



## City of Hamilton

### CITY COUNCIL REVISED

22-004

Wednesday, February 23, 2022, 9:30 A.M.

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

All electronic meetings can be viewed at:

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

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

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#### Call to Order

#### 1. APPROVAL OF AGENDA

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

#### 2. DECLARATIONS OF INTEREST

#### 3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1. February 9, 2022

#### 4. COMMUNICATIONS

4.1. Correspondence from the Multi-Municipal Wind Turbine Working Group respecting an invitation to participate in the working group's meetings.

Recommendation: Be received.

- 4.2. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in appreciation of the City of Hamilton's participation in the Ontario-Municipal Housing Affordability Summit on January 19, 2022 where key themes were identified.

Recommendation: Be received.

- 4.3. Correspondence from the Municipality of Shuniah requesting support for their resolution respecting the expansion of Northern Ontario School of Medicine (NOSM) to address the urgent need for physicians in Northern Ontario.

Recommendation: Be received.

- 4.4. Correspondence from the Township of Limerick requesting support for their resolution respecting Gypsy Moth Spraying.

Recommendation: Be received.

- 4.5. Correspondence from Joshua Weresch respecting the Newlands Park Fitness and Rock-Climbing Equipment, Hamilton (Ward 8) motion considered at the February 14, 2022 Public Works Committee meeting.

Recommendation: Be received and referred to the consideration of Item 3 of Public Works Committee Report 22-003.

- 4.6. Correspondence respecting the Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12):

- a. Monica McCrory
- b. Jeff Marshall
- c. Samantha Lawson
- d. Jessie Blake
- e. Karen & Paul Shields
- f. Aimee Frketich

Recommendation: Be received and referred to the consideration of Item 5 of Planning Committee Report 22-003.

- 4.7. Correspondence from the Honourable David Lametti, Minister of Justice and Attorney General of Canada in response to the Mayor's letter respecting Council's support for the Federation of Canadian Municipalities resolution entitled Strengthening Canada's

Hate Speech Laws.

Recommendation: Be received.

- 4.8. Correspondence from Pat Mandy, Chair, Hamilton Police Services Board in response to the proposed resolution regarding Hamilton Police Service Board and Hamilton Police Services failure to provide adequate and effective police services in long-term care homes in the City of Hamilton.
- Recommendation: Be received.
- 4.9. Correspondence from the Honourable Ahmed Hussen, Minister of Housing and Diversity and Inclusion in response to the Mayor's letter regarding the City of Hamilton's endorsement of the resolution from the County of Huron concerning homelessness in Ontario.
- Recommendation: Be received.
- 4.10. Correspondence from the Honourable Doug Ford, Premier of Ontario in response to the Mayor's letter regarding Council's resolution respecting Bill 17, Gender Affirming Health Care Advisory Committee Act.
- Recommendation: Be received.
- 4.11. Correspondence respecting Permanent Program for Temporary Outdoor Patios (PED22051) (City Wide):
- a. Sal Fiorino, Owner, Capri
  - b. Herb Wodehouse, Chair, International Village Board of Management
  - c. Jason & Rachel Hofing, Owners, RELAY Coffee Roasters
  - d. Kerry Jarvi, Executive Director, Downtown Hamilton Business Improvement Area
  - e. Susan Pennie, Executive Director, Waterdown BIA
  - f. Koosh, Owner and Operator, Kamoosh Bistro
  - g. Kim Nolan
  - h. Tim Nolan
  - \*i. Bettina Schormann, Pastry Chef/Proprietor, Earth to Table: Bread Bar
  - \*j. Mark A. McNeil
  - \*k. Cristina Geissler, Executive Director, Concession BIA

\*l. Pat Cameron

\*m. Aznive Mallett

\*n. Paula Kilburn

\*o. Locke Street BIA

\*p. Stoney Creek BIA

\*q. Westdale Village BIA

Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 22-003.

- 4.12. Correspondence from Matt Webber, Owner, Berkeley North requesting Council support to allow King William St. to close to traffic again for the Spring and Summer months.

Recommendation: Be received.

- \*4.13. Correspondence from Aaron Waxman, IronPoint, formally requesting a deferral of the Planning Committee decision respecting 442-462 Wilson St. E. Ancaster, UHOPA 21-023 and ZAC 21-049 (Ward 12) (PED22037)

Recommendation: Be received and referred to the consideration of Item 5 of Planning Committee Report 22-003.

- \*4.14. Correspondence from Pitman Patterson, Borden Ladner Gervais respecting Official Plan Amendment UHOPA-22-001, Zoning By-law Amendment ZAC 22-003, 65 Guise Street East (Pier 8, Block 16), Hamilton.

Recommendation: Be received and referred to the consideration of Item 4 of Planning Committee Report 22-003.

## 5. COMMITTEE REPORTS

5.1. Board of Health Report 22-002 - February 14, 2022

5.2. Public Works Committee Report 22-003 - February 14, 2022

5.3. Planning Committee Report 22-003 - February 15, 2022

5.4. General Issues Committee Report 22-005 - February 16, 2022

5.5. Audit, Finance and Administration Committee Report 22-004 - February 17, 2022

5.6. Emergency and Community Services Committee Report 22-003 - February 17, 2022

## **6. MOTIONS**

- 6.1. Glenside Pathway Pedestrian Lighting Improvements (Ward 1)
- 6.2. Amendment to Item 37 of the General Issues Committee Report 20-023, respecting Report PED20209 - Acquisition of 154-156 Cannon Street East (Ward 2), which was approved by Council on December 16, 2020

## **7. NOTICES OF MOTIONS**

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

## **9. COUNCIL COMMUNICATION UPDATES**

- 9.1. February 4, 2022 to February 17, 2022

## **10. PRIVATE AND CONFIDENTIAL**

- 10.1. Closed Session Minutes - February 9, 2022

Pursuant to Section 9.1, Sub-section (b) and (d) of the City's Procedural By-law 21-021, as amended and Section 239(2), Sub-sections (b) and (d) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; and, labour relations or employee negotiations.

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

- 11.1. 028

To Amend By-law No. 01-215, Being a By-law To Regulate Traffic

Schedule 2 (Speed Limits)

Schedule 3 (Flashing School Zones)

Schedule 5 (Stop Sign Locations)

Schedule 9 (No Right Turn on Red)

Schedule 18 (Bicycle Lanes)

Schedule 20 (Combined Foot & Bicycle Path)

Schedule 29 (Weight Restrictions on Bridges)

Schedule 31 (Designated Areas – Reduced Speed Limits)

Schedule 34 (Community Safety Zones)

Ward: 1, 2, 3, 4, 5, 6, 8, 9, 10,11,12, 13, 14, 15

- 11.2. 029  
To Amend By-law No. 01-218, as amended,  
Being a By-law to Regulate On-Street Parking  
Schedule 8 – No Parking  
Schedule 12 – Permit Parking  
Schedule 13 – No Stopping  
Schedule 14 – Wheelchair LZ  
Wards: 1,2,3,4,6,7,10,15
- 11.3. 030  
To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties  
Ward: City Wide
- 11.4. 031  
To Amend By-law No. 10-197, the Hamilton Sign By-law respecting Election Signs  
Ward: City Wide
- 11.5. 032  
To Authorize the Signing of a Municipal Funding Agreement for the Transfer of the Improving Wastewater and Stormwater Discharges in Lake Ontario Funding Program Funds between the Ministry of Environment, Conservation and Parks and the City of Hamilton  
Ward: City Wide
- 11.6. 033  
To Authorize the Signing of a Contribution Agreement for the Transfer of Canada Community Revitalization Funds between the Federal Economic Development Agency for Southern Ontario / Government of Canada and the City of Hamilton  
Ward: City Wide
- 11.7. 034  
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.  
Ward: City Wide

- 11.8. 035  
To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council  
Ward: City Wide
- 11.9. 036  
To Authorize the Signing of a Municipal Funding Agreement for the Transfer of the Improving, Monitoring and Public Reporting of Sewage Overflows and Bypasses Funding Program Funds Between the Ministry of Environment, Conservation, and Parks and the City of Hamilton  
Ward: City Wide
- 11.10. 037  
To Amend Zoning By-law No. 05-200, Respecting Lands located at 3300 Homestead Drive, Glanbrook  
Ward: 11
- 11.11. 038  
To Amend Hamilton Zoning By-law No. 05-200  
Respecting Lands Located at 461 Green Road, Stoney Creek  
Ward: 10
- 11.12. 039  
Official Plan Amendment No. 144 to the Urban Hamilton Official Plan  
Respecting: 1400 Baseline Road  
(Stoney Creek)  
Ward: 10
- 11.13. 040  
To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 1400 Baseline Road (Stoney Creek)  
Ward: 10
- 11.14. 041  
The appointments of a chief building official, Deputies and inspectors and to repeal by-law 16-143  
Ward: City Wide

\*11.15. 042

Respecting Removal of Part Lot Control, Part of Block 1, Registered Plan No. 62M-1281, municipally known as 3311 Homestead Drive, Glanbrook

PLC-22-005

Ward: 11

11.16. 043

To Confirm Proceedings of Council

**12. ADJOURNMENT**





## CITY COUNCIL MINUTES 22-003

9:30 a.m.  
February 9, 2022  
Council Chamber  
Hamilton City Hall  
71 Main Street West

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

**Absent:** Councillor T. Jackson - Personal

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

### APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

#### 4. COMMUNICATIONS

*Revised Disposition:*

- 4.15 Correspondence from Golder Associates Ltd. informing the City of Hamilton of Enbridge Gas Inc. (Enbridge Gas) proposed pipeline project to meet the increased demand for energy in Hamilton, Brantford, Brant County, North Dumfries, Haldimand County and Norfolk County and requesting input and comments respecting the project by March 22, 2022.

Recommendation: Be received ~~and referred to Growth Management Division staff for a report back to the General Issues Committee.~~ **and referred to Growth Management**

*Added Communication:*

- 4.17 Correspondence from the Hamilton Farmers' Market Board respecting the Vision of Hamilton Farmers' Market for City, and Feasibility of Greater Private Sector Role in Operations and Management of the Market and the Associated Space.

Recommendation: Be received and referred to the consideration of Item 2 of Sole Voting Member of the Hamilton Farmers' Market Report 22-001.

**10. PRIVATE AND CONFIDENTIAL**

- 10.1 Personnel Matter (no copy)

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

- 026 To Authorize the Signing of a Transfer Payment Agreement for the Transfer of Audit and Accountability Funds between Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing and the City of Hamilton  
Ward: City Wide

**(Pearson/Johnson)**

That the agenda for the February 9, 2022 meeting of Council be approved, **as amended.**

**CARRIED**

**DECLARATIONS OF INTEREST**

Councillor A. VanderBeek declared an interest to Item 2 of the General Issues Committee Report 22-004 respecting Vacant Home Tax in Hamilton (FCS21017(b)), as she is a rental property landlord.

Councillor S. Merulla declared an interest to Item 2 of the General Issues Committee Report 22-004, respecting Vacant Home Tax in Hamilton (FCS21017(b)), as he and his wife are rental property landlords.

Councillor M. Pearson declared an interest to Item 2 of the General Issues Committee Report 22-004, respecting Vacant Home Tax in Hamilton (FCS21017(b)), as she and her husband are rental property landlords.

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

**3. January 19, 2022 (Item 3.1)**

**(Farr/Ferguson)**

That the Minutes of the January 19, 2022 meeting of Council be approved, as presented.

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

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

<b>COMMUNICATIONS</b>
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**(VanderBeek/Wilson)**

That Council Communications 4.1 to 4.17 be approved, as presented, as follows:

- 4.1 Correspondence from Concerned Citizens of Ward 1 respecting the events that transpired at JC Beemer Park.  
  
Recommendation: Be received.
  
- 4.2 Correspondence from the City of Burlington requesting support for their resolution calling on the Federal and Provincial governments to support the survival of small businesses during Modified Step 2 of the Roadmap to Reopen.  
  
Recommendation: Be received.
  
- 4.3 Correspondence from the Township of Terrace Bay requesting support for their resolution in support of Northwestern Ontario Municipal Association's (NOMA) resolution granting Ontario Municipalities the same revenue tools as the City of Toronto including a Municipal Land Transfer Tax to be renamed Land Transfer Infrastructure Support.  
  
Recommendation: Be received.
  
- 4.4 Correspondence from the Town of Bracebridge requesting support for their resolution respecting priority consideration by the Provincial Government and its agencies for increased and sustainable funding for Muskoka Parry Sound Sexual Assault Services (MPSSAS) and other sexual assault services centres.  
  
Recommendation: Be received.

- 4.5 Correspondence from Rose Janson and Family respecting the restorative power of nature.
- Recommendation: Be received.
- 4.6 Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions.
- Recommendation: Be received.
- 4.7 Correspondence from Thomas Bell, No Nuisance Noise Ontario requesting Council's assistance to help constituents to experience a quieter, less noise-polluted life while aiding millions of other Ontarians in enjoying a quieter world as well.
- Recommendation: Be received.
- 4.8 Correspondence from Keanin Loomis, resigning from the Physician Recruitment and Retention Steering Committee.
- Recommendation: Be received.
- 4.9 Correspondence from the Honourable Caroline Mulroney, Minister of Transportation respecting an update on the proposal to upgrade the intersection of Highway 5 and 6.
- Recommendation: Be received.
- 4.10 Correspondence from the City of Brantford requesting support for their resolution insisting that the government address the Revolving Door of Justice – Accountability for Sureties and Swift Justice.
- Recommendation: Be received.
- 4.11 Correspondence from Walter Furlan respecting the proximity of injection clinics to primary schools.
- Recommendation: Be received.
- 4.12 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the approved funding for the City of Hamilton Digital Services Modernization Review project, of up to \$254,400 towards the cost of an independent third-party reviewer to deliver a final report with detailed and actionable recommendations for efficiencies and cost savings.
- Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for appropriate action.

- 4.13 Correspondence from Paul Dube, Ombudsman of Ontario respecting the City of Hamilton's Board of Health meeting on August 11, 2021.

Recommendation: Be received.

- 4.14 Correspondence from Jennifer Mann respecting the Roadside Memorial Policy.

Recommendation: Be received and referred to the consideration of Item 2 of Public Works Committee Report 22-002.

- 4.15 Correspondence from Golder Associates Ltd. informing the City of Hamilton of Enbridge Gas Inc. (Enbridge Gas) proposed pipeline project to meet the increased demand for energy in Hamilton, Brantford, Brant County, North Dumfries, Haldimand County and Norfolk County and requesting input and comments respecting the project by March 22, 2022.

Recommendation: Be received.

- 4.16 Correspondence from the Honourable Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing respecting the Steps to Cautiously and Gradually Ease Public Health Measures While Protecting Hospital and Health Care Capacity.

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

- 4.17 Correspondence from the Hamilton Farmers' Market Board respecting the Vision of Hamilton Farmers' Market for City, and Feasibility of Greater Private Sector Role in Operations and Management of the Market and the Associated Space.

Recommendation: Be received and referred to the consideration of Item 2 of Sole Voting Member of the Hamilton Farmers' Market Report 22-001.

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

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

YES - Ward 9 Councillor Brad Clark

**(VanderBeek/Powers)**

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

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

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

**PUBLIC WORKS COMMITTEE REPORT 22-002**

**(Nann/Powers)**

That Public Works Committee Report 22-002, being the meeting held on Monday, January 31, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Public Works Committee Report 22-002, CARRIED by a vote of 14 to 0, as follows:**

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

**PLANNING COMMITTEE REPORT 22-002**

**(Wilson/Danko)**

That Planning Committee Report 22-002, being the meeting held on Tuesday, February 1, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Planning Committee Report 22-002, CARRIED by a vote of 14 to 0, as follows:**

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

**GENERAL ISSUES COMMITTEE REPORT 22-004**

**(VanderBeek/Ferguson)**

That General Issues Committee Report 22-004, being the meeting held on Wednesday, February 2, 2022, be received and the recommendations contained therein be approved.

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

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

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 on Item 2 of the General Issues Committee Report 22-004, CARRIED by a vote of 11 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
CONFLICT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
NOT PRESENT - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
CONFLICT - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
CONFLICT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**Result: Motion on the balance of the General Issues Committee Report 22-004, CARRIED by a vote of 14 to 0, as follows:**

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

**SOLE VOTING MEMBER OF THE HAMILTON FARMERS' MARKET REPORT 22-001**

**(VanderBeek/Pauls)**

That Sole Voting Member of the Hamilton Farmers' Market Report 22-001, being the meeting held on Wednesday, February 2, 2022, be received and the recommendations contained therein be approved.

Upon request, Item 2 was voted on separately, as follows:

**2. Vision of Hamilton Farmers' Market for City, and Feasibility of Greater Private Sector Role in Operations and Management of the Market and the Associated Space (Item 11.1)**

WHEREAS, on April 11, 2012, City Council directed staff to conduct a feasibility study on privatizing the management of the Hamilton Farmers' Market, and to look at ways and means to internally reduce the annual subsidy for the Market;



WHEREAS, following considerable research, consultation and analysis, on December 12, 2013, the Hamilton Farmers' Market Sub-Committee approved recommendations directing staff to bring forward a new governance model;

WHEREAS, on May 14, 2014, City Council directed staff to prepare a governance model and implementation plan, prepare a business case, and undertake public consultation;

WHEREAS, on June 12, 2014, the Hamilton Farmers' Market Sub-Committee approved the terms of reference and business case for the establishment of the current Market corporation and governance model;

WHEREAS, on September 4, 2014, the General Issues Committee approved recommendations creating the Hamilton Farmers' Market Corporation, directing the selection of Board members, and authorized staff to negotiate an operating agreement;

WHEREAS, on May 7, 2018, the Hamilton Farmers' Market Corporation Board of Directors approved the Hamilton Farmers' Market Strategic Plan 2016-2020 that had been commissioned by the Board and prepared by 2WA Consulting, Inc;

WHEREAS, on November 23, 2020, the Sole Voting Member of the Hamilton Farmers' Market considered the Hamilton Farmers' Market Governance Report (CM20010), and directed staff to prepare a report that provides a preferred governance and operating model for the Hamilton Farmers' Market Corporation, which prioritizes value-for-dollar invested by the Shareholder, role clarity, enhanced governance and the avoidance of any potential conflicts of interest;

WHEREAS, the first phase of the Hamilton Farmers' Market governance and operational review has been completed, with a report from the Consultant that summarizes the outcome of its research and stakeholder input to date, provides an overview of the current state of the Market, and identifies direction on pursuing the future governance and operational options;

WHEREAS, the neighbourhood surrounding the Market is in the process of undergoing significant change, the nature of the vendors and offerings at the "farmers'" market has been changing, and the Markets' engagement with its customers and the surrounding community has been changing; and,

WHEREAS, having a broader understanding of the vision, role and opportunities for the Hamilton Farmers' Market within its evolving neighbourhood context would assist Council in making any decisions on the preferred governance and operating model;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to undertake a review and consultation on the vision and role of the Hamilton Farmers' Market within the local neighbourhood context, with a focus on engaging surrounding neighbourhood and other interested stakeholders, including using charettes, requests for expressions of interest, and other means, to examine opportunities for the potential future role of the

Market and associated space it occupies in the City facility on York Blvd, within the downtown neighbourhood, and report back to the Sole Voting Member of the Hamilton Farmers' Market, prior to completing the governance and operating review;

- (b) That staff be authorized and directed to retain any necessary consulting services to undertake the consultation and engagement, to an upset limit of \$100,000, to be funded from the Economic Development Reserve (Account 112221); and,
- (c) That staff be directed to hold a charrette with the community-at-large regarding the vision and role of the Hamilton Farmers' Market, and include a summary of that feedback in the forthcoming report to the Sole Voting Member of the Hamilton Farmers' Market.

**Result: Motion on Item 2 of the Sole Voting Member of the Hamilton Farmers' Market Report 22-001, CARRIED by a vote of 11 to 2, as follows:**

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

**Result: Motion on the balance of the Sole Voting Member of the Hamilton Farmers' Market Report 22-001, CARRIED by a vote of 13 to 0, as follows:**

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

YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-003**

**(Pearson/VanderBeek)**

That Audit, Finance and Administration Committee Report 22-003, being the meeting held on Thursday, February 3, 2022, be received and the recommendations contained therein be approved.

Upon request Item 2 (a) was voted on separately, as follows:

**2. Grants Sub-Committee Report 22-001 – January 17, 2022 (Item 10.1)**

**(a) City Enrichment Fund: Equity, Diversity, Inclusion (EDI) Information Report (GRA21003(a)) (City Wide) (Item 4.1)**

WHEREAS, staff were directed to integrate the Equity, Diversity and Inclusion breakdown of the allocated City Enrichment Fund in a form that enables the consistent measurement of outcomes, and report back to the Grants Sub-Committee to be brought forward as an Information Report on January 17, 2022;

WHEREAS, the City application process does not include a self-identification option or questionnaire for applicants to determine or identify whether they are IBPOC-led (Indigenous, Black, and people of colour), women-led, rural or led by other equity seeking groups;

WHEREAS, the current application does not consistently request information about the communities that grant recipients serve and the only program area which captures and measures some aspects of an EDI lens is in Community Services stream; and,

WHEREAS, in order to ensure Equity, Diversity and Inclusion data is being captured consistently across the fund overall;

THEREFORE, BE IT RESOLVED:

- (i) That the Director Government Relations & Community Engagement be directed to incorporate a self-identification tool in the in-take application form in all program areas and streams across the City Enrichment Fund, which identifies:
  - (1) the demographics of populations served by allocated City Enrichment Funds; and,
  - (2) the demographics of leadership within an applicant's board of directors and/or staff; and,

- (ii) That the Director Government Relations & Community Engagement be directed to explore opportunities to enhance City Enrichment Fund accessibility, such as making applications available in multiple languages, various formats, and outreach tactics in order to better reach equity seeking communities, and report back to the Grants Sub-Committee.

**Result: Motion on Item 2 (a) of the Audit, Finance and Administration Committee Report 22-003, CARRIED by a vote of 15 to 0, as follows:**

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

Upon request Item 2 (b) was voted on separately, as follows:

**2. Grants Sub-Committee Report 22-001 – January 17, 2022 (Item 10.1)**

**(b) 2021 City Enrichment Fund Update (GRA22001) (City Wide) (Item 6.1)**

- (i) That the overall 2021 City Enrichment Fund surplus (attached as Appendix “A” to Audit, Finance and Administration Committee Report 22-003), in the amount of \$501,044, be transferred to the City Enrichment Fund Reserve #112230; and,
- (ii) That up to \$500,000 of the City Enrichment Fund reserve funds, be earmarked to investigate potential matching opportunities, throughout the City, to bring to a total fund of \$1M in support for communities and organizations that have been heavily impacted by COVID-19 and the pandemic more broadly, with any funds not allocated to be evenly distributed and returned back to their respective reserves, and report back to the Grants Sub-Committee.

**Result: Motion on Item 2 (b) of the Audit, Finance and Administration Committee Report 22-003, CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson

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

**Result: Motion on the balance of the Audit, Finance and Administration Committee Report 22-003, CARRIED by a vote of 15 to 0, as follows:**

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

**EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 22-002**

**(Clark/Merulla)**

That Emergency and Community Services Committee Report 22-002, being the meeting held on Thursday, February 3, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Emergency and Community Services Committee Report 22-002, CARRIED by a vote of 14 to 0, as follows:**

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

YES - Ward 5 Councillor Russ Powers  
NOT PRESENT - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(VanderBeek/Partridge)**

That the Committee of the Whole Rise and Report.

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

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

<b>MOTIONS</b>
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Mayor Eisenberger relinquished the Chair to Councillor VanderBeek, in order to introduce the following motion.

**6.1 Amendment to Item 3(c) of General Issues Committee Report 21-003, respecting Ban of Electric Scooters from Public Property (City Wide)**

**(Eisenberger/Clark)**

WHEREAS, the Advisory Committee for Persons with Disabilities is recommending an amendment to the parameters within their December 8, 2020 recommendations on the ban for the use of electric and commercial rental electric scooters to remove the conditions that electric scooters be banned until electric scooters and their operators are trained, licensed, insured and regulated by the Province and to specify that electric scooters be banned 'on all City roads, sidewalks and pathways';

WHEREAS, the December 8, 2020 recommendation from the Advisory Committee for Persons with Disabilities respecting the ban for the use of electric and commercial rental electric scooters was referred by the General Issues Committee to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations; and

WHEREAS, Council, at their meeting of August 13, 2021, approved a 24-month Commercial E-Scooter pilot program within the City of Hamilton, also directing staff to consult the Advisory Committee for Persons with Disabilities, the CNIB Foundation and the Seniors Advisory Committee on a quarterly basis with respect to the Commercial E-Scooter pilot program.

THEREFORE, BE IT RESOLVED:

That Sub-section (c) to Item 3 to the General Issues Committee Report 21-003, respecting Ban of Electric Scooters from Public Property (City Wide), be **amended** as follows, in order to specify that electric scooters be banned 'on all City roads, sidewalks and pathways':

- (c) That Item 5 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting the Ban of Electric Scooters from Public Property, **as amended**, by deleting '*until such time that electric scooters, particularly commercial rental electric scooters, and their operators are trained, licensed, insured and are fully and completely regulated by the province of Ontario in the same manner as any other motor vehicle in the province of Ontario*', be referred to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations;

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

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

YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

Mayor Eisenberger assumed the Chair.

**6.2 Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.**

**(Nann/Wilson)**

That the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and reads as follows, be reconsidered:

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct as per Item 4.8, respecting the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that Cameron Kroetsch be and is hereby formally reprimanded as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

**Result: Motion DEFEATED by a 2/3rds vote of 5 to 9, as follows:**

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

Mayor Eisenberger relinquished the Chair to Councillor VanderBeek, in order to introduce the following motion.



**6.3 Motion to Amend By-law No. 16-290, the Council Code of Conduct to provide for the Transparency Disclosure of Non-Disqualifying Interests**

**(Eisenberger/Danko)**

WHEREAS, pursuant to the *Municipal Act, 2001*, it is the duty of the City Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the Council;

WHEREAS, the Council Code of Conduct provides that Members shall avoid “conflicts of interest, both apparent and real”;

WHEREAS when a Member is disqualified from participating in the discussion of, or voting on any question in respect of a matter due to a pecuniary interest, direct or indirect, under the *Municipal Conflict of Interest Act*, their disclosure of that interest is recorded in Council and Committee minutes, and a written statement of the interest and its general nature must be filed with the Clerk and included in a registry required to be made available to the public, which is posted on the City’s website;

WHEREAS, there are occasions when Members of Council have an interest in a matter, but such an interest does not disqualify them from participating; and

WHEREAS, the public interest is best served by disclosing both disqualifying and non-disqualifying interests of Members of Council;

THEREFORE, BE IT RESOLVED:

- (a) That section 8 of By-Law 16-290 - Council Code of Conduct be amended as per Appendix “A” of this motion to enable the recording of all disqualifying interests, and to provide for the recording of disclosures where non-disqualifying interests exist; and
- (b) That the City Clerk prepare a Transparency Disclosure of Non-Disqualifying Interest form for use by Members of Council and for posting on the City’s website for viewing.

**Result: Motion CARRIED by a vote of 13 to 1, as follows:**

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

YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

Mayor Eisenberger assumed the Chair.

**6.4 Amendment to Item 7 of the General Issues Committee Report 17-004, respecting Report PED17024 - King William Art Walk Public Art Project**

**(Farr/Nann)**

WHEREAS, the King William Art Walk Public Art Project 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,

THEREFORE, BE IT RESOLVED:

That Item 7 of the General Issues Committee Report 17-004, respecting Report PED17024 - King William Art Walk Public Art Project, which was approved by Council on February 22, 2017, **be amended** by adding a new sub-section (b), to read as follows:

**7. King William Art Walk Public Art Project (PED17024) (Ward 2) (Item 8.5)**

(a) That \$100,000 be transferred from the Downtown Public Art Reserve (108049) to the King William Art Walk Public Art Project (7101558508); and,

(b) ***That up to an additional \$50,000, to cover the costs resulting from supply chain issues and sudden unanticipated increases in the cost and delivery of materials required to complete King William Art Walk Public Art Project (7101558508), to be funded from the Public Art Reserve (10844), be approved.***

**Commented [CK1]:** We are asking for extra funds from the Public Art Reserve not the Downtown Public Art Reserve

**Commented [CK2]:** We may not need the whole amount

**Commented [CK3]:** Can we just add the project ID – that should work

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

YES - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann

NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
NOT PRESENT - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
NOT PRESENT - Ward 9 Councillor Brad Clark

**6.5 Amendment to Sub-Section (b) to Item 7.12 of the July 13, 2018 Council Minutes 18-015, respecting Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette**

**(Nann/Farr)**

WHEREAS, the Century Street Parkette art project 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; and,

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;

THEREFORE, BE IT RESOLVED:

That sub-section (b) to Item 7.12 of the July 13, 2018 Council Minutes 18-015, respecting Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette, **be amended** by adding a new sub-section (d), to read as follows:

**7.12 Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette**

- (d) ***That up to an additional \$25,000 to cover the costs resulting from supply chain issues and sudden unanticipated increases in the cost and delivery of materials required to complete the Century Street Parkette art project (7101851321), to be funded from the Public Art Reserve (10844), be approved.***

Commented [CK4]: We may not need it all

Commented [CK5]: Project id for finance will require

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

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

**6.6 Amendment to the 2022 Council / Committee Calendar**

**(Johnson/Ferguson)**

WHEREAS Council on October 28, 2020 approved the 2022 Council / Committee Calendar; and

WHEREAS, it is necessary to amend the 2022 Council / Committee Calendar by moving the April 19, 2022 Planning Committee meeting to April 25, 2022, due to the Easter holiday weekend, to provide the public with sufficient time to submit their comments and submit delegation requests for matters appearing on the Planning Committee agenda.

THEREFORE, BE IT RESOLVED:

That the 2022 Council / Committee Calendar be **amended** by moving the April 19, 2022 Planning Committee meeting to **April 25, 2022**.

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

YES - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
NOT PRESENT - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead

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

**6.7 Appointment to the Interview Sub-Committee to the Audit, Finance and Administration Committee**

**(Pearson/VanderBeek)**

That Councillor Russ Powers be appointed to the Interview Sub-Committee to the Audit, Finance and Administration Committee, for the remainder of the 2018-2022 Term of Council, effective February 9, 2022.

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

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

**STATEMENTS BY MEMBERS**

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

**COMMUNICATIONS (Continued)**

**(Whitehead/Farr)**

That the decision respecting Item 4.6, Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions that was received earlier in the Council meeting, be reconsidered.

**Result: Motion CARRIED by a 2/3rds vote of 11 to 3, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr  
NO - Ward 3 Councillor Nrinder Nann

NOT PRESENT- Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
NOT PRESENT - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
NO - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Whitehead/Farr)**

That the decision respecting Item 4.6, Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions that was received earlier in the Council meeting, be considered:

- 4.6 Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions.

Recommendation: Be received.

**(Whitehead/Farr)**

That the disposition of Item 4.6, Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions, be **amended** to reflect that the matter, be received **and referred to the General Manager of Planning and Economic Development with a report back to the Planning Committee**, as follows:

- 4.6 Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions.

Recommendation: Be received **and referred to the General Manager of Planning and Economic Development with a report back to the Planning Committee**.

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

NO - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr  
NO - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers

NOT PRESENT - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**COUNCIL COMMUNICATION UPDATES**

**(VanderBeek/Johnson)**

That the listing of Council Communication Updates from January 14, 2022 to February 3, 2022, be received.

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

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

**(Partridge/Pauls)**

That Council recess at 12:00 p.m.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
NOT PRESENT - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko

- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

Council reconvened at 12:10 p.m.

**PRIVATE AND CONFIDENTIAL**

**(Powers/Johnson)**

That Council move into Closed Session respecting Item 10.1, Personnel Matter (no copy) pursuant to Section 9.1, Sub-section (b) and (d) of the City's Procedural By-law 21- 021, as amended and Section 239(2), Sub-sections (b) and (d) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; and, labour relations or employee negotiations.

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

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

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

**(VanderBeek/Clark)**

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice, requires that public notice is required to advise of a Committee meeting to consider the enactment of a procedure bylaw in the form of one notice published in a newspaper a minimum of 14 days prior to the Committee meeting; and

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice also notes that Council may direct that other notice is to be given



as Council considers adequate and when the City Manager determines that an emergency situation exists;

THEREFORE, BE IT RESOLVED:

That Council waive the notice provision within By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice in order for an amendment to be made to the Procedural By-law effective immediately.

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

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

**(VanderBeek/Ferguson)**

That Bills No. 22-016 to No. 22-027, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 016 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
  - Schedule 5 (Parking Meters)
  - Schedule 6 (Time Limit Parking)
  - Schedule 8 (No Parking Zones)
  - Schedule 12 (Permit Parking Zones)
  - Schedule 13 (No Stopping Zones)
  - Schedule 14 (Wheelchair Loading Zones)
  - Schedule 15 (Commercial Vehicle Loading Zones)
  - Schedule 20 (School Bus Loading Zones)
  - Ward: 1, 2, 3, 4, 7, 8, 9, 14, 15
  
- 017 To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council
  - Ward: City Wide

- 018 To Amend By-law No. 16-290, Council Code of Conduct  
Ward: City Wide
- 019 To Establish a Code of Conduct for Local Boards  
Ward: City Wide
- 020 To Adopt Official Plan Amendment No. 159 to the Urban Hamilton Official Plan Respecting 281 Hamilton Drive and 356 Wilson Street West (Ancaster)  
Ward: 12
- 021 To Amend Zoning By-law No. 87-57, Respecting Lands Located at 281 Hamilton Drive and 356 Wilson Street West (Ancaster)  
ZAC-20-014/UHOPA-20-009  
Ward: 12
- 022 To Adopt Official Plan Amendment No. 161 to the Urban Hamilton Official Plan Respecting 219, 225 and 247 East Avenue North and 315 Robert Street (Hamilton)  
Ward: 3
- 023 To Amend Zoning By-law No. 6593 (Hamilton) Respecting lands located at 315 Robert Street and Part of 225 East Avenue North (Hamilton)  
ZAC-21-028/UHOPA-21-013  
Ward: 3
- 024 To Amend By-law No. 19-035, Being a By-law to Appoint a Fire Chief, Deputy Fire Chief, and Provincial Fire Co-ordinator pursuant to the Hamilton Fire Department Establishing and Regulating By-law No. 19-034, and to Repeal By-law No. 20-052  
Ward: City Wide
- 025 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
Schedule 6 (Time Limit Parking)  
Schedule 8 (No Parking Zones)  
Schedule 9 (Alternate Side Parking Zones F/T)  
Schedule 10 (Alternate Side Parking Apr-Nov)  
Schedule 12 (Permit Parking Zones)  
Schedule 13 (No Stopping Zones)  
Schedule 14 (Wheelchair Loading Zones)  
Schedule 16 (Taxi Zones)  
Schedule 20 (School Bus Loading Zones)  
Ward: 2, 3, 5, 7, 13
- 026 To Authorize the Signing of a Transfer Payment Agreement for the Transfer of Audit and Accountability Funds between Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing and the City of Hamilton  
Ward: City Wide
- 027 To Confirm the Proceedings of City Council

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

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

**(Clark/Ferguson)**

That, there being no further business, City Council be adjourned at 2:12 p.m.

**CARRIED**

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland  
City Clerk

## **MULTI-MUNICIPAL WIND TURBINE WORKING GROUP**

TOM ALLWOOD, COUNCILLOR, GREY HIGHLANDS, CHAIR

STEVE ADAMS, COUNCILLOR, BROCKTON, VICE-CHAIR

1925 BRUCE ROAD 10, BOX 70, CHESLEY, ON NOG 1L0

[519-363-3039](tel:519-363-3039) FAX: [519-363-2203](tel:519-363-2203) [deputyclerk@arran-elderslie.ca](mailto:deputyclerk@arran-elderslie.ca)

February 4, 2022

Greetings Members of Council,

As Municipal Leaders, we are mandated by the *Municipal Act, 2001, as amended* to provide measures necessary for the health, safety and well-being of citizens within our jurisdiction. The Multi-Municipal Wind Turbine Working Group (MMWTWG) collectively addresses concerns that are raised in relation to the various wind turbine projects across the province.

The list of concerns and implications is continually growing and many citizens are completely unaware of the effects, both short and long term that wind turbines pose. To provide some context to the complex matters that the MMWTWG continues to work to resolve, some principal issues are provided.

### **1. Public Safety**

- Setbacks for tower collapse are insufficient. The current blade length plus 10 metres requirement is not a strong enough protective measure. Ontario has seen collapses of GE Turbine at Raleigh and Vestas Turbine at Bow Lake. Public database details at least 95 collapses worldwide, including Enercon, Siemens, Nordex, and others. Bow Lake turbines were also permitted to restart by regulator without any public release of information of recent failure.
- Setbacks for blade failures are insufficient. The current blade length plus 10 metres requirement is not a strong enough protective measure. Ontario has seen debris at 560 metres with 51-metre setback, with failures from GE, Vestas, Suzlon/Repower. Regulator did inadequate safety review of post commissioning installation of "power cone" at Skyway 8 and is permitting turbine restart without public investigation into impact of failure on tower integrity.
- Setbacks for ice throw are also insufficient, as the blade length plus 10 metre setback is less than the ice throw distance witnessed in Ontario.
- Fire hazard – Ontario has witnessed turbine fire and flaming debris on the ground at 200 metres, while setback was 50 metres. Ministry review failed to recommend industry standard protective barriers for fire suppression in spite of examples of fires in similar turbines.
- Landholder leases give no setback protection for vulnerable citizens (children and other family members of lease holder, employees, couriers, etc.)

## **2. Health Impacts**

- Sleep deprivation – most common identified irritant.
- Stress – identified link from irritants to cardio vascular events.
- Unexplained cardiac events, diabetic events
- Cyclical noise (major irritant) not assessed by Ontario Compliance Protocol.
- Tonality (irritant at some projects) not adequately assessed by standards.
- Dominant, irritating, turbine noise signature dwarfs rural noise environment.
- Loss of enjoyment of property, contrary to Environmental Protection Act.

## **3. Municipal Finances**

- Tax base – Assessment of multi-million-dollar turbines capped at under \$50k per MW, adversely impacts tax base. Similar to unpermitted “bonusing” by permitting low taxation. Impacts ability to build on adjoining properties.
- Community impact grants – associated “gag-clauses” deny transparency.
- Impact on roadways – large component delivery cause damages to roads.
- Upcoming impact on landfill – Component End of Life – blades not recyclable.
- Decommissioning costs – no guarantee of cost coverage at many sites.

## **4. Community Cohesiveness**

- Rural neighbourhood – acrimony prevents neighbours working together, those profiting often not those who suffer impacts

## **5. Energy Supply Stability**

- Mismatch to consumer demand, turbine output falls as consumer load increases in morning, but rises as consumer load falls in the evening
- Seasonal mismatch a big concern as turbine output poorest when consumer demand is highest in summer air conditioning season, and in winter heating season, yet turbine output is highest when consumer demand is lowest in spring and fall
- Requires construction of backup generation, that must price output highly as only operated intermittently.

## **6. Consumer Energy Cost**

- First access to grid costs – force less costly generation off the grid. Ontario energy transitioned from least costly to most expensive in North America.
- Costs of required storage options will increase costs even further.
- Lowered electrical system reliability due to uncontrollable factors (weather).

## **7. Lack of response from responsible Ministry to complaints and professional input**

- Inconsistent Ministry response to complaints from impacted citizens
- Lack of Ministry response to professional input – no disposition of items, just neglect.

## **8. Lack of Respect of Impacted Citizens**

- Ministry failed to investigate the majority of complaints, took no action to correct, contrary to Renewable Energy Approvals regulations.

This Working Group shares municipal advice on by-laws, road use agreements, fire suppression requirements and other considerations that need to be considered before dealing with wind developers. We are striving to support municipalities and citizens and to become aware of issues and possible remedies regarding industrial wind turbines before it is too late to take proactive actions.

Our Working Group is currently comprised of municipalities from the Counties of Bruce, Grey, Huron and Niagara Region, but the issue of wind turbines is wider. By working together, can we share knowledge and provide a collective municipal response to protect our citizens. As a Working Group, it has given us the opportunity to invite participation at our meetings by Provincial MPPs and Ministry of the Environment Officials, and to hear technical and municipal planning presentations related to the subject.

The MMWTWG annual fee is set at the beginning of each year. This fee is used to cover the cost of a Recording Secretary, miscellaneous costs for preparation and circulation of materials as well as any fees related to space rentals for meetings. A small surplus is maintained for donation to a defence fund in case any municipal bylaw might be challenged by a developer. The yearly fee is paid to the "Municipality of Arran-Elderslie"; and sent directly to the Municipal Office c/o Clerk.

During 2021, the annual fees were waived as we navigated our way through the pandemic. We have resumed meeting in a "virtual" platform and anticipate this new format will continue in the future. This allows for participation across the province providing the convenience to join from wherever you are. The Working Group meets on the second Thursday of each month. Agendas and other materials are circulated to the Members by email as well as to the Clerk's of the Member Municipality's. Each member Municipality may appoint by resolution of Council, two (2) Working Group Members, one (1) Alternate Member and one (1) Citizen to provide additional expertise or information to the discussion. A copy of the Working Group Terms of Reference and Procedural Bylaw can be provided upon request.

Our annual fees are not due until June 1, 2022. At this time, we would like to extend this invitation to Members of your Council to participate in the Multi-Municipal Wind Turbine Working Group meetings to better understand the work that we do and the matters we stand for.

Our next meeting is scheduled for Thursday, February 10, 2022 at 7pm via Zoom.

Please contact our Recording Secretary to obtain a copy of the agenda as well as the Zoom link for the meeting.

We look forward to your participation and support of this critical matter. Size in numbers provides a louder voice to be heard.

Warm Regards,  
On behalf of the Chair, Tom Allwood

A handwritten signature in cursive script that reads "Julie Reid".

Julie Reid, Recording Secretary  
Deputy Clerk  
Municipality of Arran-Elderslie,  
1925 Bruce Road 10, PO Box 70  
Chesley, ON N0G 1L0  
519-363-3039 ext. 105  
[deputyclerk@arran-elderslie.ca](mailto:deputyclerk@arran-elderslie.ca)

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

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

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

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



234-2022-575

February 7, 2022

Dear Head of Council:

Thank you for participating in the Ontario-Municipal Housing Affordability Summit on January 19, 2022. Your presence provided us with the opportunity to have insightful conversations about the good work taking place across the province and I commend all your efforts to date.

The Premier and I gathered provincial-municipal leaders to create an opportunity to share best practices, identify persistent issues and collaborate on ways to build the right mix of housing.

Together, we were able to identify key themes and places to work together, including:

- Strengthening collaboration and partnership with all levels of government and industry leaders
- Acknowledging the need to expedite development related approvals at all levels of government
- Addressing NIMBYism ('BANANAism')
- Supporting infrastructure and services to accommodate population growth
- Improving data collection and data standards
- Incentivizing affordable housing
- Supporting skilled trades education, training, and immigration
- Avoiding a one-size-fits-all approach

Our discussion was broad and deep, however, to help us as we move forward, I would like to request follow-up information in the following areas:

1. Can your municipalities provide specific data on the number of housing development approvals that have been provided by your municipalities but have yet to be acted on? Are these approvals fully zoned and permitted?
2. Can your municipalities provide insight on how the provincial government, the province's agencies, or conservation authorities are holding up development approvals?
3. Are there any other considerations that were not covered in our discussions that are relevant to the issue of increasing housing supply in Ontario?

We welcome your feedback at [housingsupply@ontario.ca](mailto:housingsupply@ontario.ca) by February 15, 2022.



As we continue this dialogue, our government will ensure municipalities have the tools and resources they need to unlock housing in every community across Ontario. To help Ontario's largest municipalities modernize, streamline and accelerate processes for managing and approving housing applications, our government announced more than \$45 million for a new Streamline Development Approval Fund. We will also provide over \$8 million through the Audit and Accountability Fund to help large urban municipalities identify potential savings and efficiencies through third party reviews to accelerate the creation of new housing and modernize municipal services.

We look forward to further collaborating with you in our work towards increasing Ontario's housing supply.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark". The signature is written in a cursive, flowing style.

Steve Clark  
Minister



MUNICIPALITY OF SHUNIAH

# COUNCIL RESOLUTION

## 4.3

Resolution No.: 44-22

Date: Feb 8, 2022

Moved By: DONNA BLUNT

Seconded By: DON SMITH

THAT Council hereby supports the resolution from Northwestern Ontario Municipal Association (NOMA) regarding supporting the expansion of Northern Ontario School of Medicine (NOSM) to address the urgent need for physicians in Northern Ontario; and

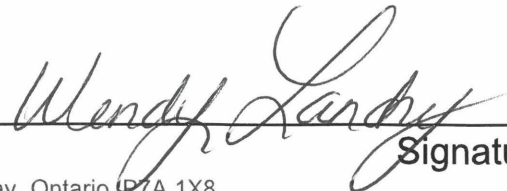
BE IT RESOLVED that a copy of this resolution be forwarded Premier Doug Ford, Minister of Colleges and Universities Jill Dunlop, Minister of Health Christine Elliot, Minister of Economic Development, Job Creation & Trade Victor Fedeli, local MP's and MPP's, Ontario Medical Association, Northern School of Medicine, Northern Ontario Academic Medicine Association, Association of Municipalities of Ontario (AMO), the Federation of Northern Ontario Municipalities (FONOM), all Ontario Municipalities.

**Carried**

**Defeated**

**Amended**

**Deferred**

  
\_\_\_\_\_  
Signature

Municipality of Shuniah, 420 Leslie Avenue, Thunder Bay, Ontario, P7A 1X8



**RE: Gypsy Moth Spraying**

**JANUARY 19, 2022**

At its meeting of January 17, 2022, the Council of the Township of Limerick passed a motion in regard to the Gypsy Moth Concentration and Control Measures;

“WHEREAS the Gypsy Moth defoliation in Limerick Township has caused significant damage, with Limerick Township reportedly having the highest concentration of Gypsy moths in Hastings County due to the Rural nature of the Township; and

WHEREAS the reported responses from the public do not present an accurate picture of the devastation as the geographical area is quite large in relation to the low population of Limerick Township;

NOW THEREFORE, BE IT RESOLVED that Council of the Township of Limerick request that the County of Hastings consider the impact of the Gypsy Moth Caterpillars on the rural communities across Ontario, not only through online reporting but also taking into consideration the land mass associated with each municipality. For example, one property owner recently purchased 27,000 acres of land, but was only able to submit 1 report for the entire property.

BE IT FURTHER RESOLVED that the population of seasonal residents not reporting in the area during the off season also be taken into consideration, as there is potential that they are unaware of the reporting process.

BE IT FURTHER RESOLVED that the County of Hastings take the necessary steps to accurately interpret the devastation of the Gypsy Moth Caterpillar by way of geographical consideration along with the online reporting method to ensure accurate and beneficial spraying to combat this problem is undertaken.”

Please reach out to the Township Clerk with any additional questions at 613-474-2863.

Sincerely,

Victoria Tisdale

Victoria Tisdale, Clerk Treasurer  
[clerk@township.limerick.on.ca](mailto:clerk@township.limerick.on.ca)  
Telephone: 613-474-2863  
Fax: 613-474-0478

Nicole Ilcio, Deputy Clerk Treasurer  
[assistant@township.limerick.on.ca](mailto:assistant@township.limerick.on.ca)  
Telephone: 613-474-2863  
Fax: 613-474-0478

To the Legislative Co-ordinator and to all members of the City of Hamilton's Public Works committee:

**Re: Motion 11.1 on 14 Feb 2022 City of Hamilton's Public Works Cttee's agenda**

Good afternoon. I hope this finds you well. My name is Joshua Weresch and my wife, 4 children, and I live in Ward 8. I ask that this letter be placed in public correspondence on the public works' committee's agenda for its 14 February 2022 meeting, as its contents concern Motion 11.1 (Newlands Park Fitness and Rock-Climbing Equipment, Hamilton [Ward 8]). While I am not at all, as a father to 4 children, opposed to children playing or to play equipment's installation, I am more concerned that the ways toward that play equipment are also safe. In the light of Saira Peesker's article, published on 10 February 2022 on the C.B.C. Hamilton web-site (available online at <https://www.cbc.ca/news/canada/hamilton/pedestrian-fatalities-1.6345459>), I would ask that the motion for the installation of this play equipment be tabled until all traffic-calming measures requested by the neighbourhood surrounding Newlands Park are installed.

Further, as a general policy directive within the public-works committee, and, again, in the light of Saira's article, it would seem to me to be much more important, generally, whether in an election year or not, to ensure that traffic is calmed before more playground equipment is installed in Ward 8, if not elsewhere. Speed bumps on Brucedale Avenue East, between East 5th Street and Upper Wellington Street, and a pedestrian crosswalk from East 7th Street to Bruce Park are still not installed and no motion at this committee has been proposed to do so. Though I am certainly glad to see the speed bumps on Queensdale Avenue, near Queensdale Elementary, Brucedale Avenue East also marches Sts Peter and Paul Catholic Elementary School, St Charles' Adult Education Centre, several places of worship, and, most notably, Bruce Park where the splash pad in the summer and the ice rinks, lovingly and arduously maintained by neighbours, are visited by younger and older alike. A policy should be created, if it doesn't exist already, that states that five miles, for example, around any schools, parks, places of worship, or community centres should be the limit within which all residential roads are immediately installed with speed bumps, simply to encourage slower private transit and other modes of transportation to those gathering places.

Thank you for your time and attention in these regards. I look forward to your actions.

Regards,

Joshua Weresch

**Pilon, Janet**

---

**Subject:** Amica/condos development at the corner of Wilson and Rousseaux Streets

**From:** Monica McCrory

**Sent:** Monday, February 14, 2022 3:11 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Amica/condos development at the corner of Wilson and Rousseaux Streets

Hi there,

I apologise as I believe I missed the deadline by 3 hours to email my concerns for the meeting that is taking place tomorrow regarding the Amica/condos development at the corner of Wilson and Rousseaux Streets. I would like to have this email hopefully read though as I am aware there are multiple meetings taking place over this proposed development and I want them to know there is another very concerned Ancaster resident.

This massive development will be a huge change to Wilson street and impact everyone living here. The Brandon house was taken down so quickly at the start of COVID that I honestly can't believe that the proper steps were followed and if so there needs to be more measures taken to protect our heritage. That was very shameful, I was hoping the end result of all this would be that the Brandon house would have to be rebuilt. It's a shame heritage isn't protected here like it is in other parts of the world.

I have been an Ancaster resident my entire life as have my parents and my husband. We have seen many changes over the years and have seen the population increase dramatically in Ancaster and the surrounding areas. This once small farming town has grown and is very busy now.

Wilson street can be very busy with traffic especially at the intersection of the proposed development. This proposed spot is on a hill off of a very busy road and they show the building right up to the sidewalk. How terrible for the seniors that would be residing there, not safe for them to leave the residence by foot anyway and good luck trying to drive out as traffic would be even more backed up.

Some residents have voiced concerns about sewage with this massive building and I would like to know what the plan is as well. I was disgusted about previous mentions of sewage going into the Ancaster creek.

If we are going to continue to allow developers to amend bylaws put in place we need to have a better plan in place of the end vision. I thought that was the idea of the Ancaster Wilson street (secondary) plan but I guess not when every developer can just come in and file an amendment to the existing bylaws.

Please deny this application and any that so grossly go over the existing bylaws set in place.

Thanks.

Monica McCrory  
Ancaster Resident

**Pilon, Janet**

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**Subject:** Retirement building at Wilson and Rousseaux in Ancaster

From: jeff marshall  
Sent: Monday, February 14, 2022 1:48 PM  
To: clerk@hamilton.ca  
Subject: Retirement building at Wilson and Rousseaux in Ancaster

To whom it may concern,

I would like to protest the proposed plan for the project at the corner of Wilson Street and Rousseaux Street in Ancaster. We the people of Ancaster were promised at amalgamation with the city of Hamilton that no housing or residential buildings will be built higher than 3 stories. This amalgamation was forced on us by the province and Ann Sloat ( former mayor as well as councillor) worked hard to ensure that agreements were made regarding heights (maximum 3 stories) of buildings in order maintain the town's history as well character. The existing historic buildings would be dwarfed by a project of this magnitude. In addition to height restrictions , after looking at the plan, I feel minimum consideration has been given to traffic flow as well as safety at this location and at peak times and will cause major gridlock.

Sincerely

Jeff Marshall

**Pilon, Janet**

---

**Subject:** 398 Wilson Street Development Height

**From:** Samantha Lawson

**Sent:** Monday, February 14, 2022 1:12 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** 398 Wilson Street Development Height

Hello,

My name is Samantha Lawson and I am a third-year journalism student at Mohawk College. I am currently working on a piece about the situation involving the Marr-Phillipo heritage building located at 398 Wilson Street East, Ancaster. A large, 9-storey development is proposed for this property which raises many concerns with members of the community. People mentioned the bylaw in Ancaster limiting new buildings to a two-storey height. Unfortunately, the Marr-Phillipo building location happens to be exempt from this bylaw, stating C5a Exemption: 570. **I would like to see Zoning By-law No. 87-57 and understand why this property is exempt. I want to read the C5a Exemption: 570 myself.** If the Marr-Phillipo building is going to be demolished then at least the community can attempt to stop this several-storey development in their village core.

Thank you,

Samantha Lawson

**Pilon, Janet**

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**Subject:** planning agenda for Feb 15, 2022

**From:** Jessie Blake

**Sent:** Monday, February 14, 2022 12:10 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** planning agenda for Feb 15, 2022

Please add my letter below to the agenda respecting Item 9.3 on the planning agenda for Feb 15, 2022

Subject property: 442, 450, 454, 462 Wilson Street East, Ancaster

Dear Planning Committee members,

I am writing regards to the proposal for the corner of Wilson and Rousseaux. I would like to urge you to consider this proposal in light of both the current housing crisis and the declared climate emergency. With the nearby school and urban centre within walking distance, I believe this site is well suited for family friendly units (2-3 bedrooms) in a 4 story building with plenty of greenspace. I also think this area could benefit from improved transit which would be made more feasible with increased density that such a building would provide.

Thank you,

Jessie Blake  
Dundas resident



**Pilon, Janet**

---

**Subject:** Submission in opposition to the Amica/condos development at the corner of Wilson & Rousseaux Streets

**From:** klmshields

**Sent:** Monday, February 14, 2022 12:05 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Cc:** Paul Shields <[REDACTED]>

**Subject:** Submission in opposition to the Amica/condos development at the corner of Wilson & Rousseaux Streets

Attention City Clerk,

On behalf of myself, my husband Paul and in support of the Ancaster Village Heritage Community,

This our our submission in *strong opposition* to the Amica/condos development at the corner of Wilson and Rousseaux Streets in order to stop the "*Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster Ward 12)*."

We realize The Planning Committee meets to consider this Plan tomorrow Tuesday, February 15th at 0930 hours.

*As the Staff Report for this Application recommends DENIAL of both development options for the following reasons (inclusive of both the bylaw and zoning):*

- That the proposed [bylaw] amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood;
- That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to setbacks, building height, and massing;
- That the proposal is not considered to be good planning and is considered an over development of the site.

This Staff Report provides a strong case for denial of both developments at Planning Committee tomorrow, Tuesday February 15.

Noting however, the Staff Report provides ways for the developer to overcome these obstacles. In the case of the relocation of the Marr-Phillipo House in recent weeks, we saw that staff recommended denial of the relocation, set out conditions that could lead to approval, and Planning Committee then approved the relocation, subject to the conditions that were outlined. But the relocation was approved. In this case, p.37 of the Staff Report sets out the following options for the development on this site:

ALTERNATIVES FOR CONSIDERATION [as contained in the Staff Report]:

- 1) Should the Applications be approved, that staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed, with the inclusion of Holding Provision(s) to address matters, including addressing sanitary sewer system capacity constraints, visual impacts, and any other necessary agreements to implement Council's direction;
- 2) Council could direct staff to negotiate revisions to the proposal with the Applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion; and,
- 3) Should the Applications be denied, the lands could be developed in accordance with the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone which permits a building with a height of 9 metres.

We speak to these main points in opposition to this development for Tuesday's Planning Committee meeting:

- 1) **Prefer Option 3)** in the Alternatives for Consideration on p.37. I.e., develop the lands in accordance with the Ancaster Wilson Street Secondary Plan which allows a height of 9 meters only and requires that buildings be consistent with the character of the neighbourhood, which this development is not.
- 2) **Problems with traffic and access to the site by themselves should defeat these plans.** A retirement home will generate an extra 368 vehicle trips per day, while an apartment complex will generate an extra 1049 trips per day. Traffic on Rousseaux and Wilson Streets is already at or near capacity, according to the developer's own traffic study. There are long queues occurring in the busiest weekday hours on all four approaches to the intersection - and extending beyond the available storage in the westbound and southbound left turn lanes. At the busiest times, an apartment building would generate 88 additional peak hour trips, while a retirement home would generate 33 additional peak hour trips, all to join the long lineups beyond capacity on Wilson and Rousseaux Streets.
- 3) **Access to the development on Rousseaux Street will create a serious safety hazard.** All traffic access will be fed through a driveway on Rousseaux 40 meters from Wilson Street. A new left turn lane on Rousseaux will access the building's driveway. Exiting the driveway will not allow left turns onto Rousseaux, only right turns, which will lead traffic heading for Wilson Street to cut through the Maywood neighbourhood on Academy, Lodor and Church Streets. Traffic turning left from Rousseaux into the development will be blind to the traffic from Wilson St. as they make the turn, and any hesitation will leave them exposed to a t-bone collision. There will be garbage trucks, delivery vehicles, emergency vehicles, people with lagging reflexes crossing Rousseaux to access the building, and the traffic on Wilson Street has descended a steep slope to get to the intersection, and can come around that corner quite aggressively.
- 4) **The Staff Report indicates no evidence in the Application of adequate waste water pipe capacity to service the site.** The existing storm structures are only intended for road side drainage not for such developments. Neither issue is addressed by the applicants. The staff report notes that "...a hydrogeological study is required to determine potential dewatering needs. Due to the limited capacity in the sanitary sewer system, no long term dewatering post-construction would be supported by Hamilton Water. Foundation design should be designed accordingly." The waste water pipe may be near capacity already. The relevant pipe descends the Escarpment to the pumping station in the valley below and returns onto Rousseaux Street further east. There have been occurrences of flooded basements in the valley, and the Councillor attempted to mitigate this with an overflow pipe into Ancaster Creek this past summer which was rejected by city council, so the potential problem apparently remains. The Staff Report says, "The Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited and dated August 2021, does not provide population projections for sanitary waste water. Growth Management staff have advised that based on the FSR and other information, these applications are not supportable."
- 5) **The report also notes there is insufficient evidence that water runoff will be adequately dealt with.**
- 6) **Re consistency with the character of the neighbourhood, the Staff Report also says: "...staff are concerned that the proposed scale of the development is not in keeping with the existing character of the neighbourhood.** While medium to high density residential development contributes to several planning objectives, staff note that the Ancaster Wilson Street Secondary Plan's vision and intent carefully considers the merits of maintaining low-rise built form and has further considered the development densities that are based on transportation constraints. The proposed development, with additional height for both the retirement home or the mixed use building and a density of 283 units per hectare, represents an overdevelopment of the site, and is not in keeping with the surrounding area. The proposal does not meet the residential intensification policies of the UHOP, as the proposal does not provide appropriate transitional measures such to mitigate the height, scale, and massing being proposed. As such, the proposal does not build upon or enhance the established and planned character of the neighbourhood. It is the opinion of staff that the proposal does not demonstrate compatible integration with the surrounding area.
- 7) **Consistent with above staff concerns, the Niagara Escarpment Commission is also not supportive of the development.** "The subject lands are not within the Niagara Escarpment Development Control area but are identified within the "Urban Area" of the Niagara Escarpment Plan (NEP) ..."the proposal does not comply with the Niagara Escarpment plan and therefore does not comply with the UHOP [Urban Hamilton Official Plan] which requires NEP plan conformity."
- 8) **The removal of all trees on site and their replacement with trees which will be planted on top of a parking garage, making them susceptible to drought and insufficient sunlight is not acceptable to staff and violates the city's Climate Emergency Plan.** The development will also damage trees close by on the property of neighbouring homes.

Again, we strongly oppose this massive ill conceived overdevelopment that city staff has recommended.

***Without question, it should be denied in our*** efforts to protect Ancaster.

Karen & Paul Shields

Ancaster, ON

**Pilon, Janet**

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**Subject:** Opposed / Amica

**From:** Aimee Frketich

**Sent:** Monday, February 14, 2022 9:56 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Opposed / Amica

To whom it may concern

I am writing regarding the Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster Ward 12). I am completely opposed to all aspects of the Amica development. I find it offensive that I even have to write for a second time and would expect the Ancaster Wilson Street Secondary Plan be upheld by our elected and well paid officials. The fact that 2 developers are willing to take on the litigation and costs for such offensive developments suggests something is seriously wrong in our public office.

The only option is complete denial - These lands should only be developed in accordance with the secondary plan, in that allowances of 9 meters high and consistent with the character of the neighbourhood. It cannot be more obvious that this development is not in accordance. In fact the developer should be fined as should anyone that allowed the destruction of the Brandon House to be permitted. It is an absolute disgrace. It is my hope that this helps in your efforts to protect Ancaster and its heritage.

1. It is not in accordance with the Wilson Street Secondary Plan - It should be that simple!

2. Traffic and access. I drive this intersection everyday, morning and evening and it doesn't take an expert to identify the intersection cannot handle the increased traffic. Even the developers own traffic study identifies it will be a problem.

3. It does not fit in with the character of the neighbourhood. - I don't feel I need to explain

4. It is not a suitable place for a retirement home. The grade in this area, the traffic, the corner is not amenable to the safety of our elders or those visiting

5. We already know about the drainage issue. The existing storm structures are only intended for road side traffic. Recommending they do assessments / studies and have plans to improve this seems completely irrelevant considering it is not in accordance with the secondary plan anyway and should thus be denied.

6. The Niagara Escarpment Commission is also not supportive of the development. "The subject lands are not within the Niagara Escarpment Development Control area but are identified within the "Urban Area" of the Niagara Escarpment Plan (NEP) ...."the proposal does not comply with the Niagara Escarpment plan and therefore does not comply with the UHOP [Urban Hamilton Official Plan] which requires NEP plan conformity."

7. The removal of the many heritage trees is also not in accordance with the Climate Emergency Plan.

I suggest these developers be told to keep within the Wilson Street Secondary Plan and then maybe we can talk traffic/drainage etc. Further to this, finding loop holes in height restrictions still doesn't allow for a build that is not in character with the neighbourhood.

Thank you  
Aimee Frketich

Ministre de la Justice  
et procureur général du Canada



Minister of Justice  
and Attorney General of Canada

L'honorable / The Honourable David Lametti, c.p., c.r., député, P.C., Q.C., M.P.  
Ottawa, Canada K1A 0H8

**February 15, 2022**  
His Worship Fred Eisenberger  
Mayor of the City of Hamilton

**(via email)**

Dear Mr. Mayor:

Thank you for your correspondence of September 1, 2021, sent on behalf of Hamilton City Council, in which you share the Council's support for the Federation of Canadian Municipalities' resolution entitled *Strengthening Canada's Hate Speech Laws*. Please excuse the delay in responding.

I appreciate the time you have taken to express Hamilton City Council's concerns. Please be assured that your correspondence has been shared with the appropriate departmental officials.

The Government of Canada recognizes the harmful impacts that hate crime has on our communities and agrees that we must remain vigilant in combatting hate speech.

In June 2021, the Government introduced in the House of Commons former Bill C-36, *An Act to amend the Criminal Code and the Canadian Human Rights Act and to make related amendments to another Act (hate propaganda, hate crimes and hate speech)*, which proposed to clarify the definition of "hatred" for two of the three hate propaganda offences in the *Criminal Code*. The Bill also aimed to create a new peace bond specifically designed to prevent hate propaganda offences and hate crimes, and to re-enact a reformed section 13 of the *Canadian Human Rights Act* (CHRA) to combat hate speech online.

Although Bill C-36 died on the Order Paper when the 2021 election was called, I am mandated to work with my colleague the Honourable Pablo Rodriguez, Minister of Canadian Heritage, to implement legislation to address serious forms of harmful online content, and to hold social media platforms and other online services accountable for the content that they host. This includes strengthening the CHRA and the *Criminal Code* to deal more effectively with online hate, and reintroducing measures to enhance hate speech provisions, such as the re-enactment of former section 13.

Furthermore, in July 2021, virtual national summits on Islamophobia and antisemitism were held, during which the Government committed to a renewed focus on dedicated resources to help combat Islamophobia, antisemitism, and all forms of hate.

Thank you again for writing.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a cursive 'L' and a horizontal flourish.

The Honourable David Lametti, P.C., Q.C., M.P.  
(he/him)  
Minister of Justice and Attorney General of Canada



## HAMILTON POLICE SERVICES BOARD

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**Board Members**

Pat Mandy, Chair  
Fred Bennink, Vice Chair  
Mel Athulathmudali  
Geordie Elms  
Jason Farr  
Tom Jackson  
Judi Partridge

Kirsten Stevenson, Administrator

February 16, 2022

SENT VIA EMAIL

**To: City of Hamilton Mayor and Council  
City of Hamilton Seniors Advisory Committee**

**From: The Hamilton Police Services Board**

**Re: Follow-Up From City Council Meeting December 15, 2021:  
Amendment to Item 9. Seniors Advisory Committee (Emergency &  
Community Services Committee Report 21-013) – Citizen Committee  
Report, respecting Proposed resolution regarding Hamilton Police Service  
Board and Hamilton Police Services failure to provide adequate and  
effective police services in long-term care homes in the City of Hamilton  
(Deferred from November 18, 2021) (Item 10.4)**

Please be advised the Hamilton Police Services Board (Board) received the above-noted correspondence from the City Clerk's Division on January 21, 2022 with respect to Council approving the following amendment to the Emergency & Community Services Committee's Report 21-013:

9. Seniors Advisory Committee – Citizen Committee Report, respecting Proposed resolution regarding Hamilton Police Service Board and Hamilton Police Services failure to provide adequate and effective police services in long-term care homes in the City of Hamilton (Deferred from November 18, 2021) (Item 10.4)
  - (b) *That Seniors Advisory Committee – Citizen Committee Report, respecting Proposed resolution regarding Hamilton Police Service Board and Hamilton Police Services failure to provide adequate and effective police services in long-term care homes in the City of Hamilton, be referred to the Police Services Board.*



As noted in the attached Hamilton Police Service (Service) Report 21-100 “Long Term Care and Retirement Home Investigations”, this matter has been addressed on multiple occasions by the Board and the Service. This Report provides an account of legislation relating to deaths in long term care and retirement homes, summary of investigative updates, steps the Service is taking with regards to future investigations as well a summation of Board and Service involvement in addressing this issue dating back to March 5, 2021.

The Board has thoroughly dealt with the subject of long term care and retirement home investigations and as such, is referring this matter back to the City and Seniors Advisory Committee.

Regards,


A handwritten signature in black ink that reads "Pat Mandy". The signature is written in a cursive style with a long, sweeping underline.

Pat Mandy  
Chair, Hamilton Police Services Board



# HAMILTON POLICE SERVICE

## INFORMATION REPORT

<b>TO:</b>	Chair and Members Hamilton Police Services Board
<b>BOARD MEETING DATE:</b>	September 16, 2021
<b>SUBJECT:</b>	Long Term Care and Retirement Home Investigations
<b>REPORT NUMBER:</b>	21-100
<b>SUBMITTED BY:</b>	Frank Bergen, Chief of Police
<b>SIGNATURE:</b>	

### EXECUTIVE SUMMARY

- Under the Retirement Homes Regulatory Act (O.REG 166/11) Sec 15(3) and the Long Term Care Homes Act (O.REG 79/10 Sect 98), retirement and LTC homes are required to immediately notify their jurisdiction's police service of any alleged, suspected or witnessed incidents of abuse or neglect of a resident they suspect may constitute a criminal offence.
- From January 2020 through June 16, 2021, there were 31 deaths at LTC homes in the City of Hamilton investigated by the Coroner's Office. Of these four involved the Hamilton Police Service and none of the four were criminal in nature.
- The Crimes Against Seniors Unit and Coroner's Branch will continue to use Major Case Management and Powercase to organize the investigation and meet on a regular basis. Detectives will continue to focus on locating and interviewing potential witnesses as well as securing evidence.

### INFORMATION

#### BACKGROUND:

COVID-19 has had a profound negative impact especially upon the aging population. This was highlighted locally by the deaths in many of Hamilton's Long Term Care and Retirement Homes.

In December of 2020 the City of Hamilton's Senior Advisory Committee expressed concerns over recent deaths in long-term care homes. A request was made to hear from a police representative to help alleviate the fears and concerns that seniors are facing. The Senior's Advisory Committee was hoping to be addressed by a Hamilton Police Representative at

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their February 5th, 2021 meeting but unfortunately the email correspondence was not received until February 24th, 2021.

On March 5th, 2021 Detective Sergeant Darren Murphy attended the Senior Advisory Committee virtually and responded to a number of questions that had been provided.

On April 23rd, 2021 Chief Bergen presented the 2020 Crimes Against Seniors Unit report to the Hamilton Police Services Board. Chief Bergen provided a summary of the Hamilton Police Services responsibility for investigating deaths and abuse at Long Term Care and Retirement Homes in Hamilton.

On May 21st, 2021 The Hamilton Police Services Board received a deputation from Hamilton Senior Advisory Committee member David Broom. The deputation expressed his concern with the Hamilton Police Services apparent lack of investigations regarding care and deaths at Long Term Care and Retirement Homes in Hamilton. A request was made that the Chief report back to the Board at a future meeting to provide a more fulsome comment on care and deaths in Long Term Care and Retirement Homes. Chief Bergen advised that he would be responding with an update to the Police Services Board at a future date.

This report provides an update of the investigative steps pertaining to long term care and retirement homes that have been taken since the May 21st, 2021.

#### **LEGISLATION SUMMARY:**

Retirement Homes are governed by the Retirement Homes Act 2010 (RHA) and overseen by the Retirement Home Regulatory Authority (RHRA). Long Term Care (LTC) Homes are regulated and overseen by the Ministry of Health and Long Term Care.

Retirement Homes and LTC Homes are required to immediately notify their jurisdiction's police service of any alleged, suspected or witnessed incidents of abuse or neglect of a resident they suspect may constitute a criminal offence. Retirement Homes Regulatory Act (O.REG 166/11) Sec 15(3). Long Term Care Homes Act (Sec 98, O.Reg.79/10).

The Coroner, under the Coroner's Act, investigates incidents of death in a Long Term Care or Retirement Home. If the Coroner believes the death to be suspicious and ought to be investigated, they may request that the local police service assist them in their investigation. Coroners Act Sec 10(2.1).

Long Term Care Homes are required to complete an Institutional Patient Death Record (IPDR) for every death. The IPDR is an eight question form, if any of the answers to the questions are yes, a review and possible investigation is triggered by the Coroner's Office. Deaths at Retirement Homes are investigated by the facilities attending physician and the Coroner's Office is notified if there are any concerns surrounding the death.

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**INVESTIGATIVE UPDATE:**

The Hamilton Police Service investigation into the deaths at Long Term Care Homes is ongoing. The Crimes Against Seniors Unit and the Coroner's Branch of the HPS has met with the Coroner's Office on two occasions to discuss deaths in LTC during the pandemic. The Coroner is currently in the process of collecting the death reports to provide to the Hamilton Police Service to investigate further. The Crimes Against Seniors Unit is also in the process of conducting interviews of witnesses involved in Long Term Care facilities.

- On June 15th, 2021 members from the Hamilton Police Service attended a virtual meeting with Deputy Chief Coroner Reuven Jhirad and Regional Supervising Coroner Karen Schiff. Dr. Jhirad discussed the obligations of LTC and Retirement Homes to report sudden deaths under the Coroner's Act. Dr. Schiff was tasked to provide statistics in relation to deaths at Hamilton Long Term Care Homes investigated by the Office of the Chief Coroner.
- On June 24th, 2021 Dr. Karen Schiff provided information that from Jan 2020-June 16th, 2021 there were 31 deaths at Long Term Care Homes in Hamilton investigated by the Coroners office. Of these cases, four involved the Hamilton Police Service and none of the cases were criminal in nature.
- D/Sgt. Darren Murphy conducted a review of the four cases and none were deemed to be criminal in nature.
- On July 27th, 2021 a request was sent to the Regional Supervising Coroner's Office for information pertaining to 31 deaths in long term care to be reviewed by the Hamilton Police Service.
- On August 18th, 2021 Detective Tim Bower and D/Sgt. Darren MURPHY attended a Coroner's Investigations meeting, which involved discussions about Coroner's reports and causes of death throughout the Province. In addition, Police Services discussed investigative strategies including the use of Major Case Management and Powercase for investigations.
- On August 19th, 2021 a second request was made requesting the coroner's reports for the 31 deaths in Hamilton Long Term Care Homes. The Coroner's Office has responded and is in the process of assembling the reports for dissemination to the Hamilton Police Service.

**FUTURE INVESTIGATIVE STEPS:**

The Crimes Against Seniors Unit and Coroner's Branch will continue to use Major Case Management and Powercase to organize the investigation and meet on a regular basis. Detectives will continue to focus on locating and interviewing potential witnesses. In addition the Ministry of Long Term Care Inspection Reports are being reviewed. Once the Coroner's

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reports are received by the Hamilton Police Service the Crimes Against Seniors Unit will review the cases accordingly.

**APPENDICES AND SCHEDULES ATTACHED**

Not applicable

FB/M.Stiller

cc: Ryan Diodati, Deputy Chief – Support  
Paul Hamilton, Acting Deputy Chief - Operations  
Mark Stiller, Acting Superintendent – Investigative Services

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## 4.9

Mayor Fred Eisenberger  
City of Hamilton  
Office of the Mayor  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, Ontario L8P 4Y5

Dear Mayor Eisenberger:

I am writing in response to your letter of November 17, 2021, addressed to the Prime Minister and subsequently forwarded to my office, regarding the City of Hamilton's endorsement of the resolution from the County of Huron concerning homelessness in Ontario. I understand the circumstances that prompted you to write.

The Government of Canada is concerned about homelessness and affordable housing. Homelessness has an impact on every community in Canada. It affects individuals, families, women and children fleeing violence, youth, seniors, veterans and people with disabilities. Through the National Housing Strategy (NHS), the federal government is making significant investments to improve access to suitable housing.

As part of the NHS, federal homelessness programming now represents a \$3.1 billion investment over 10 years, and this includes the original NHS investment from 2017 and funding announced through the 2020 Fall Economic Statement and Budget 2021 for Reaching Home: Canada's Homelessness Strategy. This funding is in addition to the approximately \$400 million invested under Reaching Home in 2020-2021 to support the homeless-serving sector in their efforts to reduce transmission and impacts of COVID-19 as well as to support communities in implementing more permanent housing solutions.

You may be interested to know that federal, provincial and territorial governments are partners in housing and have shared responsibilities and corresponding roles. Reaching Home: Canada's Homelessness Strategy is a community-based program aimed at preventing and reducing homelessness across the country. Reaching Home funding is administered in eligible communities primarily through the Community Entity delivery model. Under the Community Entity model, the Government of Canada entrusts a community body, often a community's municipal government or an established not-for-profit, to select and manage Reaching Home projects in their area.

...2

Additionally, through complimentary NHS initiatives, the government is hard at work to increase the supply of affordable housing to match demand. Among these initiatives are the National Housing Co-Investment Fund, the Rapid Housing Initiative, the Federal Lands Initiative, and many more. I encourage you to consult the Canada Mortgage and Housing Corporation's (CMHC) progress report on the NHS, which provides an overview of new affordable units built, repaired or renewed, as well as the households receiving other forms of support from the federal government. You can access the report at the following website: <https://www.placetocallhome.ca/progress-on-the-national-housing-strategy>.

Finally, as the Federal Crown Corporation responsible for housing in Canada, CMHC is dedicating its efforts toward improving housing affordability across the nation. It has set the ambitious goal that by 2030, everyone in Canada has a home that they can afford and that meets their needs.

Please rest assured that the federal government is committed to working with all orders of government, local communities and stakeholders to implement longer-term solutions to homelessness. Success relies on cooperation between all orders of government and interested parties.

With respect to the mental health and addictions concerns raised in your letter, since it falls more closely under the purview of the Honourable Carolyn Bennett, Minister of Mental Health and Addictions, I have taken the liberty of forwarding a copy of your correspondence to her office for consideration.

Thank you for taking the time to write.

Yours sincerely,

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

The Honourable Ahmed Hussien, P.C., M.P.  
Minister of Housing and Diversity and Inclusion

**Pilon, Janet**

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**Subject:** An email from the Premier of Ontario

**From:** Doug Ford <[Premier.Correspondence@ontario.ca](mailto:Premier.Correspondence@ontario.ca)>

**Sent:** February 16, 2022 2:21 PM

**To:** Office of the Mayor <[Officeofthe.Mayor@hamilton.ca](mailto:Officeofthe.Mayor@hamilton.ca)>

**Subject:** An email from the Premier of Ontario

Thanks for your letter about council's resolution dealing with Bill 17, *Gender Affirming Health Care Advisory Committee Act*. I appreciate hearing council's views on the issue.

You can be sure I'll keep your comments in mind. I've also forwarded a copy of the council's resolution to the Honourable Christine Elliott, Minister of Health, for her information. I trust that the minister will also take council's views into consideration.

Thanks again for the information.

Doug Ford  
Premier of Ontario

c: The Honourable Christine Elliott

This email account is not monitored. Please do not reply directly to this email. For further inquiries, please direct your online message through the Premier's [contact form](#).

This email contains information intended only for the use of the individual named above. If you have received this email in error, we would appreciate it if you could advise us through the Premier's [contact form](#). Thank you.



## 4.11 (a)

Thank you for allowing the BIA to have an outdoor patio program during this pandemic crisis. As you know this outdoor dining program is a vital source for restaurants, like ourselves, trying to stay alive while the indoors were crippled. If it wasn't for the BIAs support last year, the Capri and our neighbour Bamboo "formally as My Thai" would not have participated. We see the value it brings to John Street and most importantly to Hamilton. We have decided to continue with the street patio this year, with the support of the BIA and there program.

We started to see a little of recovery in November and partially in December, but this is still not enough. March is coming up fast and we need this, to catch up for the few years we lost. We have our government loans and debits to pay off and we cannot get there unless we have the full support of the BIA and there programs.

Thank you for your support.

Regards,

Sal Fiorino  
Capri Owner





4.11 (b)

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hamiltoninternationalvillage.ca

To: Councillor Jason Farr  
From: International Village BIA  
RE: Temporary Outdoor Patio Program Support

Dear Councillor,

I wish to extend support from the International Village BIA for the outdoor patio program. This program has been vital to those businesses in our area that have chosen to take part, especially during COVID over the last two years.

Giving our restaurants, cafes and businesses the option to have outdoor dining capability is incremental not only to the operations of these businesses, but also helps to create a warm and welcoming space within our BIAs for visitors and customers to enjoy.

We strongly support the outdoor patio program and hope that it becomes a permanent program in Hamilton.

Sincerely,

A handwritten signature in blue ink, appearing to read "Herb Wodehouse".

Herb Wodehouse - Chair  
International Village Board of Management

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195 Main St, East, Suite 100 Hamilton, ON L8N 1H2

info@hamiltoninternationalvillage.ca • (905) 522-1778

@internationalvillage.bia @HamIntVillage @internationalvillagebia

**Pilon, Janet**

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**Subject:** Support for Outdoor Patio program

**From:** Rachel Hofing

**Sent:** Thursday, February 17, 2022 2:14 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Cc:** Kerry Jarvi [REDACTED]; Jason H [REDACTED]; Kitchen RELAY

[REDACTED]; King William RELAY [REDACTED]; Farr, Jason

<[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>; Jason Cassis [REDACTED]; Matt Webber [REDACTED]; Michael

Cipollo [REDACTED]

**Subject:** Support for Outdoor Patio program

Hello,

I am writing as I have heard that there is going to be a Council meeting next week and the Outdoor Patio Program is on the agenda.

I am a business owner at 27 King William St. and wanted to share that the Outdoor Patio program that allowed King William, between James and Hughson, to be closed to vehicle traffic during the day, was a huge part of our success in running our business.

The street closure, and our ability to seat guests outdoors in the street has been vital to how we operate and, during the warm months, has taken the edge off of some of the difficulties of functioning during a pandemic. The street patio was great at drawing new people downtown and helped to create a vibrant city that people loved living in, and visiting.

The Outdoor Patio Program deserves to become a permanent program as it allows the businesses in this area to expand, serve more people in the warmer months, and ultimately succeed. The success of small business is correlated to the success of a city. Creating beautiful, hospitable areas within our city for people to gather is vital to urban living and promotes tourism as well.

Please share this email at your council meeting and I hope the outdoor patio program will be made permanent.

Thank you for your time,

Sincerely,

Jason & Rachel Hofing  
owners: RELAY Coffee Roasters

--

**Rachel Hofing**

**RELAY Coffee Roasters**  
Red Hill Coffee Trade Inc.  
Locally Roasted, Fair-Trade Certified  
and Certified Organic Coffee  
#CoffeeBrilliance

phone: 905-977-9716 (Rachel)

phone: 905-769-3213 (Office)

facebook: **Relay Coffee**

instagram: **@relaycoffee**

twitter: **@RelayCoffee**

website: [www.relaycoffee.com](http://www.relaycoffee.com)

**Pilon, Janet**

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**Subject:** Temporary Outdoor Patio Program

**From:** Kerry Jarvi

**Sent:** Thursday, February 17, 2022 3:17 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Temporary Outdoor Patio Program

The Mayor and City Councillors,

Please accept this letter of support for the Temporary Outdoor Patio Program. The Downtown Hamilton BIA has consistently supported these programs as they empower our hospitality businesses to take advantage of nicer weather while allowing Hamiltonians the opportunity to experience downtown in a new way. In fact, one of the first Pop Up Patios was at HAMBGR on King William in 2017 and we continue to encourage restaurants in our area to take advantage of this beneficial program.

It goes without saying that the hospitality industry has been one of the hardest hit sectors throughout the past two years of pandemic restrictions. These businesses have done all they can to stay afloat while having to face a revolving door of regulations. We know that these business owners likely face years of losses ahead before they can fully recover.

In an effort to assist with some recovery of lost revenues and encourage people to once again explore downtown, the Downtown Hamilton BIA created an outdoor dining district in 2020 by closing King William St. between James St. and Hughson St. to allow outdoor seating for all of our hospitality businesses. This initiative was so popular that it was recreated again in 2021 without hesitation.

I cannot foresee any reason not to continue this program as it is absolutely pivotal in assisting the hospitality sector, especially after the abrupt changes to restrictions in December of 2021 which saw the loss of typical holiday season revenue further decimate the industry. The program also offers many businesses the vital opportunity to expand their seating area which is especially helpful for those with limited indoor space even at 100% capacity.

Aside from the business benefits of the program, the look and feel of full patios in our downtown core bring a vibrancy to the area that is unmatched. With more people working from home or moving to hybrid working arrangements it is more important than ever to encourage unique experiences in Hamilton that can engage residents and visitors.

Thank you,

Kerry Jarvi, Executive Director  
Downtown Hamilton Business Improvement Area  
20 Hughson Street South, Suite 104  
Hamilton, Ontario L8N 2A1  
Office: (905) 523-1646  
[www.downtownhamilton.org](http://www.downtownhamilton.org)

**Pilon, Janet**

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**Subject:** Support for Continuation of the Temporary Outdoor Dining Program

**From:** Susan Pennie

**Sent:** Thursday, February 17, 2022 3:51 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Support for Continuation of the Temporary Outdoor Dining Program

Dear Councillors,

On behalf of the Waterdown Business Improvement Area, I would like to express our strong support for the continuation of the Temporary Outdoor Dining Program for 2022 (and potentially beyond).

So many of our small businesses have really struggled over the past two years to remain viable in a very challenging environment. Our restaurant sector, in particular, has been very hard hit by extended closures and consumer hesitancy to eat indoors. The Temporary Outdoor Dining Program was a lifeline to hardworking restaurateurs struggling to stay afloat when their capacity was slashed and when takeout failed to deliver the margins of traditional dine-in. BIA members who participated in the outdoor dining program invested heavily in equipment, structures and heaters to ensure they could accommodate customers safely, keep staff employed and maintain a presence in the community.

One of the unique upshots of the program to the community as a whole was the enhancement of the overall vibrancy of our BIA area. Expanded outdoor patios brought liveliness and a wonderful 'European' vibe to our business districts, driving more reasons to walk and enjoy the BIA.

While it is our hope that health restrictions continue to ease, the last two years has proven over and over again how unpredictable the COVID-19 virus is and how difficult it is to plan for any type of 'business as usual' scenario. Consumer confidence in participating in indoor activities could take some time to rebound. Our restaurants are out of reserves – they cannot dig further into their pockets or their personal stamina – to weather any increases in costs or decreases in customer counts.

We strongly encourage you to support the Outdoor Dining Program again in 2022.

Sincerely,

**Susan Pennie**

Executive Director,  
Waterdown BIA  
20 Main St N. Unit #2  
Waterdown ON L0R 2H0

289.260.1261     
@waterdownbia

**WATERDOWN**  
VILLAGE .CA



**Pilon, Janet**

---

**Subject:** Outdoor patio program

**From:** koosh

**Sent:** Thursday, February 17, 2022 8:52 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Outdoor patio program

To whom it may concern.

Kamoosh bistro is in full support of the permanent outdoor patio program. This is needed for many years to make sure restaurants are supported to come back from the massive damage caused by unjust and unfair closures and restrictions. As everyone is aware during the Spanish flu and after Spanish flu governments allowed restaurants to do this without any red tape so the ones that did survive can have the opportunity to recoup their massive losses. It made sense then as it should now. It will be a disgrace to not allow this.

Thank you kindly

Koosh

Owner and operator

Kamoosh Bistro

34 main street north

Waterdown, On.

L0r 2h0

**Pilon, Janet**

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**Subject:** Letter to Council re: Outdoor Dining Staff Report PED 22051

**From:** Nolan, Tim

**Sent:** Thursday, February 17, 2022 8:31 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** RE: Letter to Council re: Outdoor Dining Staff Report PED 22051

Dear Clerk, I am sending this message on behalf of my wife Kim Nolan with hope this can be forwarded to Council as she is unable to send on her own behalf for reasons related to her disability and her ability to manage the forwarding process. Kim is copied should you wish to confirm with her my authorization to send on her behalf.

Tim for Kim Nolan

Dear City Council,

I write to Council as a Whole on behalf of myself as a member of the City's Advisory Committee for Persons with Disabilities. I would not normally reach out to Council in this way, but do so now because the matter before you is of significant importance with the full Council, collectively and simultaneously, receiving notice of my concern.

This brief correspondence is with respect to staff report PED22051 regarding the outdoor dining program, and the plan to make the temporary program permanent.

At the outset, please know I am not at all opposed to an outdoor dining program becoming permanent. I completely enjoy the opportunity to dine outdoors. I am not asking Council to scrap the program, rather, I ask Council to not rush to decision on this matter leaving accessible design of outdoor facilities in limbo. By rushing to decision on this matter now Council affirms that the meagre effort of staff to consult ACPD on this initiative, and any future staff report for that matter need only be superficial. A decision on this matter now by Council to adopt this program without reasonable and obligatory consideration for full accessibility sends a message to staff absolving them of any future obligation to consult ACPD meaningfully on matters affecting accessibility.

I respectfully request that Council rethink the support of the City's Planning Committee as follows:



1. Leave the temporary temporary outdoor dining program as is, until such time a permanent temporary program can be properly and fully integrated with full accessibility; and,
2. Refer staff and their report PED 22051 to the ACPD working group on Accessible Outdoor Spaces and Parklands so that a meaningful and effective collaboration on accessibility can be achieved before the permanent program is launched ; and,
3. Once City staff and ACPD can reach consensus on full accessibility for all outdoor dining then have staff report back in order to proceed.

Based upon the staff report, staff and other delegate feedback during the February 15, 2022 Planning Committee meeting I would like to rebut some of what was presented:

1 A university student cannot in any way be construed as an expert on accessibility and accessible design thereby absolving any BIA from consulting the City's Advisory Committee for Persons with Disabilities on accessibility and accessible design;

No BIA in this City has ever approached ACPD to gain information how to make outdoor dining accessible;

Program staff did consult ACPD but that consultation focused primarily on the procedure for application and barely at all on how to make outdoor patios accessible and how to prevent barriers to pedestrians with disabilities particularly where dining will occupy sidewalks and pathways;

Staff during their consultation with ACPD were asked to find ways to not impede travel and safe travel for persons with disabilities on City sidewalks yet this program and staff report provide no such design or mechanism to do so;

The staff report provides a statement with regard to compliance with the AODA, yet the AODA has no such specific regulations respecting outdoor dining. It makes good sense then that such standards be developed for the City of Hamilton in consultation with ACPD in order that the staff assertion be compliant before this program permanently moves forward;

The staff report deems legal implications of this program N/A not applicable. I would posit and respectfully bring to Council's attention that while there may be no individual regulations arising from the AODA specific to accessible outdoor dining, the Act itself requiring full accessibility and prevention of barriers to access is in scope. This program, in my opinion, should it proceed, is in contravention of the AODA in fact, and in spirit. Additionally, a Council decision to

proceed in defiance of accessibility, particularly given advice by ACPD of this fact, makes Council more liable should any complaint arise under the Ontario Human Rights Code. On this point alone, Council needs to refer this program to ACPD.

Additionally, the text or talking points guiding the ACPD presentation to the Planning Committee are provided below in support of this request to refer this program matter to the ACPD working group before proceeding to make this program permanent.

James Kemp and Tim Nolan on behalf of the ACPD.

I am here representing the Advisory Committee for Persons with Disabilities regarding the outdoor patio program being made permanent in the report (PED22051).

The ACPD respectfully requests that the Planning Committee and Council do not make the Outdoor Dining Districts Program permanent until our very reasonable accessibility issues have been addressed. Our concerns are as follows:

1. There is no accessibility trained person on the SEAT team that makes the decisions on whether these permits are approved. When accessible parking spaces are being relocated or encroached upon, or when access to sidewalks, curb cuts and ramps are going to be blocked, there needs to be someone on the team to represent those with disabilities and ensure that convenience isn't taking a priority to accessibility. This person could possibly report any issues to our committee on an annual basis.
2. We have serious issues regarding the sidewalk bypasses. Blocking the sidewalk creates a clear barrier to persons with disabilities in contradiction of the Ontarian's with Disabilities Act (ODA) which was put in place to ensure that we could participate fully in society. Of particular note:
  1. Urban Braille, designed to help those with visual impairments navigate the world safely, are directing pedestrians directly into the barricade.
  2. The barricades have no high contrast markings or signage warning those with visual impairments of the danger ahead. We were told that there would be a sign, but first, they would need to know the sign was there and two, they would have to be able to read it.

3. The wooden planking makes it painful and difficult to travel on for those using: walkers, white canes, canes, crutches, wheelchairs or power chairs.
4. There is often a lip where the planking transitions from the sidewalk. This can possibly puncture the pneumatic tires of mobility scooters, cause a tripping hazard or hook up a white cane.
5. Narrowing the flow of traffic prevents two wheelchairs or walkers, etc.... from passing safely or to prevent being jostled by passersby in the tight space.
6. Blocking the sidewalk and making us travel further distances signals to those with disabilities that we aren't really included or equal. Persons with disabilities begin avoiding the areas due to the difficulty and frustration of traversing them. Therefore, a barrier.

The ACPD met with staff on three occasions over the past year regarding this issue and we informed them of our concerns each time, yet none of those concerns made it into this report.

We also had two delegations from Susan Creer from Accessible Hamilton regarding her group's concerns about the Patio Program.

We have tried to learn if we were consulted before this program began in accordance with the AODA, but have found no evidence of it.

Planning Committee members I would like to speak to the points as outlined here and appreciate the opportunity to do so:

there are a good many obstacles on sidewalks these days which impede travel and safe travel for people with disabilities e.g. light posts, flower planters and flower planter posts, street sign posts, fire hydrants, mail boxes, bus shelters and bus sign posts, garbage cans and utility vault covers, and bike racks among so many others. Now people with disabilities must deal with dangerous e-scooters and restaurant patios. Where are we supposed to walk? Add to the issue the atrocious snow clearing in the winter and people with disabilities either travel only on the road or never get out. Is this the City that members of City Council envision for the future?

Furthermore, the City developed and adopted many years ago barrier – free pedestrian pathway guidelines to support persons with disabilities with unimpeded pathways of travel particularly in BIA districts. Any restaurant patios which encroach sidewalks are in contravention of previous City Council decisions and must not go forward, otherwise City Council will be in contravention of its own regulations.

The staff report before you respecting making temporary patio and sidewalk restaurants permanent peripherally mentions consultation with ACPD and compliance with AODA regulations, but the consultation with ACPD was primarily a presentation with little input to site design and the negative impact upon persons with disabilities should it go ahead. Additionally, AODA regulations respecting outdoor spaces has very little, if any, regulations respecting outdoor dining. In an effort to properly address this matter Council may wish to refer this report to the newly formed City staff and ACPD Working Group on Accessible Open Spaces and Park Lands through the ACPD where a resolution can be reached in full and complete discussion with persons with disabilities before proceeding further. ACPD was unable to affect outdoor dining when previously approved in 2016; we should not miss that opportunity now at the peril of creating a situation where we cannot make a change in the future due to unforeseen barriers and need for compliance with the spirit of the AODA.

Respectfully,

Kim Nolan

**Pilon, Janet**

---

**Subject:** Letter to Council re: Outdoor Dining Staff Report PED 22051

**From:** Nolan, Tim

**Sent:** Thursday, February 17, 2022 7:55 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Cc:** Nolan, Tim

**Subject:** Letter to Council re: Outdoor Dining Staff Report PED 22051

I submit this letter to City Council on my behalf.

Tim Nolan

Dear City Council,

I write to Council as a Whole on behalf of myself as a member of the City's Advisory Committee for Persons with Disabilities. I would not normally reach out to Council in this way, but do so now because the matter before you is of significant importance with the full Council, collectively and simultaneously, receiving notice of my concern.

This brief correspondence is with respect to staff report PED22051 regarding the outdoor dining program, and the plan to make the temporary program permanent.

At the outset, please know I am not at all opposed to an outdoor dining program becoming permanent. I completely enjoy the opportunity to dine outdoors. I am not asking Council to scrap the program, rather, I ask Council to not rush to decision on this matter leaving accessible design of outdoor facilities in limbo. By rushing to decision on this matter now Council affirms that the meagre effort of staff to consult ACPD on this initiative, and any future staff report for that matter need only be superficial. A decision on this matter now by Council to adopt this program without reasonable and obligatory consideration for full accessibility sends a message to staff absolving them of any future obligation to consult ACPD meaningfully on matters affecting accessibility.

I respectfully request that Council rethink the support of the City's Planning Committee as follows:

1. Leave the temporary temporary outdoor dining program as is, until such time a permanent temporary program can be properly and fully integrated with full accessibility; and,

2. Refer staff and their report PED 22051 to the ACPD working group on Accessible Outdoor Spaces and Parklands so that a meaningful and effective collaboration on accessibility can be achieved before the permanent program is launched ; and,
3. Once City staff and ACPD can reach consensus on full accessibility for all outdoor dining then have staff report back in order to proceed.

Based upon the staff report, staff and other delegate feedback during the February 15, 2022 Planning Committee meeting I would like to rebut some of what was presented:

1 A university student cannot in any way be construed as an expert on accessibility and accessible design thereby absolving any BIA from consulting the City's Advisory Committee for Persons with Disabilities on accessibility and accessible design;

No BIA in this City has ever approached ACPD to gain information how to make outdoor dining accessible;

Program staff did consult ACPD but that consultation focused primarily on the procedure for application and barely at all on how to make outdoor patios accessible and how to prevent barriers to pedestrians with disabilities particularly where dining will occupy sidewalks and pathways;

Staff during their consultation with ACPD were asked to find ways to not impede travel and safe travel for persons with disabilities on City sidewalks yet this program and staff report provide no such design or mechanism to do so;

The staff report provides a statement with regard to compliance with the AODA, yet the AODA has no such specific regulations respecting outdoor dining. It makes good sense then that such standards be developed for the City of Hamilton in consultation with ACPD in order that the staff assertion be compliant before this program permanently moves forward;

The staff report deems legal implications of this program N/A not applicable. I would posit and respectfully bring to Council's attention that while there may be no individual regulations arising from the AODA specific to accessible outdoor dining, the Act itself requiring full accessibility and prevention of barriers to access is in scope. This program, in my opinion, should it proceed, is in contravention of the AODA in fact, and in spirit. Additionally, a Council decision to proceed in defiance of accessibility, particularly given advice by ACPD of this fact, makes Council more liable should any complaint arise under the Ontario Human Rights Code. On this point alone, Council needs to refer this program to ACPD.

Additionally, the text or talking points guiding the ACPD presentation to the Planning Committee are provided below in support of this request to refer this program matter to the ACPD working group before proceeding to make this program permanent.

James Kemp and Tim Nolan on behalf of the ACPD.

I am here representing the Advisory Committee for Persons with Disabilities regarding the outdoor patio program being made permanent in the report (PED22051).

The ACPD respectfully requests that the Planning Committee and Council do not make the Outdoor Dining Districts Program permanent until our very reasonable accessibility issues have been addressed. Our concerns are as follows:

1. There is no accessibility trained person on the SEAT team that makes the decisions on whether these permits are approved. When accessible parking spaces are being relocated or encroached upon, or when access to sidewalks, curb cuts and ramps are going to be blocked, there needs to be someone on the team to represent those with disabilities and ensure that convenience isn't taking a priority to accessibility. This person could possibly report any issues to our committee on an annual basis.
2. We have serious issues regarding the sidewalk bypasses. Blocking the sidewalk creates a clear barrier to persons with disabilities in contradiction of the Ontarian's with Disabilities Act (ODA) which was put in place to ensure that we could participate fully in society. Of particular note:
  1. Urban Braille, designed to help those with visual impairments navigate the world safely, are directing pedestrians directly into the barricade.
  2. The barricades have no high contrast markings or signage warning those with visual impairments of the danger ahead. We were told that there would be a sign, but first, they would need to know the sign was there and two, they would have to be able to read it.
  3. The wooden planking makes it painful and difficult to travel on for those using: walkers, white canes, canes, crutches, wheelchairs or power chairs.

4. There is often a lip where the planking transitions from the sidewalk. This can possibly puncture the pneumatic tires of mobility scooters, cause a tripping hazard or hook up a white cane.
5. Narrowing the flow of traffic prevents two wheelchairs or walkers, etc.... from passing safely or to prevent being jostled by passersby in the tight space.
6. Blocking the sidewalk and making us travel further distances signals to those with disabilities that we aren't really included or equal. Persons with disabilities begin avoiding the areas due to the difficulty and frustration of traversing them. Therefore, a barrier.

The ACPD met with staff on three occasions over the past year regarding this issue and we informed them of our concerns each time, yet none of those concerns made it into this report.

We also had two delegations from Susan Creer from Accessible Hamilton regarding her group's concerns about the Patio Program.

We have tried to learn if we were consulted before this program began in accordance with the AODA, but have found no evidence of it.

Planning Committee members I would like to speak to the points as outlined here and appreciate the opportunity to do so:

there are a good many obstacles on sidewalks these days which impede travel and safe travel for people with disabilities e.g. light posts, flower planters and flower planter posts, street sign posts, fire hydrants, mail boxes, bus shelters and bus sign posts, garbage cans and utility vault covers, and bike racks among so many others. Now people with disabilities must deal with dangerous e-scooters and restaurant patios. Where are we supposed to walk? Add to the issue the atrocious snow clearing in the winter and people with disabilities either travel only on the road or never get out. Is this the City that members of City Council envision for the future?

Furthermore, the City developed and adopted many years ago barrier – free pedestrian pathway guidelines to support persons with disabilities with unimpeded pathways of travel particularly in BIA districts. Any restaurant patios which encroach sidewalks are in contravention of previous City Council decisions and must not go forward, otherwise City Council will be in contravention of its own regulations.

The staff report before you respecting making temporary patio and sidewalk restaurants permanent peripherally mentions consultation with ACPD and compliance with AODA regulations, but the consultation with ACPD was primarily a presentation with little input to site design and the negative impact upon persons with disabilities should it go ahead. Additionally, AODA regulations respecting outdoor spaces has very little, if any, regulations respecting outdoor dining. In an effort to properly address this matter Council may wish to refer this report to the newly formed City staff and ACPD Working Group on Accessible Open Spaces and Park Lands through the ACPD where a resolution can be reached in full



and complete discussion with persons with disabilities before proceeding further. ACPD was unable to affect outdoor dining when previously approved in 2016; we should not miss that opportunity now at the peril of creating a situation where we cannot make a change in the future due to unforeseen barriers and need for compliance with the spirit of the AODA.

Respectfully,

Tim Nolan

**Pilon, Janet**

---

**Subject:** Outdoor Patio Program

**From:** Bettina Schormann

**Sent:** Friday, February 18, 2022 12:14 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca); Davis, Julia <[Julia.Davis@hamilton.ca](mailto:Julia.Davis@hamilton.ca)>; Kerry Jarvi <[kerry@downtownhamilton.org](mailto:kerry@downtownhamilton.org)>; Locke Street BIA <[lockestreetshopsbia@gmail.com](mailto:lockestreetshopsbia@gmail.com)>; Holly Gibb; Mike Spitzig

**Subject:** Outdoor Patio Program

Hello,

With regard to the outdoor dining program both Bread Bar Locke and Bread Bar James have benefited from having patios over the last two years. Both locations had revenue of approximately \$100,000 from the patio between June to October (we were locked down last spring April/May but would like to be open starting April). We were also able to employ 2 additional staff.

The presence of the patio also brings a summer vibe to the street increasing the perception of value to the customer.

We are in huge support of a permanent Out Door Dining program.

Warm Regards,

Bettina Schormann

Pastry Chef/Proprietor, Earth to Table: Bread Bar

Earth to Table: Bread Bar

258 Locke Street South | Hamilton, ON | L8P 4B9

14 James Street North | Hamilton, ON | L8R 2J9

105 Gordon Street | Guelph, ON | N1H 4H7

breadbar.ca



## 4.11 (j)

**Mark A McNeil**  
Ancaster, ON

February 18, 2022

Hamilton City Hall  
71 Main Street West  
Hamilton, ON L8P 4Y5

### **Re: Temporary Outdoor Dining Program**

#### **Dear Councillors:**

I write as an individual, a citizen of Hamilton, although I am a member of the Accessibility Committee for Persons with Disabilities, with respect to the Planning Committee endorsement of the staff report PED22051 regarding the Outdoor Dining Program. Specifically, the recommendation to make the Temporary Outdoor Dining Program permanent.

To ensure that the Outdoor Dining Program is fully accessible and does not present any barriers to travel for persons with disabilities, James Kemp and Tim Nolan from the ACPD presented to the Planning Committee on February 15. They requested that staff and their staff report, both, be referred to the ACPD working group on accessible outdoor spaces and parklands before proceeding to make this program permanent.

The Committee instead voted 6 – 0 to accept the staff report to make the program permanent now, ignoring any need for accessibility. I believe this is a mistake on the part of the Planning Committee, placing the City at risk of non-compliance with the AODA, the Ontario Human Rights Code and its own standards for safe and barrier – free pedestrian pathways in the City.

**I am not opposed to outdoor dining or making this program permanent. Weather permitting, I prefer to dine outdoors.**

I ask only that this program be accessible and ensure accessibility for persons with disabilities in this City. I request that the staff report and staff be referred to the ACPD working group to secure full accessibility with respect to all matters associated with outdoor dining before proceeding at this time.

This matter is important for the City and all its citizens, including those with disabilities. We have a duty to be thoughtful and considerate in this process, and I implore you to do so now.

With appreciation,

Mark A. McNeil  
Citizen of Hamilton

**Pilon, Janet**

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**Subject:** Support of permanent outdoor patio program

**Importance:** High

**From:** [concessionbia@gmail.com](mailto:concessionbia@gmail.com) <[concessionbia@gmail.com](mailto:concessionbia@gmail.com)>

**Sent:** Friday, February 18, 2022 12:59 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Cc:** Davis, Julia <[Julia.Davis@hamilton.ca](mailto:Julia.Davis@hamilton.ca)>; Lam, Judy <[Judy.Lam@hamilton.ca](mailto:Judy.Lam@hamilton.ca)>

**Subject:** Support of permanent outdoor patio program

**Importance:** High

The Concession Street BIA is in full support of expanding the outdoor patio program to make it a permanent year-round fixture. Outdoor patios allow small businesses to expand their seating capacity in a time when their economic recovery, scaling their sales and enticing people back to their establishments is critical. As Canadians we have seen that patios are not just a summer thing. Warm sunny winter days, late autumn sunshine, early Spring-like weather and beautiful evenings any time of year are good reason to visit your local patio. Year round patios will give restaurants to get really creative in how they adapt these spaces to the season.

An added bonus is that these spaces animate our BIA and make it a more inviting place for visitors, so other small businesses can also benefit from that foot traffic. This commercial corridor vibrancy in turn then adds to the appeal and allure for new businesses to also join our BIA and invest in our street. For these reasons, the Board of Management is in full support of this motion.

Sincerely,

Cristina Geissler, Executive Director, Concession BIA

**Pilon, Janet**

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**Subject:** Outdoor dining program

**From:** Pat Cameron

**Sent:** Sunday, February 20, 2022 6:18 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Outdoor dining program

Dear Councillors

I write with respect to the Planning Committee endorsement of a staff report / recommendation to make the temporary temporary outdoor dining program permanent.

in an effort to ensure that the outdoor dining program is fully accessible and does not present any barriers to travel and safe travel for persons with disabilities James Kemp and Tim Nolan from the ACPD presented to the Planning Committee on February 15. They requested that staff and their staff report, both, be referred to the ACPD working group on accessible outdoor spaces and parklands before proceeding to make this program permanent.

The Committee instead voted 6 – 0 to accept the staff report to make the program permanent now ignoring any need for accessibility.

I believe this is a clear mistake on the part of the Planning Committee placing the City at clear risk of non compliance with the AODA, the Ontario Human Rights Code and its own standards for safe and barrier – free pedestrian pathways in the City.

I am not at all opposed to outdoor dining or making this program permanent. I ask only that this program be accessible and ensure accessibility for persons with disabilities in this City. To do so only requires the staff report and staff be referred to the ACPD working group to secure full accessibility with respect to all matters associated with outdoor dining before proceeding at this time.

And, that Council allow the program to proceed as temporarily temporary for now. This matter is important for the City and all its citizens with disabilities. We have a duty to be thoughtful and considerate in this process, and I implore you to do so now.

With appreciation

Patty Cameron  
Stoney Creek

**Pilon, Janet**

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**Subject:** My letter to Council

**From:** Aznive Mallett

**Sent:** Tuesday, February 22, 2022 10:10 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** My letter to Council

Please forward the following letter to on my behalf.  
Aznive Mallett

Dear City Council,

This Letter to Council on behalf of myself, as a citizen who is a member of the City's Advisory Committee for Persons with Disabilities. The reason I am reaching out to Council is because the matter before you are significant. My goal is for the Council to understand collectively and simultaneously my concern.

This correspondence refers to the staff report PED22051 regarding the Outdoor Dining Program, and the plan to make the temporary program permanent.

Please know I am not at all opposed to an outdoor dining program becoming permanent. I have enjoyed the opportunity to dine outdoors on many occasions. There is no need to scrap the program. I merely ask Council to not rush.

The staff report does not capture the concerns of ACPD that barriers will be generated for persons with disabilities in Hamilton. I request Council not adopt the change to this program without reasonable and obligatory consideration for full accessibility. ACPD needs Council to consult ACPD meaningfully on matters affecting accessibility. To be explicit, our concern is not only for accessibility of patrons within the dining area but rather the barriers created around these patios.

I respectfully request that Council rethink the support of the City's Planning Committee as follows:

1. Leave the temporary Outdoor Dining Program as is, until such time the program can be properly and fully integrated with full accessibility; and,

2. Refer staff and their report PED 22051 to the ACPD working group on Accessible Outdoor Spaces and Parklands so that a meaningful and effective collaboration on accessibility can be achieved; and,
3. Once City staff and ACPD can reach consensus on full accessibility for all outdoor dining then have staff report back on making outdoor dining and the absorbed property fully accessible.

Based upon the staff report, staff and other delegate feedback during the February 15, 2022, Planning Committee meeting I would like to negate some of what was presented by staff.

- A university student cannot in any way be construed as an expert on accessibility and accessible design.
- Program staff did consult ACPD, but that consultation focused primarily on the procedure for application and barely at all on how to make outdoor patios accessible. Our significant concern will greatly benefit the city because it will prevent barriers to pedestrians with disabilities particularly where dining will occupy pedestrian space.
- Sadly, no BIA in this City has ever approached ACPD to gain information on how to make outdoor dining accessible. sidewalks and pathways.
- ACPD asked staff to find ways to not impede travel and ensure safe travel for persons with disabilities on City sidewalks. The staff report does not provide for design or mechanisms to do so.
- The staff report provides a statement about compliance with the AODA, yet the AODA has no such regulations respecting outdoor dining.

The staff report deems legal implications of this program not applicable. I would respectfully bring to Council's attention that while there may be no individual regulations arising from the AODA specific to accessible outdoor dining, the Act itself requiring full accessibility and prevention of barriers to access is in scope. This program, in my opinion, should it proceed, is in contravention of the AODA in fact, and in spirit. Additionally, a Council decision to proceed in defiance of accessibility, particularly given advice by ACPD of this fact, could make Council more liable should any complaint arise under the Ontario Human Rights Code. On this point alone, Council needs to refer this program to ACPD.

Additionally, the text or talking points guiding the ACPD presentation to the Planning Committee are provided below in support of this request to refer this program matter to the ACPD working group before proceeding to make this program permanent.

James Kemp and Tim Nolan on behalf of the ACPD.

I am here representing the Advisory Committee for Persons with Disabilities regarding the outdoor patio program being made permanent in the report (PED22051).

The ACPD respectfully requests that the Planning Committee and Council do not make the Outdoor Dining Districts Program permanent until our very reasonable accessibility issues have been addressed. Our concerns are as follows:

1. There is no accessibility trained person on the SEAT team that makes the decisions on whether these permits are approved. When accessible parking spaces are being relocated or encroached upon, or when access to sidewalks, curb cuts and ramps are going to be blocked, there needs to be someone on the team to represent those with disabilities and ensure that convenience isn't taking a priority to accessibility. This person could possibly report any issues to our committee on an annual basis.

2. We have serious issues regarding the sidewalk bypasses. Blocking the sidewalk creates a clear barrier to persons with disabilities in contradiction of the Ontarian's with Disabilities Act (ODA) which was put in place to ensure that we could participate fully in society. Of particular note:

1. Urban Braille, designed to help those with visual impairments navigate the world safely, are directing pedestrians directly into the barricade.

2. The barricades have no high contrast markings or signage warning those with visual impairments of the danger ahead. We were told that there would be a sign, but first, they would need to know the sign was there and two, they would have to be able to read it.

3. The wooden planking makes it painful and difficult to travel on for those using: walkers, white canes, canes, crutches, wheelchairs or power chairs.

4. There is often a lip where the planking transitions from the sidewalk. This can possibly puncture the pneumatic tires of mobility scooters, cause a tripping hazard or hook up a white cane.

5. Narrowing the flow of traffic prevents two wheelchairs or walkers, etc.... from passing safely or to prevent being jostled by passersby in the tight



space.

6. Blocking the sidewalk and making us travel further distances signals to those with disabilities that we aren't really included or equal. Persons with disabilities begin avoiding the areas due to the difficulty and frustration of traversing them. Therefore, a barrier.

The ACPD met with staff on three occasions over the past year regarding this issue and we informed them of our concerns each time, yet none of those concerns made it into this report.

We also had two delegations from Susan Creer from Accessible Hamilton regarding her group's concerns about the Patio Program.

We have tried to learn if we were consulted before this program began in accordance with the AODA, but have found no evidence of it.

Planning Committee members I would like to speak to the points as outlined here and appreciate the opportunity to do so:

there are a good many obstacles on sidewalks these days which impede travel and safe travel for people with disabilities e.g. light posts, flower planters and flower planter posts, street sign posts, fire hydrants, mail boxes, bus shelters and bus sign posts, garbage cans and utility vault covers, and bike racks among so many others. Now people with disabilities must deal with dangerous e-scooters and restaurant patios. Where are we supposed to walk? Add to the issue the atrocious snow clearing in the winter and people with disabilities either travel only on the road or never get out. Is this the City that members of City Council envision for the future?

Furthermore, the City developed and adopted many years ago barrier – free pedestrian pathway guidelines to support persons with disabilities with unimpeded pathways of travel particularly in BIA districts. Any restaurant patios which encroach sidewalks are in contravention of previous City Council decisions and must not go forward, otherwise City Council will be in contravention of its own regulations.

The staff report before you respecting making temporary patio and sidewalk restaurants permanent peripherally mentions consultation with ACPD and compliance with AODA regulations, but the consultation with ACPD was primarily a presentation with little input to site design and the negative impact upon persons with disabilities should it go ahead. Additionally, AODA regulations respecting outdoor spaces has very little, if any, regulations respecting outdoor dining. In an effort to properly address this matter Council may wish to refer this report to the newly formed City staff and ACPD Working Group on Accessible Open Spaces and Park Lands through the ACPD where a resolution can be reached in full and complete discussion with persons with disabilities before proceeding further. ACPD was unable to affect outdoor dining when previously approved in 2016; we should not

miss that opportunity now at the peril of creating a situation where we cannot make a change in the future due to unforeseen barriers and need for compliance with the spirit of the AODA.

**Pilon, Janet**

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**Subject:** Side walk patio's

**From:** Paula Kilburn

**Date:** February 20, 2022 at 1:03:16 PM EST

**To:** "Merulla, Sam" <[Sam.Merulla@hamilton.ca](mailto:Sam.Merulla@hamilton.ca)>

**Subject:** Side walk patio's

Hello Councillor Merulla

I am writing to respectfully bring forth my concerns about the lack of accessibility with the side walk patio's.

as a person with vision loss I find them dangerous and not accessible.

I am not against side walk patio's as I have often used them myself but they take away clear passage and not being able to follow Urban Braille. It is also hard to follow the fence around the patio and hard to find and navigate the bye pass, ,finding the opening to enter the restaurant is also a concern. There is no color contrast on the fence and having a sign doesn't help if you are not able to see it.

I know that ACPD presented to the Planning committee last week and that staff came and presented but they didn't seem to take any of the suggestions made into consideration.

I ask that you do not make the side walk patio's permanent until there has been mor consultation with ACPD.

Respectfully yours, Paula Kilburn.

4.11 (o)



## **LOCKE STREET BIA**

**258 Locke Street South  
Hamilton, ON L8P 4B9  
lockestreetshopsbia@gmail.com**

**City of Hamilton**

**02.22.2022**

City Clerk Department  
clerk@hamilton.ca

Dear Mayor and Councillors,

Please take this as a letter of support for the report to Council recommending making Temporary Outdoor Patio Program permanent in the City of Hamilton.

Patios provide a much-needed economic boost to the Locke Street restaurant industry which had already been recovering from the loss of business during the recent street rehabilitation. The new street design works well with the street patios to create economic activity and a lively streetscape. Patios are one “positive” of the pandemic which should be continued as they greatly benefit the community, including residents and visitors. The patios have allowed for safe outdoor activity, which continues to enliven and enrich our community.

Thank you for your continued support of local small business.

Best regards.

Tracy MacKinnon  
Executive Director  
Locke Street BIA  
lockestreetshopsbia@gmail.com  
289.965.9212

*Thank you*



**Stoney Creek BIA**  
**38 King Street E #66545**  
**Stoney Creek, ON L8G 1K1**  
**biastoneycreek@gmail.com**

**City of Hamilton**

**02.22.2022**

City Clerk Department  
clerk@hamilton.ca

Dear Mayor and Councillors,

Please take this as a letter of support for the report to Council recommending making Temporary Outdoor Patio Program permanent in the City of Hamilton.

Patios are used to support the viability of our restaurants and the local employment they create. The Stoney Creek BIA uses patios to support the local Veterans' Legion. This new partnership with the Legion provides new, long term economic support for this, vital, local, accessible, community, hub. The Stoney Creek BIA already has a new restaurant opening which will use a patio to support its business and the new jobs created. We have received numerous positive comments from residents as they value and appreciate the creation of safe outdoor space for residents and visitors to enjoy.

Thank you for your continued support of local small business.

Best regards.

Tracy MacKinnon  
Executive Director  
Stoney Creek BIA  
biastoneycreek@gmail.com  
289.965.9049

*Thank you*

4.11 (q)



WESTDALE VILLAGE BIA  
950 KING STREET WEST  
HAMILTON, ON L8S 1K8  
INFO@WESTDALEVILLAGE.CA

**City of Hamilton**

**02.22.2022**

City Clerk Department  
clerk@hamilton.ca

Dear Mayor and Councillors,

Please take this as a letter of support for the report to Council recommending making Temporary Outdoor Patio Program permanent in the City of Hamilton.

Westdale Village patios have been crucial in keeping our restaurants alive and open; creating safe outdoor space for residents and visitors; and in helping our Westdale Theatre through the pandemic. This, in turn, has sustained hundreds of local jobs, supporting families through the pandemic. Westdale Village's patios are safe, street-level, barrier free, accessible, and are in spaces which utilized existed parking and do not utilize any accessible parking spaces.

Thank you for your continued support of local small business.

Best regards.

Tracy MacKinnon  
Executive Director  
Westdale Village BIA  
info@westdalevillage.ca  
905.526.6134

*Thank you*

**Pilon, Janet**

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**Subject:** King William St. Closure**From:** Matt Webber**Sent:** Friday, February 18, 2022 8:46 AM**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)**Cc:** Kerry Jarvi <[kerry@downtownhamilton.org](mailto:kerry@downtownhamilton.org)>**Subject:** King William St. Closure

To City Council

My name is Matthew Webber and I am the owner of Berkeley North Restaurant on King William St. I am writing to ask for your support to allow King William St to close to traffic again for the Spring and Summer months. COVID-19 has created a massive interruption to all businesses and the hospitality industry took one of the biggest hits. The businesses on King William St. have created one of the most unique and special experiences in the City. We have restored a street that was practically abandoned and turned it into one of the most talked about areas with our hard work and for many, our life savings. The fact that we are all still here is a testament to the passion we have as a collective to help compliment all the other wonderful things being done across the City to put Hamilton on the national map. We are in need of your help!

The ability to use the King William St. Patio has honestly allowed my restaurant to survive and be here today. Without it over the last two years it would be very hard for me to imagine Berkeley North still operating today. Businesses, and restaurants in particular, have been set back years by this pandemic and it will take years of careful navigation to get our businesses back to where they were prior to the lockdown. I thank you all so much for expediting the process of closing down this street and making this possible for the last 2 years. Our BIA has been amazing in helping orchestrate this by providing equipment, support and promotion. I am forever grateful to both the City and BIA for this. And now I ask for your help again.

The experience that has been created on the King William St. Patio has brought life back to the downtown core. It has been a driving force for people to gather and celebrate with one another. Almost every table says the same thing, "This is such a great idea, this is healing as it gives me a feeling of normalcy and this has to be here every year." It offers a safe environment for those that feel uneasy about returning inside dining rooms. The outside seats are the very first seats that fill up everyday and the last to empty. There is a buzz of excitement, laughter and normalcy that is healing to everyone that joins us. We are on the verge of creating something that is truly special and unique in our City. Our suppliers, delivery services, staff and guests have all been able to easily adjust to the closure of the street and navigate around it.

I truly believe that some good has come from these extremely hard times and the push to close this street is one of those great accomplishments. This is something that not only needs to be here for this year but years to come. We have a chance to not only provide a spectacular experience for the residents of our City but also a tremendous tourist destination and unique feature that helps support one of the most special districts in the City. I hope that you all have had the chance to experience this street patio in action and if not I highly encourage you to do so. With some careful planning we can propel this district into a year long destination that will provide an extremely strong foundation to the downtown core that will service the growing population and reemergence of businesses.

Thank you for the chance to speak about the importance of this street closure. Thank you for your assistance and support up to this point. Please support this initiative for this year and years to come so that we can look at this 10 years down the road and all be proud of what we were able to create coming out of such a hard time.

# Matthew Webber

Owner

Berkeley North

W: 905.522.5858

[www.berkeleynorth.ca](http://www.berkeleynorth.ca)





February 21, 2022

Mayor Fred Eisenberger and Members of Council  
c/o Office of The City Clerk  
71 Main Street West  
Hamilton, Ontario  
L9P 4Y5

RE: 442-462 Wilson ST. E, ANCASTER Reconsideration of Deferral REQUEST UHOPA-21-023 and ZAC-21-049 (ward 12) (PED22037)

We would like to first thank City Councillors, staff, and residents for their ongoing discussions and efforts to come to a resolution on this matter. As locals ourselves, we want to ensure this project complements the unique fabric of Ancaster and provides our community with much needed housing.

Due to the productive nature of these discussions, we would like to formally request a deferral of the City Council vote on this initiative to provide additional time for engagement. In the interim, we agree not to bring forth an appeal to the Ontario Land Tribunal (OLT) for non-decision. We request a two-month deferral and for this matter to be brought back to Council at the end of April.

We want this to be a project the City is proud of. We have considered initial feedback, such as reducing the building height to 4-5 stories from 7 stories, adding privately owned public spaces (POPS), and ensuring the design and character encourage community life. We believe that our progress on the building's design and characteristics merit further discussion with staff and engagement with the community.

Deferring a Council vote by two months would provide us with substantial time to reach a resolution that is acceptable to all stakeholders without appealing to the OLT. We believe this development is aligned with the residents' values of accommodating growth within the existing boundary, as well as provincial and municipal growth strategies. Therefore, we believe it is in the best interest of all parties to come to a resolution together.

Please reach out to us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Waxman", written over a horizontal line.

Aaron Waxman

**J. Pitman Patterson**  
T 416.367.6109  
PPatterson@blg.com

**Katie Butler**  
T 416.367.6353  
KButtler@blg.com

Borden Ladner Gervais LLP  
Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto ON M5H 4E3  
Canada  
T 416-367-6000  
F 416-367-6749  
blg.com



**4.14**

February 22, 2022

**Delivered by Email (clerk@hamilton.ca) (mayor@hamilton.ca)**

Mayor Eisenberger and Council  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Mayor Eisenberger and Members of Council:

**Re: File: Official Plan Amendment UHOPA-22-001**  
**File: Zoning By-law Amendment ZAC-22-003**  
**Folder: 2022 100024 00 PLAN (1087541)**  
**Subject Property: 65 Guise Street East (Pier 8, Block 16), Hamilton**  
**Item 5.3 Planning Committee Report 22-003 - February 15, 2022**

BLG has been retained as land use planning counsel by Parrish & Heimbecker Limited (“**P&H**”) the operator of a grain handling terminal and flour mill on Pier 10 in Hamilton. We write regarding our client’s concerns in respect of the proposed Official Plan Amendment and Zoning By-law Amendment (the “**Proposed Amendments**”) at the property municipally known as 65 Guise Street East, Hamilton (Pier 8, Block 16) (the “**Subject Property**”) and the associated introduction of new sensitive land uses in a 45-storey tower.

Our client is the owner and operator of a large grain handling terminal and state of the art flour mill on Pier 10, including the dockwalls and finger pier extending toward Pier 8 which is used for the loading and unloading of ships (the “**P&H Facility**”). The P&H Facility which is approximately 270 meters from the east side of Pier 8, and ships dock on the finger pier as close as approximately 150 metres. In 2017, P&H completed a \$45 million investment in a new flour mill on Pier 10 which was supported by the City of Hamilton and all other levels of government. The new mill is the first greenfield site flour mill built in Ontario in 75 years.

P&H has made a substantial economic investment on Pier 10, and a significant contribution to the establishment of a successful agri-food hub in the port. These efforts have been supported by all levels of government and the Hamilton-Oshawa Port Authority. The Port of Hamilton and the industries it hosts play a major role in the City’s economy. Given this role, the City has recognized the need to work in consultation with the Hamilton-Oshawa Port Authority to harmonize planning initiatives. The City’s Official Plan recognizes the need to protect existing industrial areas in the Port and to establish appropriate separation and mitigation measures.

This is not the first time the proposed introduction of sensitive uses on Pier 8 has raised serious issues of land use compatibility with existing industry on and around Pier 10. In 2017, P&H and others appealed to the Ontario Land Tribunal (“**OLT**”) objecting to the City’s approval of Zoning By-law No. 17-095 and draft Plan of Subdivision 25T-201605 (Case No PL170742). P&H’s appeals (the Phase II appeals) raised concerns about the proposed use of the Pier 8 lands on numerous grounds, including that the proposed sensitive land uses were incompatible with the use and operation of the P&H Facility, which could expose P&H to potential action for damages or injunctions or both, enforcement action, and environmental compliance approval issues. As described in the Staff Report (PED22031), on September 16, 2019, the City agreed with the WSC, Harbour West Neighbours Inc. and Herman Turkstra to resolve some of the appeals (the Phase I appeals). On August 14, 2020, the City, Waterfront Shores Corporation (“**WSC**”) and P&H entered into a settlement agreement setting out measures to address the incompatibility issues raised in the P&H appeals (“**Settlement Agreement**”). P&H, the City and WSC also entered into an agreement pursuant to the *Industrial and Mining Lands Compensation Act*, RSO 1990, c. I.5, which was registered on title to the Pier 8 lands on or around August 25, 2021 (the “**IMLCA Agreement**”). The IMLCA describes, among other things, the proposed sensitive uses of the Pier 8 lands and the incompatibility of sensitive uses proximate to the use and operation of the P&H Facility.

The Settlement Agreement and IMLCA Agreement facilitated settlement of the P&H appeals, and the OLT issued its order on September 22, 2020 approving Zoning By-law 17-095. The Settlement Agreement and IMLCA Agreement were carefully negotiated on the basis of the arrangement of development blocks, built form and uses contemplated in Zoning By-law 17-095. A 45 storey multi-residential building was not contemplated on Block 16, nor was such use or built form approved in Zoning By-law 17-095.

Our client is concerned that the P&H Facility once again will be threatened by the proposed introduction of sensitive land uses on the Subject Property, and that there has been inadequate consultation with existing industries, contrary to the approach directed by the Ministry of Environment and Climate Change under the NPC-300 publication, which states:

Where a site in proximity to a stationary source is in the process of being developed or re-developed for noise sensitive uses (such as residential), it is considered the responsibility of the proponent/developer of the noise sensitive land use to ensure compliance with the applicable sound level limits and for this responsibility to be reflected in the land use planning decisions.

NPC-300 goes on to state that the involvement of owners of stationary sources in the land use planning process “is highly recommended” when an adjacent new noise-sensitive land use is proposed, and that a “cooperative effort” between the proponent and the stationary source owners is desirable. Pursuant to NPC-300, it is the responsibility of the proponent of the new noise sensitive land use to ensure compliance with applicable sound level limits.

We have reviewed the planning application materials available online, including the proponent’s Planning Justification Report and the Noise Feasibility Study dated October 25, 2021 (the “**Noise Study**”). In respect of the Noise Study, P&H’s acoustical engineers are currently reviewing that study to evaluate the characterization of noise sources, the impact on the proposed Block 16 tower, and the sufficiency of the mitigation measures noted in the Noise Study. As matters currently stand, there is no comfort to P&H that appropriate mitigation measures will be implemented, or more generally, that

the proposed use and built form are appropriate. The Planning Justification Report refers to “*potential* mitigation measures that *could* be implemented”. The Staff Report (PED22031) is remarkably entirely silent on the history and process of resolving compatibility issues with P&H for Pier 8 development, and says nothing about the Settlement Agreement or the noise issue at all. There is no discussion of, or commitment to, implementation of mitigation measures to ensure compatibility, surely a threshold issue when approving new uses and built form in a zoning by-law amendment.

Given the close proximity to stationary and other noise sources and industry such as the P&H Facility, ensuring compatibility and compliance with Provincial guidelines should be a fundamental driver when evaluating the Proposed Amendments and the introduction and distribution of new uses in the area and at the Subject Property.

We submit this letter in advance of the statutory public meetings being held for the Official Plan and Zoning By-law Amendments where this item will be considered by the Planning Committee and subsequently City Council. Our client seeks an outcome which protects industry in conformity with the Official Plan and Provincial guidelines.

Our client requests copies of subsequent communications in this matter, and notice of all meetings and decisions in respect of the Proposed Amendments.

Yours very truly,  
**BORDEN LADNER GERVAIS, LLP**



Pitman Patterson

CC : Stephen Robichaud, Director, Planning and Chief Planner

Lisa Kelsey, Legislative Coordinator, Planning Committee

Client



## **BOARD OF HEALTH REPORT 22-002**

9:30 a.m.

Monday, February 14, 2022

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

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

**Absent with  
Regrets:** Councillor T. Whitehead – Personal

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### **THE BOARD OF HEALTH PRESENTS REPORT 22-002 AND RESPECTFULLY RECOMMENDS:**

**1. Communication from the Association of Local Public Health Agencies (aLPHa) respecting Public Health Resilience in Ontario (Item 5.1)**

That the Communication from the Association of Local Public Health Agencies (aLPHa) respecting Public Health Resilience in Ontario, be endorsed.

**2. Annual Service Plan & Budget 2022 (BOH22003) (City Wide) (Item 10.1)**

- (a) That the Board of Health authorize and direct the Medical Officer of Health to submit the 2022 Annual Service Plan and Budget to the Ministry of Health in keeping with what is outlined in this report;
- (b) That the Board of Health reiterate their call to the Ministry of Health to fully fund the provincial portion, at least 70%, of the total costs of the mandatory public health programs and services provided under the Ontario Public Health Standards;
- (c) That the Board of Health reiterate their call to the Ministry of Health to fully fund the added costs resulting from the expanded mandate under the Ontario Public Health Standards through a base funding increase in the amount of \$355,770; and;

- (d) That the Board of Health authorize and direct the Medical Officer of Health to report the outcomes of the 2022 Annual Service Plan and Budget submission and any additional FTEs required if the Base Funding Shortfall one-time request and Ontario Seniors Dental Care Program additional operational funding request is approved.

**3. Physician Recruitment & Retention Steering Committee Report 22-001 – February 11, 2022 (Added Item 10.2)**

- (i) Appointment of Chair and Vice-Chair (Item 1)
  - (a) That Marie Nash be appointed as Chair of the Physician Recruitment and Retention Steering Committee for the balance of the 2018-2022 term of Council; and
  - (b) That Councillor Merulla be appointed as Vice-Chair of the Physician Recruitment and Retention Steering Committee for the balance of the 2018-2022 term of Council.
- (ii) Proposed Contract Revisions – Physician Recruitment Specialist (Item 14.2)
  - (a) That the Terms and Conditions of Employment for the Physician Recruitment Specialist, be approved; and
  - (b) That the Terms and Conditions of Employment for the Physician Recruitment Specialist contract remain confidential.

**FOR INFORMATION:**

**(a) CEREMONIAL ACTIVITIES (Item 1)**

There were no ceremonial activities.

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

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

**10. DISCUSSION ITEMS**

- 10.2 Physician Recruitment & Retention Steering Committee Report 22-001 – February 11, 2022 (Added Item 10.2)

The agenda for the February 14, 2022 Board of Health was approved, as amended.

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

None

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) January 10, 2022 (Item 4.1)**

The Minutes of January 10, 2022 were approved, as presented.

**(e) STAFF PRESENTATIONS (Item 8)**

**(i) Overview of COVID-19 Activity in the City of Hamilton 11 Mar 2020 to Present (Item 8.2)**

Dr. E. Richardson, Medical Officer of Health; Michelle Baird, Director, Healthy and Safe Communities and Melissa Biksa, Manager, Healthy and Safe Communities, addressed the Board with an Overview of COVID-19 Activity in the City of Hamilton 11 Mar 2020 to present, with the aid of a PowerPoint presentation.

The Presentation respecting an Overview of COVID-19 Activity in the City of Hamilton 11 Mar 2020 to present, was received.

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

There being no further business, the Board of Health adjourned at 11:02 a.m.

Respectfully submitted,

Mayor F. Eisenberger,  
Chair, Board of Health

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



**PUBLIC WORKS COMMITTEE  
REPORT 22-003**

1:30 p.m.

Monday, February 14, 2022

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with  
Regrets:** Councillor T. Whitehead - Personal

**THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 22-002 AND  
RESPECTFULLY RECOMMENDS:**

**1. Lincoln M. Alexander Parkway Overhead Sign Support Structures  
(PW22008) (City Wide) (Item 7.1)**

That Item 7.1, Lincoln M. Alexander Parkway Overhead Sign Support Structures (PW22008) (City Wide), be received.

**2. Provincial Funding to Improve Wastewater and Stormwater in Ontario  
(PW22010) (City Wide) (Item 10.1)**

- (a) That the By-law to Authorize the Signing of a Municipal funding agreement for the transfer of the Improving Wastewater and Stormwater Discharges in Lake Ontario Funding Program Funds between the Ministry of Environment, Conservation and Parks and the City of Hamilton, attached as Appendix "A" to Report PW22010, be passed;
- (b) That the By-law to Authorize the Signing of a Municipal funding agreement for the transfer of the Improving, Monitoring and Public Reporting of Sewage Overflows and Bypasses Funding Program Funds between the Ministry of Environment, Conservation, and Parks and the City of Hamilton attached as Appendix "B" to Report PW22010, be passed;



- (c) That certified copies of the approved by-laws authorizing the signing of the Municipal funding agreements be forwarded to the Ministry of Environment, Conservation, and Parks; and,
- (d) That should the City of Hamilton's submission under the Ministry of Environment, Conservation, and Parks' funding programs be approved, that staff be directed to report back to the Public Works Committee with a list of the approved projects and a financing strategy for any project costs that are not eligible under the programs.

**3. Newlands Park Fitness and Rock-Climbing Equipment, Hamilton (Ward 8) (Item 11.1)**

WHEREAS, Newlands Park is an existing neighbourhood park located at 137 Lynbrook Drive, Hamilton, Ward 8;

WHEREAS, the existing walkway loop and park space are well used by the community, and would benefit from enhancement to provide additional outdoor fitness opportunities, and;

WHEREAS, the City of Hamilton's existing parks do not have any rock-climbing elements and this park space offers a location to pilot a rock-climbing area.

THEREFORE, BE IT RESOLVED:

- (a) That the design and installation of new fitness equipment, including signage and safety surfacing at 137 Lynbrook Drive, Hamilton, (Newlands Park) be funded from the Ward 8 Special Capital Re-Investment Reserve Fund (#108058) to an upset limit of \$60,000, be approved;
- (b) That the design and installation of a rock-climbing area, including safety surfacing, at 137 Lynbrook Drive, Hamilton, (Newlands Park) be funded from the Ward 8 Special Capital Re-Investment Reserve Fund (#108058) to an upset limit of \$60,000, be approved;
- (c) That the annual operating impacts of \$2,500 for the inspection, maintenance, and repairs be included in the 2022 Public Works Department base operating budget; and

**4. Incorporation of a Refurbished and Newly Branded City Motor Hotel Sign into the Site Development at 55 Queenston Road (Ward 4) (Item 11.2)**

WHEREAS, the former City Motor Hotel sign, having significant nostalgic value, is currently stored at a Public Works Yard located at 1579 Burlington Street East for safekeeping with the purpose and intent of resurrecting the sign in the near future to a suitable location in the community;

WHEREAS, the most ideal location for the sign is 55 Queenston Road, the former location of the City Motor Hotel and the original location of the sign;

WHEREAS, the parcel of land at 55 Queenston Road is approximately 2 acres in size and is located on the eastern side of the Queenston Traffic Circle. The site is situated at the end of a long stretch of Main Street. The straight street creates a view corridor in the City which provides the opportunity to have a unique building that responds to its prominent location;

WHEREAS, on August 16, 2012, Council approved the expropriation of 55 Queenston Road (City Motor Hotel) and authorized and directed staff to complete the next steps in the expropriation process;

WHEREAS, the Board of Directors of CityHousing Hamilton Corporation (CHH), through the leadership of former Councillor and former President of CHH, Chad Collins, has approved the acquisition of 55 Queenston Road (City Motor Hotel) as an affordable housing development. With the site's ideal location for CHH to rebuild sold units due to its excellent transit connectivity, its continuation of social housing in the East end, as well as the fair market value of the land, and;

WHEREAS, CHH is currently developing 55 Queenston Road, to include a two-phase project which will contribute to neighbourhood renewal through an integrated mixed-income and mixed-use development. The first phase of the development will be a 40-unit mid-rise residential apartment complex with 25 1-bed and 15-3 bed units.

THEREFORE, BE IT RESOLVED:

- (a) That Public Works Facilities Management staff in collaboration with CityHousing Hamilton explore the suitability of a refurbished and newly branded City Motor Hotel sign to be incorporated into the site development at 55 Queenston Road, provided it meets all the required sign by-laws and setbacks;
- (b) That Public Works Facility Management staff be authorized and directed to retain a Design Consultant to assist in determining a strategy for the signage as it relates to the Old City Motor Hotel, and ultimately creating a new branding to the sign while maintaining the shape and size, if feasible;
- (c) That the conceptual design and suitable site location of the sign at 55 Queenston Road be forwarded and presented to the CityHousing Hamilton board of Directors for their approval;
- (d) That the City Motor Hotel Sign Refurbishment Project be funded from the Ward 4 Capital Discretionary Account 3302009400 & 3302109400 at an upset limit, including contingency, not to exceed \$150,000 which will

include the following; Design Consultant fees, feasibility and site review of appropriate location for the sign, refurbishing of the existing sign to include new branding and LED monitor, if applicable, and site preparation for installation; and

- (e) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**5. Investment in the Parkdale (Pat Quinn) Arena and Pool to Complete the Facility Improvements (Ward 4) (Added Item 11.3)**

WHEREAS, the Energy, Fleet & Facilities Management Division is constructing a new pool and fieldhouse, as well as replacing the existing ice plant with a new mechanical room addition to house new equipment for the Arena;

WHEREAS, Project 7101558501 - Parkdale Outdoor Pool Redevelopment has expanded to include exterior façade improvements to the existing facility in addition to the scope of the capital project; and

WHEREAS, the exterior facility improvements will be undertaken through the Energy, Fleet & Facilities Management Division prior to the opening and operating of the pool for the 2022 season.

THEREFORE, BE IT RESOLVED:

- (a) That, in order to complete the facility improvements as part of the capital works of the new pool and fieldhouse at Parkdale (Pat Quinn) Arena and Pool, a contribution in the amount of up to \$74,000 to be funded from Ward 4 Area Rating Reserve Account #108054 to be transferred to Project 7101558501 – “Parkdale Outdoor Pool Redevelopment”, be approved; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**6. Corktown Park Improvements, 175 Ferguson Avenue South, Hamilton (Ward 2) (Added Item 11.4)**

WHEREAS, the school children at Queen Victoria School have a very limited footprint to play outdoors and on Queen Victoria School grounds

WHEREAS, Corktown Park at 175 Ferguson Avenue South in Ward 2, is adjacent to Queen Victoria School,

WHEREAS, for more than a year, the ward Councillor has been in discussions with both the Hamilton Wentworth District School Board Chair and Trustee and Queen Victoria School parents to identify options for more outdoor play and learning,

WHEREAS, in some parts of the City of Hamilton including Queen Victoria School, the HWDSB has a policy to have staff inspect areas where school children may be playing or learning as part of school curriculum,

WHEREAS, Corktown Park is too large for school staff to be able to complete the inspection in a timely manner, and defining an area for school use would enable the use of that space for outdoor active play and learning,

WHEREAS, the field in Corktown Park closest to Ferguson Avenue South is under utilized during school hours,

WHEREAS, a four-foot galvanized fence surrounding the perimeter of the soccer field on the west side of Corktown Park would provide an opportunity for children from Queen Victoria School to have more opportunities for outdoor play; and

WHEREAS, fencing the field would benefit other programmed users of the park to avoid children running after balls onto the road.

THEREFORE, BE IT RESOLVED:

- (a) That the fencing enhancements to Corktown Park, 175 Ferguson Avenue South, Hamilton for the children from Queen Victoria School be funded from the Ward 2 Special Capital Re-Investment Reserve Fund (#108032) at an upset limit, not to exceed \$30,000; and
- (b) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**7. Woodlands Park Improvements, 501 Barton Street East, Hamilton (Ward 3)  
(Added Item 11.5)**

WHEREAS, the multi-use court located at Woodlands Park, 501 Barton Street East, Hamilton, was originally installed in 2018;

WHEREAS, this multi-use court within Ward 3 has an asphalt surface that is in good condition and well suited to receive the acrylic surface enhancements; and

WHEREAS, the proposed enhancements will provide a destination-level sport court within the City's north end.

THEREFORE, BE IT RESOLVED:

- (a) That the enhancements to the multi-use court located at Woodlands Park, 501 Barton Street East, Hamilton be funded from the Ward 3 Special Capital Re-Investment Reserve Fund (#108053) at an upset limit, including contingency, not to exceed \$80,000;
- (b) That any future fundraising efforts in support of this project will be used to offset the Ward 3 Special Capital Re-Investment Reserve Funding allotment and returned to the Ward 3 Reserve Fund (#108037); and
- (c) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**8. Arbitration Between the City of Hamilton and Waste Connections of Canada Inc. (PW22009) (City Wide) (Item 14.1)**

That Report PW22009, respecting Arbitration Between the City of Hamilton and Waste Connections of Canada Inc., be received and remain confidential.

**FOR INFORMATION:**

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

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

The removal of the following item:

**6. DELEGATION REQUESTS**

- 6.1 Susan Creer, Accessible Hamilton, respecting Porch Patios / Outdoor Dining (for a future meeting) – the delegation request was added in error and will be considered at Planning Committee.

The addition of the following items:

**12. NOTICES OF MOTION**

- 12.1 Investment in the Parkdale (Pat Quinn) Arena and Pool to Complete the Facility Improvements (Ward 4)

- 12.2 Corktown Park Improvements, 175 Ferguson Avenue South, Hamilton (Ward 2)
- 12.3 Woodlands Park Improvements, 501 Barton Street East, Hamilton (Ward 3)
- 12.4 Father Sean O’Sullivan Memorial Park Improvements, 1139 Greenhill Avenue, Hamilton (Ward 5)

The agenda for the February 14, 2022 Public Works Committee meeting was approved, as amended.

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

Councillor Danko declared a non-disqualifying interest to Item 11.4 respecting Corktown Park Improvements, 175 Ferguson Avenue South, Hamilton (Ward 2), as his wife is Chair of the Hamilton-Wentworth District School Board.

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

**(i) January 31, 2022 (Item 4.1)**

The Minutes of the January 31, 2022 meeting of the Public Works Committee were approved, as presented.

**(d) NOTICES OF MOTIONS (Item 12)**

**(i) Investment in the Parkdale (Pat Quinn) Arena and Pool to Complete the Facility Improvements (Ward 4) (Item 12.1)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Investment in the Parkdale (Pat Quinn) Arena and Pool to Complete the Facility Improvements (Ward 4).

For further disposition of this matter, refer to Item 5.

**(ii) Corktown Park Improvements, 175 Ferguson Avenue South, Hamilton (Ward 2) (Item 12.2)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Corktown Park Improvements, 175 Ferguson Avenue South, Hamilton (Ward 2).

For further disposition of this matter, refer to Item 6.

**(iii) Woodlands Park Improvements, 501 Barton Street East, Hamilton (Ward 3) (Item 12.3)**

Councillor Nann relinquished the Chair to Councillor Powers.

The Rules of Order were waived to allow for the introduction of a Motion respecting Woodlands Park Improvements, 501 Barton Street East, Hamilton (Ward 3).

For further disposition of this matter, refer to Item 7.

Councillor Nann assumed the Chair.

Councillor Powers introduced the following Notice of Motion:

**(iv) Father Sean O’Sullivan Memorial Park Improvements, 1139 Greenhill Avenue, Hamilton (Ward 5) (Item 12.4)**

WHEREAS, the play structure located at Father Sean O’Sullivan Memorial Park, 1139 Greenhill Avenue, Hamilton was originally installed in the early 1990s;

WHEREAS, the play structure has surpassed its useful life span and needs to be replaced;

WHEREAS, in February 2021 Council approved \$120,000 funded from the Ward 5 – Capital Infrastructure Reserve #108055 for the new play structure and safety surfacing;

WHEREAS, an enhanced design that offers additional play features and increased play value, which will allow community members more choices for play components, can be installed; and,

WHEREAS, an increased budget is required for the enhanced design.

THEREFORE, BE IT RESOLVED:

- (a) That additional funds for the play structure replacement at Father Sean O’Sullivan Memorial Park, 1139 Greenhill Avenue, Hamilton be funded from the Ward 5 Special Capital Re-Investment Reserve Fund (#108055) at an upset limit, including contingency, not to exceed \$55,000 and added to Project ID #4242109503 Father Sean O’Sullivan Park; and

- (b) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

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

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

The following amendments to the Public Works Committee's Outstanding Business List, were approved.

- (a) Items Considered Complete and Needing to be Removed:
  - (i) COVID-19 Recovery Phase Mobility Plan  
Addressed as Item 1, GIC (Capital Budget) Report 21-026 (PED21219/PW21068)  
Item on OBL: ABE
  - (ii) Automated Speed Enforcement Addressed as Item 5, PW Report 21-013 (PW20018(a))  
Item on OBL: AAT
  - (iii) Correspondence from Jim MacLeod, Vice President, Ancaster Village Heritage Community requesting the creation of a Community Safety Zone (CSZ)  
Addressed as Item 1, PW Report 21-017 (PW21065)  
Item on OBL: ABH
- (b) Items Requiring a New Due Date:
  - (i) Complete Liveable Better Streets Design Manual  
Item on OBL: ABO  
Current Due Date: October 4, 2021  
Proposed New Due Date: April 22, 2022
  - (ii) Free-Floating Carshare Pilot Program  
Item on OBL: ABW  
Current Due Date: TBD  
Proposed New Due Date: Q2 2023
  - (iii) Stormwater Gap Evaluation  
Item on OBL: ABM  
Current Due Date: December 6, 2021  
Proposed New Due Date: June 13, 2022



- (iv) Feasibility of Implementation of a Digital Automated Information System on the Lincoln Alexander Parkway and Red Hill Valley Parkway  
Item on OBL: AAU  
Current Due Date: June 13, 2022  
Proposed New Due Date: Q2 2023

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

Pursuant to Section 9.1, Sub-sections (e), (f), (j) and (k) of the City's Procedural By-law 21-021, and Section 239(2), Sub-sections (e), (f), (j) and (k) of the *Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.

**(i) Arbitration Between the City of Hamilton and Waste Connections of Canada Inc. (PW22009) (City Wide) (Item 14.1)**

For disposition of this matter, refer to Item 8.

**(g) ADJOURNMENT (Item 15)**

There being no further business, the meeting adjourned at 2:34 p.m.

Respectfully submitted,

Councillor N. Nann, Chair,  
Public Works Committee

Carrie McIntosh  
Legislative Coordinator  
Office of the City Clerk



**PLANNING COMMITTEE  
REPORT  
22-003**

February 15, 2022

9:30 a.m.

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

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

**THE PLANNING COMMITTEE PRESENTS REPORT 22-003 AND RESPECTFULLY RECOMMENDS:**

**1. Appointment By-law under the Building Code Act, 1992 (PED22025) (City Wide) (Item 7.1)**

- (a) That the draft By-law attached as Appendix "A" to Report PED22025, respecting the appointment of a Chief Building Official, Deputies and Inspectors, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted;
- (b) That By-law 16-143, being a by-law respecting the Appointments of a Chief Building Official, Deputies and Inspectors be repealed.

**2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22023) (City Wide) (Item 7.2)**

That Report PED22023 respecting the Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22023) (City Wide), be received.

**3. Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 Highway 52, 1372 Concession 2 West and 1348 Concession 2 West, Flamborough (PED22020) (Ward 12) (Item 9.1)**

- (a) That Rural Hamilton Official Plan Amendment Application RHOPA 21-017, by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner), to amend the Rural Hamilton Official Plan to established a Special Policy

Area within the “Agriculture” designation on the subject lands to recognize a reduced lot area to permit a Consent Application for a lot line adjustment, for the lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “A” attached to Report PED22020 to implement the direction given by Planning Committee on May 18, 2021 (PED21059) on Committee of Adjustment Application FL/B-20:86, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017);
- (b) That Amended Zoning By-law Amendment application ZAC-21-040 by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner), to change the zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agricultural (A1, 762) Zone, Conservation/Hazard Land-Rural (P7, 762) Zone and Conservation/Hazard Land-Rural (P8, 762) Zone to permit a reduced lot area for lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “C” attached to Report PED22020, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.
- (c) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

**4. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) (Item 9.2)**

- (a) That Report PED22031, together with any written submissions and input from delegations on Official Plan Amendment Application No. UHOPA-22-001 and Zoning By-law Amendment Application No. ZAC-22-003 be

received at Planning Committee be referred to staff for consideration and incorporated into a future Recommendation Report to Planning Committee;

- (b) That staff advise the Applicant that the Applicant is to undertake the Council endorsed Implementation Process for a Tall Building Proposal – Pier 8 Block 16 (attached as Appendix “B” to Report PED22031) including a stakeholder engagement and special design process to develop three alternative designs for the proposed tower that address innovation in the areas of sustainability, quality of life and design excellence.

**5. Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) (Item 9.3)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-023, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner) to establish a Site Specific Policy Area in the Ancaster Wilson Street Secondary Plan to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 unit mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED22037, be DENIED on the following basis:
  - (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood;
  - (ii) That the proposal is not considered to be good planning and is considered an over development of the site;
- (b) That Zoning By-law Amendment Application ZAC-21-049, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner) to further modify the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone in order to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED22037, be DENIED on the following basis:
  - (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson

Street Secondary Plan with respect to setbacks, building height, and massing;

- (ii) That the proposal is not considered to be good planning and is considered an over development of the site.
- (c) That the public submissions were received and considered by Committee in denying the application.

**6. Permanent Program for Temporary Outdoor Patios (PED22051) (City Wide) (Item 10.1)**

- (a) That the City's existing "On-Street Patio Pilot Program" and temporary COVID "Outdoor Dining Districts Program" be combined into a permanent program to permit Temporary Outdoor Patios on both public and private property based on the terms and conditions outlined in Report PED22051;
- (b) That the General Manager of Planning and Economic Development, or designate be delegated the authority to make minor amendments to the terms and conditions for the Temporary Outdoor Patio program as required;
- (c) That staff be directed to include an annual application fee and any other relevant fees for the Temporary Outdoor Patio Program, for both public and private property, as part of the annual User Fee By-law;
- (d) That staff be directed to include applicable fees for the occupation of public or metered parking spaces specifically relating to the Temporary Outdoor Patio program use, as part of the annual User Fee By-law; and,
- (e) That the applicable fee for public rights of way be applied for the temporary use of a sidewalk, alleyway, or boulevard for the purpose of a Temporary Outdoor Patio, and that the Chief Corporate Real Estate Officer be authorized and directed to prepare or modify any temporary lease or license agreement fee rates accordingly, effective January 1, 2022.

**7. Nuisance Party By-Law (Item 11.1)**

WHEREAS, section 10 of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of person; the protection of persons and property; and structures, including fences and signs;

WHEREAS, section 128 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public

nuisances and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

WHEREAS, thousands of students participated in a “fake homecoming” party near McMaster University on Saturday October 2, 2021, which resulted in personal injuries, damage to property, an overturned vehicle and garbage and glass strewn throughout two neighbourhoods;

WHEREAS, there have been other situations and incidents in the city of Hamilton, including but not limited to, student orientation, St. Patrick’s Day celebrations, tail-gating parties and other sports-related celebrations, where parties quickly became uncontrollable, disruptive and dangerous to city of Hamilton residents;

WHEREAS, as a result of these types of nuisance parties, there is a significant strain put on city emergency services to ensure the safety and well-being of all residents;

WHEREAS, a number of other Ontario municipalities have implemented a nuisance party by-law that gives law enforcement personnel a mechanism to control and disperse people when an event has become a public nuisance;

WHEREAS, Municipal Law Enforcement and Hamilton Police Service have reported that they would benefit from additional enforcement options beyond those available under existing City By-law and Provincial Statutes;

WHEREAS, a Nuisance Party By-law would provide Municipal Law Enforcement and Hamilton Police Service additional tools to address the negative impacts on neighbourhoods of behaviors associated with large social gatherings;

THEREFORE BE IT RESOLVED:

That Licensing and By-law Services be requested to consult with Hamilton Police Service, McMaster University and other community stakeholders, to identify best practices from other Ontario municipalities, and report back in the second quarter of 2022 next steps for the development and implementation of a Nuisance Party By-law in the City of Hamilton.

**8. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-026), Zoning By-law Amendment Application (ZAC-20-041) and Draft Plan of Subdivision Application (25T-202008) for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton) (OLT-21-001169) (LS22005/PED22032) (Ward 14) (Item 14.1)**

(a) That the directions to staff in closed session respecting Report

LS22005/PED22032 be released to the public, following approval by Council; and,

(b) That the balance of Report LS22005/PED22032 remain confidential.

**9. By-law Requirements Resulting in Additional Costs (PED22056) (Ward 9) (Outstanding Business Item) (Added Item 14.2)**

That Report PED22056 respecting By-law Requirements Resulting in Additional Costs be received, and remain private and confidential.

**FOR INFORMATION:**

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

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

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

6.3 Tracy MacKinnon, Westdale Village BIA, Stoney Creek BIA and Locke Street BIA, respecting Outdoor Patios (Item 10.1) (For today's meeting)

6.4 Susan Creer, Accessible Hamilton, respecting Outdoor Patios (Item 10.1) (For today's meeting)

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

9.2 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2)

(b) Added Written Submissions:

- (iii) Tal Srulovicz
- (iv) Bryan Ritskes, Harbour West Neighbours Inc.
- (v) Timothy Owen
- (vi) Andrew Robinson, North End Neighbourhood Association
- (vii) Adam Shipowick

9.3 Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12)

(a) Added Written Submissions:

- (xv) Dianne Auty
- (xvi) David Hardcastle
- (xvii) John Allan
- (xviii) John McLaine
- (xix) Marvin Cohen
- (xx) Tom Beckett
- (xxi) Brad Kuhn
- (xxii) Gary and Jane Hutchison
- (xxiii) Edward Valevicius
- (xxiv) Linda Clements
- (xxv) Cindy Philip
- (xxvi) Jackie Hudson
- (xxvii) Marc Bader
- (xxviii) Richard and Wendi Van Exan
- (xxix) Jason Myers
- (xxx) Gail Moffatt
- (xxxi) Lou and Patricia Saunders
- (xxxii) Jan King
- (xxxiii) Jim MacLeod
- (xxxiv) Sandra Starr
- (xxxv) Anka Cassar
- (xxxvi) Catherine Palmer
- (xxxvii) Andrea Love
- (xxxviii) D. Soucie
- (xxxix) Joanne and Andy Zsiros
- (xl) Jennifer Davis
- (xli) Cindy Richter
- (xlii) Patti Leonard
- (xliii) Donna and David Molnar
- (xliv) S. Robin Larin
- (xlv) Ian McLean
- (xlvi) Derek Watts
- (xlvii) Paul Howarth
- (xlviii) Jessica Laposa
- (xlix) David Starr
- (l) Marilyn and Jeff Marshall
- (li) Gayle Villeneuve
- (lii) Bill Leonard
- (liii) Robin Moss
- (liv) Heather Bull
- (lv) Honor and Brendan Hughes
- (lvi) Charles Walker
- (lvii) Patricia Cole-Stever
- (lviii) Gail Lazzarato
- (lix) Gayle Holmes
- (lx) Douglas Tod
- (lxi) Kathy McCloy



- (lxii) Kathy Hayes
- (lxiii) Brooke Pearson
- (lxiv) Paul White
- (lxv) David Hamber
- (lxvi) Gordon Bullock
- (lxvii) Marta Vandermarel
- (lxviii) Enrico Palmese
- (lxix) Craig Cassar
- (lxx) Richard Wallace
- (lxxi) Claire Vice
- (lxxii) Chris Kruter
- (lxxiii) Karen Laposi
- (lxxiv) Claudia Kovalev
- (lxxv) Lisa Cole
- (lxxvi) Nonni Iler
- (lxxvii) Patti Bond
- (lxxviii) Anka Cassar
- (lxxix) Luca Palmese
- (lxxx) Angela Rea
- (lxxxii) Vanessa Coles
- (lxxxiii) Barbara Dawson
- (lxxxiv) Elizabeth Scheid
- (lxxxv) Margie and Gord Davidson
- (lxxxvi) Karen Gulenchyn and Gerry Lynes
- (lxxxvii) Shannon Kyles
- (lxxxviii) Michael Deen
- (lxxxix) Doug Stephens
- (lxxxix) Scott Hayes
- (xc) Fiona Cooper
- (xci) Pat and David Venus
- (xcii) Margot Olivieri
- (xciii) Jaynn Miller
- (xciv) Kris Gadjanski
- (xcv) Elizabeth Seymour
- (xcvi) Chris Asimoudis
- (xcvii) Irene Dawson
- (xcviii) Jennifer Asimoudis
- (xcix) Nancy Hurst
- (c) David Pentland
- (ci) Andrea MacArthur
- (cii) Rowen Baker
- (ciii) Dan Faulkner
- (civ) David Neligan
- (cv) Jim MacLeod

(b) Added Delegation Requests:

- (i) Bob Maton, Ancaster Village Heritage Community
- (ii) James MacLeod
- (iii) Jennifer Asimoudis – WITHDRAWN

**4. PRIVATE AND CONFIDENTIAL (Item 14)**

14.2 By-law Requirements Resulting in Additional Costs (PED22056)  
(Ward 9) (Outstanding Business Item)

The agenda for the February 15, 2022 Planning Committee meeting was approved, as amended.

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

Councillor Ferguson declared an interest with Item 6.1, respecting a Delegation Request from Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170, as he is an investor in the taxi industry.

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

**(i) February 1, 2022 (Item 4.1)**

The Minutes of the February 1, 2022 meeting were approved, as presented.

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

**(i) Ontario Land Tribunal Decisions (Item 5.1(a) – (h))**

The following Ontario Land Tribunal Decisions were received:

- (a) 109 East 11th Street - OLT-21-001019 - Minor Variance
- (b) 69 Sanders Blvd and 1630 Main St W - OLT-21-001801 / PL200456 - Failure to adopt OPA and ZBL By-laws 22-014 and 22-015
- (c) 19 Dawson Avenue - PL210071 - OPA and ZBL Refusal By-laws 22-012 and 22-013
- (d) 1190 Main St W et al - PL180302 - Zoning By-law Amendment By-law 22-010
- (e) 73-89 Stone Church Rd W and 1029 West 5th St - PL200302 - Failure to adopt OPA and ZBL
- (f) 354 King St W - OLT-21-001127 - Failure to adopt OPA and ZBL

(g) 195 Wellington Street South - PL171389 - ZBL By-law 22-011

(h) 11 Robert Street - PL210275 - Minor Variance

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

**(i) Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170 (Item 6.1)**

The Delegation Request from Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170, was approved for today's meeting.

**(ii) Delegation Requests respecting the Outdoor Patio Program (Item 6.2, and Added Items 6.3 and 6.4)**

The following Delegation Requests respecting the Outdoor Patio Program (Item 10.1), were approved for today's meeting:

6.2 James Kemp and Tim Nolan, Advisory Committee for Persons with Disabilities

6.3 Tracy MacKinnon, Westdale Village BIA, Stoney Creek BIA and Locke Street BIA

6.4 Susan Creer, Accessible Hamilton

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

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

In accordance with the provisions of the *Planning Act*, Chair Johnson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the proposed By-law Amendments and Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 Highway 52,**

**1372 Concession 2 West and 1348 Concession 2 West, Flamborough (PED22020) (Ward 12) (Item 9.1)**

No members of the public were registered as Delegations.  
The staff presentation was waived.

Don Robertson, Agent, was in attendance and indicated support for the staff report.

The delegation from Don Robertson was received.

The public submissions in the staff report was received.

The public meeting was closed.

- (a) That Rural Hamilton Official Plan Amendment Application RHOPA 21-017, by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner), to amend the Rural Hamilton Official Plan to established a Special Policy Area within the “Agriculture” designation on the subject lands to recognize a reduced lot area to permit a Consent Application for a lot line adjustment, for the lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “A” attached to Report PED22020 to implement the direction given by Planning Committee on May 18, 2021 (PED21059) on Committee of Adjustment Application FL/B-20:86, be APPROVED on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017);
- (b) That Amended Zoning By-law Amendment application ZAC-21-040 by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner), to change the zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agricultural (A1, 762) Zone, Conservation/Hazard Land-Rural (P7, 762) Zone and Conservation/Hazard Land-Rural (P8, 762) Zone to permit a reduced lot area for lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “C” attached to Report PED22020, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

The recommendations in Report PED22020 were **amended** by adding the following sub-section (c):

- (c) ***That the public submissions were received and considered by Committee in approving the application.***

For disposition of this matter, refer to Item 3.

- (ii) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) (Item 9.2)**

Mark Kehler, Senior Project Manager of Development Planning, Heritage and Design, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

James Webb with Webb Consulting, was in attendance and indicated support for the staff report.

The delegation from James Webb with Webb Consulting, was received.

The following written submissions (Item 9.2(a)), were received:

- (i) Daniel Coleman – In Opposition
- (ii) S. Christian Hollingshead and Petition – In Opposition
- (iii) Tal Srulovicz - In Opposition
- (iv) Bryan Ritskes, Harbour West Neighbours Inc. – In Support
- (v) Timothy Owen – Concerns with proposal
- (vi) Andrew Robinson, North End Neighbourhood Association – In Support
- (vii) Adam Shipowick – Concerns with proposal

The public meeting was closed.

For disposition of this matter, refer to Item 4.

**(iii) Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) (Item 9.3)**

James Van Rooi, Senior Project Manager of Development Planning, Heritage and Design, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Brenda Khes with GSP Group, was in attendance and indicated they were not in support of the staff report.

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

The following written submissions (Item 9.3(a)), were received:

- (i) Paul Stever – In Opposition
- (ii) Debra Mills – In Opposition
- (iii) Heather Bull – In Opposition
- (iv) Christina Grant – In Opposition
- (v) Thomas Beckett – In Opposition
- (vi) Sandy Tod – In Opposition
- (vii) Julie Palmese – In Opposition
- (viii) James Enos – In Opposition
- (ix) Maxine Morris-Zecchini – In Opposition
- (x) Anita Dinning – In Opposition
- (xi) Ian and Karen Hanna – In Opposition
- (xii) Patricia Cole-Stever – In Opposition
- (xiii) Pat and David Venus – In Opposition
- (xiv) Genevieve Anson – In Opposition
- (xv) Dianne Auty – In Opposition
- (xvi) David Hardcastle – In Opposition
- (xvii) John Allan – In Opposition
- (xviii) John McLaine – In Opposition
- (xix) Marvin Cohen – In Opposition
- (xx) Tom Beckett – In Opposition
- (xxi) Brad Kuhn – Concerns with proposal
- (xxii) Gary and Jane Hutchison – Concerns with proposal
- (xxiii) Edward Valevicius – In Opposition
- (xxiv) Linda Clements – Concerns with proposal
- (xxv) Cindy Philip – In Opposition
- (xxvi) Jackie Hudson – In Opposition
- (xxvii) Marc Bader – In Opposition
- (xxviii) Richard and Wendi Van Exan – In Opposition

- (xxix) Jason Myers – In Opposition
- (xxx) Gail Moffatt – In Opposition
- (xxxi) Lou and Patricia Saunders – In Support
- (xxxii) Jan King – Concerns with proposal
- (xxxiii) Jim MacLeod – Concerns with proposal
- (xxxiv) Sandra Starr – In Opposition
- (xxxv) Anka Cassar – Concerns with proposal
- (xxxvi) Catherine Palmer – In Opposition
- (xxxvii) Andrea Love – In Opposition
- (xxxviii) D. Soucie – In Opposition
- (xxxix) Joanne and Andy Zsiros – In Opposition
- (xl) Jennifer Davis – In Opposition
- (xli) Cindy Richter – In Opposition
- (xlii) Patti Leonard – In Opposition
- (xliii) Donna and David Molnar – In Opposition
- (xliv) S. Robin Larin – In Opposition
- (xlv) Ian McLean – In Opposition
- (xlvi) Derek Watts – In Opposition
- (xlvii) Paul Howarth – In Opposition
- (xlviii) Jessica Lapososa – In Opposition
- (xlix) David Starr – In Opposition
- (l) Marilyn and Jeff Marshall – In Opposition
- (li) Gayle Villeneuve – In Opposition
- (lii) Bill Leonard – In Opposition
- (liii) Robin Moss – Concerns with proposal
- (liv) Heather Bull – In Opposition
- (lv) Honor and Brendan Hughes – In Opposition
- (lvi) Charles Walker – In Opposition
- (lvii) Patricia Cole-Steever – In Opposition
- (lviii) Gail Lazzarato – In Opposition
- (lix) Gayle Holmes – Concerns with proposal
- (lx) Douglas Tod – In Opposition
- (lxi) Kathy McCloy – In Opposition
- (lxii) Kathy Hayes – In Opposition
- (lxiii) Brooke Pearson – In Opposition
- (lxiv) Paul White – In Opposition
- (lxv) David Hamber – In Opposition
- (lxvi) Gordon Bullock – In Opposition
- (lxvii) Marta Vandermaarel – In Opposition
- (lxviii) Enrico Palmese – In Opposition
- (lxix) Craig Cassar – In Opposition
- (lxx) Richard Wallace – Concerns with proposal
- (lxxi) Claire Vice – Concerns with proposal
- (lxxii) Chris Kruter – Concerns with proposal
- (lxxiii) Karen Lapososa – In Opposition
- (lxxiv) Claudia Kovalev – In Opposition
- (lxxv) Lisa Cole – In Opposition

- (lxxvi) Nonni Iler – In Opposition
- (lxxvii) Patti Bond – In Opposition
- (lxxviii) Anka Cassar – In Opposition
- (lxxix) Luca Palmese – In Opposition
- (lxxx) Angela Rea – In Opposition
- (lxxxii) Vanessa Coles – In Opposition
- (lxxxiii) Barbara Dawson – In Opposition
- (lxxxiiii) Elizabeth Scheid – In Opposition
- (lxxxv) Margie and Gord Davidson – In Opposition
- (lxxxvi) Karen Gulenchyn and Gerry Lynes – In Opposition
- (lxxxvii) Shannon Kyles – In Opposition
- (lxxxviii) Michael Deen – In Opposition
- (lxxxix) Doug Stephens – In Opposition
- (lxxxix) Scott Hayes – In Opposition
- (xc) Fiona Cooper – In Opposition
- (xci) Pat and David Venus – In Opposition
- (xcii) Margot Olivieri – Concerns with proposal
- (xciii) Jaynn Miller – In Opposition
- (xciv) Kris Gadjanski – Concerns with proposal
- (xcv) Elizabeth Seymour – In Opposition
- (xcvi) Chris Asimoudis – In Opposition
- (xcvii) Irene Dawson – In Opposition
- (xcviii) Jennifer Asimoudis – In Opposition
- (xcix) Nancy Hurst – Concerns with proposal
- (c) David Pentland – In Opposition
- (ci) Andrea MacArthur – In Opposition
- (cii) Rowen Baker – In Opposition
- (ciii) Dan Faulkner – In Opposition
- (civ) David Neligan – In Support
- (cv) Jim MacLeod – In Opposition

**Registered Delegations (Added Item 9.3(b)):**

Bob Maton, Ancaster Village Heritage Community and James MacLeod addressed the Committee respecting the Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) (Item 9.3).

The following Registered Delegations were received:

- (i) Bob Maton, Ancaster Village Heritage Community, addressed the Committee in Opposition to the proposal.
- (ii) James MacLeod, addressed the Committee in Opposition to the proposal.

The public meeting was closed.



That staff be directed to negotiate revisions to the proposal with the Applicant in response to the issues and concerns identified in the Report and report back to Planning Committee on the results of the discussion.

The Motion above was DEFEATED.

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-023, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner) to establish a Site Specific Policy Area in the Ancaster Wilson Street Secondary Plan to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 unit mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix "A" attached to Report PED22037, be DENIED on the following basis:
  - (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood;
  - (ii) That the proposal is not considered to be good planning and is considered an over development of the site;
- (b) That Zoning By-law Amendment Application ZAC-21-049, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner) to further modify the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone in order to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix "A" attached to Report PED22037, be DENIED on the following basis:
  - (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to setbacks, building height, and massing;
  - (ii) That the proposal is not considered to be good planning and is considered an over development of the site.

The recommendations in Report PED22037 were **amended** by adding the following sub-section (c):

- (c) ***That the public submissions were received and considered by Committee in denying the application.***

For disposition of this matter, refer to Item 5.

- (iv) **Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170 (Added Item 9.4)**

Sayed Azher Bukhari, Canata Paralegal Services, addressed the Committee respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170.

The delegation from Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170, was received.

- (v) **Delegation Requests respecting the Outdoor Patio Program (Added Items 9.5 – 9.7)**

The following delegations addressed the Committee respecting the Outdoor Patio Program:

- (i) James Kemp and Tim Nolan, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 9.5)
- (ii) Tracy MacKinnon, Westdale Village BIA, Stoney Creek BIA and Locke Street BIA (Added Item 9.6)
- (iii) Susan Creer, Accessible Hamilton (Added Item 9.7)

The following delegations were received:

- (i) James Kemp and Tim Nolan, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 9.5)
- (ii) Tracy MacKinnon, Westdale Village BIA, Stoney Creek BIA and Locke Street BIA (Added Item 9.6)
- (iii) Susan Creer, Accessible Hamilton (Added Item 9.7)

For disposition of this matter, refer to Item 8.

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

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

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee respecting the Province's Report from the Affordable Housing Task Force.

The General Manager's Update, was received.

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

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

**(i) Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-026), Zoning By-law Amendment Application (ZAC-20-041) and Draft Plan of Subdivision Application (25T-202008) for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton) (OLT-21-001169) (LS22005/PED22032) (Ward 14) (Item 14.1)**

For disposition of this matter, refer to Item 8.

**(ii) By-law Requirements Resulting in Additional Costs (PED22056) (Ward 9) (Outstanding Business Item) (Added Item 14.2)**

For disposition of this matter, refer to Item 9.

(i) **ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 1:57 p.m.

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Councillor B. Johnson  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



## **GENERAL ISSUES COMMITTEE REPORT 22-005**

9:30 a.m.

Wednesday, February 16, 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 GENERAL ISSUES COMMITTEE PRESENTS REPORT 22-005, AND RESPECTFULLY RECOMMENDS:**

**1. Concession Street Business Improvement Area (BIA) Revised Board of Management (PED22034) (Ward 7) (Item 7.1)**

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

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

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

That Report PED22033, respecting the Life Sciences Sector Strategy: Findings and Recommendations, be received.

**3. Our People Survey Update (CM22001) (City Wide) (Item 8.3)**

That Report CM22001, respecting the Our People Survey, be received.

**4. Airport Employment Growth District (AEGD) Wastewater System Allocation Policy (PED20040(a)) (Wards 8, 11, 12 and 14) (Item 8.4)**

- (a) That Appendix “A” attached to Report 22-005, entitled City of Hamilton Airport Employment Growth District (AEDG) Wastewater System Capacity Allocation Policy, be approved as the City’s policy for allocation of wastewater capacity to lands within the area identified as the AEGD Wastewater Capacity Allocation Area, as shown on Appendix “B” attached to Report PED20040(a);
- (b) That staff be directed to prepare the appropriate by-law to amend the Prohibition of Use of Land Without Adequate Services By-law 06-038 to include wastewater allocation calculations as a requirement to demonstrate adequate services, for Council approval; and,
- (c) That a Wastewater System Capacity Allocation fee of \$500, be approved and incorporated into the Tariff of Fees and Charges By-law for Planning and Engineering Development Applications and apply to each wastewater allocation request submitted to the City, after approval of the Airport Employment Growth District (AEGD) Wastewater System Capacity Allocation Policy.

**5. Municipal Accommodation Tax (PED20009(b)) (City Wide) (Item 10.2)**

- (a) That the Business Case Study for the creation of the Tourism Municipal Services Corporation, attached as Appendix “B” to Report 22-005 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 “B” to Report 22-005, 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 of the 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 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;
  - (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 "B" to Report 22-005 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 "C" to Report 22-005, 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%.

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

- (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; and,
- (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 22-005 as Appendix "D"; 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 22-005 as Appendix “D”.

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

- (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; and,
- (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.

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

- (a) That Report FCS22003/LS22006/PED22018, respecting the Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, be received; and,
- (b) That the contents of Appendix “C” to Report FCS22003/LS22006/PED22018, respecting Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, remain confidential.



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

- (a) That the draft By-Law “To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs”, attached as Appendix “A”, as further amended, 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;
- (b) That, subject to the approval of Recommendation (a) of Report FCS22003(a)/LS22006(a)/PED22018(a), Council approve and enact the draft 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), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, remain confidential.

**10. Capital Projects Work-in-Progress Sub-Committee Report 22-001, February 11, 2022 (Item 10.7)**

**(a) Capital Project Closing Report as of September 30, 2021 (FCS21080(a)) (City Wide) (Item 10.1)**

- (i) That the General Manager, Finance and Corporate Services, be authorized to transfer a net amount of \$85,088 to the Unallocated Capital Levy Reserve (108020) and draw \$29,757 from other reserves, as outlined in Appendix “E” to Report 22-005;
- (ii) That the General Manager, Finance and Corporate Services, be directed to close the completed and / or cancelled capital projects, listed in Appendix “F” to Report 22-005, in accordance with the Capital Projects Closing and Monitoring Policy;
- (iii) That Appendix “C” to Capital Projects Work-in-Progress Report 22-001, Capital Projects Budget Appropriations for the period covering July 1, 2021 through September 30, 2021, be received as information;
- (iv) That Appendix “G” to Report 22-005, Capital Projects Budget Appropriations of \$250,000 or greater and Capital Project Reserve Funding requiring Council authorization, be approved; and,

- (v) That the amendments to capital financing for the projects outlined in Appendix “H” to Report 22-005, Capital Projects Requiring a Change in Funding Source, be approved.

**(b) Capital Projects Status Report as of September 30, 2021  
(FCS21079(a)) (City Wide) (Item 10.2)**

- (i) That Appendix “A”, attached to Report FCS21079(a), respecting Capital Projects Status Report – Tax Supported, as of September 30, 2021, be received;
- (ii) That Appendix “B”, attached to Report FCS21079(a) respecting Capital Projects Status Report – Rate Supported, as of September 30, 2021, be received; and,
- (iii) That confidential Appendix “C”, attached to Report FCS21079(a), respecting Capital Projects Status Report as of September 30, 2021, be received and remain confidential.

**11. Provincial Streamline Development Approval Fund (PED22060 / FCS22018)  
(City Wide) (Item 10.8)**

- (a) That the By-law to Authorize the Signing of a Municipal funding agreement for the transfer of the Streamline Development Approval Fund funds between the Minister of Municipal Affairs and Housing and the City of Hamilton, attached as Appendix “A” to Report PED22060 / FCS22018, be passed;
- (b) That certified copies of the approved by-laws authorizing the signing of the Municipal funding agreements for the Streamline Development Approval Fund be forwarded to the Minister of Municipal Affairs and Housing; and,
- (c) That Council authorize staff to single source third-party consultants, pursuant to Procurement Policy #11 – Non-competitive Procurements, where required to complete projects for the Streamline Development Approval Fund within the February 2023 deadline.

**12. 2022 Property Insurance Renewals (LS22015) (City Wide) (Item 10.9)**

- (a) That the Premium Summaries, attached as Appendix “I” to Report 22-005, for the term January 1, 2022 to January 1, 2023 or beyond, be renewed through Arthur J. Gallagher Canada Ltd. at a cost of \$6,560,575 (plus

applicable taxes), to be funded through the 2022 Risk Management Services Budget;

- (b) That the 2022 Risk Management Property and Liability Premiums budget shortfall of \$512,799 be funded through the 2022 year-end surplus of Tax Stabilization Reserve (110046);
- (c) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewals of the Property and Liability Insurance coverage on behalf of the City of Hamilton, as per the Premium Summaries attached as Appendix “A” to Report LS22015, for the term January 1, 2022 to January 1, 2023 or beyond through Arthur J. Gallagher Canada Ltd., in a form satisfactory to the City Solicitor;
- (d) That the direction provided to staff in Closed Session, respecting Report LS22015, respecting 2022 Property Insurance Renewals, be approved; and,
- (e) That the contents of Appendix “B” to Report LS22015, respecting 2022 Property Insurance Renewals, remain confidential.

**13. Local Tree Planting Initiatives in the City of Hamilton (Item 11.1)**

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.

**14. Tiger-Cats Stadium Licence Agreements (LS22013) (City Wide)  
(Item 14.4)**

- (a) That the direction provided to staff in Closed Session, respecting Report LS22013 - Tiger-Cats Stadium Licence Agreements, be approved;
- (b) That the City Manager be directed to organize and Chair the Contract Management Team, as agreed to by the Hamilton Sports Group Partnership;
- (c) That the City Manager be authorized and directed to execute any agreements or ancillary documents necessary to implement the resolution with the Hamilton Sports Group Partnership with respect to the Tiger-Cats Stadium Licence Agreements, in a form satisfactory to the City Solicitor; and,
- (d) That Report LS22013, respecting the Tiger-Cats Stadium Licence Agreements and its appendices, remain confidential;

**FOR INFORMATION:**

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

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

**8. ADDED STAFF PRESENTATIONS**

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

This matter was previously listed as Item 10.1; however, a staff presentation was added to this report therefore it has been moved to Item 8.4.

**10. ADDED DISCUSSION ITEMS**

- 10.7. Capital Projects Work-in-Progress Sub-Committee Report 22-001, February 11, 2022
- 10.8. Provincial Streamline Development Approval Fund (PED22060 / FCS22018) (City Wide)
- 10.9. 2022 Property Insurance Renewals (LS22015) (City Wide)

Please refer to Item 14.5 for Private & Confidential Appendix "B" to this report.

**14. ADDED PRIVATE AND CONFIDENTIAL ITEMS**

- 14.4. Tiger-Cats Stadium Licence Agreements (LS22013) (City Wide)

Pursuant to Section 9.1, Sub-sections (a), (f), (i) and (k) of the City's Procedural Bylaw 21-021, as amended, and Section 239(2), Sub-sections (a), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan,

procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**14.5. Appendix "B" to Report LS22015 - 2022 Property Insurance Renewals**

Pursuant to Section 9.1, Sub-section (a) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (a) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the security of the property of the municipality or local board. Please refer to Item 10.9 for the public portion of this report.

The agenda for the February 16, 2022 General Issues Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) February 2, 2022 (Item 4.1)**

The Minutes of the February 2, 2022 General Issues Committee meeting were approved, as presented.

**(d) CONSENT ITEMS (Item 7)**

**(i) Arts Advisory Commission Minutes 21-005, November 23, 2021 (Item 7.2)**

The Arts Advisory Commission Minutes 21-005, November 23, 2022 were received.

**(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. Elizabeth Richardson, Medical Officer of Health, provided the verbal update respecting COVID-19.

The verbal update respecting the COVID-19 was received.

**(ii) Life Sciences Sector Strategy: Findings and Recommendations (PED22033) (City Wide) (Item 8.2)**

Norm Schleeahn, Director of Economic Development, introduced the presentation, respecting Report PED22033 - Life Sciences Sector Strategy: Findings and Recommendations, and staff.

Asmaa Al-Hashimi, Business Development Consultant, introduced the consultants; Omar Raza, Senior Manager, KPMG LLP; and, Clark Savolaine, Partner, Deal Advisory, Global Infrastructure Advisory, KPMG LLP, who provided the balance of the presentation.

The presentation, respecting Report PED22033 - Life Sciences Sector Strategy: Findings and Recommendations, was received.

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

**(iii) Our People Survey Update (CM22001) (City Wide) (Item 8.3)**

Janette Smith, City Manager, introduced the presentation respecting Report CM22001 – Our People Survey Update.

Zak Rochon, Partner, Director of Client Services, Metrics@work provided the technical portion of the presentation, followed by Lora Fontana, Executive Director, H.R., who presented the survey results.

The presentation, respecting Report CM22001 – Our People Survey Update, was received.

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

The General Issues Committee recessed for one half hour until 12:35 p.m.

(iv) **Airport Employment Growth District (AEGD) Wastewater System Allocation Policy (PED20040(a)) (Wards 8, 11, 12 and 14) (Item 8.4)**

Mark Inrig, Senior Development Administrator, and Gavin Norman, Manager, Infrastructure Planning, provided the presentation for Report PED20040(a) - Airport Employment Growth District (AEGD) Wastewater System Allocation Policy.

The presentation, respecting Report PED20040(a) - Airport Employment Growth District (AEGD) Wastewater System Allocation Policy, was received.

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

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

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

1. **Deferral of Consideration of Report**

Consideration of Report FCS22003(a) / LS22006(a) / PED22018(a), respecting the Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, was DEFERRED until Committee reconvened in Opens Session.

2. **Amendment to sub-section (c) to Section 25 of Appendix "A" to FCS22003(a)/LS22006(a)/PED22018(a)**

(a) Sub-section (c) to Section 25 of Appendix "A" to Report FCS22003(a)/LS22006(a)/PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-law, respecting Election Signs, was deleted in its entirety:

~~(c) **within 25 meters of any Voting Place on Voting Day or on and Advance Voting Day.**~~

(b) Sub-section (a) to Report FCS22003(a) / LS22006(a) / PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-law, respecting Election Signs, was amended by adding the words "**as amended**" after the words Appendix "A", to read as follows:



- (a) That the draft By-Law “To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs”, attached as Appendix “A” **as further amended**, 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;

**3. Amendment to Section 23 of Appendix “A” to Report FCS22003(a)/LS22006(a)/PED22018(a)**

Section 23 of Appendix "A" to Report FCS22003(a) / LS22006(a) / PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-law, respecting Election Signs, was amended, by adding the words “***excluding the portion of front or side yard between the sidewalk, ditch or established edge of roadway, and the property line***”, to read as follows:

- 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, ***excluding the portion of front or side yard between the sidewalk, ditch or established edge of roadway, and the property line.***

For further disposition of this matter, please refer to Item 9.

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

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

The following amendments to the General Issues Committee’s Outstanding Business List were approved:

- (1) Proposed New Due Dates (Item 13.1.a.)
  - (aa) Parkland Acquisition Strategy  
Current Due Date: June 15, 2022  
Proposed New Due Date: September 7, 2022
- (2) Items to be Removed:
  - (aa) Hamilton Farmers’ Market Governance  
(No longer required by the Ward Councillor)

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

**(i) Closed Session Minutes – February 2, 2022 (Item 14.1)**

- (a) The Closed Session Minutes of the February 2, 2022 General Issues Committee meeting were approved; and,
- (b) The Closed Session Minutes of the February 2, 2022 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Items 14.3 and 14.4, pursuant to Section 9.1, Sub-sections (a), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (a), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to the security of the property of the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

There being no further business, the General Issues Committee adjourned at 4:46 p.m.

Respectfully submitted,

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Arlene VanderBeek, Deputy Mayor  
Chair, General Issues Committee

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Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk

## WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)

### **Purpose and Intent:**

In order to maintain the provision of wastewater conveyance and treatment capacity in the AEGD drainage catchment, policies and guidelines are necessary to provide a consistent, fair, equitable and financially sustainable process in which wastewater system capacity can be managed and aligned with Hamilton’s growth strategy and priorities. The purpose of the AEGD Wastewater System Capacity Allocation Policy (“the Policy”) is to manage wastewater service delivery essential to protect public health, safety, the environment and quality of life.

The Policy applies to the AEGD Drainage Catchment Area (the “Catchment Area”) (see attached Appendix A).

### **Article 1 – The City’s Role in Determining Wastewater Capacity Allocation:**

1. The City, as the provider and operator of the wastewater treatment and conveyance system is the owner of the system capacity. As such, the City approves wastewater system capacity (conveyance and treatment) based on the assigned population densities of the area and a per capita per day value of water consumption plus an infiltration index.
2. The City, as the approval authority, grants wastewater system capacity allocation to lands through approval of development applications regulated by the *Planning Act*, a change of use through a building permit application, or application for servicing permit.
3. In consultation with the development community, the City administers a Staging of Development Program in accordance with the Urban Hamilton Official Plan (Chapter F, Section 3.6) for development proposals including those within the Catchment Area (see attached Appendix A).
4. The City determines the available wastewater system capacity on an on-going basis and grants available capacity in consultation with applicants / developers based on a set of sustainability criteria and other considerations and requirements which guide decisions on allocation.

### **Article 2 – Infrastructure Sustainability Criteria:**

1. Infrastructure Sustainability Criteria, as defined below, will be used as a guide in determining the merits of allocating wastewater capacity in the Catchment Area by establishing if the development proposal:
  - a) Maintains and optimizes the use of existing City infrastructure;

**WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON  
AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)**

- b) Minimizes the cost for provision of new City infrastructure;
- c) Facilitates the development of complete communities;
- d) Supports other City policies such as the Corporate Strategic Plan to promote economic prosperity and growth; the Official Plan, the AEGD Secondary Plan, Zoning By-law, the Economic Development Strategy and all relevant Master Plans; and,
- e) Demonstrates an ability to readily develop/proceed.

**Article 3 - Considerations and Requirements:**

1. Where a conflict occurs between different forms of development, approval of Wastewater Capacity Allocation will be focused on employment-related projects, and prioritized generally as follows:

- a) Non-residential Development in the following order:
  - i. Industrial
  - ii. Commercial
  - iii. Mixed forms of development with predominantly employment uses
- b) Residential development

In each case above, consideration will be given to development projects which facilitate completion / enhancement of communities in a coordinated / orderly manner (e.g. missing road connections, watermain looping or reinforcement to support existing development).

2. The Policy will generally apply to any development application that results in approval to physically develop or service land and/or reduces available wastewater system capacity. Applications such as Formal Consultation, Re-zoning and Official Plan Amendments would not qualify on their own for wastewater allocation under the Policy because these applications do not result in approval to physically develop or service land.
3. Allocation of capacity is premised on the basis that adequate downstream conveyance capacity availability has been verified to the satisfaction of the City.
4. A wastewater generation report must be submitted to support allocation of wastewater capacity. The report, including sanitary sewer capacity assessment calculations, shall be prepared based on the engineering parameters and methodologies specified in the City’s Development Guidelines and Standards, Adequate Services By-law and provincial regulations.

**WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON  
AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)**

5. Approval of a development application described under subsection 2, above, is not a promise, guarantee, or reservation of wastewater capacity allocation. Upon approval, capacity allocation must be granted by the City via a formal request by an applicant (see Article 4 subsection 1).
6. Additional wastewater capacity allocation (i.e. over and above the existing use) required for residential redevelopment / infill projects is generally limited to the as-of-right zoning designation of the property.
7. Wastewater capacity will only be allocated on a Phase or Site-Specific Plan basis, subject to wastewater capacity availability. Wastewater capacity may not be allocated “up front” for an entire development project, either non-residential or residential. In the context of this policy, ‘Phase’ refers to registration of a subdivision plan or final approval of a site plan application.

Exception:

- i) A block within a registered residential subdivision plan that is subject to site plan control is not eligible for allocation of wastewater capacity until a site plan application for that block has been approved by the City.
- ii) Employment subdivision plans will be eligible for capacity allocation based on the approved population densities at the time of draft plan approval for up to thirty percent (30%) of the total expected flows generated from the net developable portion of the approved plan or the expected flows generated from up to two (2) blocks, whichever allocation amount is larger.

**Article 4: Wastewater Capacity Allocation Confirmation Letter from City**

1. To acquire wastewater capacity allocation, the applicant / developer must submit a request in writing with supporting documentation to the City and receive a letter of ***Confirmation of Wastewater Allocation***.
2. Where a *Planning Act* application to develop or subdivide land has received approval and wastewater allocation has been granted by the City, allocation will be reserved for that application up to the expiration date of the City’s approval of the application as follows:
  - i) one (1) year for site plan and consent applications; and,
  - ii) three (3) years for subdivision applications; and
  - iii) expiration of a building or sewer servicing permit.
3. Where the City has granted an extension to approval of a development application,

## WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)

the City may consider extension of wastewater allocation for the length of the extension period, subject to Article 6 subsection 2.

### **Article 5 - Public Interest Projects:**

1. The City reserves the right to allocate wastewater capacity for those projects deemed to be in the public’s interest including, but not limited to: facilities affecting public health and safety, educational facilities, and certain economic development initiatives. An allocation amount of wastewater capacity in the form of a per capita per day value of water consumption plus an infiltration index shall be reserved for such purpose.
2. As part of an annual review and in conjunction with the Staging of Development Program, City staff will recommend any changes regarding the retention of capacity allocation for public interest projects. Further, in circumstances where wastewater capacity allocation has been revoked (refer to Article 6), the City will review the need to transfer capacity allocation to Public Interest Projects.

### **Article 6 – Revocation of Wastewater Capacity Allocation:**

The City reserves the right to revoke wastewater capacity allocation for projects as follows:

1. A project’s wastewater allocation will be revoked by the City where approval of an application lapses or permit expires before development or subdivision of the land occurs.
2. The City may revoke wastewater capacity allocation where active development of the land has not commenced within six (6) months of the date an extension to approval of an application has been granted by the City. Active development refers to execution of an agreement and submission of an engineering/servicing design for the lands.
3. The City may re-allocate any revoked wastewater capacity subject to any Public Interest Project requiring all or a portion of the allocation.

### **Article 7 – Municipal Control:**

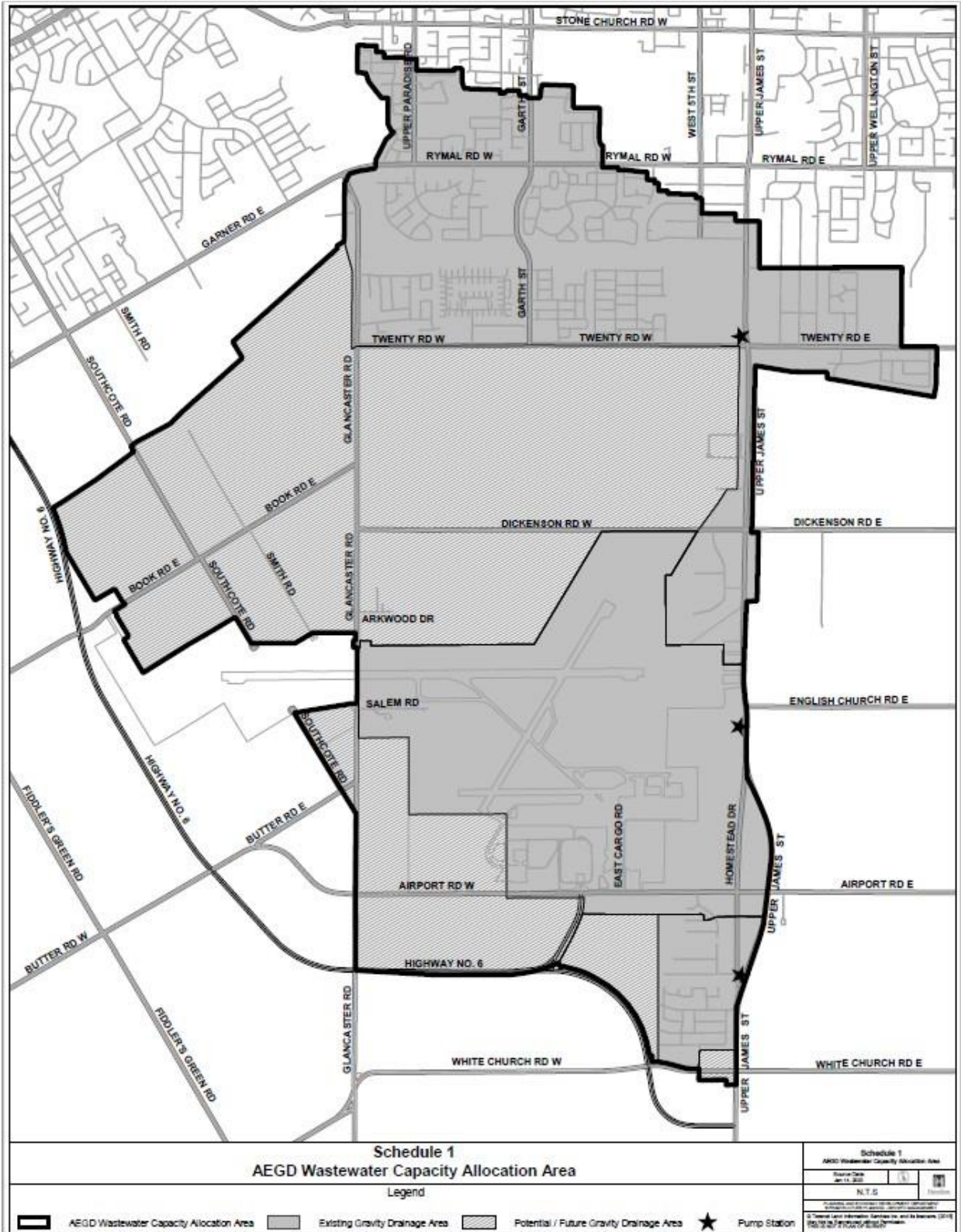
1. Wastewater capacity allocation granted to a project runs with the land and is non-transferable.
2. The City will actively track the status of wastewater capacity allocation and development projects/applications and provide updates to the development community.

**WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON  
AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)**

3. As part of the Staging of Development Program, the City will report on the status of proposed development and Public Interest Projects having received wastewater capacity allocation and will advise on the amount of wastewater capacity allocation being reserved for such purposes.
4. This policy shall be reviewed from time to time and amended when deemed necessary by City staff.
5. In the event of a conflict between this policy and any Provincial or Federal policy or Regulation having a more restrictive standard or standards, the most restrictive Provincial or Federal policy or Regulation shall prevail.

Appendix A: AEGD Wastewater Capacity Allocation Area

**WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON  
 AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)**





## **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.

<b>Reserve Policies</b> <b>Municipal Accommodation Tax Reserve</b>	 Hamilton	<b>Corporate Services Department</b>
Policy No: FPAP-RE-004		
Page 1 of 2		Approval:

<b>POLICY STATEMENT</b>	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.
<b>PURPOSE</b>	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.  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.
<b>SCOPE</b>	This policy applies to MAT Reserve Funds received by the City of Hamilton from providers of transient accommodation.  This policy applies to all City employees that are responsible for the management of financial resources.
<b>PRINCIPLES</b>	The following principles apply to this policy:  <b>Source of Funding:</b> 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.  <b>Funding Targets:</b> 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.  <b>Minimum Balance:</b> A minimum of \$2 M must be available in the Reserve at all times.  <b>Use of Funds:</b> 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.  In the case of extraordinary and unforeseen operating expenditures

<b>Reserve Policies</b> <b>Municipal Accommodation Tax Reserve</b>	 Hamilton	<b>Corporate Services Department</b>
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><b>Transfers from Reserves:</b> 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>
<b>BORROWING FROM MAT RESERVE</b>	<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>
<b>GOVERNING LEGISLATION</b>	<p>Municipal Act 2001, Section 224 Municipal Act 2001, Section 400.1 and O.Reg. 435/17</p>
<b>RESPONSIBILITY FOR THE POLICY</b>	<p>Corporate Services Department Director of Financial Planning, Administration and Policy</p>
<b>POLICY HISTORY</b>	<p>To be added based on Council approval date of policy.</p>

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.



## Appendix J

### 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

## Appendix J

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. Conflict of Interest

If any Committee member feels that they should not be hearing a particular matter, the member may inform the Committee that they will not participate, giving a general or specific reason why not, e.g. one of the witnesses is a relation.

### 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.

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

## Appendix J

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

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.

## Appendix J

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 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.

## Appendix J

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;
- (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:

## Appendix J

- (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.

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.

## Appendix J

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 CAPITAL PROJECT CLOSINGS AS OF SEPTEMBER 30, 2021 Projects impacting the Unallocated Capital Levy Reserve and Other Sources						
Year Approved	ProjectID	Description	Surplus/ (Deficit) (\$)	Reserve	Description	
<u>Projects requiring funds</u>						
2015	7101554508	Public Use Feasibility Needs & Study	(143.28)	108020	Unalloc Capital Levy	
2017	7101754702	Mountain Arena Elevators	(20,358.49)	108020	Unalloc Capital Levy	
2018	3541855100	Corporate Facilities Audit Program	(9,717.12)	108020	Unalloc Capital Levy	
2020	7102054216	Program - Roof Management	(8,046.05)	108020	Unalloc Capital Levy	
2021	4242109306	Lifesavers Park lighting	(616.00)	108020	Unalloc Capital Levy	
			<b>(38,880.94)</b>			
<u>Projects returning funds</u>						
2014	7101454202	Waterdown Memorial Park Ice Loop	6,432.47	108020	Unalloc Capital Levy	
2016	7101654700	Pinky Lewis Recreation Centre Expansion Project	2,605.64	108020	Unalloc Capital Levy	
2018	5121855137	Waste Management R & D Program	78,195.98	108020	Unalloc Capital Levy	
2019	7101954536	Program - Arena Retrofits	33,612.24	108020	Unalloc Capital Levy	
2020	4402056004	Morton Park Redevelopment	797.06	108020	Unalloc Capital Levy	
2020	5122095525	SWMMP Approvals	2,325.69	108020	Unalloc Capital Levy	
			<b>123,969.08</b>			
<b>Net impact to the Unallocated Capital Levy Reserve</b>			<b>85,088.14</b>			
<u>Projects requiring funds</u>						
2013	5141380377	Arvin Avenue - McNeilly Road to 350m westerly	(7,522.55)	108015	Waterworks Capital Reserve	
2015	5161580377	Arvin - McNeilly to 350m Westerly	(10,608.24)	110340 & 110341	Linear Wastewater Development Charge Reserves	
2017	4241709102	Westdale Theatre 1014 King St	(11,626.10)	3302009100	Ward 1 Special Capital Re-Investment Discretionary Fund	
<b>Net impact to Other Reserves</b>			<b>(29,756.89)</b>			
<b>Total Net impact to the Unallocated Capital Levy Reserve &amp; Other Reserves</b>			<b>55,331.25</b>			



CITY OF HAMILTON  
CAPITAL PROJECTS' CLOSING SCHEDULE  
AS OF SEPTEMBER 30, 2021

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$) a	REVENUES (\$) b	EXPENDITURES (\$) c	PROJECT SURPLUS/ (DEFICIT) (\$) d = b - c	% SPENT e=c/a
<b>UNALLOCATED CAPITAL LEVY RESERVE</b>							
2014	7101454202	Waterdown Memorial Park Ice Loop	3,340,000.00	3,340,000.00	3,333,567.53	6,432.47	99.8%
2015	7101554508	Public Use Feasibility Needs & Study	150,000.00	150,000.00	150,143.28	-143.28	100.1%
2016	7101654700	Pinky Lewis Recreation Centre Expansion Project	2,169,000.00	2,169,000.00	2,166,394.36	2,605.64	99.9%
2017	7101754702	Mountain Arena Elevators	288,826.64	254,981.64	275,340.13	-20,358.49	95.3%
2018	3541855100	Corporate Facilities Audit Program	100,000.00	100,000.00	109,717.12	-9,717.12	109.7%
2018	5121855137	Waste Management R & D Program	230,000.00	230,000.00	151,804.02	78,195.98	66.0%
2019	7101954536	Program - Arena Retrofits	297,211.41	332,200.41	298,588.17	33,612.24	100.5%
2020	4402056004	Morton Park Redevelopment	100,000.00	100,000.00	99,202.94	797.06	99.2%
2020	5122095525	SWMMP Approvals	138,337.00	138,337.00	136,011.31	2,325.69	98.3%
2020	7102054216	Program - Roof Management	0.00	0.00	8,046.05	-8,046.05	0.0%
2021	4242109306	Lifesavers Park lighting	35,000.00	35,000.00	35,616.00	-616.00	101.8%
<b>TOTAL FUNDS TO UNALLOCATED CAPITAL LEVY (11)</b>			<b>6,848,375.05</b>	<b>6,849,519.05</b>	<b>6,764,430.91</b>	<b>85,088.14</b>	<b>98.8%</b>
<b>OTHER PROGRAM SPECIFIC RESERVES</b>							
2013	5141380377	Arvin Avenue - McNeilly Road to 350m westerly	100,000.00	100,000.00	107,522.55	-7,522.55	107.5%
2015	5161580377	Arvin - McNeilly to 350m Westerly	80,000.00	80,000.00	90,608.24	-10,608.24	113.3%
2017	4241709102	Westdale Theatre 1014 King St	220,000.00	220,000.00	231,626.10	-11,626.10	105.3%
<b>TOTAL FUNDS FROM PROGRAM SPECIFIC RESERVES (3)</b>			<b>400,000.00</b>	<b>400,000.00</b>	<b>429,756.89</b>	<b>-29,756.89</b>	<b>107.4%</b>
<b>DELAYED/CANCELLED PROJECTS</b>							
2012	4031280292	Fifty Road at SSR Intersection Upgrade	1,090,000.00	0.00	0.00	0.00	0.0%
2016	4241609208	181 Jackson Retrofit	50,000.00	0.00	0.00	0.00	0.0%
2020	4142046100	City Share of Servicing Costs under Subdivision Agreements	0.00	0.00	0.00	0.00	0.0%
2020	5142055556	Mapping Update Program	0.00	0.00	0.00	0.00	0.0%
2020	5142096250	Airport Lands External Water Servicing (Feedermain) (W-27)	8,250,000.00	0.00	0.00	0.00	0.0%
2020	5162055556	Mapping Update Program	0.00	0.00	0.00	0.00	0.0%
2020	5162066311	Woodward WWTP Digester 3	250,000.00	0.00	0.00	0.00	0.0%
2020	5162067275	FC001 Elgin SPS	2,095,000.00	0.00	0.00	0.00	0.0%
2020	5182055556	Mapping Update Program	0.00	0.00	0.00	0.00	0.0%
2020	6732041200	National Housing Strategy, CHH	34,000,000.00	0.00	0.00	0.00	0.0%
2020	7202041215	ICIP CCR - Griffin House Stabilization	0.00	0.00	0.00	0.00	0.0%
2020	7202041216	ICIP CCR - Children's Museum Expansion	0.00	0.00	0.00	0.00	0.0%
2021	4032180180	Smith Rd Class EA - (Garner to Dickenson Extension)	690,000.00	0.00	0.00	0.00	0.0%
2021	4032180185	Southcote Class EA - Book to Garner	690,000.00	0.00	0.00	0.00	0.0%
2021	5142161301	Edwina - Lawson - Berko	330,000.00	0.00	0.00	0.00	0.0%
2021	5142595552	New PD7 Elfrida PS - Land	280,000.00	0.00	0.00	0.00	0.0%
2021	5142695552	HD07A New District 7 PS W-21	170,000.00	0.00	0.00	0.00	0.0%
<b>TOTAL DELAYED/CANCELLED PROJECTS (17)</b>			<b>47,895,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>COMPLETED PROJECTS</b>							
<b>CORPORATE PROJECTS DEPARTMENT (Tax Budget)</b>							
<b>Councillor Infrastructure Program</b>							
2018	4241809210	Ward 2 Public Bench	10,000.00	5,892.92	5,892.92	0.00	58.9%
2019	4241909145	Mntvw Scenic Wds ATC Feas Stdy	50,000.00	10,934.59	10,934.59	0.00	21.9%
2019	4241909205	Public Bench Seating	39,000.00	22,361.81	22,361.81	0.00	57.3%
2019	4241909217	Central Planters	12,600.00	9,347.46	9,347.46	0.00	74.2%
2019	4241909303	Zero Plastic Waste Fountains	100,000.00	72,234.39	72,234.39	0.00	72.2%
2019	4241909604	Traffic Island Beautification	126,317.00	106,203.88	106,203.88	0.00	84.1%
2019	4241909802	Cpt Cornelius Play Structure	61,056.12	61,056.12	61,056.12	0.00	100.0%
2019	4241909903	Valley Park Sign & Lights	4,535.63	4,535.63	4,535.63	0.00	100.0%

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF SEPTEMBER 30, 2021								
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$) a	REVENUES (\$) b	EXPENDITURES (\$) c	PROJECT SURPLUS/ (DEFICIT) (\$) d = b - c	% SPENT e=c/a	
2020	4242009802	Play structure at Ridgemount	152,640.30	152,640.30	152,640.30	0.00	100.0%	
2021	4242109804	Cornelius Park - Railing	45,000.00	38,058.31	38,058.31	0.00	84.6%	
<b>Healthy &amp; Safe Communities (Tax Budget)</b>								
<b>Housing Services Division</b>								
2019	6731941012	COCHI - Rent Supplement Yr 2	290,022.00	290,022.00	290,022.00	0.00	100.0%	
2019	6731941013	COCHI - Transitional Ops	20,000.00	20,000.00	20,000.00	0.00	100.0%	
<b>Hamilton Paramedic Services Division</b>								
2020	7642051100	Annual Vehicle Replacement	1,176,000.00	1,161,170.79	1,161,170.79	0.00	98.7%	
<b>Economic Development Division</b>								
1999	4149946999	DevSecurities Reissued	61,056.12	61,056.12	61,056.12	0.00	100.0%	
<b>Licensing &amp; By-Law Services Division</b>								
2019	4501957900	Handheld Ticketing Device-System Integration	425,014.17	375,561.88	375,561.88	0.00	88.4%	
<b>Transportation, Planning &amp; Parking Division</b>								
2016	4901641600	Review of Elevator - York Boulevard Parkade	50,000.00	34,436.28	34,436.28	0.00	68.9%	
2018	4901841801	Elevator Replacement-York Parkade	400,000.00	339,348.55	339,348.55	0.00	84.8%	
2020	4662017124	On Street Bike Facilities	6,638.83	6,638.83	6,638.83	0.00	100.0%	
<b>Tourism &amp; Culture Division</b>								
2012	7101258706	Dundurn National Historic Site - Exteriors	242,878.99	242,896.38	242,896.38	0.00	100.0%	
2020	7202041209	Dundurn Kitchen Renovation	48,141.80	48,141.80	48,141.80	0.00	100.0%	
<b>Public Works (Tax Budget)</b>								
<b>Roads Division</b>								
2014	4031419101	Road Reconstruction 2014	17,833,000.00	17,354,190.77	17,354,190.77	0.00	97.3%	
2015	4041510017	Street Lighting Enhancement & Maintenance Program	415,000.00	835,000.00	835,000.00	0.00	201.2%	
2018	4031860999	Closed Projects - Roads	68,661.29	68,661.29	68,661.29	0.00	100.0%	
2019	4031911024	Britannia & Cannon - Kenilworth to Strathearne / Garside / Cameron	870,000.00	796,009.63	796,009.63	0.00	91.5%	
2020	4032017677	Pavement Preventative Maintenance Program	2,000,000.00	2,000,000.00	2,000,000.00	0.00	100.0%	
2020	4032018219	Structural Investigations and Reports	10,000.00	10,000.00	10,000.00	0.00	100.0%	
2020	4042017384	Guide Rail Replacement Program	400,000.00	400,000.00	400,000.00	0.00	100.0%	
<b>Transit Division</b>								
2019	5301983002	Fund Transit Reserve Shortfall- Re Cancellation of Ontario Bus Replaceme	3,700,000.00	700,000.00	700,000.00	0.00	18.9%	
<b>Recreation Division</b>								
<b>Waste Management Division</b>								
2009	5120991101	Glanbrook Landfill-Stage 3 Development	6,800,000.00	6,348,180.45	6,348,180.45	0.00	93.4%	
2019	5121990700	Public Space & Special Event Containers	932.38	932.38	932.38	0.00	100.0%	
2019	5121993000	Maintenance & Capital Improvements to the Resource Recovery Centre (RRC) Program	207,771.61	207,771.61	207,771.61	0.00	100.0%	
2020	5122051501	Waste Collection Fleet Replacement	1,736,633.66	1,736,633.66	1,736,633.66	0.00	100.0%	
<b>Energy, Fleet &amp; Facilities Division</b>								
2011	7101154710	Senior Centre - Waterdown	1,349,066.86	1,349,066.86	1,349,066.86	0.00	100.0%	
2013	4401356800	West Harbour Development	436,000.00	431,110.27	431,110.27	0.00	98.9%	
2015	7101551501	Facility Vehicles	160,000.00	156,625.15	156,625.15	0.00	97.9%	
2016	3541641910	Stoney Creek City Hall -RCMP Lease Capital Replacement	97,627.59	97,627.59	97,627.59	0.00	100.0%	
2016	7101649602	Scott Park Precinct Ice Pad & Spray Pad Installation	2,400,000.00	2,383,134.06	2,383,134.06	0.00	99.3%	

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF SEPTEMBER 30, 2021								
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$) a	REVENUES (\$) b	EXPENDITURES (\$) c	PROJECT SURPLUS/ (DEFICIT) (\$) d = b - c	% SPENT e=c/a	
2017	3541755700	Downtown Office Accommodation	172,949.01	172,949.01	172,949.01	0.00	100.0%	
2017	3721751701	Hamilton Place Audio Equipment Repair and Replacement	104,269.99	44,269.99	44,269.99	0.00	42.5%	
2018	3721841801	Program FirstOntario Concert Hall Replacements and Renovations	413,200.00	227,928.49	227,928.49	0.00	55.2%	
2020	3542055101	Recreation Facilities Audit Program	93,831.54	195,595.68	195,595.68	0.00	208.5%	
2020	7102041706	Program - Recreation Centre Retrofits	39,638.28	39,638.28	39,638.28	0.00	100.0%	
<b>Environmental Services Division</b>								
2021	4452141101	Tropical Green House Capital Maintenance	70,000.00	95,451.07	95,451.07	0.00	136.4%	
<b>Planning &amp; Economic Development (Rate Budget)</b>								
<b>Growth Management Division</b>								
2008	5180880863	SWMP Waterdown Bay W2	2,241,194.36	2,241,194.36	2,241,194.36	0.00	100.0%	
2010	5181080091	Rymal - SWMP H8 to Trinity Church & Trinity Church - Rymal to 500m Sou	1,919,523.59	1,919,523.59	1,919,523.59	0.00	100.0%	
2012	5181280293	SWMP - A16 - D'Amico Cimino Lands	2,345,523.25	2,345,523.25	2,345,523.25	0.00	100.0%	
<b>Public Works (Rate Budget)</b>								
<b>Waterworks Regular Program</b>								
2003	5140364336	PS H6B Upper Gage Trunk-Hold	2,700,000.00	2,124,411.60	2,124,411.60	0.00	78.7%	
2016	5141666110	WTP - Corrosion Control	7,660,000.00	7,498,972.15	7,498,972.15	0.00	97.9%	
2016	5141667424	Freelton Tower HDT03 Upgrades	3,600,000.00	2,164,122.81	2,164,122.81	0.00	60.1%	
2016	5141680653	Rymal - Upper Paradise to Garth	1,800,000.00	1,131,123.39	1,131,123.39	0.00	62.8%	
<b>Wastewater Regular Program</b>								
2015	5161595858	Binbrook PS Upgrade (WW-20)	6,280,000.00	4,229,501.52	4,229,501.52	0.00	67.3%	
2017	5161766421	WWTP Methane Sphere Upgrades	4,400,000.00	3,222,244.47	3,222,244.47	0.00	73.2%	
2018	5161866350	Woodward WWTP Lighting Upgrade	690,000.00	631,547.48	631,547.48	0.00	91.5%	
2019	5161971074	Contingency for Unscheduled Works Program	73,000.00	73,000.00	73,000.00	0.00	100.0%	
2020	5162049555	QA-QC Service Contract 2020	80,000.00	80,000.00	80,000.00	0.00	100.0%	
2020	5162062073	Field Data Systems Program	50,000.00	50,000.00	50,000.00	0.00	100.0%	
2020	5162069075	City Environmental Lab Improvements Program	150,000.00	150,000.00	150,000.00	0.00	100.0%	
<b>Storm Sewers Regular Program</b>								
2012	5181272290	Storm Replacement Coordinated with Roads - 2012	7,335,000.00	7,332,529.28	7,332,529.28	0.00	100.0%	
2013	5181380385	Watercourse 7 Improvements - Phase 2	300,000.00	106,359.74	106,359.74	0.00	35.5%	
2016	4241609803	Sewer and Water- Gourley Prk	65,000.00	46,484.27	46,484.27	0.00	71.5%	
2020	5182062073	Field Data Systems Program	56,000.00	56,000.00	56,000.00	0.00	100.0%	
<b>TOTAL COMPLETED PROJECTS (61)</b>			<b>84,444,724.37</b>	<b>74,115,852.19</b>	<b>74,115,852.19</b>	<b>0.00</b>	<b>87.8%</b>	
<b>GRAND TOTAL COMPLETED/CANCELLED PROJECTS (92)</b>			<b>139,588,099.42</b>	<b>81,365,371.24</b>	<b>81,310,039.99</b>	<b>55,331.25</b>	<b>58.2%</b>	

**CITY OF HAMILTON**  
**CAPITAL PROJECTS BUDGET APPROPRIATIONS OF \$250,000 OR GREATER AND CAPITAL PROJECT RESERVE FUNDING**  
**FOR THE PERIOD COVERING JULY 1, 2021 TO SEPTEMBER 30, 2021**

Appropriated/ Transferred From	Description	Appropriated/ Transferred To	Description	Amount (\$)	Council Approval / Comments	Comments
<b>Planning &amp; Economic Development (Tax Budget)</b>						
<i>Tourism &amp; Culture</i>						
7201658602	Dundurn Stoplight Installation	7201841803	St Mark's Restoration	<b>295,656.11</b>		St.Mark's Restoration project requires additional funds to complete the required work.
7201841804	Children's Museum Expansion	7201841803	St Mark's Restoration	<b>300,000.00</b>		St.Mark's Restoration project requires additional funds to complete the required work.
<b>Planning &amp; Economic Development Department (Tax Budget) Total</b>				<b>\$ 595,656.11</b>		
<b>Planning &amp; Economic Development (Rate Budget)</b>						
<i>Growth Management</i>						
5181180090	2011 Annual Storm Water Mngmnt	5181080091	Rymal - SWMP H8 to Trinity Church & Trinity Church - Rymal to 500m Southerly	<b>419,523.59</b>		Project has been completed and requires additional funds to eliminate the project deficit.
<b>Planning &amp; Economic Development Department (Rate Budget) Total</b>				<b>\$ 419,523.59</b>		
<b>Public Works (Rate)</b>						
<i>Waterworks Regular Program</i>						
108015	Waterworks Capital Reserve	5142166110	Water Treatment Plant - Process Upgrades Phase 2	<b>249,000.00</b>		Project requires additional reserve funding to ensure the DC/Non-DC funding proportion is maintained as approved in the DC Background Study.
<b>Public Works (Rate) Total</b>				<b>\$ 249,000.00</b>		
<b>Project Totals</b>				<b>\$ 1,264,179.70</b>		

CITY OF HAMILTON CAPITAL PROJECTS REQUIRING A CHANGE IN FUNDING SOURCE AS OF SEPTEMBER 30, 2021					
<b>Recommendations</b>					
Project	Description	Original Funding Source	Revised Funding Source	Amount (\$)	Comment
<b>Corporate Services</b>					
<u>Corporate Services Administration</u>					
3382055001	Community Benefits Strategy & By-law	Admin Studies Community Based Development Charges (110354 & 110355)	Unallocated Capital Levy Reserve (108020)	\$ 225,000.00	Project is ineligible to be funded from development charges.
<b>Corporate Projects</b>					
<u>Councillor Infrastructure Program</u>					
4242109604	Traffic Calming Ward 6 - Various	Ward 6 Area Rating Special Capital Re-Investment Discretionary Fund (3302109600)	Ward 6 Area Rating Special Capital Re-Investment Reserve (108056)	\$ 100,000.00	Councillor requested a funding source revision as the project was eligible to be funded through the Ward 6 Area Rating Special Capital Re-Investment Reserve (108056).
<b>Public Works (Tax)</b>					
<u>Environmental Services</u>					
4402256105	Eastwood Park Redevelopment	Federal Gas Tax (42020)	Provincial Contribution (43526)	\$ 500,000.00	Project was awarded funding from the Ontario Trillium Fund, Community Building Fund. As a condition of this grant, no other funding agreements or grants can be utilized to fund this project.
4402256105	Eastwood Park Redevelopment	Federal Gas Tax (42020)	Unallocated Capital Levy Reserve (108020)	\$ 202,400.00	
<b>Public Works (Rate)</b>					
<u>Waterworks Regular Program</u>					
5141380377	Arvin Avenue - McNeilly Road to 350m Westerly	Other Revenues (49222)	Waterworks Capital Reserve (108015)	\$ 100,000.00	Budgeted third party revenues will not be realized and a contribution from the Waterworks Capital Reserve is required.
<b>Total Revised Funding Sources</b>				<b>\$ 1,127,400.00</b>	

City of Hamilton  
2022 Property and Liability Insurance Renewal  
Coverages and Limits

City Of Hamilton Premium Summary				
Effective January 1, 2022 - January 1, 2023*				
TYPE OF COVERAGE	INSURER	POLICY #	DEDUCTIBLE	2022-2023
				PREMIUM
ENVIRONMENTAL IMPAIRMENT LIABILITY	MARKEL INSURANCE CO.	EILT1969	\$ 100,000	
ANNUAL ENVL PREMIUM: Jan 31, 2022 - Jan 31, 2024				\$ 169,455.00
TERRORISM	AJG (LLOYDS OF LONDON)	BO621MLINE6317	\$ 100,000	\$ 120,000.00
CBNR (CHEMICAL, BIOLOGICAL, NUCLEAR, RADIATION)	AJG (LLOYDS OF LONDON)	BO621MCITY002218	\$ 1,000,000	\$ 80,000.00
PARAMEDICS LIABILITY	BERKELY	BC05400-2001	\$ 250,000	
ANNUAL PARAMEDIC PREMIUM: January 30, 2022 - January 30, 2023				\$ 36,750.00
FLEET	AVIVA	JLTPS-356	\$ 500,000	\$ 1,555,236.88
TRANSIT	AVIVA	JLTPS-356A	\$ 500,000	\$ 2,328,384.24
GARAGE	AVIVA	JLTPS-356G		\$ 6,610.00
PROPERTY	AVIVA	JLTPS-356		\$ 2,194,526.00
CRIME	AVIVA	JLTPS-356	\$ 25,000	\$ 20,000.00
EXCESS CRIME	TRISURA	TFD1006089	Sits excess over Primary Limits	\$ 49,613.00
<b>Total Premiums (before 8% tax)</b>				<b>\$ 6,560,575.12</b>

\* Environmental Impairment Liability policy runs from January 31, 2022 to January 31, 2024  
\* Paramedic Liability Policy runs from January 30, 2022 to Jan. 30, 2023



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-004**

**9:30 a.m.**

**February 17, 2022**

**Council Chambers**

**Hamilton City Hall**

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**Present:** Councillors M. Pearson (Chair), B. Clark, L. Ferguson, B. Johnson, R. Powers, A. VanderBeek, and M. Wilson

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### **THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 22-004 AND RESPECTFULLY RECOMMENDS:**

**1. Roads Value for Money Audit: Management Update (PW22007) (City Wide) (Outstanding Business List Item) (Item 7.2)**

That Report PW22007, respecting Roads Value for Money Audit: Management Update, be received.

**2. Print and Mail Services Contract Extension (FCS22017) (City Wide) (Item 7.3)**

- (a) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, and extend the current contracts for the Supply and Delivery of Various Print and Mail Services until June 30, 2022; and,
- (b) That the General Manager, Finance and Corporate Services be authorized to negotiate and execute the amendment to the contracts and any ancillary documents required to give effect thereto with Swiaty Investments Inc. O/A Minuteman Press, Ontario Ltd. 1602247 o/a Stirling Print Solutions, 723318 Ontario Inc. o/a Athens Printing Art, 1215553 Ontario Limited o/a Allegra and Pegasus Direct Mail Worx Inc. in a form satisfactory to the City Solicitor.

**3. Citizen Committee Report - Aboriginal Advisory Committee Respecting Renaming the Committee (Item 10.1)**

- (a) That the Aboriginal Advisory Committee be renamed the Indigenous Advisory Committee; and
- (b) That the amended Terms of Reference and Mandate attached as Appendix "A" to Audit, Finance & Administration Committee Report 22-004, be approved.

**4. Discontinuation of Water Billing Services by Alectra Utilities (FCS21082(a))  
(City Wide) (Item 10.2)**

- (a) That staff be authorized and directed to negotiate and enter into, on behalf of the City of Hamilton, a Transition Agreement with Alectra Utilities Corporation to facilitate the termination of water billing services from Alectra Utilities Corporation by December 31, 2024;
- (b) That the Mayor and City Clerk be authorized and directed to execute all necessary documentation to execute a Transition Agreement with Alectra Utilities Corporation with content acceptable to the General Manager of Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (c) That the Mayor and City Clerk be authorized and directed to execute all necessary documentation to execute a Collaboration Agreement between the City of Hamilton and any or all of the cities of Guelph, Markham and Vaughan, with content acceptable to the General Manager of Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (d) That the single source procurement of Kaihen Inc. as external consultants for the Water Billing Transition Project, pursuant to Procurement Policy #11 – Non competitive Procurements be approved;
- (e) That the General Manager, Finance and Corporate Services, be authorized to negotiate, enter into and execute a contract and any ancillary documents required to procure Kaihen Inc. as the consultant to support the Water Billing Transition Project in a form satisfactory to the City Solicitor;
- (f) That the preliminary phase cost of the Water Billing Transition Project with an upset limit of \$200,000, be funded equally from the Waterworks Capital reserve (108015) and the Sanitary Sewer Capital reserve (108005).

**FOR INFORMATION:**

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

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the February 17, 2022 Audit, Finance and Administration Committee meeting was approved, as presented.

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

There were no declarations of interest.



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

**(i) February 3, 2022 (Item 4.1)**

The Minutes of the February 3, 2022 meeting of the Audit, Finance and Administration Committee were approved, as presented.

**(d) CONSENT ITEMS (Item 7)**

**(i) Women and Gender Equity Advisory Committee Minutes - November 25, 2021 (Item 7.1)**

The November 25, 2021 minutes of the Women and Gender Equity Advisory Committee were received.

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

Committee determined that discussion of Item 14.1 was not required in Closed Session, so the item was addressed in Open Session, as follows:

**(i) Closed Minutes – February 3, 2022 (Item 14.1)**

- (a) The Closed Session Minutes of the February 3, 2022 Audit, Finance and Administration Committee meeting, were approved as presented; and,
- (b) The Closed Session Minutes of the February 3, 2022 Audit, Finance and Administration Committee meeting, remain confidential.

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

There being no further business, the Audit, Finance and Administration Committee adjourned at 10:04 a.m.

Respectfully submitted,

Councillor Pearson, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



Hamilton

## **CITY OF HAMILTON**

### Vision

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

## **HAMILTON INDIGENOUS ADVISORY COMMITTEE**

### **Terms of Reference**

**Preamble:** This document uses the format and content typically used by the City of Hamilton for its advisory committees, but this Committee's work should be understood to have vital cultural traditions and teachings at its core. These may not be obvious in this document, but they are part of this Committee's approach and philosophy and how it pursues an effective path and a meaningful future through its work. The Committee respects a whole-world view that recognizes each individual's interconnectedness and also their contributions to the collective wellbeing of the whole. Balance, harmony, peace and justice are valued concepts within this philosophy.

### **COMMITTEE MANDATE**

The Indigenous Advisory Committee assists the City of Hamilton to honour and engage its Indigenous citizens in the pursuit of the City's vision by providing advice and/or recommendations, through the appropriate Standing Committee of Council, that enhance the wellbeing of Indigenous people and/or resolve municipal issues.

The Committee envisions a future where Hamilton is an inclusive and culturally-aware community, where issues of importance to its Indigenous peoples are addressed proactively, effectively and respectfully on the municipal agenda.

### **COMMITTEE OBJECTIVES**

- to assist the City in achieving and demonstrating progress or positive change in support of the equitable economic, social, health and overall wellbeing of Indigenous citizens;
- to provide a forum and mechanism for coordinated dialogue and consultation between and among Indigenous leaders and other stakeholders, acting as a catalyst for the development of positive relationships and open, transparent dialogue between and among the City and these stakeholders; and,
- to offer input, advice and recommendations, through the Audit, Finance & Administration Committee, informed by stakeholder consultation, to support the City in determining effective municipal strategies and/or policies on issues of importance to Indigenous peoples.

## **COMMITTEE VALUES**

In fulfilling our mandate, members of the Committee uphold the following values of collective and individual importance: trust, respect, unity, truthfulness, inclusiveness, pride and empowerment. In our collective work with the City and with Indigenous stakeholders, members of the Committee seek relationships that are sustained by mutual respect and flexibility and that lead to constructive solutions, productive outcomes and improved opportunities for Indigenous peoples. We value increased visibility and recognition of the importance of Indigenous peoples and cultures, as a means to eliminating stereotypes.

## **SELECTION PROCESS**

The selection process for the Indigenous Advisory Committee is to include the local Hamilton Indigenous Community leadership, which will recommend to Council the appointment of residents from the Hamilton Indigenous community and its allies, to sit on the Hamilton Indigenous Advisory Committee.

## **COMPOSITION**

The Advisory Committee will be comprised of seven (7) to nine (9) citizen appointees from the Hamilton Indigenous community and up to two (2) allies.

For the purposes of the committee, an ally is defined as an individual from the wider Hamilton community who demonstrates support for the mandate of the committee and the work of the Hamilton Aboriginal community.



## **EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 22-003**

1:30 p.m.

Thursday, February 17, 2022

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Councillors B. Clark (Chair), N. Nann, S. Merulla, T. Jackson, and E. Pauls

**Regrets:** Councillor T. Whitehead – Personal

**Also Present:** Councillors J. Farr and M. Wilson

### **THE EMERGENCY & COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 22-003 AND RESPECTFULLY RECOMMENDS:**

- 1. Procurement of Pharmacy Services (HSC22004) (Wards 7 and 13) (Item 7.1)**
  - (a) That Council approve the single source procurement with CareRx Holdings Inc. pursuant to Procurement Policy #11 – Non-competitive Procurements, and extend the current contract for the supply of pharmaceutical services at Macassa and Wentworth Lodges until June 30, 2023 or until a new contract is awarded (whichever is earlier); and
  - (b) That the General Manager, Healthy and Safe Communities Department be authorized to negotiate and execute the amendment to the Contract and any ancillary documents required to give effect thereto, in a form satisfactory to the City Solicitor.
  
- 2. Proposal by Hamilton Alliance for Tiny Shelters (HSC22015) (City Wide) (Added Item 8.1)**
  - (a) That staff be directed to share the information contained in Report HSC22015 with the Hamilton Alliance for Tiny Shelters (HATS) to inform their planning for a potential ‘tiny cabin’ site in the City of Hamilton;
  - (b) That staff be directed to assist HATS in determining potential viable sites for its HATS project, underpinned by a Housing First approach; and,

- (c) That staff be directed to work with Corporate Finance and Administration to determine a potential and appropriate funding source should this project proceed.

**3. Provincial Consultation Regarding Regulatory Changes to the *Housing Services Act* (HSC22010) (City Wide) (Item 10.1)**

That City of Hamilton's submission to the Province of Ontario's consultation regarding regulatory changes within the *Housing Services Act, 2011*, attached as Appendix "A" to Emergency and Community Services Report 22-003 be endorsed.

**FOR INFORMATION:**

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

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

**6. DELEGATION REQUESTS**

- 6.1. Ed Fothergill, Hamilton Alliance for Tiny Shelters, respecting Request to have staff not enforce the Zoning By-law and Adequate Services By-law for the Tiny Homes project (For today's meeting)
- 6.2. Julia Kollek, Hamilton Alliance for Tiny Shelters, respecting Following up with our presentation re our program from Feb 3rd meeting (For today's meeting)
- 6.3. Tony Stortz, Hamilton Alliance for Tiny Shelters, respecting Following up from February 3rd delegation from Hamilton Alliance for Tiny Shelters (For today's meeting)

At the request of the Delegates, the speaking order for the Delegations, once approved, will be: Julia Kollek, Tony Stortz and Ed Fothergill.

**7. CONSENT ITEMS**

- 7.2. Seniors Advisory Committee Minutes – January 7, 2022

**8. STAFF PRESENTATIONS**

- 8.1. Proposal by Hamilton Alliance for Tiny Shelters (HSC22015) (City Wide)

The agenda for the February 17, 2022 Emergency and Community Services Committee meeting was approved, as amended.

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

Councillor Merulla declared a Disqualifying Interest for Items 6.1 to 6.3, 8.1, and 9.1 to 9.3, Delegation Requests, Delegations, respecting Hamilton Alliance for Tiny Shelters proposal, as well as the Proposal by Hamilton Alliance for Tiny Shelters (HSC22015), as he and his wife are landlords.

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

The Minutes of the February 3, 2022 meeting of the Emergency and Community Services Committee, were approved, as presented.

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

(i) The following Communication Items, respecting Senior Advisory Committee – Member Resignations, were received and referred to the Interview Sub-Committee for the Emergency and Community Services Committee:

1. Jim McColl (Item 5.1(a))
2. Jeanne Mayo (Item 5.1(b)); and

(ii) Staff was directed to forward letters to the resigning members of the Seniors Advisory Committee to thank them for their service.

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

The following Delegation Requests, were approved for today's meeting:

- (i) Ed Fothergill, Hamilton Alliance for Tiny Shelters, respecting Request to have staff not enforce the Zoning By-law and Adequate Services By-law for the Tiny Homes project (Added item 6.1)
- (ii) Julia Kollek, Hamilton Alliance for Tiny Shelters, respecting Following up with our presentation re our program from Feb 3rd meeting (Added item 6.2)
- (iii) Tony Stortz, Hamilton Alliance for Tiny Shelters, respecting Following up from February 3rd delegation from Hamilton Alliance for Tiny Shelters (Added item 6.3)

**(f) CONSENT ITEMS (Item 7)**

(i) **Seniors Advisory Committee Minutes – January 7, 2022**

The Minutes of the January 7, 2022 meeting of the Seniors Advisory Committee, were received.

**(g) STAFF PRESENTATIONS (Item 8)**

**(i) Proposal by Hamilton Alliance for Tiny Shelters (HSC22015) (City Wide) (Added Item 8.1)**

Edward John, Director, Housing Services, addressed the Committee, respecting Proposal by Hamilton Alliance for Tiny Shelters, with the aid of a presentation.

The presentation from Edward John, Director, Housing Services, respecting Proposal by Hamilton Alliance for Tiny Shelters, was received.

Discussion of Report HSC22015, respecting Proposal by Hamilton Alliance for Tiny Shelters, was deferred until after the Delegations have been heard.

For further disposition of this matter, refer to Items 2 and (h).

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

**(i) Julia Kollek, Hamilton Alliance for Tiny Shelters, respecting Following up with our presentation re our program from Feb 3rd meeting (Added Item 9.1)**

Julia Kollek, Hamilton Alliance for Tiny Shelters (HATS), addressed the Committee respecting Following up with our presentation re our program from Feb 3rd meeting, with the aid of a presentation.

**(ii) Tony Stortz, Hamilton Alliance for Tiny Shelters, respecting Following up from February 3rd delegation from Hamilton Alliance for Tiny Shelters (Added Item 9.2)**

Tony Stortz, Hamilton Alliance for Tiny Shelters, addressed the Committee respecting Following up from February 3rd delegation from Hamilton Alliance for Tiny Shelters, with the aid of a presentation.

**(iii) Ed Fothergill, Hamilton Alliance for Tiny Shelters, respecting Request to have staff not enforce the Zoning By-law and Adequate Services By-law for the Tiny Homes project (Added Item 9.3)**

Ed Fothergill, Hamilton Alliance for Tiny Shelters, addressed the Committee respecting Request to have staff not enforce the Zoning By-law and Adequate Services By-law for the Tiny Homes project.

The following Delegations, were received:

- (i) Julia Kollek, Hamilton Alliance for Tiny Shelters, respecting Following up with our presentation re our program from Feb 3rd meeting (Added Item 9.1)

- (ii) Tony Stortz, Hamilton Alliance for Tiny Shelters, respecting  
Following up from February 3rd delegation from Hamilton Alliance  
for Tiny Shelters (Added Item 9.2)
- (iii) Ed Fothergill, Hamilton Alliance for Tiny Shelters, respecting  
Request to have staff not enforce the Zoning By-law and Adequate  
Services By-law for the Tiny Homes project (Added Item 9.3)

For further disposition of this matter, refer to Items 2 and (g).

**(i) ADJOURNMENT (Item 15)**

There being no further business, the Emergency and Community Services  
Committee, was adjourned at 4:07 p.m.

Respectfully submitted,

Councillor B. Clark  
Chair, Emergency and Community Services  
Committee

Tamara Bates  
Legislative Coordinator  
Office of the City Clerk



## **Response to Consultation Regarding Changes to O. Reg 367/11**

This document outlines the City of Hamilton’s response to the Ministry of Municipal Affairs and Housing’s proposed regulatory changes to O. Reg 367/11 as outlined in proposal 21-MMAH031.

As a general comment, it should be noted that municipal Service Managers pay most of the operating costs associated with legacy social housing programs. In addition, the City of Hamilton has allowed providers to keep their full operating surplus and has provided municipally-funded capital dollars totalling \$3 M annually. The City of Hamilton has also provided used municipal tax dollars for capital contributions to the development of new community housing as well as annual rent subsidy for new community housing. These contributions are significant and still the costs of maintaining legacy social housing units grows beyond municipal means.

These investments have been made recognizing the significant need for affordable housing in Hamilton. Given limited municipal tax dollars, these investments are made by Council in careful consideration of the full range of municipal needs. While many aspects of the proposed regulatory changes are welcome, they cannot unilaterally impose additional costs to the municipal taxpayer.

### **Service Agreements:**

The City of Hamilton supports the creation of a regulatory framework that would enable existing housing providers with matured operating agreements and mortgages to remain in the community housing system by signing a Service Agreement with their municipal Service Manager (SM) and spell out provisions governing entry of new housing providers into the community housing system.

While the current legacy social housing system’s focus on Rent-Geared-to-Income (RGI) and chronological coordinated access has its challenges, it provides useful underlying principles and common expectations for tenants, housing providers and SMs. Without a minimum framework, the SM and provider must negotiate each agreement separately. One of the primary challenges in the current environment is that agreements with the federal government for co-investment or rapid housing funding become the foundation for these agreements. These agreements reflect Canada Mortgage and Housing Corporation’s focus on risk management and securing the public investment and only minimal attention to the needs of tenants and SM.

- The framework must be flexible to reflect the needs of individual projects. Creating rigid expectations for funding arrangements could result in over or underfunding projects and unnecessary costs to the municipality.
- It should also speak to protections for affordability for existing tenants at the end of an agreement. Similarly, phase out periods at the end of agreements should be limited to ensure units are available for the full duration of the agreement.

- The new framework must remain committed to coordinated access. In an attempt to house tenants whom, they believe to be “lower risk”, some housing providers prefer to hand select tenants rather than rely on coordinated access.
- It is also important to maintain the system of quasi-judicial review of decisions regarding social assistance. This provides a useful system to review decisions made by housing providers and the service manager regarding eligibility for housing assistance.
- Creation of the requirement for an exit agreement for providers whose mortgages have expired is also beneficial. Currently, when a federal provider’s mortgage expires, the decision about what to do with the property is left largely to the non-profit board. In some cases, boards see the project as their asset and do not recognize the significant public investment made over the years. Exit agreements should require short- and long-term plans for the property and affordability to tenants.

#### Service Level Requirements:

The City of Hamilton appreciates the move to reform Service Level Requirements. The current requirements are based on the number of social housing units downloaded from the Province to the municipality in 2001. They also focus almost exclusively on Rent-Geared-to-income (RGI) assistance.

Any revised approach should include the considerations listed below:

- The focus should be expanded beyond RGI to reflect the variety of forms of assistance that are provided by Service Managers (SM) and that they meet different needs. A new system should include RGI assistance, assistance calculated according to the municipally-funded portable housing benefit formula even if it applied to properties, and units made available at 80% of Average Market Rent (AMR).
- The new service level standard should be negotiated regularly to reflect changing community need and current investments by both levels of governments.
- The renegotiation of service level standards could be tied to the regular renewal and update of 10-year housing and homelessness plans.
- Currently, the provincial government provides no funding for general administration of social/community housing programs. As a result, reporting expectations must not be expanded as this would result in additional costs to the municipality.

#### Access:

The current coordinated access system focuses exclusively on RGI. Legislatively, households offered other forms of assistance must remain on the centralized waiting list.

Changes to coordinated access should reflect the concerns listed below:

- Any form of assistance that results in “deep affordability” or a household paying no more than 30% of its net income in rent should be considered an offer of housing and those households should be removed.
- RGI rules currently state that households in receipt of provincially-funded social assistance pay on a discounted scale rather than a percentage of income. This makes RGI assistance very expensive for providers and municipalities to offer. Allowing SM to offer assistance that requires social assistance recipients to pay the maximum shelter allowance would stretch limited municipal tax dollars further.
- The basic requirements of eligibility and coordinated access should be included in any new agreements discussed above.
- Provincial rules need to support better integration between By-Name Priority Lists for people experiencing homelessness and coordinated access to community housing. SMs are required to operate both systems, but the logic of the two systems is hard to reconcile, yet they are expected to work in tandem.
- Coordinated access is funded directly by municipalities. Hamilton’s coordinated access system has no capacity to provide additional services or forms of assistance without funding from the provincial government.

# CITY OF HAMILTON

## MOTION

Council Date: February 23, 2021

**MOVED BY COUNCILLOR M. WILSON .....**

**SECONDED BY COUNCILLOR .....**

**Glenside Pathway Pedestrian Lighting Improvements (Ward 1)**

WHEREAS at its meeting on May 26, 2021 Council approved by motion to allocate funds from the Ward 1 Capital Reinvestment Discretionary Account to implement new pedestrian lighting on the existing path that connects Glenside Avenue to Aberdeen Avenue;

WHEREAS on July 29, 2021 the Niagara Escarpment Commission (“NEC”) issued a conditional permit for the project;

WHEREAS the NEC’s decision was subsequently appealed by three (3) residents and has been referred to the Ontario Land Tribunal for a hearing;

THEREFORE IT BE RESOLVED:

- (a) That Legal and Risk Management Services staff be instructed to oppose the appeals to the Ontario Land Tribunal from the Niagara Escarpment Commission’s conditional approval of new pedestrian lighting for the existing path connecting Glenside Avenue to Aberdeen Avenue; and
- (b) That staff from the Planning and Economic Development and Public Works Departments attend the hearing to provide evidence, if necessary.

# CITY OF HAMILTON

## MOTION

Council: February 23, 2022

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR .....

**Amendment to Item 37 of the General Issues Committee Report 20-023, respecting Report PED20209 - Acquisition of 154-156 Cannon Street East (Ward 2), which was approved by Council on December 16, 2020**

- (a) That sub-section (j) to Item 37 of the General Issues Committee Report 20-023, respecting Report PED20209 - Acquisition of 154-156 Cannon Street East, which was approved by Council on December 16, 2020, **be amended**, by adding the words ***“and its Appendices “A” and “B”***, to read as follows:
  - (j) That Report PED20209, respecting the Acquisition of 154-156 Cannon Street East, ***and its Appendices “A” and “B”***, remain confidential and not be released as a public document, until final completion of the real estate transactions.
- (b) That Item 37 of the General Issues Committee Report 20-023, respecting Report PED20209 - Acquisition of 154-156 Cannon Street East, which was approved by Council on December 16, 2020, **be amended**, by adding a new sub-section (k), to read as follows:
  - (k) ***That Appendices “C” and “D” to Report PED20209 - Acquisition of 154-156 Cannon Street East”, remain confidential and not be released as public documents.***

Main Motion, As Amended, reads as follows:

**37. Acquisition of 154-156 Cannon Street East (PED20209) (Ward 2) (Item 13.5)**

- (a) That an Option to Purchase, scheduled to close on April 21, 2021, for the acquisition of land described as 154-156 Cannon Street East, Hamilton, as shown in Appendix “A” attached to Report PED20209, based substantially on the Terms and Conditions, attached as Appendix “B” to Report PED20209, 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 154-156 Cannon Street East be charged to reserve 104090 – Parkland Dedication, as outlined in Appendix “B” attached to Report PED20209;
- (c) That the sum of \$113,075 be funded from reserve 104090 – Parkland Dedication and be credited to Dept. ID No. 812036 (Real Estate – Admin Recovery) for recovery of expenses including real estate and legal administration fees and costs associated with the acquisition and leasing of 154-156 Cannon Street East;
- (d) That a lease to the current operating company, Car Star, scheduled to commence on April 21, 2021, for a portion of the property (buildings and a portion of the parking area), as shown in Appendix “A” attached to Report PED20209, based substantially on the Terms and Conditions attached as Appendix “C” to Report PED20209, and such other terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department, be approved;
- (e) That a lease to the current sub-tenant, City Max Motors, scheduled to commence on April 21, 2021, for a portion of the property (remainder of the parking area), as shown in Appendix “A” attached to Report PED20209, based substantially on the Terms and Conditions attached as Appendix “D” to Report PED20209, and such other terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department, be approved;
- (f) That all net proceeds related to the leases outlined in Appendices “C” and “D” attached to Report PED20209 be credited to reserve 104090 – Parkland Dedication;
- (g) The General Manager of Planning and Economic Development Department, or designate, acting on behalf of the City as lessor, be authorized to provide any consents, approvals, and notices related to the subject Lease Agreement herein outlined;
- (h) That the City Solicitor be authorized and directed to complete the acquisition and lease transactions related to 154-156 Cannon Street East on behalf of the City, including completing and/or amending the leases, paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (i) That the Mayor and Clerk be authorized and directed to execute the necessary documents required to complete the acquisition and lease transactions related to 154-156 Cannon Street East, Hamilton, as shown in Appendix “A” attached to Report PED20209, in a form satisfactory to the City Solicitor; and,
- (j) That Report PED20209, respecting the Acquisition of 154-156 Cannon Street East, **and its Appendices “A” and “B”**, remain confidential and not be released as a public document, until final completion of the real estate transactions.

**(k) That Appendices "C" and "D" to Report PED20209 - Acquisition of 154-156 Cannon Street East", remain confidential and not be released as public documents.**

# COUNCIL COMMUNICATION UPDATES

**February 4, 2022 to February 17, 2022**

Council received the following Communication Updates during the time period listed above, the updates are also available to the public at the following link: <https://www.hamilton.ca/government-information/information-updates/information-updates-listing>, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Date	Department	Subject	Link
February 4, 2022	Public Works	Response to questions regarding Encampment Clean ups and Tree Canopy Cover (City Wide) (ES22002)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-02-15/comm-update-response-to-questions-encampment-clean-ups-tree-canopy.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-02-15/comm-update-response-to-questions-encampment-clean-ups-tree-canopy.pdf</a>
February 11, 2022	Public Works	Safety Concern on Sydenham Road (CRO22001) (Ward 13)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-02-14/communication-update-safety-concern-sydenham-road.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-02-14/communication-update-safety-concern-sydenham-road.pdf</a>
February 15, 2021	Planning and Economic Development	Notice of Commencement - Hamilton Airport Regional Expansion Project – Enbridge Gas Inc. c/o: Golder Associates Ltd. – for lands located on Dickenson Road and Nebo Road, Glanbrook (Ward 11)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-02-17/communication-update-hamilton-airport-regional-expansion-project-enbridge-gas.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-02-17/communication-update-hamilton-airport-regional-expansion-project-enbridge-gas.pdf</a>
February 17, 2021	Public Works	2021 Tree Planting Update (City Wide) (ES22001)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-02-18/comm-update-2021-tree-planting-update.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-02-18/comm-update-2021-tree-planting-update.pdf</a>



**Authority:** Item 9, Public Works Committee  
Report: 22-003  
Date: February 23, 2022  
Ward: 1, 2, 3, 4, 5, 6, 8, 9, 10,11,  
12, 13, 14, 15

**Bill No. 028**

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

**To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic**

**WHEREAS** sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18th day of September 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law No. 01-215.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Schedule 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "A" (Ancaster) thereof the following items, namely:

Cayuga Avenue	Mohawk Road	Iroquois Avenue	40lm/h
Troy Road	Highway 5 West	Highway 5 West	50

And by adding to section "A" (Ancaster) thereof the following items, namely;

Troy Road	Highway 5 West	Highway 5 West	40
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And by removing from section "C" (Flamborough) thereof the following items, namely;

Seaton Road	Safari Road	City limit	
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And by adding to section “C” (Flamborough) thereof the following items, namely;

Seaton Road	Safari Road	City limit	50
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And by adding to section “E” (Hamilton) thereof the following items, namely;

Queensbury Drive	Upper Ottawa Street	Queen Victoria Drive	30
Quaker Crescent	Quinlan Court	Questor Court	30

And by removing from section “E” (Hamilton) thereof the following items, namely;

Quaker Crescent	Queen Victoria Drive	Queen Victoria Drive	30
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And by adding to section “F” (Stoney Creek) thereof the following items, namely;

Winterberry Drive	Paramount Drive	Highland Road West	30
Millen Road	Hwy. #8	Maple Drive	40

And by removing from section “F” (Stoney Creek) thereof the following items, namely;

Winterberry Drive	Paramount Drive	Highland Road East	30
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2. Schedule 3 (Flashing School Zones – Reduced Speed Limit) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "B" (Dundas) thereof the following item, namely:

Governor’s Road	Moss Boulevard to a point 75 metres east of Huntingwood Avenue	40	7:55 a.m. to 9:25 a.m. 10:55 a.m. to 1:45 p.m. 2:25 p.m. to 4:10 p.m.
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And by adding to Section “B” (Dundas) thereof the following items, namely;

Governor’s Road	Moss Boulevard to a point 75 metres east of Huntingwood Avenue	40	7:35 a.m. to 9:30 a.m. 10:55 a.m. to 1:45 p.m. 2:05 p.m. to 4:10 p.m.
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And by removing from Section “C” (Flamborough) thereof the following items, namely;

Parkside Drive	150 metres west of	40	7:35 a.m. to 9:20 a.m.
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	Braeheid Avenue to Cole Street		2:20 p.m. to 3:55 p.m.
Centre Road	480 metres south of Concession 5 to a point 560m southerly	50	8:15 a.m. to 9:00 a.m. 11:20 a.m. to 12:30 p.m.
10th Concession East	Centre Road to a point 400 metres north of Centre Road	40	2:55 p.m. to 3:35 p.m. 8:30 a.m. to 9:15 a.m. 3:10 p.m. to 3:50 p.m.

And by removing from Section "C" (Flamborough) thereof the following items, namely;

Parkside Drive	150 metres west of Braeheid Avenue to Cole Street	40	7:30 a.m. to 9:30 a.m. 2:20 p.m. to 4:05 p.m.
Centre Road	480 metres south of Concession 5 to a point 560m southerly	50	7:50 a.m. to 8:35 a.m. 11:20 a.m. to 12:30 p.m. 2:30 p.m. to 3:10 p.m.
10th Concession East	Centre Road to a point 400 metres north of Centre Road	40	8:45 a.m. to 9:30 a.m. 3:25 p.m. to 4:05 p.m.

And by removing from Section "D" (Glanbrook) thereof the following items, namely;

Airport Road	Marion Street to a point 340 metres westerly	40	8:00 a.m. to 8:45 a.m. 10:00 a.m. to 11:00 a.m. 12:20 p.m. to 1:20 p.m. 2:40 p.m. to 3:20 p.m.
Fletcher Road	Rymal Road to a point 40 metres south of Blue Mountain Drive	40	8:30 a.m. to 9:40 a.m. 11:45 a.m. to 12:55 p.m. 3:15 p.m. to 4:20 p.m.

And by adding to Section "D" (Glanbrook) thereof the following items, namely;

Airport Road	Marion Street to a point 340 metres westerly	40	8:45 a.m. to 9:30 a.m. 10:00 a.m. to 11:00 a.m. 12:20 p.m. to 1:20 p.m. 3:25 p.m. to 4:05 p.m.
Fletcher Road	Rymal Road to a point 40 metres south of Blue Mountain Drive	40	8:05 a.m. to 9:45 a.m. 11:45 a.m. to 12:55 p.m. 2:50 p.m. to 4:20 p.m.

And by removing from Section "E" (Hamilton) thereof the following items, namely;

Aberdeen Avenue	Chedoke Avenue to Queen Street	40	8:00 a.m. to 9:25 a.m. 11:45 a.m. to 12:25 p.m. 2:50 p.m. to 4:00 p.m.
Barton Street East	Kinrade Avenue to Barnesdale Avenue North	40	7:45 a.m. to 9:00 a.m. 11:20 a.m. to 12:35 p.m. 2:45 p.m. to 3:35 p.m.
Cannon Street East	Rosslyn Avenue to a point 50 metres east of East Bend Avenue	40	8:30 a.m. to 9:25 a.m. 3:20 p.m. to 4:00 p.m.
Cannon Street East	Connaught Avenue to a point 110 metres west of Lottridge Street	40	8:00 a.m. to 10:35 a.m. 11:35 a.m. to 1:55 p.m. 2:35 p.m. to 3:40 p.m.
Cannon Street East	Cathcart Street to Catharine Street North	40	8:10 a.m. to 9:05 a.m. 12:40 p.m. to 1:55 p.m. 2:50 p.m. to 3:40 p.m.
Fennell Avenue West	Garth Street to a point 170 metres east of Auchmar Road	40	8:00 a.m. to 10:00 a.m. 3:20 p.m. to 5:15 p.m.
Fennell Avenue East	Upper James Street to East 7th Street	40	8:10 a.m. to 9:10 a.m. 10:30 a.m. to 11:10 a.m. 1:10 p.m. to 1:50 p.m. 2:55 p.m. to 3:45 p.m.
Garth Street	140 metres south of Rymal Road to a point 450 metres south of Rymal Road	40	8:40 a.m. to 9:25 a.m. 3:20 p.m. to 4:00 p.m.
Garth Street	Braemar Place to Bendamere Avenue	40	8:00 a.m. to 10:00 a.m. 3:20 p.m. to 5:15 p.m.
King Street East	Rosslyn Avenue to Kenilworth Avenue	40	8:00 a.m. to 9:15 a.m. 11:25 a.m. to 1:00 p.m. 2:55 p.m. to 4:00 p.m.
King Street East	West Avenue to a point 30m east of Emerald Street North	40	8:15 a.m. to 9:00 a.m. 10:15 a.m. to 11:20 a.m. 12:35 p.m. to 1:40 p.m. 2:50 p.m. to 3:35 p.m.
King Street East	50m west of Gage Avenue North to a point 38 metres west of Spadina Avenue	40	7:40 a.m. to 10:35 a.m. 11:20 a.m. to 1:55 p.m. 2:40 p.m. to 3:40 p.m.
Longwood Road	100 metres south of King Street West to a point 43 metres north of Main Street West	40	7:45 a.m. to 9:00 a.m. 11:00 a.m. to 1:00 p.m. 2:25 p.m. to 3:35 p.m.
Main Street East	40 metres east of	40	8:00 a.m. to 9:15 a.m.

	Park Row to a point 30 metres west of Tuxedo Avenue		11:25 a.m. to 1:00 p.m. 2:55 p.m. to 4:00 p.m.
Main Street East	West Avenue to 46 metres east of Emerald Street North	40	8:15 a.m. to 9:00 a.m. 10:15 a.m. to 11:20 a.m. 12:35 p.m. to 1:40 p.m. 2:50 p.m. to 3:35 p.m.
Main Street East	Edgemont Street North to Rosslyn Avenue North	40	8:00 a.m. to 9:15 a.m. 11:25 a.m. to 1:00 p.m. 2:55 p.m. to 4:00 p.m.
Main Street West	Cootes Drive to a point 83 metres west of Macklin Street	50	7:45 a.m. to 9:00 a.m. 11:00 a.m. to 1:00 p.m. 2:25 p.m. to 3:35 p.m.
Mohawk Road West	160 metres west of Magnolia Drive to a point 130 metres west of West 5th Street	40	7:35 a.m. to 9:00 a.m. 11:10 a.m. to 2:00 p.m. 2:40 p.m. to 4:00 p.m.
Paradise Road	64 metres south of King Street West to Bond Street	40	7:45 a.m. to 9:00 a.m. 11:00 a.m. to 1:00 p.m. 2:25 p.m. to 3:35 p.m.
Parkdale Avenue	Melvin Avenue to King Street	40	7:50 a.m. to 9:05 a.m. 11:10 a.m. to 1:45 p.m. 2:45 p.m. to 3:55 p.m.
Queenston Road	Isabel Avenue to Delena Avenue	40	7:50 a.m. to 9:05 a.m. 11:10 a.m. to 1:45 p.m. 2:45 p.m. to 3:55 p.m.
Sherman Avenue North	Barton Street East to Somerset Avenue	40	7:45 a.m. to 9:00 a.m. 11:20 a.m. to 12:35 p.m. 2:45 p.m. to 3:35 p.m.
Upper Paradise Road	75 metres north of Meadowbank Drive to Skyview Drive	40	7:50 a.m. to 8:35 a.m. 9:30 a.m. to 1:40 p.m. 2:40 p.m. to 3:20 p.m.
Upper Paradise Road	60 metres south of Lunner Avenue to 50 metres north of Buckingham Drive	40	7:35 a.m. to 9:00 a.m. 11:10 a.m. to 2:00 p.m. 2:40 p.m. to 4:00 p.m.
Wentworth Street North	King Street West to Wilson Street	40	7:50 a.m. to 8:35 a.m. 2:25 p.m. to 3:00 p.m.
West 5 <sup>th</sup> Street	Mohawk Road West to a point 100 metres south of Tyrone Drive	40	8:05 a.m. to 9:00 a.m. 3:05 p.m. to 4:05 p.m.
Wilson Street	Wentworth Street North to Sanford Avenue North	40	7:50 a.m. to 8:35 a.m. 2:25 p.m. to 3:00 p.m.

Wilson Street	30 metres west of Mary Street to a point 25 metres east of Cathcart Street	40	8:10 a.m. to 9:05 a.m. 12:40 p.m. to 1:55 p.m. 2:50 p.m. to 3:40 p.m.
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And by adding to Section "E" (Hamilton) thereof the following items, namely;

Aberdeen Avenue	Chedoke Avenue to Queen Street	40	8:10 a.m. to 9:30 a.m. 11:45 a.m. to 12:25 p.m. 2:50 p.m. to 4:05 p.m.
Cannon Street East	Rosslyn Avenue to a point 50 metres east of East Bend Avenue	40	8:35 a.m. to 9:30 a.m. 3:25 p.m. to 4:05 p.m.
Cannon Street East	Connaught Avenue to a point 110 metres west of Lottridge Street	40	7:50 a.m. to 10:35 a.m. 11:35 a.m. to 1:55 p.m. 2:40 p.m. to 3:40 p.m.
Cannon Street East	Cathcart Street to Catharine Street North	40	8:15 a.m. to 9:05 a.m. 12:40 p.m. to 1:55 p.m. 2:55 p.m. to 3:40 p.m.
Fennell Avenue West	Garth Street to a point 170 metres east of Auchmar Road	40	7:45 a.m. to 8:45 a.m. 3:20 p.m. to 5:15 p.m.
Fennell Avenue East	Upper James Street to East 7th Street	40	8:45 a.m. to 9:30 a.m. 10:30 a.m. to 11:10 a.m. 1:10 p.m. to 1:50 p.m. 3:25 p.m. to 4:05 p.m.
Garth Street	140 metres south of Rymal Road to a point 450 metres south of Rymal Road	40	8:45 a.m. to 9:30 a.m. 3:25 p.m. to 4:05 p.m.
Garth Street	Braemar Place to Bendamere Avenue	40	7:45 a.m. to 8:45 a.m. 3:20 p.m. to 5:15 p.m.
King Street East	Rosslyn Avenue to Kenilworth Avenue	40	7:40 a.m. to 9:20 a.m. 11:25 a.m. to 1:00 p.m. 2:30 p.m. to 4:00 p.m.
King Street East	50m west of Gage Avenue North to a point 38 metres west of Spadina Avenue	40	7:50 a.m. to 10:35 a.m. 11:20 a.m. to 1:55 p.m. 2:40 p.m. to 3:40 p.m.
Longwood Road	100 metres south of King Street West to a point 43 metres north of Main Street West	40	7:45 a.m. to 8:50 a.m. 11:00 a.m. to 1:00 p.m. 2:25 p.m. to 3:10 p.m.
Main Street East	40 metres east of	40	7:40 a.m. to 9:20 a.m.

	Park Row to a point 30 metres west of Tuxedo Avenue		11:25 a.m. to 1:00 p.m. 2:30 p.m. to 4:00 p.m.
Main Street East	Edgemont Street North to Rosslyn Avenue North	40	7:40 a.m. to 9:20 a.m. 11:25 a.m. to 1:00 p.m. 2:30 p.m. to 4:00 p.m.
Main Street West	Cootes Drive to a point 83 metres west of Macklin Street	50	7:45 a.m. to 8:50 a.m. 11:00 a.m. to 1:00 p.m. 2:25 p.m. to 3:10 p.m.
Mohawk Road West	160 metres west of Magnolia Drive to a point 130 metres west of West 5th Street	40	7:30 a.m. to 9:30 a.m. 11:10 a.m. to 2:00 p.m. 1:55 p.m. to 4:05 p.m.
Paradise Road	64 metres south of King Street West to Bond Street	40	7:45 a.m. to 8:50 a.m. 11:00 a.m. to 1:00 p.m. 2:25 p.m. to 3:10 p.m.
Parkdale Avenue	Melvin Avenue to King Street	40	7:45 a.m. to 9:30 a.m. 11:10 a.m. to 1:45 p.m. 2:45 p.m. to 4:05 p.m.
Queenston Road	Isabel Avenue to Delena Avenue	40	7:45 a.m. to 9:30 a.m. 11:10 a.m. to 1:45 p.m. 2:25 p.m. to 4:05 p.m.
Upper Paradise Road	75 metres north of Meadowbank Drive to Skyview Drive	40	7:40 a.m. to 8:25 a.m. 9:30 a.m. to 1:40 p.m. 2:30 p.m. to 3:10 p.m.
Upper Paradise Road	60 metres south of Lunner Avenue to 50 metres north of Buckingham Drive	40	7:30 a.m. to 9:30 a.m. 11:10 a.m. to 2:00 p.m. 1:55 p.m. to 4:05 p.m.
Wentworth Street North	King Street West to Wilson Street	40	8:00 a.m. to 8:45 a.m. 2:50 p.m. to 3:30 p.m.
West 5 <sup>th</sup> Street	Mohawk Road West to a point 100 metres south of Tyrone Drive	40	8:05 a.m. to 9:05 a.m. 2:55 p.m. to 4:05 p.m.
Wilson Street	Wentworth Street North to Sanford Avenue North	40	8:00 a.m. to 8:45 a.m. 2:50 p.m. to 3:30 p.m.
Wilson Street	30 metres west of Mary Street to a point 25 metres east of Cathcart Street	40	8:15 a.m. to 9:05 a.m. 12:40 p.m. to 1:55 p.m. 2:55 p.m. to 3:40 p.m.

And by removing from Section "F" (Stoney Creek) thereof the following items, namely;

Barton Street	365 metres west of Lewis Road to a point 150 metres east of Lewis Road	40	7:45 a.m. to 9:10 a.m. 2:40 p.m. to 4:00 p.m.
Barton Street	Fifty Road to Winona Road	40	7:50 a.m. to 9:25 a.m. 3:15 p.m. to 4:00 p.m.
King Street East	Highway 8 Green Road	40	8:15 a.m. to 9:15 a.m. 11:30 a.m. to 12:55 p.m. 3:10 p.m. to 3:55 p.m.
Gray Road	Highway 8 to Passmore Street	40	7:30 a.m. to 8:15 a.m. 11:00 a.m. to 1:45 p.m. 2:20 p.m. to 3:00 p.m.
Highway 8	30 metres east of Green Road to a point 34 metres west of King Street East	50	8:15 a.m. to 9:15 a.m. 11:30 a.m. to 12:55 p.m. 3:10 p.m. to 3:55 p.m.
Highway 8	300 metres east of Glover Road to a point 150 metres west of Glover Road	50	8:40 a.m. to 9:25 a.m. 10:30 a.m. to 11:30 a.m. 1:10 p.m. to 2:10 p.m. 3:20 p.m. to 4:00 p.m.

And by removing from Section "F" (Stoney Creek) thereof the following items, namely;

Barton Street	365 metres west of Lewis Road to a point 150 metres east of Lewis Road	40	8:05 a.m. to 9:15 a.m. 2:45 p.m. to 4:05 p.m.
Barton Street	Fifty Road to Winona Road	40	8:05 a.m. to 9:30 a.m. 2:50 p.m. to 4:15 p.m.
King Street East	Highway 8 Green Road	40	7:40 a.m. to 8:35 a.m. 11:30 a.m. to 12:55 p.m. 2:30 p.m. to 3:15 p.m.
Gray Road	Highway 8 to Passmore Street	40	7:30 a.m. to 9:00 a.m. 11:00 a.m. to 1:45 p.m. 2:20 p.m. to 3:35 p.m.
Highway 8	30 metres east of Green Road to a point 34 metres west of King Street East	50	7:40 a.m. to 8:35 a.m. 11:30 a.m. to 12:55 p.m. 2:30 p.m. to 3:15 p.m.
Highway 8	300 metres east of Glover Road to a point 150 metres west of Glover Road	50	8:45 a.m. to 9:30 a.m. 10:30 a.m. to 11:30 a.m. 1:10 p.m. to 2:10 p.m. 3:25 p.m. to 4:05 p.m.



3. Schedule 5 (Stop Sign Locations) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "F" (Stoney Creek) thereof the following items, namely:

Highland	East and West	Winterberry
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Schedule 5 (Stop Sign Locations) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" (Stoney Creek) thereof the following items, namely:

Highland Road West	East and West	Winterberry Drive
Highland Road West	North and South	Upper Mount Albion Road
Upper Mount Albion Road	North and South	Highland Road West
Winterberry Drive	South	Highland Road West

Schedule 5 (Stop Sign Locations) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "G" (Former Regional Roads) thereof the following items, namely:

Upper Mount Albion (Reg. Rd. 406)	Northbound/Southbound	Highland Road
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4. Schedule 9 (No Right Turn on Red) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following item, namely:

Upper James Street	Northbound and Southbound	Inverness Avenue	Anytime
Upper James Street	Northbound and Southbound	Queensdale Avenue	Anytime
Locke Street North	Northbound and Southbound	York Boulevard	Anytime

5. Schedule 18 (Bicycle Lanes) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "E" (Hamilton) thereof the following item, namely:

York Blvd.	Dundurn St. to Queen St.	North curb lane	Anytime	Westerly
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York Blvd.	Woodbine Cr. To 75m east of Queen St.	South curb lane	Anytime	Easterly
York Boulevard	North limit of the City boundary to Dundurn St	East curb lane	Anytime	Northerly
York Boulevard	North limit of the City boundary to Woodbine Cres	West curb lane	Anytime	Southerly

And by adding to section "E" (Hamilton) thereof the following items, namely;

Highland Road West	Upper Red Hill Valley Parkway to Winterberry Drive	North curb lane	Anytime	Westerly
Highland Road West	Upper Mount Albion to Winterberry Drive	South curb lane	Anytime	Easterly
Victoria Avenue North	Cannon Street East to Burlington Street East	East curb lane	Anytime	Northerly
Victoria Avenue North	Cannon Street East to Burlington Street East	East curb lane	Anytime	Southerly
York Boulevard	North limit of the City boundary to Queen Street North	North curb lane	Anytime	Westerly
York Boulevard	North limit of the City boundary to Queen Street North	South curb lane	Anytime	Easterly

6. Schedule 20 (Combined Foot & Bicycle Path) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" (Stoney Creek) thereof the following item, namely:

Highland Road West	Upper Red Hill Valley Parkway to Upper Mount Albion Road	South side	Anytime
--------------------	--	------------	---------

7. Schedule 29 (Weight Restrictions on Bridges) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "D" (Glanbrook) thereof the following item, namely:

Woodburn Road

750 metres south of Regional  
Road 20

15 Tonnes

8. Schedule 31 (Designated Areas – Reduced Speed Limit - 40km/h Neighbourhoods) to designate specific areas, or neighbourhoods, for reduced speed limits, is hereby repealed and replaced in the form attached hereto as Appendix “A” to this by-law.

9. Schedule 34 (Community Safety Zones) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "A" (Ancaster) thereof the following item, namely:

Highway 5 West

Harrisburg Road to Troy Road

Anytime

And by adding to section “A” (Ancaster) thereof the following items, namely;

Highway 5 West

Harrisburg Road to Hunter Road

Anytime

10. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

11. This By-law shall come into force and take effect on the date of its passing and enactment.

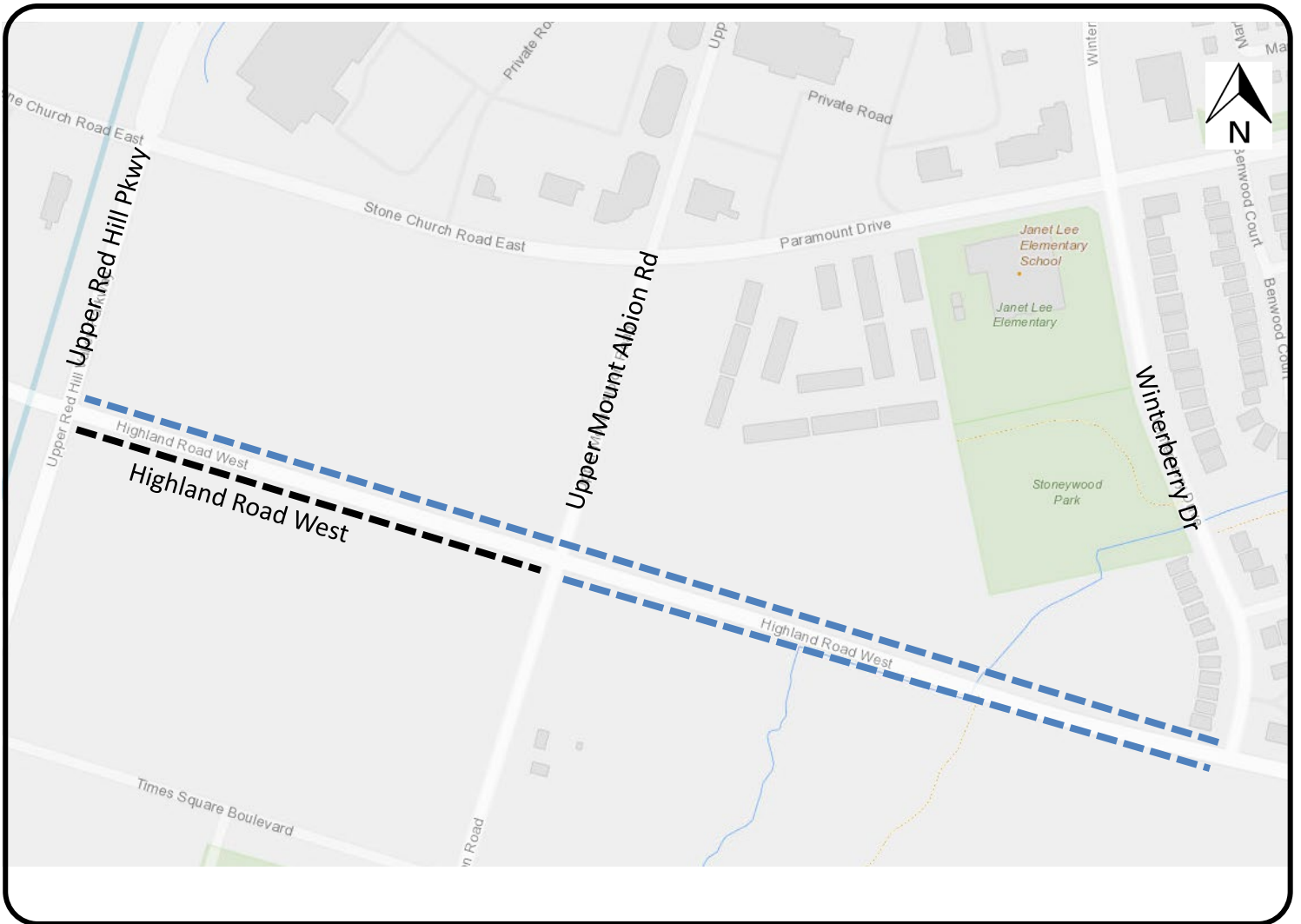
**PASSED** this 23<sup>rd</sup> day of February, 2022.

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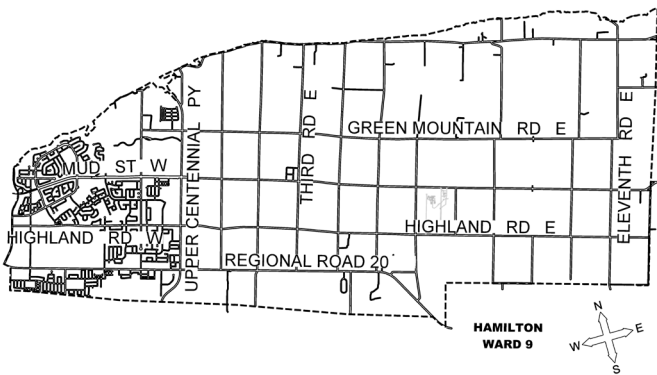
F. Eisenberger  
Mayor

---

A. Holland  
City Clerk



**KEY MAP**





**PROPOSED STREET SEGMENTS**

**Highland Road West between Upper Red Hill Valley Parkway to Winterberry Drive**

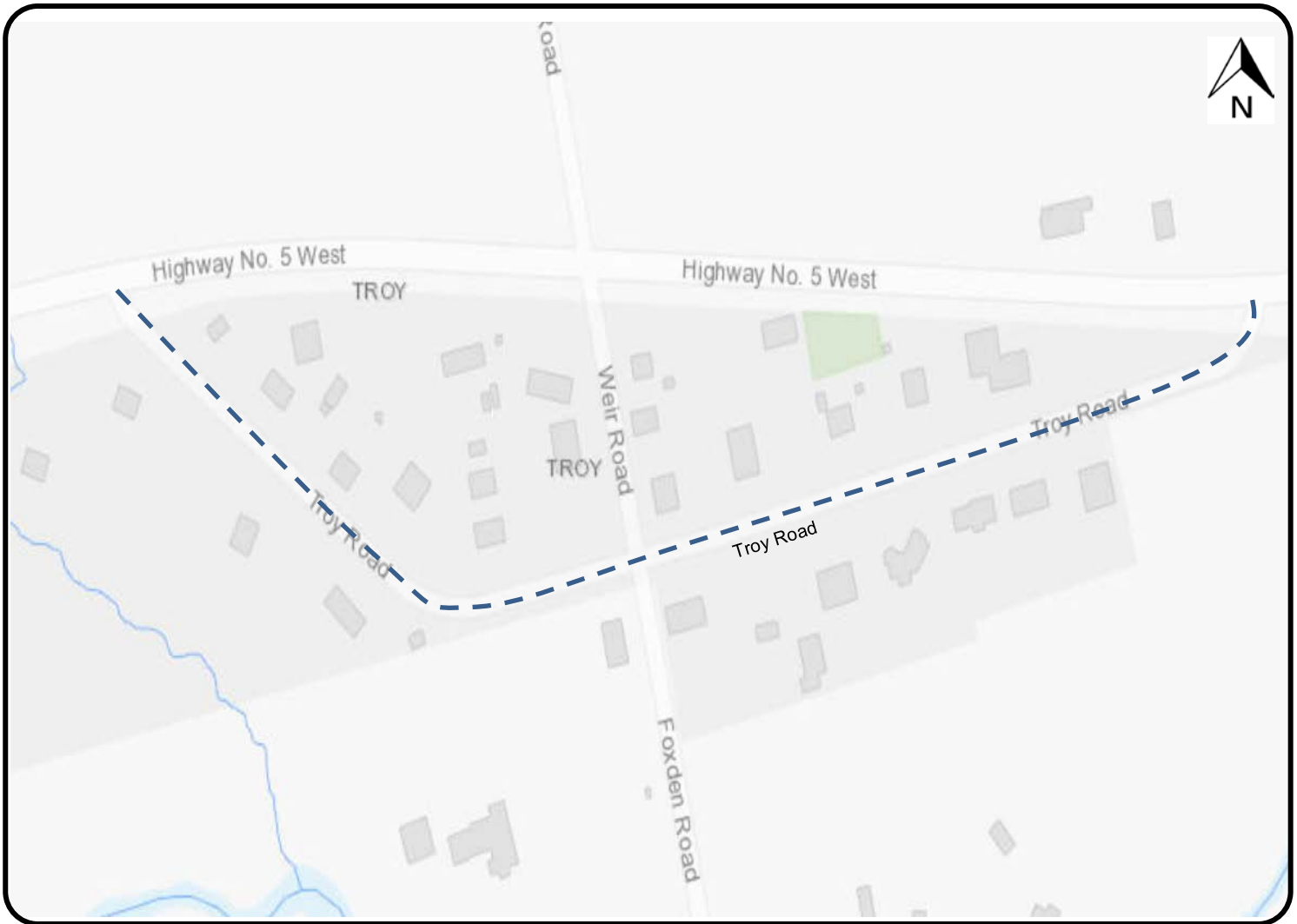
Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT

**LEGEND**

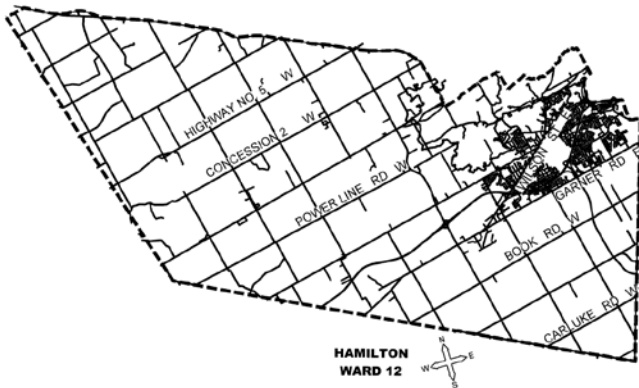
-  Proposed Bicycle Lane
-  Proposed Combined Foot & Bicycle Path

SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**



**KEY MAP**



**PROPOSED STREET SEGMENTS**

**Troy Road between Highway 5 West and Highway 5 West**

Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT

**LEGEND**

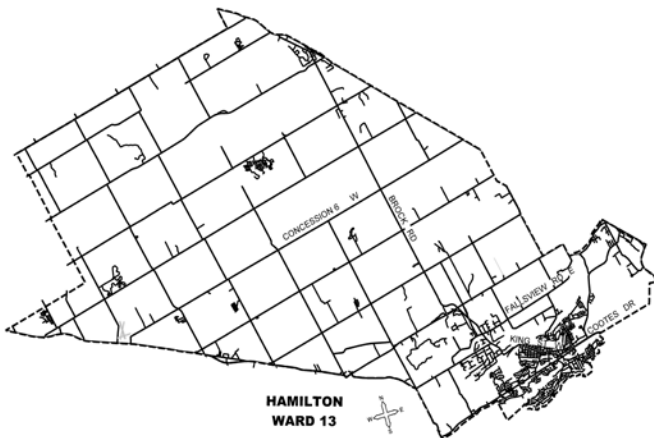
— — — — Proposed 40 km/h speed limit

SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**



### KEY MAP




### PROPOSED STREET SEGMENTS

**Seaton Road between Safari Road and Boundary between North Dumfries and Hamilton**

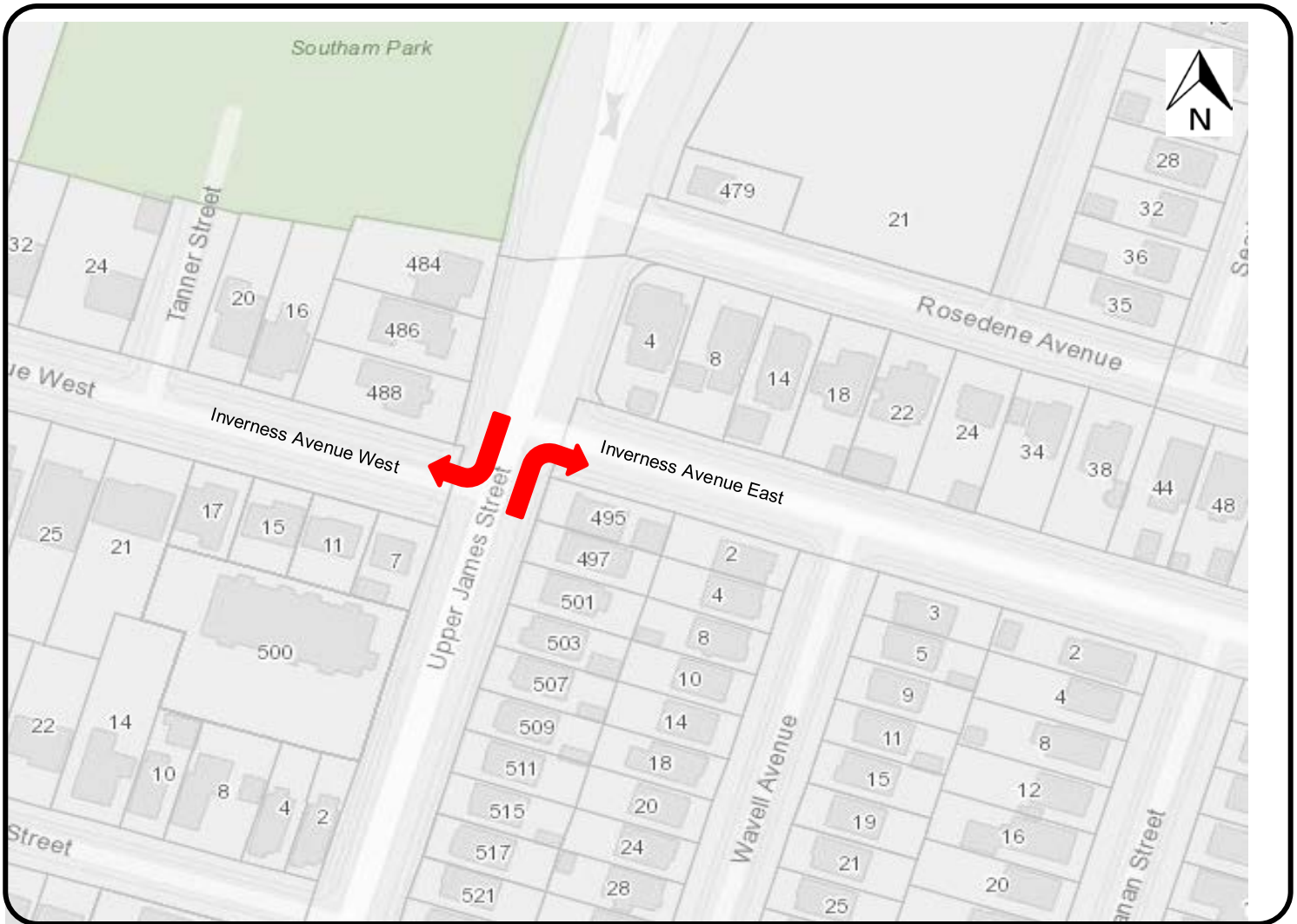
Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT

### LEGEND

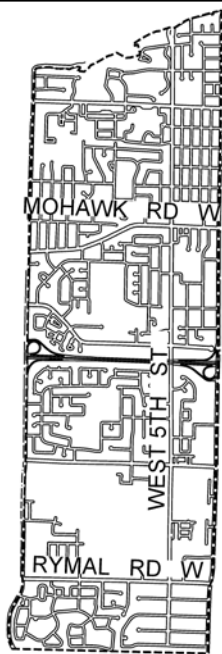
 Proposed 50 km/h speed limit

SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**



**KEY MAP**



**HAMILTON  
WARD 8**



**PROPOSED STREET SEGMENTS**

**Upper James Street at Inverness Avenue**

Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT

**LEGEND**



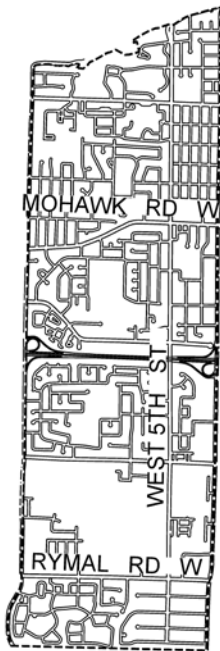
Proposed No Right Turn On Red

SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**



**KEY MAP**



**HAMILTON  
WARD 8**



**PROPOSED STREET SEGMENTS**

**Upper James Street at Queensdale Avenue**

Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT

**LEGEND**

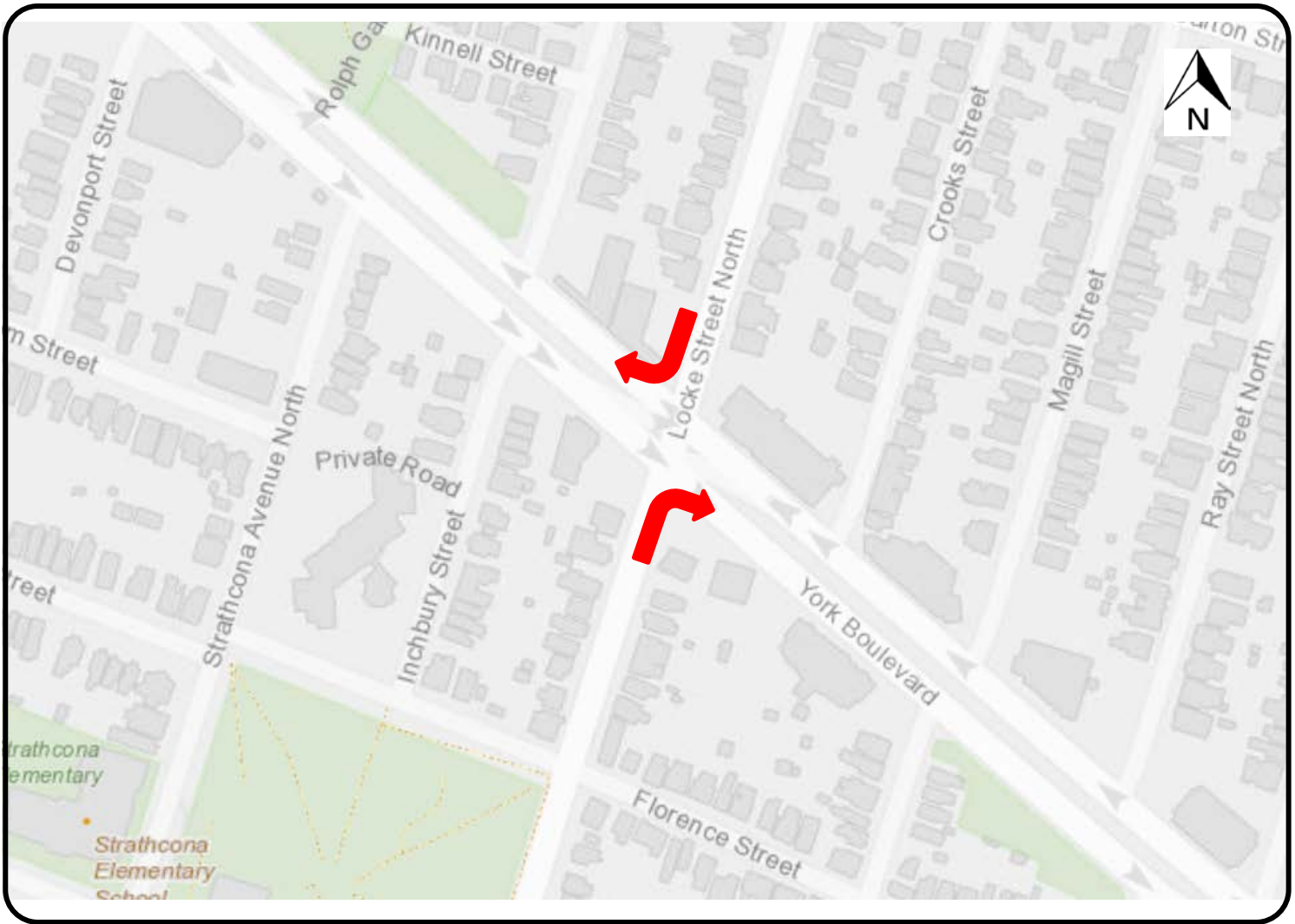


Proposed No Right Turn On Red

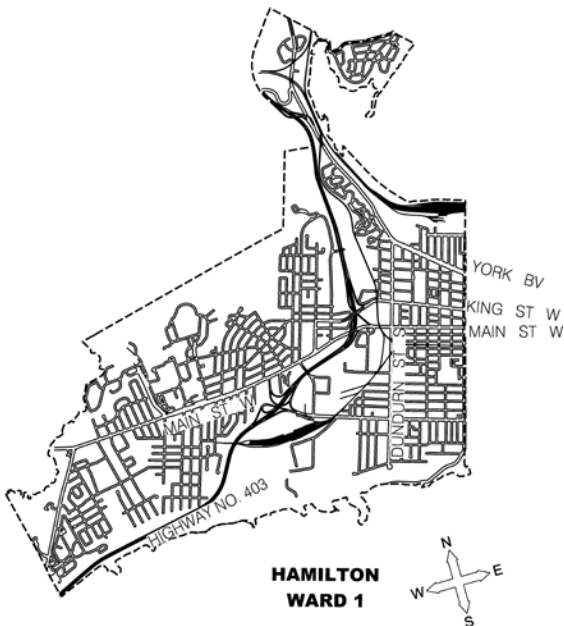
SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**





**KEY MAP**



**HAMILTON  
WARD 1**

**PROPOSED STREET SEGMENTS**

**Locke Street North at York Boulevard**

Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT

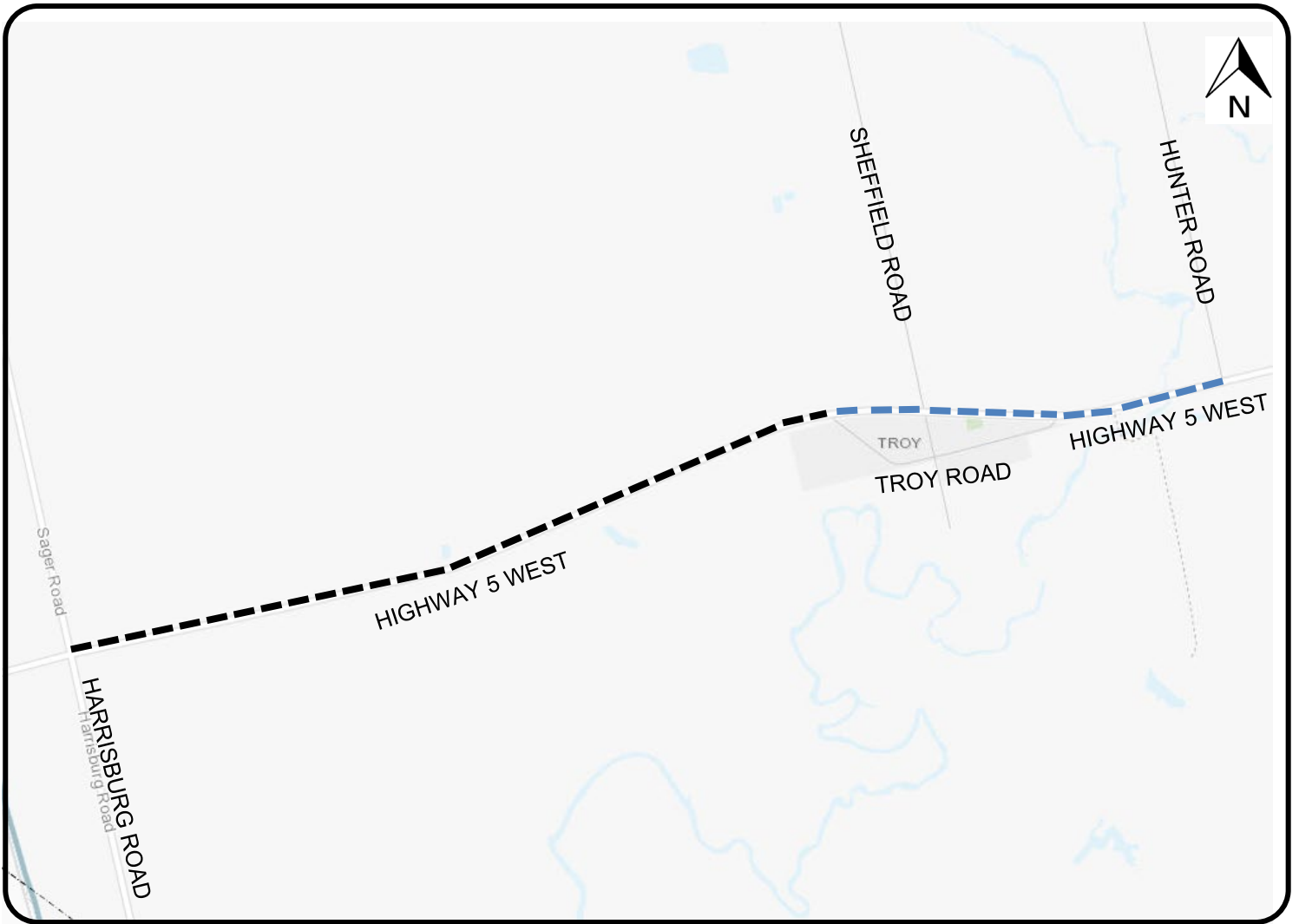
**LEGEND**



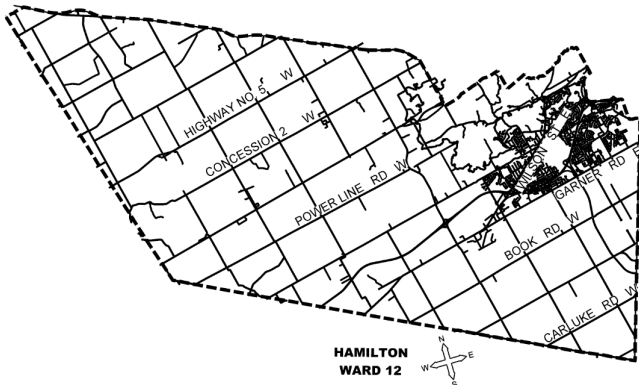
Proposed No Right Turn On Red

SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**



**KEY MAP**



**PROPOSED STREET SEGMENTS**

**Highway 5 West between Troy Road and Hunter Road**

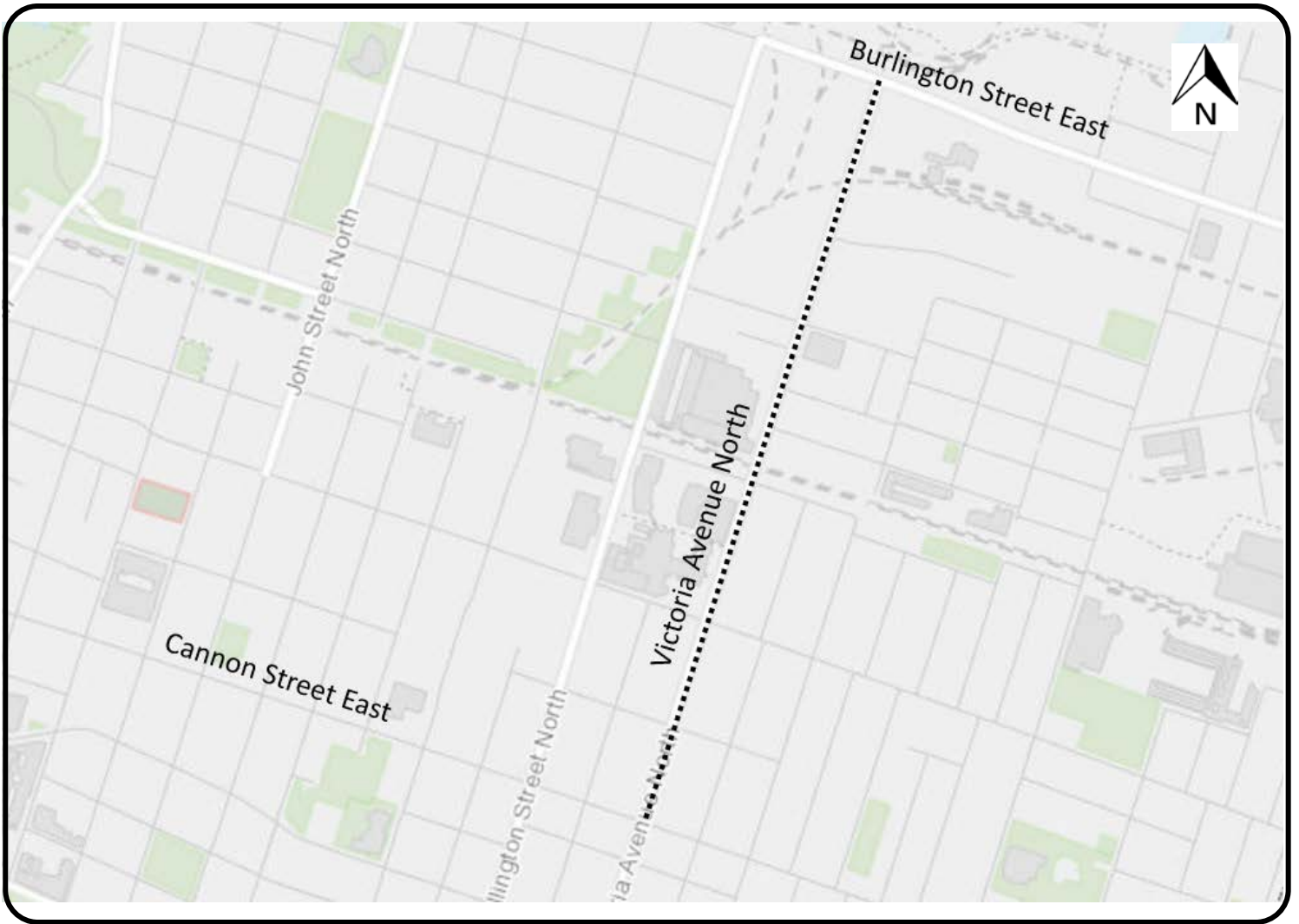
Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT

**LEGEND**

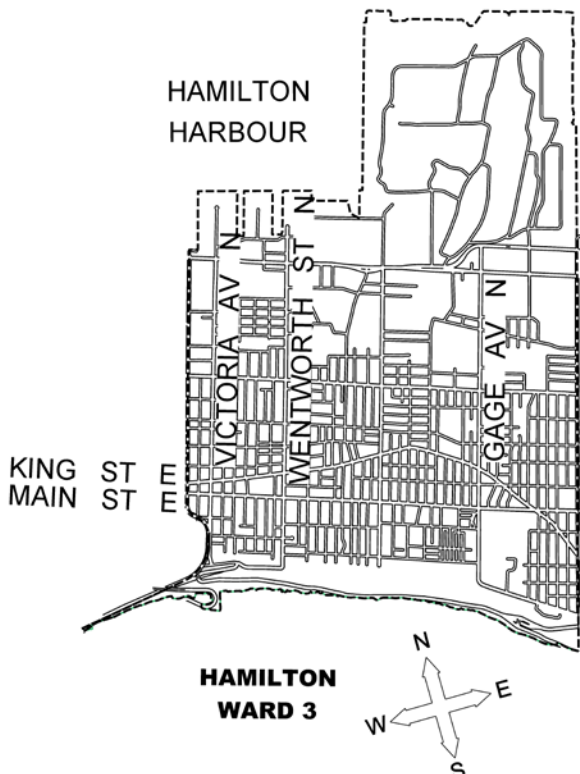
- - - - Extended Community Safety Zone
- - - - Existing Community Safety Zone

SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**



**KEY MAP**



**PROPOSED STREET SEGMENTS**

**Victoria Avenue North between Cannon Street East to Burlington Street East**

Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT

**LEGEND**

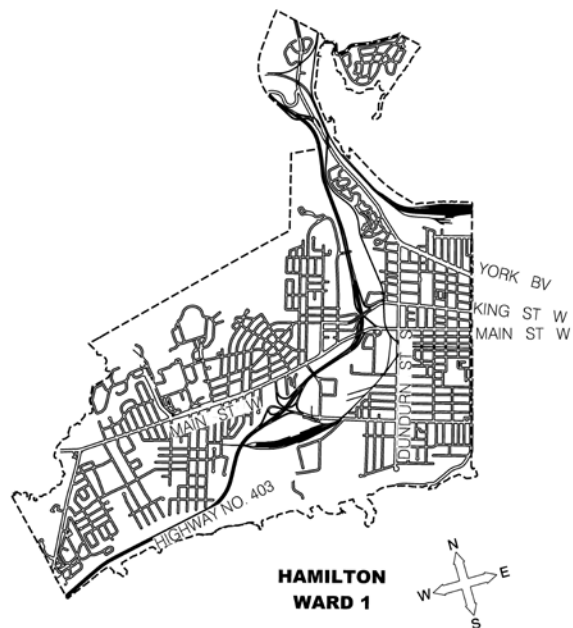
----- Proposed Bicycle Lane

SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**



**KEY MAP**



**PROPOSED STREET SEGMENTS**

**York Boulevard between North limit of the City boundary to Queen Street North**

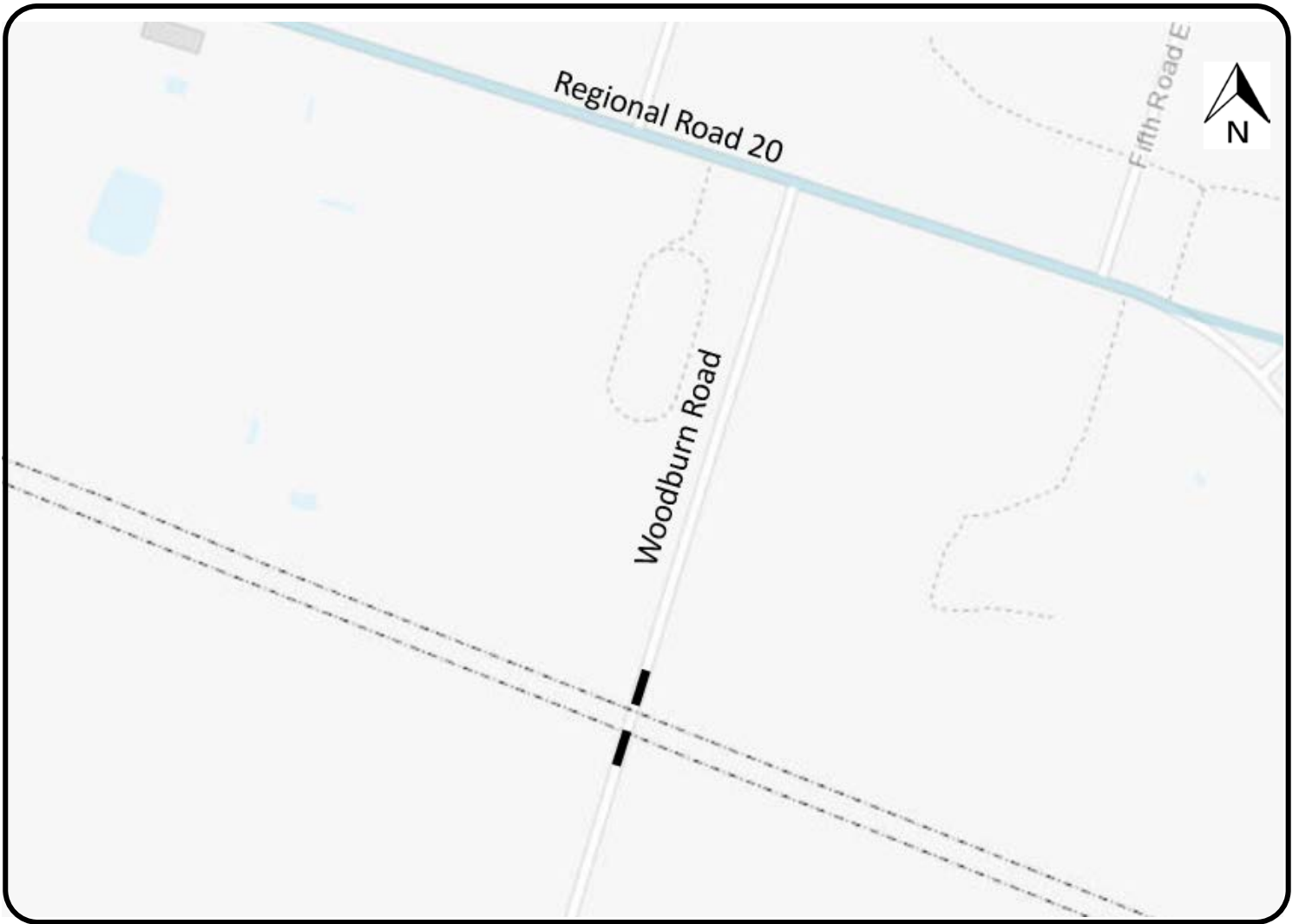
Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT

**LEGEND**

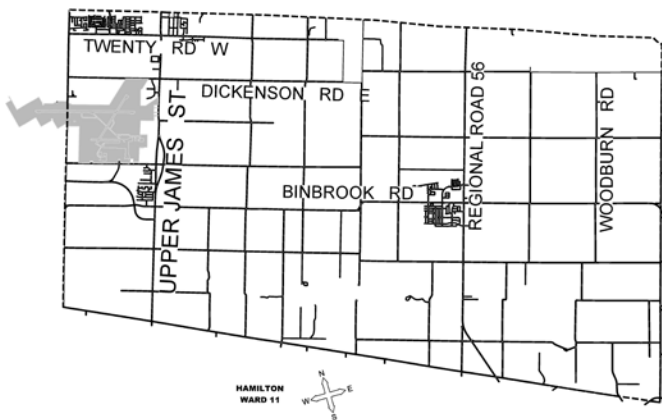
----- Proposed Bicycle Lane

SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**



**KEY MAP**



**PROPOSED STREET SEGMENTS**

**Woodburn Road - 750 metres south of  
Regional Road 20**

Transportation Operations & Maintenance  
PUBLIC WORKS DEPARTMENT



**LEGEND**

--- Bridge with Weight Restrictions


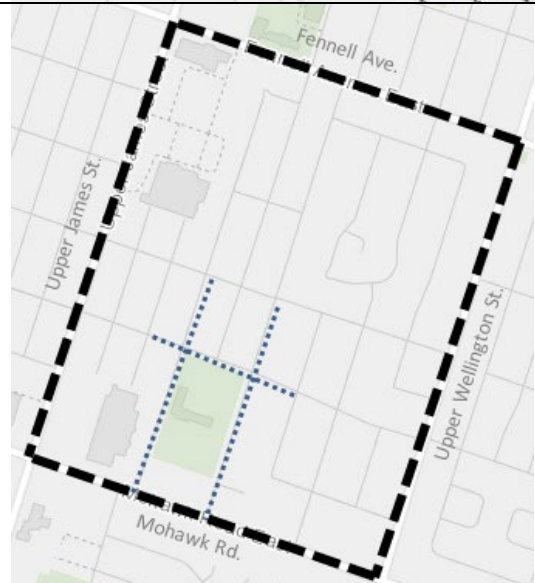
SCALE  
**NOT TO SCALE**

DATE  
**February 23, 2022**

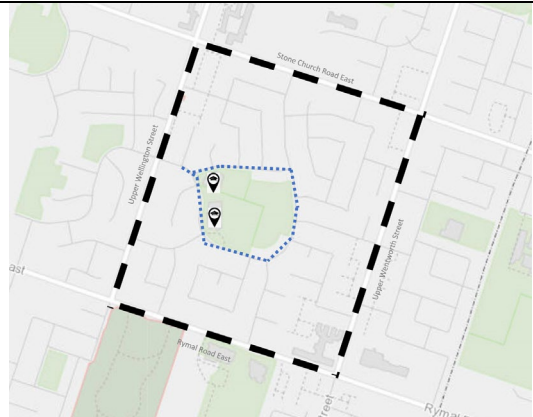

**Schedule 31 (Designated Area – Reduced Speed - 40km/h Neighbourhoods)**

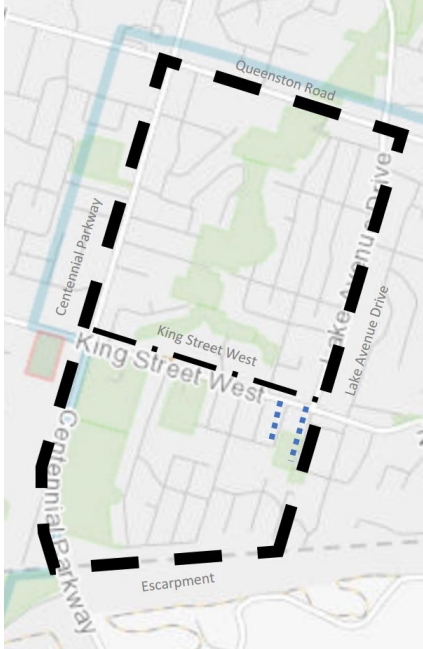
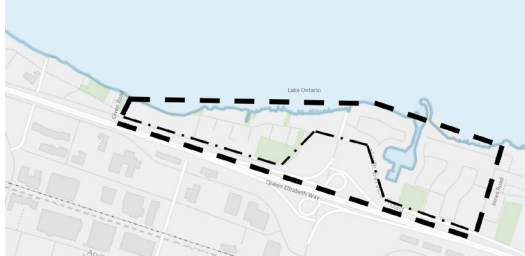
Neighbourhood	East/West Limits	North/South Limits	Excluded Roadways	Speed (km/h)	Area Map <div style="text-align: right; padding-right: 10px;"> <span style="border-bottom: 2px dashed black; width: 20px; display: inline-block;"></span> Neighbourhood Limit  <span style="border-bottom: 2px dotted black; width: 20px; display: inline-block;"></span> 30km/h Roadway  <span style="border-bottom: 2px dashed black; width: 20px; display: inline-block;"></span> Excluded Roadway                 </div>
<b>Ainslie Wood North</b> Ward 1 Phase 1 - 2019	Hydro Corridor to west limit of Cootes Drive	Dundas Town Limit to north limit of Main Street West	None	40	
<b>Ainslie Wood, Ainslie Wood East, Ainslie Wood West</b> Ward 1 Phase 1 - 2019	East limit of Wilson Street/Main Street West to west limit of Longwood Road	South limit of Main Street West to Escarpment	None	40	


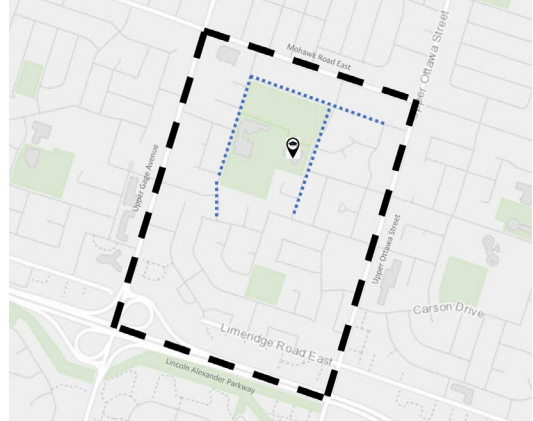
<p><b>Albion</b> Ward 9 Phase 2 - 2020</p>	<p>East limit of Red Hill Valley Parkway to east limit of Echovalley Drive</p>	<p>Escarpment to north limit of Mud Street West</p>	<p>None</p>	<p>40</p>	
<p><b>Albion Falls</b> Ward 6 Phase 3 - 2021</p>	<p>East limit of Albion Falls Boulevard to west limit of Red Hill Valley Parkway</p>	<p>South limit of Limeridge Road East to north limit of Stone Church Road East</p>	<p>Pritchard Road</p>	<p>40</p>	
<p><b>Alderlea</b> Ward 11 Phase 2 - 2020</p>	<p>East limit of Upper James Street to Turner Park</p>	<p>Hydro Corridor to north limit of Twenty Road East</p>	<p>None</p>	<p>40</p>	

<p><b>Allison</b> Ward 8 Phase 2 - 2020</p>	<p>East limit of Upper James Street to Mount Hamilton Cemetery</p>	<p>South limit of Rymal Road East to Hydro Corridor</p>	<p>None</p>	<p>40</p>	
<p><b>Balfour</b> Ward 8 Phase 1 - 2019</p>	<p>East limit of Upper James Street to west limit of Upper Wellington Street</p>	<p>South limit of Fennell Avenue East to north limit of Mohawk Road East</p>	<p>None</p>	<p>40</p>	


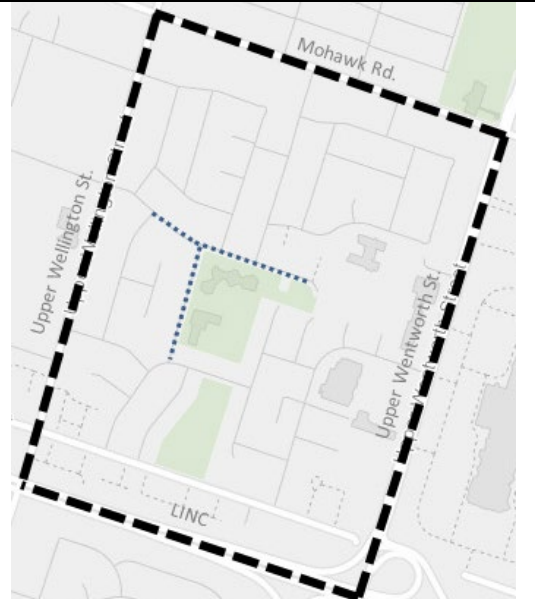


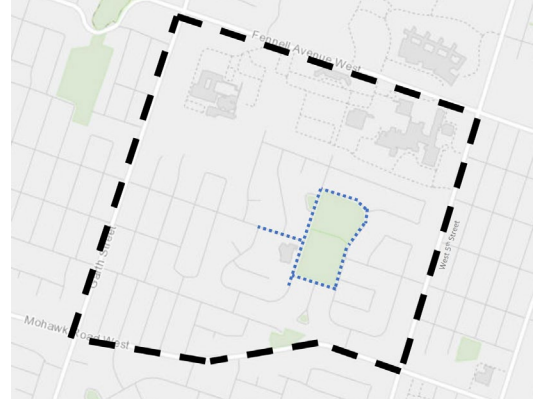
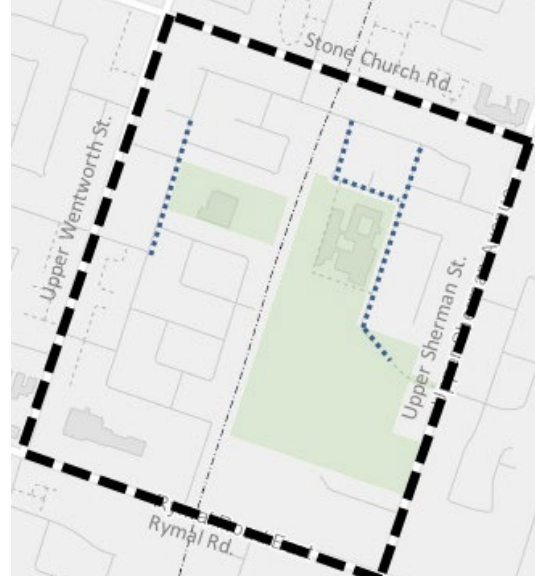
<p><b>Barnstown</b> Ward 7 Phase 3 - 2021</p>	<p>East limit of Upper Wellington Street to west limit of Upper Wentworth Street</p>	<p>South limit of Stone Church Road East to north limit of Rymal Road East</p>	<p>None</p>	<p>40</p>	 <p>A map of the Barnstown area showing a dashed black boundary. Inside this boundary, there is a smaller blue dotted boundary. The map includes labels for 'Upper Wellington Street', 'Stone Church Road East', 'Rymal Road East', and 'Upper Wentworth Street'. There are also two location pins on the blue dotted boundary.</p>
<p><b>Bartonville</b> Ward 4 Phase 1 - 2019</p>	<p>East limit of Kenilworth Avenue South to east limit of Cochrane Road</p>	<p>South limit of Main Street East to south limit of Lawrence Road</p>	<p>King Street East</p>	<p>40</p>	 <p>A map of the Bartonville area showing a dashed black boundary. The map includes labels for 'Kenilworth Ave. S', 'Main St. E', 'Cochrane Rd.', 'Lawrence Rd.', and 'King Street E'. The boundary is roughly rectangular, following the streets mentioned.</p>

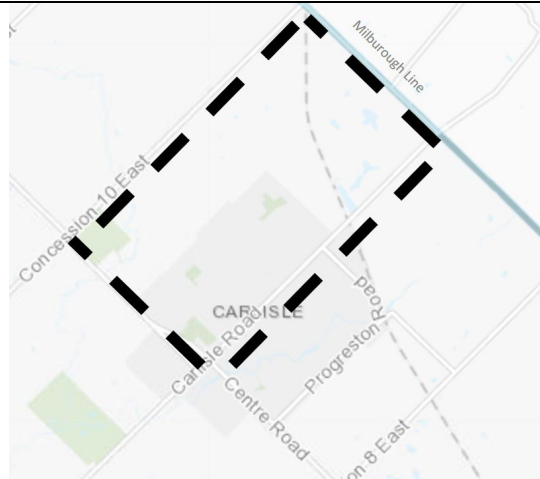
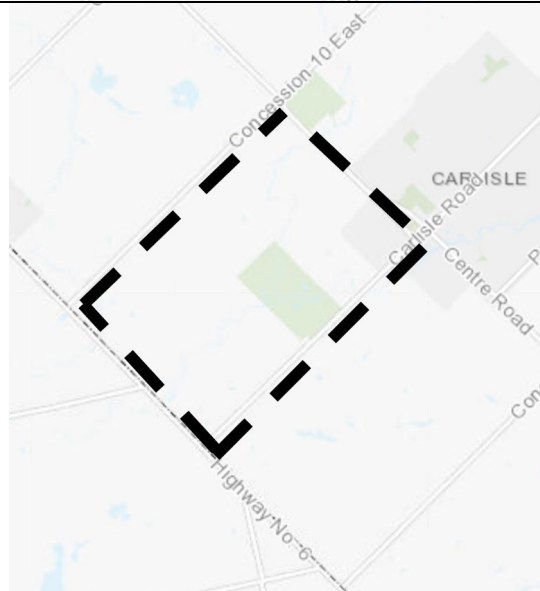
<p><b>Battlefield</b> Ward 5 Phase 2 - 2020</p>	<p>East limit of Centennial Parkway to west limit of Lake Avenue Drive</p>	<p>South limit of Queenston Road to Escarpment</p>	<p>King Street West</p>	<p>40</p>	
<p><b>Bayview</b> Ward 10 Phase 3 - 2021</p>	<p>Lake Ontario to north limit of Queen Elizabeth Way</p>	<p>East limit of Given Road to west limit of Jones Road</p>	<p>North Service Road</p>	<p>40</p>	


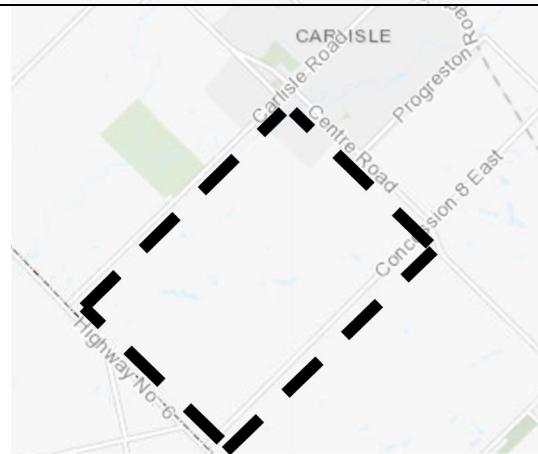
<p><b>Beasley</b> Ward 2 Phase 1 - 2019</p>	<p>East limit of James Street North/James Street North to West limit of Wellington Street North/Wellington Street South</p>	<p>Rail Corridor (280m north of Barton Street East) to North limit of Main Street East</p>	<p>John Street North, Barton Street East, Cannon Street East, Wilson Street, King Street East</p>	<p>40</p>	
<p><b>Berrisfield</b> Ward 6 Phase 3 - 2021</p>	<p>East limit of Upper Gage Avenue to west limit of Upper Ottawa Street</p>	<p>South limit of Mohawk Road East to north limit of Lincoln M. Alexander Parkway</p>	<p>None</p>	<p>40</p>	

<p><b>Binbrook</b> Ward 11 Phase 1 - 2019</p>	<p>East limit of Fletcher Road to west limit of Hendershot Road</p>	<p>South limit of Guyatt Road to north limit of Kirk Road</p>	<p>Binbrook Road, Cemetery Road, Regional Road 56</p>	<p>40</p>	
<p><b>Blakeley</b> Ward 3 Phase 3 - 2021</p>	<p>East limit of Sherman Avenue South to west limit of Gage Avenue South</p>	<p>South limit of Main Street East to Escarpment</p>	<p>None</p>	<p>40</p>	


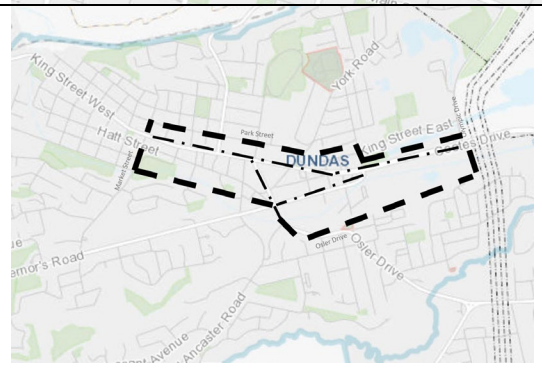
<p><b>Bonnington</b> Ward 8 Phase 3 - 2021</p>	<p>East limit of West 5<sup>th</sup> Street to west limit of Upper James Street</p>	<p>South limit of Fennell Avenue West to North limit of Mohawk Road West</p>	<p>None</p>	<p>40</p>	
<p><b>Bruleville</b> Ward 7 Phase 1 - 2019</p>	<p>East limit of Upper Wellington Street to west limit of Upper Wentworth Street</p>	<p>South limit of Mohawk Road to north limit of the LINC</p>	<p>None</p>	<p>40</p>	



<p><b>Buchanan</b> Ward 8 Phase 2 - 2020</p>	<p>East limit of Garth Street to west limit of West 5<sup>th</sup> Street</p>	<p>South limit of Mohawk College Property Boundary to north limit of Mohawk Road West</p>	<p>None</p>	<p>40</p>	
<p><b>Butler</b> Ward 7 Phase 1 - 2019</p>	<p>East limit of Upper Wentworth Street to west limit of Upper Sherman Avenue</p>	<p>South limit of Stone Church Road to north limit of Rymal Road</p>	<p>None</p>	<p>40</p>	

<p><b>Carlisle Northeast</b> Ward 15 Phase 2 - 2020</p>	<p>West limit of Centre Road to west limit of Milbrough Line</p>	<p>South limit of Concession 10 East to north limit of Carlisle Road</p>	<p>None</p>	<p>40</p>	
<p><b>Carlisle Northwest</b> Ward 15 Phase 2 - 2020</p>	<p>East limit of Highway 6 to west limit of Centre Road</p>	<p>South limit of Concession 10 East to north limit of Carlisle Road</p>	<p>None</p>	<p>40</p>	

<p><b>Carlisle Southeast</b> Ward 15 Phase 2 - 2020</p>	<p>West limit of Centre Road to west limit of Milborough Line</p>	<p>South limit of Carlisle Road to north limit of Concession 8 East</p>	<p>Green Spring Road</p>	<p>40</p>	
<p><b>Carlisle Southwest</b> Ward 15 Phase 2 - 2020</p>	<p>East limit of Highway 6 to west limit of Centre Road</p>	<p>South limit of Carlisle Road to north limit of Concession 8 East</p>	<p>None</p>	<p>40</p>	

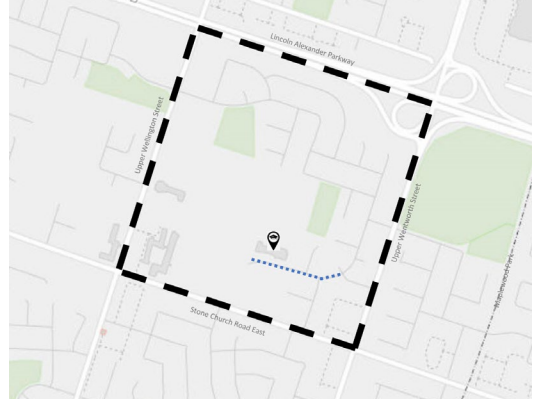



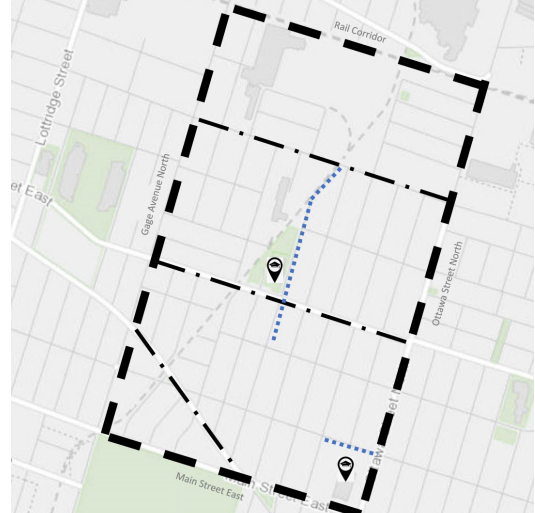

<p><b>Central Ward 2</b> Phase 2 - 2020</p>	<p>East limit of Queen Street North/Queen Street South to west limit of James Street North/James Street South</p>	<p>Rail Corridor (280m north of Barton Street East) to north limit of Main Street West</p>	<p>Barton Street West, Bay Street North, Cannon Street West, York Boulevard, King Street West</p>	<p>40</p>	
<p><b>Central Business District Ward 13</b> Phase 3 - 2021</p>	<p>East limit of Market Street to west limit of Olympic Drive</p>	<p>South limit of Park Street to north limit of Osler Drive</p>	<p>King Street, Cootes Drive, Governor's Road, Dundas Street, Main Street</p>	<p>40</p>	

<p><b>Centremount</b> Ward 8 Phase 3 - 2021</p>	<p>East limit of Upper James Street to west limit of Upper Wellington Street</p>	<p>Escarpment to north limit of Fennell Avenue East</p>	<p>None</p>	<p>40</p>	
<p><b>Chedoke Park</b> Ward 1 Phase 3 - 2021</p>	<p>East limit of Highway 403 to west limit of Chedoke Avenue</p>	<p>South limit of Aberdeen Avenue to Escarpment</p>	<p>None</p>	<p>40</p>	
<p><b>Clearview/Old Mill</b> Ward 12 Phase 2 - 2020</p>	<p>Robert E. Wade Ancaster Community Park to west limit of Wilson Street East</p>	<p>South limit of Mineral Springs Road to north limit of Jerseyville Road West</p>	<p>None</p>	<p>40</p>	


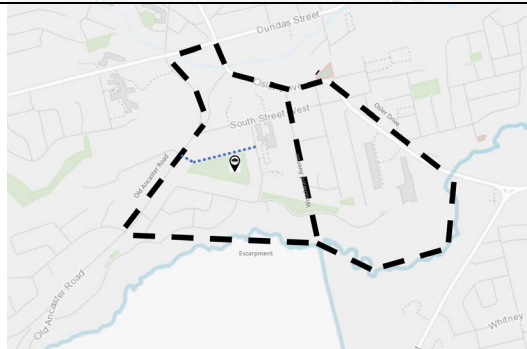
<p><b>Colborne</b> Ward 13 Phase 3 - 2021</p>	<p>Rail Corridor to west limit of Market Street North</p>	<p>Escarpment to north limit of King Street West</p>	<p>None</p>	<p>40</p>	
<p><b>Corktown</b> Ward 2 Phase 1 - 2019</p>	<p>East limit of James Street South to West limit of Wellington Street South</p>	<p>South limit of Main Street East to north limit of Claremont Access</p>	<p>John Street South, Arkledun Avenue, St. Joseph's Drive (Between James Street South and John Street South)</p>	<p>40</p>	

<p><b>Corman</b> Ward 5 Phase 3 - 2021</p>	<p>East limit of Red Hill Valley Parkway to west limit of Nash Road South</p>	<p>South limit of Queenston Road to north limit of King Street East</p>	<p>None</p>	<p>40</p>	
<p><b>Corman/Cherry Heights</b> Ward 10 Phase 2 - 2020</p>	<p>East limit of Gray Road to west limit of Green Road</p>	<p>South limit of Highway 8 to Escarpment</p>	<p>King Street East</p>	<p>40</p>	

<p><b>Crerar</b> Ward 7 Phase 3 - 2021</p>	<p>East limit of Upper Wellington Street to west limit of Upper Wentworth Street</p>	<p>South limit of Lincoln M. Alexander Parkway to north limit of Stone Church Road East</p>	<p>None</p>	<p>40</p>	
<p><b>Crown Point East</b> Ward 4 Phase 3 - 2021</p>	<p>East limit of Ottawa Street North to west limit of Kenilworth Avenue North</p>	<p>Rail Corridor to north limit of Main Street East</p>	<p>Barton Street, Cannon Street</p>	<p>40</p>	

<p><b>Crown Point West</b> Ward 3 Phase 3 - 2021</p>	<p>East limit of Gage Avenue North to west limit of Ottawa Street North</p>	<p>Rail Corridor to north limit of Main Street East</p>	<p>Barton Street, Cannon Street, King Street East</p>	<p>40</p>	
<p><b>Delta East</b> Ward 4 Phase 1 - 2019</p>	<p>East limit of Ottawa Street South to West limit of Kenilworth Street South</p>	<p>South limit of Main Street East to Escarpment</p>	<p>King Street East</p>	<p>40</p>	



<p><b>Delta West</b> Ward 3 Phase 1 - 2019</p>	<p>East limit of Gage Avenue South to West limit of Ottawa Street South</p>	<p>South limit of Main Street East to Escarpment</p>	<p>King Street East, Lawrence Road</p>	<p>40</p>	
<p><b>Desjardin's</b> Ward 13 Phase 3 - 2021</p>	<p>East limit of York Road to west limit of Old Guelph Road</p>	<p>South limit of York Road to Rail Corridor</p>	<p>None</p>	<p>40</p>	

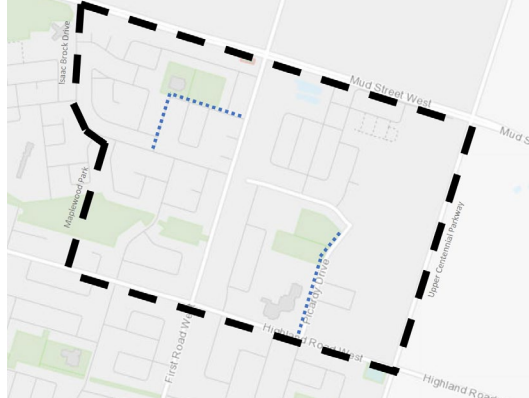
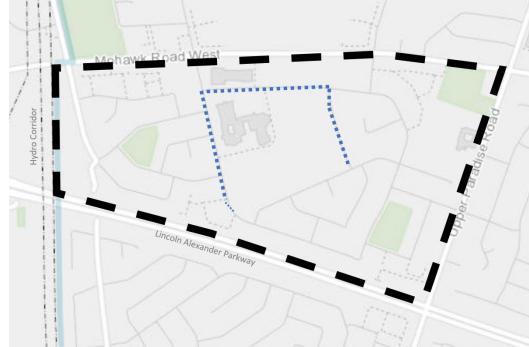

<p><b>Dewitt</b> Ward 10 Phase 3 - 2021</p>	<p>East limit of Dewitt Road to west limit of Fruitland Road</p>	<p>South limit of Highway 8 to Escarpment</p>	<p>None</p>	<p>40</p>	
<p><b>Dundana East &amp; Dundana West</b> Ward 13 Phase 3 – 2021</p>	<p>East limit of Old Ancaster Road to west limit of Osler Drive</p>	<p>South limit of Governor's Road to Escarpment</p>	<p>None</p>	<p>40</p>	


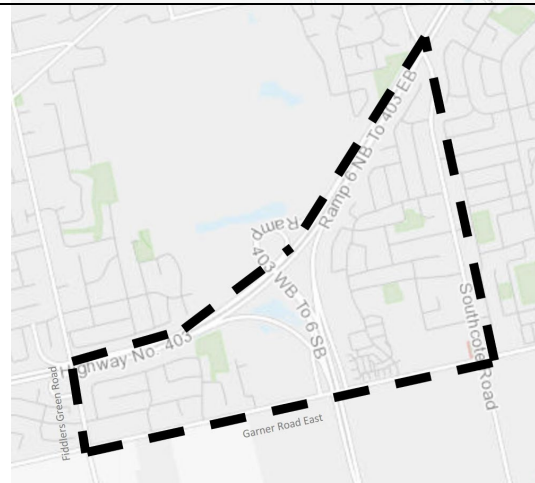


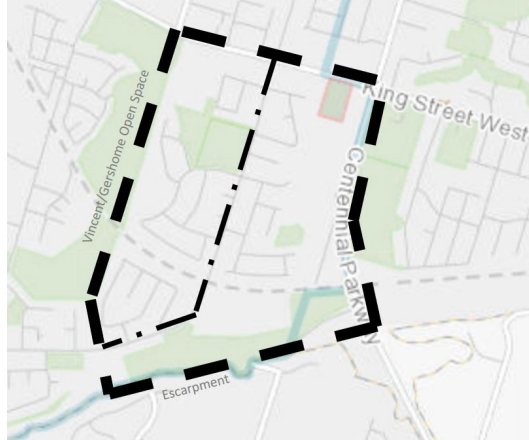

<p><b>Durand</b> Ward 2 Phase 1 - 2019</p>	<p>East limit of Queen Street South to West limit of James Street South</p>	<p>South limit of Main Street West to Escarpment</p>	<p>Bay Street South (Between Hunter West Street and Main Street West)</p>	<p>40</p>	
<p><b>Eastdale</b> Ward 10 Phase 1 - 2019</p>	<p>East limit of Gray Road to west limit of Green Road</p>	<p>South limit of Barton Street to north limit of Highway 8</p>	<p>None</p>	<p>40</p>	

<p><b>Eastmount</b> Ward 7 Phase 3 - 2021</p>	<p>East limit of Upper Wentworth Street to west limit of Upper Sherman Avenue</p>	<p>Escarpment to north limit of Fennell Avenue East</p>	<p>None</p>	<p>40</p>	
<p><b>Eleanor</b> Ward 6 Phase 1 - 2019</p>	<p>East limit of Upper Sherman Avenue to West limit of Upper Gage Avenue</p>	<p>South limit of Stone Church Road to north limit of Rymal Road</p>	<p>None</p>	<p>40</p>	

<p><b>Falkirk East</b> Ward 14 Phase 1 - 2019</p>	<p>East limit of Upper Paradise Road to west limit of Garth Street</p>	<p>South limit of Stone Church Road to north limit of Rymal Road</p>	<p>None</p>	<p>40</p>	
<p><b>Falkirk West</b> Ward 14 Phase 2 - 2020</p>	<p>Hydro Corridor to west limit of Upper Paradise Road</p>	<p>South limit of Stone Church Road West to north limit of Rymal Road West</p>	<p>None</p>	<p>40</p>	

<p><b>Felker</b> Ward 9 Phase 2 - 2020</p>	<p>Maplewood Park to West limit of Upper Centennial Parkway</p>	<p>Mud Street West to Highland Road West</p>	<p>None</p>	<p>40</p>	
<p><b>Fessenden</b> Ward 14 Phase 2 - 2020</p>	<p>Hydro Corridor to west limit of Upper Paradise Road</p>	<p>South limit of Mohawk Road West to north limit of the LINC</p>	<p>None</p>	<p>40</p>	
<p><b>Fifty Point</b> Ward 10 Phase 3 - 2021</p>	<p>East limit of Creanona Boulevard to City Limits</p>	<p>Lake Ontario to north limit of Queen Elizabeth Way</p>	<p>North Service Road</p>	<p>40</p>	

<p><b>Freelton</b> Ward 15 Phase 3 - 2021</p>	<p>East limit of Karendale Crescent to west limit of Wildan Drive</p>	<p>South limit of Freelton Road to south limit of Peebles Drive</p>	<p>Brock Road, Regional Road 97, Freelton Road, Concession 11 East, Highway 6</p>	<p>40</p>	
<p><b>Garner</b> Ward 12 Phase 2 - 2020</p>	<p>East limit of Fiddlers Green Road to west limit of Southcote Road</p>	<p>South limit of Highway 403 to north limit of Garner Road East</p>	<p>Highway 6</p>	<p>40</p>	

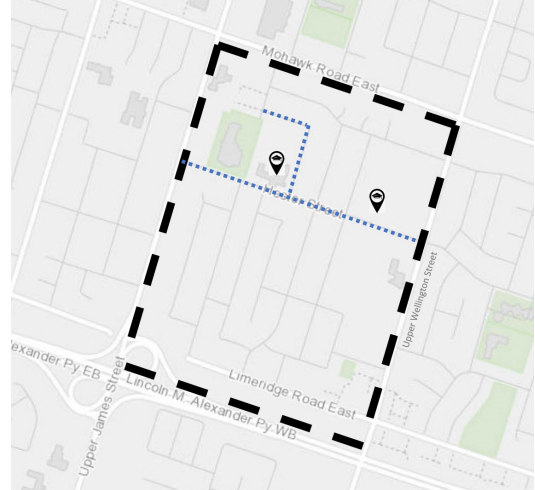
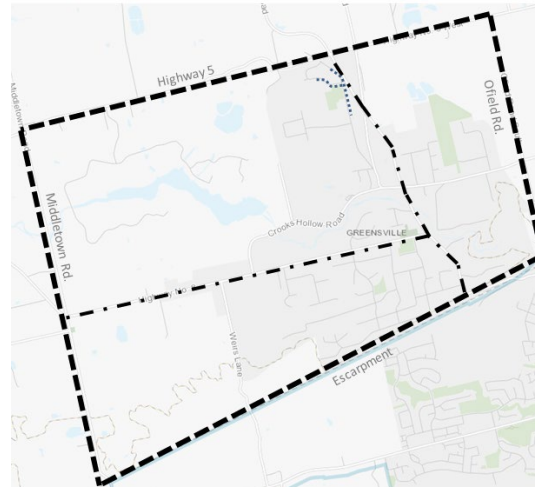
<p><b>Gersholme</b> Ward 5 Phase 2 - 2020</p>	<p>East limit of Vincent/Gersholme Open Space to west limit of Centennial Parkway</p>	<p>South limit of King Street East to Escarpment</p>	<p>Greenhill Avenue</p>	<p>40</p>	
<p><b>Gibson</b> Ward 3 Phase 1 - 2019</p>	<p>East limit of Wentworth Street North/Wentworth Street South to West limit of Sherman Avenue North/Sherman Avenue South</p>	<p>Rail Corridor (315m north of Barton Street East) to north limit of Main Street East</p>	<p>Sanford Avenue North, Sanford Avenue South, Birch Avenue, Barton Street East, Cannon Street East, Wilson Street, King Street East</p>	<p>40</p>	

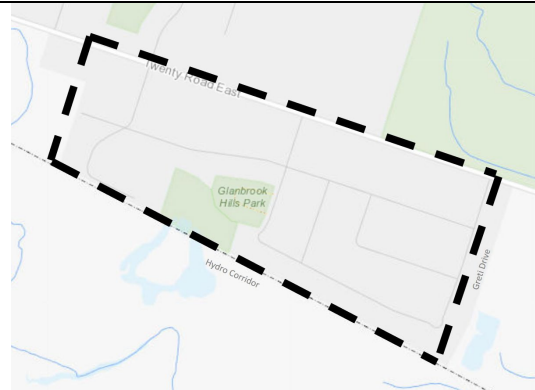
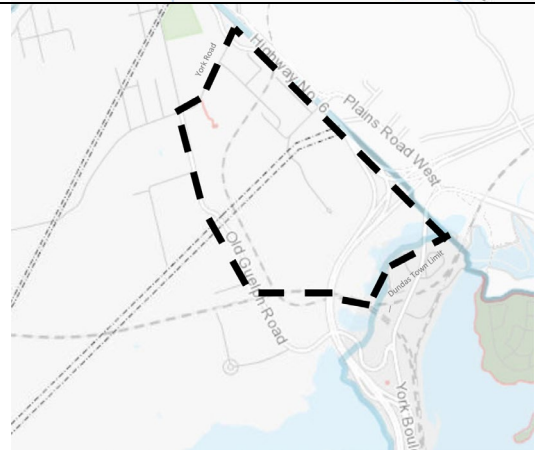
<p><b>Gilbert</b> Ward 14 Phase 1 - 2019</p>	<p>East limit of Upper Paradise Road to west limit of Garth Street</p>	<p>South limit of Mohawk Road to north limit of the LINC</p>	<p>None</p>	<p>40</p>	
<p><b>Gilkson</b> Ward 14 Phase 1 - 2019</p>	<p>East limit of Upper Paradise Road to west limit of Garth Street</p>	<p>South limit of the LINC to north limit of Stone Church Road</p>	<p>None</p>	<p>40</p>	

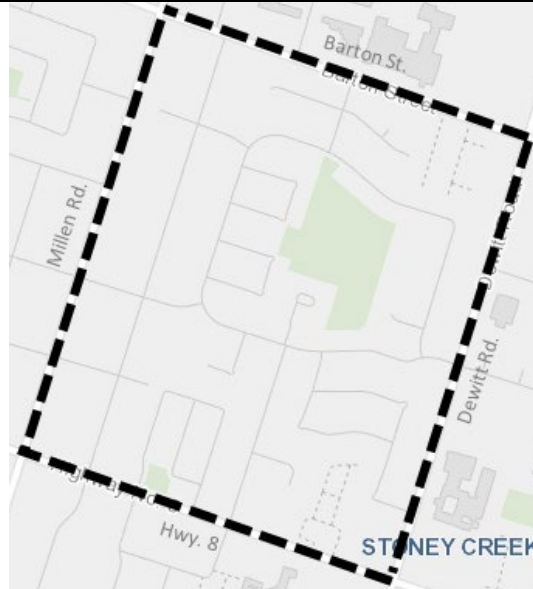
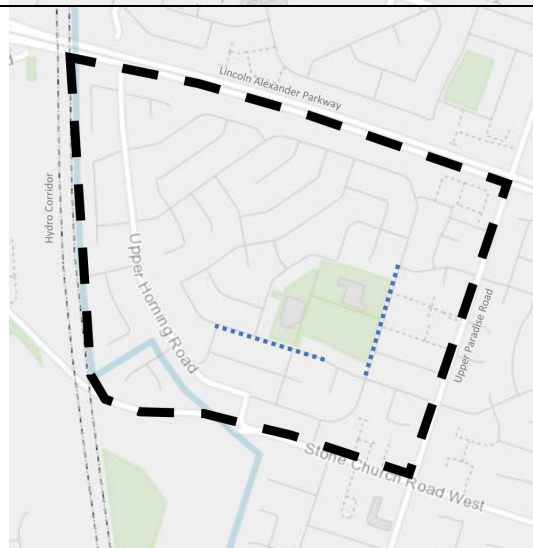
<p><b>Glenview East</b> Ward 4 Phase 3 - 2021</p>	<p>East limit of Parkdale Avenue South to west limit of Red Hill Valley Parkway</p>	<p>South limit of Queenston Road to north limit of Lawrence Road</p>	<p>King Street East</p>	<p>40</p>	
<p><b>Glenview West</b> Ward 4 Phase 2 - 2020</p>	<p>West limit of Cochrane Road to west limit of Parkdale Avenue</p>	<p>South limit of Queenston Road to north limit of Lawrence Road</p>	<p>King Street East</p>	<p>40</p>	

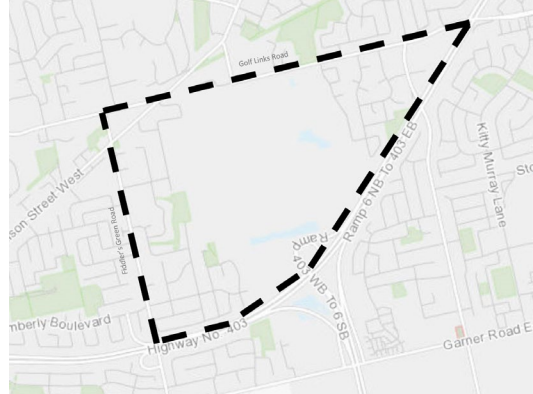
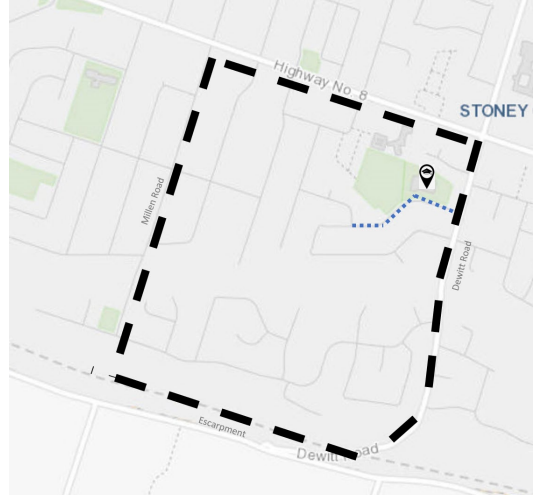


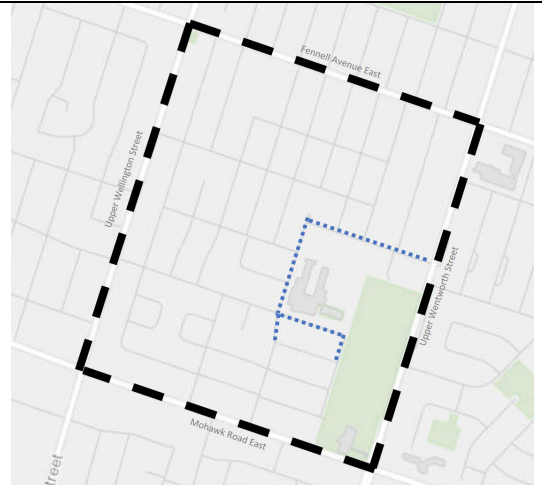

<p><b>Gourley</b> Ward 8 Phase 2 - 2020</p>	<p>East limit of Garth Street to west limit of West 5<sup>th</sup> Street</p>	<p>South limit of the LINC to north limit of Stone Church Road</p>	<p>None</p>	<p>40</p>	
<p><b>Greenford</b> Ward 5 Phase 3 - 2021</p>	<p>East limit of Nash Road South to west limit of Centennial Parkway South</p>	<p>South limit of Queenston Road to north limit of King Street East</p>	<p>None</p>	<p>40</p>	

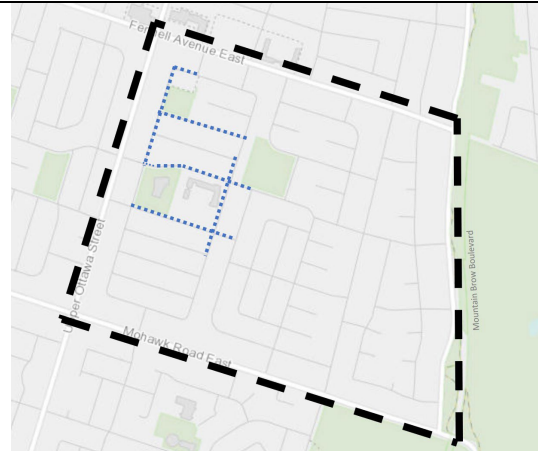

<p><b>Greeningdon</b> Ward 8 Phase 3 - 2021</p>	<p>East limit of Upper James Street to west limit of Upper Wellington Street</p>	<p>South limit of Mohawk Road East to north limit of Lincoln M. Alexander Parkway</p>	<p>None</p>	<p>40</p>	
<p><b>Greenville</b> Ward 13 Phase 1 - 2019</p>	<p>South limit of Highway 5 to Escarpment</p>	<p>East limit of Middletown Road to west limit of Ofield Road South</p>	<p>Brock Road, Highway 8</p>	<p>40</p>	

<p><b>Greti</b> Ward 11 Phase 2 - 2020</p>	<p>East limit of Upper James Street to east limit of Greti Drive</p>	<p>South limit of Twenty Road East to Hydro Corridor (370m south of Twenty Road East)</p>	<p>None</p>	<p>40</p>	 <p>A map of the Greti area showing a dashed black boundary. The boundary starts at the top left near 'Twenty Road East', goes east, then south, then west, and then north back to the start. Landmarks include 'Glanbrook Hills Park' and a 'Hydro Corridor'.</p>
<p><b>Guelph</b> Ward 13 Phase 3 - 2021</p>	<p>East limit of Old Guelph Road to west limit of Highway 6</p>	<p>South limit of York Road to Dundas Town Limit</p>	<p>None</p>	<p>40</p>	 <p>A map of the Guelph area showing a dashed black boundary. The boundary is roughly rectangular, starting near 'York Road' and 'Highway 6', going east, then south, then west, and then north back to the start. Landmarks include 'Plains Road West', 'Dundas Town Limit', and 'York Road'.</p>

<p><b>Guernsey</b> Ward 10 Phase 1 - 2019</p>	<p>East limit of Millen Road to west limit of Dewitt Road</p>	<p>South limit of Barton Street to north limit of Highway 8</p>	<p>None</p>	<p>40</p>	
<p><b>Gurnett</b> Ward 14 Phase 2 - 2020</p>	<p>Hydro Corridor to west limit of Upper Paradise Road</p>	<p>South limit of the LINC to north limit of Stone Church Road West</p>	<p>None</p>	<p>40</p>	

<p><b>Hamilton Golf and Country Club</b> Ward 12 Phase 3 - 2021</p>	<p>East limit of Fiddler's Green Road to west limit of Highway 403</p>	<p>South limit of Golf Links Road to north limit of Highway 403</p>	<p>None</p>	<p>40</p>	
<p><b>Highway Valley</b> Ward 10 Phase 3 - 2021</p>	<p>East limit of Millen Road to west limit of Dewitt Road</p>	<p>South limit of Highway 8 to Escarpment</p>	<p>None</p>	<p>40</p>	

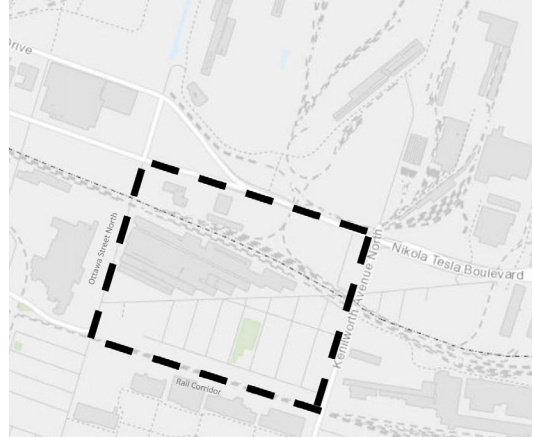
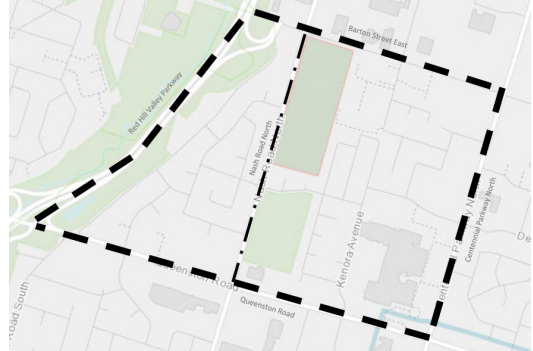
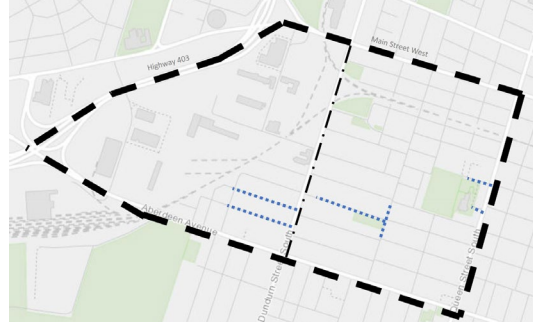
<p><b>Hill Park</b> Ward 7 Phase 2 - 2020</p>	<p>East limit of Upper Wellington Street to west limit of Upper Wentworth Street</p>	<p>South limit of Fennell Avenue East to north limit of Mohawk Road East</p>	<p>None</p>	<p>40</p>	
<p><b>Homeside</b> Ward 4 Phase 1 - 2019</p>	<p>East limit of Kenilworth Avenue North to east limit of Strathearne Avenue</p>	<p>Rail Corridor (380m north of Barton Street East) to north limit of Main Street East</p>	<p>Barton Street East, Cannon Street East</p>	<p>40</p>	


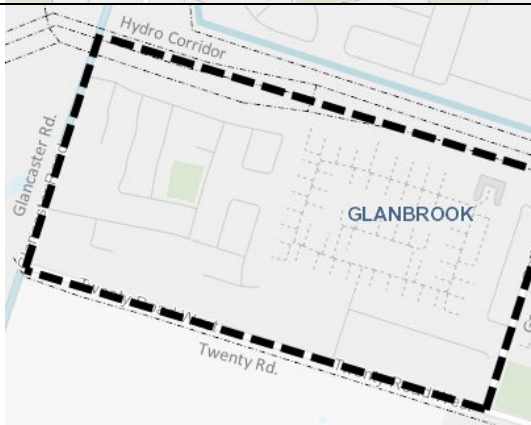

<p><b>Huntington</b> Ward 6 Phase 2 - 2020</p>	<p>East limit of Upper Ottawa Street to east limit of Mountain Brow Boulevard</p>	<p>South limit of Fennell Avenue East to north limit of Mohawk Road East</p>	<p>Mountain Brow Boulevard</p>	<p>40</p>	
<p><b>Inch Park</b> Ward 7 Phase 2 - 2020</p>	<p>East limit of Upper Wellington Street to west limit of Upper Wentworth Street</p>	<p>Escarpment to north limit of Fennell Avenue East</p>	<p>Jolly Cut, Concession Street</p>	<p>40</p>	



<p><b>Industrial Sector A &amp; Keith</b> Ward 3 Phase 2 - 2020</p>	<p>East limit of Wellington Street North to west limit of Wentworth Street North</p>	<p>South limit of Burlington Street East to Rail Corridor (280m north of Barton Street East)</p>	<p>Victoria Avenue North</p>	<p>40</p>	
<p><b>Industrial Sector B &amp; Keith</b> Ward 3 Phase 3 – 2021</p>	<p>East limit of Wentworth Street North to west limit of Sherman Avenue North</p>	<p>Lake Ontario to Rail Corridor</p>	<p>Burlington Street East</p>	<p>40</p>	


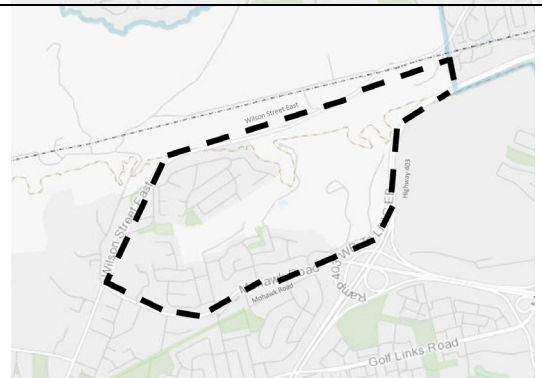


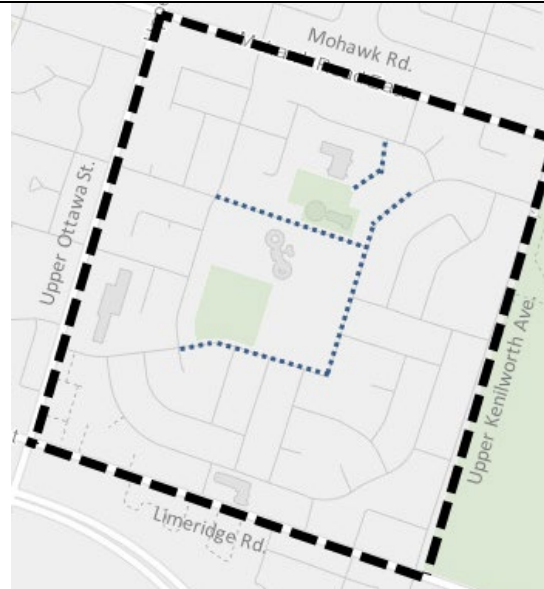
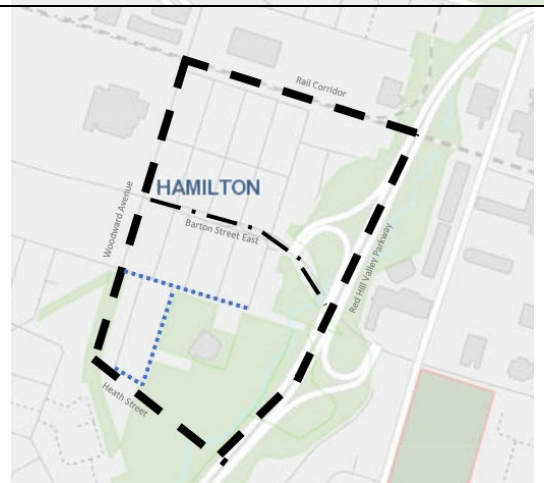
<p><b>Industrial Sector C</b> Ward 3 Phase 3 – 2021</p>	<p>East limit of Sherman Avenue North to west limit of Gage Avenue North</p>	<p>South limit of Burlington Street East to Rail Corridor</p>	<p>None</p>	<p>40</p>	
<p><b>Industrial Sector D</b> Ward 3 Phase 3 – 2021</p>	<p>East limit of Gage Avenue North to west limit of Ottawa Street North</p>	<p>South limit of Burlington Street East to Rail Corridor</p>	<p>None</p>	<p>40</p>	

<p><b>Industrial Sector E</b> Ward 4 Phase 3 - 2021</p>	<p>East limit of Ottawa Street North to west limit of Kenilworth Avenue North</p>	<p>South limit of Nikola Tesla Boulevard to Rail Corridor</p>	<p>None</p>	<p>40</p>	
<p><b>Kentley</b> Ward 5 Phase 3 - 2021</p>	<p>East limit of Red Hill Valley Parkway to west limit of Centennial Parkway North</p>	<p>South limit of Barton Street East to north limit of Queenston Road</p>	<p>Nash Road North</p>	<p>40</p>	
<p><b>Kirkendall North</b> Ward 1 Phase 2 - 2020</p>	<p>East limit of Highway 403 to west limit of Queen Street South</p>	<p>South limit of Main Street West to north limit of Aberdeen Avenue</p>	<p>Dundurn Street South</p>	<p>40</p>	




<p><b>Kirkendall South</b> Ward 1 Phase 1 - 2019</p>	<p>West limit of Chedoke Avenue to west limit of Queen Street</p>	<p>South limit of Aberdeen Avenue to Escarpment</p>	<p>None</p>	<p>40</p>	
<p><b>Kopperfield Park</b> Ward 11 Phase 1 - 2019</p>	<p>East limit of Glancaster Road to west limit of Garth Street</p>	<p>Hydro Corridor to north limit of Twenty Road</p>	<p>None</p>	<p>40</p>	
<p><b>Lakeshore</b> Ward 10 Phase 3 - 2021</p>	<p>East limit of Grays Road to west limit of Given Road</p>	<p>Lake Ontario to north limit of North Service Road</p>	<p>None</p>	<p>40</p>	

<p><b>Landsdale</b> Ward 3 Phase 1 - 2019</p>	<p>East limit of Wellington Street North/Wellington Street South to West limit of Wentworth Avenue North/Wentworth Avenue South</p>	<p>Rail Corridor (280m north of Barton Street East) to north limit Main Street East</p>	<p>Victoria Avenue North, Victoria Avenue South, Barton Street East, Cannon Street East, Wilson Street, King Street East</p>	<p>40</p>	 <p>A map of the Landsdale area showing a dashed black boundary. The boundary follows Wellington St. N on the west, Main St. E on the south, and Barton St. E on the east. A dashed line indicates the Rail Corridor running north-south. Other streets shown include Victoria Ave. N, Victoria Ave. S, Cannon St. E, Wilson St., and King St. E.</p>
<p><b>Leckie Park</b> Ward 9 Phase 1 - 2019</p>	<p>West limit of Second Road to west limit of Upper Centennial Parkway</p>	<p>South limit of Highland Road to north limit of Rymal Road</p>	<p>None</p>	<p>40</p>	 <p>A map of the Leckie Park area showing a dashed black boundary. The boundary follows Second Rd. W on the west, Upper Centennial Parkway on the east, Highland Rd. on the north, and Rymal Rd. on the south. Other streets shown include First Road W and Picardy Drive.</p>

<p><b>Leeming</b> Ward 12 Phase 1 - 2019</p>	<p>East limit of Hamilton Drive to west limit of Fiddler's Green Road</p>	<p>South limit of Wilson Street to north limit of Highway 403</p>	<p>None</p>	<p>40</p>	
<p><b>Lime Kiln</b> Ward 12 Phase 3 - 2021</p>	<p>East limit of Wilson Street East to west limit of Highway 403</p>	<p>South limit of Wilson Street East to north limit of Mohawk Road</p>	<p>None</p>	<p>40</p>	


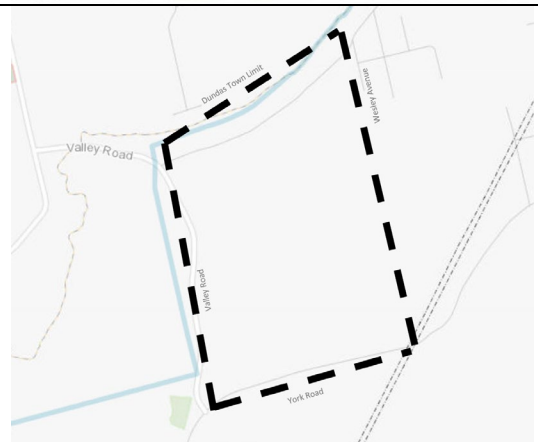
<p><b>Lisgar</b> Ward 6 Phase 1 - 2019</p>	<p>East limit of Upper Ottawa Street to west limit of Upper Kenilworth Avenue</p>	<p>South limit of Mohawk Road East to south limit of Limeridge Road</p>	<p>None</p>	<p>40</p>	
<p><b>McQueston East</b> Ward 4 Phase 3 – 2021</p>	<p>East limit of Woodward Avenue to west limit of Red Hill Valley Parkway</p>	<p>Rail Corridor to north limit of Heath Street</p>	<p>Barton Street East</p>	<p>40</p>	

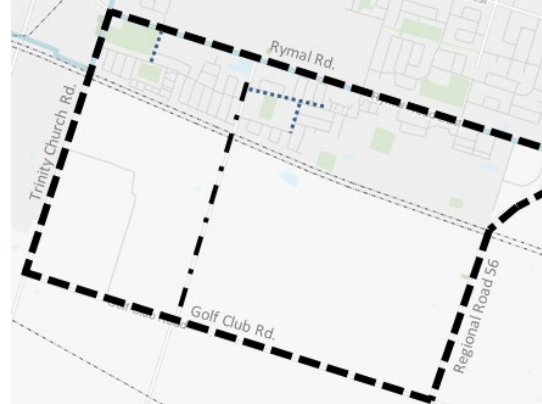
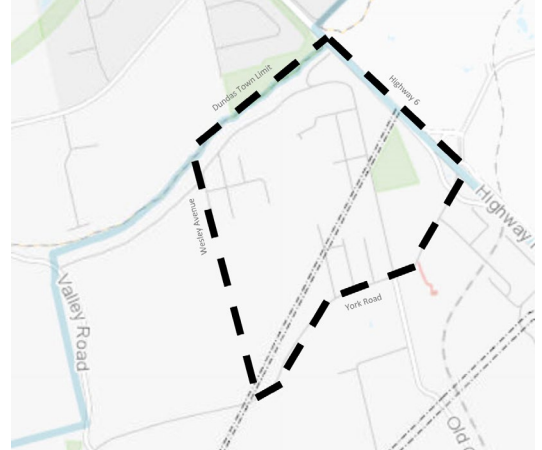
<p><b>McQueston West</b> Ward 4 Phase 3 - 2021</p>	<p>East limit of Parkdale Avenue North to west limit of Red Hill Valley Parkway</p>	<p>Rail Corridor to north limit of Queenston Road</p>	<p>Barton Street East</p>	<p>40</p>	
<p><b>Meadowlands</b> Ward 12 Phase 1 - 2019</p>	<p>East limit of Southcote Road to Hydro Corridor</p>	<p>South limit of the LINC/Hwy 403 to north limit of Garner Road</p>	<p>Golf Links Road, Stone Church Road West</p>	<p>40</p>	

<p><b>Millgrove</b> Ward 15 Phase 3 - 2021</p>	<p>East limit of Cumminsville Drive to west limit of Highway 6</p>	<p>South limit of Highway 6 to north limit of Sheltons Lane</p>	<p>Millgrove Side Road, Concession 5 West</p>	<p>40</p>	
<p><b>Mohawk</b> Ward 8 Phase 3 - 2021</p>	<p>East limit of Garth Street to west limit of West 5<sup>th</sup> Street</p>	<p>Escarpment to north limit of Delmar Drive</p>	<p>Fennell Avenue West</p>	<p>40</p>	
<p><b>Morden/Sobel/Creighton East/Creighton West</b> Ward 13 Phase 1 - 2019</p>	<p>East limit of Dundas Conservation Lands to west limit of Main Street</p>	<p>South limit of Escarpment/ King Street West to north limit of Governors Road</p>	<p>None</p>	<p>40</p>	



<p><b>Mount Hope</b> Ward 11 Phase 1 - 2019</p>	<p>East limit of Glancaster Road to West limit of Upper James Street</p>	<p>South limit of Dickenson Road West to north limit of White Church Road</p>	<p>Airport Road West, Highway 6</p>	<p>40</p>	
<p><b>Mountview</b> Ward 14 Phase 3 - 2021</p>	<p>Ancaster Town Limits to west limit of Sanatorium Road</p>	<p>Escarpment to north limit of Mohawk Road</p>	<p>None</p>	<p>40</p>	

<p><b>Normanhurst</b> Ward 4 Phase 2 - 2020</p>	<p>West limit of Strathearne Avenue to west limit of Parkdale Avenue North</p>	<p>Rail Corridor (280m north of Barton Street East) to north limit of Queenston Road</p>	<p>Barton Street East</p>	<p>40</p>	
<p><b>Patterson</b> Ward 13 Phase 3 - 2021</p>	<p>East limit of Valley Road to west limit of Wesley Avenue</p>	<p>Dundas Town Limits to north limit of York Road</p>	<p>None</p>	<p>40</p>	



<p><b>Pinehill</b> Ward 9 Phase 1 - 2019</p>	<p>East limit of Trinity Church Road to west limit of Regional Road 56</p>	<p>South limit of Rymal Road to north limit of Golf Club Road</p>	<p>Fletcher Road</p>	<p>40</p>	
<p><b>Pleasant View</b> Ward 13 Phase 3 - 2021</p>	<p>East limit of Wesley Avenue to west limit of Highway 6</p>	<p>Dundas Town Limits to north limit of York Road</p>	<p>None</p>	<p>40</p>	

<p><b>Poplar Park</b> Ward 10 Phase 2 - 2020</p>	<p>East limit of Green Road to West limit of Millen Road</p>	<p>South limit of Barton Street to north limit of Highway 8</p>	<p>None</p>	<p>40</p>	
<p><b>Quinndale</b> Ward 6 Phase 3 - 2021</p>	<p>East limit of Upper Gage Avenue to west limit of Upper Ottawa Street</p>	<p>South limit of Lincoln M. Alexander Parkway to north limit of Stone Church Road East</p>	<p>None</p>	<p>40</p>	

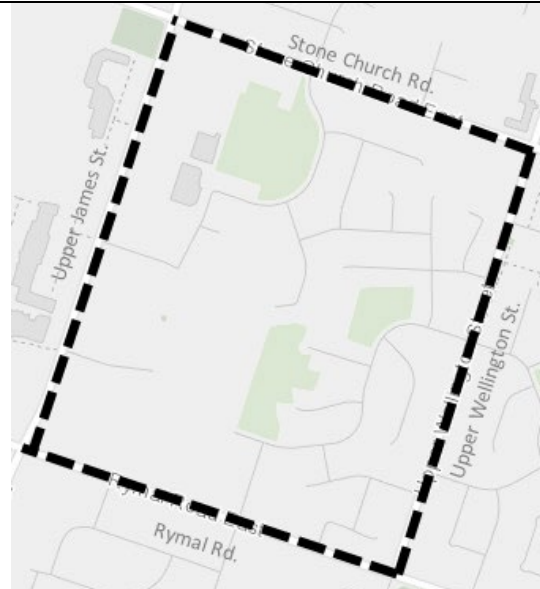
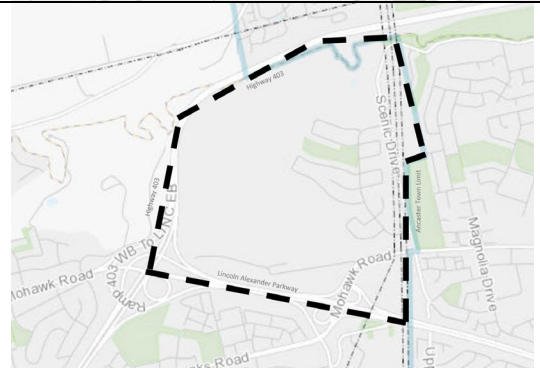
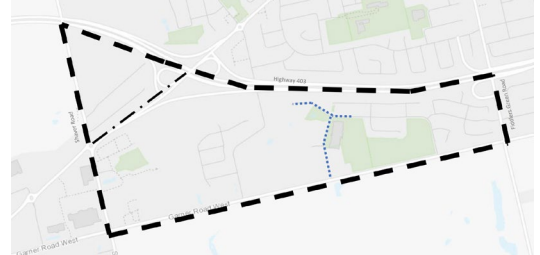
<p><b>Raleigh</b> Ward 7 Phase 1 - 2019</p>	<p>East limit of Upper Sherman Avenue to west limit of Upper Gage Avenue</p>	<p>Escarpment to north limit of Fennell Avenue</p>	<p>Concession Street</p>	<p>40</p>	
<p><b>Randall</b> Ward 6 Phase 2 - 2020</p>	<p>East limit of Upper Sherman Avenue to west limit of Upper Gage Avenue</p>	<p>South limit of the LINC to north limit of Stone Church Road East</p>	<p>None</p>	<p>40</p>	

<p><b>Redhill</b> Ward 5 Phase 1 - 2019</p>	<p>East limit of Red Hill Valley Parkway to east limit of Montmorency Drive/Mount Albion Road</p>	<p>South limit of King Street East to Escarpment</p>	<p>None</p>	<p>40</p>	
<p><b>Riverdale East</b> Ward 5 Phase 1 - 2019</p>	<p>East limit of Lake Avenue to west limit of Gray Road</p>	<p>South limit of Barton Street East to north limit of Queenston Road</p>	<p>None</p>	<p>40</p>	

<p><b>Riverdale West</b> Ward 5 Phase 1 - 2019</p>	<p>East limit of Centennial Parkway North to west limit of Lake Avenue North</p>	<p>South limit of Barton Street East to north limit of Queenston Road</p>	<p>None</p>	<p>40</p>	
<p><b>Rolston</b> Ward 8 Phase 1 - 2019</p>	<p>East limit of Garth Street to west limit of West 5th Street</p>	<p>South limit of Mohawk Road to north limit of the LINC</p>	<p>None</p>	<p>40</p>	

<p><b>Rosedale</b> Ward 4 Phase 1 - 2019</p>	<p>Escarpment to west limit of Red Hill Valley Parkway</p>	<p>North limit of Lawrence Road to south limit of Greenhill Avenue</p>	<p>None</p>	<p>40</p>	
<p><b>Rushdale</b> Ward 7 Phase 2 - 2020</p>	<p>East limit of Upper Wentworth Street to west limit of Upper Sherman Avenue</p>	<p>South limit of the LINC to north limit of Stone Church Road East</p>	<p>None</p>	<p>40</p>	






<p><b>Ryckmans</b> Ward 8 Phase 1 - 2019</p>	<p>East limit of Upper James to west limit of Upper Wellington</p>	<p>South limit of Stone Church Road to north limit of Rymal Road</p>	<p>None</p>	<p>40</p>	
<p><b>Scenic Woods</b> Ward 14 Phase 3 - 2021</p>	<p>East limit of Highway 403 to Ancaster Town Limits</p>	<p>Escarpment to north limit of Lincoln M. Alexander Parkway</p>	<p>None</p>	<p>40</p>	
<p><b>Shaver</b> Ward 12 Phase 2 - 2020</p>	<p>East limit of Shaver Road to west limit of Fiddlers Green Road</p>	<p>South limit of Highway 403 to north limit of Garner Road West</p>	<p>Wilson Street West</p>	<p>40</p>	

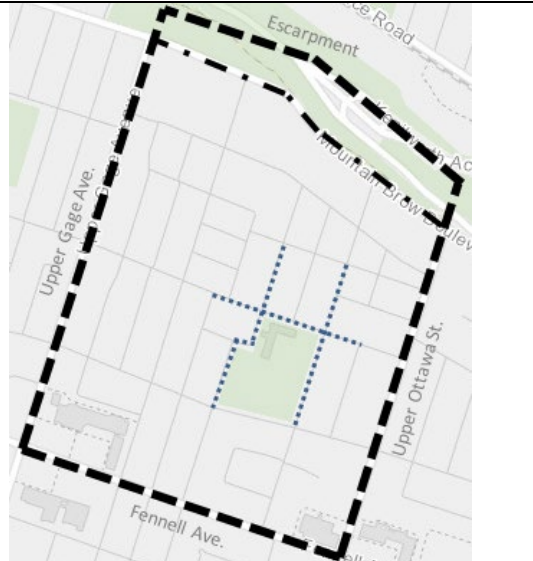
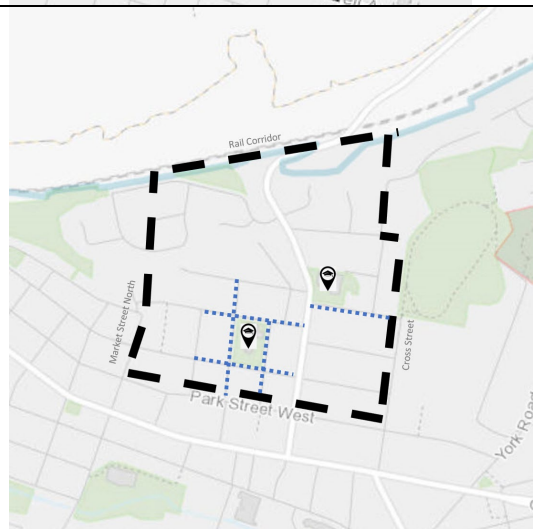
<p><b>Sherwood</b> Ward 6 Phase 2 - 2020</p>	<p>East limit of Upper Ottawa Street to east limit of Mountain Brow Boulevard</p>	<p>Escarpment to north limit of Fennell Avenue East</p>	<p>Mountain Brow Boulevard, Kenilworth Access</p>	<p>40</p>	
<p><b>South Meadow</b> Ward 10 Phase 1 - 2019</p>	<p>East limit of Green Road to west limit of Millen Road</p>	<p>South limit of Highway 8 to Escarpment</p>	<p>King Street East</p>	<p>40</p>	

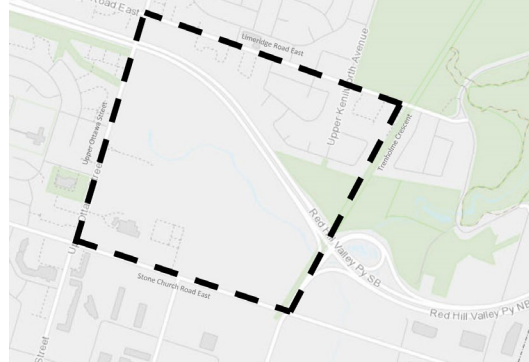

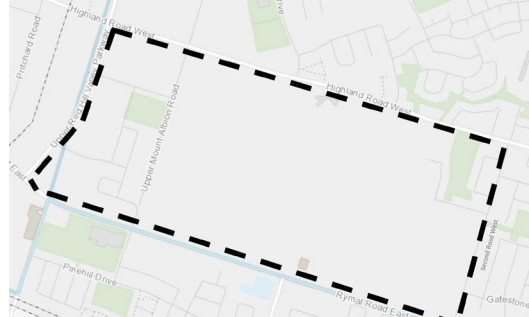
<p><b>Southam</b> Ward 8 Phase 3 - 2021</p>	<p>East limit of West 5<sup>th</sup> Street to west limit of Upper James Street</p>	<p>Escarpment to Fennell Avenue West</p>	<p>None</p>	<p>40</p>	
<p><b>Spencer Creek</b> Ward 13 Phase 3 - 2021</p>	<p>East limit of Highway 8 to west limit of Market Street South</p>	<p>South limit of King Street West to north limit of Mill Street</p>	<p>None</p>	<p>40</p>	

<p><b>Spring Valley</b> Ward 12 Phase 1 - 2019</p>	<p>East limit of Shaver Road to west limit of Fiddler's Green Road</p>	<p>South limit of Jerseyville Road to North limit of Wilson Street</p>	<p>None</p>	<p>40</p>	
<p><b>St. Clair</b> Ward 3 Phase 3 - 2021</p>	<p>East limit of Wentworth Street South to west limit of Sherman Avenue South</p>	<p>South limit of Main Street East to Escarpment</p>	<p>None</p>	<p>40</p>	
<p><b>St. John's</b> Ward 12 Phase 3 - 2021</p>	<p>East limit of Wilson Street East to west limit of Highway 403</p>	<p>South limit of Wilson Street East to north limit of Golf Links Road</p>	<p>None</p>	<p>40</p>	

<p><b>Stinson</b> Ward 3 Phase 2 - 2020</p>	<p>East limit of Wellington Street South to west limit of Wentworth Street North</p>	<p>South limit of Main Street East to Escarpment</p>	<p>Victoria Avenue North, Claremont Access, Sherman Access, Charlton Avenue</p>	<p>40</p>	
<p><b>Stiple</b> Ward 3 Phase 1 - 2019</p>	<p>East limit of Sherman Avenue North to West limit of Gage Avenue North</p>	<p>Rail Corridor (350m north of Barton Street) to North limit of Main Street East</p>	<p>Barton Street East, Cannon Street East, King Street East</p>	<p>40</p>	


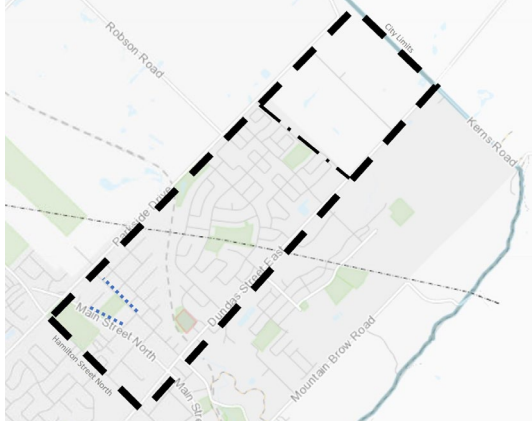
<p><b>Stoney Creek</b> Ward 5 Phase 2 - 2020</p>	<p>East limit of Lake Avenue Drive to west limit of Gray Road</p>	<p>South limit of Queenston Road to Escarpment</p>	<p>King Street West</p>	<p>40</p>	
<p><b>Strathcona</b> Ward 1 Phase 3 - 2021</p>	<p>East limit of Highway 403 to west limit of Queen Street North</p>	<p>Lake Ontario to north limit of Main Street West</p>	<p>King Street West, York Boulevard, Barton Street West</p>	<p>40</p>	



<p><b>Sunninghill</b> Ward 6 Phase 1 - 2019</p>	<p>East limit of Upper Gage Avenue to West limit of Upper Ottawa Street</p>	<p>Escarpment to north limit of Fennell Avenue</p>	<p>Concession Street, Mountain Brow Boulevard</p>	<p>40</p>	
<p><b>Sydenham</b> Ward 13 Phase 3 - 2021</p>	<p>East limit of Market Street North to west limit of Cross Street</p>	<p>Rail Corridor to north limit of Park Street West</p>	<p>None</p>	<p>40</p>	

<p><b>Trenholme</b> Ward 6 Phase 3 - 2021</p>	<p>East limit of Upper Ottawa Street to west limit of Trenholme Crescent</p>	<p>South limit of Limeridge Road East to north limit of Stone Church Road East</p>	<p>None</p>	<p>40</p>	
<p><b>Trillium</b> Ward 10 Phase 2 - 2020</p>	<p>East limit of Fruitland Road to west limit of Winona Road</p>	<p>Lake Ontario to north limit of North Service Road</p>	<p>None</p>	<p>40</p>	
<p><b>Trinity</b> Ward 9 Phase 3 - 2021</p>	<p>East limit of Upper Red Hill Valley Parkway to west limit of Second Road West</p>	<p>South limit of Highland Road West to north limit of Rymal Road East</p>	<p>None</p>	<p>40</p>	



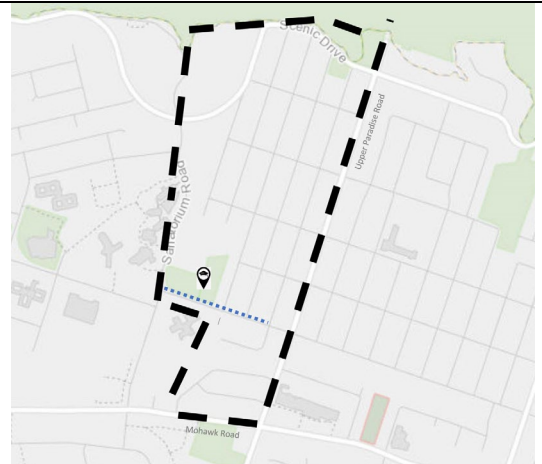

<p><b>Turnball/Highland Hills West/ Highland Hills East/ Pleasant Valley West/ Pleasant Valley East</b> Ward 13 Phase 2 - 2020</p>	<p>Dundas town limits to Spencer Creek</p>	<p>Rail Corridor to Escarpment</p>	<p>Governors Road</p>	<p>40</p>	
<p><b>Valley Park</b> Ward 9 Phase 2 - 2020</p>	<p>East limit of Upper Red Hill Valley Parkway to Maplewood Park</p>	<p>Mud Street West to Highland Road West</p>	<p>Winterberry Drive, Paramount Drive</p>	<p>40</p>	


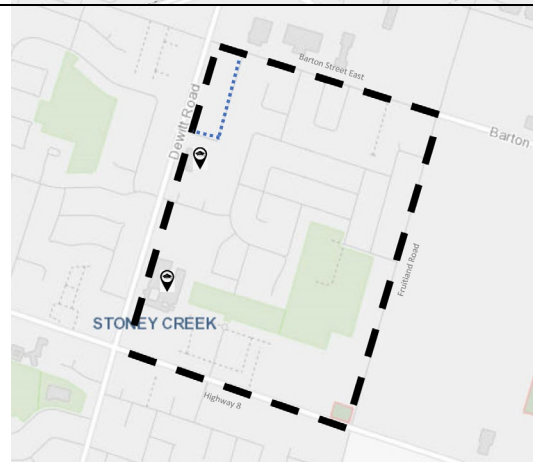
<p><b>Vincent</b> Ward 5 Phase 2 - 2020</p>	<p>East limit of Montmorency Drive/Mount Albion Road to west limit of Vincent/Gershome Open Space</p>	<p>South limit of King Street East to Escarpment</p>	<p>Greenhill Avenue, Quigley Road</p>	<p>40</p>	
<p><b>Waterdown East</b> Ward 15 Phase 2 - 2020</p>	<p>East limit Hamilton Street North to City Limits</p>	<p>South limit of Parkside Drive to north limit of Dundas Street East</p>	<p>Avonsyde Boulevard</p>	<p>40</p>	

<p><b>Waterdown Northeast</b> Ward 15 Phase 2 - 2020</p>	<p>East limit of Centre Road to west limit of Milborough Line</p>	<p>South limit of Concession 5 Road East to north limit of Parkside Drive</p>	<p>Robson Road</p>	<p>40</p>	
<p><b>Waterdown Northwest</b> Ward 15 Phase 1 - 2019</p>	<p>East limit of Highway 6 to west limit of Centre Road/Hamilton Street North</p>	<p>South limit of Concession 5 Road East to north limit of Parkside Drive</p>	<p>None</p>	<p>40</p>	

<p><b>Waterdown Southeast</b> Ward 15 Phase 2 - 2020</p>	<p>East limit of Mill Street South to City Limits</p>	<p>South limit of Dundas Street East to Escarpment</p>	<p>None</p>	<p>40</p>	
<p><b>Waterdown Southwest</b> Ward 15 Phase 1 - 2019</p>	<p>East limit of Highway 6 to west limit of Mill Street South</p>	<p>South limit of Dundas Street to Escarpment</p>	<p>None</p>	<p>40</p>	

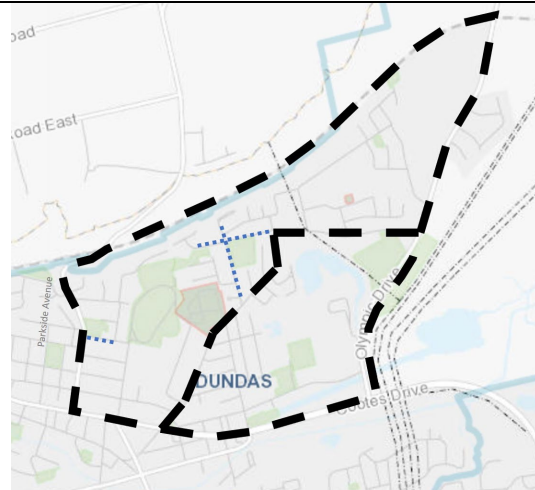
<p><b>Waterdown West</b> Ward 15 Phase 1 - 2019</p>	<p>East limit of Highway 6 to west limit of Hamilton Street North</p>	<p>South limit of Parkside Drive to north limit of Dundas Street</p>	<p>None</p>	<p>40</p>	
<p><b>Westcliffe East</b> Ward 14 Phase 3 – 2021</p>	<p>East limit of Upper Paradise Road to west limit of Garth Street</p>	<p>Escarpment to north limit of Mohawk Road West</p>	<p>None</p>	<p>40</p>	

<p><b>Westcliffe West</b> Ward 14 Phase 3 - 2021</p>	<p>East limit of Sanatorium Road to west limit of Upper Paradise Road</p>	<p>Escarpment to north limit of Mohawk Road</p>	<p>None</p>	<p>40</p>	
<p><b>Westdale North</b> Ward 1 Phase 2 - 2020</p>	<p>Churchill Park to west limit of Highway 403</p>	<p>Westdale North Open Space to north limit of King Street West</p>	<p>None</p>	<p>40</p>	

<p><b>Westdale South</b> Ward 1 Phase 2 - 2020</p>	<p>West limit of Forsyth Avenue North/Forsyth Avenue South to west limit of Highway 403</p>	<p>Churchill Park/North limit of King Street West to north limit of Main Street West</p>	<p>Paradise Road South, Main Street West</p>	<p>40</p>	
<p><b>Westmeria</b> Ward 10 Phase 3 - 2021</p>	<p>East limit of Dewitt Road to west limit of Fruitland Road</p>	<p>South limit of Barton Street to north limit of Highway 8</p>	<p>None</p>	<p>40</p>	
<p><b>Winona North</b> Ward 10 Phase 3 - 2021</p>	<p>East limit of Lewis Road to west limit of Creanona Boulevard</p>	<p>Lake Ontario to north limit of North Service Road</p>	<p>None</p>	<p>40</p>	

<p><b>Winona South</b> Ward 10 Phase 3 - 2021</p>	<p>East limit of Lewis Road to west limit of Fifty Road</p>	<p>Rail Corridor to Escarpment</p>	<p>Winona Road, Barton Street, Highway 8</p>	<p>40</p>	
<p><b>Yeoville</b> Ward 8 Phase 2 - 2020</p>	<p>East limit of West 5<sup>th</sup> Street to west limit of Upper James Street</p>	<p>South limit of Mohawk Road West to north limit of the LINC</p>	<p>None</p>	<p>40</p>	



<p><b>York Heights/Hunter</b> Ward 13 Phase 2 - 2020</p>	<p>East limit of Sydenham Street to west limit of Olympic Drive/York Road</p>	<p>Rail Corridor to north limit of King Street East</p>	<p>None</p>	<p>40</p>	 <p>The map shows a section of Dundas, Ontario, with a thick black dashed line indicating a boundary. The boundary starts near Parkside Avenue, follows the western side of the rail corridor, then turns east along the northern edge of the rail corridor, and finally follows the northern edge of King Street East. Other streets shown include Road East, Olympic Drive, and Dundas Street. The word 'DUNDAS' is printed in blue on the map.</p>
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**Authority:** Item 14, Committee of the Whole  
Report 01-003 (FCS01007)  
CM: February 6, 2001  
Wards: 1,2,3,4,6,7,10,15

**Bill No. 029**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking**

**WHEREAS** *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

**AND WHEREAS** it is necessary to amend By-law No. 01-218, as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
<i>8 - No Parking</i>	<i>G</i>	<b>Beach Rd.</b>	North	From 8.2m west of Rowanwood to 7.2m westerly	Anytime	Deleting
<i>8 - No Parking</i>	<i>E</i>	<b>MacNab</b>	West	West Leg, from 37.7m north of Main to 28.4m northerly	Anytime	Deleting
<i>8 - No Parking</i>	<i>E</i>	<b>Ardleigh Street</b>	West	Rexford Drive to Stone Church Road East	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Hemlock Avenue</b>	North	Deerhurst Avenue to Millen Road	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>C</i>	<b>Macbean Crescent</b>	East	29 metres north of the west intersection of Nisbet Boulevard to 6 metres north thereof	Anytime	Adding

To Amend By-law No. 01-218, as amended,  
Being a By-law to Regulate On-Street Parking

<i>8 - No Parking</i>	<i>G</i>	<b>MacNab Street South</b>	West	West leg, 38 metres north of Main Street West to 28 metres north thereof	Anytime	Adding
<i>8 - No Parking</i>	<i>E</i>	<b>Rowena Court</b>	North & South	148 metres west of Quaker Crescent to 73 west thereof around cul-de-sac	Anytime	Adding
<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/Deleting</b>
<i>12 - Permit</i>	<i>E</i>	<b>Belmont</b>	East	from 49.7m north of Cannon to 5.7m northerly	Anytime	Deleting
<i>12 - Permit</i>	<i>E</i>	<b>Magill Street</b>	West	34 metres north of York Boulevard to 6 metres north thereof	Anytime	Deleting
<i>12 - Permit</i>	<i>E</i>	<b>Martimas Ave.</b>	West	38m south of Grenfell St. to 6m south thereof	Anytime	Deleting
<i>12 - Permit</i>	<i>E</i>	<b>Martimas Ave.</b>	East	60m south of Grenfell St. to 7m south thereof	Anytime	Deleting
<i>12 - Permit</i>	<i>E</i>	<b>Thorndale Street North</b>	East	47 metres north of Main Street West to 6 metres north thereof	Anytime	Adding
<i>12 - Permit</i>	<i>E</i>	<b>Thorndale Street North</b>	West	45 metres north of Main Street West to 6 metres north thereof	Anytime	Adding
<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/Deleting</b>
<i>13 - No Stopping</i>	<i>F</i>	<b>Grays Road</b>	West	112 metres south of Lakepointe Place to 29 metres south thereof	Anytime	Adding
<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/Deleting</b>
<i>14 - Wheelchair LZ</i>	<i>E</i>	<b>East 24th Street</b>	West	100 metres south of Crockett Street to 6 metres south thereof	Anytime	Deleting

To Amend By-law No. 01-218, as amended,  
Being a By-law to Regulate On-Street Parking

Page 3 of 3

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
  
3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 23<sup>rd</sup> day of February 2022.

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F.  
Eisenberger  
Mayor

A. Holland  
City Clerk

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A. Holland  
City Clerk

**Authority:** Item 9, General Issues  
Committee Report  
Report 22-005  
(FCS22003(a)/LS22006(a)/  
PED22018(a))  
CM: February 23, 2022  
Ward: City Wide

**Bill No. 030**

**CITY OF HAMILTON**  
**BY-LAW NO. 22-**

**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:

<b>Item</b>	<b>Column 1 Designated By- law &amp; Section</b>		<b>Column 2 Short Form Wording</b>	<b>Column 3 Set Penalty</b>
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 before 28 days in advance of Voting Day	\$50.00

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	18	display/permit display of Election Sign containing Municipal election logo	\$200.00

	Schedule 1			
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
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, excluding the portion of front or side yard between the sidewalk, ditch or established edge of roadway, and the property line.	\$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	27	Candidate/Registered Third Party fail to remove Election Signs within 72 hours following 11:59 pm on Voting Day	\$50.00
358	10-197 Schedule 1	28	owner/occupant fail to ensure Election Sign is removed within 72 hours following 11:59 pm 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 February 23, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 9, General Issues  
Committee Report 22-005  
Report  
(FSC22003(a)/LS22006(a)/  
PED22018(a))  
CM: February 23, 2022  
Ward: City Wide

**Bill No. 031**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **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.”

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 February 23, 2022.

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F. Eisenberger  
Mayor

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A. 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 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;
- (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.

## 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**

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*)
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 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, excluding the portion of front or side yard between the sidewalk, ditch or established edge of roadway, and the property line.

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; or,
- (b) at a property used for the administration of Election processes 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.



**Authority:** Item 2, Public Works Committee  
Report 22-003 (PW22010)  
CM: February 23, 2022  
Ward: City Wide

**Bill No. 032**

**CITY OF HAMILTON  
BY-LAW NO. 22-**

**To Authorize the Signing of a Municipal Funding Agreement for the Transfer of the Improving Wastewater and Stormwater Discharges in Lake Ontario Funding Program Funds between the Ministry of Environment, Conservation and Parks and the City of Hamilton**

**WHEREAS** the Council of the City of Hamilton wishes to enter into a Municipal Funding Agreement in order to participate in the Municipal Funding Agreement for the Transfer of the Improving Wastewater and Stormwater Discharges in Lake Ontario Funding Program;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The Mayor and City Clerk are hereby authorized to execute a municipal funding agreement for the transfer of Improving Wastewater and Stormwater Discharges in Lake Ontario funds between the Ministry of Environment, Conservation and Parks and the City of Hamilton, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
2. That Mayor and City Clerk are hereby authorized to execute any other agreements or documentation required to receive funding from the Improving Wastewater and Stormwater Discharges in Lake Ontario funding program in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
3. This by-law shall come into force on the day it is passed.

**PASSED** this 23<sup>rd</sup> day of February 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 6, General Issues Committee  
Report 21-016 (FCS21077)  
CM: August 13, 2021  
Ward: City Wide

**Bill No. 033**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Authorize the Signing of a Contribution Agreement for the Transfer of Canada Community Revitalization Funds between the Federal Economic Development Agency for Southern Ontario / Government of Canada and the City of Hamilton**

**WHEREAS** the Council of the City of Hamilton wishes to enter into a Contribution Agreement in order to participate in the Canada Community Revitalization Fund;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The Mayor and City Clerk are hereby authorized to execute a Contribution Agreement for the Transfer of Canada Community Revitalization Funds between the Federal Economic Development Agency for Southern Ontario / Government of Canada and the City of Hamilton, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
2. This by-law shall come into force on the day it is passed.

**PASSED** this 23<sup>rd</sup> day of February, 2022.

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F. Eisenberger  
MAYOR

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A. Holland  
CLERK

**Authority:** Item 7, General Issues  
Committee Report 22-005  
Report FCS22013  
CM: February 23, 2022  
Ward: City Wide

**Bill No. 034**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **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 February 23, 2022.

**PASSED** this February 23, 2022.

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F. Eisenberger  
MAYOR

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A. Holland  
CLERK

**Authority:** Item 6, General Issues  
Committee Report 22-005  
Report LS22012  
CM: February 23, 2022  
Ward: City Wide

**Bill No. 035**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council**

**WHEREAS** Council is, pursuant to the *Development Charges Act, 1997*, S.O. 1997, c. 27 and the *Education Act*, responsible for holding hearings of complaints made in respect of the payment of Development Charge and Education Development Charge payable pursuant to the respective Acts;

**WHEREAS** Council delegated its authority to hold Development Charge complaint hearings to the Audit, Finance & Administration Committee on October 23, 2019; and

WHEREAS Council is now required to delegate its authority to hold Education Development Charge (“EDC”) complaint hearings to Audit, Finance & Administration Committee.

**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. That Appendix J of By-law No. 21-021, be deleted in its entirety and replaced with Schedule 1, attached to this by-law.
3. This By-law come into force on the day it is passed.

**PASSED** this 23rd day of February, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**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.

## **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**

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.

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**

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 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;
- (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.

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.

**Authority:** Item 2, Public Works Committee  
Report 22-003 (PW22010)  
CM: February 23, 2022  
Ward: City Wide

**Bill No. 036**

**CITY OF HAMILTON  
BY-LAW NO. 22**

**To Authorize the Signing of a Municipal Funding Agreement for the Transfer of the Improving, Monitoring and Public Reporting of Sewage Overflows and Bypasses Funding Program Funds Between the Ministry of Environment, Conservation, and Parks and the City of Hamilton**

**WHEREAS** the Council of the City of Hamilton wishes to enter into a Municipal Funding Agreement in order to participate in the Municipal Funding Agreement for the Transfer of the Improving, Monitoring and Public Reporting of Sewage Overflows and Bypasses Funding Program.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The Mayor and City Clerk are hereby authorized to execute a municipal funding agreement for the transfer of Improving, Monitoring and Public Reporting of Sewage Overflows and Bypasses funds between the Ministry of Environment, Conservation, and Parks and the City of Hamilton, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
2. That Mayor and City Clerk are hereby authorized to execute any other agreements or documentation required to receive funding from the Improving, Monitoring and Public Reporting of Sewage Overflows and Bypasses funding program in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
3. This by-law shall come into force on the day it is passed.

**PASSED** this 23<sup>rd</sup> day of February 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 31, Economic Development  
and Planning Committee  
Report 06-005  
CM: April 12, 2006  
Ward: 11

**Bill No. 037**

**CITY OF HAMILTON  
BY-LAW NO. 22-**

**To Amend Zoning By-law No. 05-200, Respecting Lands located at  
3300 Homestead Drive, Glanbrook**

**WHEREAS** the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25<sup>th</sup> day of May 2005; and,

**WHEREAS** the Council of the City of Hamilton, in adopting Section 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12<sup>th</sup> day of April, 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding Provision from By-laws where the conditions have been met.

**AND WHEREAS** the conditions of Holding Provision 102 for the lands located at 3300 Homestead Drive, Glanbrook have been satisfied;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map Nos. 1748 and 1785 of Schedule "A" – Zoning Maps is amended by changing the zoning from Mixed Use Medium Density (C5, 652, H102) Zone to Mixed Use Medium Density (C5, 652) Zone for the lands identified in Schedule "A" attached to this By-law.
2. That Schedule "D" – Holding Provisions is amended by deleting Holding Provision 102 for the lands identified in Schedule "A" attached to this By-law.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

**PASSED** this 23<sup>rd</sup> day of February, 2022

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>		
<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 22-_____</p> <p>to Amend By-law No. 05-200 Maps 1748 &amp; 1785</p>	<p><b>Subject Property</b></p> <p>3300 Homestead Drive, Glanbrook</p> <p> Change in zoning from Mixed Use Medium Density (C5, 652, H102) Zone to Mixed Use Medium Density (C5, 652) Zone</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAH-21-042</p>		
<p>Date: January 20, 2022</p>	<p>Planner/Technician: MF/VS</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

**Authority:** Item 31, Economic Development  
and Planning Committee  
Report 06-005  
CM: April 12, 2006  
Ward: 10

**Bill No. 038**

**CITY OF HAMILTON  
BY-LAW NO. 22-**

**To Amend Hamilton Zoning By-law No. 05-200  
Respecting Lands Located at 461 Green Road, Stoney Creek**

**WHEREAS** the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25<sup>th</sup> day of May, 2005; and,

**WHEREAS** the Council of the City of Hamilton, in adopting Section 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12<sup>th</sup> day of April, 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding Provision from By-laws where the conditions have been met.

**AND WHEREAS** the conditions of Holding Provision 34 for the lands located at 461 Green Road, Stoney Creek have been satisfied;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Maps 1051 and 1098 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Mixed Use Medium Density (C5, 669, H34) Zone to the Mixed Use Medium Density (C5, 669) Zone for the lands identified in Schedule "A" attached to this By-law.
2. That Schedule "D" – Holding Provisions is amended by deleting Holding Provision H34.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.

**PASSED** this February 23, 2022

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



This is Schedule "A" to By-law No. 22-  
 Passed the ..... day of ....., 2022

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 Mayor  
 -----  
 Clerk

**Schedule "A"**  
 Map forming Part of  
 By-law No. 22-\_\_\_\_\_  
 to Amend By-law No. 05-200  
 Map 1051, 1098

**Subject Property**  
 461 Green Road, Stoney Creek (Ward 10)  
 Change in Zoning from the Mixed Use Medium Density (C5, 669, H34) Zone to the Mixed Use Medium Density (C5, 669) Zone

Scale:  
 N.T.S.  
 Date:  
 February 15, 2022

File Name/Number:  
 ZAH-22-002  
 Planner/Technician:  
 TV/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



**Authority:** Item 4, Planning Committee  
Report: 22-002 (PED20002(a))  
CM: February 9, 2022  
Ward: 10

**Bill No. 039**

CITY OF HAMILTON  
BY-LAW NO. 22-

**To Adopt:**

**Official Plan Amendment No. 144 to the  
Urban Hamilton Official Plan**

Respecting:

**1400 Baseline Road  
(Stoney Creek)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 144 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 23<sup>rd</sup> day of February, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

## Urban Hamilton Official Plan Amendment No. 144

The following text, together with Appendix “A” – Volume 2: Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. 144 to the Urban Hamilton Official Plan.

### 1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to amend the Urban Lakeshore Area Secondary Plan by redesignating the subject lands and establishing a site specific policy to permit the development of multiple dwellings up to a maximum height of nine storeys.

### 2.0 **Location:**

The lands affected by this Amendment are known municipally as 1400 Baseline Road, in the former City of Stoney Creek.

### 3.0 **Basis:**

The basis for permitting this Amendment is:

- The Amendment is consistent with the policies of the Urban Hamilton Official Plan for facilitating residential intensification;
- The Amendment will support future development of the lands that is respectful of the established function and scale of the residential designations of the Urban Lakeshore Area Secondary Plan and is compatible with the existing development in the immediate area; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### 4.0 **Actual Changes:**

#### 4.1 **Volume 2 – Secondary Plan**

**Text**

4.1.1 Chapter B.7 – Stoney Creek Secondary Plans – Section B.7.3, Urban Lakeshore Area Secondary Plan

- a. That Volume 2: Chapter B.7 – Stoney Creek Secondary Plans, Section B.7.3 – Urban Lakeshore Area Secondary Plan be amended by adding a new Site Specific Policy, as follows:

**“Site Specific Policy – Area E**

B.7.3.6.5 For the lands municipally known as 1400 Baseline Road, designated Medium Density Residential 3 and shown as Site Specific Policy – Area E on Map B.7.3-1 Urban Lakeshore Area Secondary Plan – Land Use Plan, the following policies shall apply:

- a) In addition to Policy B.7.3.1.7 a) of Volume 2, *multiple dwellings* shall also be permitted;
- b) The maximum height shall be nine storeys; and,
- c) The City may require studies, in accordance with Chapter F – implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building does not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

**Maps**

4.1.2 Map

- a. That Volume 2: Map B.7.3-1 Urban Lakeshore Area Secondary Plan – Land Use Plan, be amended by:

- i) redesignating the lands from “Low Density Residential 2b” to “Medium Density Residential 3”; and,
- ii) identifying the subject lands as Site Specific Policy – Area E,

as shown on Appendix “A”, attached to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 22-039 passed on the 23<sup>rd</sup> day of February, 2022.

**The  
City of Hamilton**

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

Appendix A  
 APPROVED Amendment No. 144  
 to the Urban Hamilton Official Plan

 Lands to be redesignated from "Low Density Residential 2b" to "Medium Density Residential 3"

 Lands to be identified as Site Specific Policy - Area E  
 ( 1400 Baseline Road, Stoney Creek )





Date:  
 February 10, 2022

Revised By:  
 SS/NB






Reference File No.:  
 OPA-U-144(S)

**Legend**




**Residential Designations**

-  Low Density Residential 2b
-  Low Density Residential 2e
-  Low Density Residential 3c
-  Medium Density Residential 3






**Parks and Open Space Designations**

-  Parkette
-  Neighbourhood Park
-  City Wide Park
-  General Open Space
-  Natural Open Space

**Other Designations**

-  Local Commercial
-  Institutional
- ES** Elementary School
- SWM** Storm Water Management
-  Utility

**Other Features**

-  Area or Site Specific Policy
-  On Street Bikeway
-  Off Street Bikeway / Walkway
-  Municipal Boundary
-  Secondary Plan Boundary

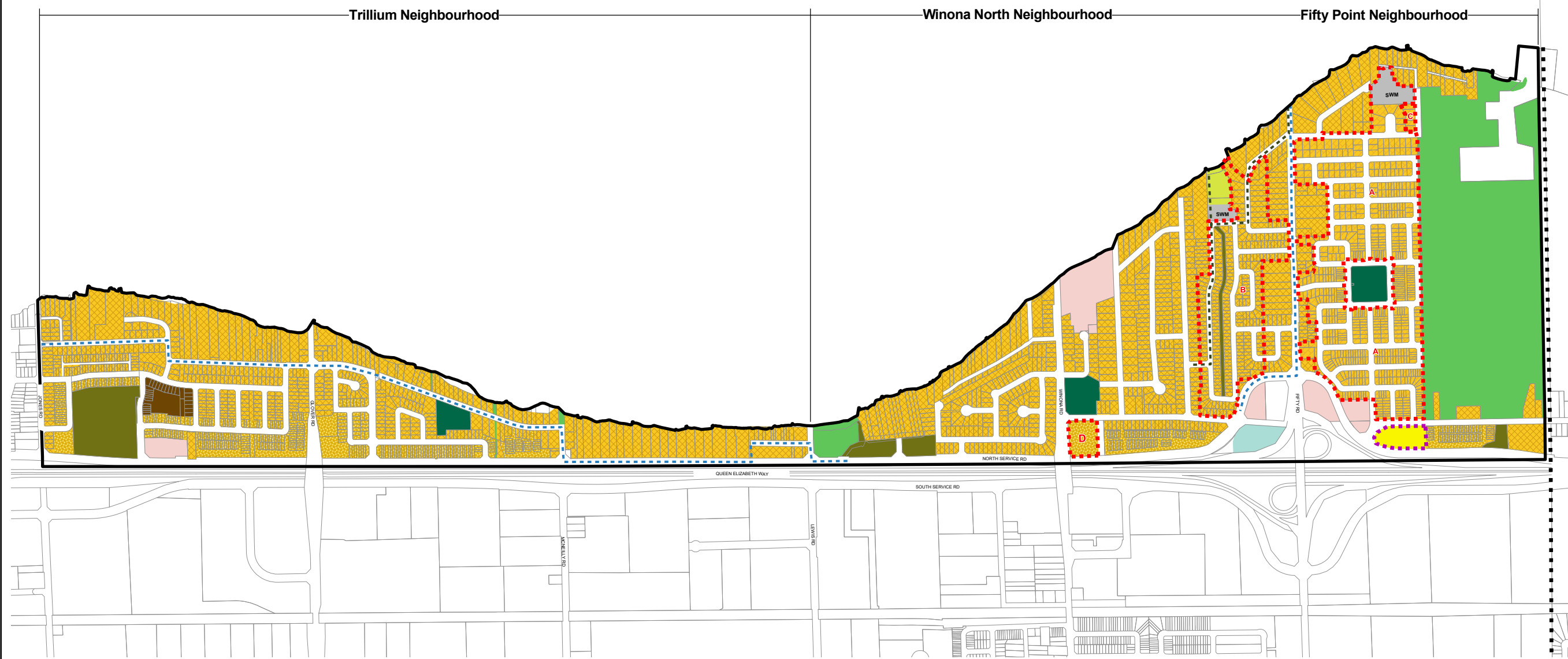
Council Adopted: July 9, 2009  
 Ministerial Approval: March 16, 2011  
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan**  
**Urban Lakeshore Area**  
**Secondary Plan**  
 Land Use Plan  
 Map B.7.3-1



Date: Nov. 23, 2018

**PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**  
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 OF SURVEY



**Authority:** Item 4, Planning Committee  
Report: 22-002 (PED20002(a))  
CM: February 9, 2022  
Ward: 10

**Bill No. 040**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 1400 Baseline Road (Stoney Creek)**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 4 of Meeting 22-002 of the Planning Committee at its meeting held on the 9<sup>th</sup> day of February, 2022, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 144.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”; and,

2. That Subsection 6.10.7 “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law 3692-92, be amended by adding a new Special Exemption, “RM3-69(H)” Zone, Modified, Holding, as follows:

**“RM3-69(H)” Zone, Modified, Holding, 1400 Baseline Road, Schedule “A”, Map No. 4**

1. For the purposes of this By-law, the property line abutting Baseline Road shall be deemed to be a front lot line; all property lines abutting Lockport Way shall be deemed to be a flankage lot lines, the southerly property line abutting North Service Road shall be deemed to be a rear lot line; and the easterly property line shall be deemed to be a side lot line;
2. Notwithstanding the permitted uses of Subsection 6.10.2 of the Multiple Residential “RM3” Zone, those lands zoned “RM3-69(H)” Zone, Modified, Holding by this By-law, only the following uses shall be permitted:
  - (a) Maisonettes;
  - (b) Townhouses;
  - (c) Apartment Dwellings;
  - (d) Dwelling Groups;
  - (e) A Home Occupation; and,
  - (f) Uses, buildings or structures accessory to a permitted use;
3. Notwithstanding the provisions of Paragraphs (d), (e), (f), (g), (i) and (j) of Section 6.10.3 of the Multiple Residential “RM3” Zone, and notwithstanding Section 4.13.1 Daylight Triangles, on those lands zoned “RM3-69(H)” Zone, Modified, Holding by this By-law, the following shall apply:
  - (a) Minimum Yard Regulations for Maisonettes, Townhouses and Dwelling Groups:
    - i) Side Yard - 7.5 metres;
    - ii) Flankage Side Yards - 7.5 metres; and,
    - iii) Rear Yard – 14.0 metres (setback from a Provincial Highway right of-way);
  - (b) Minimum Yard regulations for Apartment Dwellings:
    - i) Side Yard – 30.0 metres;
    - ii) Flankage Side Yards - 7.5 metres; and,

- iv) Rear Yard – 14.0 metres (setback from a Provincial Highway right-of-way);
  - (c) Residential Density: 50 to 99 dwelling units per hectare;
  - (d) Building Height:
    - i) Maisonettes and Townhouses -
      - 1. Maximum 11 metres;
    - ii) Apartment Dwellings –
      - 1. Maximum 7.5 metres façade height for any portion of a building along a street line; and,
      - 2. A building height above 7.5 metres may be equivalently increased as the yard increases beyond the minimum yard regulations established in subsection 3 (b), to a maximum of 33.0 metres;
4. In addition to the provisions of Section 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-69(H)” Zone, Modified, Holding by this By-law, the following shall apply:
- (a) The minimum total of all the amenity areas for apartment dwellings shall be set forth in the following table:
- | <b>Type of Dwelling Unit</b> | <b>Minimum Amenity Area</b> |
|------------------------------|-----------------------------|
| Bachelor Unit                | 1.5 square metres per unit  |
| One Bedroom Unit             | 2 square metres per unit    |
| Two Bedroom Unit             | 3 square metres per unit    |
| Three Bedroom Unit           | 4 square metres per unit    |
| Four Bedroom Unit            | 4 square metres per unit    |
- Not less than 10 percent of the total of the amenity areas shall be provided inside the applicable apartment dwelling, and such inside area shall not be less than 93 square metres.
- 5. Section 6.10.4 shall not apply;
  - 6. Section 6.10.5, Regulations for Parking, of the Multiple Residential “RM3” Zone, shall apply to lands zoned “RM3-69(H)” Zone;
  - 7. On those lands zoned “RM3-69(H)” Zone, Modified, Holding by this By-law, the “H” symbol may be removed by way of an amending Zoning By-law, from



all of the lands subject to this provision when the following conditions have been satisfied:

- (a) That a Traffic Impact Study has been submitted and implemented by the applicant to the satisfaction of the of the Manager of Transportation Planning, City of Hamilton;
  - (b) That the Applicant / Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
  - (c) That the proponent shall carry out an Archaeological Assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI);
  - (d) That the owner/applicant enters into and registers on title all applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to ensure the implementation of any infrastructure upgrade needs identified in the Traffic Impact Study recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton; and,
  - (e) City Council may remove the 'H' symbol and, thereby give effect to the "RM3-69(H)" Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled;
8. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3-69(H)" Zone, Modified, Holding provisions, subject to the special requirements referred to in Section 2 of this By-law; and,

9. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED and ENACTED** this 23<sup>rd</sup> day of February, 2022.

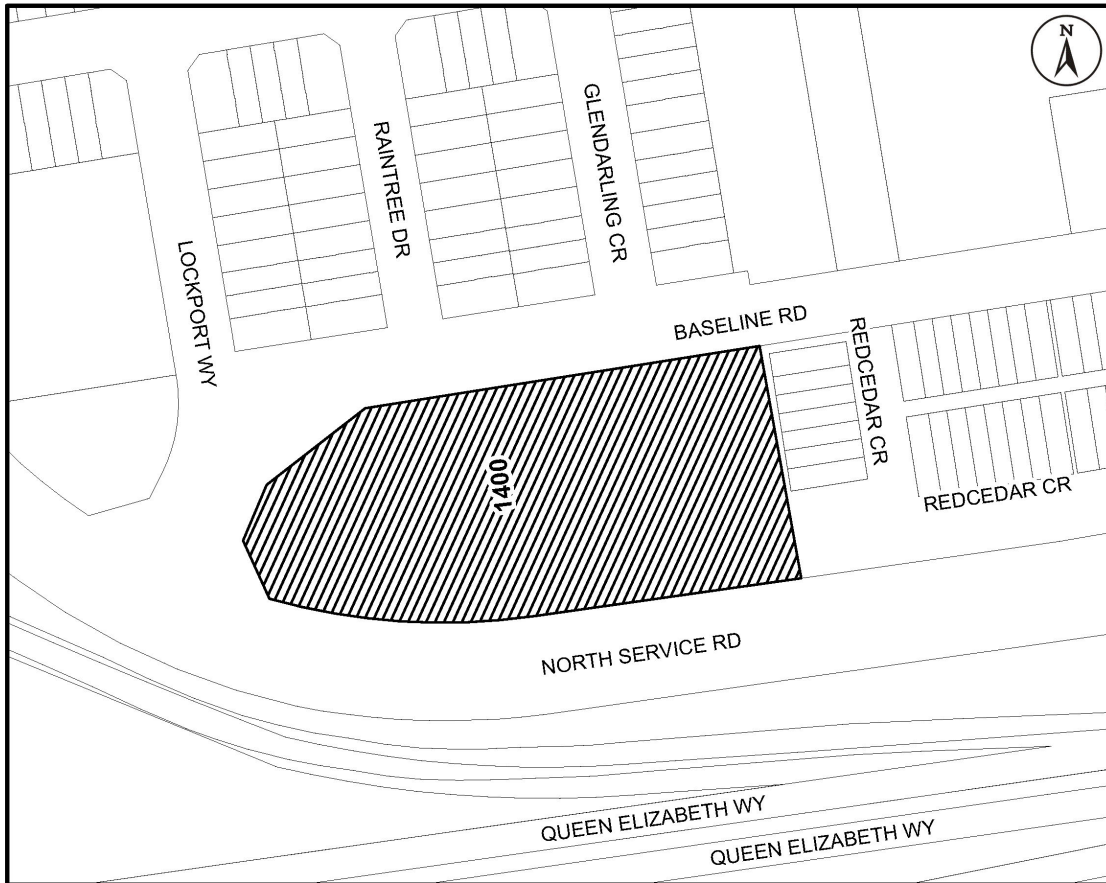
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F. Eisenberger  
Mayor

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A. Holland  
Clerk

CI-20-A



This is Schedule "A" to By-law No. 22-

Passed the ..... day of ....., 2022

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Mayor


-----  
Clerk

**Schedule "A"**

**Map forming Part of**  
**By-law No. 22-\_\_\_\_\_**

**to Amend By-law No. 3692-92**

**Subject Property**  
1400 Baseline Road, Stoney Creek

 Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-69(H)" Zone, Modified, Holding

Scale: N.T.S	File Name/Number: CI-20-A
Date: January 4, 2022	Planner/Technician: AM/VS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



**Authority:** Item 1, Planning Committee  
Report 22-003 (PED22025)  
CM: February 23, 2022  
Ward: City Wide

**Bill No. 041**

**CITY OF HAMILTON**

**BY-LAW NO. 22 -**

**Respecting**

**THE APPOINTMENTS OF A CHIEF BUILDING OFFICIAL,  
DEPUTIES AND INSPECTORS AND TO REPEAL BY-LAW 16-143**

**WHEREAS** section 3 of the *Building Code Act, 1992*, S.O. 1992, c. 23 (the "*Building Code Act, 1992*") provides for the appointment of a Chief Building Official and Inspectors, and section 77 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Schedule F. (the "*Legislation Act, 2006*") provides for the appointment of Deputies;

**AND WHEREAS** section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*") authorizes a municipality to delegate its powers and duties;

**AND WHEREAS** Council deems it necessary to provide for the appointment of a Chief Building Official, Deputy Chief Building Officials, to assist in carrying out the duties of the Chief Building Official, and Inspectors;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. (a) The following person is appointed Chief Building Official and Inspector for the purposes of the *Building Code Act, 1992*:  
  
Ed VanderWindt
- (b) The Chief Building Official has all the power and duties of such office assigned by statute and under by-laws of the City of Hamilton, including any by-law of the former area municipalities comprising the City that remains in force.
2. (a) The following persons are appointed Deputy Chief Building Officials and Inspectors for the purposes of the *Building Code Act, 1992*:
  - (i) Jorge M. Caetano;
  - (ii) Bob Nuttall;
  - (iii) Dio Ortiz; and
  - (iv) Wai Shing George Wong

- (b) As directed by the Chief Building Official or when the Chief Building Official is absent, the Deputies listed in subsection (a) may perform and have all the powers and duties of the Chief Building Official.
  - (c) For the purposes of this section, “absent” includes when the Chief Building Official is ill or unavailable for any reason, or when the office is vacant.
3. The Chief Building Official is authorized to carry out the administrative function of appointing Inspectors, including the function of revoking such appointments, under section 3 of the *Building Code Act, 1992*, subject to the following conditions:
- (a) the Chief Building Official maintains an up-to-date list of Inspectors; and
  - (b) prior to their appointment, each candidate for appointment hold the necessary legislated qualifications for an Inspector.
4. The appointments made under the authority of this by-law shall terminate at the earliest of one of the following dates:
- (a) the date the person appointed ceases to be an employee of the City of Hamilton;
  - (b) the date this by-law is repealed or amended to delete the person’s name from the by-law; or
  - (c) the date the person’s name is deleted from the list of Inspectors maintained by the Chief Building Official under section 3 of this by-law.
5. City of Hamilton By-law No. 16-143 is repealed.
6. This By-law comes into force on the day it is passed.

**PASSED** this 23<sup>rd</sup> day of February, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 12, Committee of the Whole  
Report 01-033 (PD01184)  
CM: October 16, 2001  
Ward: 11

**Bill No. 043**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **Respecting Removal of Part Lot Control**

**Part of Block 1, Registered Plan No. 62M-1281, municipally known as 3311 Homestead Drive, Glanbrook**

**WHEREAS** the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

**AND WHEREAS** the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating 67 Parcels of Tied Land for street townhouse dwellings (Parts 1 to 67), 78 access and maintenance easements (Parts 69 to 147), and land comprised of a private road network, visitor parking, sidewalks, amenities, amenity area and storm water management pond for a Common Element Condominium (Parts 68 and 148-158) on deposited Reference Plan 62R-21840, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Part of Block 1, Registered Plan No. 62M-1281, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 23<sup>rd</sup> day of February 2024.

**PASSED** this 23<sup>rd</sup> day of February, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

PLC-22-005

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

To Confirm the Proceedings of City Council at its meeting held on February 23, 2022.

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 23<sup>rd</sup> day of February 2022, in respect of each recommendation contained in

Public Works Committee Report 22-003 – February 14, 2022,  
Planning Committee Report 22-003 – February 15, 2022,  
General Issues Committee Report 22-005 – February 16, 2022,  
Board of Health Committee Report 22-001 – February 14, 2022,  
Audit, Finance & Administration Committee Report 22-004 – February 17, 2022,  
Audit, Finance & Administration Committee Report 22-005 – February 18, 2022,  
and  
Emergency & Community Services Committee Report 22-003 – February 17,  
2022

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

**PASSED** this 23<sup>rd</sup> day of February 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk