting Hamilton's value proposition / role as the region's emerging life sciences ecosystem.	Lead	Support	Government				High

Roadblock	Action	City of Hamilton role	Synapse role	Groups Involved	<6 months	6-24 months	>24 months	Priority
Infrastructure	Facilitate the introduction of a fee for service model for the usage for underutilized research/academic assets to increase lab space for start – up/ scale ups or generate small amounts of revenue (e.g. Redeemer’s labs during the summer months).	Lead	Connector	Academia, Industry (specifically start-ups/scale-ups)				Medium
	Partner with MIP and the private sector to build new wet lab space across the city.	Lead	Support	Industry, Provincial Government, Federal Government				Medium
	Streamline / reduce barriers (such as approval timelines and complexity associated with navigating the approvals process) to the land development approvals process.	Lead	Connector	Industry				Medium
Regional competition (instead of collaboration)	Promote areas where Hamilton is collaborator and not a competitor in the innovation corridor – including areas where Hamilton has a distinct advantage in the life sciences value chain (e.g. distribution networks, etc.).	Lead	Support	Municipalities and economic development agencies across Southern Ontario				Medium

Roadblock	Action	City of Hamilton role	Synapse role	Groups Involved	<6 months	6-24 months	>24 months	Priority
	Continue to foster a collaborative relationship with neighboring jurisdictions interested in broader regional growth, by highlighting Hamilton's value proposition in the subsectors identified in this strategy.	Lead	Support	Municipalities and economic development agencies across Southern Ontario				Medium
Branding and Marketing Efforts								
Within Hamilton	Identify champions across key stakeholder groups that promote the city's value proposition and key assets.	Lead	Support	All				High
	Promote the life sciences sector strategy through a roadshow (which both the value proposition and life sciences brand) across the city.	Lead	Support	Industry, Support Organizations				High
Across Canada	Host 'Queen's Park' information day with key provincial officials to raise awareness about Hamilton life sciences.	Lead	Connector	Industry, Provincial Government				High
	Host a 'Day on the Hill' to build awareness of Hamilton's strengths at a federal level.	Lead	Connector	Industry, Federal Government				High

Roadblock	Action	City of Hamilton role	Synapse role	Groups Involved	<6 months	6-24 months	>24 months	Priority
In the US	Identify a federal champion who is kept up-to-speed about key wins and opportunities (e.g., high-ranking local MP's such as cabinet ministers).	Lead	Support	Federal Government				High
	Launch promotional campaigns targeted at investors in emerging US life sciences hubs which highlight Hamilton's competitiveness, directly and through participation in trade missions to the US.	Lead	Support	Industry				High
	Develop partnerships with emerging US collaborator jurisdictions (such as Buffalo, Minneapolis, Houston, etc.) within each subsector.	Lead	Support	Industry, Academia and Research Organizations				Medium
Globally	Launch a targeted marketing campaign such as trade missions and/or key subsector conferences / events.	Lead	Support	Industry				Medium
	Develop compelling and tailored pitches for each potential investor.	Lead	Support	Industry				High

Roadblock	Action	City of Hamilton role	Synapse role	Groups Involved	<6 months	6-24 months	>24 months	Priority
Targeted Investment Attraction Efforts								
GTA enterprises and other national entities considering investment (e.g. expansion) to Hamilton.	Map all emerging life sciences companies across the GTA within the nuclear medicine, digital health, infectious diseases, biomanufacturing, and medical devices subsectors.	Lead	Support	Support Organizations				High
	Develop GTA-focused concierge services which offers relocation support (including assistance in finding office / research space, connections with key support organizations, etc.) for companies interested in relocating to facilitate re-location / expansion efforts.	Lead	Support	Invest in Hamilton, Invest in Ontario				Medium
US enterprises considering investment (e.g. expansion) to Hamilton.	Participate in targeted federal and/or provincial trade missions related to life sciences.	Lead	Support	Invest in Hamilton				Medium
	Develop pitch books highlighting Hamilton's cost competitiveness against US peers.	Lead	Support	Invest in Hamilton				High

Roadblock	Action	City of Hamilton role	Synapse role	Groups Involved	<6 months	6-24 months	>24 months	Priority
	Identify and partner with US companies / stakeholders focused on Hamilton's key subsectors with existing relationships with Hamilton entities to help develop the city's distribution channels, value chain and access to US markets.	Lead	Support	Industry, Academia and Research Organizations				Medium
	Launch reverse trade missions for companies operating within Hamilton's subsectors.	Lead	Support	Industry, Academia and Research Organizations				Medium
International investors interested in opportunities in Hamilton's subsectors.	Develop a targeted investor list and tailored pitches.	Lead	Support	Industry				High
	Support companies with investment attraction or expansion bids by providing resources / information (e.g. data and information related to operating costs within the city; municipal, provincial, and federal supports including available grants, etc.).	Lead	Support	Industry				High

Undertaking the above activities will position Hamilton's life sciences ecosystem for future growth and increased investment attraction. The city, with its partners, will play an important role in developing specific action plans within each of the areas to drive collaboration, growth, investment, and jobs in Hamilton's life sciences sector.



08

Key Performance Indicators

Key Performance Indicators Will Determine Success and the Path Forward

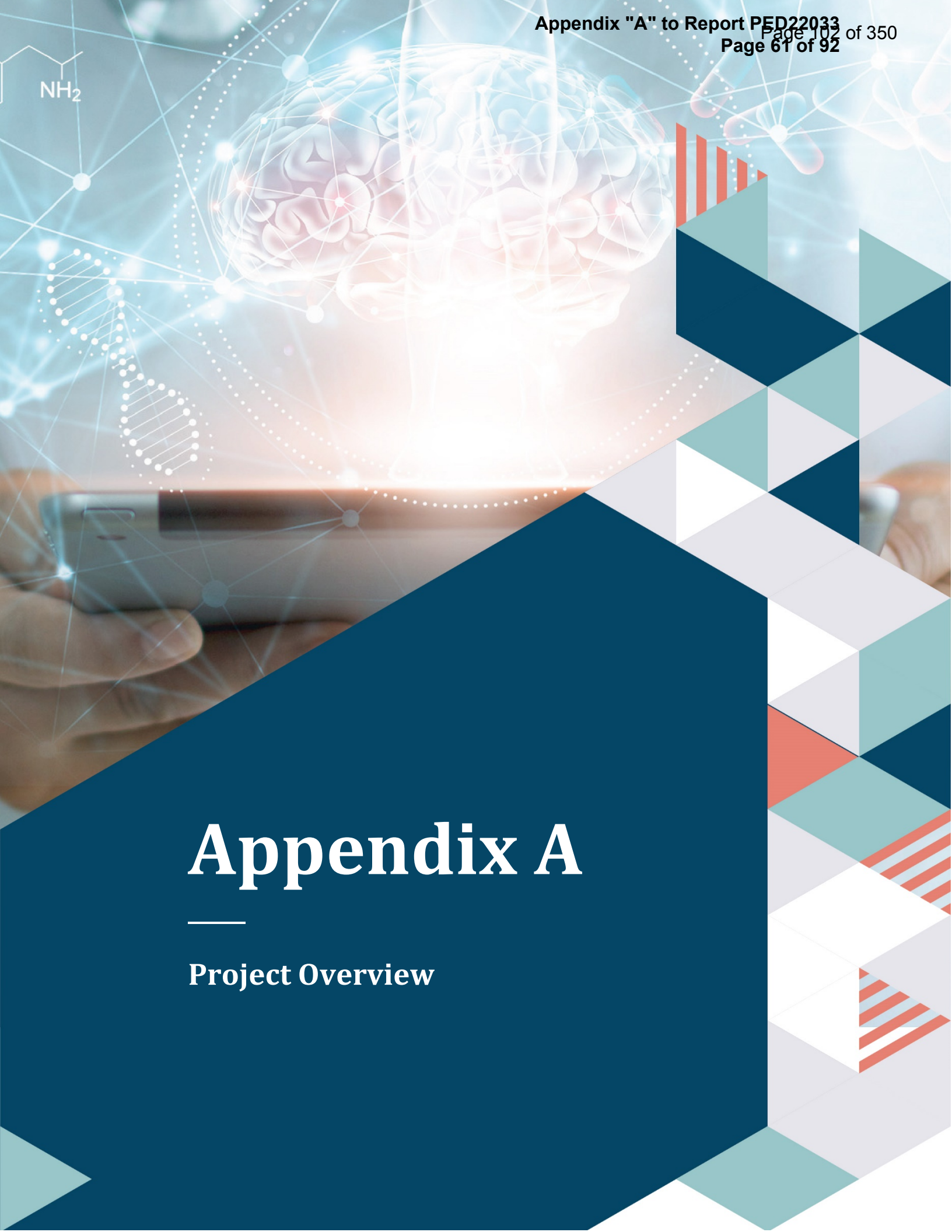
To support the city in measuring the success of the life sciences strategy, a total of 11 key performance indicators (KPIs) relevant to Hamilton’s life science sector have been identified. These indicators are intended to monitor local sector performance. Their objective is to provide the city with an evidence-based look into areas of strength and gaps that may require higher intervention levels to remedy.

Outlined below, the performance indicators focus on private-sector companies (e.g., number of companies, revenue generated, investment, etc.), innovation (e.g., R&D spending, number of patents created), life sciences facility space (e.g., lab, research, office and manufacturing space) and talent (e.g., number of jobs, number of students). The below table also outlines how each indicator can be measured (e.g. if it is to be measured year over year (Y/Y)), the source of information and data to support the assessment, and its relevance to the life science sector. Each indicator should be measured to help provide a look at the entire ecosystem.

Table 5: Hamilton Life Sciences Key Performance Indicators

Performance Indicator	Attribute Measured	Source of Information	Source of Data
Total revenue from local entities in the Hamilton life sciences ecosystem.	Economic activity	Survey	Synapse annual survey
Venture capital investment in Hamilton’s life sciences sector (book value).	Funding / financing	Survey	Synapse annual survey
Number of life sciences companies with a physical presence in the Greater Hamilton Area.	Industry presence / growth (Y/Y)	Survey / company lists maintained by Synapse and Invest in Hamilton	Synapse annual survey
Life sciences facility space in square feet.	Infrastructure	Government	City of Hamilton / Invest in Hamilton / Synapse annual survey
Annual investment (capex, opex, payroll) by Hamilton life sciences sector organization companies (\$).	Investment	Government	City of Hamilton / Invest in Hamilton / Synapse annual survey
Number of Hamilton full-time employees employed by international companies operating in the sector (Y/Y).	Labour / talent	Survey	City of Hamilton / Invest in Hamilton, Synapse annual survey
Number of annual undergraduate / graduate / postgraduates in STEM at Hamilton Universities/Colleges.	Labour / talent	Academia	McMaster, Mohawk, Redeemer

Median income for life sciences jobs in Hamilton.	Labour / talent	Survey	Synapse annual survey
Number of life sciences jobs in Hamilton.	Labour / talent	Survey	Synapse annual survey
Number of patents created by Hamilton life sciences companies per calendar year as a result of research in Hamilton area.	R&D activity	Government / Academia	Patent-level / IP information from Government / McMaster / Mohawk
Total spending on R&D (% of operating budget) from life sciences organizations in Hamilton.	R&D activity	Survey	Synapse annual survey



Appendix A

Project Overview

Project Overview

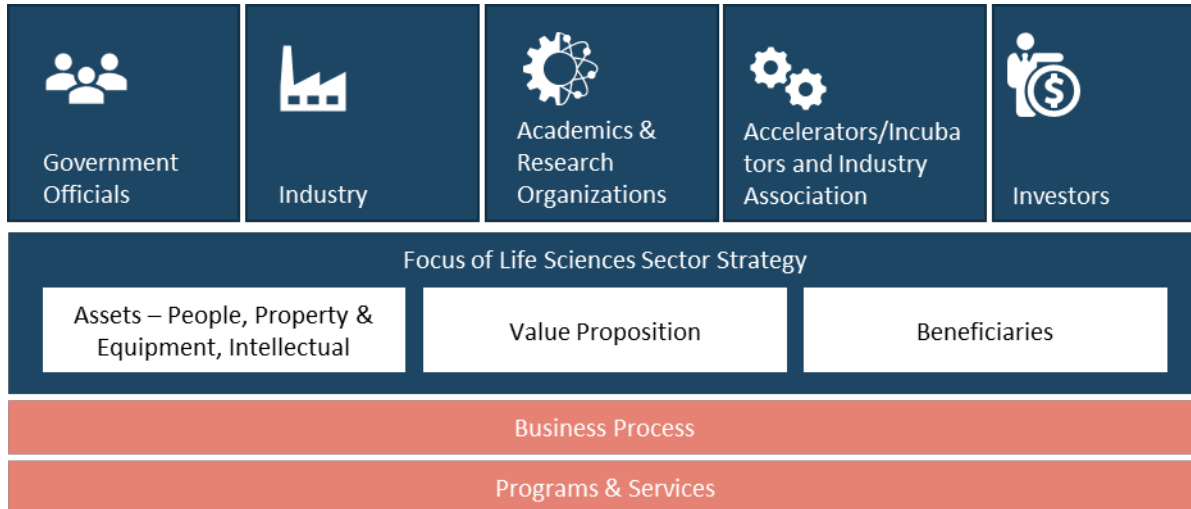
The City of Hamilton, in partnership with Synapse Life Sciences Consortium, engaged KPMG to support the development of a life sciences sector strategy. The goal of the strategy is to create a plan aimed at growing the sector and attracting investment to Hamilton.

A sector strategy is a call to action — a framework to outline the direction and priorities to achieve accelerated growth. It helps provide a framework for the sector’s participants to link public investments with private sector expertise and innovation. Done right, it inspires further collaboration and alignment to attract domestic and international investment.

Successful sector strategies leverage key strengths and address roadblocks. This includes supporting and promoting subsectors with a competitive advantage that present current and future opportunities for growth. As the investment attraction landscape continues to become increasingly competitive, cities need to further develop value propositions that gain and retain investor attention. These value propositions need to be clear, distinct, succinct, and compelling. They need to effectively convey what makes the specific sector and Hamilton *unique*.

Ultimately, effective sector strategies mobilize the entire ecosystem in moving towards the same goal while delivering the same message — a message built on key assets and a strong value proposition.

Figure 10: Key Components of the Life Sciences Ecosystem



The sector strategy for Hamilton's life sciences sector was developed over three phases.

Phase 1: Current state assessment of Hamilton's life sciences sector – the assessment focused on describing strengths and challenges, identifying roadblocks, and uncovering competitive advantages. This phase also explored global trends.

Phase 2: Strategy development – this included potential opportunities to address key roadblocks and an implementation roadmap that outlines the short, medium, and long-term priorities for the city and key stakeholders across the ecosystem.

Phase 3: Final Strategy – this document outlines the key findings and strategies for sector growth.

Figure 11: Definition of Life Sciences



For the purposes of this strategy, life sciences include the fields of biotechnology, pharmaceuticals, biomedical technologies, healthcare technologies, biomedical devices, digital health technologies, biomanufacturing, and research products and services.

The findings of this strategy are a result of desktop research, engagement with KPMG subject matter experts ranging from KPI development to strategy development, and extensive consultations with key stakeholders across the Hamilton life sciences ecosystem. Representatives from across industry; academia and research organizations; accelerators/incubators and industry associations; all three levels of government; and funders/financers were engaged. To support assessment of Hamilton relative to comparative jurisdictions, the city used KPMG's City Competitiveness Index. The online tool compares cost factors most relevant for investors in cities across the world and provides insights related to competitiveness.



Appendix B

Hamilton's Life Sciences Sector Profile

Hamilton's Life Sciences Sector Profile

Hamilton's life sciences ecosystem has a strong foundation with:

- A robust R&D presence with more than 40 health research institutes and centres;
- World-renowned academic and research hospitals, with the number one most research-intensive university and the fourth most research-intensive college in the country;
- Skilled labour;
- Infrastructure; and
- Canada's second largest hospital network.

The ecosystem is supported by a growing industrial base comprised of for-profit entities, including an increasing number of life sciences start-ups.

Ontario is seventh in terms of life sciences employment and eighth in the number of life sciences establishments in North America.⁸³ In Hamilton, life science entities are the largest employer with more than 39,000 professionals working collaboratively across life science disciplines.⁸⁴ Overall, the local ecosystem contributes to Ontario's highly skilled, knowledge-based economy through continued research and educational efforts and a growing number of start-ups, small businesses, and established companies.

Hamilton's large infrastructure capacity supports successful product evaluations, diagnostic testing, and clinical trials. Laboratories are located at each acute care site across the city.⁸⁵ Significant clinical trial capabilities and a large population sample enable testing and evaluation of diversity of products, services, and technologies both in a laboratory and clinical setting. For instance, Population Health Research Institution (PHRI) — an award-winning joint institute of McMaster University and Hamilton Health Sciences — leads large-scale international clinical trials in cardiovascular disease, diabetes, kidney and lung disease, brain health and cancer. The clinical trials led by PHRI include 1.5 million participants across 102 countries.⁸⁶

Through discussions, stakeholders continually emphasized Hamilton's reputation as a 'one stop shop for R&D'. The city's focus on research hospitals, clinical trials and applied research (e.g., testing, prototyping) provides the building blocks for life sciences activity, which helps enable commercial success. Meaningful collaboration further helps support innovation across industry, academic and research hospitals within the city.

Industry Presence

Hamilton's life sciences ecosystem comprises over 150 organizations.⁸⁷ As presented in the chart below, these organizations most commonly focus on research, medical devices and diagnostics, and

⁸³ Synapse Survey

⁸⁴ (Invest In Hamilton, n.d.)

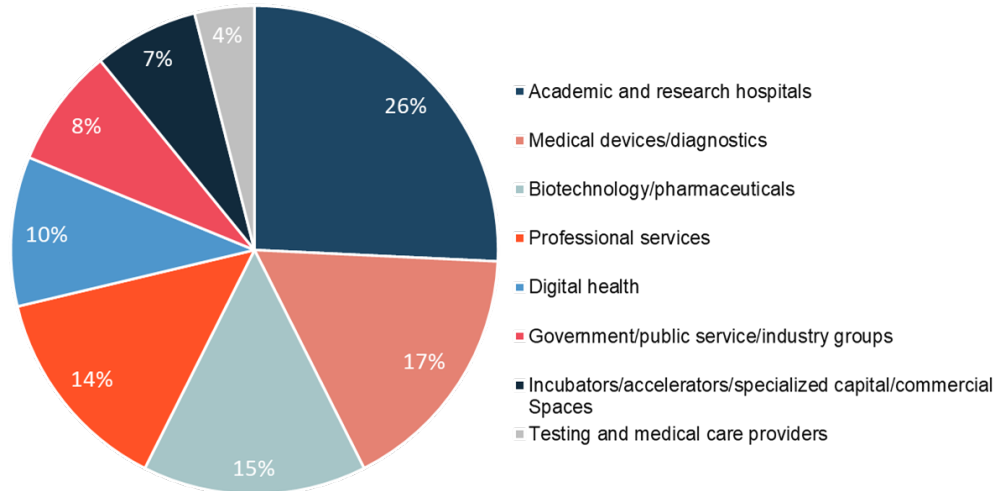
⁸⁵ (Hamilton Health Sciences, Hamilton Regional Laboratory Medicine Program, 2021)

⁸⁶ (PHRI, n.d.)

⁸⁷ Based on available Synapse survey data

biotechnology and pharmaceuticals. The ecosystem’s composition presented in *Figure 11* is based on Synapse’s annual survey which identifies the profiles individual entities that are supporting and fueling Hamilton’s life sciences ecosystem.

Figure 12: Overview of Hamilton’s Life Sciences Ecosystem (Based on Primary Area of Focus Per Entity)



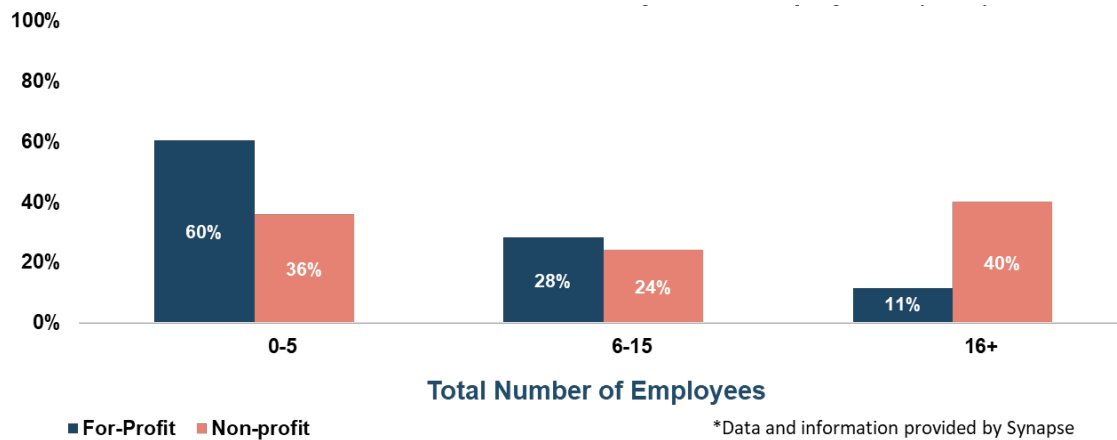
*Source: Information provided by Synapse

Other commercial activities include (but are not limited to) the fields of digital health technologies, diagnostic testing centres, medical labs, and organizations and institutions focused on the various stages of research, development, technology transfer and commercialization.

Currently, a notable portion of these organizations are small and medium size enterprises. Of the organizations surveyed, approximately 47% employ between 1-5 employees, and 25% employ between 6-15.⁸⁸ While a significant portion of organizations have between 1-15 employees, Hamilton does have a presence of anchor (or large-scale) life sciences companies, such as Stryker. The company invested CAD \$128.1 million in building their Canadian headquarters in Hamilton, which houses 235 employees. *Figure 12* below illustrates the composition of employment size for Hamilton life sciences entities.

⁸⁸ Synapse Life Sciences Consortium survey data

Figure 13: Hamilton Life Sciences Sector Entities by Size of Employment (2021)



Industry presence in the life sciences sector has grown steadily. Between 2016 to 2021, 43 new companies have been established in the city. Most of this growth took place in the biotechnology, pharmaceuticals, medical device, diagnostic and digital health subsectors respectively.⁸⁹ A significant number of these start-ups have developed out of local academic or research hospitals such as McMaster University, largely due to its commercialization support programs.

A strong collaborative spirit within Hamilton has been well-documented and noted through stakeholder discussions as a significant strength supporting the growing presence of start-ups in the city. This spirit is attributed to Hamilton’s history of academic discoveries through collective efforts. Additionally, the city’s talent pool, accelerators, and life sciences support programs (such as Synapse, Innovation Factory, Bay Area Health Trust, etc.), and capacity for clinical trials and testing within Hamilton further enable start-up establishment and growth.

The pandemic has not stopped activity within Hamilton’s life science ecosystem. Organizations and companies continue to grow. For example, SteriRight was Canada’s first company to design and offer a suite of services including N95 mask reprocessing.⁹⁰ In addition, the pandemic required emergency response from a production perspective. Large demands led to a need for the industry to pivot from advanced manufacturing to life sciences-related product manufacturing. This proven capability could be further explored as a long-term opportunity.

Academia and Research Hospital Organizations

The City of Hamilton has major academic and research hospitals, many of whom are nationally and internationally recognized, including:

- McMaster University;
- Mohawk College;
- Redeemer University;
- Hamilton Health Sciences (HHS);

⁸⁹ Synapse Life Sciences Consortium Data

⁹⁰ Synapse Life Sciences Consortium Data

- St. Joseph's Healthcare Hamilton (SJHH); and,
- The Research Institute of St. Joe's Hamilton (RSJH).

Hamilton's academic and research hospitals have a strong focus on life sciences, including specialized programs designed to provide specialized skilled labour for the sector. The city's three secondary academic and research hospitals (McMaster University, Mohawk College, and Redeemer University) have a combined total of over 28,000 STEM students.^{91 92}

Collaboration between academic, research and healthcare institutions has helped create an environment that enables graduates to successfully commercialize innovative healthcare products and services. For example, HHS' collaboration with McMaster University has resulted in the commercialization of research and establishment of new life sciences companies. This includes Reliq Health Technologies – a company focused on developing innovative mobile health and telemedicine solutions which has worked with HHS and McMaster to scale-up.⁹³ Additionally, partnerships between academic and research hospitals further support collaboration and ecosystem growth. This includes a collaboration between Mohawk College and McMaster University called the Institute for Applied Health Sciences which is a multi-million simulated hospital and long-term care centre that enables real-world experiences for more than 2,000 students a year.

Individually, each organization has a unique role to play within the ecosystem, including:

McMaster University

McMaster University is the most research-intensive university in Canada with a total sponsored research income of CAD \$371.6 million.⁹⁴ The University brings in more industry-led research dollars than any other university in the country. It has earned an international reputation as a centre of excellence for teaching, learning, innovation, and creativity within life sciences. As part of one of the largest and most sophisticated hospital networks in the country, McMaster University is a strong contributor of R&D and global leader in innovative discoveries in areas such as clinical epidemiology, immuno-oncology, and nuclear medicine. The University is the primary source of skilled talent for the region and is increasingly focused on supporting entrepreneurship and commercialization.

McMaster University has 5 hectares of incubation space. Over the past five years, the University has supported 36 new inventions and innovations that have successfully been commercialized or licensed, with an additional 97 inventions identified as having commercialization potential. The institution's unique and complex scientific research and testing equipment contribute to broad research and development programs at the University. This helps provide local companies opportunities to commercialize the products. Access to testing facilities and equipment helps provide significant business development opportunities for new and emerging companies.

⁹¹ (McMaster University, 2019)

⁹² Data provided by Synapse

⁹³ (Synapse, Reliq Health Technologies Inc., 2016)

⁹⁴ (University, 2020)

Mohawk College

Mohawk College is Canada's fourth most research-intensive college in Canada, with CAD \$10.9 million in annual sponsored.⁹⁵ Through the applied research department IDEAWORKS, Mohawk supports dozens of partners, from SMEs to global multinationals, to explore new and emerging technologies and to commercialize new products.

In recent years, the College has prioritized health service innovation through efforts such as the Apps for Health initiative and the creation of the mHealth & eHealth Development and Innovation Centre (MEDIC). MEDIC is Canada's only Technology Access Centre focused on digital health.⁹⁶ Every year, MEDIC partners with dozens of companies to develop advanced digital health solutions for a global market. Additionally, MEDIC, along with other partners (Geivity, Smile CDR, Ontario MD, and Canada Health Infoway), hosts the annual FHIR North conference which is the only Canadian Digital Health conference. FHIR North, which stands for fast health interoperability resources, is an internationally recognized event that is focused on building awareness, knowledge, and experience around the Health Level Seven (HL7) FHIR healthcare interoperability standards in Canada.⁹⁷ Mohawk is also active in biotechnology and health care education, training hundreds of learners in 29 programs, through the Healthcare Simulation Centre at the Institute for Applied Health Studies.

In addition to undergraduate programs within the life sciences related programs, the College has several programs aimed at supporting students with R&D and product commercialization, including:

- mHealth & eHealth Development and Innovation Centre (MEDIC); and
- Medical Technologies Innovation Centre
- IDEAWORKS.

Redeemer University

Redeemer is a Christian-based liberal arts and science university. Redeemer has approximately 800 undergraduate students annually.⁹⁸ Over the last few years, the University indicated an interest from students in life sciences and related programs. To continue to meet market needs, in 2018 the University invested CAD \$400,000 into upgrading its health and life sciences labs.⁹⁹ The University provides students with supports to enter the marketplace including internships, coops and career readiness programs. The University recently launched the Centre for Experiential Learning and Careers (CELC) to help students attain employment in their desired field.

Hamilton Health Sciences (HHS)

HHS operates a family of hospitals and facilities serving the City of Hamilton and the surrounding region. The organization is a strong contributor of research, innovation, and development. It is the

⁹⁵ Synapse Data

⁹⁶ (Synapse Life Science Consortium, n.d.)

⁹⁷ (Mohawk College, About FHIR, 2021)

⁹⁸ (Redeemer University, 2019 At a Glance - Redeemer University, 2019)

⁹⁹ (Redeemer University, Redeemer expands and upgrades health and life sciences labs, 2018)

largest employer in the Hamilton region and is considered one of the top research hospitals in Canada.¹⁰⁰ HHS is the 2nd largest hospital network in Ontario, spending CAD \$174.8 million on innovative research in 2020.

HHS operates five hospital sites, including:



HHS supports the life sciences ecosystem through discoveries in medicine and life science innovations. Over the previous five years, HHS' R&D efforts have led to 32 new inventions and innovations that have been successfully commercialized or licensed with an additional 9 inventions that have demonstrated commercialization potential.¹⁰¹

Additionally, HHS supports over 450 researchers and their research teams across life science subsectors. These researchers and their research teams have enrolled over a million participants in clinical research trials at 1500 sites in 90 different countries. The organization is also one of Canada's largest biobanks, holding over 3 million samples.¹⁰²

A jointly owned program between SJHH and HHS, the Hamilton Regional Laboratory Medicine Program (HRLMP), which delivers laboratory medicine services. The program has more than 700 staff including 50 medical and scientific staff with cross appointments from McMaster University. The program focuses on coordinating research studies for physicians, health professionals and researchers from across Hamilton Health Sciences and St. Joseph's Healthcare Hamilton.

St. Joseph's Healthcare Hamilton (SJHH)

SJHH is an academic and research hospitals with a national reputation for outstanding patient care and innovative medical and surgical treatments. The hospital is particularly well known for

¹⁰⁰ (Hamilton Health Sciences, Hamilton Health Sciences holds strong as a top Canadian research hospital, 2020)

¹⁰¹ Synapse

¹⁰² Information provided by Hamilton Health Sciences

excellence in respiratory care, kidney and urinary care, mental health and addictions, surgical services, cancer surgery and women's and infants' care.¹⁰³

SJHH supports over 200 researchers and their research teams across life science subsectors and has the ability to facilitate product testing and evaluation. SJHH has over 77,000 square feet in lab space and supported 285 new clinical research projects in 2020. In 2020, St. Joseph's researchers conducted CAD \$26.9 million innovative research activity.¹⁰⁴

The Research Institute of St. Joseph's Healthcare Hamilton acts as platform for clinical practice research in respiratory health, mental health and addiction, biostatistics, imaging, kidney and genitourinary, on site and off site in collaboration with partners. Stakeholder interviews indicated that the collaborative setting of clinicians working along with in-house expertise has helped advance healthcare in hospitals and within primary care settings. This collaboration is viewed as a major benefit to the hospital and Hamilton's ecosystem overall.

SJHH's R&D efforts have supported 3 new inventions and innovations that have led to successful commercialization or licensing. An additional 4 innovations have been identified to have commercialization potential.

Talent

Hamilton is home to a deep talent pool. This is in large part attributed to the research-intensive academic and research hospitals noted above. The strong focus on research has supplied the ecosystem and surrounding region with a steady flow of high-quality technical talent.

McMaster University had a total of 19,063 students enrolled in life sciences and related fields in 2020, representing 55% of the total undergraduate student population. Similarly, Mohawk College saw total of 6,172 students enrolled in life sciences and related fields in 2020, making up approximately 23% of the total undergraduate student population.¹⁰⁵ In 2021, Redeemer University had over 400 students enrolled in life sciences related fields. In addition to new talent, over 30,000 employees work in the life sciences sector. This includes a total of over 1,400 life sciences focused researchers.¹⁰⁶

Support Organizations

Support services provided by incubators and accelerators are an important element in helping to grow early stage start-up and scale-up companies. In addition to academic and research hospitals, there are several resources available to businesses and entrepreneurs to support commercial activity in Hamilton. These supports are offered through the following organizations and programs:

Bay Area Health Trust (BAHT) is a Hamilton based company that operates life science businesses and invests in growth-oriented opportunities with the goal of returning value to its beneficiaries. For example, in anticipation of global shortages of COVID-19 testing supplies, Dr. David Bulir, a

¹⁰³ (St. Joseph's Healthcare Hamilton, About Us, n.d.)

¹⁰⁴ (St. Joseph's Healthcare Hamilton, The Research Institute, 2019)

¹⁰⁵ Synapse Life Sciences Consortium Data

¹⁰⁶ (Invest In Hamilton, n.d.)

researcher from McMaster University developed McMaster Molecular Medium (MMM). MMM a temperature-stable storage medium that can maintain coronavirus specimens for up to 14 days, significantly longer than standard transport media.

Figure 14: BAHT Recent Commercial Successes



McMaster Molecular Medium (MMM) – is a ready-to-use, temperature-stable sample collection and storage medium that inactivates and stabilizes coronavirus specimens from the collection site to the laboratory. Bay Area Health Trust has an exclusive licensing agreement for MMM with McMaster University. Developed by researchers from St. Joseph’s Healthcare, Hamilton’s Disease Diagnostics and Development Group, MMM will enable labs to safely increase their COVID-19 testing capacity and therefore return results faster.

Hamilton Chamber of Commerce is an advocacy organization focused on the business interests of Hamilton organizations. The Chamber played a notable role supporting the initial cluster development of Hamilton’s life sciences ecosystem. Currently, the organization supports the ecosystem by strengthening Hamilton’s narrative and branding, attracting new residents, increasing tourism, expanding the city’s aesthetics and culinary offerings, and leveraging the strengths of the region.

Innovation Factory is dedicated to assisting Ontario-based start-up and scale-up businesses by providing advisory services, training, mentorship, and strategic connections. Support is available in areas such as product development, access to funding, intellectual property, and operational analysis.¹⁰⁷

The Forge is a business incubator funded by McMaster University, serving novel and scalable start-ups in the Hamilton, Greater Toronto and Niagara Regions. Launched in 2015, the incubator supports entrepreneurs to develop their business ideas from ideation and validation to growth.¹⁰⁸

Life Sciences Ontario is a dedicated industry association for Ontario’s emerging biotechnology sector. The association fosters commercial success for Ontario’s life sciences sector through advocacy and education, and promoting the industry locally, nationally, and internationally.

McMaster Innovation Park (MIP) is a research and innovation campus comprised of start-ups, scale-up businesses, and researchers. MIP offers a collaborative space for academia and industry to focus on furthering their initiatives. MIP also offers programs aimed at supporting start-ups and scale-ups. For example, Conferences @ MIP aims to provide 11,000 square feet of modern, versatile meeting and conference facilities to fit business and event needs. MIP plans to add 1.8 million square feet of new office and wet lab space for scaling and established life science companies. While

¹⁰⁷ (Innovation Factory, 2021)

¹⁰⁸ (The Forge, 2021)

originating out of McMaster University, MIP is not directly associated with the University, operating as a separate for-profit organization.¹⁰⁹

Ontario Bioscience Innovation Organization (OBIO) is a not-for-profit, membership-based organization engaged in strategy, programming, policy development and advocacy to further the commercialization of Ontario's life science companies. OBIO led the Ontario Bioscience Economic Strategy Team in 2011. Currently, the organization advances its goals through collaborative partnerships with industry, the investment community, academia, patients, and government.

Synapse Life Science Consortium is a life science focused advocacy organization. Synapse brings together 8 key anchor institutions, 40 research institutes and centres, 34,600 life science professional and 34,649 employees, including almost 63,000 researchers.¹¹⁰ Synapse provides a series of programs related to networking and assistance on companies' commercialization journeys.

Figure 15: Synapse Life Science Competition



In partnership with Innovation Factory, Synapse hosts Ontario's premier life science pitch competition. The competition is designed to help commercialize innovative life sciences products and services and move them out of the lab and into the market. This includes pairing up life sciences innovators with business and entrepreneurship students.

Funding and Financing

The municipal, provincial, and federal governments all provide funding programs and other incentives aimed at growing and supporting Hamilton's life sciences organizations. Examples of government initiatives include:

- The Government of Canada's Scientific Research and Experimental Development (SR&ED) tax incentive program, which encourages Canadian businesses in any sector to conduct R&D in Canada through income tax deductions, investment tax credits, and refunds. The program provides over CAD \$3 billion in incentives to over 20,000 claimants annually.¹¹¹
- The Ontario Centre of Innovation (OCI) IP voucher program, which supports collaboration between academia and industry to solve industry problems and drive the commercialization of intellectual property. The program provides investment support and has so far contributed CAD \$360 million to collaborative R&D projects.¹¹²
- FedDev Ontario's investment of CAD \$6 million to Innovation Factory (in partnership with Synapse) to launch the Southern Ontario Pharmaceutical and Health Innovation Ecosystem (SOPHIE), aimed at supporting and developing specialized pharmaceutical and health innovations to scale up companies.

¹⁰⁹ Source: Synapse Life Sciences Consortium Data

¹¹⁰ Synapse Life Sciences Consortium Data

¹¹¹ (Government of Canada, Medical Devices: Industry Profile, 2021)

¹¹² (Ontario Centre of Innovation, How Academic-Industry Collaboration Maximizes Innovation, n.d.)

- NGen, a not-for-profit organization that matches manufacturing companies with new technologies to drive economic possibilities and generate new commercial opportunities for advanced manufacturing in Canada. To date, the organization has supported 105 projects valued at a total of CAD \$437 million which have contributed to the creation of 835 jobs.
- The Ontario Centre of Innovation (OCI) Market Readiness Co-Investment Fund, that supports early-stage companies in Ontario raising pre-seed and seed investments. The program funds 20 companies with investment of CAD \$125,000 or CAD \$250,000 annually.¹¹³
- The OBIO Business Development Skills Program, which grants up to CAD \$100,000 in funding to private health science companies in Ontario.¹¹⁴
- Mitacs Accelerate Entrepreneur funds student and postdoctoral entrepreneurs to further develop the research or technology at the core of a start-up business.¹¹⁵

Other types of financing available to Hamilton start-up/scale-ups include investments through angel investors, private equity funds, and venture capitalists. These stakeholders provide companies with initial and ongoing financial means to invest in research, development, clinical trials, marketing, and commercialization. Investors have varying levels of influence on the direction and pace of development for companies, especially those in earlier and start-up stages.

Hamilton’s Quality of Life

Situated on Lake Ontario and along the Niagara Escarpment, Hamilton offers residents a high quality of life, including access to outdoor activities with vast hiking trails, relative affordability, world-class academic and research hospitals, a thriving art scene and a diversified economy. These factors help ensure that Hamilton is a desirable and prosperous place to live, which is especially important for attracting the highly skilled talent required for a robust life sciences sector. Highlighting the benefits of living in Hamilton, alongside opportunities within the life sciences sector is an important part of Hamilton’s value proposition.



Economic Prosperity

- Hamilton has a workforce of approximately 400,000.
- The Conference Board of Canada recently ranked Hamilton as the top city nationwide for economic diversity.
- Hamilton is seeing an increasing rate of building developments – with the city issuing over CAD \$2 billion worth of building permits by the end of 2021¹¹⁶.



Affordability

- As of October 2021, the average selling price of a house in Hamilton was approximately CAD \$836 thousand, compared to an average of CAD \$1.1 million in Toronto.

¹¹³ (Ontario Centre of Innovation, Market Readiness: Investment Criteria, 2021)

¹¹⁴ (Ontario Bioscience Innovation Organization, 2021)

¹¹⁵ (Mitacs Accelerate Entrepreneur, 2021)

¹¹⁶ (Municipal Information Network, 2021)

- Restaurant prices and groceries are more than 20% less expensive than Toronto.
- The city has more affordable real estate with the average R&D tangible products facility costing CAD \$6.48 per square foot in Hamilton, and CAD \$9.06 per square foot in Toronto.



Public Service

- Hamilton Immigration Partnership Council (HIPC) helps new immigrants settle in the city.
- The city has a cluster of health institutions which have helped raised Hamilton's life expectancy rates.



Transportation

- Hamilton has an extensive regional public transit hub linked to the provincial GO Transit system.
- One-third of all commuter trips are less than 5km, making the city walkable and bikeable.
- There are over 200km of bike lanes across Hamilton.
- The average commuting duration is 26 minutes shorter than Toronto.



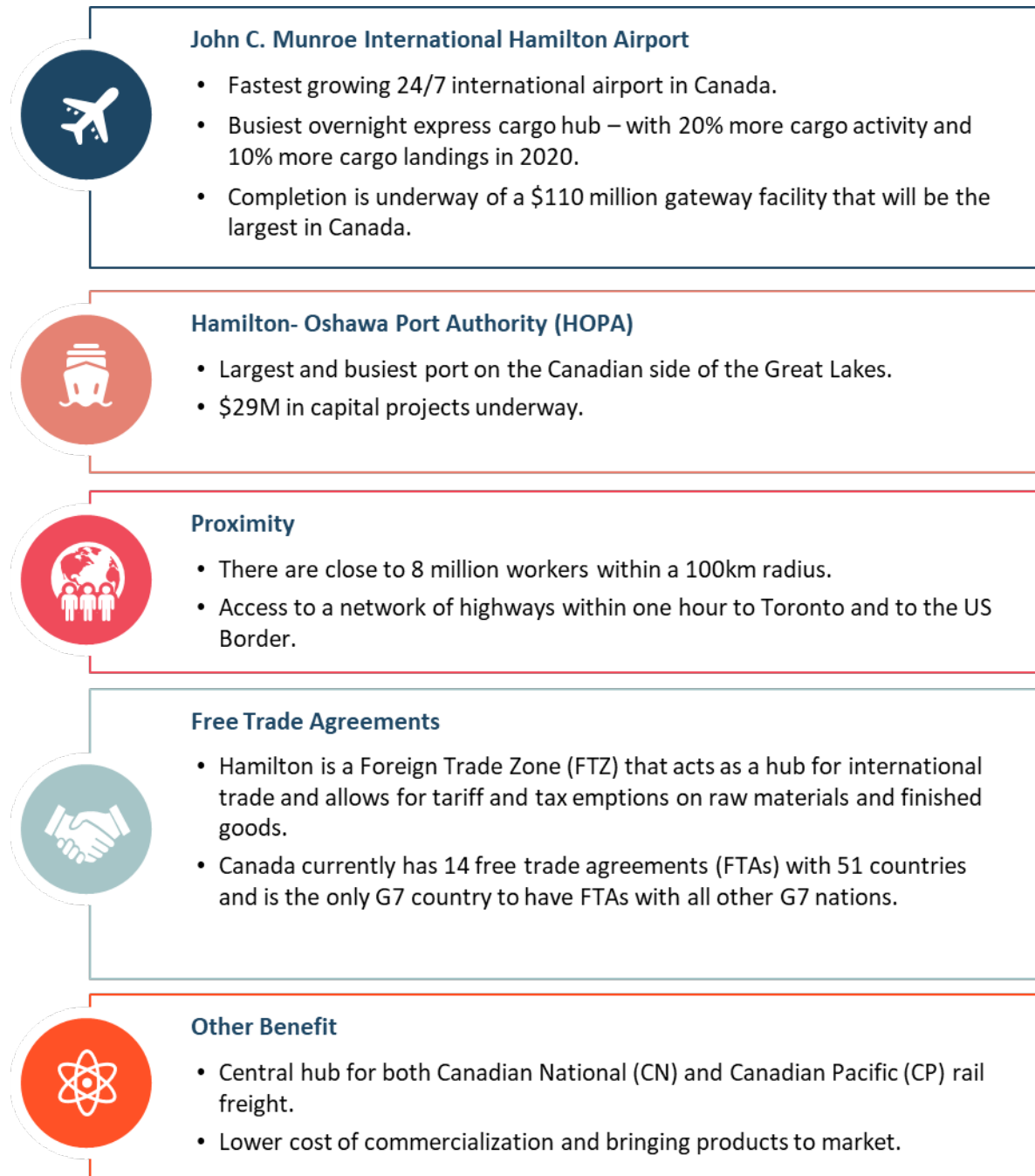
Culture & Environment

- Residents can enjoy natural assets such as Lake Ontario and the Niagara Escarpment.
- The city has a vibrant arts and nightlife community.
- Hamilton is home to professional sports teams and programs.
- There are continued beautification efforts across Hamilton, specifically in the city's downtown, waterfront, and Pier 8 development.

Location-specific attributes

Hamilton's geographic location is considered a major advantage. The city is in the centre of the most densely populated corridor of economic activity in Canada. Its location provides businesses and organizations with easy access to a network of highways, international rail lines, John C. Munroe Hamilton International Airport, and the Hamilton-Oshawa Port Authority (HOPA). The city is within close range of key major urban markets in Canada and the United States. The city is within an hour's drive of 9 million people and is an hour away from the US border. These advantages are outlined in *Figure 15* below.

Figure 16: Overview of Hamilton's Location-Specific Attributes and Free Trade Agreements





Appendix C

Hamilton's Competitiveness

Hamilton’s Competitiveness

Cities that rank highly among their peers for operating, business and intangible factor costs are well positioned to garner domestic and foreign investment.¹¹⁷ Business environment factors such as the size of experienced workforce, new inflows of talent, information technology infrastructure, utility and infrastructure are critical for attracting investment. Intangible factors such as the regulatory environment and the ease of doing business or employing workers, innovation and intellectual property laws, and quality of life are advantages that investors focus on when relocating or establishing a business.¹¹⁸

The KPMG City Competitiveness Index (Index) was utilized to assess Hamilton’s competitiveness within the life sciences sector.¹¹⁹ The Index models cost and non-cost data for each location based on a set of operations parameters that were developed based on industry consultations and analysis to reflect the average business operation in the sector. For the purposes of the analysis the model for research and development (tangible products) was used. This model includes applied research in fields dedicated to developing tangible products within life sciences. Example operations for R&D (tangible products) include medical device R&D, and biomedical R&D. The cost and non-cost factors that were assessed include utilities costs, tax costs, facilities costs, labour costs, business environment factors, and intangible factors.

Hamilton was compared to four Canadian and five US cities which have established/emerging life sciences sectors and/or are comparable to Hamilton. Focus was placed on competitor jurisdictions or key life science hubs that are often considered by investors when considering investment or expansion in the life sciences sector.

Table 6: List of Canadian and US Cities Compared to Hamilton

Canadian City Comparison	US City Comparison
London	Boston
Toronto	Houston
Hamilton	Minneapolis
Quebec City	Pittsburgh
Montreal	Raleigh

*For details regarding the competitiveness analysis, please visit:
<https://citycompetitivenessindex.kpmg.ca>*

¹¹⁷ (KPMG, 2021)

¹¹⁸ (KPMG, 2021)

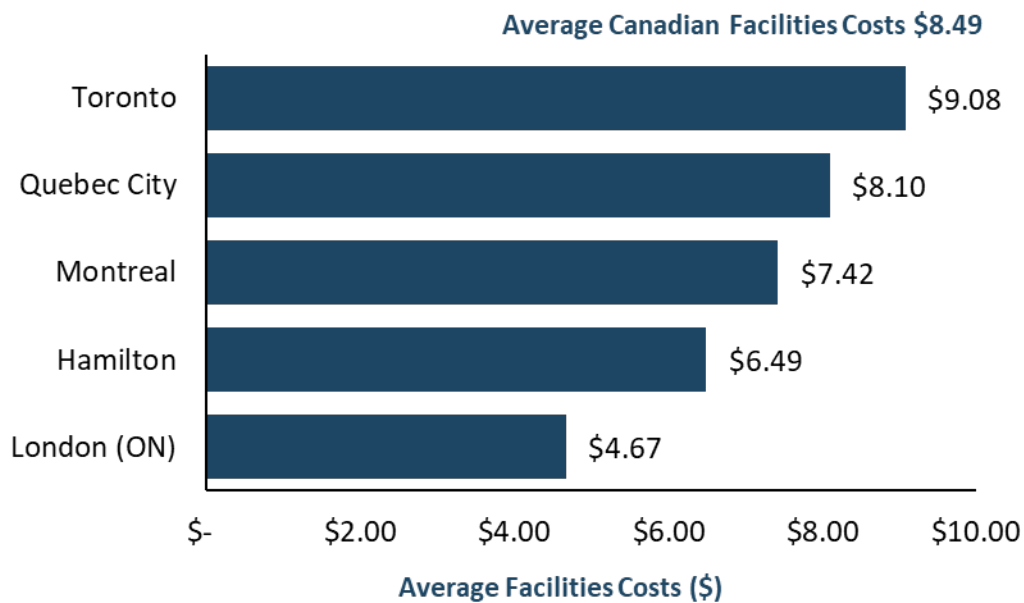
¹¹⁹ (KPMG, 2021)

Canadian City Comparison Highlights

When compared to four Canadian jurisdictions with life sciences hubs, Hamilton’s competitiveness for cost and non-cost factors was strong. Hamilton’s top performance was for facilities costs, ranking 2nd among the peers with an average of CAD \$6.48 per square foot (compared to an average of CAD \$9.06 square foot for Toronto) and an average labour cost ranking that was tied for second at CAD \$139,836.

Figure 17: Average Facilities Costs (\$CAD) for Select Canadian Cities

Average facilities costs per Canadian city assessed



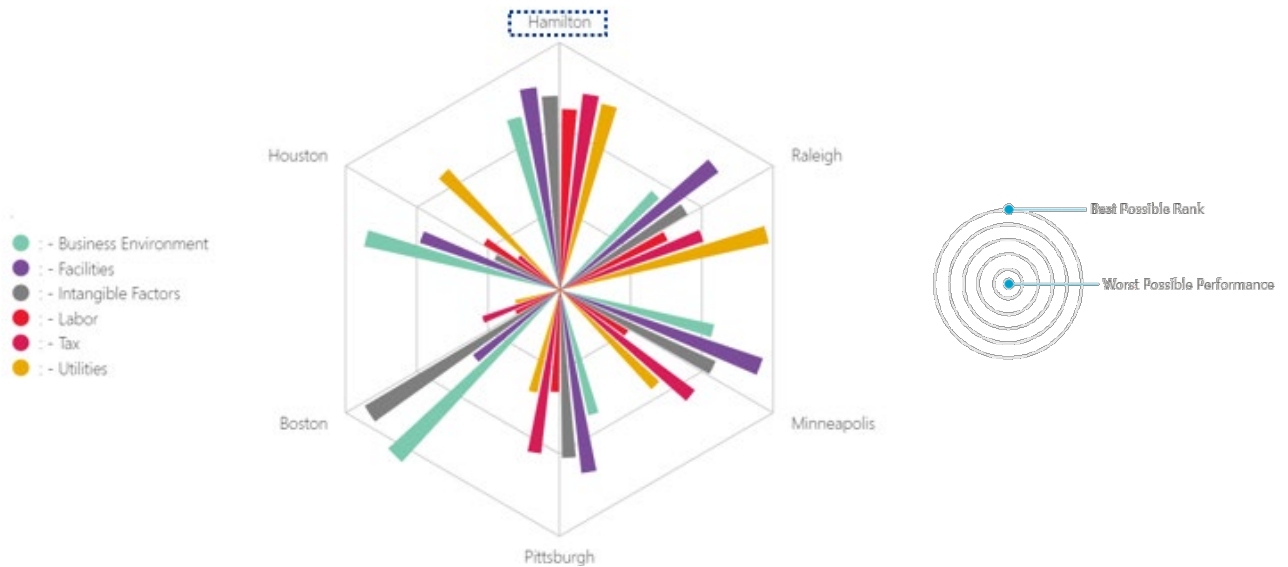
Source: (KPMG, 2021)

US City Comparison Highlights

Hamilton outperformed American counterparts for labour and tax costs. These advantages are shown in Figure 16, which provides a comparison of the estimated cost factors associated with operating an equivalent facility in each city, where longer bars represent more competitive costs.¹²⁰

¹²⁰ KPMG City Competitiveness Index

Figure 17: Hamilton's Competitiveness Compared to Select US Cities

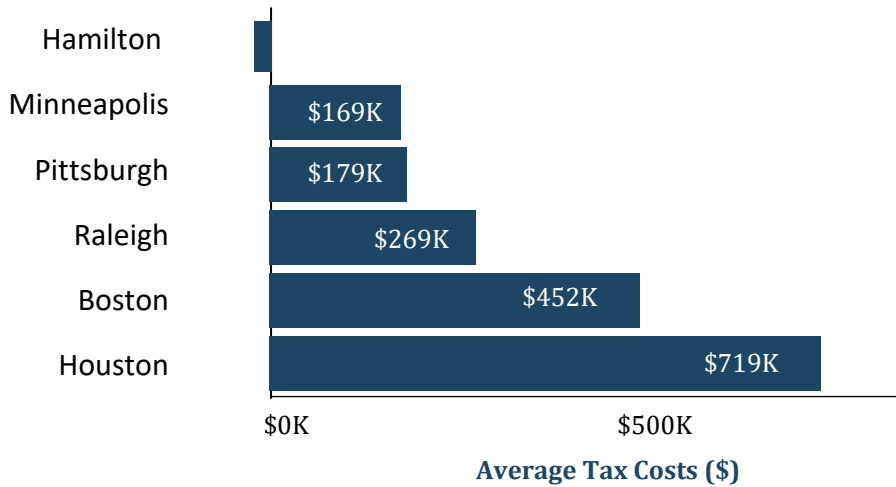


Source: KPMG City Competitiveness Index, 2021

When compared to five US jurisdictions with established life science hubs, Hamilton's competitiveness for key cost and non-cost factors was very strong. Hamilton scored in the top two for most factors.

When compared to US peers, Hamilton is the only jurisdiction with negative tax costs. This may be attributed to the incentive programs in place, and Canada having among the most favourable research and development tax incentives in the world.

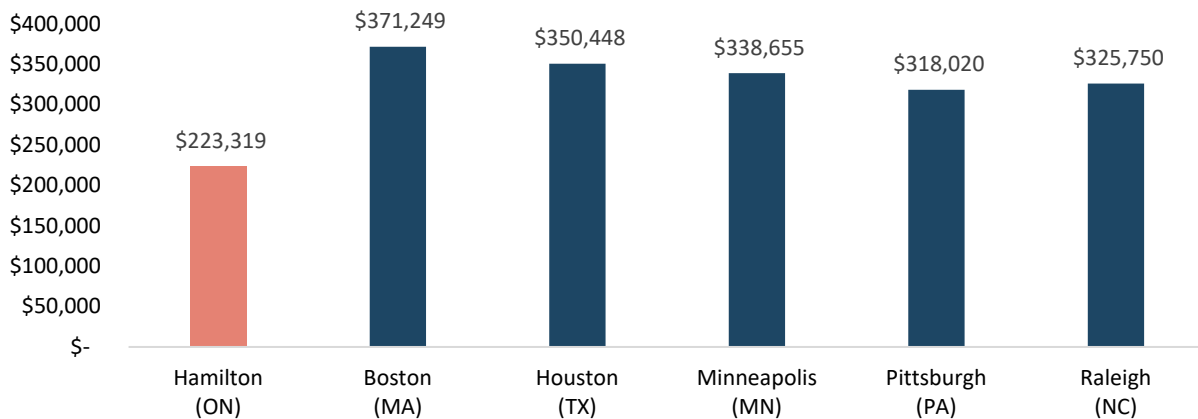
Figure 18: Average Tax Costs for Research and Development Operations with Tangible Products for Hamilton and Select US Cities



Source: KPMG Analysis, 2021

When comparing total compensation levels for Research and Development Director positions in Hamilton with those in select US jurisdictions, Hamilton’s labour costs are notably lower – with an average total compensation of CAD \$98,757 in Hamilton compared to an average total compensation of CAD \$407,195 in Pittsburg. Meaning Hamilton is 30% more competitive than the US city with the lowest labour costs.¹²¹

Figure 19: Total Compensation for Research and Development Director for Hamilton vs Select US Cities

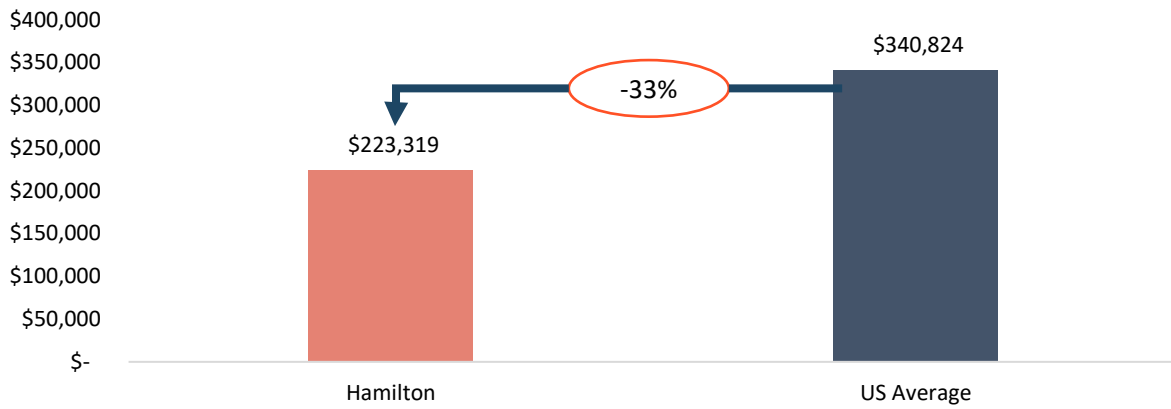


Source: KPMG City Competitiveness Index, 2021

¹²¹ KPMG City Competitiveness Index, 2021

On average, Hamilton labour costs are 33% less expensive than in the select US cities assessed.¹²²

Figure 20: Total Compensation for Research and Development Director for Hamilton vs US Average



Source: KPMG City Competitiveness Index, 2021

¹²² KPMG City Competitiveness Index, 2021



Appendix D

Acknowledgements

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We would like to express our sincere gratitude to the representatives of the following organizations for their assistance with the research, insightful comments, and guidance in the development of this sector strategy.

Bay Area Health Trust	Mariner Endosurgery
CBRE Limited - Toronto West	McMaster Innovation Park
Centre for Cancer Regenerative Medicine	McMaster University
Centre for Probe Development and Commercialization	Michael G. DeGroot Health Innovation, Commercialization and Entrepreneurship
Century Therapeutics	Mohawk College
City of Hamilton	National Research Council Canada
Equation Angels - Angel One Chapter	Ontario Centre of Innovation
HaloHealth	Ontario Ministry of Economic Development, Job Creation and Trade
Hamilton Health Sciences	Population Health Research Institute
Hamilton Regional Laboratory Medicine Program	Redeemer University
Industrial Research Assistance Program (IRAP Ontario)	St. Joseph's Health System
Innovation Factory	Stryker
Invest in Canada	ToeFX
Ironstone Product Development	VoxNeuro
Life Sciences Ontario	



Appendix E

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Hamilton Life Sciences

SECTOR STRATEGY

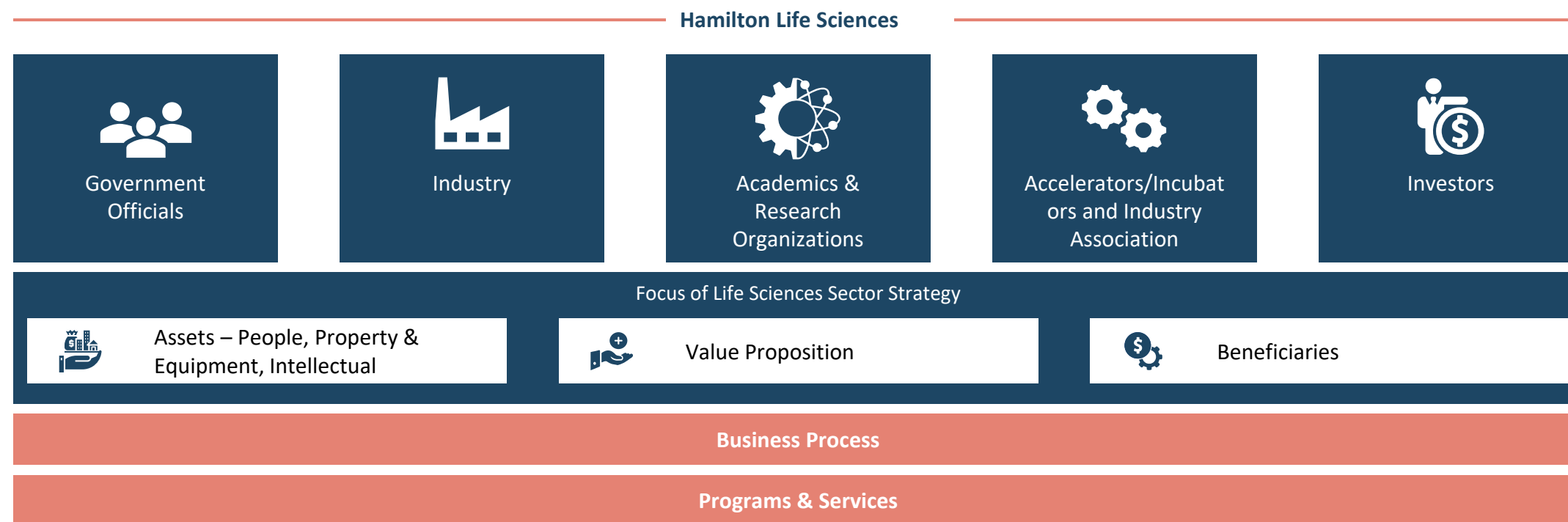
Council Presentation | February 16, 2022



Project overview

A sector strategy is a call to action — a framework for the sector’s participants to link public investments with private sector expertise and innovation. Done right, it inspires further collaboration and alignment to attract domestic and international investment.

Strategies also seek to address key challenges and focus on opportunities for growth. For Hamilton, this includes addressing local roadblocks preventing local expansion (i.e. scaling-up), and raising investor awareness. To address both challenges and opportunities to grow the sector, we focused on the following areas:



Focusing on life sciences



Global growth opportunity

Hamilton is one of Canada's fastest growing life sciences clusters. With more than 30,000 employees, and CAD \$5.7 billion in annual economic activity, the life sciences sector is one of the city's largest industry.

Hamilton possesses the potential to lead Canada's national life sciences ecosystem and attract increased national and international.

Hamilton's life sciences sector further presents an opportunity to support innovation, economic growth, equity, diversity, and inclusion in the region.

Hamilton's advantages and strengths

Leveraging the City's advantages and sector strengths will help grow Hamilton's life sciences sector and attract investment.

Sector Strengths

Growing Industrial Presence (i.e. number of start-up companies)	
Deep R&D Talent Pool	
Internationally Recognized Academic and Public Research Institutions	
Available Programs and Resources	
Collaborative & Supportive Ecosystem	
Established Life Sciences Infrastructure (Lab & Start-up Space)	



City Advantages

High Quality of Life	
Economic Prosperity	
Affordability (compared to neighboring regions)	
Public Services	
Culture & Environment	
Strategic Location	
Free Trade Agreements	
Hamilton Airport	
Port of Hamilton	
Proximity to larger markets	



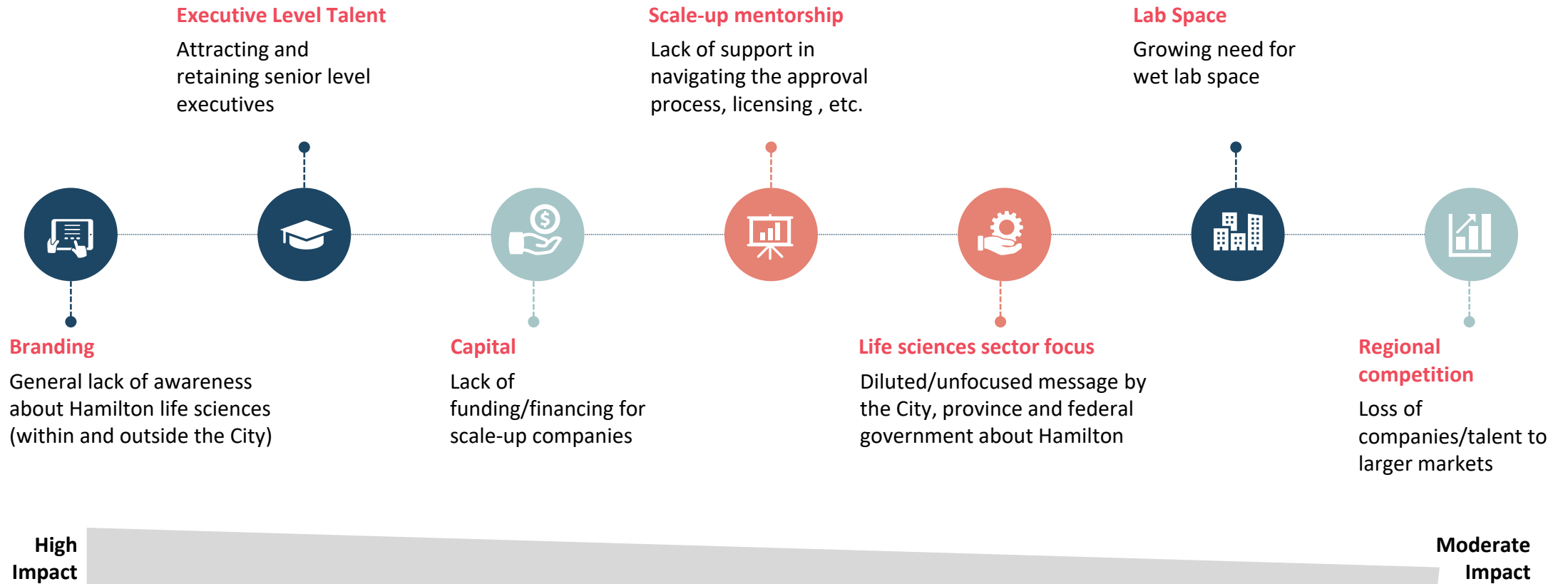
Focusing on key subsectors

To help ensure differentiation, Hamilton should focusing on the subsectors where the region has a competitive advantage and where national and international growth opportunities exist in the near and long-term. Based on research, consultation with stakeholders, and analysis, the key subsectors in Hamilton include:



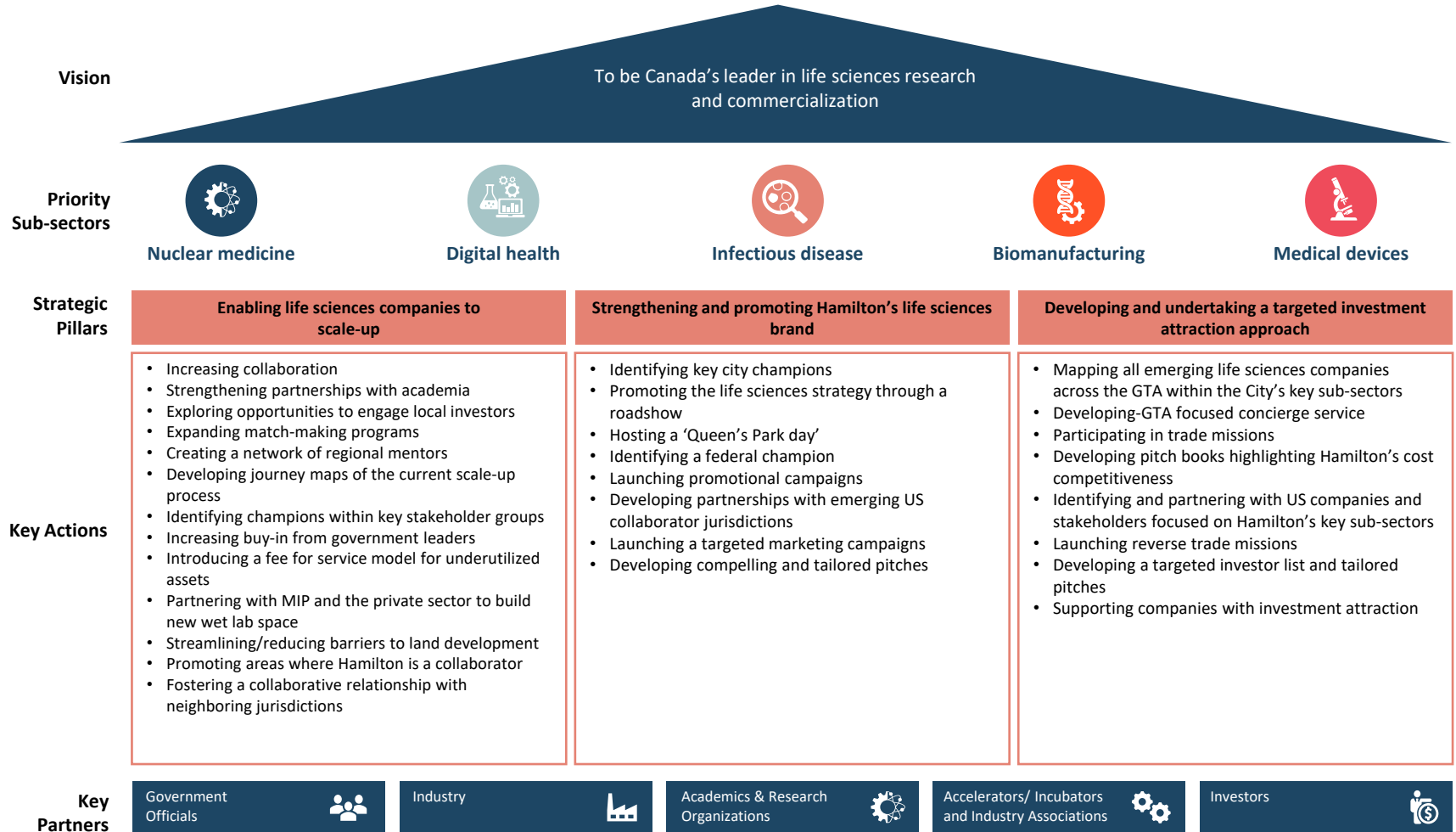
Barriers for accelerated growth

Based on a current state assessment of the life sciences sector that included extensive stakeholder consultation and in-depth research and analysis to identify challenges impacting its ability to grow.



Strategy for growing Hamilton’s life sciences sector

Successful strategies start with a clear vision for the future. For Hamilton, this vision is to be Canada’s leader in life sciences research and commercialization – with a focus on key subsectors such as nuclear medicine, digital health, infectious diseases, biomanufacturing, and medical devices.



Key performance indicators will determine success and the path forward

To support the city in measuring the success of the life sciences strategy, a total of 11 key performance indicators (KPIs) relevant to Hamilton's life science sector have been identified. These indicators are intended to monitor local sector performance.

Performance Indicator	Attribute Measured
Total revenue from local entities in the Hamilton life sciences ecosystem.	Economic activity
Venture capital investment in Hamilton's life sciences sector (book value).	Funding / financing
Number of life sciences companies with a physical presence in the Greater Hamilton Area.	Industry presence / growth (Y/Y)
Life sciences facility space in square feet.	Infrastructure
Annual investment (capex, opex, payroll) by Hamilton life sciences sector organization companies (\$).	Investment
Number of Hamilton full-time employees employed by international companies operating in the sector (Y/Y).	Labour / talent
Number of annual undergraduate / graduate / postgraduates in STEM at Hamilton Universities/Colleges.	Labour / talent
Median income for life sciences jobs in Hamilton.	Labour / talent
Number of life sciences jobs in Hamilton.	Labour / talent
Number of patents created by Hamilton life sciences companies per calendar year as a result of research in Hamilton area.	R&D activity
Total spending on R&D (% of operating budget) from life sciences organizations in Hamilton.	R&D activity



Appendix

Stakeholder consultations



As part of the project, discussions were held with key stakeholder groups to help provide insights related to Hamilton's strengths, weaknesses, opportunities and challenges, as it relates to the life sciences sector.

These insights provided the basis of the sector strategy and informed the development of the final list of KPIs to be assessed and tracked by the City of Hamilton and its partners.



**Synapse
Consortium***

(11 stakeholders
engaged)



**Government
Officials**

(6 stakeholders
engaged)



Industry

(8 stakeholders
engaged)



**Academia & Research
Organizations**

(3 stakeholders
engaged)



**Accelerators/ Incubators
and Industry
Associations**

(3 stakeholders engaged)

*Note: Synapse Consortium includes academic & research organizations, government officials, accelerators/incubators and industry associations.

Key Challenges (1/3)

The key challenges identified through stakeholder discussions and analysis limiting accelerated sector growth include:



Strengthening Hamilton's life sciences brand

- Stakeholders highlighted a general lack of awareness about Hamilton's life sciences sector (within and outside the city).
- This includes a lack of knowledge about key assets, opportunities for growth and recent wins across the sector.
- While McMaster University is well known across the region, other assets or recent wins tend to fall under the radar for anyone not directly involved in Hamilton's life sciences sector.
- This is in part attributed to the persistent association of Hamilton as a 'steel town', and not a city with a growing life sciences sector.



Attracting executive level talent

- While Hamilton was observed to have a strong supply of life sciences talent, gaps were identified in the availability of executives and individuals with 5-8 years of experience.
- This includes individuals with a successful track record and skillsets required to grow start-ups into multi-million-dollar corporations.
- companies look to scale-up, experience and executive skillsets are critical to help companies reach the next stage.
- Hamilton has excelled at attracting top tier talent within the STEM categories and needs to apply the same focus on creating a business environment conducive to attracting future business executives.



Increasing access to capital

- Entrepreneurs identified access to scale-up capital as a primary barrier to growth for start-ups.
- While not unique to jurisdictions across Canada, start-ups pointed to challenges in accessing capital within the city and Canada more broadly.
- Entrepreneurs across the city perceived Canadian investors to be more risk averse in their valuations of new companies and innovative products, impeding the ability of Canadian start-ups to raise the required investment for growth.
- Combined with lower amounts of capital available across the country, start-ups oftentimes look to the US when raising capital.
- This challenge is further compounded by US investors' lack of awareness regarding life sciences opportunities across Hamilton.

Key Challenges (2/3)

The key challenges identified through stakeholder discussions and analysis limiting accelerated sector growth include:



Addressing the scale-up mentorship gap

- As noted by stakeholders, Hamilton lacks a robust pool of mentors with entrepreneurial expertise in the life sciences sector.
- This gap is largely the result of a growing ecosystem that has yet to reach a critical mass of successful scale-up companies.
- To compensate for a lack of experience, entrepreneurs often look to mentors to help them along the commercialization journey and beyond.
- With longer product development and licensing timelines in the life sciences sector, knowledgeable mentors that provide meaningful guidance in navigating the process can be the difference between success and failure.



Increasing focus on life sciences sector

- Stakeholders noted limited showcasing of the life sciences sector from elected officials at all levels of government when profiling Hamilton.
- While a few recent wins and success stories (including the recent IPO of Fusion Pharmaceuticals) were identified, Hamilton continues to be closely linked to its industrial history despite life sciences organizations collectively constituting the largest employers in the city.
- While the city has been working on profiling the life sciences sector— including through partnerships with Invest in Canada – opportunities exist to further profile the sector.
- This includes the opportunity to focus efforts on promoting the life sciences sector to key government officials within the provincial and federal governments.



Improving access to wet lab space

- Through stakeholder discussions, the availability of infrastructure, particularly access to wet lab space was noted.
- While advancements are being made in artificial intelligence and virtual reality which could help address some of these challenges by providing new methods to test innovative research, in the short and near-term these barriers to access key infrastructure assets present a roadblock to innovation and commercialization.
- While an opportunity exists for the private sector to help fill in life science asset infrastructure gaps, inefficiencies within the city's development process were highlighted.
- Unique requirements associated with the development of life sciences assets, such as regulations surrounding laboratories, lead to additional barriers in approvals.

Key Challenges (3/3)

The key challenges identified through stakeholder discussions and analysis limiting accelerated sector growth include:




Mitigating regional competition

- While Hamilton's geographic location presents opportunities for growth, including access to larger markets, it also presents challenges. Hamilton is located within the innovation corridor, neighboring Mississauga's 'pill hill' (pharmaceutical companies located in the Mississauga), and Canada's largest city, Toronto.
- The city faces competition from larger and more well-known cities, all within a 75km radius.
- As Hamilton looks to grow its life sciences sector, it needs to distinguish itself against its regional peers to attract investment, while retaining scaling-up companies considering relocation to the neighboring larger market in Toronto.





INFORMATION REPORT

TO:	Mayor and Members General Issue Committee
COMMITTEE DATE:	February 16, 2022
SUBJECT/REPORT NO:	Our People Survey Update (CM22001) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lora Fontana 905-546-2424 Ext. 4091 Nenzi Cocca 905-546-2424 Ext. 3924 Dawn Hannemann 905-546-2424 Ext. 4265 Owen Mallouhi 905-546-2424 Ext. 6667 Nancy Mooney 905-546-2424 Ext 1581
SUBMITTED BY:	Janette Smith City Manager
SIGNATURE:	

Council Direction:

On November 23, 2015, Council approved report HUR15014 regarding the Our People Survey (OPS) and provided staff direction to proceed with a one survey approach for all City of Hamilton (City) employees. This was in follow up to Council's request for a corporate methodology, incorporating a unified approach for employee surveying that would occur every three years. The intent of the survey was to measure five key areas including employee engagement, workplace culture, workplace ethics and integrity, health, safety and wellness, and workforce census and demographics.

Background

In September 2017, the City launched the first Our People Survey (OPS) to all employees. This voluntary and confidential employee survey was executed by a third-party vendor, Metrics@Work, an expert in municipal engagement surveys. The key objective for the survey was to collect meaningful feedback from our employees that

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

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

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

would lead to thoughtful actions, enhance employee engagement, improve performance, and enable higher levels of trust and confidence in our City government. The survey was approved by Council as a nine-year project, with a plan to survey employees on a three-year cycle starting in 2017, and re-survey in 2020 and 2023, with a goal to measure improvement to the 2017 baseline over time.

Under the guidance and support of Human Resources, the 2017 Our People Survey proved to be a success. Phases One to Four were completed on time and under budget, and staff have been engaged throughout the process.

In 2020, due to the COVID-19 Pandemic and the impact it has had on the way City employees operate on a day to day basis, Council approved the City rescheduling the second cycle of the Our People Survey from Fall 2020 to Fall 2021. Accordingly, the second Survey was completed in September/October 2021.

Similar to 2017, the City executed the 2021 Our People Survey in a confidential manner by having the same third party, Metrics@Work, receive and summarize all survey responses directly from employees. The key objectives of the survey, as in the first Our People Survey, was to collect meaningful feedback from our employees that will lead to thoughtful actions, which will ultimately enable higher levels of engagement, performance, and trust and confidence in our City government.

The Vendor

Metrics@Work is a leading provider of organizational performance measurement and consulting services. Their core service and expertise is with employee engagement surveys, action planning and organizational change, as well as leadership development aimed at supporting organizations that want to build and maintain productive and engaged workforces.

Zakary Rochon is the Lead Project Consultant and Managing Partner at Metrics@Works'. Zak was part of the original Brock University research lab started by Dr. John Yardley, that developed into Metrics@Work Inc. His background is in research design and psychometrics. He consults on survey development and the interpretation and presentation of survey results to all stakeholder groups. He holds an M.A. from York University and a B.A. in Psychology from Brock University.

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The 2021 Survey Process

Consistent with the 2017 Our People Survey, the 2021 Our People Survey will follow a similar process, which involved progressing through four key phases:

1. Phase 1 – Survey Launch (September – October 2021)
- 2. Phase 2 – Sharing Results (current phase)**
3. Phase 3 – Building Action Plans (Q2 – Q4 2022)
4. Phase 4 – Implementing Action Plans, and Monitoring Progress (Q4 2022 – 2024)

To ensure the overall success of this next cycle of the Our People Survey, many of the same approaches, processes and tactics used in 2017 were followed in the 2021 Our People Survey, with minor changes and improvements based on lessons learned.

In particular, the survey was supported by the Senior Leadership Team, along with a Corporate Steering Committee comprised of representatives from each department. The City again reached out to front-line employees to act as Survey Ambassadors. Where workload and COVID-19 related operations were the priority, additional support was provided directly by Human Resources. The City employed a comprehensive communication strategy to generate excitement and to ensure that staff were well informed of the survey.

The survey questionnaire for the 2021 Our People Survey remained largely the same as the 2017 Our People Survey, in order to benchmark the City's progress. However, it is important to note that very few Municipalities ran full engagement surveys since March 2020, and as a result, only pre-pandemic Municipal benchmarking is available at this time. Benchmarking available during the Pandemic is more readily available from the healthcare sector, therefore comparisons would be more heavily weighted with responses from the healthcare and hospital sector.

Some minor adjustments and additions were being made to better assist the City in understanding the success of programs and initiatives. This includes additional questions pertaining to psychological health and safety, leadership, and action planning efforts following the previous survey iteration to understand employees' perceptions of the progress and impact of action planning. Questions were also added related to employees' perceptions of the City's efforts to support them through COVID-19, including their experiences related to redeployment and working from home.

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

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

Taking into consideration the numerous priorities, challenges and resource pressures faced by City employees during this time, the number of questions in the 2021 Our People Survey were reduced in order to facilitate a shorter completion time (from approximately 30 minutes to complete in 2017, to approximately 15 minutes to complete in 2021). Notably, the questions related to workforce census and demographics from the 2017 Our People Survey were removed, as this work has been transitioned and better facilitated through a voluntary employee Diversity Survey issued in 2020.

All permanent and temporary full and part time employees of the City of Hamilton were invited to participate in the survey, in addition to students and interns working at the City during the survey window. Contractors, City Council and Council Administrative Staff were excluded from participation in the Our People Survey. Accessibility to the Our People Survey was improved in 2021 by leveraging Howi and providing secure links to the survey, reducing the use of paper-based copies.

2021 Our People Survey Results

All City employees had the opportunity, on a voluntary and confidential basis, to participate in the 2021 Our People Survey. The survey was open to all employees on September 13, 2021 and closed on October 11, 2021. The purpose of the survey was to measure key areas which included Engagement, Culture, Workplace Ethics & Integrity, Health Safety & Wellness, and the City's Response to COVID-19. It was also an opportunity to gather meaningful feedback and ascertain the impacts of the Action Plans that were built and executed in response to results of the 2017 Our People Survey, so that the City can continuously improve the employee experience and related performance.

The City had 4417 respondents, which translates to a 62% overall employee participation rate. Although the participation rate is slightly lower than achieved in the 2017 Our People Survey, the percentage of employees who participated is still remarkable given the resource challenges, workload and impacts that COVID-19 has had on our employees. Notably, during the 2021 survey window, the City and our community was experiencing the 3rd wave of the COVID-19 Pandemic, a number of employees had been redeployed to support a number of COVID-19 and vaccine-related operations, Lodge employees were navigating an outbreak, and the City introduced the Mandatory Vaccine Verification Policy.

To highlight the significance of the participation rate even further, 24 out of 36 divisions achieved a participation rate of 80% or higher with 12 of those divisions achieving over

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90% participation. This high participation rate means the results reflect the experience of the majority of employees and the survey has correctly identified strength and opportunities. This feedback will be used to develop the next round of meaningful and relevant action plans.

Metrics@Work has analyzed the survey data and provided the City's result reports at the organizational, divisional and sectional, levels (see Appendix A).

Themes were consolidated based on written feedback as well, and although many of the same strengths identified within the survey were mirrored in the written feedback, comments also highlighted several opportunities for improvement at the organizational level.

Results have been reviewed with the Senior Leadership Team and will be shared with Divisional Leaders, with on-going plans to cascade results down through respective management teams to the front-line. All City leaders will be scheduling meetings to share the results to the front-line which is expected to take approximately 2 to 4 months, depending on the size of the department/division.

The Human Resources division will continue to support the City's leadership with respect to the action planning and implementation phases that will follow.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report CM22001 – Our People Survey Update

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City of Hamilton 2021 Survey Results



METRICS@WORK

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Introduction

This report is based on results from all the respondents in your organization. It is important to remember that it is not what you find in this report, but what you do with what you find that really matters; therein lies the key to successful Human Resource Management change.

General Considerations

Review the report carefully and identify strengths and opportunities for improvement. The results provide important information about what employees think and feel about their jobs, the environment and people that surround their jobs, and about the organization. It is important to discuss the findings with employees to understand what may be ‘driving’ those opinions and answers to the survey. These discussions will also help to confirm the results that are most important for the organization as-a-whole and for groups within such as Departments, Divisions and Work Units.

Survey and Report Terminology

Drivers of Engagement:

The basic premise of the Metrics@Work model of employee engagement is that multiple levels of work factors, (e.g. those related to the job, work environment, or the organization as-a-whole), affect overall levels of employee engagement, which in turn affect organizational and work outcomes, such as employee health, job performance, and stress levels.

Driver Items:

In this report the word “item” or “driver item” refers to an individual statement that the respondent rated in the original survey. A “driver” refers to the average of a single item (when single items represent a driver) or a series of items measuring one driver (when multiple items represent a driver). Note: the rating systems referred to throughout this report represent the response scales used in the survey.

Percentages in this Report:

Percentages are based on the arithmetic mean of responses across a 7-point Likert response scale for all items in each specific Engagement Driver or Survey Outcome (see Appendix A for reference to the survey). The averages can range from 0% to 100%. An average rate of 0% would indicate that all respondents reported “Strongly Disagree” and an average rate of 100% would indicate that all respondents “Strongly Agree,” i.e., higher values represent higher overall levels of agreement. Therefore, the %’s represent the average **level** of engagement or satisfaction with each particular Engagement Driver or Survey Outcome and NOT the percentage of people who are engaged or satisfied.

Percent ranges associated with the response scale:

Range	Driver Rating System
0.0% - 8.2%	Strongly Disagree
8.3% - 24.9%	Disagree
25.0% - 41.6%	Somewhat Disagree
41.7% - 58.2%	Neither Agree nor Disagree
58.3% - 74.9%	Somewhat Agree
75.0% - 91.5%	Agree
91.6% - 100.0%	Strongly Agree

Difference from Rest Average (i.e., Diff. from Rest Avg.):

The Difference from Rest Average scores in your report represent an internal benchmark to the group that is the next level up from the group being reported (unless otherwise noted). This follows a parent-to-child relationship type of logic (e.g., every group is compared internally to the rest of its parent group – one level above). For statistical validity, a subgroup's own driver average is not included in the calculation used to determine the Rest Average of its parent group. Rather the Rest Average is a recalculated average for the “parent level group”, created by removing the child-group from the average. This creates a more valid internal benchmark that doesn't inflate or deflate the parent groups' average by the child groups' own scores, or erroneously include the child group in both the comparison group and the comparator.

Colour Coding:

In most areas of the report, scores are displayed in green, red, or black, to indicate a positive, negative, or 'on par' relationship to Metrics@Work's database, or the benchmark group (e.g., Rest Avg.). Red numbers represent benchmark comparisons with a negative difference of more than -5%, which indicates an observably lower average than the benchmark. Black numbers represent differences within +/-5% of the benchmark comparison. Green numbers represent benchmark comparisons with a positive difference of more than +5%, which indicates an observably higher average than the benchmark.

NOTE: Colour Code Exceptions: Because one would expect larger differences in comparisons with Best Practices we use a cut off of -20% for those comparison groups. Therefore, black numbers range from -20% to 5%. Any difference in a Best Practice larger than -20% is red.

How to Interpret the Results

Averages:

The average is a very common measure of central tendency and it represents the “balance point” of all the respondents' opinions. Its beauty is its simplicity and simple comparability from one construct to another or from one group to another. Survey Outcomes, Items, and Drivers of engagement are reported in rank order within this report, to allow for the easy identification of higher and lower scores. The Graph of Drivers allows for patterns to be identified within the ranking. The following offers some examples of normal patterns of results:

- Organizational drivers tend to be rated lower than work area drivers (e.g., organizational communication is typically rated lower than work area communication).
- Job and work area drivers tend to be in the top half of the Graph of Drivers.
- Co-worker cooperation is generally in the top 5 ranking, satisfaction with supervisor is typically among the top 8 ranked drivers and satisfaction with department management (e.g., Director) is generally ranked around the middle to lower half of the Graph of Drivers. Satisfaction with Senior Leadership is generally among the bottom 8 ranked drivers.
- If co-worker cooperation and satisfaction with direct supervisor are both high in the rankings, and with similar averages, and satisfaction with department and senior management are ranked low, and scored similarly, it is likely that there is a “them vs. us” mentality within that groups' results.
- Employee Involvement, Workload, Recognition and Satisfaction with Leadership, Opportunities for Advancement and Performance Management are almost always ranked near the bottom of the Graph of Driver Averages.

Changes in any of the common patterns noted above can be the sign of a problem and should be looked at as possible opportunities for improvement. Averages can also be used to identify variability among groups. For example, the Group Analyses section of this report presents ranked averages for groups on an individual basis, as well as illustrating among groups averages for each individual driver (e.g., Personal Recognition).

Quick Tips for Highlighting Your Strengths:

Create a list of your potential strengths. To establish strengths on an absolute basis refer to the Graph of Driver Averages in the Overall Analyses Section of this report. At the top of the Graph of Driver Averages are your strengths. Include any drivers that are 75.0% or higher (i.e., on average, falling in the Agree and Strongly Agree range), or Select the top 3 ranked Drivers.

Quick Tips for Highlighting your Opportunities for Improvement:

Create a list of your potential opportunities for improvement. To establish opportunities for improvements on an absolute level refer to the Graph of Driver Averages in the Overall Analyses Section of this report. At the bottom of the Graph of Driver Averages are your 'potential' opportunities for improvements. Include any drivers that are below 41.7% (i.e., on average, falling in the Disagree Range of the response scale), or Select the bottom 3 ranked Drivers.

Favourable / Unfavourable:

The Graph of Frequencies follows the Graph of Driver Averages and presents the drivers in the same rank order but illustrates the top and bottom box results (i.e., the % of responses in the two most positive and two most negative response categories). This graph can provide an alternative to interpreting averages, by illustrating the strong positive and strong negative responses underlying the average score.

Frequency Distributions:

We provide, as our measure of variability, the frequency distributions for each construct (in the Overall Analyses section “Table of Frequencies”). Some of the readers may ask, “why is the standard deviation not provided?” There are multiple reasons, but quickly stated, typical work engagement survey distributions are not normally distributed (instead they are usually quite highly skewed), standard deviations are not in the original units of measurement, and many people are not sufficiently trained to read and understand standard deviations. Frankly, they are not useful to the majority of readers. In contrast, even the most arithmetic phobic person can read a frequency distribution. When reading your frequency distributions, particularly look for the following:

1. **High %'s of respondents in the positive end (right end of our tables)**, i.e., high %'s of agreement and satisfaction. These distributions are an indicator of widespread good practices.
2. **Low %'s of respondents in the negative end (left end of our tables)**, i.e., low %'s of disagreement and dissatisfaction. These distributions usually occur with the bulge in the positive end and are an indicator of very few poor practices.
3. **Higher %'s of respondents in the negative end** i.e., higher %'s of disagreement and dissatisfaction. These distributions are a sign of a number of “dissatisfied people” who are likely upset about a few factors associated with that driver and / or poorer practices. This type of result is an indicator of a need for review and possible intervention, particularly if the results are due to groups of people such as in certain work units or departments.
4. **Very high %'s of respondents in the negative end** i.e., quite high %'s of people who are Strongly Disagreeing or Disagreeing. Fortunately these distributions are rare and usually only occur with average scores in the 30%'s and below. These low levels of scores usually occur for sub-groups and they are a clear sign of extreme dissatisfaction and arguably they should receive “Immediate Attention.”
5. **Bi-modal Splits** are where there are high %'s of respondents to the right and to the left with lower proportions in between. Rarely are these seen as clearly as shown in text books, normally the left side has a smaller % of respondents than the right. They are less often seen in large groups but are much more likely to show in small groups. They are clear “sign” of them and us issues, i.e., the group has split with strong proportions having diametrically opposite opinions. Any intervention or follow-up has to be sensitive to the two opposing opinions expressed by the distribution of scores.

Internal Benchmarking (i.e., Diff. From Rest Avg.):

A very important form of interpretation is by relative difference, of which one form of relative difference is compared with another group that is similar to your own. The Group Analyses section of this report not only depicts the drivers in rank order for easy identification of top and bottom absolute scores but each driver is compared to the average for that driver for the rest of a groups' parent group (i.e., superordinate group), unless otherwise indicated. Observable differences are coloured green (more than +5%) or red (less than -5%) for easy identification of possible strengths and opportunities for improvement. Note: the Summary of Results provides a quick and easy way to see the differences among groups by comparing the Grand Average (i.e., the average of all drivers), for each group in the form of a difference score. Differences in the positive and negative illustrate higher and lower levels of overall engagement for each group.

External Benchmarking:

External benchmarking (if applicable in your report), is very useful way to interpret whether your driver averages are higher or lower compared to a normative benchmark. Other possible external comparisons can be provided (if applicable), on a sector or geographical basis, among others. Again, observable differences are coloured green (more than +5%) or red (less than -5%) for easy identification of possible strengths and opportunities for improvement. The External Benchmarking section of this report (provided if applicable) also provides a comparison with the highest scoring company in the database comparison (e.g., a type of ‘Best Practice’ comparison).

Year-Over-Year Analyses:

Year-over-year comparisons are provided (if applicable) throughout this report where drivers, outcomes, and custom measures are reported. The group that is the basis of this report will include year-over-year comparisons in the Overall Analyses section of this report, while other such comparisons for lower level groups are included in the Group Analyses section of this report. Note:

the Summary of Results provides a quick and easy way to see the differences among groups by comparing the Grand Average (i.e., the average of all drivers), for each group in the form of a difference score. Differences in the positive and negative illustrate higher and lower levels of overall engagement for each group.

Response Profile

	# of Responses	# of Employees	%
City of Hamilton	4417	7181	61.5%

Overall Driver Analyses

Section Overview

Survey Index Reporting

The 2021 City of Hamilton survey measured five broad categories of work environment factors that are reported in the following pages as overall index scores.

1. Engagement
2. Health and Safety
3. Psychological Wellness
4. Ethics and Integrity
5. City of Hamilton Culture Values

Notes: these high level index scores are not compared to 2017 in this report due to survey changes and new questions added in 2021. The overall engagement score is the average of all the drivers, at all levels.

Engagement Index Reporting

At Metrics@Work, we categorize the drivers (i.e., predictors of engagement) into 3 levels associated with the way employees relate to aspects of their job, their work area (i.e., the local work environment), and the overall organization. The scores for these three levels of drivers in this section of the report are based on the average of all drivers in each level. All drivers are also reported separately in the Graph of Driver Averages in this section of the report.

1. Overall Job Engagement Score
2. Overall Work Area Engagement Score
3. Overall Organizational Engagement Score

Engagement Driver Levels

Job Related Drivers

Job Related drivers tend to be more related and predictive of Job Engagement and impact elements of a job such as how interesting and absorbing a job might be to a worker. Job Related drivers of engagement contain elements that are intrinsic aspects of a persons' job (e.g., associated with a bus driver, nurse, or anything that would typically be considered "the nature of the job") and so some elements are not easily amenable to change. Job Related drivers can be considered as potential action items for both local work teams, and can be affected at the organizational level by Organizational Development initiatives.

Work Unit Drivers

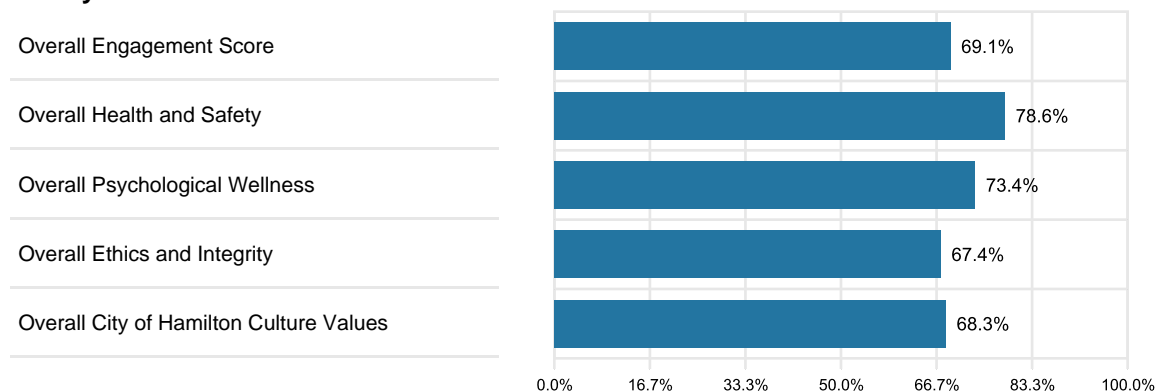
Work Area drivers tend to be more highly related and predictive of Job and Work Area Engagement than Organizational Engagement, but because some Work Area Drivers are influenced by organizational decisions and structures they can be characterized as "Mixed Drivers." These drivers are more amenable to change by workers and Supervisors / Managers as they are mostly within the sphere of control of front-line Supervisors / Managers and their staffs. Therefore, these drivers usually make better action items for local work environment teams, or leaders, than at the organizational level.

Organizational Drivers

Organizational Drivers tend to be most highly related and predictive of Organizational Engagement. Organizational Drivers of Engagement also tend to be more within the sphere of control of organizational decision making (e.g., Senior Management or Organizational Development / HR) authorities and, therefore, can be action items for the organization as-a-whole, rather than front line Supervisors / Managers. However, this should not prevent teams from taking action in their immediate work environments to improve organizational drivers, if such areas are identified as needing improvements.

Survey Index Scores

Survey Index Scores



Definitions of Survey Index Scores

Overall Engagement Score

The Overall Engagement Score is based on the average of all 30 distinct employee engagement factors measured in the Our People Survey. These 30 distinct employee engagement factors are referred to as the "Drivers" of Engagement throughout this report.

Overall Health and Safety

The Overall Health and Safety score is based on the average of the following 2 questions: "I am provided with the equipment I need to work safely" and "I feel that my direct supervisor(s) addresses health & safety concerns in a timely manner".

Overall Psychological Wellness

The Overall Psychological Wellness score is based on the average of the following 4 questions: "Overall, I feel physically safe at work", "Work is distributed fairly within my work area/team", "My direct supervisor(s) would be supportive if I were dealing with personal or family issues" and "Overall, I feel psychologically safe at work (e.g., safe from psychological or emotional harm)".

Overall Ethics and Integrity

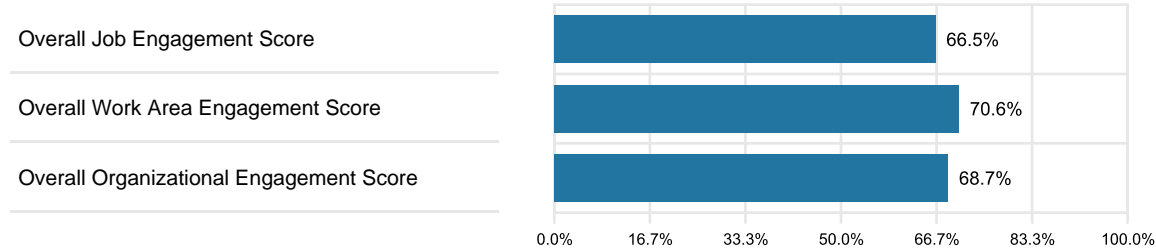
The Overall Ethics and Integrity score is based on the average of the following 3 questions: "I feel that work policies / procedures / practices are consistently followed within my work area/team", "Appropriate actions are taken to resolve conflicts when they occur in my work area/team" and "I feel comfortable reporting a breach of the City's code of conduct policy within my work area/team".

Overall City of Hamilton Culture Values

The Overall City of Hamilton Culture Values score is based on the average of the following 2 questions: "People in my work area/team usually behave in ways that demonstrate the corporate culture values (collective ownership, steadfast integrity, courageous change, sensational service and engaged empowered employees)" and "The City does a good job creating and supporting work environments where employees can demonstrate the corporate culture values (collective ownership, steadfast integrity, courageous change, sensational service and engaged empowered employees)".

Engagement Index Scores

Engagement Index Scores



Explanation of Engagement Index Scores

Overall Job Engagement Score

The Overall Job Engagement Score is measured by 8 factors that are considered 'Drivers' of Job Related Engagement.

Overall Work Area Engagement Score

The Overall Work Area Engagement Score is measured by 15 factors that are considered 'Drivers' of Work Area Related Engagement.

Overall Organizational Engagement Score

The Overall Organizational Engagement Score is measured by 7 factors that are considered 'Drivers' of Organizational Related Engagement.

Graph of Driver Averages

The following graph illustrates the averages, in percent, for each driver in order from highest to lowest. The City of Hamilton Grand Driver Average is 69.1%, which is the result of averaging all engagement driver averages together into a single representative score.

Ranked Drivers

Driver Averages

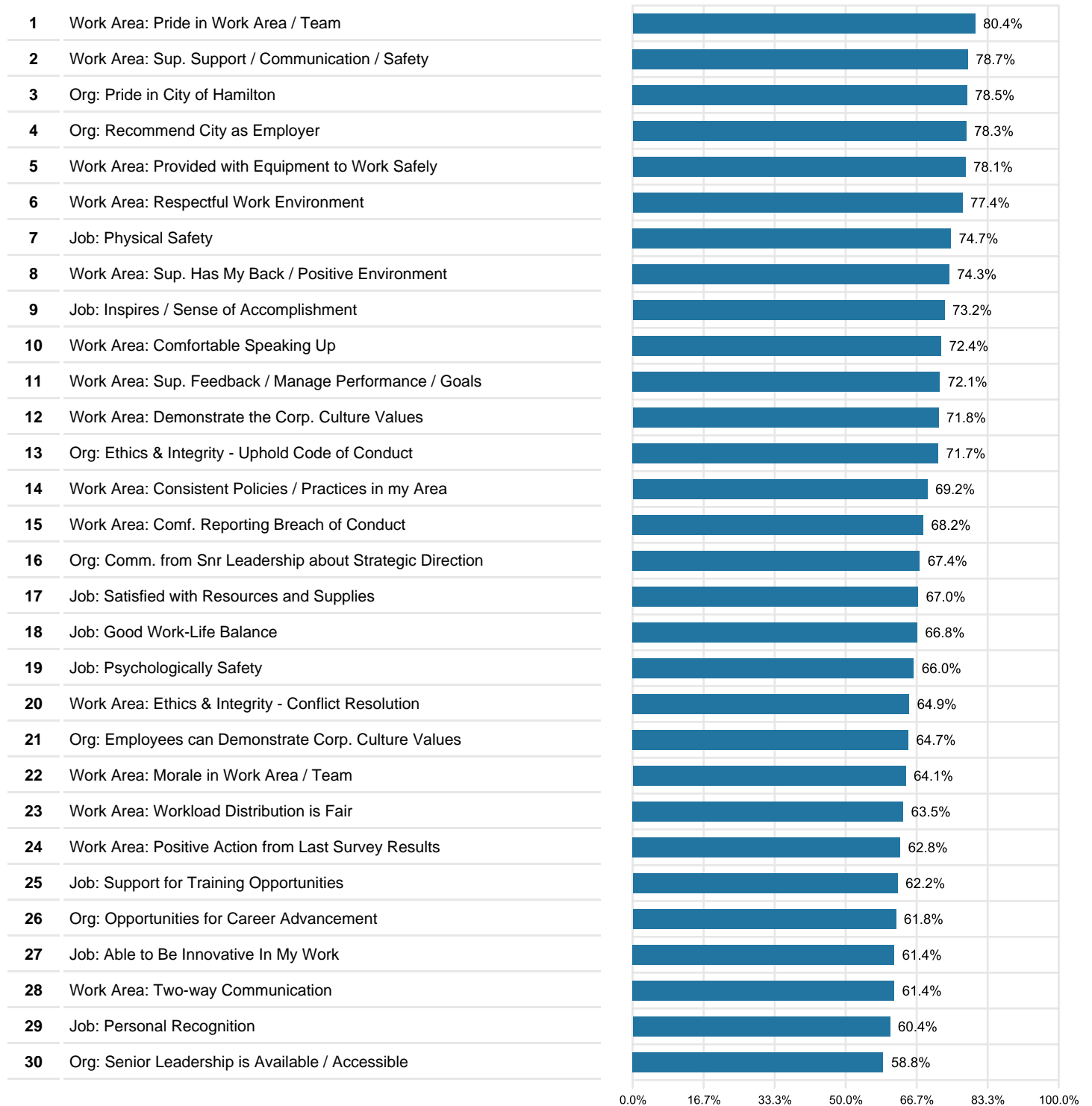


Table of Frequencies

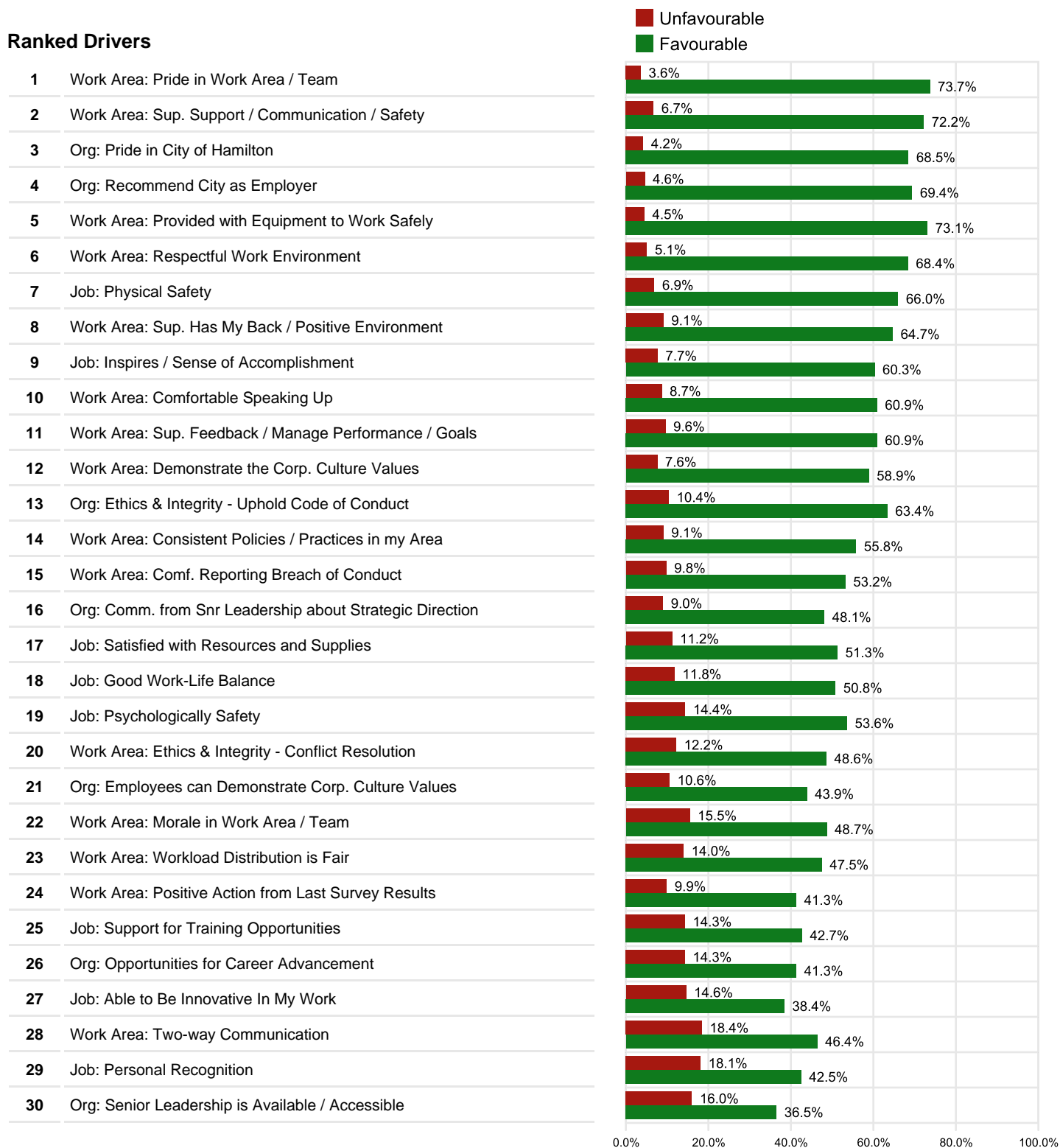
The following table illustrates the percentages of all response categories for each driver. The red-coloured columns represent the two most negative (unfavourable) categories. The green-coloured columns represent the two most positive (favourable) categories.

Ranked Drivers		Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
1	Work Area: Pride in Work Area / Team	1.5%	2.1%	2.7%	6.8%	13.4%	40.7%	33.0%
2	Work Area: Sup. Support / Communication / Safety	3.4%	3.3%	3.4%	6.3%	11.5%	36.0%	36.2%
3	Org: Pride in City of Hamilton	1.8%	2.4%	3.0%	8.2%	16.2%	37.5%	31.0%
4	Org: Recommend City as Employer	2.1%	2.5%	3.5%	7.4%	15.0%	38.9%	30.5%
5	Work Area: Provided with Equipment to Work Safely	2.0%	2.5%	3.8%	5.5%	13.1%	49.3%	23.8%
6	Work Area: Respectful Work Environment	2.3%	2.8%	3.9%	5.8%	16.8%	41.2%	27.2%
7	Job: Physical Safety	3.4%	3.5%	5.4%	7.5%	14.2%	41.2%	24.8%
8	Work Area: Sup. Has My Back / Positive Environment	5.0%	4.1%	4.4%	9.0%	13.0%	34.1%	30.6%
9	Job: Inspires / Sense of Accomplishment	3.2%	4.5%	3.8%	9.2%	19.2%	38.4%	21.9%
10	Work Area: Comfortable Speaking Up	4.2%	4.5%	5.7%	7.5%	17.2%	38.9%	22.0%
11	Work Area: Sup. Feedback / Manage Performance / Goals	4.8%	4.8%	3.9%	12.6%	12.9%	35.0%	25.9%
12	Work Area: Demonstrate the Corp. Culture Values	3.5%	4.1%	5.9%	9.9%	17.7%	39.4%	19.5%
13	Org: Ethics & Integrity - Uphold Code of Conduct	5.3%	5.1%	5.6%	9.1%	11.5%	39.3%	24.1%
14	Work Area: Consistent Policies / Practices in my Area	4.3%	4.8%	7.2%	9.2%	18.7%	41.6%	14.2%
15	Work Area: Conf. Reporting Breach of Conduct	5.0%	4.8%	4.8%	17.3%	14.9%	35.9%	17.3%
16	Org: Comm. from Snr Leadership about Strategic Direction	3.7%	5.3%	6.2%	15.0%	21.7%	34.0%	14.1%
17	Job: Satisfied with Resources and Supplies	5.0%	6.2%	8.8%	7.5%	21.2%	37.4%	13.9%
18	Job: Good Work-Life Balance	5.3%	6.5%	8.0%	9.0%	20.3%	34.8%	16.0%
19	Job: Psychologically Safety	7.3%	7.1%	8.3%	9.3%	14.4%	34.6%	19.0%
20	Work Area: Ethics & Integrity - Conflict Resolution	6.2%	6.0%	6.8%	16.5%	15.8%	35.1%	13.5%
21	Org: Employees can Demonstrate Corp. Culture Values	4.4%	6.2%	7.3%	17.4%	21.0%	31.5%	12.4%
22	Work Area: Morale in Work Area / Team	7.9%	7.6%	8.5%	8.0%	19.2%	33.3%	15.4%
23	Work Area: Workload Distribution is Fair	7.1%	6.9%	9.1%	11.6%	17.8%	35.1%	12.4%
24	Work Area: Positive Action from Last Survey Results	5.0%	4.9%	3.9%	33.7%	11.2%	29.5%	11.8%
25	Job: Support for Training Opportunities	6.5%	7.8%	8.7%	14.1%	20.2%	31.3%	11.4%
26	Org: Opportunities for Career Advancement	6.9%	7.4%	8.5%	15.6%	20.3%	29.2%	12.1%
27	Job: Able to Be Innovative In My Work	6.3%	8.3%	7.8%	16.2%	23.0%	26.7%	11.7%
28	Work Area: Two-way Communication	9.7%	8.7%	9.5%	8.5%	17.2%	31.4%	15.0%
29	Job: Personal Recognition	9.9%	8.2%	7.0%	13.9%	18.5%	30.1%	12.4%
30	Org: Senior Leadership is Available / Accessible	8.2%	7.8%	8.3%	23.0%	16.3%	24.4%	12.1%

Graph of Frequencies

The following graph illustrates the percentages of combined response categories for each driver. The red bars represent the combination of the two least positive (unfavourable) responses (e.g. “Strongly Disagree” and “Disagree”), while the green bars represent the combination of the two most positive (favourable) responses (e.g. “Strongly Agree” and “Agree”).

Ranked Drivers



Year-Over-Year Analyses

These averages are compiled by selecting employee responses based on those items that are common between the current and previous surveys.

Year-Over-Year Difference Scores

These scores are calculated by subtracting the adjusted averages obtained from your organization's previous survey from your current driver averages. A positive difference indicates that your current average is higher than that obtained from the previous survey. Conversely, a negative difference indicates that your current average is lower. Colour coding is used throughout the benchmarking section. Green indicates that your difference score is more than 5% higher than the benchmark comparison being used. Black indicates that your difference score is within a +/-5% boundary of the benchmark. Finally, red indicates that your difference score is more than 5% lower than the benchmark comparison.

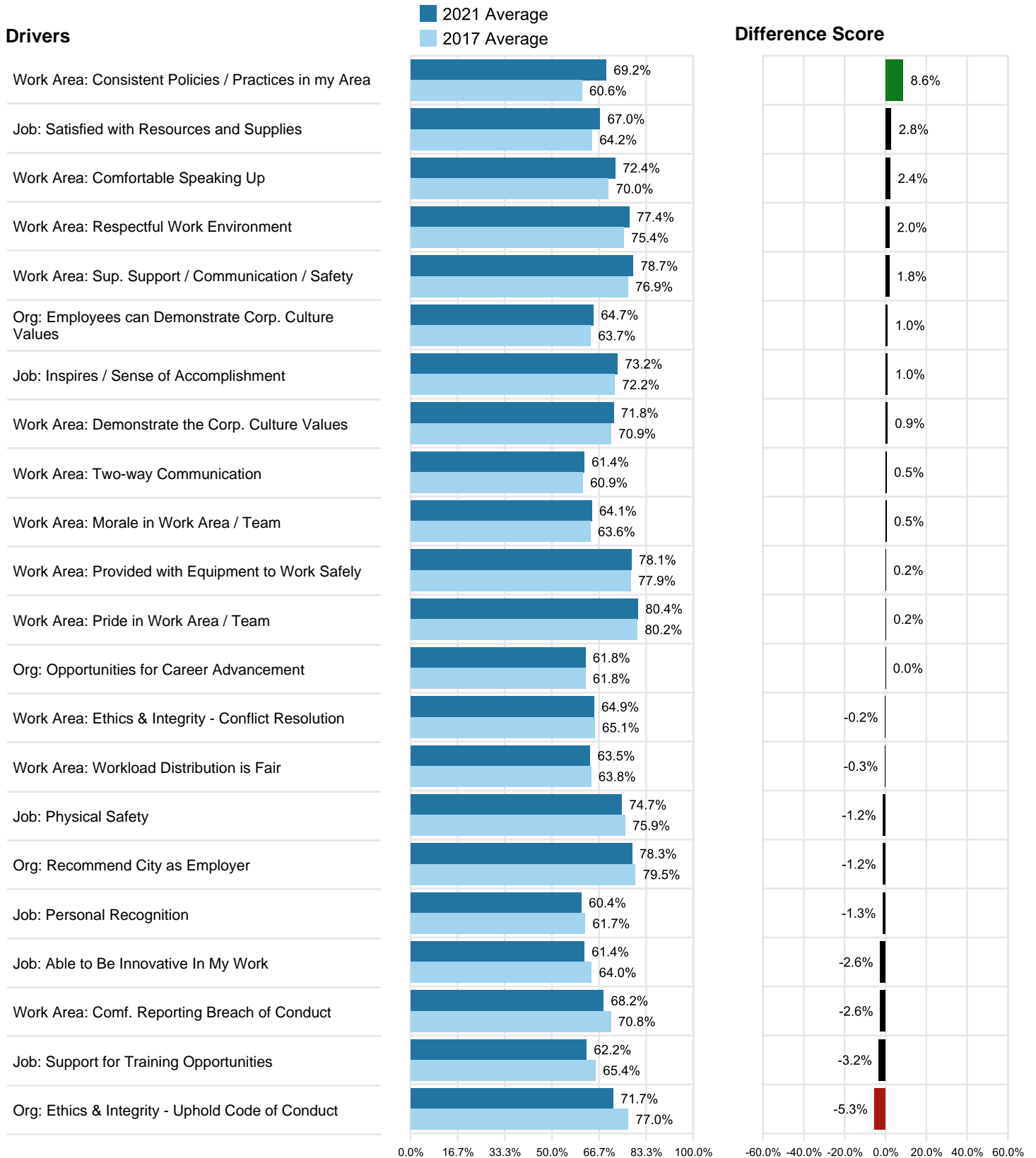
Cautions:

In larger groups, scores tend to be more stable and changes tend to be smaller, unless specific and strong efforts have been implemented to create improvements. Large decreases usually occur due to some dramatic negative event or disruption to the group.

In small groups, e.g., with less than 10 respondents, large changes are more frequently observed. In these circumstances, significant changes can occur, i.e., changes of +/-10% or greater because in these groups a small sub-group (e.g., 2-3 people) with very high or very low scores can have dramatic effects on the obtained scores of the group and resulting differences from one survey to another.

Large changes, i.e., changes of +/-10% or greater, are also more frequently observed within groups with original (previous survey) extreme scores (high or low). In statistics this phenomenon is known as "regression toward the mean." All other things being equal groups with very high scores tend to go down and groups with very low scores tend to go up.

Year-Over-Year Analyses (2021 to 2017)



Summary

Grand Average for 2021: 69.3%	Grand Average for 2017: 69.2%
Number of drivers increased: 12	Number of drivers decreased: 9
Number of observably higher drivers: 1	Number of observably lower drivers: 1

External Benchmarking Analyses

Section Overview

The full Metrics@Work database consists of approximately 220 organizations from Public and Private Sectors (e.g., Manufacturing, Health Care, Government, Municipalities, Education, and Financial Institutions), ranging in size from under 100 employees to more than 7000 employees. The benchmarking provided in this report is based on a subset of the full Metrics@Work database and is described in detail under the headings below (e.g., Database Average).

Colour coding is used throughout the benchmarking section. Green indicates that your difference score is more than 5% higher than the benchmark comparison being used. Black indicates that your difference score is within a +/-5% boundary of the benchmark. Finally, red indicates that your difference score is more than 5% lower than the benchmark comparison.

Pre-Pandemic Municipal Sector Average

The Pre-Pandemic Municipal Sector Average compares your organization's driver averages against the driver averages of all the municipalities in the Metrics@Work database prior to the pandemic. This comparison is drawn from up to 30 survey projects and 25,000 survey respondents. Note: very few Cities / Municipalities ran full engagement surveys since March 2020, therefore the Pre-Pandemic Municipal Benchmark is the only sector comparison available at this time.

Pre-Pandemic Municipal Sector Highest Score

The Pre-Pandemic Municipal Sector Highest Score compares each of your organization's driver averages to the comparable municipality in the database that has achieved the highest average for that driver. This comparison is drawn from up to 30 survey projects and 25,000 survey respondents. Note: very few Cities / Municipalities ran full engagement surveys since March 2020, therefore the Pre-Pandemic Municipal Benchmark is the only sector comparison available at this time.

During Pandemic Database Average

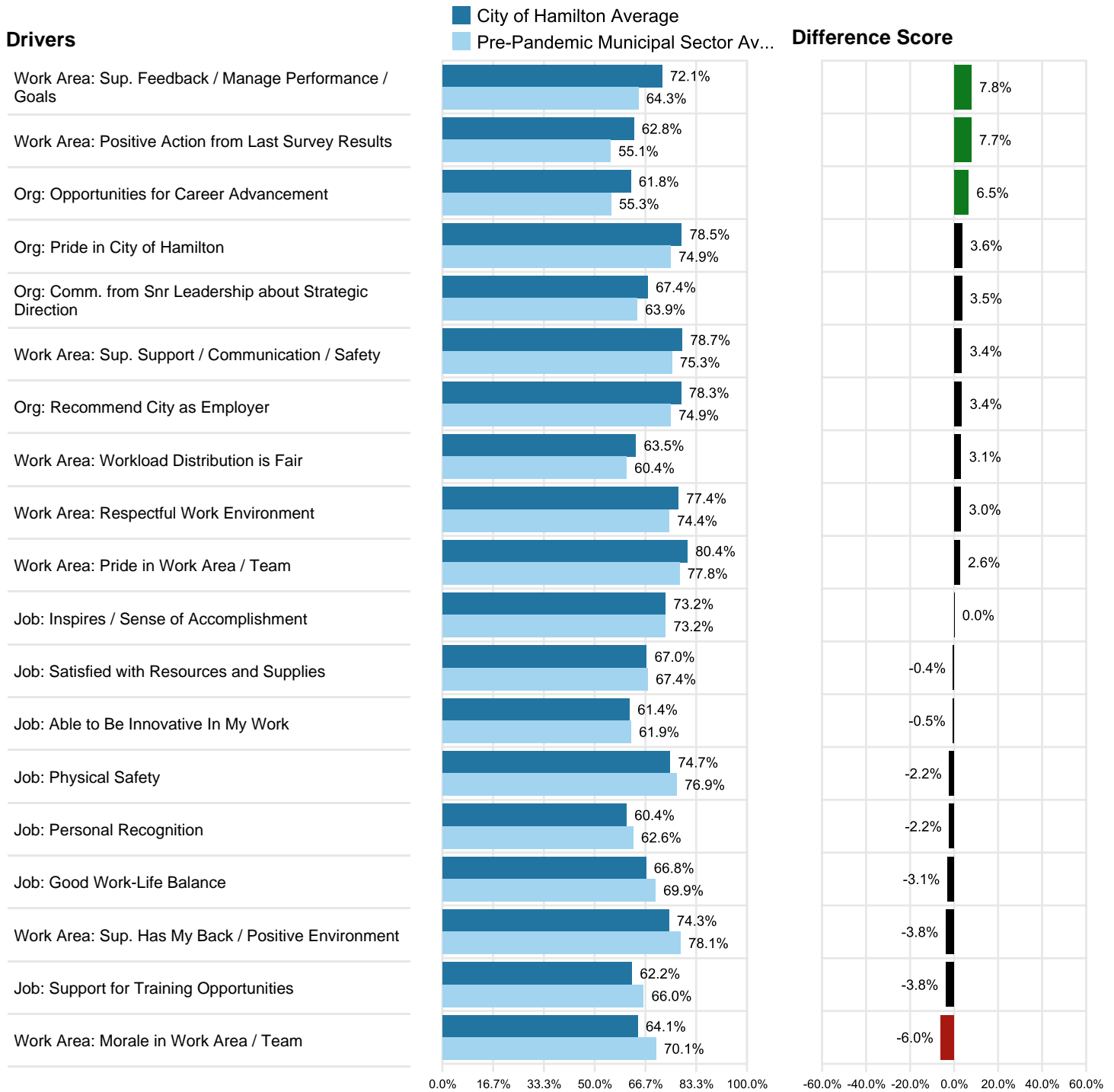
The During Pandemic Database Average represents an external comparison between the drivers from your survey and those within the Metrics@Work database during the pandemic. This comparison can help you to understand and interpret your organization's results by providing a reference to the average level of performance in all the organizations within the Metrics@Work database during the pandemic. This comparison is drawn from up to 15 organizations and 15,000 survey respondents. Note: more engagement surveys have been conducted within healthcare / hospitals since March 2020, therefore, this comparison is weighted more heavily with responses from Ontario healthcare public sector employee responses.

During Pandemic Database Highest Score

The During Pandemic Database Highest Score comparison reflects the difference between your organization's driver averages and the highest equivalent driver averages achieved in the Metrics@Work database during the pandemic. This provides a reference between your organization and the top-performing organizations within the Metrics@Work database during the pandemic. This comparison is drawn from up to 15 organizations and 15,000 survey respondents. Note: more engagement surveys have been conducted within healthcare / hospitals since March 2020, therefore, this comparison is weighted more heavily with responses from Ontario healthcare public sector employee responses.

Pre-Pandemic Municipal Sector Average

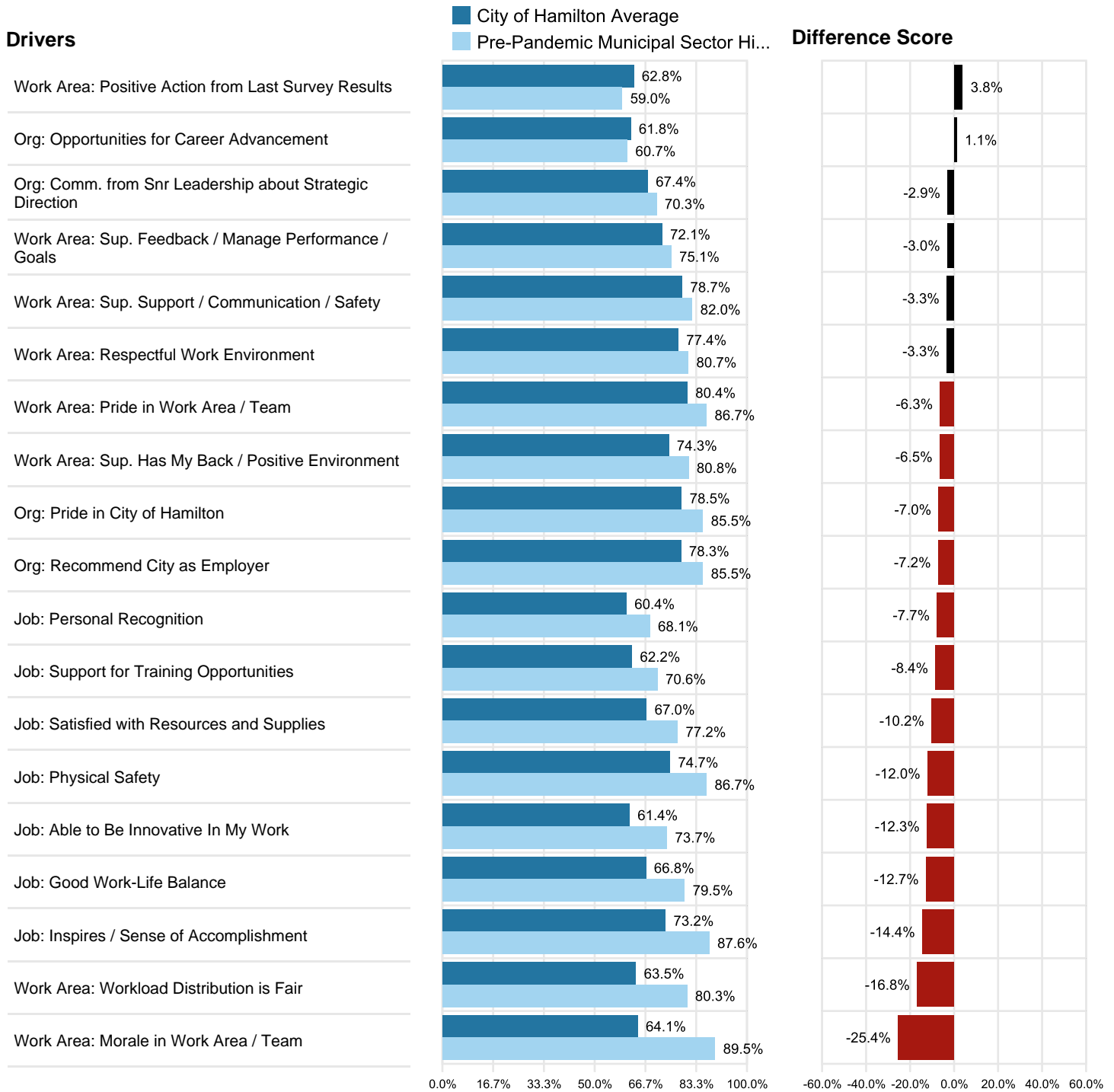
The Pre-Pandemic Municipal Sector Average compares your organization's driver averages against the driver averages of all the municipalities in the Metrics@Work database prior to the pandemic. This comparison is drawn from up to 30 survey projects and 25,000 survey respondents. Note: very few Cities / Municipalities ran full engagement surveys since March 2020, therefore the Pre-Pandemic Municipal Benchmark is the only sector comparison available at this time.



Note: Those drivers without valid benchmarks have been removed from the preceding graph (see Section Overview notes).

Pre-Pandemic Municipal Sector Highest Score

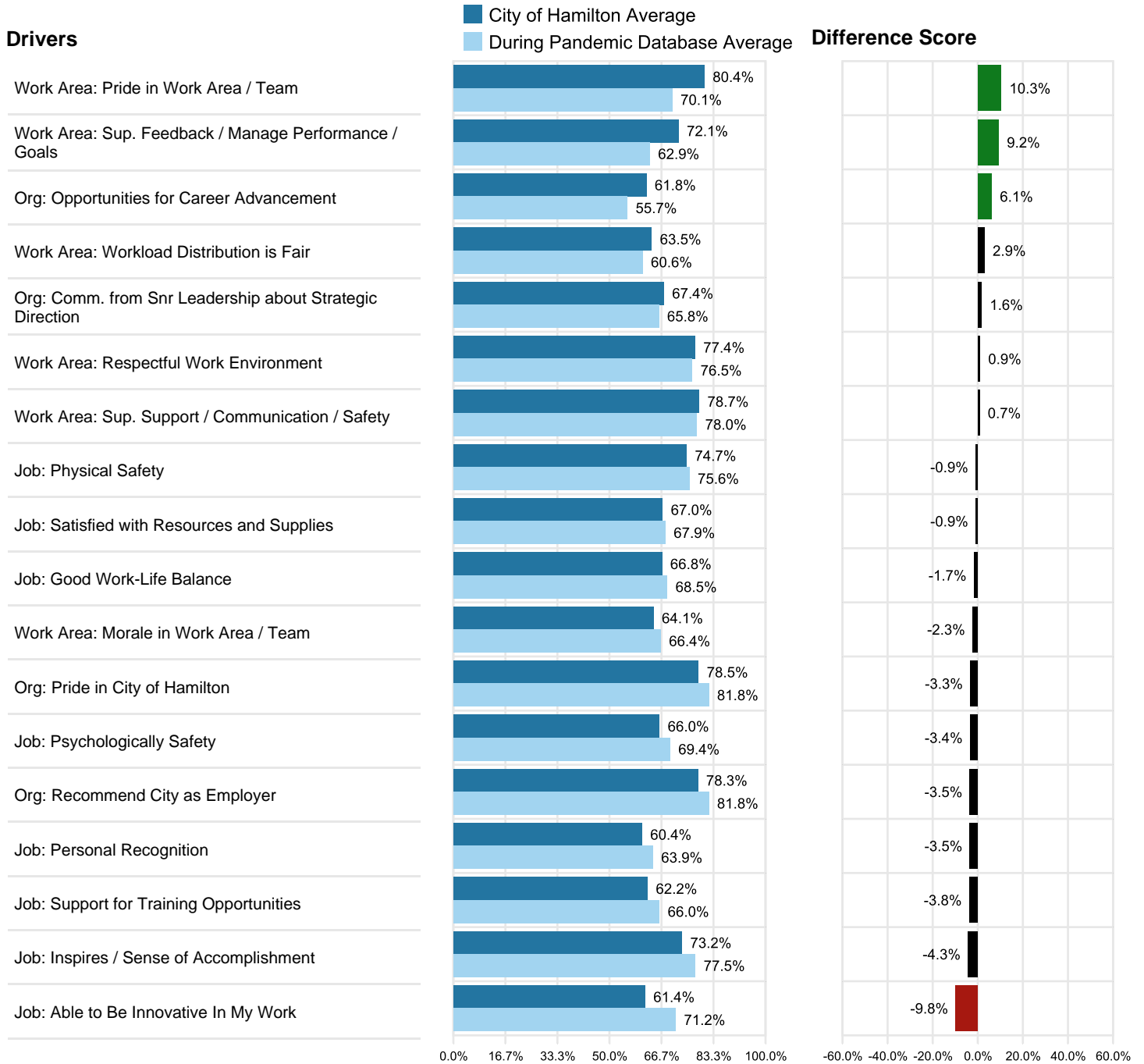
The Pre-Pandemic Municipal Sector Highest Score compares each of your organization's driver averages to the comparable municipality in the database that has achieved the highest average for that driver. This comparison is drawn from up to 30 survey projects and 25,000 survey respondents. Note: very few Cities / Municipalities ran full engagement surveys since March 2020, therefore the Pre-Pandemic Municipal Benchmark is the only sector comparison available at this time.



Note: Those drivers without valid benchmarks have been removed from the preceding graph (see Section Overview notes).

During Pandemic Database Average

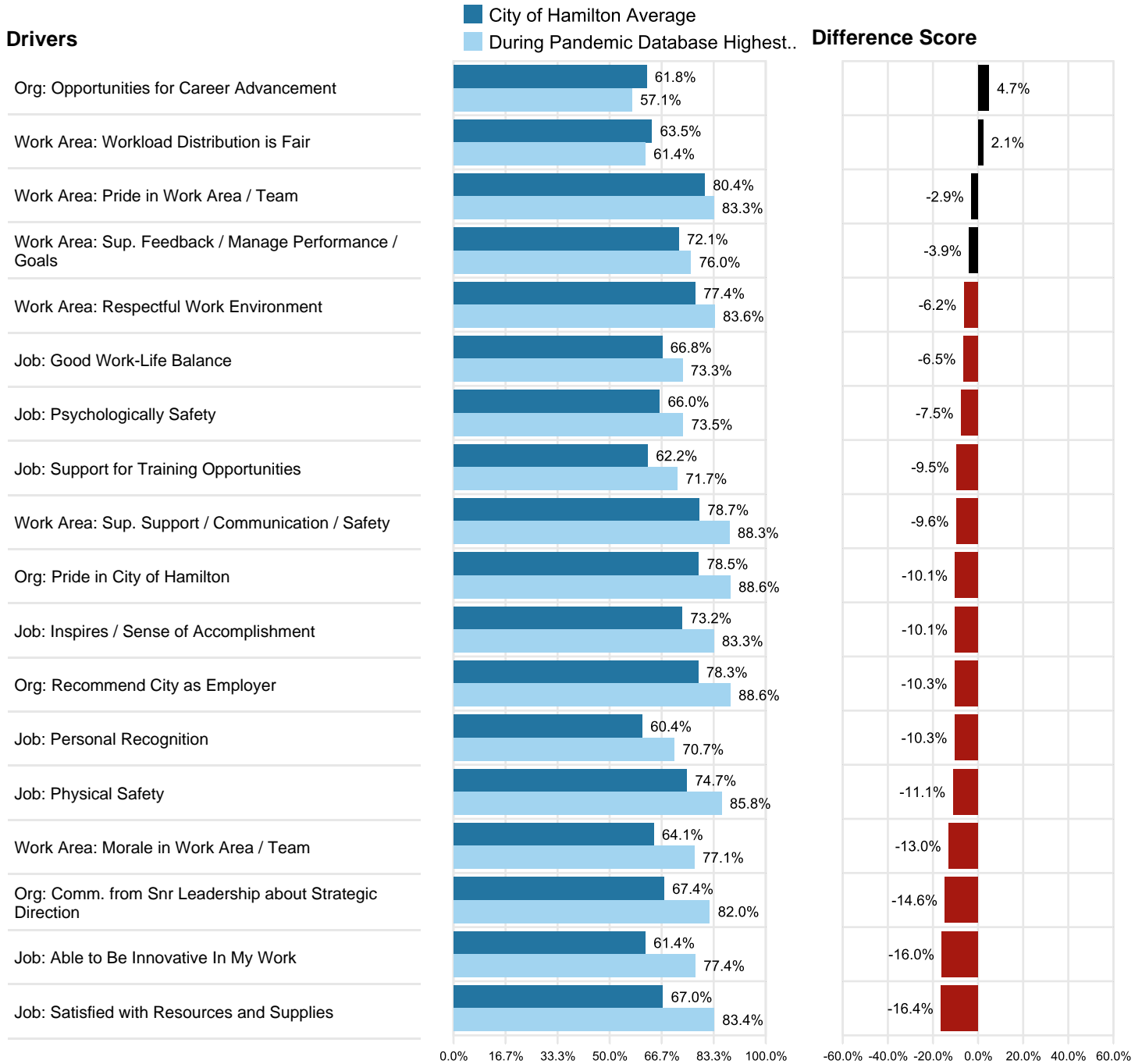
The During Pandemic Database Average represents an external comparison between the drivers from your survey and those within the Metrics@Work database during the pandemic. This comparison can help you to understand and interpret your organization's results by providing a reference to the average level of performance in all the organizations within the Metrics@Work database during the pandemic. This comparison is drawn from up to 15 organizations and 15,000 survey respondents. Note: more engagement surveys have been conducted within healthcare / hospitals since March 2020, therefore, this comparison is weighted more heavily with responses from Ontario healthcare public sector employee responses.



Note: Those drivers without valid benchmarks have been removed from the preceding graph (see Section Overview notes).

During Pandemic Database Highest Score

The During Pandemic Database Highest Score comparison reflects the difference between your organization's driver averages and the highest equivalent driver averages achieved in the Metrics@Work database during the pandemic. This provides a reference between your organization and the top-performing organizations within the Metrics@Work database during the pandemic. This comparison is drawn from up to 15 organizations and 15,000 survey respondents. Note: more engagement surveys have been conducted within healthcare / hospitals since March 2020, therefore, this comparison is weighted more heavily with responses from Ontario healthcare public sector employee responses.



Note: Those drivers without valid benchmarks have been removed from the preceding graph (see Section Overview notes).

City of Hamilton's Response to COVID-19

Section Overview

City of Hamilton's Response to COVID-19 This section is to be completed by all employees. The following section contains questions about the City of Hamilton's response to the COVID-19 pandemic (as your employer).

1. City of Hamilton's Response to COVID-19

Fig. 1.1 Item Statement

1.1d	I'm satisfied with the communication I received throughout the COVID-19 pandemic (e.g., From my supervisor, Hamilton Responds Newsletter, Town Halls, Communications from the City Manager etc.) (N=4372)
1.1b	The tools and resources provided by the City during the COVID-19 pandemic were useful to me and my family (e.g., to stay informed about COVID-19, health and safety protocols or managing stress etc.) (N=4386)
1.1a	I feel the City has done a good job supporting employees throughout the COVID-19 pandemic (N=4400)
1.1c	I feel the City made the health and wellbeing of its employees a top priority in how they responded to the COVID-19 pandemic (N=4372)

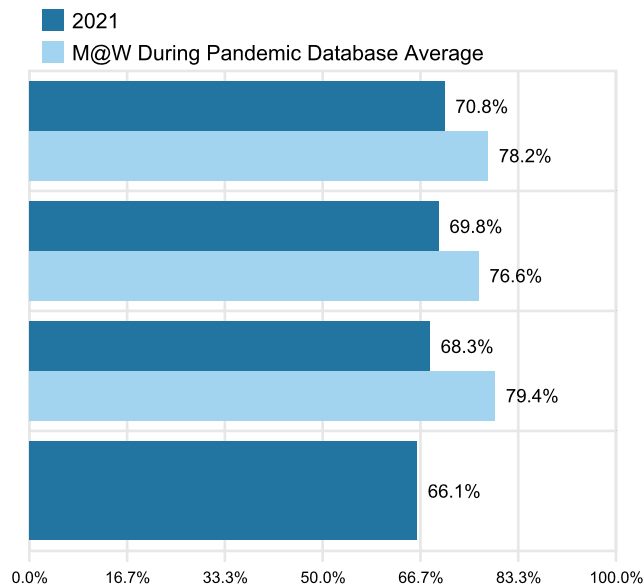
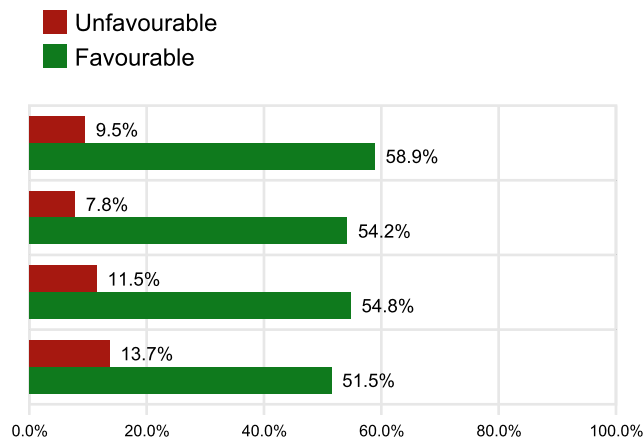


Fig. 1.2 Item Percentage Distribution

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
1.1d	4.4%	5.1%	5.2%	9.8%	16.5%	39.6%	19.3%
1.1b	3.5%	4.3%	4.6%	13.8%	19.6%	39.6%	14.6%
1.1a	5.6%	5.9%	7.5%	7.5%	18.8%	37.6%	17.2%
1.1c	6.7%	7.0%	8.1%	8.8%	17.9%	33.3%	18.2%

Fig. 1.3 Item Comparison Zones



2. Stress Level at Work

1.1e In the last 6 months, my stress level at work, whether working from home or onsite, has been

Option	Number of Responses	Percentage
Low	759	17.4%
Moderate	1843	42.2%
High	1765	40.4%
Total Responses:		4367

3. Telecommuting

1.2a Since March 2020, I have telecommuted (i.e., worked from home) as part of the City's response to the COVID-19 pandemic?

Option	Frequency		M@W During Pandemic Database Average	
	Number of Responses	Percentage	Number of Responses	Percentage
Yes	2106	48.2%	668	51.9%
No	2264	51.8%	620	48.1%
Total Responses: 4370			Total Responses: 1288	

1.2b While telecommuting (i.e., working from home), I have set up a primary/designated work location that is safe and free from hazards and distractions?

Option	Number of Responses	Percentage
Yes	1886	92.2%
No	159	7.8%
Total Responses: 2045		

1.2h I am interested in continuing to telecommute (i.e., working from home) even after it is safe to return to work?

Option	Frequency		M@W During Pandemic Database Average	
	Number of Responses	Percentage	Number of Responses	Percentage
Yes	1909	91.8%	2814	92.1%
No	171	8.2%	240	7.9%
Total Responses: 2080			Total Responses: 3054	

1.2i Given the choice, I would prefer telecommuting (i.e., working from home):

Option	Frequency		M@W During Pandemic Database Average	
	Number of Responses	Percentage	Number of Responses	Percentage
Hybrid model; Most days from home, and 1-2 days per week in the office	892	43.3%	1469	52.9%
Every day from home	693	33.6%	865	31.2%
Hybrid model; Most days from the office, and 1-2 days per week from home	271	13.2%	117	4.2%
Hybrid model; Equal days in the office and from home (spread over a period of time)	204	9.9%	324	11.7%
Total Responses: 2060			Total Responses: 2775	

1.2j How safe do you feel returning to in-office-work when the City commences a gradual return to the workplace?

Option	Number of Responses	Percentage
Very safe	301	14.4%
Somewhat safe	549	26.3%
Neutral	505	24.2%
Somewhat unsafe	533	25.6%
Very unsafe	197	9.4%
Total Responses: 2085		

4. While Telecommuting (i.e., working from home):

Fig. 4.1 Item Statement

1.2c	I have been able to effectively perform my job duties and responsibilities (N=2089)
1.2d	I have the tools and resources required to perform my job (N=2086)
1.2e	I feel connected with my immediate supervisor(s) (N=2086)
1.2f	I feel connected with my team (N=2085)
1.2	The resources provided to me by the City were helpful in assessing my primary/designated work location to ensure it is safe and free from hazards and distractions (e.g., Telecommuting Safety Checklist, Ergonomic Tips for Working at Home) (N=1882)

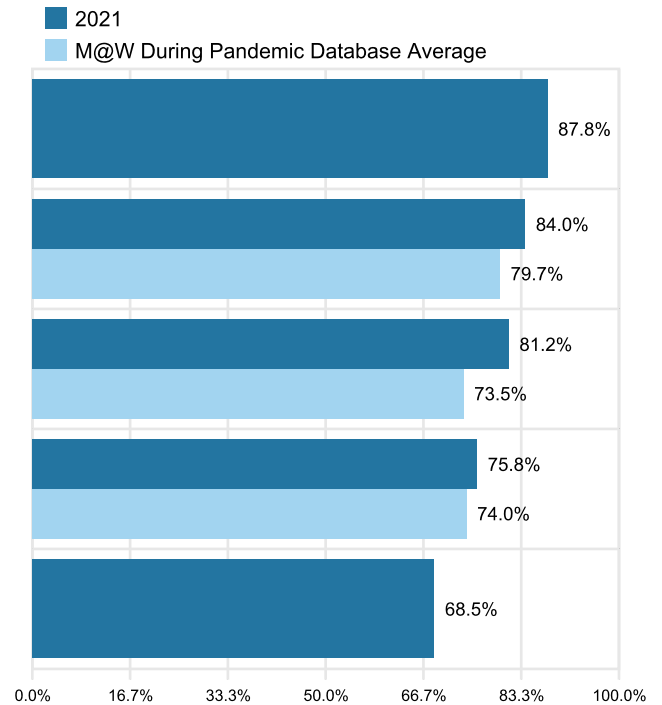
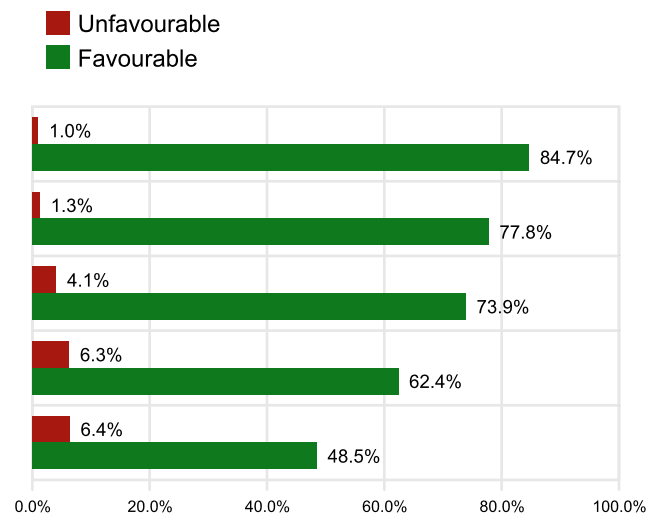


Fig. 4.2 Item Percentage Distribution

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
1.2c	0.2%	0.8%	2.3%	2.3%	9.6%	32.2%	52.5%
1.2d	0.3%	1.0%	3.8%	2.6%	14.5%	37.0%	40.8%
1.2e	2.2%	1.9%	4.1%	5.2%	12.8%	32.8%	41.1%
1.2f	2.2%	4.1%	5.8%	5.0%	20.5%	32.5%	29.9%
1.2	2.0%	4.4%	4.0%	23.0%	18.2%	33.7%	14.8%

Fig. 4.3 Item Comparison Zones



5. Since Telecommuting (i.e., working from home):

1.2a Since telecommuting (i.e. working from home), I have experienced the following (Check All that Apply)

Option	Number of Responses	Percentage
Financial savings (e.g., parking, commuting)	1602	15.6%
Better work-life balance	1511	14.7%
Increased productivity	1432	13.9%
Improved environmental awareness (e.g., reduced carbon footprint or reduced waste)	1314	12.8%
More time for self or loved ones	1264	12.3%
More time to focus on physical health and wellness	1152	11.2%
Increase in skill set (e.g., learning new technology)	1087	10.6%
Improved mental health	910	8.9%
Total Responses: 10272		

6. Redeployments

1.3a Since March 2020, I was redeployed to another job as part of the City's response to the COVID-19 pandemic?

Option	Frequency		M@W During Pandemic Database Average	
	Number of Responses	Percentage	Number of Responses	Percentage
Yes	502	11.6%	194	14.5%
No	3822	88.4%	1142	85.5%
Total Responses: 4324			Total Responses: 1336	

7. While Redeployed:

Fig. 7.1 Item Statement

1.3h	I discovered new skills (N=493)
1.3f	In my redeployed position I felt connected to my team (N=494)
1.3c	I was/am clear of what was/is expected of me (N=496)
1.3e	I had/have the tools and resources required to perform well (N=493)
1.3g	I would be open to being redeployed again in the future (N=493)
1.3b	Overall, the effort required to support the pandemic response was/is sustainable (N=493)
1.3d	I received appropriate training (N=494)

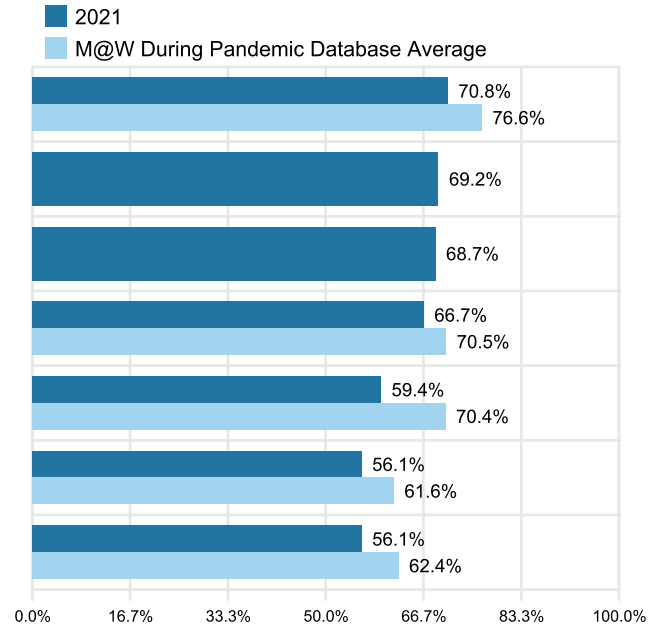
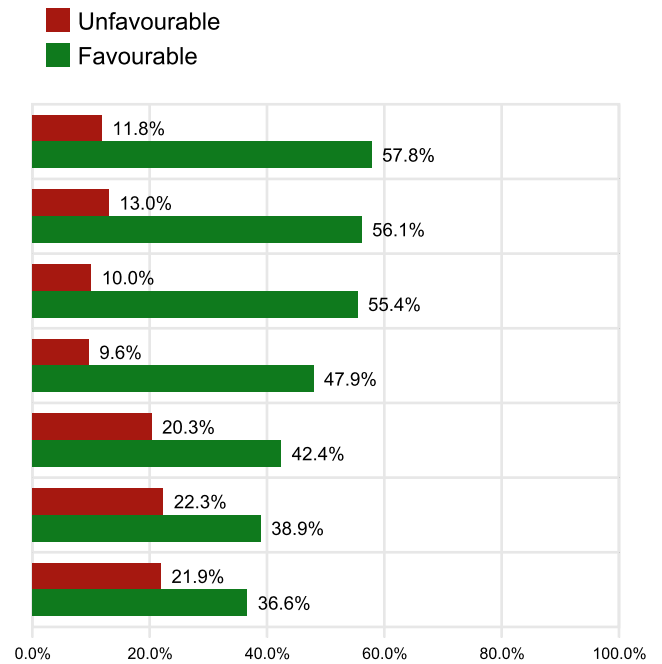


Fig. 7.2 Item Percentage Distribution

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
1.3h	5.7%	6.1%	2.8%	15.6%	12.0%	28.8%	29.0%
1.3f	6.7%	6.3%	5.1%	7.5%	18.4%	34.0%	22.1%
1.3c	4.6%	5.4%	8.9%	7.3%	18.3%	38.9%	16.5%
1.3e	4.9%	4.7%	7.7%	11.6%	23.3%	35.3%	12.6%
1.3g	13.6%	6.7%	6.3%	16.2%	14.8%	25.2%	17.2%
1.3b	9.9%	12.4%	11.2%	11.8%	15.8%	30.6%	8.3%
1.3d	9.1%	12.8%	12.6%	10.3%	18.6%	26.7%	9.9%

Fig. 7.3 Item Comparison Zones



Workplace Behaviours Assessment

Section Overview

Workplace Behaviours Assessment During the last 6 months, how often have you been subjected to negative behaviours directed to your psychological well-being (i.e., yelling, bullying, ridicule, insults, rumours about you or discrimination, someone withholding necessary information, devaluation, silence or hostility, etc.).

1. Workplace Behaviours

IMPORTANT NOTE: The response categories for these questions have been regrouped as follows: Never=Never, Occasionally =Once or Twice, A Few Times and Once a Month, Frequently = Once a Week and Daily. The category for "Frequently" is most important to pay attention to as it implies chronic occurrences of harassment which can lead to increased negative outcomes (e.g., physical and emotional distress, higher absenteeism, as well as more short/long term leaves, and higher turnover rates).

4.1a From Co-workers / Peers

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Never	2832	69.1%	2930	64.1%
Occasionally	999	24.4%	1265	27.7%
Frequently	269	6.6%	376	8.2%
Total Responses: 4100		Total Responses: 4571		

4.1b From people who supervise you (e.g. people you report to most often / most directly)

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Never	3334	82.2%	3535	78.6%
Occasionally	584	14.4%	750	16.7%
Frequently	140	3.4%	212	4.7%
Total Responses: 4058		Total Responses: 4497		

4.1c Management (e.g., Section Managers, Superintendents / Middle Managers)

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Never	3318	83.4%	3611	82.0%
Occasionally	550	13.8%	647	14.7%
Frequently	110	2.8%	148	3.4%
Total Responses: 3978		Total Responses: 4406		

4.1d Division Leaders (e.g., Directors, Exec. Directors, or Chief's)

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Never	3398	89.7%	3804	89.5%
Occasionally	330	8.7%	368	8.7%
Frequently	62	1.6%	77	1.8%
Total Responses: 3790		Total Responses: 4249		

4.1e From Someone You Supervise

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Never	2811	87.9%	2916	86.7%
Occasionally	317	9.9%	355	10.5%
Frequently	71	2.2%	94	2.8%
	Total Responses: 3199		Total Responses: 3365	

4.1f From Citizens / Customers

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Never	1714	43.4%	1842	42.1%
Occasionally	1486	37.6%	1643	37.6%
Frequently	750	19.0%	888	20.3%
	Total Responses: 3950		Total Responses: 4373	

4.1g Did you formally report the occurrence?

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Yes	499	22.2%	771	26.6%
No	1752	77.8%	2132	73.4%
	Total Responses: 2251		Total Responses: 2903	

4.1h Why didn't you formally report the incident?

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Didn't need to, handled it on your own	737	42.6%	1058	61.4%
Wasn't comfortable reporting it	135	7.8%	197	11.4%
Didn't think it would make a difference	515	29.8%	183	10.6%
Don't know the process (who or how to report it)	28	1.6%	36	2.1%
Other, please specify	315	18.2%	248	14.4%
	Total Responses: 1730		Total Responses: 1722	

4.1i Who did you report the occurrence to? (check all that apply)

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Your immediate supervisor	426	52.7%	613	60.6%
Human Resources (human rights specialist)	61	7.5%	55	5.4%
A union representative	105	13.0%	85	8.4%
Peer / co-worker	126	15.6%	161	15.9%
Employee and Family Assistance Provider (EFAP)	13	1.6%	22	2.2%
Other, please specify	69	8.5%	75	7.4%
		Total Responses: 808	Total Responses: 1011	

4.1j Who at the City responded to the matter you reported? (check all that apply)

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Your immediate supervisor	348	55.9%	561	62.8%
Human Resources (human rights specialist)	54	8.7%	53	5.9%
A union representative	80	12.8%	87	9.7%
Peer / co-worker	48	7.7%	95	10.6%
Other, please specify	93	14.9%	98	11.0%
		Total Responses: 623	Total Responses: 894	

4.1k Was there a reasonable effort made to address your concern?

Option	2021		2017	
	Number of Responses	Percentage	Number of Responses	Percentage
Yes	720	71.9%	509	67.1%
No	282	28.1%	250	32.9%
		Total Responses: 1002	Total Responses: 759	



METRICS@WORK

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Hamilton

OUR PEOPLE SURVEY RESULTS

February 8, 2022





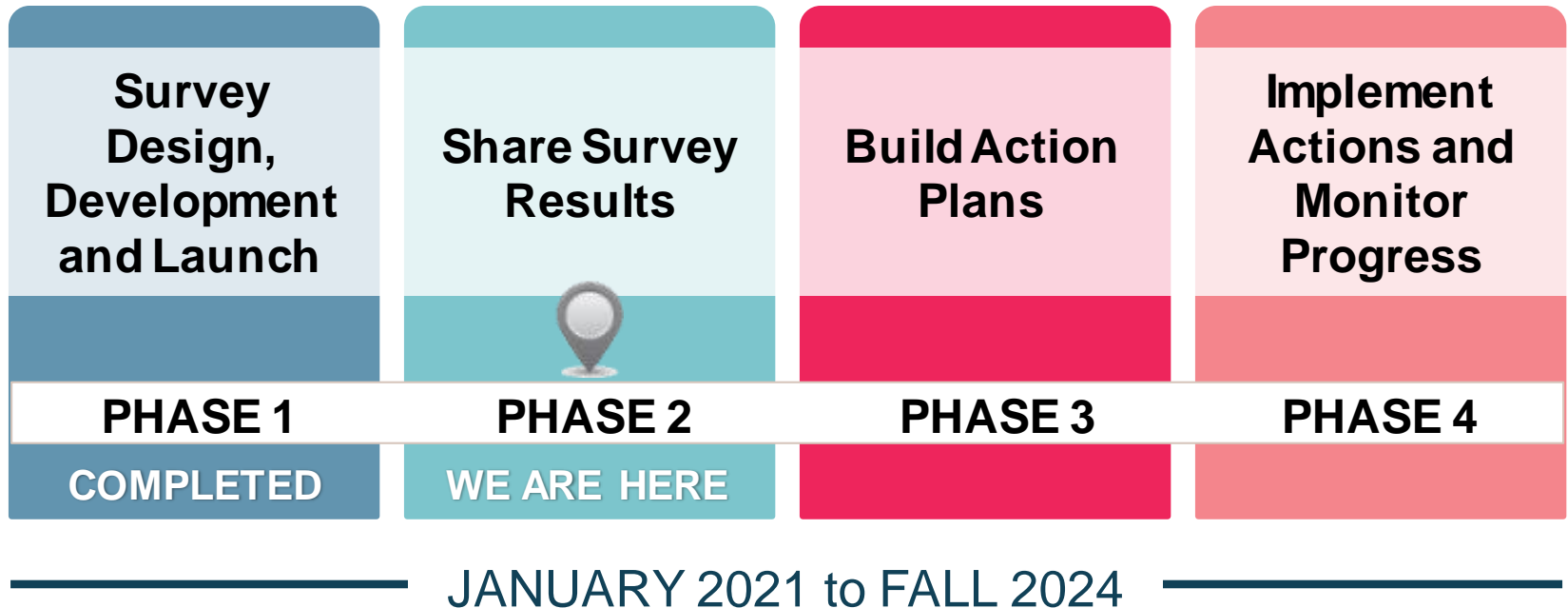
- Introduction
 - Corporate Framework
 - Survey Focus Areas
 - Participation
- Metrics@Work Background and Methodology
- Overall City Results
- Next Steps

INTRODUCTION



The *Our People Survey*

A consistent corporate framework for the City of Hamilton



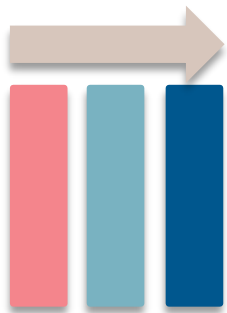
Survey Focus Areas



Participation



62%



relatively stable participation over 2017 OPS survey (65%), despite challenges due to the pandemic.

24

out of

36

divisions achieved a participation rate of **80%** or higher.

12

out of

36

divisions achieved a participation rate of **90%** or higher.



METRICS@WORK

BACKGROUND & METHODOLOGY

Established in 1999

- Metrics@Work emerged from Brock University's Workplace Health Research Lab (WHRL)
- Metrics@Work maintains processes and systems previously approved by Brock University's Research Ethics Board.
- Surveys peer approved by neutral 3rd party at University of Toronto.

Brief Background



Major Sector Surveys (incl. repeat surveys)

75 Municipal/Regional
38 Education

200+ Healthcare
30 Finance/Insurance

Cities/Municipalities Working with Metrics@Work

1. Regional Municipality of Niagara
2. Regional Municipality of York
3. Regional Municipality of Waterloo
4. Municipality of Meaford
5. Municipality of Muskoka
6. Municipality of Chatham-Kent
7. Halton Region
8. Haldimand County
9. County of Northumberland
10. County of Oxford
11. County of Lambton
12. City of Mississauga
13. City of Hamilton
14. City of Greater Sudbury
15. City of Guelph
16. City of St. Catharine's
17. City of Waterloo
18. City of Kitchener
19. City of Burlington
20. City of Brampton
21. City of Orillia
22. City of Kawartha Lakes
23. City of Niagara Falls
24. City of Barrie
25. City of Cornwall
26. City of Oshawa
27. City of Owen Sound
28. City of Markham
29. Town of Pelham
30. Town of Halton Hills
31. Town of Ajax
32. Town of Oakville
33. Town of Aurora
34. Town of Newmarket
35. Town of New Tecumseth
36. Town of Bradford West Gwillimbury
37. Town of The Archipelago
38. Town of Pelham
39. Town of Innisfil
40. Town of Richmond Hill

Levels of Measurement

Note: 2017 = 48 Drivers

30 Drivers (Predictors) of Engagement

New in 2021 = ***Bold / Italic***

Job Drivers

1. Physical Safety
2. Inspires / Sense of Accomplishment
3. Satisfied with Resources and Supplies
4. ***Good Work-Life Balance***
5. ***Psychologically Safety***
6. Support for Training Opportunities
7. Able to Be Innovative In My Work
8. Personal Recognition

Work Area Drivers

1. Pride in Work Area / Team
2. Supervisor Support / Communication / Safety
3. Provided with Equipment to Work Safely
4. Respectful Work Environment
5. ***Supervisor Has My Back / Positive Environment***
6. Comfortable Speaking Up
7. ***Supervisor Feedback / Manage Performance / Goals***
8. Demonstrate the Corp. Culture Values
9. Consistent Policies / Practices in my Area
10. Comfort Reporting Breach of Conduct
11. Ethics & Integrity - Conflict Resolution
12. Morale in Work Area / Team
13. Workload Distribution is Fair
14. ***Positive Action from Last Survey Results***
15. Two-way Communication

Organizational Drivers

1. Recommend City as Employer
2. Ethics & Integrity - Uphold Code of Conduct
3. ***Comm. from Sr. Leadership about Strategic Direction***
4. Employees can Demonstrate Corp. Culture Values
5. Opportunities for Career Advancement
6. ***Sr Leadership is Available / Accessible***

Additional Measures

1. ***City's Response to COVID-19***
2. ***Stress Level at Work***
3. ***Telecommuting***
4. ***Redeployment***
5. Workplace Behaviours

Overall City of Hamilton Results

OUR PEOPLE SURVEY 2021

CONNECTING WITH YOU



Normal Overall Group
Range Approximately 50%



To 80%

Lowest City of Hamilton
Driver in 2021 58.8%

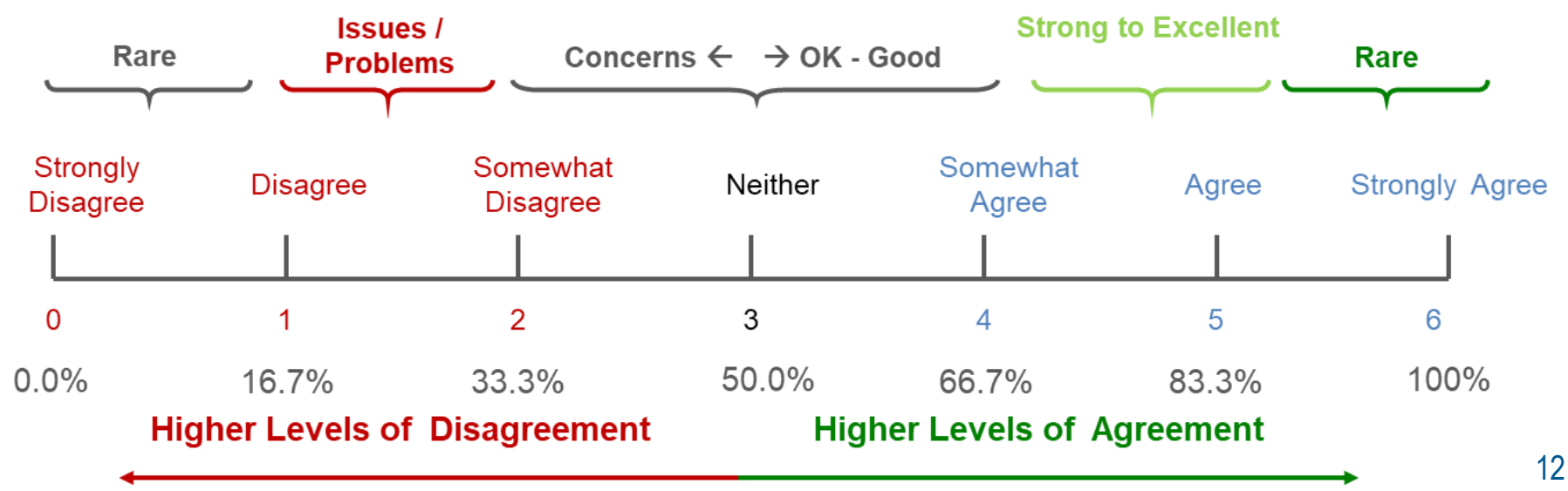


Highest City of Hamilton
Driver in 2021 80.4%

Lowest City of Hamilton
Driver in 2017 54.9%



Highest City of Hamilton
Driver in 2017 86.2%



Calculation of Scores

Two Approaches

Average Score

- Calculated as an arithmetic mean (average) of all responses received

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
Percentage	3.0%	1.9%	2.4%	6.1%	9.6%	32.7%	44.2%
# of Responses	129	82	103	263	414	1409	1905

- Example: 82.1%**

$$= \{ [(129 \times 0) + (82 \times 1) + (103 \times 2) + (263 \times 3) + (414 \times 4) + (1409 \times 5) + (1905 \times 6)] / 4305 \text{ total responses} \} / 6$$

Agreement Level

- Calculated as the percentage of responses that were either Agree or Strongly Agree

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
Percentage	3.0%	1.9%	2.4%	6.1%	9.6%	32.7%	44.2%
# of Responses	129	82	103	263	414	1409	1905

- Example: 76.9%**

$$= 32.7\% + 44.2\%$$

Impacts of Surveying During a Pandemic



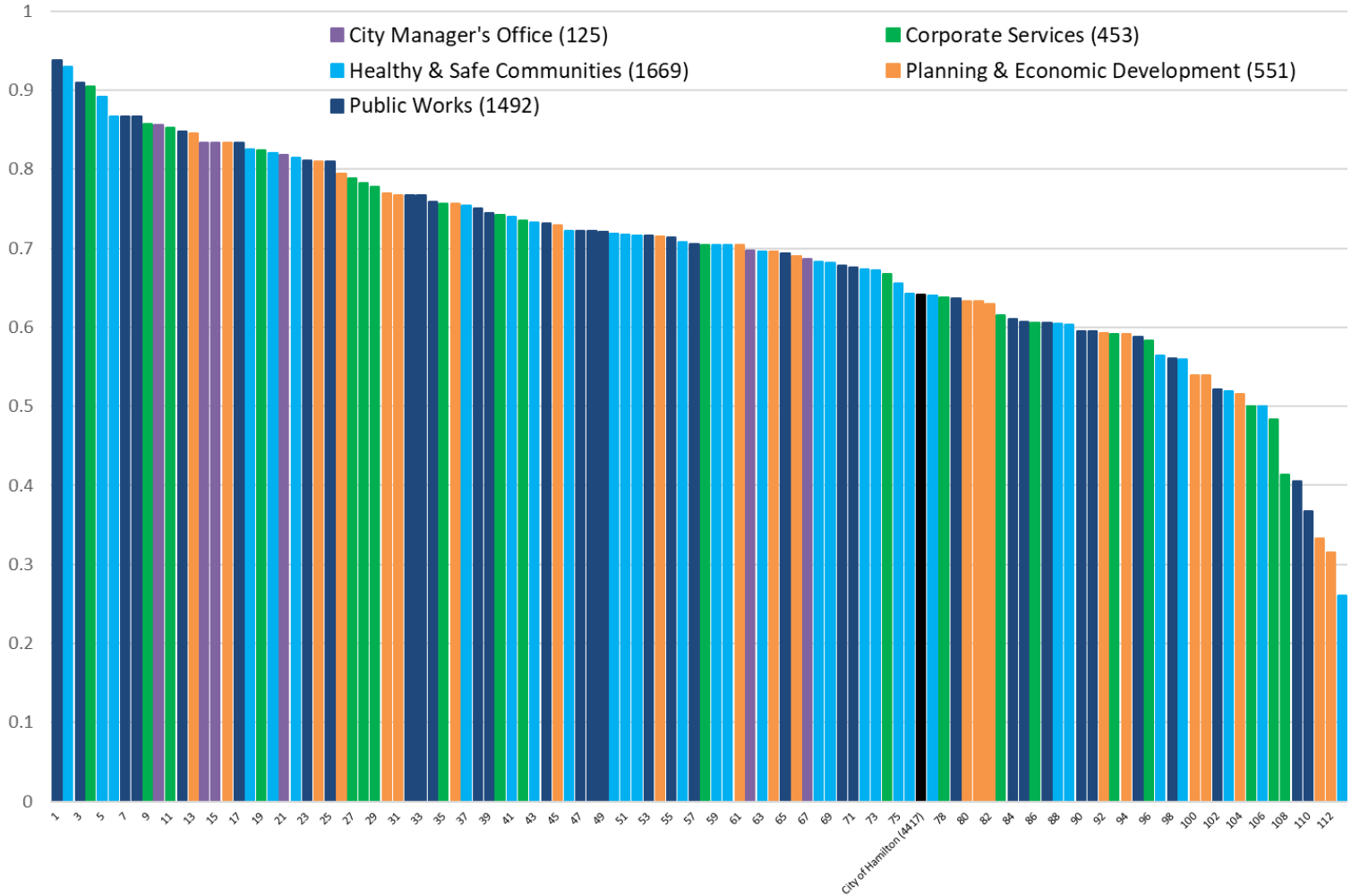
- City of Hamilton made the decision to survey during the pandemic (not everyone is doing this) – kudo’s!
- Most Cities put surveys on hold (some pulse surveys).

- Collecting feedback during a pandemic shows a commitment to employees and continuous improvement.
- Delays in re-surveying can send an implicit message that employee opinion and feedback is not important.



- We’ll share two sets of benchmarking statistics - during the pandemic and municipal pre-pandemic.
- The during pandemic benchmark data is relatively small compared to pre-pandemic, and predominantly from healthcare sector.

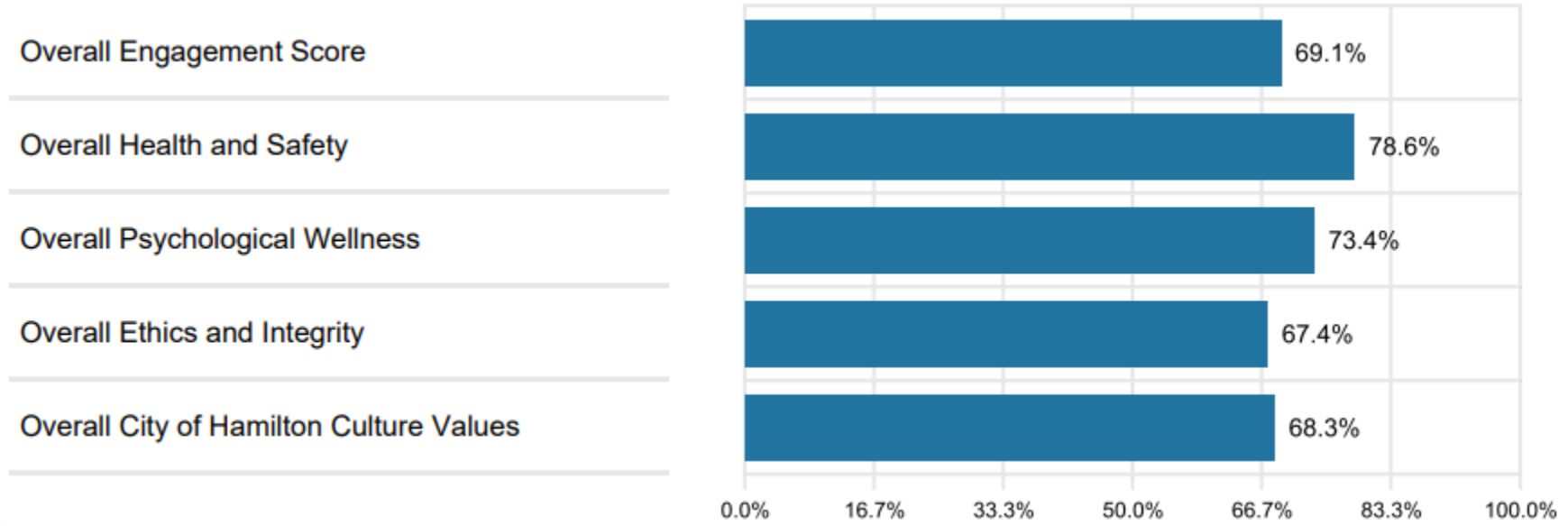
Large Variation within Departments / Divisions



Example:
One
Driver At
Section
Level

OVERALL CITY RESULTS

Overall Scores



Scale	Strongly Disagree	Disagree	Somewhat Disagree	Neutral	Somewhat Agree	Agree	Strongly Agree
Range	0.0% - 8.2%	8.3% - 24.9%	25.0% - 41.6%	41.7% - 58.2%	58.3% - 74.9%	75.0% - 91.5%	91.6% - 100.0%



Focus Area **1**
ENGAGEMENT

Overall Internal Results

Top Drivers



Very High Scores Over 80% - high levels of agreement/engagement



Strong Positive Between 75 to 80% - large proportion of people in Agree ranges

Overall Internal Results

Mid-Range Results

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Between 65 to 75% - large proportion of people in Agree ranges with some in Disagree range

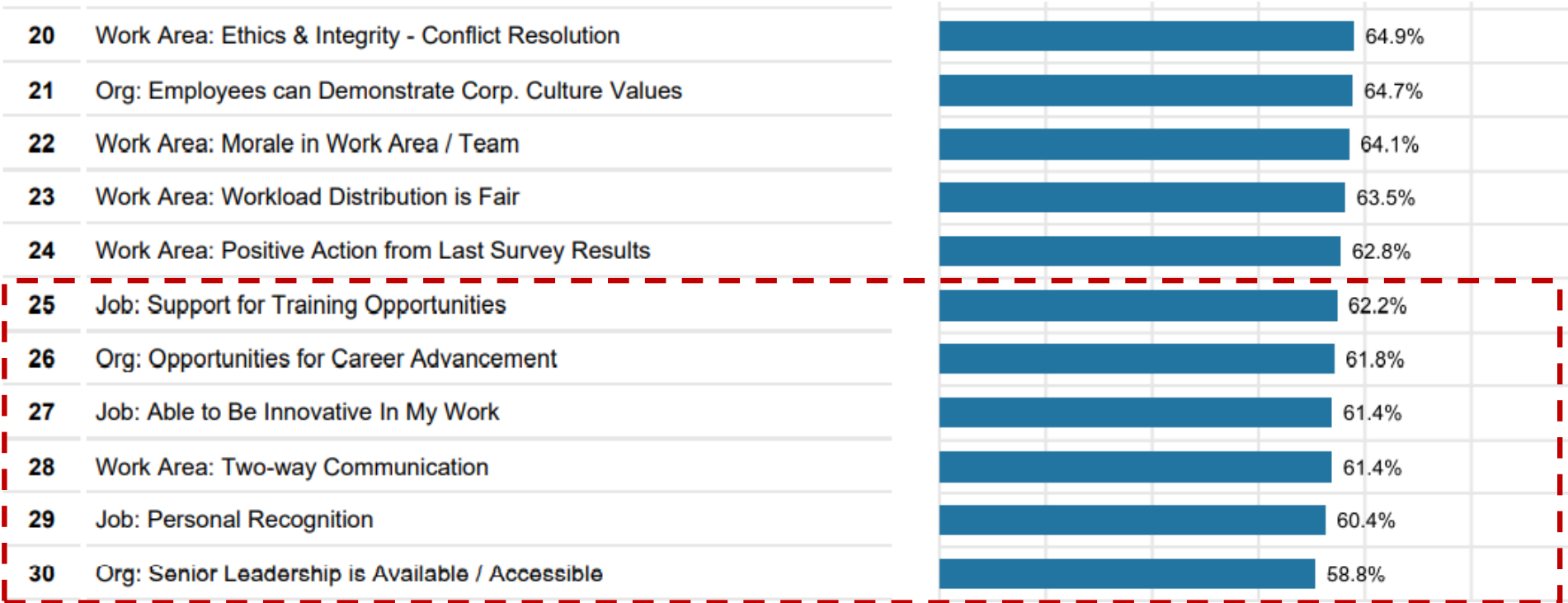


Overall Internal Results

Bottom Drivers



Bottom 5 Drivers – a larger proportion of people in the negative end of the rating scale

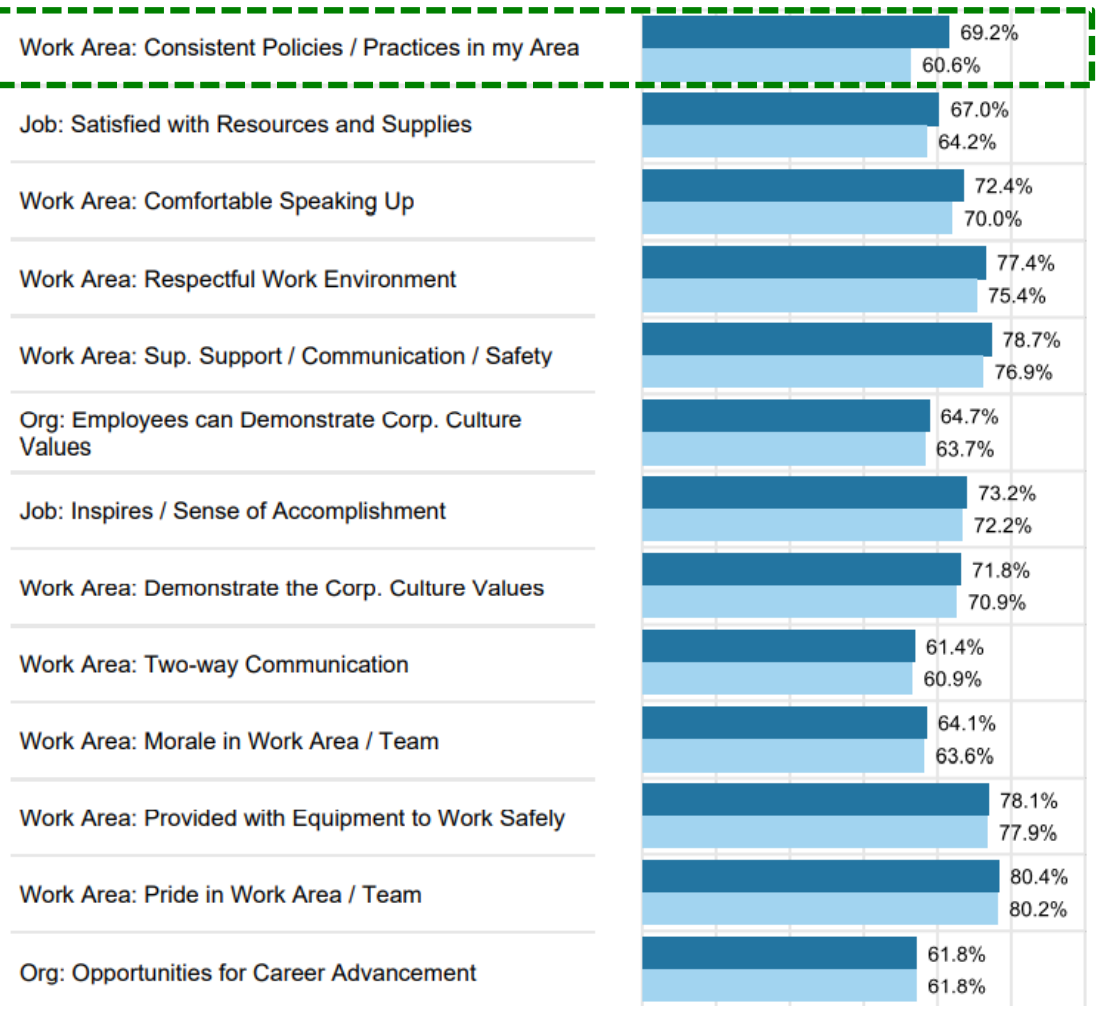


Nothing below 50% at the overall City level

Internal Benchmark 2021 compared to 2017



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8.6%
2.8%
2.4%
2.0%
1.8%
1.0%
1.0%
0.9%
0.5%
0.5%
0.2%
0.2%
0.0%

+5% Improvement
1 Driver: Consistent policies / practices in my area

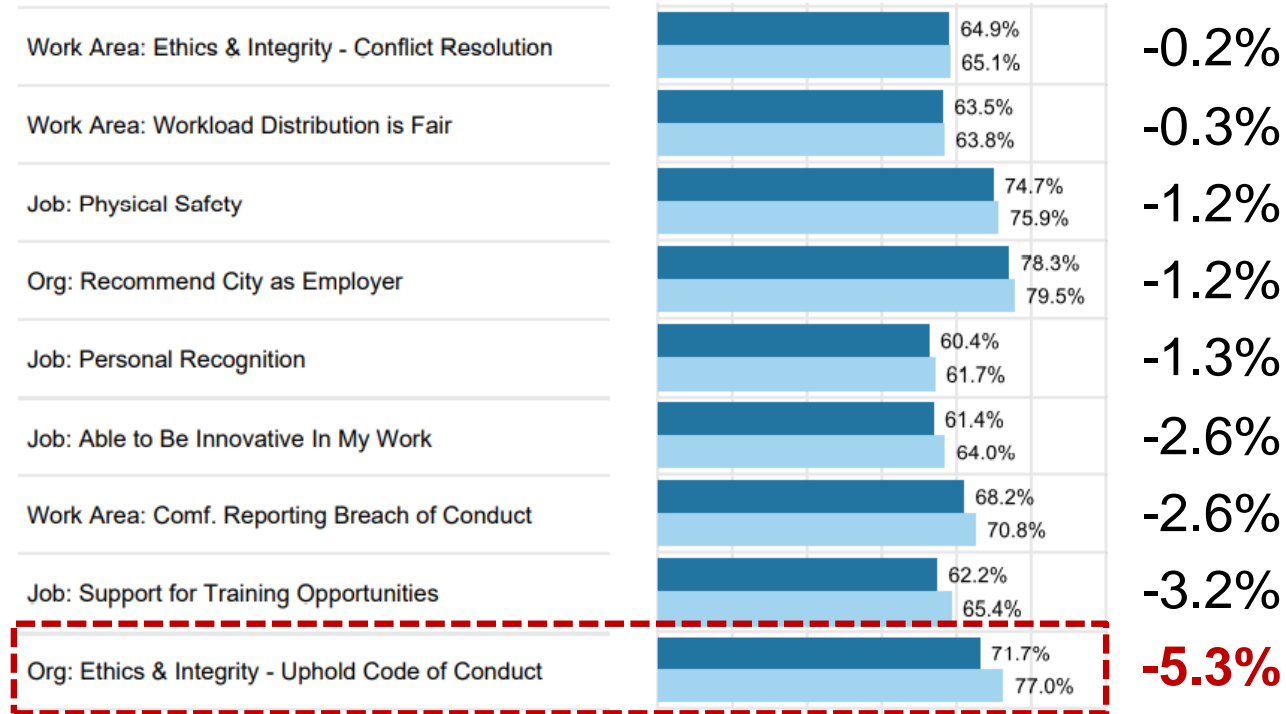
Within +/- 5%
12 Drivers at/above

■ 2021 Average
■ 2017 Average

**22 Comparable Drivers*

Internal Benchmark

2021 compared to 2017



Within +/- 5%
8 Drivers below

-5% Decline
1 Driver: Uphold the Code of Conduct

■ 2021 Average
■ 2017 Average

**22 Comparable Drivers*

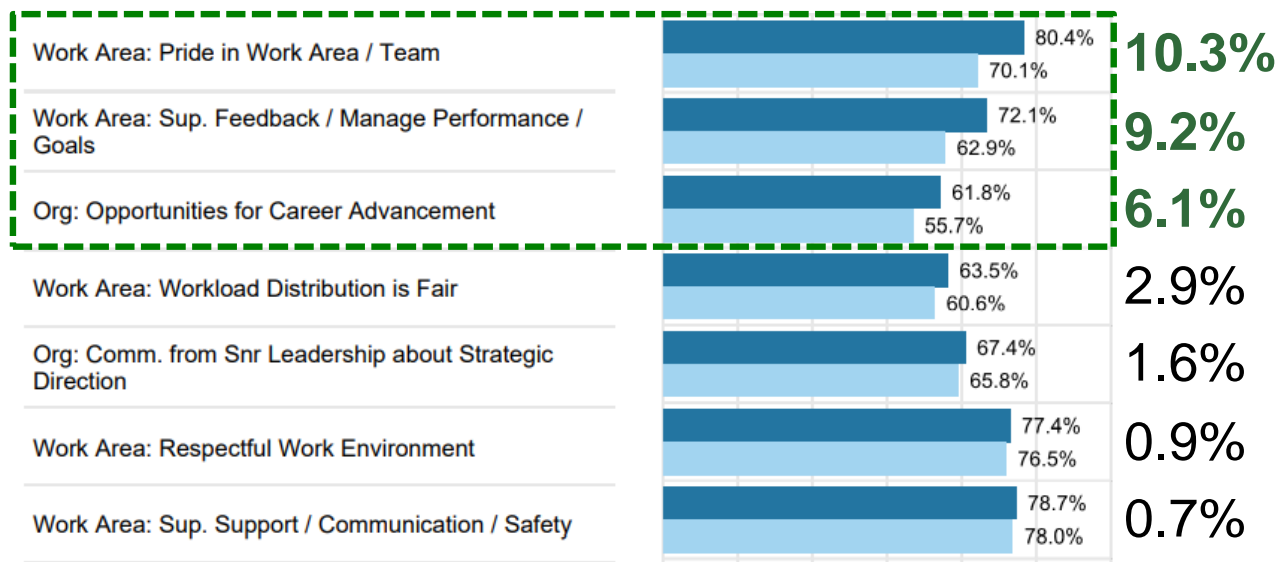
External Benchmark

During Pandemic



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+5% Above

3 Drivers:

- Pride in Work Area / Team
- Supervisor Feedback/ Manage Performance / Goals
- Opportunities for Career Advancement

Within +/- 5%

4 Drivers above

■ City of Hamilton Average
 ■ During Pandemic Database Average

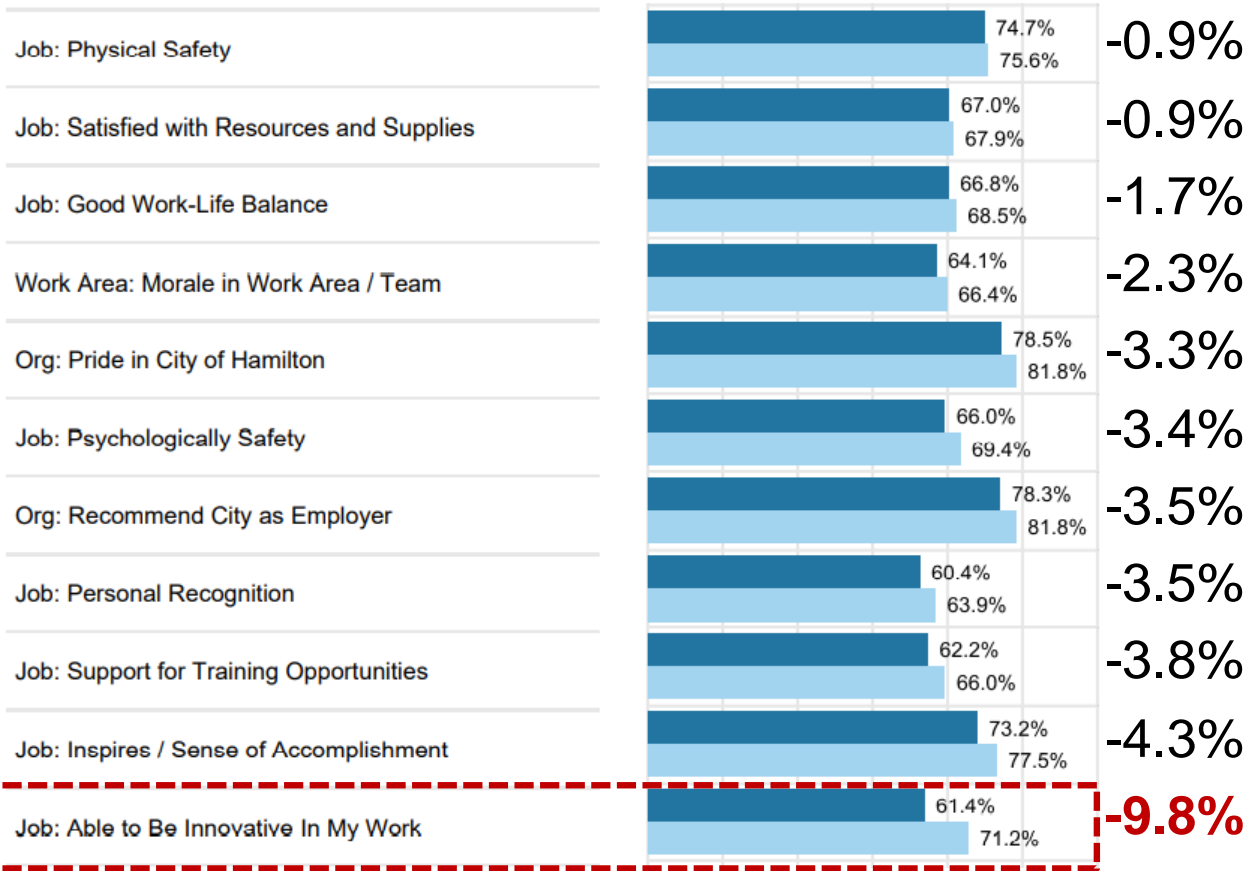
**18 Comparable Drivers, Up to 15,000 responses*

External Benchmark

During Pandemic

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Within +/- 5%
10 Drivers below

-5% Below
1 Driver: Able to be Innovative in my Work

■ City of Hamilton Average
■ During Pandemic Database Average

**18 Comparable Drivers, Up to 15,000 responses*

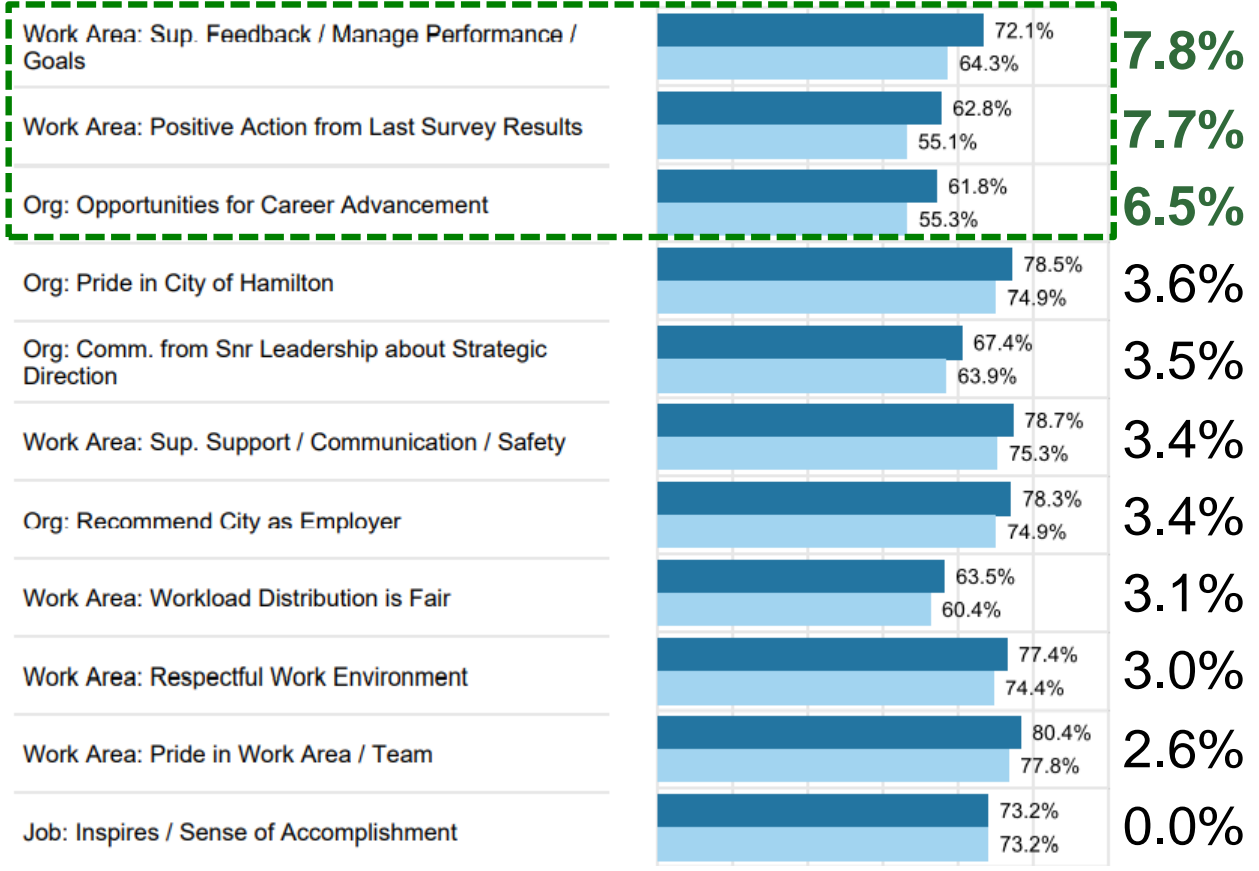
External Benchmark

Municipal Pre-Pandemic



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+5% Above

3 Drivers:

- Supervisor Feedback/ Manage Performance / Goals
- Positive Action from Last Survey Results
- Opportunities for Career Advancement

Within +/- 5%

8 Drivers at/above

■ City of Hamilton Average
 ■ Pre-Pandemic Municipal Sector

**19 Comparable Drivers, Up to 25,000 responses*

External Benchmark

Municipal Pre-Pandemic



Within +/- 5%

7 Drivers below

-5% Below

1 Driver: Morale in Work Area / Team

■ City of Hamilton Average
 ■ Pre-Pandemic Municipal Sector

**19 Comparable Drivers, Up to 25,000 responses*



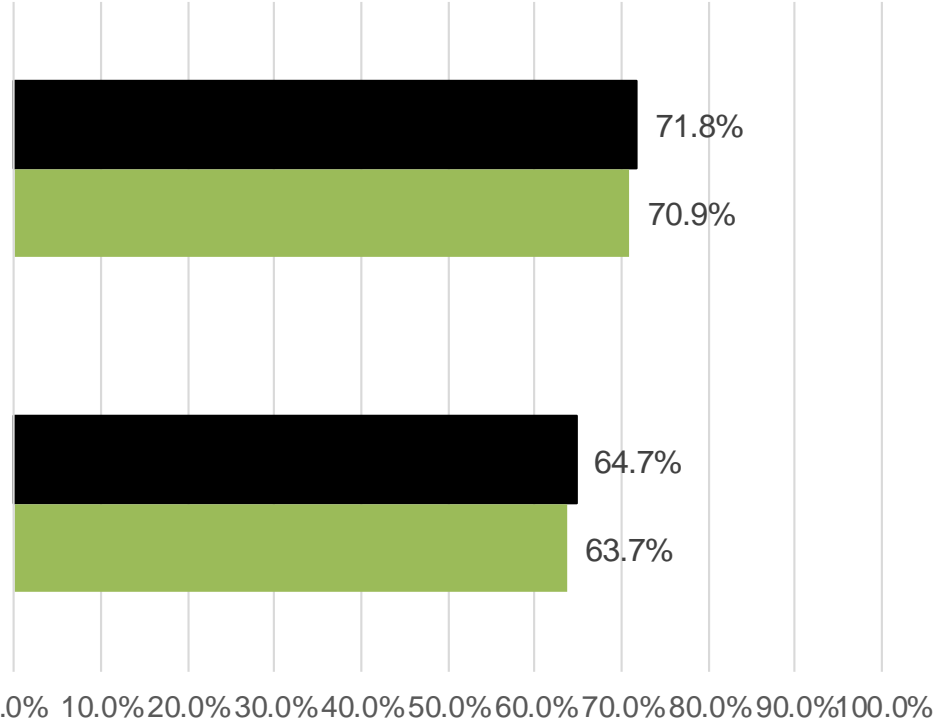
Focus Area **2** CULTURE

Culture Values



■ 2021 Overall City ■ 2017 Overall City (recalculated to match)

People in my work area/team usually behave in ways that demonstrate the corporate culture values (N=4309)



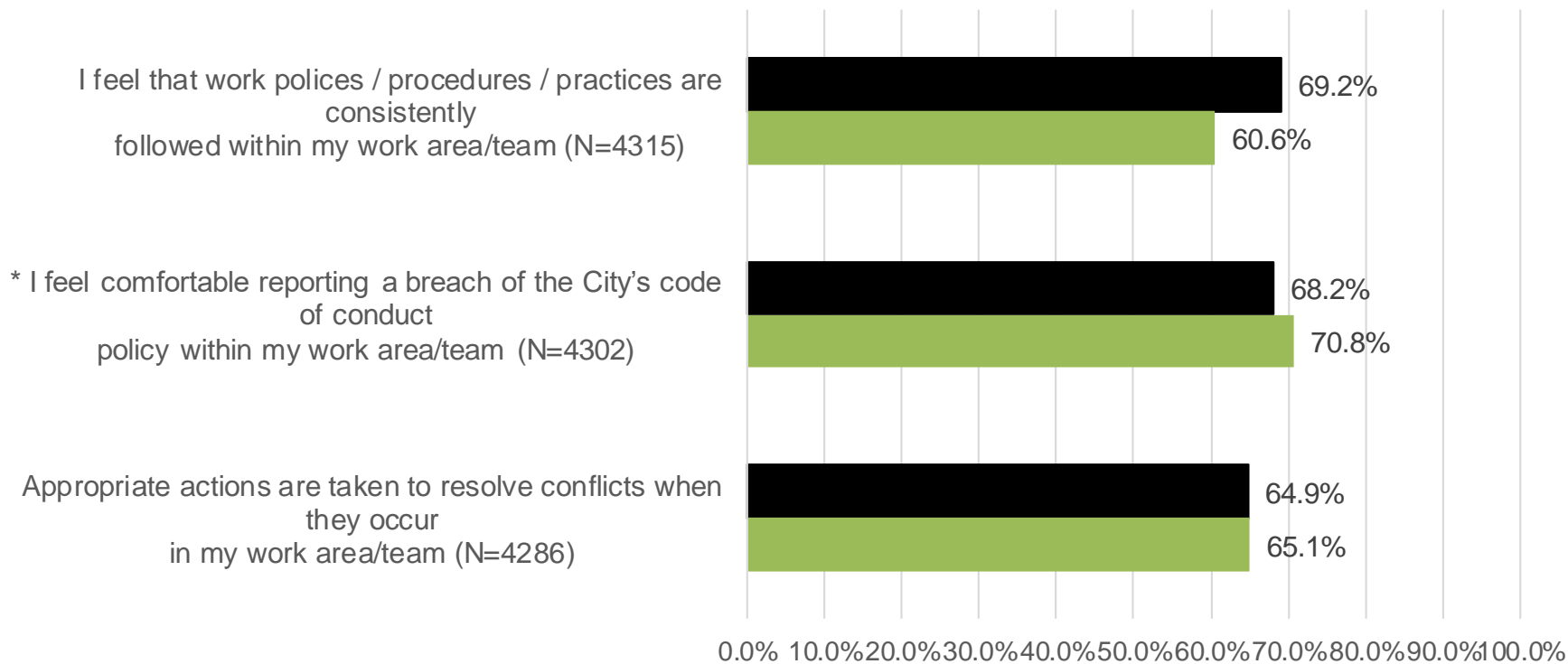
Scale	Strongly Disagree	Disagree	Somewhat Disagree	Neutral	Somewhat Agree	Agree	Strongly Agree
Range	0.0% - 8.2%	8.3% - 24.9%	25.0% - 41.6%	41.7% - 58.2%	58.3% - 74.9%	75.0% - 91.5%	91.6% - 100.0%



Focus Area **3**
**WORKPLACE ETHICS
AND INTEGRITY**

■ 2021 Overall City

■ 2017 Overall City (* minor wording differences)



Scale	Strongly Disagree	Disagree	Somewhat Disagree	Neutral	Somewhat Agree	Agree	Strongly Agree
Range	0.0% - 8.2%	8.3% - 24.9%	25.0% - 41.6%	41.7% - 58.2%	58.3% - 74.9%	75.0% - 91.5%	91.6% - 100.0%

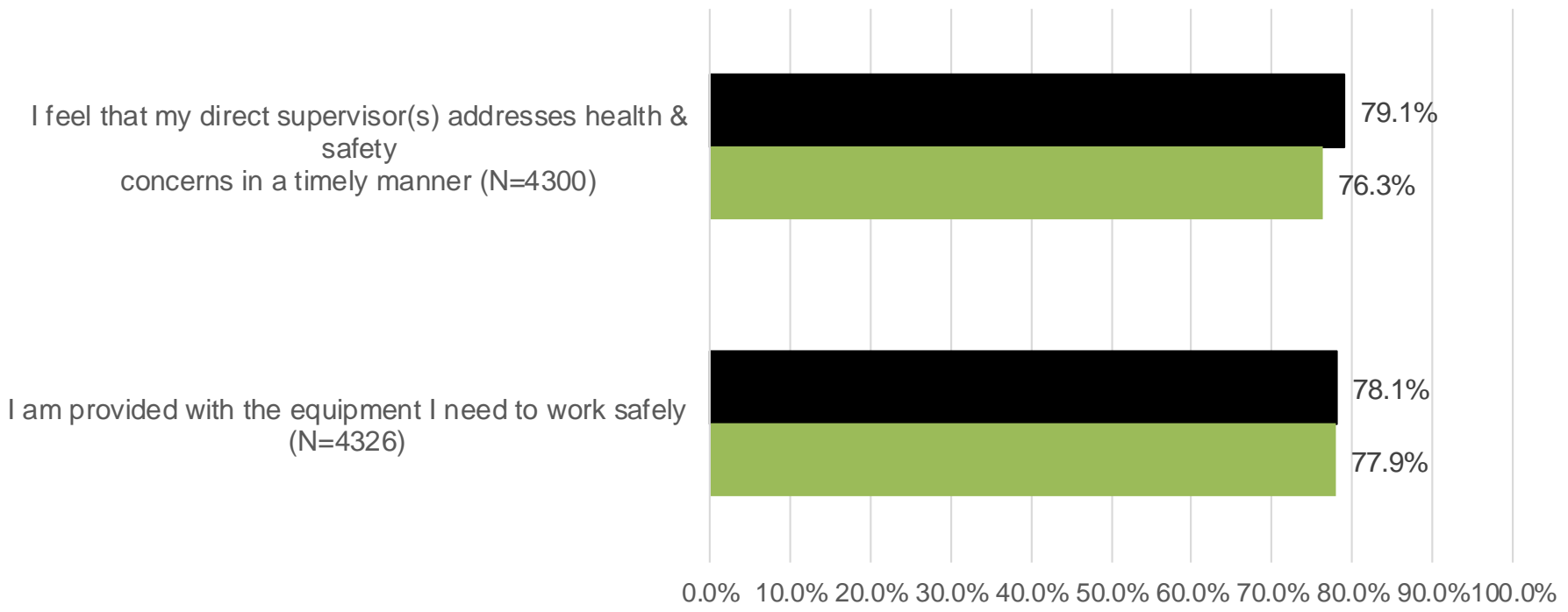


Focus Area **4**
**HEALTH, SAFETY
AND WELLNESS**

4a – Health & Safety



■ 2021 Overall City ■ 2017 Overall City



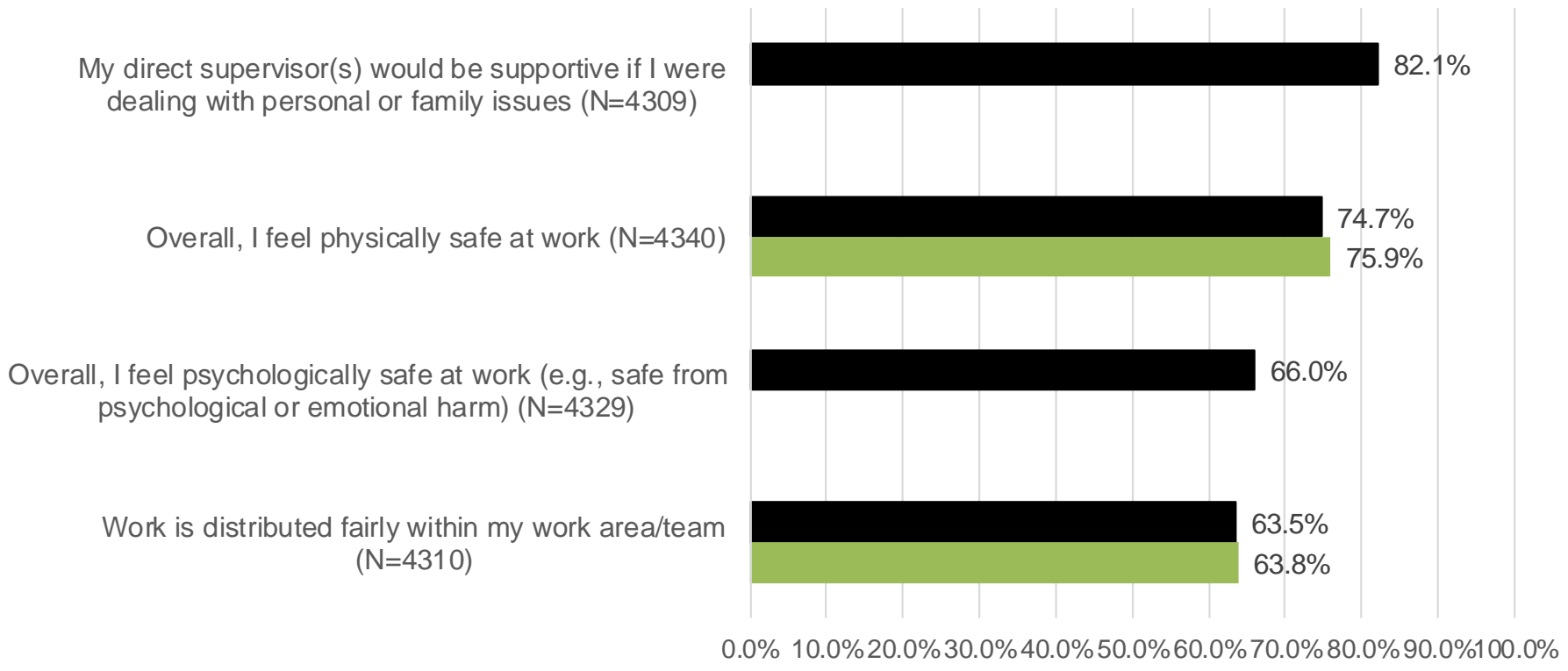
Scale	Strongly Disagree	Disagree	Somewhat Disagree	Neutral	Somewhat Agree	Agree	Strongly Agree
Range	0.0% - 8.2%	8.3% - 24.9%	25.0% - 41.6%	41.7% - 58.2%	58.3% - 74.9%	75.0% - 91.5%	91.6% - 100.0%

4b - Psychological Wellness



■ 2021 Overall City

■ 2017 Overall City



Scale	Strongly Disagree	Disagree	Somewhat Disagree	Neutral	Somewhat Agree	Agree	Strongly Agree
Range	0.0% - 8.2%	8.3% - 24.9%	25.0% - 41.6%	41.7% - 58.2%	58.3% - 74.9%	75.0% - 91.5%	91.6% - 100.0%



Lateral Harassment = Bully Co-worker

	2021		2017		M@W Municipal Database	
Option	Number of Responses	Percentage	Number of Responses	Percentage	Number of Responses	Percentage
Never	2832	69.1%	2930	64.1%	5902	62.6%
Occasionally	999	24.4%	1265	27.7%	2724	28.9%
Frequently	269	6.6%	376	8.2%	806	8.5%
	Total Responses: 4100		Total Responses: 4571		Total Responses: 9432	

Key Take-away: Higher % of Never and Lower % of Occasionally

Key Take-away: Lower % of Frequently



Downward Harassment = Bully Boss

	2021		2017		M@W Municipal Database	
Option	Number of Responses	Percentage	Number of Responses	Percentage	Number of Responses	Percentage
Never	3334	82.2%	3535	78.6%	7231	77.3%
Occasionally	584	14.4%	750	16.7%	1664	17.8%
Frequently	140	3.4%	212	4.7%	454	4.9%
	Total Responses: 4058		Total Responses: 4497		Total Responses: 9349	

Key Take-away: Higher % of Never and Lower % of Occasionally

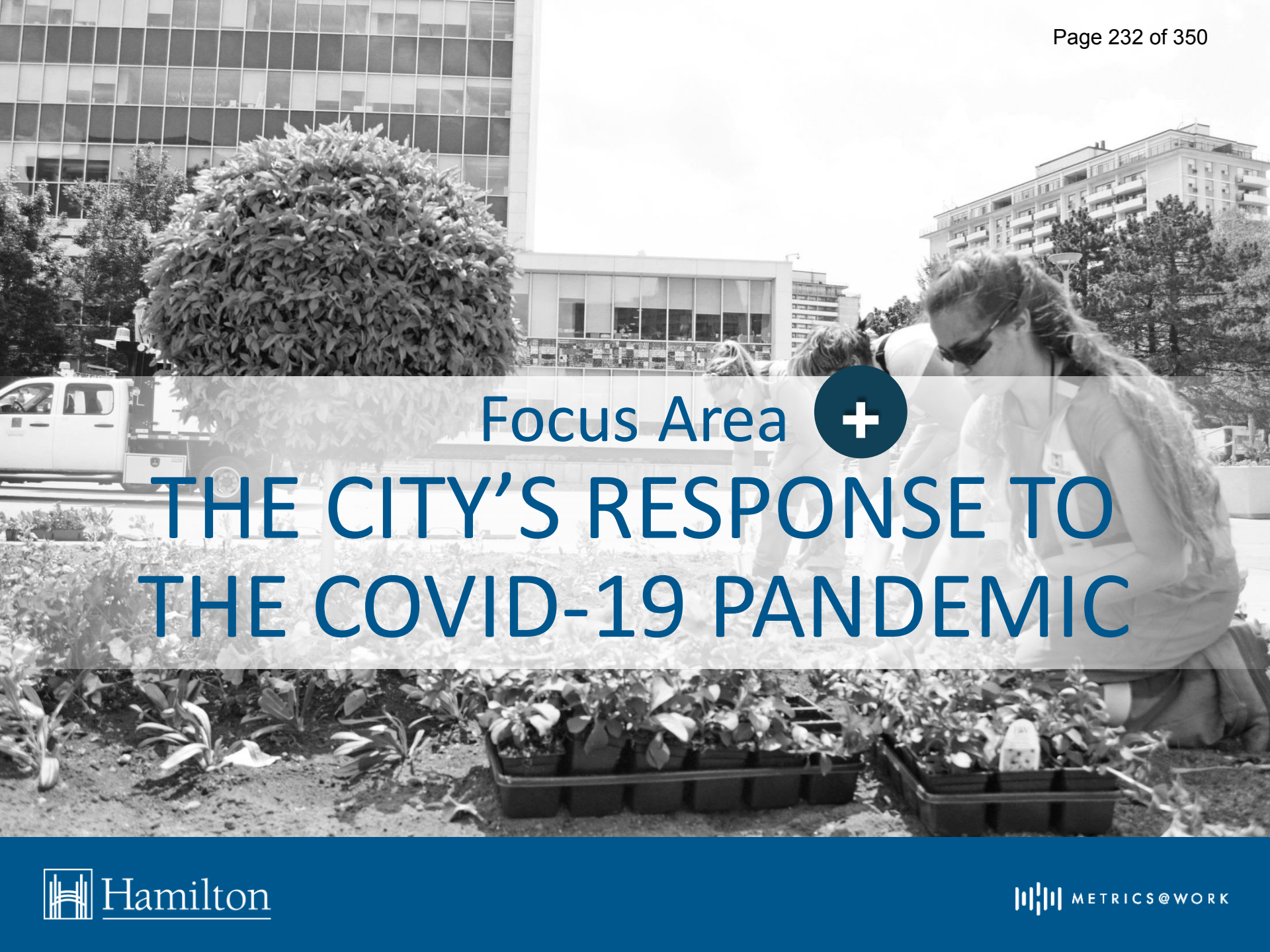
Key Take-away: Lower % of Frequently

External Harassment = Bully Client

Option	2021		2017		M@W Municipal Database	
	Number of Responses	Percentage	Number of Responses	Percentage	Number of Responses	Percentage
Never	1714	43.4%	1842	42.1%	3812	41.6%
Occasionally	1486	37.6%	1643	37.6%	3751	40.9%
Frequently	750	19.0%	888	20.3%	1611	17.6%
Total Responses: 3950		Total Responses: 4373		Total Responses: 9174		

Key Take-away: Marginally Higher % of Never and Same % of Occasionally

Key Take-away: Marginally Lower % of Frequently compared to 2017; still above the Municipal database



Focus Area 

THE CITY'S RESPONSE TO THE COVID-19 PANDEMIC

Pandemic Response

Overall Impacts



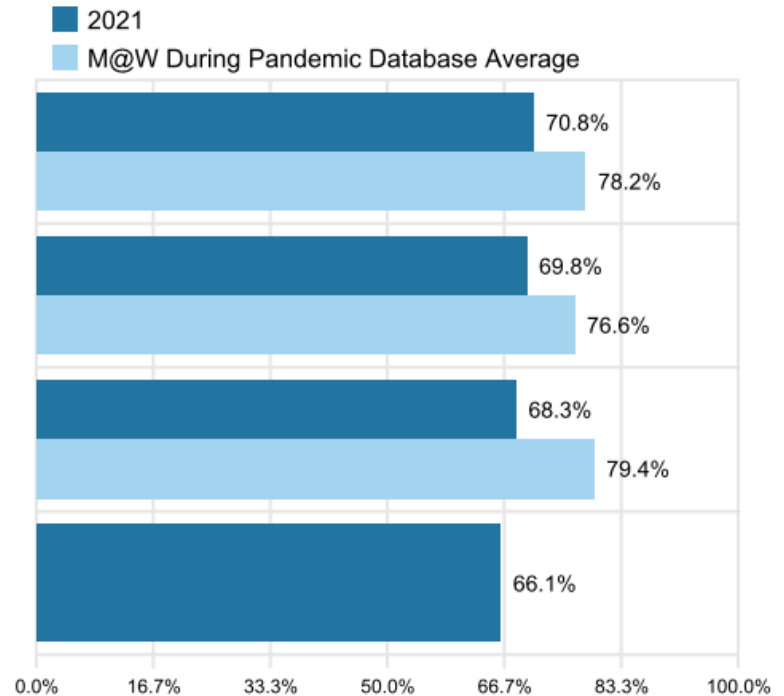
Fig. 1.1 Item Statement

- 1.1d** I'm satisfied with the communication I received throughout the COVID-19 pandemic (e.g., From my supervisor, Hamilton Responds Newsletter, Town Halls, Communications from the City Manager etc.) (N=4372)

- 1.1b** The tools and resources provided by the City during the COVID-19 pandemic were useful to me and my family (e.g., to stay informed about COVID-19, health and safety protocols or managing stress etc.) (N=4386)

- 1.1a** I feel the City has done a good job supporting employees throughout the COVID-19 pandemic (N=4400)

- 1.1c** I feel the City made the health and wellbeing of its employees a top priority in how they responded to the COVID-19 pandemic (N=4372)



Scale	Strongly Disagree	Disagree	Somewhat Disagree	Neutral	Somewhat Agree	Agree	Strongly Agree
Range	0.0% - 8.2%	8.3% - 24.9%	25.0% - 41.6%	41.7% - 58.2%	58.3% - 74.9%	75.0% - 91.5%	91.6% - 100.0%

Pandemic Response

Overall Impacts

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**Stress
is
High**

In the last 6 months, my stress level at work, whether working from home or onsite, has been

Option	Number of Responses	Percentage
Low	759	17.4%
Moderate	1843	42.2%
High	1765	40.4%
Total Responses: 4367		

**So Are
Support
Levels**

My direct supervisor(s) would be supportive if I were dealing with personal or family issues (N=4309)



Telecommuting Impacts

Pandemic Response

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2106

responses
(48.2% of total)



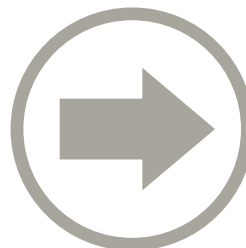
84.7% able to effectively perform job duties



92.2% have a designated workspace free from hazards



35% feel unsafe returning to in-office work



91.8% interested in continuing to telecommute

Top Benefits Identified:

- ✓ Financial savings (15.6%)
- ✓ Better work-life balance (14.7%)
- ✓ Increased productivity (13.9%)

Least Reported Benefit:

- ✓ Improved mental health (8.9%)

* Percentage represents those that responded agree or strongly agree

Redeployment Impacts

Pandemic Response

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502

responses
(11.6% of total)



70.8%
discovered
new skills



66.7%
tools & resources
needed to perform
well



68.7%
clear
expectations



69.2%
connected to
team

Lowest scores:

- Openness to being redeployed again in future (59.4%)
- Effort required to support the pandemic response is sustainable (56.1%)
- Received appropriate training (56.1%)

* Percentage represents the average across all responses received



THEMED WRITTEN
COMMENTS


Greatest Strengths

Written Comment Themes



Tell us what you like most about working for the City of Hamilton?

(e.g., the biggest strength or most positive thing about your job)

3176 Comments 

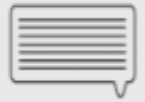
17 Themes **105** Sub-Themes

- 1** Our Employees
- 2** Positive Work Environment
- 3** The City as an Employer
- 4** Compensation and Benefits
- 5** The Work / Job

Needs Improvement Written Comment Themes



Tell us how we could improve?
(e.g., if you could provide one suggestion, what would that be)

3063 Comments 

14 Themes **111** Sub-Themes

- 1** More Employee Support
- 2** Leadership Improvements
- 3** Improve Communication
- 4** City Improvements
- 5** Work / Life Balance

SUMMARY & NEXT STEPS



Top Strengths and Challenges



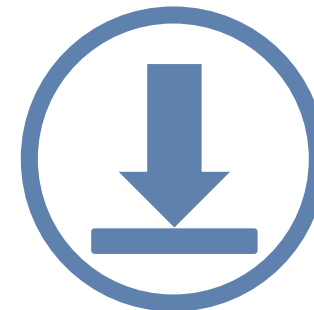
Highest Rated (Top 5 Drivers)

1. Pride in Work Area / Team
2. Supervisor Support / Communication / Safety
3. Pride in City of Hamilton
4. Recommend City as Employer
5. Provided with Equipment to Work Safely



Lowest Rated (Bottom 3 Drivers)


1. Senior Leadership is Available / Accessible
2. Personal Recognition
3. Two-way Communication




Biggest Change over 2017 Results



Top 5 Driver Improvements Compared to 2017

- | | | |
|---|---|------|
| 1. Consistent Policies and Practices in my Area |  | 8.6% |
| 2. Satisfied with Resources and Supplies | | 2.8% |
| 3. Comfortable Speaking Up | | 2.4% |
| 4. Respectful Work Environment | | 2.0% |
| 5. Supervisor Support / Communication / Safety | | 1.8% |

Bottom 3 Driver Declines Compared to 2017

- | | | |
|--|--|-------|
| 1. Ethics & Integrity - Uphold Code of Conduct |  | -5.3% |
| 2. Support for Training Opportunities | | -3.2% |
| 3. Comfortable Reporting Breach of Conduct | | -2.6% |

Closing Thoughts from the City Manager



Employees and Leaders stepped up to make the Our People Survey a priority.



Overall, our results were strong and we will continue to build on these strengths.



As we dig deeper, we'll see unique challenges in different parts of our organization



Our Leaders will be accountable and stay committed to actioning this feedback.

PAD Goal for All People Leaders

OUR PEOPLE SURVEY 2021

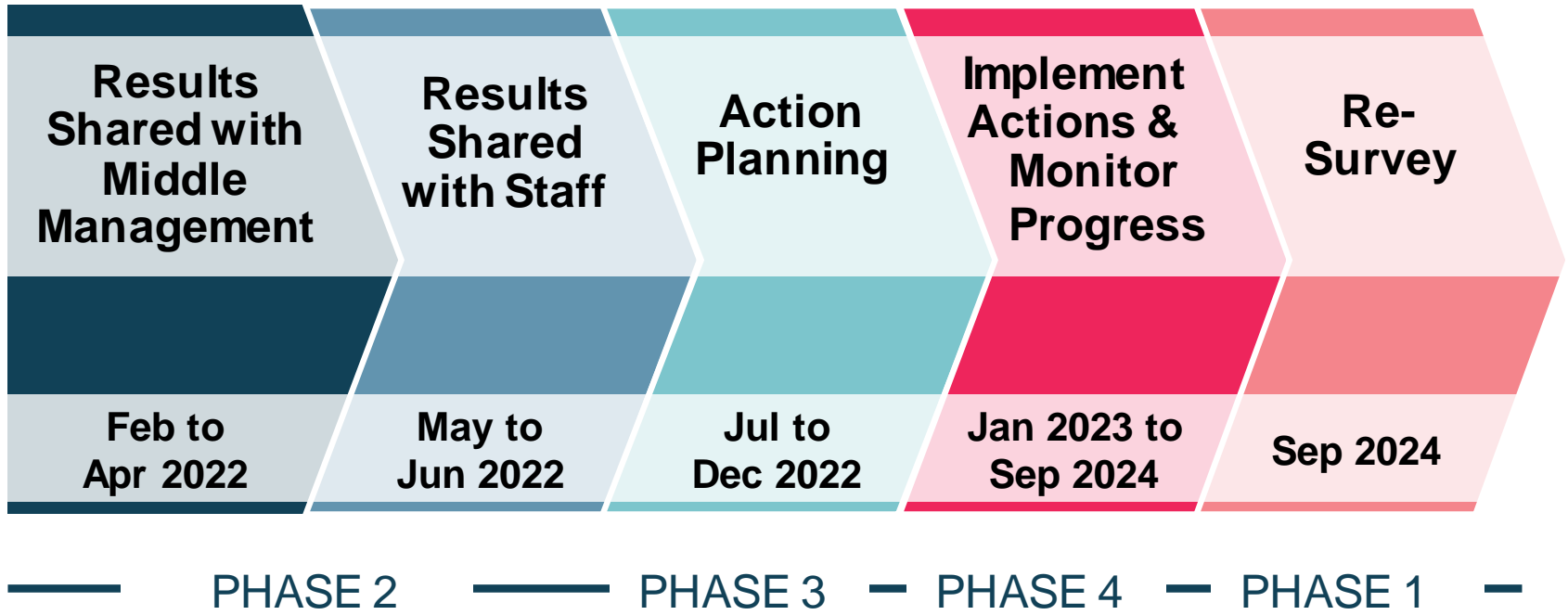
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1. Performance Expectations

Goals or Core Job Responsibilities (Specify desired future results or outcome)	Measures (Describe how each goal will be measured for example; numeric, descriptive; timeframe)
Our People Survey - Implement Phase 2 (Sharing Results) and 3 (Build Action Plans) deliverables with your workgroup by December 31 2022	Results shared to the front line by <<DATE>> utilizing corporate tools and templates Action Planning Workshops scheduled by <<DATE>> Action plan workgroups held by <<DATE>> Final action plans developed and communicated to all staff by <<DATE>> Implementation of action plan items by <<Date>> Note: Action Plan attached as appendices to PAD

Next Steps



Accessing Your Results Report



2021 Survey Results	City of Hamilton 2021 Our People Survey	? Instructions	Leader Name
---------------------	---	----------------	-------------



Organizational Dashboard



Overall Survey Response Rate



Your Organization's Engagement Score



Previous Engagement Score



Comparable Sector Database Engagement Score



Detailed Reports



Strengths Challenges

Other Files

TEAM DASHBOARD



Example Department



125

Survey Responses

81%

Engagement Score

71%

Previous Engagement Score

69%

Internal Benchmark



1. Organizational Summary.
2. Leader dashboard for team.
3. Click arrow beside Team name to show lower level groups that report to you (if applicable).
4. Download full dashboard to PDF (for sharing with staff).
5. Download "Detailed" report to PDF (e.g., incl. all data results, group comparisons of lower levels).
6. Download "Strengths & Challenges" to PDF (for sharing with staff and action planning).

Your Support Resources

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To support you with answering questions ...

- Phase 2 Resources (incl. Communication Map & FAQ) on
 - eNet: http://enet/DCOMM/CityLeadership/our_people_survey.htm
 - Howi: <https://howi.hamilton.ca/#/news/article:540327519>
- OPS Project Team: ourpeople@Hamilton.ca

To support you with interpreting the reports ...

- Invited to watch the GIC presentation of the City-wide results on February 16th
- Online training module (**coming soon!**) on how to interpret your OPS results, available through eNet and Howi



To support the cascade of information ...

- Department Working Groups, led by OPS Steering Committee Representatives
- Leader Toolkit (**coming soon!**) on eNet and Howi, including:
 - Sample agenda and presentation template for sharing results with your team
 - Action planning templates
 - Leader guide on how to share results and build interactivity via multiple channels




Questions

Dedicated OPS Email Address ourpeople@hamilton.ca



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Tourism and Culture Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 16, 2022
SUBJECT/REPORT NO:	Municipal Accommodation Tax (PED20009(b)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Pam Mulholland (905) 546-2424 Ext. 4514
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Business Case Study for the creation of the Tourism Municipal Services Corporation, attached as Appendix "A" to Report PED20009(b), be approved;
- (b) That staff be authorized and directed to incorporate the Tourism Municipal Services Corporation substantially in accordance with the Business Case Study, attached as Appendix "A" to Report PED20009(b), with the mandate to promote tourism and develop tourism products in alignment with the Hamilton Tourism Strategy;
- (c) That the appointment of the General Manager, Planning and Economic Development Department, the Director, Tourism and Culture Division, and the Manager of Accounting Services, Financial Services and Taxation Division, Corporate Services Department, as Interim Directors of the Tourism Municipal Services Corporation, be approved;
- (d) That staff and the Interim Directors of the Tourism Municipal Services Corporation, be authorized and directed to develop Recommendations relating to the following, and report back to the General Issues Committee for approval:
 - (i) Operating Agreement and Asset Transfer Policy between the City of Hamilton and the new Tourism Municipal Services Corporation;

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

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

SUBJECT: Municipal Accommodation Tax (PED20009(b)) (City Wide) - Page 2 of 10

- (ii) Governance structure for the new Tourism Municipal Services Corporation; specifically, the structure and process for the selection of the Board of Directors; and,
 - (iii) Establishing the Tourism Municipal Services Corporation Municipal Accommodation Tax Reserve Fund to receive the new Tourism Municipal Services Corporation's portion of the Municipal Accommodation Tax;
- (e) That staff be authorized and directed to negotiate any agreements required to fulfil the Business Case Study for the creation of the Tourism Municipal Services Corporation, attached as Appendix “A” to Report PED20009(b), and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department, in consultation with the General Manager, Finance and Corporate Services Department, and in a form satisfactory to the City Solicitor;
- (f) That the City of Hamilton Municipal Accommodation Reserve Fund Policy for the City portion of the Municipal Accommodation Tax, attached as Appendix “B” to Report PED20009(b), be approved; and,
- (g) That staff be directed to report back to the General Issues Committee in 2022, with the proposed timing of the approval and implementation of the By-law, attached as Appendix “C” to Report PED20009(b), to establish a Municipal Accommodation Tax at a rate of 4%.

EXECUTIVE SUMMARY

On November 23, 2017, the Province enacted Ontario Regulation 435/17 "Transient Accommodations Tax" ("O.Reg 435/17"), which regulates a municipality's implementation of the Municipal Accommodation Tax ("MAT"). The MAT is a new revenue tool that the Provincial government has given Ontario municipalities to further promote tourism as an economic driver.

O.Reg 435/17 requires a minimum of 50% of the MAT revenue to be shared with one or more "Eligible Tourism Entities." An "Eligible Tourism Entity" is a non-profit entity whose mandate includes the promotion of tourism in Ontario or in a municipality. Through Report PED20009 on January 22, 2020, Council approved the following Recommendation:

“That staff be directed to develop the structure and implementation plan for a Municipal Accommodation Tax Program in Hamilton at 4% including the required business case study, and creation of a Municipal Services Corporation which will operate as the City of Hamilton's Eligible Tourism Entity to receive revenues from the Municipal Accommodation

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

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SUBJECT: Municipal Accommodation Tax (PED20009(b)) (City Wide) - Page 3 of 10

Tax as required by Provincial regulation, enacting by-law and any necessary agreements, and report back to the General Issues Committee.”

The Business Case Study, attached as Appendix “A” to Report PED20009(b), outlines the benefits of establishing the Tourism Municipal Services Corporation (“Tourism MSC”) and establishes the Council-approved Hamilton Tourism Strategy as the mandate and guiding document for the proposed Tourism MSC.

The recently announced COVID-19 restrictions are again discouraging leisure and business travel. Based on the feedback that staff received from Hamilton’s accommodation sector stakeholders, the Omicron variant has negatively impacted the initial recovery of the industry seen in late 2021. At this point, it is uncertain when consumer confidence in travel will return and the tourism sector will rebound. As a result, staff are not recommending that the By-law, attached as Appendix “C” to Report PED20009(b), be approved and implemented at this time. However, staff are recommending that steps toward future implementation continue.

If Council were to approve the Recommendations of Report PED20009(b), it would result in the following outcomes:

- Providing staff the authority and direction to incorporate the Tourism MSC, substantially in the form outlined in the Business Case Study attached as Appendix “A” to Report PED20009(b);
- The approval of the City of Hamilton Municipal Accommodation Reserve Fund Policy, attached as Appendix “B” to Report PED20009(b), for the City’s portion of the Municipal Accommodation Tax;
- The appointment of Interim Directors of the Tourism MSC; and
- Providing staff and the Interim Directors of the Tourism MSC the authority to develop the proposed Operating Agreement and Asset Transfer Policy between the City and the new Tourism Municipal Services Corporation, to be presented to Council for approval.

Staff will report back to the General Issues Committee later in 2022, with Recommendations relating to:

- The timing of the approval and implementation of the By-law, attached as Appendix “C” to Report PED20009(b), to Establish a Municipal Accommodation Tax at a rate of 4% and with a proposed effective date (assuming a level of recovery of the tourism industry);
- The composition of the Board of Directors, any required operating agreement(s), asset transfer policy, Corporate By-laws, 2023 budget and other details relating to the operation of the Tourism MSC.

The process of incorporating the Tourism MSC will take several months. Undergoing the work to make the Tourism MSC fully operational in 2022 will remove MAT implementation

SUBJECT: Municipal Accommodation Tax (PED20009(b)) (City Wide) - Page 4 of 10

delays upon the full reopening of the accommodation sector of the tourism industry and Council approval of the By-law.

Alternatives for Consideration - Not Applicable**FINANCIAL - STAFFING - LEGAL IMPLICATIONS**

Financial: There is no immediate financial impact associated with this report. The proposed 2022 Planning and Economic Development Department Operating Budget does not include any forecasted revenues from the MAT.

Staffing: N/A

Legal: Legal Services will be required to incorporate the Tourism MSC, contingent upon Council approval. The scope of work will include:

- All necessary Corporate name searches;
- Preparation and filing of letters patent; and
- Preparation of Corporate By-law(s) and all other constating documents.

HISTORICAL BACKGROUND

Through Report PED20009 in January of 2020, Council directed staff to develop the structure and implementation plan for a MAT at 4% of the purchase price of transient accommodations (e.g. licensed hotels, motels, and bed and breakfasts) in Hamilton on overnight stays of 29 nights or less.

Through Report PED20009(a) on January 20, 2021, Council determined that the MAT should not be implemented at that time due to the economic impacts of COVID-19 on the tourism industry. Council directed staff to report back to provide Recommendations related to the MAT strategy, implementation plan and timing in late 2021 through this Report PED20009(b).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

O.Reg 435/17 provides municipalities with the authority to impose a MAT by passing a By-law. In addition, O.Reg 435/17 requires the City to share 50% of the MAT revenue (following deduction of administrative costs) with an Eligible Tourism Entity, defined in O.Reg 435/17 as "a non-profit entity whose mandate includes the promotion of tourism in Ontario or a municipality".

The Eligible Tourism Entity must utilize its share of MAT revenues for the exclusive purpose of promoting tourism. Under O.Reg 435/17, "promoting tourism" includes developing and executing tourism products. Tourism products can relate to the eight

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SUBJECT: Municipal Accommodation Tax (PED20009(b)) (City Wide) - Page 5 of 10

sectors of the tourism industry which are: accommodation; adventure tourism and recreation; attractions; festivals; events and conferences; food and beverage; tourism services; transportation; and travel trade. O.Reg 435/17 does not mandate how municipalities may spend the balance of the MAT revenue.

The development of this new revenue stream is consistent with the objectives of the City's Investment Strategy and Hamilton Tourism Strategy.

RELEVANT CONSULTATION**External**

- Public consultation regarding the creation of the Tourism MSC with the Ontario Restaurant Hotel Motel Association - Hamilton Hotel Association members
- Financial Controller, Ontario Restaurant Hotel and Motel Association
- President and CEO, Ontario Restaurant Hotel and Motel Association
- Representatives from Hamilton's accommodation sector
- City of Mississauga

Internal Consultation

- Solicitor, Legal and Risk Management Services Division, Corporate Services Department
- Director, Financial Planning, Administration and Policy, Corporate Services Department
- Business Administrator, Financial Planning Administration and Policy, Corporate Services Department
- Senior Tax Policy Advisor, Financial Planning, Administration, and Policy Division, Corporate Services Department
- Manager of Accounting Services, Financial Services and Taxation Division, Corporate Services Department
- Senior Financial Analyst -TCA, Financial Services and Taxation Division, Corporate Services Department

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ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**Source of MAT Funding**

MAT is a mandatory tax paid by consumers and must be collected and remitted by all licensed accommodation providers such as hotels, motels, and bed and breakfasts. MAT is applied to short-term accommodations (29 nights or less). MAT only applies to the cost of a room or space used for accommodations, not to other expenses such as parking, laundry, meeting rooms, meals or room service. If the business is a Harmonized Sales Tax (HST) registrant, HST is charged on the MAT.

Exemptions to MAT include:

- Accommodations rented by the month;
- University and college residences;
- Hospitals, long-term care facilities and treatment centres;
- Refuge houses and shelters;
- Campgrounds and trailer parks; and
- Unlicensed short-term rentals.

Currently Short-Term Rentals (STR), such as rentals that occur over platforms such as Airbnb, are not licenced by the City. If Council were to adopt a licencing framework for STRs, rentals that take place over these platforms would also be subject to the MAT.

MAT and the Destination Marketing Program

A MAT at 4% collected would be a new source of revenue for Hamilton to support tourism promotion and tourism product development. MAT revenue generated would surpass the current industry-led Destination Marketing Program (“DMP”) revenue, a 3% fee on overnight stays. The current DMP program is optional for local accommodation providers to participate in, and therefore does not cover all hotels, motels or bed and breakfasts, which would be captured under the MAT.

MAT Revenue and Projections

In Hamilton, the estimated pre-pandemic revenue of the MAT was approximately \$2 M per year based on the number of existing rooms, the average 2019 occupancy statistics, average room rate and a MAT rate of 4%.

When the Province is fully reopened after COVID-19, it is anticipated MAT will generate \$2 M in annual new revenue for the City (\$1 M per year) and the Tourism MSC (\$1 M per year). Before the impacts of the Delta and Omicron variants, Hamilton transient accommodation performance in the last half of 2021 was much improved and matched pre-pandemic levels due, in large part, to the return of sports events and concerts.

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However, as a result of the recently announced COVID-19 related restrictions, it is expected that Hamilton's transient accommodation performance will again be negatively impacted.

Category	December 2021	December 2020	Pre-Pandemic*** December 2019
Occupancy Rate	57.8%	41.1%	67.8%
*ADR (average rental revenue earned for an occupied room per day)	\$158.33**	\$109.35	\$139.59
RevPAR (revenue per available room)	\$91.47	\$48.18	\$94.68
Hotel Demand 2021		Hotel Demand 2020	
387,697 total number of rooms sold		269,678 total number of rooms sold	

*The average daily rate measures the average rental revenue earned for an occupied room per day. ADR can determine the operating performance of a hotel or other transient accommodation business. Multiplying the ADR by the occupancy rate equals the revenue per available room.

**Increased room rate and related revenue due to 2021 Grey Cup hotel bookings.

***The Province of Ontario first declared a COVID-19 pandemic state of emergency on March 17, 2020.

MAT revenue could grow in excess of \$3 M in the long-term as projected new hotels become operational such as the Hampton Inn in downtown Hamilton and the Hyatt Hotel at McMaster Innovation Park, and short-term rentals are licensed.

Utilization of MAT Revenue

Under O.Reg 435/17, MAT revenues must be shared between a municipality and an Eligible Tourism Entity and subsequently used by such Eligible Tourism Entity solely for tourism promotion and tourism product development in Ontario or a municipality.

As a brand for tourism services provided by the Tourism and Culture Division within the Corporation of the City of Hamilton, Tourism Hamilton is not an Eligible Tourism Entity that can receive MAT revenues. Therefore, staff are recommending that the City establish a Tourism MSC named "Hamilton Tourism Development Corporation" (if such name is available at the time of incorporation) to serve as the Eligible Tourism Entity in Hamilton.

It is also recommended that the City set up a MAT Reserve Fund to receive the remaining 50% of the MAT revenue. A draft policy to establish a Reserve Fund is attached as Appendix "B" to Report PED20009(b).

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Once MAT revenues are being collected, the funds will provide the City, in collaboration with the Tourism MSC, the option to:

- Enhance tourism products and services;
- Offset a portion of the levy contribution for tourism expenditures (based on current operations) as it is anticipated the Tourism MSC will contract the City to provide tourism promotion and development services, including facilitation of the planning and execution of major tourism event logistics, under the existing brand of Tourism Hamilton; and
- Offset the annual average draw on multiple City Reserves and the existing Designated Marketing Fund contribution for expenses related to financing the promotion and development of tourism and tourism-related activities such as hosting fees for significant tourism events and expenditures for tourism projects.

City of Hamilton MAT Reserve Fund

The City of Hamilton Municipal Accommodation Reserve Fund Policy, attached as Appendix “B” to Report PED20009(b), directs that the Reserve Fund is to maintain a minimum balance of \$2 M. This minimum balance is to ensure that the Hamilton Municipal Accommodation Reserve Fund has adequate funds to address any financial challenges that could stem from unforeseen events, such as a major economic downturn.

Public Consultation and Business Case Study

Ontario Regulation 599/06 Municipal Services Corporations requires the City to prepare a Business Case Study to support the creation of a Municipal Services Corporation. The Business Case Study attached as Appendix “A” to Report PED20009(b) fulfils the requirements of Ontario Regulation 599/06. It includes the new Tourism MSC’s mandate, guiding principles, governance structure, funding, contracted finance and administrative staffing needs, accountability and reporting mechanisms. In addition, the Hamilton Tourism Strategy will serve as the guiding document for this new Tourism MSC and ensure accountability to Council and tourism stakeholders.

The objectives of the Tourism MSC include the planning and delivery of economic development services focused on tourism-related promotion and business development within Hamilton. The sole income source of the Tourism MSC is 50% of the MAT revenues, according to the applicable legislation.

Ontario Regulation 599/06 also requires the City to consult with the public about the proposal to establish the Tourism MSC. The Tourism and Culture Division held virtual public consultations with the local tourism industry to discuss the implementation of MAT and the creation of the Tourism MSC. Representatives from Hamilton accommodation providers attended and provided input. In general, Hamilton accommodation providers were supportive of a new revenue stream for tourism. They urged that 100% of the MAT

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be invested in tourism to attract new business and visitation to Hamilton and that this tax revenue not reduce any existing investment in tourism from the levy. In addition, they expressed interest in being part of the governance structure of the Tourism MSC.

Staff are proposing to appoint the General Manager, Planning and Economic Development Department, the Director of the Tourism and Culture Division and the Manager of Accounting Services, Financial Services and Taxation Division, Corporate Services Department as Interim Directors, to incorporate the Tourism MSC and develop the required agreements and policies.

Next Steps

City staff from the Tourism and Culture Division, Legal and Risk Management Services Division, and the Financial Services and Taxation Division would prepare the necessary documents and agreements as outlined in the Recommendations and report back to Council. These include an agreement between the City and the Tourism MSC, based on the content of the Business Case Study, addressing issues such as:

- Guiding principles of the Tourism MSC;
- Anticipated support provided to the Tourism MSC by the City;
- Asset transfer policy;
- Ownership use and maintenance of intellectual property;
- Accounting, audit and record-keeping requirements; and
- Requirements for public accountability and reporting.

Other documentation as may be recommended by Legal Services and accepted by the City.

ALTERNATIVES FOR CONSIDERATION

Not applicable

ALIGNMENT TO THE 2016 - 2025 STRATEGIC PLAN**Community Engagement and Participation**

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

Economic Prosperity and Growth

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

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Tourism Municipal Services Corporation Business Case Study

Appendix "B" - City of Hamilton Municipal Accommodation Reserve Fund Policy

Appendix "C" - By-law to Establish a Municipal Accommodation Tax in Hamilton

Tourism Municipal Services Corporation Business Case

Prepared according to Section 6 of Ontario Regulation 599/06 (Municipal Services Corporations) as per section 203(4) of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended.

Section 1: Background

The Province of Ontario developed the Municipal Accommodation Tax (the "MAT") as a funding source to support tourism in communities and allow growth in the sector so tourism continues to contribute to economic growth and development across Ontario.

Under Ontario Regulation 435/17 Transient Accommodation Tax, the City of Hamilton (the "City") must share a minimum of 50% of MAT revenues with a designated Eligible Tourism Entity. Eligible Tourism Entity is defined as a non-profit entity whose mandate includes the promotion of tourism in Ontario or in a municipality. For greater certainty:

- The expression "promotion of tourism" provides for the development of tourism products;
- "Transient Accommodation" means accommodation for a continuous period stay of 29 nights or less; this continuous period is not disrupted by the purchase of different rooms, suites, beds or lodging in the same licensed establishment such as a hotel, motel or bed and breakfast.

As of 2021, Hamilton does not have the required Eligible Tourism Entity mandated by Ontario Regulation 435/17. Therefore, the City proposes establishing a tourism Municipal Service Corporation to serve as the Eligible Tourism Entity in Hamilton.

Ontario Regulation 599/06 Municipal Services Corporations requires the City to prepare a Business Case Study for the proposed tourism Municipal Service Corporation and obtain approval of the Business Case by Council Resolution. The Business Case Study presented herein fulfills the requirements of Regulation 599/06.

Section 2: Purpose

The City proposes the incorporation of a non-profit, non-share capital Corporation under the *Corporations Act* (Ontario) to be named "Hamilton Tourism Development Corporation" (the "Corporation"), if such name is available at the time of incorporation, with the City as sole voting member.

This document provides information on the benefits of establishing the Corporation and a governance framework for the proposed Corporation. Specifically, this document:

- a. Sets out the objectives of the Corporation, its mandate, guiding principles, governance structure, funding sources, accountability and reporting; and
- b. Constitutes the statutorily required Business Case for the proposed Corporation, prepared according to Section 6 of Ontario Regulation 599/06 (Municipal Services Corporations) as per section 203(4) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.

Section 3: Mandate

In 2015, City Council endorsed the Tourism Action Plan which outlines the role of the City's Tourism and Culture Division in facilitating the growth of tourism and enhancing quality of life through tourism, operating under the brand "Tourism Hamilton."

The City's Hamilton Tourism Strategy, on the other hand, sets out the strategic direction for the tourism industry, supports the City's Strategic Plan 2016 - 2025, and is in alignment with key municipal policies relating to land-use planning, economic development and culture. Throughout 2021, a new five-year Hamilton Tourism Strategy was developed with priorities, implementation and action plans. Staff will present this strategy for Council's consideration in 2022.

The mandate of the Corporation (serving as the Eligible Tourism Entity in Hamilton) will be the promotion of tourism in alignment with the Hamilton Tourism Strategy (the "Strategy"). With the proposed implementation of the MAT, funding will be accessible to support the Strategy and related tourism initiatives moving forward.

Section 4: Benefits of a Hamilton Tourism Development Corporation

The advantages of the City of establishing the Corporation include:

- a. Satisfying the Province's requirement for a non-profit tourism organization to serve as a destination marketing organization that makes use of a minimum of 50% of the MAT revenues;
- b. Adopting a Municipal Services Corporation model which provides accountability, Corporate responsibility, and reasonable controls through the role of the sole voting member (City); and
- c. Ensuring City Council, as sole voting member, will be responsible for selecting and electing the Board of Directors (which will include Council representatives) that establish the governance framework for business plans, expenditures, and Corporate policies.

In the absence of an Eligible Tourism Entity, the City would have to remit 50% of the annual MAT revenues and responsibility for marketing Hamilton as a tourism destination to an external organization or agency over which the City would have no direct control. As no Eligible Tourism Entity currently exists in the local market, the City is best positioned to advance the work through the Municipal Services Corporation model.

Section 5: Guiding Principles

The following principles shall guide the Corporation. They function as guideposts in decision-making throughout the Corporation's lifecycle irrespective of changes in leadership, goals, strategies and activities.

- a. The Corporation will engage in tourism promotion and tourism product development in Hamilton; and
- b. The Corporation will undertake its work based on objective decision-making processes that are accountable and transparent, resulting in City-wide benefits.

Section 6: Governance Structure and Incorporation

To proceed with the establishment of the Corporation, the City must make an application to the Province to incorporate a non-share capital Corporation as per the Ontario Corporations Act. Accordingly, the Corporation will be created by applying for incorporation by way of letters patent to be drafted by the City's Legal Services. The application will include the following information:

- a. Name of the Corporation: Hamilton Tourism Development Corporation (if such name is available on the date of incorporation)
- b. Address of the Head Office: Tourism and Culture Division, City of Hamilton, 71 Main Street West, Hamilton, Ontario, L8P 4Y5
- c. Interim Directors of the Board of Directors

The Board of Directors will have oversight and critical decision-making roles concerning the operation of the Corporation. Staff will bring a report back to Council in 2022 with Recommendations relating to the Board of Directors composition, Corporate By-laws, operating and asset transfer agreements, budget and other details to bring the organization to a complete stage of operation. In the interim, staff are proposing to appoint as the Interim Directors, to incorporate and develop the legally required agreements and policies:

- General Manager, Planning and Economic Development Department
 - Director, Tourism and Culture Division; and
 - Manager of Accounting Services, Financial Services and Taxation Division, Corporate Services Department
- d. Objects of the Corporation include the delivery of, and support for, tourism promotion in Hamilton
 - e. Special Provisions:
 - The Corporation is limited to providing services to members of the Corporation on behalf of The Corporation of the City of Hamilton in place of the municipality providing those services.
 - Directors shall serve without remuneration, and no Director shall directly or indirectly receive any profit from their position as such, provided that a Director may be reimbursed for reasonable expenses incurred in performing their duties. A Director shall not be prohibited from receiving compensation for services provided to the Corporation in another capacity.
 - Upon the dissolution of the Corporation and after payment of all debts and liabilities, the Corporation's remaining property shall be distributed, or disposed of, to The Corporation of the City of Hamilton.

The letters, patent and the By-laws of the Corporation will set out the powers of the Corporation, its membership structure, and the process for making changes to the Corporation's By-laws.

Section 7: Funding, Budget and Collection of MAT Funds

- a. Financial Impact of MAT: It is anticipated the MAT, levied at 4%, would generate approximately \$2 M in annual new revenue to the City (\$1 M per year) and the Corporation (\$1 M per year) based on licensed accommodation stock and performance before the COVID-19 pandemic in 2020 and 2021. This revenue could grow to \$3 M in the long-term if projected new hotels become operational and short-term rentals are licenced and taxed by the City.
- b. City of Hamilton Municipal Accommodation Tax Reserve Fund: With the implementation of the MAT, staff will ask Council to approve the establishment of a Reserve Fund to receive the City's portion of the MAT revenue (Appendix "B" to Report PED20009(b) - City of Hamilton Municipal Accommodation Tax Reserve Fund Policy).
- c. Corporation Annual and Multi-Year Operating Budget: The Corporation will be funded from a minimum of 50% of the proceeds of the MAT revenues. As is the case with the City, the Corporation will develop a Municipal Accommodation Tax Reserve Fund. The creation and management of an annual Operating Budget and multi-year Operating Budget will be the responsibility of the Corporation's Board of Directors. The budget for operating costs may include general administration and office costs of accounting services, audit services, phone, computer software, internet and other contractual and professional services (City tourism services, etc.). The Corporation will report audited financials at its Annual General Meeting.
- d. Loan from the City for Startup Costs: The nominal cost to establish the proposed Corporation such as business registration fee, purchase of accounting software, staff costs to perform financial and/or administrative duties of the Corporation will be funded by the City through a loan to be repaid by the Corporation or once the Corporation generates MAT revenues. Staff will bring back a recommended loan amount in 2022 for Council's consideration.
- e. Agreement: The Corporation will enter into an agreement with the City respecting reasonable financial accountability matters to ensure that amounts paid to the Corporation are used for the sole purposes of promoting tourism and developing tourism products. In addition, the agreement may provide for other matters.
- f. Collection of Funds: Licensed accommodation providers will be responsible for the collection of the MAT tax revenue. They will then remit these collections to The Ontario Restaurant Hotel and Motel Association (ORHMA). The reasonable costs of collecting and administering the MAT would be deducted from the total MAT tax revenue collected by ORHMA (1%) before remittance of MAT revenue to the City. Following receipt of the MAT revenue from ORHMA, the City would remit a minimum of 50% of the remaining MAT revenue to the Tourism MSC pursuant to the requirements of O.Reg 435/17.

Section 8: Accountability and Reporting

Typically, an independent Corporation would be required to present the City with a multi-year business plan to support its funding and activities. In this case, the City's Hamilton Tourism Strategy will serve as the guiding document for the Corporation.

It is anticipated that reporting to Council by the Corporation would take place at least once a year or as otherwise stipulated in the Corporation's By-laws.

Section 9: Summary

The Business Case for a new Corporation mandated to promote tourism, in alignment with the Hamilton Tourism Strategy, is established based on Ontario Regulation 599/06 and Ontario Regulation 435/17. The Corporation will allow the City to continue to play a leadership role in establishing Hamilton as a tourism destination.

DRAFT

Reserve Policies Municipal Accommodation Tax Reserve	 Hamilton	Corporate Services Department
Policy No: FPAP-RE-004		
Page 1 of 2		Approval:

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the Municipal Accommodation Tax (MAT) Reserve Funds.
PURPOSE	<p>The objective of the MAT Reserve Funds is to provide for the financing of promotion and development of tourism and tourism related products and activities in the City of Hamilton, such as, but not limited to, hosting fees for tourism events.</p> <p>Also, to provide a source of funds to offset extraordinary and unforeseen expenditures for the Tourism and Culture Division of the Planning and Economic Development Department.</p>
SCOPE	<p>This policy applies to MAT Reserve Funds received by the City of Hamilton from providers of transient accommodation.</p> <p>This policy applies to all City employees that are responsible for the management of financial resources.</p>
PRINCIPLES	<p>The following principles apply to this policy:</p> <p>Source of Funding: Revenue Sharing - Municipal portion of the Municipal Accommodation Tax in respect of the fiscal year. Interest Income - Interest earned on the unused actual cash balance held in the MAT Reserves, according to the City's Reserve interest allocation policies.</p> <p>Funding Targets: A minimum of the equivalent to one full year of the revenue collected through the MAT based on an average of the prior three years funding must be in the Reserve before funds can be directed to tourism promotion and development activities.</p> <p>Minimum Balance: A minimum of \$2 M must be available in the Reserve at all times.</p> <p>Use of Funds: The MAT Reserves shall be used for the promotion and execution of tourism activities including but not limited to bidding fees; tourism sales; marketing initiatives and the development of tourism products.</p> <p>In the case of extraordinary and unforeseen operating expenditures</p>

Reserve Policies Municipal Accommodation Tax Reserve	 Hamilton	Corporate Services Department
Policy No: FPAP-RE-004		
Page 2 of 2		Approval:

	<p>in the Tourism and Culture Division, the General Manager of the Planning and Economic Development Department shall consult with the General Manager of Finance and Corporate Services to determine if funds from the MAT Reserve can be used to offset the Operating Budget.</p> <p>Transfers from Reserves: All transfers from the MAT Reserve are to be approved by City Council by a budget submission, a separate Council report or a Council motion. All relevant information is to be included with the request.</p>
BORROWING FROM MAT RESERVE	<p>The City may borrow from the MAT Reserve, for non-tourism related activities, as long as the MAT Reserve maintains the minimum balance required by this Policy, at the time the funds are borrowed.</p> <p>The City shall repay the amount borrowed, plus interest according to the City's internal loan policies.</p>
GOVERNING LEGISLATION	<p>Municipal Act 2001, Section 224 Municipal Act 2001, Section 400.1 and O.Reg. 435/17</p>
RESPONSIBILITY FOR THE POLICY	<p>Corporate Services Department Director of Financial Planning, Administration and Policy</p>
POLICY HISTORY	<p>To be added based on Council approval date of policy.</p>

Appendix "C" to Report PED20009(b)
Page 1 of 7

Authority: Item ,
Report PED20009(b)
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON**BY-LAW NO.****A BY-LAW TO ESTABLISH A MUNICIPAL ACCOMMODATION TAX**

WHEREAS section 400.1(1) of the *Municipal Act*, 2001, S.O 2001, c.25, (the "Act") provides that a local municipality may, by by-law, impose a direct tax in respect of the purchase of transient accommodation within the municipality; and,

WHEREAS pursuant to section 400.1 of the Act and Ontario Regulation 435/17, the Council of the City of Hamilton wishes to establish a municipal transient accommodation tax rate to levy on the purchase of transient accommodation within the City of Hamilton; and,

WHEREAS pursuant to sections 400.1(3) of the Act, Council can establish enforcement measures as Council considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this By-law,
 - a. "Accommodation" means Lodging, and the right to use Lodging, that is provided for consideration, whether or not the Lodging is actually used;
 - b. "By-law" means this by-law and any amendments made thereto;
 - c. "City" means the City of Hamilton;
 - d. "Council" means the Council of the City of Hamilton;
 - e. "Eligible Tourism Entity" has the meaning given to it in Ontario Regulation 435/17, as amended;
 - f. "Establishment" means the physical location, a building or part of a building that provides Accommodation;
 - g. "Lodging" includes:

Appendix "C" to Report PED20009(b)
Page 2 of 7

- (i) the use of a bedroom, a suite of rooms containing a bedroom, or the use of a bed within a bedroom, domicile or other physical location;
 - (ii) the use of one or more additional beds or cots in a bedroom or suite.
- h. "Multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law;
 - i. "Municipal Accommodation Tax" or "MAT" means the tax imposed under this By-law;
 - j. "Provider" means a person or an entity that sells, offers for sale, or otherwise provides Accommodation, and includes agents, hosts or any others who sell, offers for sale or otherwise provides Accommodation;
 - k. "Purchaser" means a person who purchases Accommodation;
 - l. "Purchase Price" means the price for which Accommodation is purchased, including the price paid, and/or other consideration accepted by the Provider in return for the Accommodation provided, including all fees and surcharges for additional occupants and beds, but does not include the goods and services tax imposed by the Government of Canada or by the Province of Ontario; and
 - m. "Treasurer" means the City's General Manager, Finance and Corporate Services, or his/her designate.

APPLICATION

- 2. A Purchaser shall, at the time of purchasing Accommodation, pay the Municipal Accommodation Tax in the amount of 4% cent of the Purchase Price of Accommodation provided for any continuous period of 29 days or less provided in a hotel, motel, condo hotel, club, portion of a multi-use complex used as a hotel, motor hotel, hostel, lodge, inn, bed and breakfast, dwelling unit, domicile or any place in which Accommodation is provided.
 - a. For greater certainty, the continuous period referred to above in Section 2 is not disrupted by the purchase of different rooms, suites, beds or other Lodging in the same Establishment in the course of the continuous period.

EXEMPTIONS

- 3. The Municipal Accommodation Tax imposed under this By-law does not apply to:
 - a. The Crown, every agency of the Crown in right of Ontario and every authority, board, commission, corporation, office, or organization of persons a majority of whose Directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;
 - b. Every board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E.2;

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Page 3 of 7

- c. Every university and every college of applied arts and technology or post-secondary institution whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating operating grant entitlements from the Crown;
- d. Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act*, R.S.O. 1990, c.P.40, and every community health facility within the meaning of the *Oversight of Health Facilities and Devices Act*, 2017, c.25, Sched.9, that was formerly licensed under the *Private Hospitals Act*, R.S.O. 1990, c. P24;
- e. Every long-term care home as defined in subsection 2(1) of the *Long-Term Care Homes Act*, 2007, S.O. 2007, c. 8;
- f. Accommodations provided by the City or its agents for shelter purposes;
- g. Accommodations provided by treatment centers that receives Provincial aid under the *Ministry of Community and Social Services Act*, R.S.O. 1990, c.M.20;
- h. Accommodations provided by a house of refuge, or Lodging for the reformation of offenders;
- i. Accommodations provided by a charitable, non-profit philanthropic Corporation organized as a shelter for the relief of the poor or for emergency purposes;
- j. Accommodations provided by tent or trailer sites supplied by a campground, tourist camp or trailer park;
- k. Accommodations supplied by employers to their employees in premises operated by the employer; and
- l. Accommodations provided by hospitality rooms in an establishment that may or may not contain a bed and is used for displaying merchandise, holding meetings, or entertaining.

TAX COLLECTED AND STATEMENT SUBMITTED

- 4. A Provider shall collect the MAT from the Purchaser at the time the Accommodation is purchased.
- 5. The amount of the MAT shall be identified as a separate item or charge on a bill, receipt, invoice or similar document issued by the Provider in respect of the Accommodation on which the tax is imposed and the item shall be identified as “Municipal Accommodation Tax”.
- 6. A Provider shall, on or before the last day of every month, remit to the City, or its designate as the case may be, the amount of the MAT collected for the previous month and submit the monthly statements in the form required by the City detailing the number of Accommodations sold, the purchase price of each Accommodation, the MAT amount collected and any other information as required by the City for the purposes of administrating and enforcing this By-law.

DELEGATION OF AUTHORITY

7. The Treasurer, or their designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with another person or entity as agent for the City, providing for the implementation and collection of the MAT, all in a form satisfactory to the City Solicitor.
8. The Treasurer, or their designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with Eligible Tourism Entity(ies) that receive(s) an amount of the MAT respecting reasonable financial accountability matters in order to ensure that amounts paid to the entity are used for the exclusive purpose of promoting tourism, and the agreements may provide for other matters, all in a form satisfactory to the City Solicitor.
9. The Treasurer, or their designate, shall be responsible for the administration of this By-law, including but not limited to approvals, appeals, enforcement, collection, and for instructing the City Solicitor to take such legal action as may be considered appropriate.

INTEREST PENALTIES

10. That a percentage charge of 1.25% of the amount of the MAT due and unpaid be imposed as a penalty for the non-payment of taxes on the first day of default based on the full occupancy of the Establishment unless the actual amount of the MAT owing can be determined by the City, in that case, the percentage charge of 1.25% of the actual amount of the MAT will be imposed.
11. That an interest charge of 1.25% each month of the amount of the MAT due and unpaid, be imposed for the non-payment of taxes on the first day of each month and subsequent months following the first day of default until the MAT, including all charges and interest owing, is paid in full.
12. A fee shall be charged in respect of all payment remittances that are not honoured by the financial institution upon which it is drawn in an amount as set out in the City of Hamilton User Fee By-law.

LIENS

13. All MAT penalties and interest that are past due shall be deemed to be in arrears, and may be added to the tax roll for any real property in the City of Hamilton registered in the name of the Provider to be collected in like manner as property taxes and shall constitute a lien upon the lands, but such lien shall not be a priority lien for the purposes of subsections 1(2.1), (2.2) and (3) of the Act and such lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances.

AUDIT AND INSPECTION

14. The Provider shall keep all books, accounts, invoices, financial statements, records, electronic and such other documents sufficient to furnish the City or its agent with the

necessary particulars of sales of Accommodations, amount of MAT collected, payable and remitted, for no less than seven years.

15. The City or its agent may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are or should be kept and inspect and audit all books, records, documents, transactions and accounts of Providers and require Providers to produce copies of any documents or records required for the purposes of administering and enforcing this By-law, as required.
16. The City or its agent may require a Provider to:
 - i. Give the City all reasonable assistance with its audit or inspection;
 - ii. Answer all questions relating to the audit or inspection either orally or, if the City requires, in writing, on oath or by statutory declaration; and
 - iii. Attend at the premises or place with the City representative or agent for the purposes of giving reasonable assistance and answering questions relating to the audit or inspection.
17. The City or its agent may serve on a Provider a written demand for information or for the production on oath or otherwise of books, accounts, records, letters, invoices, financial statements, electronic and such other documents as the City or its agent considers necessary to determine compliance with this By-law. A Provider in receipt of such a demand shall comply with the demand within the time specified in the demand.

DETERMINATION OF AMOUNT

18. The City may make a determination of an amount of tax required to be remitted, together with any interest imposed upon any tax outstanding, if a Provider responsible for the payment or remittance of tax fails to pay, as required.
19. The City may assess or reassess for any tax payable by the Provider within three years from the day the tax was remittable, except that where the City establishes that a Provider has made any misrepresentation that is attributable to neglect, carelessness or willful default, or has committed any fraud in supplying any information under this By-law, or in omitting to disclose any information, then the City may assess or reassess, for any time the City considers reasonable, the tax payable.
20. The City shall send by mail or registered mail or deliver by hand, a notice of the calculation made under Section 18 herein to the Provider at the Providers' last known address, and that the amount determined is payable within 30 days from the date of mailing of the notice.
21. Liability to pay an amount is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.
22. The City is not bound by any information delivered by or on behalf of a Provider responsible for the payment of tax and may, notwithstanding any information that has been delivered or if no information has been delivered, assess the tax payable.

23. This calculation, subject to being varied or adjusted due to an objection or appeal and subject to a recalculation, shall be deemed to be valid and binding despite any error, defect or omission in the assessment or in any proceeding related to it.

OFFENCES AND PENALTIES

24. Every person is guilty of an offence under this By-law who:
- a. Makes, participates in, assents to or contributes in the making of false or deceptive statements in a report, statement, form or other document prepared, submitted or filed under or for the purposes of this By-law;
 - b. Destroys, alters, mutilates, hides or otherwise disposes of any records or books of account, in order to evade payment or remittance of tax;
 - c. Makes, assents to or contributes in the making of false or deceptive entries, or assents to or contributes in the omission to enter a material, in any records or books of account;
 - d. Hinders, molests or interferes with any audit or inspection conducted by the City or its agent pursuant to Section 15 herein;
 - e. Willfully, in any manner, evades or attempts to evade:
 - (i) Paying tax;
 - (ii) Remitting tax; or
 - (iii) Otherwise complying with this By-law; or
 - f. Conspires with any person to commit an offence described in subsection 24 (a) through (e) herein.
25. Pursuant to the authority granted under the Act, any Provider who contravenes or fails to comply with any provision of this By-law is guilty of an offence and is liable to such penalties set forth in this By-law and recoverable under the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.
26. Any Provider who is guilty of an offence is liable as follows:
- a. Upon a first conviction, a fine of not less than \$300 and not more than \$50 k if the Provider is an individual, and not less than \$500 and not more than \$100 k if the Provider is a Corporation;
 - b. Upon a second or subsequent conviction for the same offence, a fine of not less than \$500 and not more than \$100 k;
 - c. Upon conviction for a continuing offence, a fine of not less than \$500 and not more than \$10 k for each day or part of a day that the offence continues. Notwithstanding subparagraph 26(a) herein, the total of all of the daily fines for the offence is not limited to \$100 k;

- d. Upon conviction for multiple offences, for each offence included in the multiple offence, a fine of not less than \$500 and not more than \$10 k. Notwithstanding sub-paragraph 26(a) herein, the total of all fines for each included offence is not limited to \$100 k.

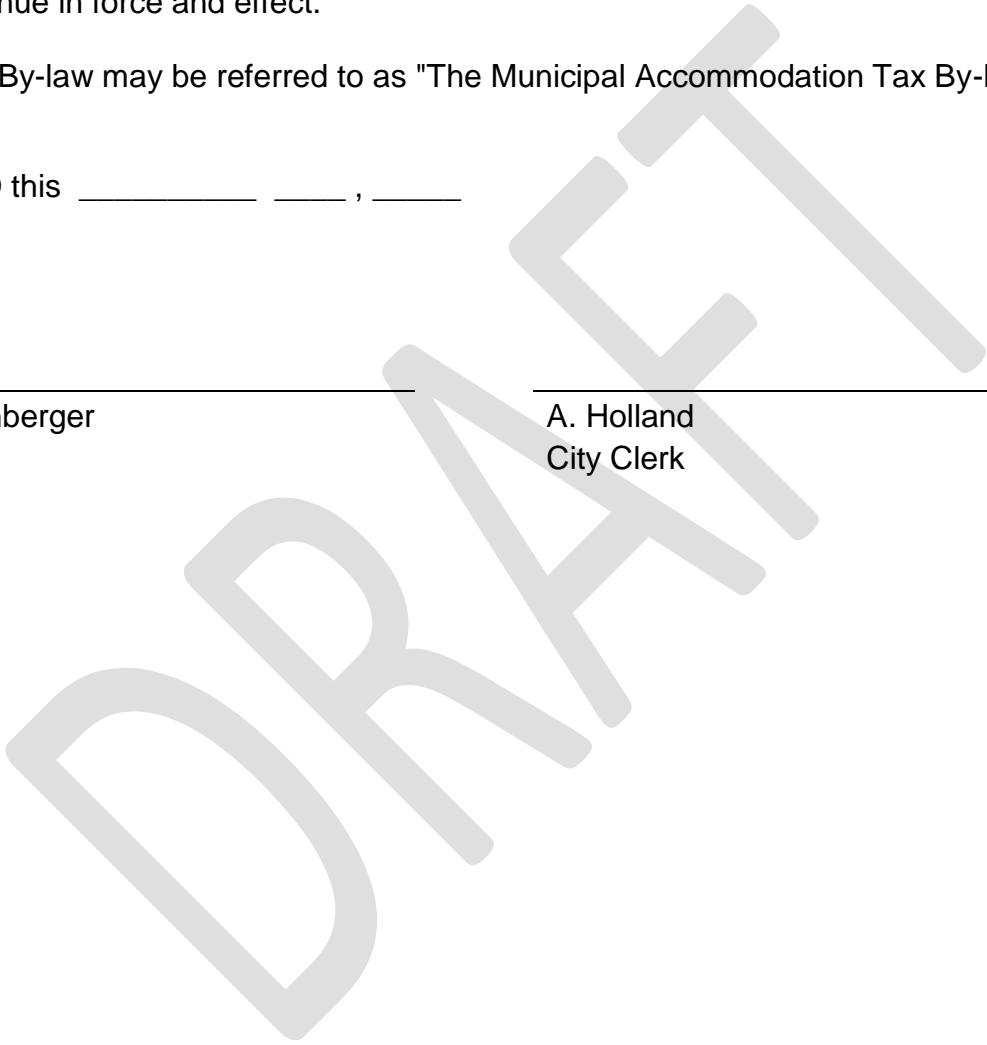
GENERAL

- 27. This By-law shall come into force and effect on July 1, 2022.
- 28. If any section or portion of this By-law is found by a court of competent jurisdiction to be invalid, it is the intent of Council that all remaining sections and portions of this By-law continue in force and effect.
- 29. This By-law may be referred to as "The Municipal Accommodation Tax By-law".

PASSED this _____ , _____


F. Eisenberger
Mayor

A. Holland
City Clerk





CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 16, 2022
SUBJECT/REPORT NO:	Delegation of Authority to Hold Education Development Charge Complaint Hearings (LS22012) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Michael G. Kovacevic (905) 546-2424 Ext. 4641
SUBMITTED BY:	Stephen Spracklin City Solicitor Legal and Risk Management Services Division
SIGNATURE:	

RECOMMENDATION

- (a) That Council delegates its authority to hold Education Development Charge complaint hearings made pursuant to section 257.85 of the *Education Act*, R.S.O. 1990, c. E.2; to the Audit, Finance & Administration Committee.
- (b) That Council Procedure By-law 21-012, A By-law to Govern the Proceedings of Council and Committees of Council be amended as follows:
 - (i) deleting Appendix "J" and replacing it with Appendix "J" attached to Report LS22012 as Appendix "A"; and
 - (ii) such further grammatical and reference amendments determined as necessary by the City Clerk as a result of deleting Appendix "J" and replacing it with the version of Appendix "J" attached to Report LS22012 as Appendix "A".

EXECUTIVE SUMMARY

This report results from the need to hold an Education Development Charge ("EDC") complaint hearing filed by Redeemer University pursuant to section 257.85 of the

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

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

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

SUBJECT: Delegation of Authority to Hold Education Development Charge Complaint Hearings (LS22012) (City Wide) - Page 2 of 4

Education Act, R.S.O. 1990, c. E.2 (“Education Act”). This report is being made to the General Issues Committee because it involves a delegation of power of Council to a Committee.

Pursuant to the Education Act, Council is required to hold a hearing into Redeemer’s EDC complaint. Council delegated its authority to hold Development Charge (“DC”) complaint hearings to the Audit, Finance & Administration Committee (“AF&A”) on October 23, 2019 as a result of DC complaint made on October 11, 2019. However, at the time it delegated the authority for DC complaint hearings to be held by AF&A it did not delegate to AF&A the authority to hold EDC complaint hearings to AF&A. Based on Council’s delegation of DC complaint hearings to AF&A, staff are recommending that EDC complaint hearings also be delegated and that By-law 21-012, A By-law To Govern The Proceedings of Council and Committees of Council (“the Procedure By-law”) be amended to provide that the same procedure that applies to DC complaints therein apply to EDC complaints.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: See content Analysis and Recommendation

HISTORICAL BACKGROUND

Pursuant to the *Development Charges Act, 1997*, S.O. 1997, c. 27 (“DC Act”) and the Education Act, Council is responsible for holding hearings of complaints made in respect of the payment of DCs and EDCs payable pursuant to the respective Acts. As a result of a DC complaint made on October 11, 2019, Council, on October 23, 2019 delegated authority to hold DC complaints made pursuant to section 20 of the DC Act to AF&A. Subsequently, Council amended the Procedure By-law to provide for the procedure of DC complaint hearings. However, at the time it delegated the authority for DC complaint hearings to be held by AF&A it did not delegate to AF&A the authority to hold EDC complaint hearings to AF&A. Further the Procedure By-law does not contain any procedure for EDC complaints.

An EDC complaint has been made by Redeemer University, and pursuant to the Education Act, Council is required to hold a hearing into the complaint.

SUBJECT: Delegation of Authority to Hold Education Development Charge Complaint Hearings (LS22012) (City Wide) - Page 3 of 4

On November 21, 2019 Information Report LS19043 was considered by Council. It contained an orientation package for how DC complaint hearings would be conducted by AF&A. The orientation package therein would apply to EDC complaint hearings also.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Subsection 257.85(1) of the Education Act allows an owner of land or the school board to file a complaint to the council of a municipality to which the EDC is payable on the grounds that:

- (a) the amount of the EDC was incorrectly determined;
- (b) a credit is or is not available to be used against the EDC, or that the amount of a credit was incorrectly determined; or
- (c) there was an error in the application of the EDC By-law.

Pursuant to subsection 257.85(2) of the Education Act, an EDC complaint must be filed within 90 days after the EDC is payable. Subsection 257.85(3) of the Education Act provides that the parties to a complaint are the applicable school board and the owner of the lands to which the EDC applies. The municipality that collects the EDCs on behalf of the school board is not a party to the complaint. Subsection 257.85(5) of the Education Act requires a municipal council to hold a hearing into the complaint and give the parties an opportunity to make representations at the hearing.

How AF&A conducts an EDC complaint hearing is governed by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 ("SPPA"). For DC complaint hearings the procedure is also governed by Appendix "J" of the Procedure By-law. Currently it has no content in regard to EDC complaint hearings.

There is no time limit within which Council must hold a hearing of an EDC complaint. However, pursuant to subsection 257.87(2) of the Education Act, if Council does not deal with an EDC complaint within 60 days after it has been made either of the parties may appeal the complaint to the Ontario Land Tribunal ("OLT").

Pursuant to subsection 257.85(7) of the Education Act, after hearing the evidence and submissions of the parties, Council may dismiss an EDC complaint or rectify any incorrect determination or error that was the subject of the EDC complaint.

In addition to the right of appeal for failing to deal with an EDC complaint within 60 days of it being made, the parties can also appeal Council's decision in respect of an EDC complaint to the OLT.

SUBJECT: Delegation of Authority to Hold Education Development Charge Complaint Hearings (LS22012) (City Wide) - Page 4 of 4

RELEVANT CONSULTATION

City Clerk's staff were consulted in the preparation of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Based on Council's delegation of DC complaint hearings to AF&A, staff are recommending that EDC complaint hearings also be delegated to AF&A. This report also recommends amendments to Appendix "J" of the Procedure By-law so as to include EDC complaints along with DC complaints in Appendix "J" so that the hearing procedures for both DC and EDC complaint hearings are the same. Both DC and EDC complaint hearings are also governed by the SPPA. The recommended amendments to Appendix "J" also provide for external legal counsel to be retained as legal counsel for AF&A in its capacity as a tribunal hearing DC and EDC complaints in order to avoid any conflicts of interest.

Given the meeting schedule for Standing Committees and Sub-Committees of Council, the City Clerk is recommending that EDC complaint hearings be heard in the same manner as DC complaint hearings. AF&A currently conducts DC complaint hearings and is best equipped to deal with EDC complaint hearings as the DC Act and Education Act mirror each other in respect of complaint content. The only difference is the DC Act applies to municipal DCs while the Education Act applies to EDCs.

ALTERNATIVES FOR CONSIDERATION

The alternative to delegating the authority to AF&A to hold EDC complaint hearings, is for Council to hold the hearings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Community Engagement and Participation**

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report LS22012 – Amended Appendix "J" to By-law 21-012

Appendix J**HEARING PROCEDURES FOR
SECTION 20 DEVELOPMENT CHARGES ACT, 1997 COMPLAINTS
AND
SECTION 257.85 EDUCATION ACT COMPLAINTS****COMMITTEE COMPOSITION**

The Audit, Finance & Administration Committee ("Committee") has delegated authority to hold hearings for Section 20 Development Charge Act complaints and Section 257.85 Education Act complaints. The Committee shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

**DEVELOPMENT CHARGES ACT, 1997 SECTION 20 COMPLAINT AND
EDUCATION ACT SECTION 257.85 COMPLAINT**

Pursuant to the *Development Charges Act, 1997*, a person is required to pay a development charge, or the person's agent may submit a formal complaint to Council respecting one of three issues:

- (a) the amount of the development charge was incorrectly determined;
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
- (c) there was an error in the application of the development charge by-law.

Pursuant to the *Education Act*, an owner, the owner's agent or a school board may submit a formal complaint to Council respecting one of three issues:

- (a) the amount of the education development charge was incorrectly determined;
- (b) a credit is or is not available to be used against the education development charge, or that the amount of a credit was incorrectly determined; or
- (c) there was an error in the application of the education development charge by-law.

Pursuant to the *Development Charges Act, 1997* and the *Education Act*, the respective complaints must be submitted within 90 days of the charge being payable and must be in accordance with the grounds permitted under the applicable Act.

The formal complaint must be in writing, stating the complainant's name, address where notice can be given, and the reason for the complaint.

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DEVELOPMENT CHARGE OR EDUCATION DEVELOPMENT CHARGE COMPLAINT HEARING

Both the *Development Charges Act, 1997* and the *Education Act* require that a hearing of the complaint must be held within 60 days of receiving the complaint. A Hearing Notice will be mailed to the complainant at least 14 days before the hearing.

The Complaint Hearing is governed by the procedures set out in the Council Procedure By-law and the *Statutory Powers Procedure Act* ("SPPA").

The Committee, in conducting the hearing of a Development Charge Complaint or Education Development Charge Complaint, is required to only consider the grounds permitted under subsection 20(1) of the *Development Charges Act* and subsection 257.85(1) of the *Education Act*.

The grounds set out in the *Development Charges Act, 1997 and Education Act* are very specific and quite focused. They do not include a request to be exempt from a Development Charge or Education Development Charge respectively, otherwise applicable pursuant to a Development Charge By-law or Education Development Charge By-law, nor do they include a request to create a new category of development not found in a Development Charge By-law or Education Development Charge By-law. Neither a Development Charge Complaint or Education Development Charge Complaint can be used to: amend the Development Charge By-law or Education Development Charge By-law respectively, to alter the Development Charge rate or Education Development Charge rate otherwise validly applicable or to add a credit or exemption not already within the Development Charge By-law or Education Development Charge By-law.

1. Party Representatives

There are two parties to the hearing of a Development Charge Complaint, the City and the Complainant. The City's Finance Division is responsible for administering the Development Charge By-law and a solicitor from the Legal Division will represent the City at the hearing. The Complainant may represent themselves or have legal representation as well. There are two parties to the hearing of an Education Development Charge Complaint; the Owner and the applicable school board. The City is not a party to the hearing and will not be represented at the hearing as a party.

In addition, the Committee will have an external solicitor to provide legal advice to the Committee during either a Development Charge Complaint Hearing or Education Development Charge Complaint Hearing and deliberations. This practice is permissible provided that the solicitor does not take part in making findings of fact or in making the ultimate decision on the matter.

2. Live Stream & Electronic Voting

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Neither Development Charge Complaint Hearings or Education Development Charge Complaint Hearing are live-streamed when meeting IN-PERSON, unless specifically requested by someone in attendance and then agreed upon by both parties.

Electronic votes are not taken during a Development Charge Complaint Hearing or Education Development Charge Complaint Hearing.

Subject to Section 4 of this Appendix J, the Development Charge Complaint Hearing or Education Development Charge Complaint Hearing is live-streamed when meeting VIRTUALLY, in order to have all proceedings open to the public and the parties.

3. Interests

(1) In this Section:

(a) An "Interest" means a 'disqualifying interest' or a 'non-disqualifying interest' as such terms are defined within the Council approved Code of Conduct to which the member is bound.

(2) Where a member has disclosed an Interest at a meeting in accordance with a Council approved Code of Conduct to which the member is bound, the member, shall file a written statement with the Clerk.

(3) Where a member, has disclosed an Interest and filed a written statement with the Clerk, as required by subsection 3.15(2), the Clerk, shall:

(a) file the written statement by the member in the Declarations of Interest Registry;

(b) record the Interest in the minutes of the meeting;

(c) file a record of the Interest recorded in the minutes of the meeting in the Declarations of Interest Registry; and

(d) make the Declarations of Interest Registry available for public inspection.

4. Open and Closed Proceedings / Deliberations

All proceedings are to be open to the public and the parties unless one of the exceptions under the SPPA or the *Municipal Act, 2001* applies. Section 9(1) of the SPPA provides that a hearing may be closed to the public if:

(a) a matter involving public security may be disclosed; or

(b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

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If the Committee believes that such matters could be disclosed, it should ask each of the parties if this is the case. If the Committee is convinced that the harm outweighs the desirability of the hearing being open to the public, the hearing may be closed to the public.

When a hearing is closed to the public under the SPPA, only the parties and their representatives remain in attendance.

The Committee may also rely on the authority under section 239 of the *Municipal Act, 2001* in closing proceedings to the public or the public and the parties - for example, if it wishes to receive advice subject to solicitor client privilege.

The Committee may, but is not required to, retire to deliberate in the absence of the public and the parties. Deliberations occur when the Committee considers the evidence and submissions in arriving at a decision. The decision itself is announced in the presence of the public and the parties. The authority for retiring to deliberate is found at common law and is referred to as the "confidentiality principle" or the "rule on deliberative secrecy".

5. Adjournments

Adjournments may be requested by either party at the start of or during a hearing. The Committee may grant or refuse an adjournment request in light of a number of considerations including: the legitimate inability of the complainant or a witness to attend or, within reason, the counsel of their choice; or, the necessity for time to prepare before a hearing or to respond to new and unexpected issues or allegations arising in the course of a hearing.

6. Agreed Upon Statements of Fact and Joint Submissions

The parties may submit an agreed upon statement of facts which means that they will inform the Committee that some or all of the facts relevant to the hearing are not in dispute. Agreed upon facts need not be proven and should be accepted by the Committee.

The parties may go beyond an agreed upon statement of facts to make a joint submission, asking for a final decision that is acceptable to both. The Committee must give serious consideration to a joint submission and must not reject it without good cause. While the Committee may reject all or part of a joint submission, if this is being considered, both parties must be given the opportunity to make representations before the final decision is made.

7. Witnesses

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The parties may call witnesses during the Hearing. (Section 10.1, SPPA)

At the request of a party or on its own initiative, the Committee may require the attendance of a witness to give evidence by issuing a summons.

A witness who is summoned to testify before the Committee cannot refuse to answer a proper and relevant question and Section 13 of the *Canadian Charter of Rights and Freedoms* and Section 14 of the SPPA protect witnesses when providing answers.

The Committee should be hearing only the relevant evidence of the parties' witnesses.

Witnesses should be sworn or affirmed by the Chair of the Committee prior to commencing their testimony.

Lawyers or representatives acting as an advocate for a complainant cannot be a witness.

8. Evidence

Administrative tribunals are given much more latitude than courts with respect to the evidence which they may receive and consider in arriving at a decision. Accordingly, the Committee may receive hearsay evidence and unsworn evidence. (Section 15, SPPA)

The fundamental test with respect to the admissibility of evidence is that it must be relevant to the issues which are involved in the hearing. Relevance for a Development Charge Complaint Hearing is determined by reference to the permitted grounds set out in subsection 20(1) of the *Development Charges Act, 1997* and by the grounds set out in the complaint, but only if those grounds are permitted grounds. Relevance for an Education Development Charge Complaint Hearing is determined by reference to the permitted grounds set out in subsection 257.85(1) of the *Education Act* and by the grounds set out in the complaint, but only if those grounds are permitted grounds.

When the Committee is confronted with an objection to the admissibility of a relevant piece of evidence, the evidence should generally be admitted unless it is clearly irrelevant. The Committee should consider the objection with respect to the weight it gives to that particular evidence when arriving at its decision. The general principle is that indirect evidence (hearsay) should be given less weight than direct evidence such as a witness' own observations, unless there is a valid reason to conclude that the direct evidence is not credible.

The Committee may make a finding of credibility in considering the testimony of a witness – giving little or no weight to testimony it does not find credible. An administrative tribunal may find it very difficult to indicate in a decision that a witness was not credible. It is advisable for the administrative tribunal to fully and clearly explain itself, for example, by stating X's testimony was not relied upon because they admitted

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to a direct financial interest in the outcome of the hearing and because their answers were influenced by this.

Although unaffirmed or unsworn evidence is admissible, testimony to the Committee should be given under affirmation or oath. Each witness should be affirmed or sworn immediately before giving their testimony. A witness should be asked whether they prefer to be sworn or affirmed.

An unrepresented complainant is acting in two capacities, both as their own representative and as a witness. When they are acting as a witness – for example, telling the Committee what did or did not happen – they should be under affirmation.

The parties may examine their own witnesses and cross-examine other witnesses. (Section 10.1, SPPA) The Committee may also question witnesses. Generally, this should be done after the parties have finished questioning the witness.

The Chair or Vice Chair presiding should allow each party to ask any further questions of the witness they may have arising from questions posed by a member of the Committee.

The onus is on the complainant to satisfy the Committee that the Development Charge amount or Education Development Charge amount was incorrectly determined, that a credit should have been issued against the Development Charge, that a credit was incorrectly applied, or there was an error in the application of the Development Charge by-law or Education Development Charge by-law .

9. Note-taking

Notes taken by Committee members during the Hearing should be kept for a reasonable period of time, enough time for whatever appeal right there may be to be exercised. A problem arises when protection of privacy and freedom of information legislation applies. In the case of the *Municipal Freedom of Information and Protection of Privacy Act*, there is no exception made for the notes of members sitting on a municipal tribunal such as a Development Charge Complaint Hearing or Education Development Charge Complaint Hearing. As a consequence, if the City, in this case Clerks, has custody or control of the notes, these notes may be subject to disclosure under MFIPPA. In addition, the notes arguably would be subject to the Records Retention By-law and could only be destroyed in accordance with that By-law.

Consequently, to ensure that adjudicative independence can be maintained, it is recommended that if a Committee member chooses to take notes, they:

- (1) Do so for the purposes of helping:
 - (a) to remember and understand what occurred during a hearing; and
 - (b) to make a decision in respect of a hearing;

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- (2) Keep their notes confidential, not allowing any other person to see, read or use the notes for any purpose;
- (3) maintain responsibility for the care and safe-keeping of their notes;
- (4) store their notes at their office or home; and
- (5) destroy their notes after some reasonable period of time such as one year.

10. Decisions

In the context of a Development Charge Complaint Hearing or Education Development Charge Complaint Hearing, the Committee makes two types of decisions:

- (1) procedural decisions such as adjourning the hearing to another date; and,
- (2) final decisions concerning whether:
 - (a) the amount of the development charge was incorrectly determined;
 - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
 - (c) there was an error in the application of the development charge by-law.

The procedural decision or final decision of the majority of the members of the Committee is the procedural decision or final decision of the Hearing, allowing for a vote with dissent. However, it is recommended that the Committee operate on a consensual basis in respect of Development Charge Complaint or Education Development Charge Complaint decisions.

The Committee may retire to deliberate in the absence of the public and the parties. At the conclusion of its deliberations, the Committee gives its procedural decision or final decision on the matter in the presence of the parties and the public.

The Committee is not required to give reasons for a procedural decision that is made with the consent of the parties. The Committee must give oral and/or written reasons for a procedural decision that does not have the consent of both parties.

For a final decision, the Committee must announce it orally in the presence of the parties and the public. Additionally, it must make its decision in writing to the complainant and/or their legal counsel or agent within a reasonable time subsequent to the completion of the hearing.

Subsection 17(1) of the SPPA requires a written decision to include reasons for the decision only if a party to the complaint requests reasons. If reasons are requested the decision should summarize the facts and arguments presented by the parties, the findings of fact made by the Committee. The decision must explain the relationship between the evidence and its conclusions, including why evidence was rejected or given little credibility.

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Committee members should refrain from expressing opinions on the merits or strength of a case until after all of the evidence and submissions have been heard and they are giving their decision.

It is important that the Committee provides clear instructions to the Legislative Coordinator about the decisions it makes, however, it is acceptable for the Legislative Coordinator to prepare a draft decision for approval by the Committee.

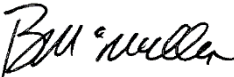
11. Appeal

Both the *Development Charges Act, 1997* and the *Education Act* require notice of the decision of the Hearing to be mailed within 20 days after the day the decision is made.

The decision of the Hearing is subject to appeal by the complainant to the OLT. An appeal must be made no later than 40 days after the day the decision is made. The appeal is an appeal *de novo* which means OLT is not required to consider the Committee's reasons in its decision regarding an appeal.



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

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 16, 2022
SUBJECT/REPORT NO:	City of Hamilton / Ministry of Transportation 2021-2022 Dedicated Gas Tax Funding Agreement (FCS22013) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Craig Webb, CPA, CMA, (905) 546-2424, Ext. 1870
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario related to the funding commitment made by the Province of Ontario to the municipality under the Dedicated Gas Tax Funds for Hamilton's Public Transportation Program;
- (b) That the Mayor and General Manager, Finance and Corporate Services, be authorized and directed to execute the Letter of Agreement attached as Appendix "A" to Report FCS22013;
- (c) That the By-law attached as Appendix "C" to Report FCS22013 authorizing and directing the Mayor and General Manager, Finance and Corporate Services, to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed;
- (d) That, upon being passed, a certified copy of the By-law, together with two copies of the signed Letter of Agreement, be forwarded to the Ministry of Transportation.

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

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

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

SUBJECT: City of Hamilton / Ministry of Transportation 2021-2022 Dedicated Gas Tax Funding Agreement (FCS22013) (City Wide) – Page 2 of 4

EXECUTIVE SUMMARY

The City of Hamilton is eligible to receive \$11,698,988 in provincial funding as part of the 2021-2022 Dedicated Gas Tax Funds for Public Transportation Program. This represents an increase of \$11,789 over the previous 12-month total allocation of \$11,687,199.

The COVID-19 pandemic impacted gasoline sales in 2020-21. As a result, the funding envelope for the 2021-22 Gas Tax program year is \$258.2 M, a reduction of approximately \$120 M (approximately 32%) from the prior year's envelope. The one-time additional funding of \$120.4 M announced through the Fall Economic Statement (FES) has restored the funding envelope to the levels of the 2020-21 program year. This funding will help stabilize 2021-2022 program allocations as the Province continues its COVID-19 recovery and transit systems begin to build back their ridership levels. The 2021 / 2022 Provincial Program provided funding for the Program to 107 public transit systems responsible for service to 142 communities. With the guarantee provided in the FES, the 2021 / 2022 Provincial Program for the year running from April 1, 2021 to March 31, 2022 will maintain an allocation of funding for the Program amounting to approximately \$378.6 M.

The By-law, accompanying Agreement, guidelines and requirements, attached to Report FCS22013, are provided as a condition of the transfer of funds, provided by the Province of Ontario to the City of Hamilton under this Program.

Under the terms and conditions of the attached Agreement, a by-law is required to authorize the Mayor and City Treasurer to sign the "Letter of Agreement between Her Majesty the Queen in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario and the City of Hamilton related to Funding Provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program".

Municipalities receiving dedicated gas tax funds must meet the requirements set out in the "2021 / 2022 Guidelines and Requirements", attached as Appendix "B" to Report FCS22013.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Ratification of the Letter of Agreement is a condition of the City of Hamilton becoming eligible for an estimated \$11,698,988 in provincial funding relating to 2021-2022 as part of the 2021-2022 Dedicated Gas Tax Funding program. This represents an increase of \$11,789 over the previous 12-month total allocation of \$11,687,199.

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SUBJECT: City of Hamilton / Ministry of Transportation 2021-2022 Dedicated Gas Tax Funding Agreement (FCS22013) (City Wide) – Page 3 of 4

Staffing: None.

Legal: The enacting of the supporting By-law per Appendix “C” to Report FCS22013 is a requirement to receive funding under the Dedicated Gas Tax Funds for Public Transportation Program.

HISTORICAL BACKGROUND

In 2013, the Province of Ontario moved forward with its commitment to make Gas Tax funding permanent.

Traditionally, the Province of Ontario under the above-noted program, has provided two cents of the existing provincial gas tax to municipalities to support public transportation. In 2020 / 2021, the COVID-19 pandemic impacted gasoline sales. As a result, the funding envelope for the 2021 / 2022 Gas Tax program year is \$258.2 M. The one-time additional funding of \$120.4 M announced through the Fall Economic Statement (FES) will restore the funding envelope to the levels of the 2020 / 2021 program year. The 2021 / 2022 Provincial Program provided funding for the Program to 107 public transit systems responsible for service to 142 communities. With the guarantee provided in the FES, the 2021 / 2022 Provincial Program for the year running from April 1, 2021 to March 31, 2022 will maintain an allocation of funding for the Program amounting to approximately \$378.6 M.

As part of that commitment, the Province of Ontario, under the Dedicated Gas Tax Funds for the Public Transportation Program, is providing funding in the amount of \$11,698,988 to the City of Hamilton for 2021 / 2022 as per the Letter of Agreement attached as Appendix “A” to Report FCS22013.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None.

RELEVANT CONSULTATION

None.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Under the Dedicated Gas Tax Funds for the Public Transportation Program, funding allocated is based on 70% transit ridership and 30% municipal population with the requirement that funding received be deposited into a dedicated reserve. The purpose of the Program is to provide dedicated gas tax funds to Ontario municipalities to support local public transportation services and to increase overall ridership through the expansion of public transportation capital infrastructure and levels of service.

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SUBJECT: City of Hamilton / Ministry of Transportation 2021-2022 Dedicated Gas Tax Funding Agreement (FCS22013) (City Wide) – Page 4 of 4

Under the terms and conditions of the attached Agreement, a by-law is required to authorize the Mayor and City Treasurer to sign the “Letter of Agreement between Her Majesty the Queen in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario and the City of Hamilton related to Funding Provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program”.

ALTERNATIVES FOR CONSIDERATION

None.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Economic Prosperity and Growth**

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS22013 – Letter of Agreement between the City of Hamilton and the Province of Ontario

Appendix “B” to Report FCS22013 – 2021/22 Guidelines and Requirements

Appendix “C” to Report FCS22013 – 2022 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement By-law

CW/dt

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**Ministry of
Transportation**

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

**Ministère des
Transports**

Bureau de la ministre

777, rue Bay, 5^e étage
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transports



January 21, 2022

His Worship Fred Eisenberger
Mayor, City of Hamilton
71 Main Street West
Hamilton ON L8P 4Y5

Dear Mayor Eisenberger:

RE: Dedicated Gas Tax Funds for Public Transportation Program

This Letter of Agreement between the **City of Hamilton** (the "Municipality") and Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2021-22 Guidelines and Requirements (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$11,698,988** ("the "Maximum Funds") in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.
2. Subject to Section 1, the Ministry will, upon receipt of a fully signed copy of this Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$8,774,241**; and any remaining payment(s) will be provided thereafter.

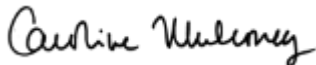
3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.
4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2021-22 Program year.
8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.
9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.
12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.

- 13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.
- 14. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print it, secure the required signatures for it, and then deliver a fully signed copy, in pdf format, to the Ministry at the email account set out below. Subject to the Province's prior written consent, including any terms and conditions the Ministry may attach to the consent, the Municipality may execute and deliver the Letter of Agreement to the Ministry electronically. In addition, all program documents are also to be sent to the following email account:

MTO-PGT@ontario.ca

Sincerely,



Caroline Mulroney
Minister of Transportation

I have read and understand the terms and conditions of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms and conditions.

Municipality

Date

Name (print):
Title (head of council or
authorized delegate):

I have authority to bind the Municipality.

Date:

Name (print):
Title (clerk or authorized delegate):

I have authority to bind the Municipality.



MINISTRY OF TRANSPORTATION

**Dedicated Gas Tax Funds For
Public Transportation Program**

2021-22 Guidelines and Requirements

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DEDICATED GAS TAX FUNDS FOR PUBLIC TRANSPORTATION PROGRAM

2021-22 GUIDELINES & REQUIREMENTS

1. DEFINITIONS

When used in these guidelines and requirements, the words set out below that import the singular include the plural and vice versa:

“Canadian Content Policy” means the Canadian Content for Transit Vehicle Procurement Policy, which the Ministry may amend from time to time.

“dedicated gas tax funds” means the money provided by the Ministry to a municipality to be used strictly towards eligible expenditures that are reasonable, in the opinion of the Ministry, and related directly to the provision of public transportation services, and “dedicated gas tax funding” has the same meaning.

“dedicated gas tax funds reserve account” means an interest bearing account set up by a municipality, under its name and in a Canadian financial institution, where dedicated gas tax funds are deposited and can be tracked separately from any other funds that may be in the account. This does not need to be a separate account, so long as the dedicated gas tax funds can be tracked separately.

“DFPTA” means the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3.

“eligible expenditures” means expenditures made by a municipality in direct support of public transportation operating or capital, or both, costs in accordance with Article 3 of these guidelines and requirements.

“guidelines and requirements” means these guidelines and requirements entitled “Dedicated Gas Tax Funds for Public Transportation Program – 2021-22 Guidelines and Requirements”, including Appendices A, B and C to these guidelines and requirements, which the Ministry may amend from time to time.

“host municipality” means a host municipality as described in Section 4.2.

“indemnified parties” means Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees, and employees.

“letter of agreement” means an agreement entered into between the Ministry and a municipality, including a host municipality, that sets out the terms and conditions under which the Ministry agrees to provide dedicated gas tax funds to the municipality, including those under these guidelines and requirements, and any amendments to the letter of agreement.

"losses" means any and all liability, loss, costs, damages or expenses (including legal, expert and consultant fees).

"major refurbishment" means: (a) for a subway car, light rail car, streetcar or trolley bus, the refurbishment where the life cycle is extended for a minimum of six years beyond the designed life cycle set out by the manufacturer; and (b) for a bus thirty feet in length or over, the refurbishment where, when the bus reaches a minimum age of nine years, the life cycle of the bus is extended for a minimum of six years.

"Ministry" and "Minister", respectively, means the Ministry of Transportation, which is responsible for the administration of the Program and the Minister responsible for the Ministry.

"municipal own spending on public transportation" means the funds, including those received from total operating revenue and local public donations, that a municipality contributes towards public transportation expenditures, including funds it contributes for operating and capital expenditures.

"personnel" includes the advisors, appointees, directors, officers, employees, agents, partners, affiliates, volunteers or subcontractors of a municipality.

"proceeding" means any and all causes of action, actions, claims, demands, lawsuits or other proceedings.

"Program" means the Dedicated Gas Tax Funds for Public Transportation Program set up by the Ministry to provide municipalities with dedicated gas tax funds subject to and in accordance with a letter of agreement.

"PRESTO" means the fare payment system for which Metrolinx is responsible.

"public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M. 46, as amended, or under an agreement between a municipality or local board, and a person, firm or corporation, and includes special transportation facilities for transporting persons with disabilities but does not include transportation by special purpose facilities, such as marine vessels, school buses or ambulances.

"public transportation vehicle" refers to a streetcar, bus, subway car, light rail car, specialized vehicles for transporting persons with disabilities or trolley bus used for public transportation.

"reporting forms" means the following forms: 1) Dedicated Gas Tax Funds for Public Transportation 2021 Reporting Form (i.e. form MT-O-16); 2) Dedicated Gas Tax Program – Transit 2021 Conventional Transit Reporting Form (i.e. form MT-O-17); and 3) Dedicated Gas Tax Program – Transit 2021 Specialized Transit Reporting Form (i.e., form MT-O-18), to be provided by the Ministry.

"subcontractor" means any contractor of a municipality or any of its subcontractors at any tier of subcontracting.

2. INTRODUCTION

The Program is an important element of the ongoing relationship between the province of Ontario and Ontario municipalities. Municipalities receiving dedicated gas tax funds must meet the requirements set out in these guidelines and requirements.

As of 2013 and pursuant to the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3 ("DFPTA"), a portion, (2 cents per litre), of the provincial gasoline tax revenue is dedicated to the provision of grants to municipalities for public transportation, including those pursuant to the Program. The portion of the gas tax that is dedicated in each fiscal year is an amount determined using a formula set out in the DFPTA.

The 2021-22 Program year runs from April 1, 2021 to March 31, 2022. The new allocation of funding for the Program for 107 public transit systems representing 142 municipalities will amount to approximately \$258.2 million.

In November 2021, the Province committed \$120.4M in one-time additional funding to address the impacts of COVID-19 on the Gas Tax Program. The one-time additional funding maintains the funding envelope at the level of the 2020-21 Program year (approximately \$378.6M). This funding will help stabilize 2021-22 program allocations as the Province continues its COVID-19 recovery and transit systems begin to build back their ridership levels.

3. GENERAL ELIGIBILITY REQUIREMENTS AND CONDITIONS

The purpose of the Program is to provide dedicated gas tax funds to Ontario municipalities to support local public transportation services, and to increase overall ridership through the expansion of public transportation capital infrastructure and levels of service. To be eligible to receive dedicated gas tax funds, a municipality must contribute financially towards its public transportation services.

For 2021-22, and unless otherwise approved in writing by the Ministry, only municipalities that have submitted their 2020 annual data survey to the Canadian Urban Transit Association (CUTA), and their 2020 Gas Tax reporting forms to the Ministry, will be eligible to receive dedicated gas tax funds.

Subject to the provision of a municipal by-law indicating its intent to provide public transportation services, a municipality that is not currently providing public transportation services, but decides to begin providing such services, may be eligible for funding. Notification of the municipality's intent to provide public transportation services and specific commitment to annually fund such public transportation services is required. Municipalities are encouraged to contact ministry staff early in their decision making process for providing services. After the new public transportation services have been implemented, and at the Ministry's sole discretion, dedicated gas tax funding may then be available.

A municipality receiving dedicated gas tax funds must ensure that all funds received and any related interest are used exclusively towards eligible expenditures and, unless otherwise approved in writing by the Ministry, disbursement of dedicated gas tax funds and any related interest must be net of any rebate, credit or refund, for which the municipality has received, will receive, or is eligible to receive.

All public transportation services and public transportation vehicles must be fully accessible in accordance with the requirements set out under the following statutes and regulations, as may be amended from time to time: the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and the *Integrated Accessibility Standards*, O. Reg. 191/11 made under that Act; the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the *Accessible Vehicles*, R.R.O. 1990, Reg. 629 made under that Act; and the *Public Vehicles Act*, R.S.O 1990, c. P. 54. In addition to the above, the acquisition of public transportation vehicles must comply with the Canadian Content Policy requirements.

Unless the Ministry otherwise approves in writing, in 2021-22, gas tax revenues and any related interest can only be used to support municipal public transportation expenditures and not to reduce or replace current levels of municipal public transportation funding. External audit and financial reporting costs are not eligible expenditures which the Ministry may reimburse or to which dedicated gas tax funding can be applied.

(a) Requirements for All Dedicated Gas Tax Funds Received in 2021-22 and Beyond

- Dedicated gas tax funds and any related interest must be spent on one or more of the following:
 - Public transportation capital expenditures that promote increased transit ridership;
 - Public transportation operating expenditures;
 - Capital expenditures for the replacement of any public transportation vehicles;
 - Capital expenditures that provide improvements to public transportation security and passenger safety; or
 - Expenditures for major refurbishment on any fully accessible, or to be made fully accessible, public transportation vehicle, with the exception of specialized vehicles used for the transportation of persons with disabilities.
- For municipalities that provide only specialized transit for persons with disabilities, dedicated gas tax funds can be spent on public transit initiatives that may not initially result in ridership growth but will provide increased accessibility.

(b) Additional Requirements for the following Municipalities: Regions of Durham and York, the Cities of Brampton, Burlington, Hamilton, Mississauga, Ottawa and Toronto, and the Town of Oakville.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (b) above will, in addition to any other requirements in this Article 3, be required to:

- Participate in PRESTO and, as participants, will be required to meet their financial obligations for that system.

(c) Additional Requirements for GTA Municipalities: Regions of Durham, Halton, Peel and York, and Cities of Hamilton and Toronto.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (c) above will, in addition to any other requirements in this Article 3, be required to:

- Demonstrate that they have met their responsibility for the payment of the growth and expansion capital costs of Metrolinx pursuant to the *Amendment to Greater Toronto Services Board By-law No. 40*, O. Reg. 446/04, made under the *Metrolinx Act, 2006*, S.O. 2006, c. 16, as amended.

(d) Additional Requirements for the following Municipalities: Regions of Durham, Peel, Niagara, Waterloo and York, the Cities of Barrie, Brampton, Burlington, Guelph, Hamilton, Mississauga, and Toronto, and the Towns of Milton and Oakville.

- As requested by the Province, participate in an engagement process led by the Province or Metrolinx, or both, to enable regional fare and service integration.
- As requested by the Province, share information and data to support analysis on regional fare and service integration.

The eligibility requirements for dedicated gas tax funds will be determined in accordance with these guidelines and requirements. The eligibility for any dedicated gas tax funds is at the sole discretion of the Ministry. Municipalities should consider consulting with Ministry staff to determine whether a proposed expenditure is an eligible expenditure for the purpose of dedicated gas tax funds.

4. GENERAL PROGRAM ALLOCATION METHODOLOGY AND PAYMENT PROCESS

4.1 General Program Allocation Methodologies

Based on consultation with municipalities, public transportation operators and stakeholders, the Province recognizes the varying needs of public transportation in Ontario municipalities, including those related to large established public transportation systems and communities with different growth rates and levels of public transportation service. Consistent with the above, the Province has established an allocation formula based on a combination of ridership and population. This formula balances the needs of large established public transportation systems, the growth needs of rapidly growing municipalities, and the needs of smaller municipalities that provide public transportation services.

The Province is implementing an allocation based on 70% transit ridership and 30% municipal population. Fully implemented, 70% of \$378.63 million (up to \$265.04 million) may be distributed to municipalities on the basis of their public transportation ridership levels. Thirty percent (30%) of \$378.63 million (up to \$113.59 million) may be distributed on the basis of population levels. Public transportation ridership will include the totals of both conventional and specialized public transportation services.

Both ridership and population figures are updated and revised annually for use in the calculation of dedicated gas tax funds, unless otherwise approved in writing by the Ministry.

CUTA annually collects and reproduces, on behalf of the Ministry, transit ridership data in its Ontario Urban Transit Fact Book and its Ontario Specialized Transit Services Fact Book (the "CUTA Fact Books"). The Ministry used the 2019 ridership data from the 2019 CUTA Fact Books for the above calculation. Where a municipality's ridership data have not been collected nor reproduced in the 2019 CUTA Fact Books, the Ministry used the 2019 transit ridership data received from the municipality.

The 2021-22 gas tax allocations were calculated using 2020 population estimates derived from the 2016 census data.

Dedicated gas tax funds provided to each municipality in 2021-22 are not to exceed 75% of municipal own spending on public transportation. For the 2021-22 Program, municipal own spending was calculated using 2019 municipal public transportation spending data set out in the CUTA Fact Books, except for selected municipalities where 2020 spending data was used as specified by the Ministry. The Ministry may re-allocate, in support of increasing public transportation ridership, any amounts of moneys dedicated for but that remains undistributed through the Program.

The Ministry may undertake an annual review of the dedicated gas tax allocation methodology and eligibility requirements to ensure these funds support the desired outcome of increased public transportation ridership. Municipal public transportation spending will be reviewed on an annual basis to determine if the limits of the dedicated gas tax funds need to be applied where the gas tax allocation may exceed 75% of municipal own spending on public transportation.

4.2 Payment Process

The Minister will advise each municipality that provides public transportation services of the amount of dedicated gas tax funds it is eligible to receive. The Minister will send a letter of agreement to each of these municipalities. The letter of agreement will set out the terms and conditions upon which the dedicated gas tax funds will be released to the municipality, and by which the municipality will have to agree to be bound.

The Ministry may, on a quarterly basis (or other basis, as the Ministry may decide from time to time), make payments of dedicated gas tax funds only after receipt of the following documents:

i) the letter of agreement, provided by the Ministry to the municipality, signed in accordance with the by-law(s) and, if applicable, the resolution(s) described below; and ii) a scanned copy

of the by-law(s) and, if applicable, any resolution(s) authorizing the letter of agreement and naming municipal signing officers for the letter of agreement.

In addition, the Ministry may withhold payment of dedicated gas tax funds until the reporting requirements under Section 8.4 are met.

Any amount of dedicated gas tax funds provided to the municipality under the Program will be subject to the remedies set out under Article 7.

Any dedicated gas tax funds the Ministry provides to a municipality and any related interest, including those kept by the municipality in a dedicated gas tax funds reserve account, will have to be used by the municipality exclusively towards public transportation services and in accordance with the requirements set out in these guidelines and requirements including, without limitation, those related to eligibility and related conditions, acquisition, disposition, accountability, records, audit, reporting, liability, and indemnity requirements.

If a municipality agrees to provide public transportation services (a "host municipality") for another municipality, the Ministry, at its sole discretion, may only provide the host municipality with dedicated gas tax funds. Prior to the Ministry making any payment of dedicated gas tax funds to the host municipality, the host municipality and the municipality on whose behalf the host municipality is providing transportation services will be required to provide the Ministry with copies of their respective by-law(s) and, if applicable, resolution(s), designating the host municipality as a public transportation service provider for the municipality or authorizing the host municipality to provide public transportation services to the municipality, as applicable. The contributing municipality, on whose behalf the host municipality is providing transportation services, will be required to provide the Ministry with a copy of their by-law(s) and, if applicable, resolution(s), in the year that this arrangement is initiated, and will be required annually to confirm with the Ministry in writing that the arrangement is still in effect. The host municipality will be required to enter into a dedicated gas tax funds letter of agreement with the Ministry and be in compliance with the terms and conditions set out in these guidelines and requirements.

In addition, the host municipality must promptly advise the Ministry of any change in arrangements between the host and contributing municipalities, such as decisions to cease contributions. The Ministry may then, at its sole discretion, make any necessary adjustment to its contribution of dedicated gas tax funds to the host municipality.

5. DEDICATED GAS TAX FUNDS RESERVE ACCOUNT AND INTEREST

5.1 Dedicated Gas Tax Funds Reserve Account

Dedicated gas tax funds must be used only towards the eligible expenditures for public transportation listed under Article 3(a). If the Ministry provides dedicated gas tax funds to a municipality before the municipality's immediate need for the funds, the municipality will be required to keep the funds, and all interest earned on such funds, in a dedicated gas tax funds reserve account. Dedicated gas tax funds received, and any related interest earned on such

funds, must be reported annually, using the reporting forms, on a cash basis. At no time should a municipality report a negative reserve account balance.

5.2 Interest

Interest must accrue on funds carried over the course of the Program reporting period in a dedicated gas tax funds reserve account. A municipality must calculate interest on its average annual balance of funds. The interest must also be reported annually, using the reporting forms, and can only be applied towards eligible expenditures.

6. ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS

If a municipality acquires goods, including supplies, materials, vehicles, equipment or services, or both, with dedicated gas tax funds, it must do so through a process that promotes the best value (with due regard for economy, efficiency and effectiveness) for the dedicated gas tax funds it spends.

The municipality must report, in writing, to the Ministry any funds accrued from the sale, lease or disposal of assets purchased with dedicated gas tax funds, and return such funds to a dedicated gas tax funds reserve account (see Article 5), with the exception that funds accrued from the sale, lease or disposal of transit buses beyond their useful economic life (12 years for conventional and 5 years for specialized), will not be required to be returned to a dedicated reserve account.

7. ADJUSTMENT, WITHHOLDING AND PAYMENT OF DEDICATED GAS TAX FUNDS AND OTHER REMEDIES

If, in the opinion of the Ministry, a municipality: i) fails to comply with any term, condition or obligation set out in a letter of agreement, including these guidelines and requirements; ii) uses any of the dedicated gas tax funds or any related interest for a purpose not authorized without the prior written consent of the Ministry; iii) provides erroneous or misleading information; iv) fails to provide information, including requested audit information and required reports, to the Ministry for any reason whatsoever; or v) is unable to provide or acquire or has discontinued the provision or acquisition of any service or asset for which dedicated gas tax funds have been provided, or it is not reasonable for the municipality to continue to provide or acquire any service or asset for which such funds have been provided ("event of default"), the Ministry may, unless the Ministry provides the municipality with written notice of an opportunity to remedy the event of default, take one or more of the following actions: i) initiate any action the Ministry considers necessary in order to facilitate the successful provision or acquisition of any service or asset provided or acquired with dedicated gas tax funds; ii) suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate; iii) reduce the amount of the dedicated gas tax funds; (iv) cancel further payments of dedicated gas tax funds; (v) demand from the municipality the payment of any dedicated gas tax funds remaining in the possession or under the control of the municipality; (vi) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the municipality used, but did not

use in accordance with the letter of agreement; (vii) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the Ministry provided to the municipality; and (viii) terminate the letter of agreement at any time, including immediately, without liability, penalty or costs to the Ministry upon giving notice to the municipality.

Where the Ministry gives the municipality an opportunity to remedy an event of default by giving the municipality notice of the particulars of the event of default and the date by which the municipality is required to remedy it, and: i) the municipality does not remedy the event of default by the date specified in the notice; ii) it becomes apparent to the Ministry that the municipality cannot completely remedy the event of default by the date specified in the notice; or iii) the municipality is not proceeding to remedy the event of default in a way that is satisfactory to the Ministry, the Ministry may extend the date by which the municipality is required to remedy the event of default, or initiate any of the remedies for event of default available to it under this Article 7.

Upon termination of the letter of agreement pursuant to this Article 7, the Ministry may take one or more of the actions listed for in the first paragraph to this Article 7. In regards to any demand for payment, the Minister may not demand payment of an aggregate amount greater than the dedicated gas tax funds that were received by the municipality.

Upon the Minister providing a municipality a written demand for payment of dedicated gas tax funds, any related interest, or both, the amount of the demand will be deemed to be a debt due and owing to the Crown of the Province of Ontario and may be recovered as such under applicable law, including, without limitation, the *Financial Administration Act*, R.S.O. 1990, c. F.12, as amended, ("FAA"). In addition to any remedy the Crown may have under the FAA, the Ministry may decide to withhold or adjust the amount of any current or future dedicated gas tax funding, or any other funding program, that may be provided to the municipality in an amount equal to such debt or have the amount of such debt deducted from financial assistance payable on any other project(s) of the municipality under any other initiative in which the Ministry is involved (either current or future). The Ministry may charge the municipality interest on any money owing by the municipality at the then current rate charged by the Province of Ontario on accounts receivable. The municipality will pay any money owing to the Ministry by cheque payable to the "Ontario Minister of Finance" and delivered to the Ministry as the Ministry may require.

If a municipality: i) has failed to comply with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a "failure"); ii) has been provided with notice of such failure in accordance with the requirements of such other agreement; iii) has, if applicable, failed to rectify such failure in accordance with the requirements of such other agreement; and iv) such failure is continuing, the Ministry may suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate.

When the Ministry provides its consent pursuant to a letter of agreement, including these guidelines and requirements, it may impose any terms and conditions on such consent and the municipality will comply with such terms and conditions.

If a municipality fails to comply with any term of a letter of agreement, including these guidelines and requirements, the municipality could only rely on a waiver of the Ministry if the waiver was in writing and refers to the specific failure to comply. A waiver will not have the effect of waiving any subsequent failures to comply.

Any decision made by the Minister regarding funding under the Program is final.

8. ACCOUNTABILITY, RECORDS, AUDIT AND REPORTING REQUIREMENTS

8.1 Accountability

A municipality receiving dedicated gas tax funds must use such funds, and any interest earned on such funds, exclusively towards public transportation service eligible expenditures and in accordance with these guidelines and requirements. The municipality will not be allowed to use dedicated gas tax funds and related interest to offset other municipal expenditures.

The municipality will also be required to provide such further assurances as the Ministry may request from time to time with respect to any matter to which a letter of agreement, including these guidelines and requirements, pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of these documents to their full extent.

Furthermore, the municipality must ensure any information the municipality provides to the Ministry under the Program is true and complete at the time provided and will continue to be true and complete.

8.2 Records

A municipality receiving dedicated gas tax funds must keep and maintain separate records and documentation related to any dedicated gas tax funds and any related interest, including invoices and any other financially-related documents relating to the provision or acquisition of public transportation services for which dedicated gas tax funds and any related interest have been used. The records and documentation must be kept and maintained in accordance with generally accepted accounting principles. Records containing confidential information must be kept in accordance with all applicable legislation. No provision of these guidelines and requirements shall be construed so as to give the Ministry any control whatsoever over the municipality's records.

8.3 Audit

A municipality receiving dedicated gas tax funds may be subject to audit. The Ministry may, at its sole discretion, audit or have audited by any third party, any records and documentation of the municipality related to any public transportation services provided or acquired with dedicated gas tax funds or any related interest, and such funds. Such audit may require the Ministry, at the municipality's expense (except as provided in the Canadian Content Policy), to retain external auditors. In addition, the Auditor General may, pursuant to the *Auditor General*

Act, R.S.O. 1990, c. A. 35, as amended, audit the accounts and records of the municipality relating to any expenditure of dedicated gas tax funds.

To assist in respect of the rights set out above, a municipality will be required to disclose any information requested by the Ministry, its authorized representatives or an independent auditor identified by the Ministry, and will do so in the form requested by the Ministry, its authorized representatives or an independent auditor.

In addition to any adjustments the Ministry may make to dedicated gas tax funding under these guidelines and requirements, the Ministry may, upon recommendation in an audit report, adjust future dedicated gas tax fund payments or other payments the Province may make to the municipality under any other program.

8.4 Reporting

Accuracy in the calculation and reporting of municipal transit ridership and dedicated gas tax funds and any related interest is paramount. When calculating ridership, municipalities must use one of the acceptable best practices identified in the 2008 Ontario Ridership Data Collection Review Report, published jointly by CUTA and iTrans Consultants (retained by CUTA).

A municipality will be accountable to use dedicated gas tax funds and any related interest towards public transportation expenditures that meet the Program eligibility requirements. Each municipality will be required to report on how dedicated gas tax funds and any related interest are spent on an annual basis, including the provision of its Canadian Content Policy declaration form(s), in accordance with the Canadian Content Policy, for any public transportation vehicle funded with dedicated gas tax funds. The Canadian Content Policy has been amended effective September 21, 2017 to be aligned with government procurement commitments under the Comprehensive Economic Trade Agreement (CETA) between Canada and the European Union (EU). As of September 21, 2017, municipalities are to comply with the amended policy for all transit procurements.

For the purpose of the above reporting, municipalities will be required to use the reporting forms that have been developed in consultation with municipal public transportation stakeholders, and submit these reporting forms to the Ministry prior to February 25, 2022.

Municipalities are strongly advised to carefully verify all data before submitting their reporting forms, to ensure that all information provided is accurate. Municipalities are also encouraged to contact the Ministry if they require any guidance or assistance in completing these reports.

9. COMMUNICATIONS

Unless the Ministry otherwise approves in writing, a municipality receiving dedicated gas tax funds will be required to acknowledge the support of the Ministry in a form and manner as directed by the Ministry.

A municipality will be required to give a minimum of thirty (30) days written notice to the Ministry regarding any planned local dedicated gas tax funding communication or recognition event, or both. The municipality will also be required to provide the Ministry with detailed information regarding such communication or event, or both.

The Ministry and a municipality receiving dedicated gas tax funds will, at all times, remain independent of each other and will not represent themselves to be the agent, joint venturer, partner or employee of the other. Neither the municipality nor the Ministry will be allowed to make representations or take actions that could establish or imply any apparent relationship of agency, joint venture, partnership or employment. In addition, neither the municipality nor the Ministry will be bound in any manner whatsoever by any agreements, warranties or representations made by any of them to any other person or entity, with respect to any other action of the other.

If the municipality publishes any material of any kind, written or oral, relating to public transportation services provided or acquired with dedicated gas tax funds, the municipality will indicate in the material that the views expressed in the material are the views of the municipality and do not necessarily reflect those of the Ministry.

A municipality receiving gas tax funding must comply with the requirements for the installation and maintenance of visual identity signage set out in Appendix A.

10. CONFLICT OF INTEREST

A municipality and its subcontractors and any of their respective personnel must use dedicated gas tax funds and provide and acquire services and assets with such funds without an actual, potential, or perceived conflict of interest.

A conflict of interest includes any circumstances where a municipality or any person who has the capacity to influence the municipality's decisions has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the municipality's objective, unbiased, and impartial judgment relating to the provision or acquisition of services or assets provided or acquired with dedicated gas tax funds, the use of such funds, or both.

A municipality will disclose to the Ministry, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest, and comply with any terms and conditions that the Ministry may prescribe as a result of the disclosure.

11. FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

All applications submitted to the Ministry are subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31, as amended ("FIPPA"). The FIPPA provides every person with a right of access to information in the custody or under the control of the Ministry, subject to a limited set of exemptions.

Municipalities are advised that the names of municipalities receiving dedicated gas tax funds, the amount of funds provided, and the purpose for which dedicated gas tax funds are provided, is information the Ministry makes available to the public.

12. LIABILITIES AND INDEMNITIES

A municipality receiving dedicated gas tax funds must agree that it is responsible for anything that may arise, directly or indirectly, in connection with the Program, including, without limitation, any activity under it such as the provision and acquisition of services and assets with dedicated gas tax funds. The Ministry's involvement under the Program is for the sole purpose of, and is limited to, the provision of dedicated gas tax funds.

Furthermore, a municipality receiving dedicated gas tax funds must agree to indemnify and hold harmless the indemnified parties from and against any and all losses or proceedings, by whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of, or in connection with anything done or omitted to be done by the municipality or any municipality on behalf of which the municipality receives dedicated gas tax funds, or any of their respective personnel, the Program, any activity under it, or the letter of agreement, unless the loss or proceeding is solely caused by the negligence or willful misconduct of the indemnified parties. A municipality receiving dedicated gas tax funds is responsible for its own insurance and must carry, at its own costs and expense, and require the same from its subcontractors and any municipality on behalf of which it receives dedicated gas tax funds, all the necessary and appropriate insurance that a prudent municipality in similar circumstances would maintain in order to protect itself and the Ministry and support the indemnification, as set out above, provided to the Ministry. For greater certainty, the municipality is not covered by the Province of Ontario's insurance program and no protection will be afforded to the municipality by the Government of Ontario for any losses or proceedings that may arise out of the Program or letter of agreement.

For greater certainty, the rights and remedies of the Ministry under a letter of agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

13. COMPLIANCE WITH THE LAW

A municipality receiving dedicated gas tax funds must comply with all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules and by-laws related to any aspect of the services or assets provided or acquired with the dedicated gas tax funds and the dedicated gas tax funds.

For greater clarity, by receiving dedicated gas tax funds, a municipality may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the *Public Sector Salary Disclosure Act, 1996*, S.O. 1996, c. 1, Sched. A and the *Auditor General Act*, R.S.O. 1990, c. A.35.

14. WHERE TO REQUEST OR PROVIDE INFORMATION

All forms, agreements, supporting documentation as well as any questions regarding the Program are to be directed to the Strategic Transit Investments Office of the Ministry of Transportation at MTO-PGT@ontario.ca.

APPENDIX A: VISUAL IDENTITY SIGNAGE REQUIREMENTS

1. Purpose of Schedule

This Appendix describes the responsibilities and obligations of a municipality receiving dedicated gas tax funds for the installation and maintenance of visual identity signage under the Program.

2. Visual Identity Signage

The municipality will install and maintain the exterior and interior visual identity signage on each public transportation vehicles for which dedicated gas tax funds were provided.

External visual identity signage must be located immediately to the left of the front passenger entrance doors of the vehicle. Internal visual identity signage should be placed on an interior wall in a location and height that will be convenient for passengers to read.

Recognition stickers approximate size — 10" x 3.4".

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program.

WHEREAS the Council of the City of Hamilton deems it advisable to enter into an agreement with Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation related to funding provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Mayor and General Manager, Finance and Corporate Services, are authorized and directed to sign the Letter of Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation which is attached Schedule A and forms part of this By-law.
2. This By-law may be cited for all purposes as the 2021 / 2022 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement Bylaw.
3. This By-law is deemed to have come into force on _____, 2022.




PASSED this _____ day of _____, 2022.

Fred Eisenberger
MAYOR

Andrea Holland
CLERK



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Office of the City Clerk & Legal Services
 and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members, Planning Committee
COMMITTEE DATE:	January 11, 2022
SUBJECT/REPORT NO:	Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003/LS22006/PED22018) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Aine Leadbetter, Manager Elections, Print and Mail, x 2753 Stacey Applebee, Solicitor, x4660
SUBMITTED BY:	Andrea Holland, City Clerk 
SIGNATURE:	Stephen Spracklin, City Solicitor  Monica Ciriello, Director Licensing and By-law Services Planning and Economic Development Department 

Discussion of Appendix "C" to report FCS22003/LS22006 in Closed Session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the Ontario Municipal Act, 2001:

- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

RECOMMENDATION

- That the draft By-Law "To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs", attached as Appendix "A" to Report FCS22003/LS22006/PED22018, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;
- That subject to the approval of Recommendation (a) of Report FCS22003/LS22006/PED22018, Council approve and enact the draft By-Law "To

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

**SUBJECT: Election Sign By-Law (FCS22003/LS22006/PED22018) (City Wide) -
Page 2 of 5**

Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties”, attached as Appendix “B” to Report FCS22003/LS22006/PED22018, which has been prepared in a form satisfactory to the City Solicitor; and,

- (c) That the contents of Appendix “C” to Report FCS22003/LS22006/PED22018, remain confidential.

EXECUTIVE SUMMARY

In advance of the 2022 Municipal and Provincial Elections, Staff is recommending that amendments to the Hamilton Sign By-law, being By-law No. 10-197 (the “Sign By-law”) be enacted to establish a separate Schedule respecting Election Signs, providing greater clarity and accessibility for candidates, third party advertisers and members of the public. While most of the provisions related to election signs are unchanged, the proposed amendments to the Sign By-law include language clarifying permissible displays, enhancements to relevant definitions, regulations pertaining to third party advertising, and regulations respecting vehicle signs.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: None

Staffing: None

Legal: Please see Appendix “C” to Report FCS22003/LS22006– Confidential Legal Opinion.

HISTORICAL BACKGROUND (Chronology of events)

The City of Hamilton enacted By-law 02-368, being a By-law to regulate Election Signs in the City of Hamilton, on December 11, 2002. This by-law was introduced to consolidate existing by-laws regulating Election Signs under the newly amalgamated City of Hamilton. The by-law was subsequently amended in 2004 in response to the 2003 municipal election, with amendments largely focusing on refining roles and responsibilities and clarifying notification and infraction procedures.

In 2006, By-law 02-368 was repealed and provisions for elections signs were included under a broader Sign By-law No. 06-243, being A By-Law Respecting Signs and Other Advertising Devices Within the City of Hamilton. Following a comprehensive review, By-law 06-243 was repealed in August 2010 and replaced by the Sign By-law.

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**SUBJECT: Election Sign By-Law (FCS22003/LS22006/PED22018) (City Wide) -
Page 3 of 5**

Elections signs are currently governed under section 5.9 of the Sign By-law. Section 5.9 also incorporates the General Prohibitions and Regulations set out in section 4.1 and Prohibited Signs set out in section 5.1. While there have been minor modifications and housekeeping amendments since its enactment in 2010, the section pertaining to elections signs has remained unchanged.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City of Hamilton is authorized to pass by-laws respecting signs pursuant to paragraph 10 of subsection 10(2) of the *Municipal Act, 2001*.

Signs, including Election Signs, are a form of expression protected under section 2(b) of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”). Section 1 of the *Charter* permits the imposition of “reasonable limits” on the rights and freedoms guaranteed under the *Charter*. Attached as Appendix “C” to this Report is a confidential appendix outlining *Charter* considerations.

Enactment of the proposed By-law To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs will require the amendment of By-law No. 17-225, the By-law to Establish a System of Administrative Penalties.

RELEVANT CONSULTATION

Internal Staff from By-Law Services, Financial Services and Transportation Planning and Parking have been consulted in the review of the By-law.

Additionally, staff consulted externally with municipal counterparts through the Municipal Elections Working Group and assessed Election Sign By-laws from municipalities across the province.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In advance of each municipal election, staff review and consider existing policies and procedures related to elections to ensure clarity, effectiveness, and alignment to legislation, and also to identify potential areas for improvement or enhancement. Through recent review, staff have identified the Sign By-law as it pertains to election signage, as a key document requiring updating in advance of the 2022 Provincial and Municipal Elections.

Since the enactment of the Sign By-law there have been changes to the *Municipal Elections Act, 1996* (the “*MEA*”), including the regulation of third-party advertisers and enhancements to the types and mediums of signs used within municipal campaigns. While the majority of the content in the Sign By-law, as it pertains to Election Signs, remains static and relevant, this has resulted in a need to update aspects of the existing

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**SUBJECT: Election Sign By-Law (FCS22003/LS22006/PED22018) (City Wide) -
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Sign By-law to modernize the content and ensure that the by-law aligns with rights guaranteed under the Charter.

In the proposed By-Law To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, regulations respecting Election Signs have been separated from the main body of the Sign By-law and included as a Schedule to the Sign By-law. While these proposed amendments to the Sign By-law maintain many of the regulations from the existing Sign By-law, a separate, stand-alone Schedule would provide greater clarity to, and ease of reference for, members of the public, candidates and third-party advertisers throughout the campaign period, while maintaining connection to the existing Sign By-law and avoiding duplication.

While retaining the general prohibition against Election Signs on City Property, apart from posterage in designated areas, the draft By-law Amendment contains additional language permitting the holding of a hand-held Election Sign; the display of an Election Vehicle Sign while affixed to a vehicle that is in use on any street, roadway, or authorized parking space; and the display of an Election Sign on commercial advertising space owned or operated by the City or one of its agencies, boards or commissions.

The draft By-law provides further clarification surrounding Third Party requirements for signage. Amendments to the *Municipal Elections Act* created a regulatory framework for Third Party advertising including requirements for contact information to be included on Third Party advertisements. These proposed amendments incorporate this requirement to enhance the ability of staff to identify and contact sign owners should there be a violation of the By-law.

Efforts have additionally been made to enhance the Sign By-law respecting Election Signs to consider additional signage and mediums that were not specifically identified in the current Sign By-law. The definition of Election Sign has been expanded to consider more mediums and approaches including election vehicle signs, which have been specifically addressed within the draft by-law amendment; and election bumper stickers which have been excluded from application of the By-law. By specifically enhancing the definition of election sign and addressing alternate forms of election signage, these amendments intend to limit grey areas and provide greater clarity.

ALTERNATIVES FOR CONSIDERATION

n/a

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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**SUBJECT: Election Sign By-Law (FCS22003/LS22006/PED22018) (City Wide) -
Page 5 of 5**

Community Engagement & Participation

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - draft By-Law “To Amend By-law No. 10-197, the Hamilton Sign By-law respecting Election Signs”

Appendix “B” - draft By-Law “To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties”

Appendix “C” - Confidential Legal Opinion

Appendix “A” to Report FSC22003/LS22006/PED22018**Page 1 of 9**

Authority: Item,
Report (FSC22003/LS22006/
PED22018)
CM:
Ward: City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO.****To Amend By-law No. 10-197, the Hamilton Sign By-law respecting Election Signs**

WHEREAS Council enacted By-law 10-197, a By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton (the “Hamilton Sign By-law”);

AND WHEREAS to provide clarity and ease of reference, Council for the City of Hamilton has determined that it is desirable to amend the Hamilton Sign By-law by deleting provisions related to Election Signs from the main body of the By-law and inserting Schedule 1 which pertains to Election Signs;

AND WHEREAS Council for the City of Hamilton recognizes the importance of the right to freedom of expression and recognizes that Election Signs are a protected form of expression under the Canadian Charter of Rights and Freedoms;

AND WHEREAS the Council for the City of Hamilton seeks to protect the constitutional right to freedom of expression, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
2. The definition of “Election Sign” as set forth in Section 1.1 of this By-law is hereby deleted.
3. Section 4.1(d)(i) of this By-law is hereby amended by deleting the words “or Election Sign”.
4. Sections 5.9.1 and 5.9.2 of this By-law are deleted in their entirety and replaced with the following:

“5.9.1. The Regulations pertaining to Election Signs shall be as set forth in Schedule 1 of this By-law.”

Appendix "A" to Report FSC22003/LS22006/PED22018

5. Schedule 1 attached hereto is inserted following Part 11 of this By-law.
6. This By-law comes into force on the day it is passed.
7. All prosecutions and other enforcement processes with respect to Election Signs commenced under Part 7.0 of the Hamilton Sign By-law, as amended, which have not been completed as of the day this By-law comes into force shall be completed under the Hamilton Sign By-law, as amended, as it read prior to this By-law coming into force.

PASSED this _____ , 2022.

F. Eisenberger
Mayor

Andrea Holland
City Clerk

Schedule 1

Election Signs

DEFINITIONS

1. In this Schedule:

"Advance Voting Day" means one or more days that are designated for electors to cast ballots prior to Voting Day;

"Campaign Office" means a building or structure, or part of a building or structure, used by a Candidate or an agent of a Candidate or by a Registered Third Party or an agent of a Registered Third Party as part of an Election campaign;

"Campaign Office Election Sign" means a sign displayed at a Campaign Office which displays the name of a Candidate in a municipal or school board Election, or the name of a Candidate and/or the name and/or logo of a political party in a federal or provincial Election, or the name of a Registered Third Party and the location of a Candidate's or Registered Third Party's Campaign Office in any Election;

"Candidate" means a person whose nomination to run in a Municipal, Provincial or Federal election, including school board elections, has been certified or confirmed by the necessary Election official as required by the governing legislation;

"City Clerk" means the City Clerk for the City of Hamilton or their designate;

"City Property" means property owned by or under the control of the City, and its agencies, boards or commissions;

"Director" means the City's Director of Licensing and By-law Services and/or their designate;

"Election" means a federal or provincial election or by-election, a municipal election or by-election, a school board election or by-election, a federal, provincial or municipal referendum and any question submitted to the electors by a federal, provincial or municipal government;

"Election Bumper Sticker" means a label or sticker measuring not more than 7.62 centimetres (3 inches) by 29.21 centimetres (11.5 inches) which is affixed to a Vehicle and used for the purposes of advertising, promoting, opposing or taking a position with respect to any Candidate, Election or political party, or influencing electors to vote for or against an issue associated with any Candidate, Election or political party, or influencing electors to vote for or against any Candidate or political party or position;

Appendix “A” to Report FSC22003/LS22006/PED22018**Page 4 of 9**

“Election Sign” means any object, entity, thing, surface, structure, display and any other component parts which are used as a visual medium or display for the purposes of advertising, promoting, opposing or taking a position with respect to any Candidate, Election or political party, or influencing electors to vote for or against an issue associated with a Candidate, Election or political party, or influencing electors to vote for or against any Candidate or political party or position in any Election. An Election Sign can take any form but does not include Election campaign literature (e.g. pamphlets and brochures) or an Election Bumper Sticker;

“Election Vehicle Sign” means any form of Election Sign, displayed in or on a Vehicle, excluding an Election Bumper Sticker;

“Municipal Elections Act” means the *Municipal Elections Act, 1996*, S.O. 1996, c.32, Sched, as amended, and any Regulations thereunder;

“Parks By-law” means the City of Hamilton By-law 01-219, as amended or any successor by-law thereto;

“Private Property” means any land or real property other than City Property and includes property owned or under the control of the Provincial or Federal Government and their respective agencies, boards or commissions;

“Registered Third Party” means:

(a) one of the following whose notice of registration has been certified by the City Clerk pursuant to section 88.6 of the *Municipal Elections Act*: (i) an individual who is normally a resident in Ontario; or (ii) a corporation that carries on business in Ontario; or (iii) a Trade Union that holds bargaining rights for employees in Ontario;

(b) an individual, corporation or other entity that complies with the requirements set forth in section 37 of the *Election Finances Act* and has been registered by the Chief Electoral Officer pursuant to the *Election Finances Act*, where that Act requires; or

(c) an individual, corporation or group that complies with the requirements set forth in section 353 of the *Canada Elections Act* and has been registered by the Chief Electoral Officer pursuant to the *Canada Election Act*, where that Act requires,

And a “Third Party Advertiser” has the same meaning

“Third Party Advertisement” means a sign or advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a Candidate in an Election, or intended to influence persons to vote for or against any Candidate or any question submitted to the electors, and which has been displayed without the authorization, direction or involvement of a Candidate;

“Trade Union” means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.

Appendix “A” to Report FSC22003/LS22006/PED22018**Page 5 of 9**

“**Vehicle**” means a vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H8 as amended;

“**Voting Day**” means the day on which the final vote is to be taken in an Election;
and

“**Voting Place**” means the location(s) where electors cast their ballots as established and approved by the federal, provincial or municipal Election officials and includes the entire property and all the boundaries associated with it, including any abutting streets, when such Voting Place is located within a City Property or Private Property and shall also include the common elements when the Voting Place is located within a Private Property.

2. Terms used in this Schedule and not defined herein shall have the same meaning as given to those terms in Part 1.0 the By-law.

SCOPE

3. This Schedule applies to and regulates all Election Signs displayed on property within the City. Where a provision of this Schedule conflicts with a provision of any federal or provincial statute or regulation or any By-law, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
4. This Schedule shall not apply to signs displayed by the City or the provincial or federal governments to provide information concerning an Election or any part of an Election process.
5. This Schedule shall not apply to any right of way under the jurisdiction of the Ministry of Transportation.

INTENT

6. In addition to the purposes listed in Section 2.3 of this By-law, the intent of this Schedule is to regulate Election Signs in the City in a manner that recognizes the importance of the constitutional right to freedom of expression and protects and promotes that right, subject only to minimal and reasonable limits, with the intent of authorizing signs that provide members of the public and others with pertinent information relating to upcoming Elections.

ADMINISTRATION

7. The City Clerk shall be responsible for the administration of this Schedule and the Director shall be responsible for the enforcement of this Schedule.

ELECTION SIGNS

8. No person shall display or permit the display of an Election Sign except in accordance with:
 - (a) section 4.1 of this By-law (General Prohibitions and Regulations);
 - (b) section 5.1 of this By-law (Prohibited Signs); and
 - (c) the specific regulations set forth in this Schedule.
9. A person shall be deemed to be displaying an Election Sign if that person has custody of, or control over, the sign or the property on which the Election Sign is located.

TIMING

10. No person shall display or permit the display of an Election Sign associated with a federal or provincial Election, prior to the date the writ of election is issued.
11. No person shall display or permit the display of an Election Sign associated with a municipal Election before 28 days in advance of Voting Day.
12. Notwithstanding section 11 of this Schedule, Campaign Office Election Signs for Candidates may be displayed once a Candidate has filed their nomination papers and paid the required filing fee or a Third Party Advertiser has registered with the City Clerk.
13. Notwithstanding section 11 of this Schedule, Election Vehicle Signs may be displayed once a Candidate has filed their nomination papers and paid the required filing fee or a Third Party Advertiser has registered with the City Clerk.

SIZE

14. No person shall display or permit the display of an Election Sign with a sign area greater than 1.5 square meters when it is located on a property used for residential purposes including:
 - (a) a Single Detached Dwelling;
 - (b) a Semi Detached Dwelling;
 - (c) a Duplex;
 - (d) a Triplex;
 - (e) a Fourplex or Quadruplex;
 - (f) a Street Townhouse;
 - (g) a Mobile Home;
 - (h) a Residential Care Facility for 6 or less residents;

Appendix "A" to Report FSC22003/LS22006/PED22018**Page 7 of 9**

- (i) a Lodging House for 6 or less lodgers;
- (j) a Retirement Home for 6 or less residents; or
- (k) an Emergency Shelter for 6 or less residents.

15. An Election Sign with a sign area larger than 1.5 square meters that is displayed on a property with a use other than as described in section 14 (a)-(k) inclusive of this Schedule, shall comply with all applicable regulations under Part 5 of this By-law provided that no permit, except any permit required under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, if applicable, is required.

CONTENT

16. Third Party Advertisements, including any Election Signs, shall contain valid and current contact information including the name of the Registered Third Party, the municipality where the Registered Third Party is registered (if applicable), and a telephone number, mailing address or email address at which the Registered Third Party may be contacted. This contact information shall be displayed using a minimum font size of 24.

17. No person shall display an Election Sign with electronic message display.

18. Except for a sign displayed by the City in accordance with section 4 of this Schedule, no person shall reproduce the City's logo, the logo of the Hamilton Street Railway, the logo of the Hamilton Police Service, the City's municipal election logo, or any other logo in which the City holds an interest, or the City's crest or seal, in whole or in part, on any Election Sign, or materials. For the purposes of this section, any reference to "City" includes the City's agencies, boards and commissions.

19. No person shall display an Election Sign unless it contains all information required by applicable federal, provincial or municipal law, or any regulation thereunder.

LOCATION**City Property**

20. Except as permitted by section 21 of this Schedule, no person shall display or permit the display of an Election Sign on City Property.

21. The following Election Signs are permitted on City Property:

- (a) the holding of a hand-held Election Sign;
- (b) the display of a Poster in accordance with the regulations set forth in section 5.8.2(f) of this By-law;

Appendix "A" to Report FSC22003/LS22006/PED22018**Page 8 of 9**

- (c) an Election Vehicle Sign while affixed to a Vehicle that is in use on any street in the City in accordance with all applicable laws and by-laws, or while in use on any roadway as defined in the Parks By-law, or while parked in any municipal parking lot, authorized on street parking space, or public parking area or parking space as defined by the Parks By-law; and
- (d) the display of an Election Sign on commercial advertising space owned or operated by the City or one of its agencies, boards or commissions where the advertising has been approved by the City or one of its agencies, boards or commissions.

Private Property

- 22. No person shall display or permit the display of an Election Sign on Private Property or display or permit the display of an Election Vehicle Sign on a Vehicle except with the permission of the owner of the Private Property or owner of the Vehicle as the case may be.
- 23. In accordance with section 88.2 of the *Municipal Elections Act, 1996*, owners of, or tenants in, an apartment building, condominium building, non-profit housing co-operative or a gated community may display Election Signs on the premises that they own or lease subject to any reasonable restrictions on the size or type of Election Sign that may be established by the landlord, property manager, co-operative or condominium corporation.

ON VOTING DAY OR ADVANCE VOTING DAY

- 24. No person shall display or permit the display of an Election Sign:
 - (a) at a property used as a Voting Place on Voting Day or on an Advance Voting Day;
 - (b) at a property used for the administration of Election processes on Voting Day or on an Advance Voting Day; or
 - (c) within 100 metres of any Voting Place on Voting Day or on an Advance Voting Day.
- 25. For certainty, section 24 of this Schedule applies to Election Vehicle Signs.

REMOVAL

- 26. Candidates and Registered Third Parties shall remove all Election Signs no later than seventy-two (72) hours following 11:59 p.m. on Voting Day of the Election for which the Election Sign was displayed.

Appendix "A" to Report FSC22003/LS22006/PED22018

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27. Notwithstanding section 26 of this Schedule, where an Election Sign has been displayed on Private Property, the owner or occupant of the property shall ensure that the Election Sign is removed within the time frame set out in section 26 of this Schedule.

28. No person shall dispose of an Election Sign on City Property except in receptacles designated for waste or recycling.

Appendix “B” to Report FCS22003/LS22006/PED22018**Page 1 of 3**

Authority: Item,
Report (FCS22003/LS22006/
PED22018)
CM:
Ward: City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO.****To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties**

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No, 17-225.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule A of By-law No. 17-225 is amended by deleting the words “/election sign” from Table 16, Item No. 14.
3. Schedule A of By-law No. 17-225 is amended by deleting the Heading “Election Signs” and Items 221-236 from Table 16.
4. Schedule A of By-law No. 17-225 is amended by adding a new heading following Item 326 of Table 16 which reads: “Schedule 1- Election Signs”.
5. Schedule A of By-law No. 17-225 is amended by adding the following items following the heading “Schedule 1- Election Signs” to Table 16:

Item	Column 1 Designated By-law & Section		Column 2 Short Form Wording	Column 3 Set Penalty
327	10-197 Schedule 1	10	display/permit display of Election Sign associated with Federal/Provincial Election before writ of election is issued	\$50.00
328	10-197 Schedule 1	11	display/permit display of Election Sign associated with Municipal Election	\$50.00

Appendix "B" to Report FCS22003/LS22006/PED22018

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			before 28 days in advance of Voting Day	
329	10-197 Schedule 1	14(a)	display/permit display of Election Sign exceeding 1.5 square meters on property of Single Detached Dwelling	\$50.00
330	10-197 Schedule 1	14(b)	display/permit display of Election Sign exceeding 1.5 square meters on property of Semi Detached Dwelling	\$50.00
331	10-197 Schedule 1	14(c)	display/permit display of Election Sign exceeding 1.5 square meters on property of Duplex	\$50.00
332	10-197 Schedule 1	14(d)	display/permit display of Election Sign exceeding 1.5 square meters on property of Triplex	\$50.00
333	10-197 Schedule 1	14(e)	display/permit display of Election Sign exceeding 1.5 square meters on property of Fourplex or Quadruplex	\$50.00
334	10-197 Schedule 1	14(f)	display/permit display of Election Sign exceeding 1.5 square meters on property of Street Townhouse	\$50.00
335	10-197 Schedule 1	14(g)	display/permit display of Election Sign exceeding 1.5 square meters on property of Mobile Home	\$50.00
336	10-197 Schedule 1	14(h)	display/permit display of Election Sign exceeding 1.5 square meters on property of Residential Care Facility for 6 or less residents	\$50.00
337	10-197 Schedule 1	14(i)	display/permit display of Election Sign exceeding 1.5 square meters on property of Lodging House for 6 or less lodgers	\$50.00
338	10-197 Schedule 1	14(j)	display/permit display of Election Sign exceeding 1.5 square meters on property of Retirement Home for 6 or less residents	\$50.00
339	10-197 Schedule 1	14(k)	display/permit display of Election Sign exceeding 1.5 square meters on property of Emergency Shelter for 6 or less residents	\$50.00
340	10-197 Schedule 1	15	display/permit display of Election Sign exceeding 1.5 square meters on permitted property not in accordance with regulations of By-law	\$100.00
341	10-197 Schedule 1	16	display/permit display of Third Party Advertisement without required information provided in font size of 24 or more	\$100.00
342	10-197 Schedule 1	18	display/permit display of Election Sign with electronic message display	\$50.00
343	10-197 Schedule 1	19	display/permit display of Election Sign containing City's logo	\$200.00
344	10-197 Schedule 1	19	display/permit display of Election Sign containing logo of Hamilton Street Railway	\$200.00
345	10-197 Schedule 1	19	display/permit display of Election Sign containing logo of Hamilton Police Service	\$200.00
346	10-197 Schedule 1	19	display/permit display of Election Sign containing Municipal election logo	\$200.00
347	10-197 Schedule 1	19	display/permit display of Election Sign containing logo in which the City holds an interest	\$200.00
348	10-197 Schedule 1	19	display/permit display of Election Sign containing City's crest or seal	\$200.00

Appendix “B” to Report FCS22003/LS22006/PED22018**Page 3 of 3**

349	10-197 Schedule 1	20	display/permit display of Election Sign that fails to contain all information required by applicable law	\$50.00
350	10-197 Schedule 1	21	display/permit display of Election Sign on City Property, except as permitted by section 22 of Schedule 1	\$100.00
351	10-197 Schedule 1	22(b)	display/permit display of Poster Election Sign on City Property not in accordance with Section 5.8.2(f) of By-law	\$100.00
352	10-197 Schedule 1	23	display/permit display of Election Sign on private property without permission of owner	\$200.00
353	10-197 Schedule 1	23	display/permit Display of Election Vehicle Sign on Vehicle without permission of owner	\$200.00
354	10-197 Schedule 1	25(a)	display/permit display of Election Sign at Voting Place on Voting Day or Advance Voting Day	\$200.00
355	10-197 Schedule 1	25(b)	display/permit display of Election Sign at property used for administration of Election processes on Voting Day or Advance Voting Day	\$200.00
356	10-197 Schedule 1	25(c)	display/permit display of Election Sign within 100 metres of Voting Place on Voting Day or Advance Voting Day	\$200.00
357	10-197 Schedule 1	27	Candidate/Registered Third Party fail to remove Election Signs within 72 hours following 11:59pm on Voting Day	\$50.00
358	10-197 Schedule 1	28	owner/occupant fail to ensure Election Sign is removed within 72 hours following 11:59pm on Voting Date	\$50.00
359	10-197 Schedule 1	29	dispose of Election Sign on City Property except in designated receptacles	\$50.00




PASSED this _____, 2022.

F. Eisenberger
Mayor

Andrea Holland
City Clerk



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Office of the City Clerk & Legal Services
 and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members, General Issues Committee
COMMITTEE DATE:	February 16, 2022
SUBJECT/REPORT NO:	Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003(a)/LS22006(a)/PED22018(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Aine Leadbetter, Manager Elections, Print and Mail, x 2753 Stacey Applebee, Solicitor, x4660
SUBMITTED BY:	Andrea Holland, City Clerk  Stephen Spracklin, City Solicitor
SIGNATURE:	 Monica Ciriello, Director Licensing and By-law Services Planning and Economic Development Department 

Discussion of Appendix "C" to report FCS22003(a)/LS22006(a)/PED22018(a) in Closed Session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the Ontario Municipal Act, 2001:

- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

RECOMMENDATION

- That the draft By-Law "To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs", attached as Appendix "A" to Report FCS22003(a)/LS22006(a)/PED22018(a), which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;
- That subject to the approval of Recommendation (a) of Report FCS22003(a)/LS22006(a)/PED22018(a), Council approve and enact the draft

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**SUBJECT: Election Sign By-Law (FCS22003/LS22006/PED22018) (City Wide) -
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By-Law “To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties”, attached as Appendix “B” to Report FCS22003(a)/LS22006(a)/ PED22018(a), which has been prepared in a form satisfactory to the City Solicitor; and,

- (c) That the contents of Appendix “C” to Report FCS22003(a)/LS22006(a)/ PED22018(a), remain confidential.

EXECUTIVE SUMMARY

In advance of the 2022 Municipal and Provincial Elections, Staff is recommending that amendments to the Hamilton Sign By-law, being By-law No. 10-197 (the “Sign By-law”) be enacted to establish a separate Schedule respecting Election Signs, providing greater clarity and accessibility for candidates, third party advertisers and members of the public. While most of the provisions related to election signs are unchanged, the proposed amendments to the Sign By-law include language clarifying permissible displays, enhancements to relevant definitions, regulations pertaining to third party advertising, and regulations respecting vehicle signs.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: None

Staffing: None

Legal: Please see Appendix “C” to Report FCS22003(a)/LS22006(a)/PED22018(a)– Confidential Legal Opinion.

HISTORICAL BACKGROUND (Chronology of events)

The City of Hamilton enacted By-law 02-368, being a By-law to regulate Election Signs in the City of Hamilton, on December 11, 2002. This by-law was introduced to consolidate existing by-laws regulating Election Signs under the newly amalgamated City of Hamilton. The by-law was subsequently amended in 2004 in response to the 2003 municipal election, with amendments largely focusing on refining roles and responsibilities and clarifying notification and infraction procedures.

In 2006, By-law 02-368 was repealed and provisions for Elections Signs were included under a broader Sign By-law No. 06-243, being A By-Law Respecting Signs and Other Advertising Devices Within the City of Hamilton. Following a comprehensive review, By-law 06-243 was repealed in August 2010 and replaced by the Sign By-law.

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**SUBJECT: Election Sign By-Law (FCS22003/LS22006/PED22018) (City Wide) -
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Election Signs are currently governed under section 5.9 of the Sign By-law. Section 5.9 also incorporates the General Prohibitions and Regulations set out in section 4.1 and Prohibited Signs set out in section 5.1. While there have been minor modifications and housekeeping amendments since its enactment in 2010, the section pertaining to Elections Signs has remained unchanged.

On January 11, 2022, Planning Committee considered report FCS22003/LS22006/PED22018 -Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs. Following discussion, Planning Committee recommended the following:

- (a) That Report FCS22003/LS22006/PED22018 respecting Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, be referred to the General Issues Committee; and,
- (b) That the report back to the General Issues Committee on Report FCS22003/LS22006/PED22018 respecting Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, include greater clarity on enforcement and definition of Signs in Appendix “A” to the report, campaign materials on bus shelters, the rationale for the 100m radius from polling stations, property line locations, vehicle wraps, whether the matters fall under municipal or provincial jurisdiction, and allow for public consultation, where appropriate (for matters not legislated by the Municipal Act);
- (c) That the contents of Appendix “C” to Report FCS22003 / LS22006 / PED22018, remain confidential.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City of Hamilton is authorized to pass by-laws respecting signs pursuant to paragraph 10 of subsection 10(2) of the *Municipal Act*, 2001.

Signs, including Election Signs, are a form of expression protected under section 2(b) of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”). Section 1 of the *Charter* permits the imposition of “reasonable limits” on the rights and freedoms guaranteed under the *Charter*. Attached as Appendix “C” to this Report is a confidential appendix outlining *Charter* considerations.

Enactment of the proposed By-law To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs will require the amendment of By-law No. 17-225, the By-law to Establish a System of Administrative Penalties.

RELEVANT CONSULTATION

Internal Staff from By-Law Services, Financial Services and Transportation Planning and Parking have been consulted in the review of the By-law.

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Additionally, staff consulted externally with municipal counterparts through the Municipal Elections Working Group and assessed Election Sign By-laws from municipalities across the province.

In the research and drafting of the amendments to the Sign By-law, Staff reviewed feedback received from the community and candidates following the 2018 Municipal election. Additional feedback and input from the community was received via email and through communications prior to the January 11, 2022 Planning Committee meeting.

A revised version of the Sign By-law amendment, based on feedback from the January 11, 2022 Planning Committee meeting, was made public for further consultation between the period of January 25, 2022 and February 1, 2022. The public was invited to review the proposed Sign By-law amendments and provide feedback directly to elections staff. During this consultation period, staff received five emails. Feedback and commentary was provided specifically on the following sections of the Sign By-law amendment:

Section 1- definition of “Election Sign”- an email was received requesting clarification that the definition did not include issue-based signs. Additionally, a question was raised about the applicability of the definition to clothing. In both instances email confirmation was provided by staff that the revised version of the Sign By-law amendment clarified these issues.

Section 17- ‘no person shall display an Election Sign with electronic message display’- a suggestion was made that this clause be removed given the prevalence of electronic signage.

Section 24(c)- ‘restrict signage within 25 metres of a voting place’- Feedback received expressed concern with restricting the ability of the community to post signs on private property; raised the issue of enforceability; and questioned whether signs in the immediate area of a voting place would influence voters

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In advance of each municipal election, staff review and consider existing policies and procedures related to elections to ensure clarity, effectiveness, alignment to legislation, and also to identify potential areas for improvement or enhancement. Through recent review, staff have identified the Sign By-law as it pertains to election signage, as a key document requiring updating in advance of the 2022 Provincial and Municipal Elections.

Since the enactment of the Sign By-law there have been changes to the *Municipal Elections Act, 1996* (the “MEA”), including the regulation of third-party advertisers and enhancements to the types and mediums of signs used within municipal campaigns.

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**SUBJECT: Election Sign By-Law (FCS22003/LS22006/PED22018) (City Wide) -
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While the majority of the content in the Sign By-law, as it pertains to Election Signs, remains static and relevant, this has resulted in a need to update aspects of the existing Sign By-law to modernize the content and ensure that the by-law aligns with rights guaranteed under the Charter.

In the proposed By-Law To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, regulations respecting Election Signs have been separated from the main body of the Sign By-law and included as a separate Schedule. While these proposed amendments to the Sign By-law maintain many of the regulations from the existing Sign By-law, a separate, stand-alone Schedule would provide greater clarity to, and ease of reference for, members of the public, candidates and third-party advertisers throughout the campaign period, while maintaining connection to the existing Sign By-law and avoiding duplication.

While retaining the existing prohibition against Election Signs on City Property, apart from posterage in designated areas, the draft Sign By-law amendment contains additional language permitting the holding of a hand-held Election Sign; the display of an Election Vehicle Sign while affixed to a vehicle that is in use on any Roadway, or authorized parking space; and the display of an Election Sign on commercial advertising space owned or operated by the City or one of its agencies, boards or commissions.

The draft Sign By-law amendment provides further clarification surrounding Third Party requirements for signage. Amendments to the MEA created a regulatory framework for Third Party advertising including requirements for contact information to be included on Third Party advertisements. The proposed amendments to the Sign By-law incorporate this requirement to enhance the ability of staff to identify and contact Election Sign owners should there be a violation of the by-law.

Efforts have additionally been made to enhance the Sign By-law respecting Election Signs to consider additional signage and mediums that are not specifically identified in the current Sign By-law. The definition of 'Election Sign' has been expanded to consider more mediums and approaches including Election Vehicle Signs, which have been specifically addressed within the draft Sign By-law amendment; and election bumper stickers which have been excluded from application of the Sign By-law. By specifically enhancing the definition of Election Sign and addressing alternate forms of election signage, these amendments intend to limit grey areas and provide greater clarity.

Definition of Election Sign

In accordance with feedback received during the Planning Committee meeting and from the community, the definition of Election Sign has been further updated to enhance clarity. The intent of the by-law is to include signs relating to candidates or to a question

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on the ballot during the period of an election. To ensure that this intention is clear, and to avoid misinterpretation, the definition of ‘Election Sign’ was updated as follows:

“Election Sign” means any object, entity, thing, surface, structure, display and any other component parts which are used as a visual medium or display for the purposes of:

- (i) advertising, promoting, opposing or taking a position with respect to any Candidate, Election, political party, or question or by-law submitted to the electors on the ballot under the Canada Elections Act, the Election Act, the Municipal Elections Act, 1996, or any other legislation; or
- (ii) influencing electors to vote for or against a Candidate, political party, or question or by-law submitted to the electors on the ballot under the Canada Elections Act, the Election Act, the Municipal Elections Act, 1996, or any other legislation.

An Election Sign can take any form but does not include Election Campaign Material or an Election Bumper Sticker.

Further, a definition of “Election Campaign Material”, which includes clothing as an example, was added to clarify that clothing is not considered to be signage. Enforcement of this section of the by-law will be limited to Election Signs as defined above and will not include enforcement of issue-based signage provided that such signage adheres to the regulations in the broader Sign By-law.

Vicinity of Voting Place on Voting Day

Staff reviewed restrictions on Election Signs near voting places on voting day and advance voting days (collectively “Voting Days”). The current Sign-By is silent in defining what the “immediate vicinity of the voting place” is. In the version of the Sign By-law amendment considered at Planning Committee on January 11, 2022, a restriction to prevent Election Signs from being placed within 100 metres of a voting place during Voting Days was proposed.

Concern was raised with regard to enforceability, and the reasonableness of this specific distance, and in response, staff have amended the provision so as to restrict signs within 25 metres of a voting place on Voting Days. Staff are recommending a measurable distance to support enforceability and feel that including this restriction is important to reduce influence on voters, consistent with Section 48 of the MEA which provides:

Prohibition

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48 (1) While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes. 1996, c. 32, Sched., s. 48 (1)

No election campaign material

(2) Without limiting the generality of subsection (1), no person shall display a candidate's election campaign material or literature in a voting place. 1996, c. 32, Sched., s. 48 (2).

Interpretation

(3) For the purpose of this section,

“voting place” includes any place in the immediate vicinity of the voting place designated by the clerk.

As this restriction is limited only to Voting Days and is at the lower end of that enforced in similar by-laws across the province, staff believe that this is a reasonable restriction aimed at limiting the influence on electors in a voting place.

Commercial Advertising

Pursuant to the City's Commercial Advertising Policy, commercial advertising, including political advertising, may be permitted on City-Owned or City-controlled assets (ie: bus shelters). Staff will identify any such locations that are located within 25 metres from a voting place and ensure that, consistent with the provisions of the Sign By-law amendment, contract periods for such locations exclude Voting Days. Non-compliant campaign literature or signage posted within 25 metres of a voting place on Voting Days will be removed.

Election Vehicle Signs

Staff reviewed the language surrounding Election Vehicle Signs within the amended Sign By-law, specifically sections which permit Election Vehicle Signs on Roadways and public parking lots, and the prohibition of Election Vehicle Signs within 25 metres of a voting place on Voting Days. Staff revisited comparator by-laws with reference to Election Vehicle Signs to compare approaches and found some divergence in approach. As Election Vehicle Signs under the Sign By-law amendment is a new addition, staff is recommending that the City impose fewer restrictions in terms of locations where a vehicle containing an Election Sign can be parked, and leave existing sections in the amended Sign By-law pertaining to Election Vehicle Signs intact. Following the 2022 Municipal Election, staff will conduct a review to determine if greater restrictions should be imposed on Election Vehicle Signs in any by-law updates in the future.

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

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

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

**SUBJECT: Election Sign By-Law (FCS22003/LS22006/PED22018) (City Wide) -
Page 8 of 9**

Election Signs on Boulevards

To provide clarity to the public, candidates, and third parties relating to permitted locations for Election Signs, new definitions for Roadway, Road Allowance, Sidewalk and Boulevard have been added to confirm that Election Signs are not permitted on any part of a Road Allowance, including on a Boulevard that abuts private property. This prohibition is pre-existing in the current Sign By-law, however staff felt there was a need to clarify intention and the new definitions eliminate any uncertainty that may have existed previously. Elections staff will enhance communication and resources available on the Sign By-law. This will include a detailed fact sheet that will provide key information on the Sign By-law pertaining to Election Signs, including sign placement.

Electronic Message Display

Staff recommend that the prohibition against electronic message display remain. This prohibition is pre-existing in the current Sign By-law and similar prohibitions are found in many comparator by-laws.

Enforcement

City enforcement staff reviewed past practices during elections periods and confirmed that the majority of the enforcement surrounding Election Signage has been complaint based. Proactive enforcement occurs on publicly owned properties (e.g. recreation centres, parks), to ensure compliance with the By-Law.

ALTERNATIVES FOR CONSIDERATION

n/a

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - draft By-Law “To Amend By-law No. 10-197, the Hamilton Sign By-law respecting Election Signs”

Appendix “B” - draft By-Law “To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties”

Appendix “C”- Confidential Legal Opinion

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**SUBJECT: Election Sign By-Law (FCS22003/LS22006/PED22018) (City Wide) -
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OUR Vision: To be the best place to raise a child and age successfully.

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Appendix "A" to Report FSC22003(a)/LS22006(a)/PED22018(a)

Page 1 of 10

Authority: Item,
Report
(FSC22003(a)/LS22006(a)/
PED22018(a))
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON**BY-LAW NO.****To Amend By-law No. 10-197, the Hamilton Sign By-law respecting Election Signs**

WHEREAS Council enacted By-law 10-197, a By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton (the "Hamilton Sign By-law");

AND WHEREAS to provide clarity and ease of reference, Council for the City of Hamilton has determined that it is desirable to amend the Hamilton Sign By-law by deleting provisions related to Election Signs from the main body of the By-law and inserting Schedule 1 which pertains to Election Signs;

AND WHEREAS Council for the City of Hamilton recognizes the importance of the right to freedom of expression and recognizes that Election Signs are a protected form of expression under the Canadian Charter of Rights and Freedoms;

AND WHEREAS the Council for the City of Hamilton seeks to protect the constitutional right to freedom of expression, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
2. The definition of "Election Sign" as set forth in Section 1.1 of this By-law is hereby deleted.
3. Section 4.1(d)(i) of this By-law is hereby amended by deleting the words "or Election Sign".
4. Sections 5.9.1 and 5.9.2 of this By-law are deleted in their entirety and replaced with the following:

Appendix "A" to Report FSC22003(a)/LS22006(a)/PED22018(a)

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"5.9.1. The Regulations pertaining to Election Signs shall be as set forth in Schedule 1 of this By-law."

5. Schedule 1 attached hereto is inserted following Part 11 of this By-law.
6. This By-law comes into force on the day it is passed.
7. All prosecutions and other enforcement processes with respect to Election Signs commenced under Part 7.0 of the Hamilton Sign By-law, as amended, which have not been completed as of the day this By-law comes into force shall be completed under the Hamilton Sign By-law, as amended, as it read prior to this By-law coming into force.

PASSED this _____ , 2022.

F. Eisenberger
Mayor

Andrea Holland
City Clerk

Schedule 1

Election Signs

DEFINITIONS

1. In this Schedule:

"Advance Voting Day" means one or more days that are designated for electors to cast ballots prior to Voting Day;

"Boulevard" means all parts of the Road Allowance, excluding any Roadway or Sidewalk;

"Campaign Office" means a building or structure, or part of a building or structure, used by a Candidate or an agent of a Candidate or by a Registered Third Party or an agent of a Registered Third Party as part of an Election campaign and registered with the Clerk as the Candidate or Registered Third Party's Campaign Office;

"Campaign Office Election Sign" means a sign displayed at a Campaign Office which displays the name of a Candidate in a municipal or school board Election, or the name of a Candidate and/or the name and/or logo of a political party in a federal or provincial Election, or the name of a Registered Third Party and the location of a Candidate's or Registered Third Party's Campaign Office in any Election;

"Candidate" means a person whose nomination to run in a Municipal, Provincial or Federal election, including school board elections, has been certified or confirmed by the necessary Election official as required by the governing legislation;

"City Clerk" means the City Clerk for the City of Hamilton or their designate;

"City Property" means property owned by or under the control of the City, and its agencies, boards or commissions and includes the Road Allowance;

"Director" means the City's Director of Licensing and By-law Services and/or their designate;

"Election" means a federal or provincial election or by-election, a municipal election or by-election, a school board election or by-election, a federal, provincial or municipal referendum and any question submitted to the electors by a federal, provincial or municipal government;

"Election Bumper Sticker" means a label or sticker measuring not more than 7.62 centimetres (3 inches) by 29.21 centimetres (11.5 inches) which is affixed to a

Appendix “A” to Report FSC22003(a)/LS22006(a)/PED22018(a)

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Vehicle and used for the purposes of advertising, promoting, opposing or taking a position with respect to any Candidate, Election or political party, or influencing electors to vote for or against an issue associated with any Candidate, Election or political party, or influencing electors to vote for or against any Candidate or political party or position;

“Election Campaign Material” means pamphlets, brochures or any articles of clothing distributed by or on behalf of a Candidate or Registered Third Party for the same purposes as an Election Sign;

“Election Sign” means any object, entity, thing, surface, structure, display and any other component parts which are used as a visual medium or display for the purposes of:

- (i) advertising, promoting, opposing or taking a position with respect to any Candidate, Election, political party, or question or by-law submitted to the electors on the ballot under the *Canada Elections Act*, the *Election Act*, the *Municipal Elections Act, 1996*, or any other legislation; or
- (ii) influencing electors to vote for or against a Candidate, political party, or question or by-law submitted to the electors on the ballot under the *Canada Elections Act*, the *Election Act*, the *Municipal Elections Act, 1996*, or any other legislation.

An Election Sign can take any form but does not include Election Campaign Material or an Election Bumper Sticker;

“Election Vehicle Sign” means any form of Election Sign, displayed in or on a Vehicle, excluding an Election Bumper Sticker;

“Municipal Elections Act” means the *Municipal Elections Act, 1996*, S.O. 1996, c.32, Sched (MEA) as amended, and any Regulations thereunder;

“Parks By-law” means the City of Hamilton By-law 01-219, as amended or any successor by-law thereto;

“Private Property” means any land or real property other than City Property and includes property owned or under the control of the Provincial or Federal Government and their respective agencies, boards or commissions, and excludes the Road Allowance abutting the Private Property;

“Registered Third Party” means:

- (a) one of the following whose notice of registration has been certified by the City Clerk pursuant to section 88.6 of the *Municipal Elections Act*: (i) an individual who is normally a resident in Ontario; or (ii) a corporation that carries on business in Ontario; or (iii) a Trade Union that holds bargaining rights for employees in Ontario;

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(b) an individual, corporation or other entity that complies with the requirements set forth in section 37 of the *Election Finances Act* and has been registered by the Chief Electoral Officer pursuant to the *Election Finances Act*, where that Act requires; or

(c) an individual, corporation or group that complies with the requirements set forth in section 353 of the *Canada Elections Act* and has been registered by the Chief Electoral Officer pursuant to the *Canada Election Act*, where that Act requires,

And a "Third Party Advertiser" has the same meaning

"Road Allowance" means the allowance for a public road and includes the travelled and untravelled portions, including the Roadway, Boulevard, and Sidewalks;

"Roadway" means that part of a Road Allowance that is improved, designed or ordinarily used for vehicular traffic including reserved lanes, shoulders, curbs and gutters;

"Sidewalk" includes all such parts of a Road Allowance as are set aside and improved primarily for the use of pedestrians;

"Third Party Advertisement" means a sign or advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a Candidate in an Election, or intended to influence persons to vote for or against any Candidate or any question submitted to the electors, and which has been displayed without the authorization, direction or involvement of a Candidate; (See Section 1(1) of the *MEA*)

"Trade Union" means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code (Canada)* and includes a central, regional or district labour council in Ontario;(See Section 1(1) of the *MEA*)

"Vehicle" means a vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, c. H8* as amended;

"Voting Day" means the day on which the final vote is to be taken in an Election; and (See Section 1(1) of the *MEA*)

"Voting Place" means the location(s) where electors cast their ballots as established and approved by the federal, provincial or municipal Election officials and includes the entire property and all the boundaries associated with it, including any abutting Road Allowance, when such Voting Place is located within a City Property or Private Property and shall also include the common elements when the Voting Place is located within a Private Property.

2. Terms used in this Schedule and not defined herein shall have the same meaning as given to those terms in Part 1.0 the By-law.

Appendix "A" to Report FSC22003(a)/LS22006(a)/PED22018(a)**Page 6 of 10****SCOPE**

3. This Schedule applies to and regulates all Election Signs displayed on property within the City. Where a provision of this Schedule conflicts with a provision of any federal or provincial statute or regulation or any By-law, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
4. This Schedule shall not apply to signs displayed by the City or the provincial or federal governments to provide information concerning an Election or any part of an Election process.
5. This Schedule shall not apply to any Road Allowance under the jurisdiction of the Ministry of Transportation.

INTENT

6. In addition to the purposes listed in Section 2.3 of this By-law, the intent of this Schedule is to regulate Election Signs in the City in a manner that recognizes the importance of the constitutional right to freedom of expression and protects and promotes that right, subject only to minimal and reasonable limits, with the intent of authorizing signs that provide members of the public and others with pertinent information relating to upcoming Elections.

ADMINISTRATION

7. The City Clerk shall be responsible for the administration of this Schedule and the Director shall be responsible for the enforcement of this Schedule.

ELECTION SIGNS

8. No person shall display or permit the display of an Election Sign except in accordance with:
 - (a) section 4.1 of this By-law (General Prohibitions and Regulations);
 - (b) section 5.1 of this By-law (Prohibited Signs); and
 - (c) the specific regulations set forth in this Schedule.
9. A person shall be deemed to be displaying an Election Sign if that person has custody of, or control over, the sign or the property on which the Election Sign is located.

TIMING

Appendix “A” to Report FSC22003(a)/LS22006(a)/PED22018(a)**Page 7 of 10**

10. No person shall display or permit the display of an Election Sign associated with a federal or provincial Election, prior to the date the writ of election is issued.
11. No person shall display or permit the display of an Election Sign associated with a municipal Election before 28 days in advance of Voting Day.
12. Notwithstanding section 11 of this Schedule, Campaign Office Election Signs for Candidates may be displayed once a Candidate has filed their nomination papers and paid the required filing fee or a Third Party Advertiser has registered with the City Clerk.
13. Notwithstanding section 11 of this Schedule, Election Vehicle Signs may be displayed once a Candidate has filed their nomination papers and paid the required filing fee or a Third Party Advertiser has registered with the City Clerk.

SIZE

14. No person shall display or permit the display of an Election Sign with a sign area greater than 1.5 square meters when it is located on a property used for residential purposes including:
 - (a) a Single Detached Dwelling;
 - (b) a Semi Detached Dwelling;
 - (c) a Duplex;
 - (d) a Triplex;
 - (e) a Fourplex or Quadruplex;
 - (f) a Street Townhouse;
 - (g) a Mobile Home;
 - (h) a Residential Care Facility for 6 or less residents;
 - (i) a Lodging House for 6 or less lodgers;
 - (j) a Retirement Home for 6 or less residents; or
 - (k) an Emergency Shelter for 6 or less residents.
15. An Election Sign with a sign area larger than 1.5 square meters that is displayed on a property with a use other than as described in section 14 (a)-(k) inclusive of this Schedule, shall comply with all applicable regulations under Part 5 of this By-law provided that no permit, except any permit required under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, if applicable, is required.

CONTENT

16. Third Party Advertisements, including any Election Signs, shall contain valid and current contact information including the name of the Registered Third Party, the municipality where the Registered Third Party is registered (if applicable), and a telephone number, mailing address or email address at which the Registered Third Party may be contacted. This contact information shall be displayed using a minimum font size of 24. (See section 88.5 of the *MEA*)

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17. No person shall display an Election Sign with electronic message display.
18. Except for a sign displayed by the City in accordance with section 4 of this Schedule, no person shall reproduce the City’s logo, the logo of the Hamilton Street Railway, the logo of the Hamilton Police Service, the City’s municipal election logo, or any other logo in which the City holds an interest, or the City’s crest or seal, in whole or in part, on any Election Sign, or Election Campaign Materials. For the purposes of this section, any reference to “City” includes the City’s agencies, boards and commissions.
19. No person shall display an Election Sign unless it contains all information required by applicable federal, provincial or municipal law, or any regulation thereunder.

LOCATION**City Property**

20. Except as permitted by section 21 of this Schedule, no person shall display or permit the display of an Election Sign on City Property.
21. The following Election Signs are permitted on City Property:
 - (a) the holding of a hand-held Election Sign;
 - (b) the display of a Poster in accordance with the regulations set forth in section 5.8.2(f) of this By-law;
 - (c) an Election Vehicle Sign while affixed to a Vehicle that is in use on any Roadway in the City in accordance with all applicable laws and by-laws, or while in use on any roadway as defined in the Parks By-law, or while authorized to be parked in any municipal parking lot, authorized on street parking space, or public parking area or parking space as defined by the Parks By-law; and
 - (d) the display of an Election Sign on commercial advertising space owned or operated by the City or one of its agencies, boards or commissions where the advertising has been approved by the City or one of its agencies, boards or commissions pursuant to the City’s Policy for Commercial Advertising and Sponsorship.

Private Property

22. No person shall display or permit the display of an Election Sign on Private Property or display or permit the display of an Election Vehicle Sign on a Vehicle

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except with the permission of the owner of the Private Property or owner of the Vehicle as the case may be.

23. No person shall display or permit the display of an Election Sign on any portion of the Road Allowance, including any portion of the Boulevard that abuts Private Property.

24. In accordance with section 88.2 of the *Municipal Elections Act, 1996*, owners of, or tenants in, an apartment building, condominium building, non-profit housing cooperative or a gated community may display Election Signs on the premises that they own or lease subject to any reasonable restrictions on the size or type of Election Sign that may be established by the landlord, property manager, cooperative or condominium corporation.

ON VOTING DAY OR ADVANCE VOTING DAY

25. No person shall display or permit the display of an Election Sign:

(a) at a property used as a Voting Place on Voting Day or on an Advance Voting Day;

(b) at a property used for the administration of Election processes on Voting Day or on an Advance Voting Day; or

(c) within 25 metres of any Voting Place on Voting Day or on an Advance Voting Day.

(See section 48 of the *MEA*)

26. For certainty, section 25 of this Schedule applies to Election Vehicle Signs.

REMOVAL

27. Candidates and Registered Third Parties shall remove all Election Signs no later than seventy-two (72) hours following 11:59 p.m. on Voting Day of the Election for which the Election Sign was displayed.

28. Notwithstanding section 27 of this Schedule, where an Election Sign has been displayed on Private Property, the owner or occupant of the property shall ensure that the Election Sign is removed within the time frame set out in section 26 of this Schedule.

29. No person shall dispose of an Election Sign on City Property except in receptacles designated for waste or recycling.

Appendix “B” to Report FCS22003(a)/LS22006(a)/PED22018(a)

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Authority: Item,
Report
(FCS22003(a)/LS22006(a)/
PED22018(a))
CM:
Ward: City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO.****To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties**

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No, 17-225.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule A of By-law No. 17-225 is amended by deleting the words “/election sign” from Table 16, Item No. 14.
3. Schedule A of By-law No. 17-225 is amended by deleting the Heading “Election Signs” and Items 221-236 from Table 16.
4. Schedule A of By-law No. 17-225 is amended by adding a new heading following Item 326 of Table 16 which reads: “Schedule 1- Election Signs”.
5. Schedule A of By-law No. 17-225 is amended by adding the following items following the heading “Schedule 1- Election Signs” to Table 16:

Item	Column 1 Designated By-law & Section		Column 2 Short Form Wording	Column 3 Set Penalty
327	10-197 Schedule 1	10	display/permit display of Election Sign associated with Federal/Provincial Election before writ of election is issued	\$50.00
328	10-197 Schedule 1	11	display/permit display of Election Sign associated with Municipal Election	\$50.00

Appendix "B" to Report FCS22003(a)/LS22006(a)/PED22018(a)

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			before 28 days in advance of Voting Day	
329	10-197 Schedule 1	14(a)	display/permit display of Election Sign exceeding 1.5 square meters on property of Single Detached Dwelling	\$50.00
330	10-197 Schedule 1	14(b)	display/permit display of Election Sign exceeding 1.5 square meters on property of Semi Detached Dwelling	\$50.00
331	10-197 Schedule 1	14(c)	display/permit display of Election Sign exceeding 1.5 square meters on property of Duplex	\$50.00
332	10-197 Schedule 1	14(d)	display/permit display of Election Sign exceeding 1.5 square meters on property of Triplex	\$50.00
333	10-197 Schedule 1	14(e)	display/permit display of Election Sign exceeding 1.5 square meters on property of Fourplex or Quadruplex	\$50.00
334	10-197 Schedule 1	14(f)	display/permit display of Election Sign exceeding 1.5 square meters on property of Street Townhouse	\$50.00
335	10-197 Schedule 1	14(g)	display/permit display of Election Sign exceeding 1.5 square meters on property of Mobile Home	\$50.00
336	10-197 Schedule 1	14(h)	display/permit display of Election Sign exceeding 1.5 square meters on property of Residential Care Facility for 6 or less residents	\$50.00
337	10-197 Schedule 1	14(i)	display/permit display of Election Sign exceeding 1.5 square meters on property of Lodging House for 6 or less lodgers	\$50.00
338	10-197 Schedule 1	14(j)	display/permit display of Election Sign exceeding 1.5 square meters on property of Retirement Home for 6 or less residents	\$50.00
339	10-197 Schedule 1	14(k)	display/permit display of Election Sign exceeding 1.5 square meters on property of Emergency Shelter for 6 or less residents	\$50.00
340	10-197 Schedule 1	15	display/permit display of Election Sign exceeding 1.5 square meters on permitted property not in accordance with regulations of By-law	\$100.00
341	10-197 Schedule 1	16	display/permit display of Third Party Advertisement without required information provided in font size of 24 or more	\$100.00
342	10-197 Schedule 1	17	display/permit display of Election Sign with electronic message display	\$50.00
343	10-197 Schedule 1	18	display/permit display of Election Sign containing City's logo	\$200.00
344	10-197 Schedule 1	18	display/permit display of Election Sign containing logo of Hamilton Street Railway	\$200.00
345	10-197 Schedule 1	18	display/permit display of Election Sign containing logo of Hamilton Police Service	\$200.00
346	10-197 Schedule 1	18	display/permit display of Election Sign containing Municipal election logo	\$200.00
347	10-197 Schedule 1	18	display/permit display of Election Sign containing logo in which the City holds an interest	\$200.00
348	10-197 Schedule 1	18	display/permit display of Election Sign containing City's crest or seal	\$200.00

Appendix "B" to Report FCS22003(a)/LS22006(a)/PED22018(a)

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349	10-197 Schedule 1	19	display/permit display of Election Sign that fails to contain all information required by applicable law	\$50.00
350	10-197 Schedule 1	20	display/permit display of Election Sign on City Property, except as permitted by section 21 of Schedule 1	\$100.00
351	10-197 Schedule 1	21(b)	display/permit display of Poster Election Sign on City Property not in accordance with Section 5.8.2(f) of By-law	\$100.00
352	10-197 Schedule 1	22	display/permit display of Election Sign on private property without permission of owner	\$200.00
353	10-197 Schedule 1	22	display/permit Display of Election Vehicle Sign on Vehicle without permission of owner	\$200.00
354	10-197 Schedule 1	23	Display/permit display of Election Sign on Road Allowance abutting Private Property	\$50.00
355	10-197 Schedule 1	25(a)	display/permit display of Election Sign at Voting Place on Voting Day or Advance Voting Day	\$200.00
356	10-197 Schedule 1	25(b)	display/permit display of Election Sign at property used for administration of Election processes on Voting Day or Advance Voting Day	\$200.00
357	10-197 Schedule 1	25(c)	display/permit display of Election Sign within 25 metres of Voting Place on Voting Day or Advance Voting Day	\$200.00
358	10-197 Schedule 1	27	Candidate/Registered Third Party fail to remove Election Signs within 72 hours following 11:59pm on Voting Day	\$50.00
359	10-197 Schedule 1	28	owner/occupant fail to ensure Election Sign is removed within 72 hours following 11:59pm on Voting Date	\$50.00
360	10-197 Schedule 1	29	dispose of Election Sign on City Property except in designated receptacles	\$50.00

PASSED this _____, 2022.

F. Eisenberger
Mayor

Andrea Holland
City Clerk

CITY OF HAMILTON MOTION

General Issues Committee: February 16, 2022

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY MAYOR / COUNCILLOR

Local Tree Planting Initiatives in the City of Hamilton

WHEREAS, the City of Hamilton has declared a Climate Emergency;

WHEREAS, the Federal Government has created a program to plant 2 billion trees over 10 years;

WHEREAS, \$3.2 Billion will be invested in tree planting efforts to support Provinces, Territories, Third Party Organizations (for and not-for-profit) and Indigenous organizations;

WHEREAS, the Federal Government has recently issued a Call for Proposals (December 16, 2021) to access federal tree planting resources;

WHEREAS, the program identifies cost-shared tree planting projects as one of two funding streams;

WHEREAS, trees can be planted on public lands;

WHEREAS, the City of Hamilton has funded its own tree planting program for nearly two decades;

WHEREAS, Indigenous people are the original Hamiltonians and the original people of the Ancaster, Stoney Creek, Glanbrook, Flamborough, and Dundas areas;

WHEREAS, the City of Hamilton has approved the development of the Hamilton Urban Indigenous Strategy;

WHEREAS, Hamilton’s Urban Indigenous Strategy’s Indigenous Relations team will assist to engage, support, and collaborate;

WHEREAS, the City of Hamilton continues to work with the local urban Indigenous and treaty territories; and,

WHEREAS, Hamilton's Urban Indigenous Strategy, through its commitment of implementing the Strategy, focuses on strengthening the City's relationship with the local indigenous community;

THEREFORE, BE IT RESOLVED:

That staff be directed to consult with representatives of Six Nations of the Grand River, the Mississaugas of the Credit First Nations, the Huron-Wendat Nation, and the Joint Stewardship Board representatives, as well as representatives of Hamilton's urban Indigenous community/organizations for the purpose of establishing partnerships to access federal funding to assist with local tree planting initiatives in the City of Hamilton, and report back to the General Issues Committee.