



City of Hamilton
EMERGENCY & COMMUNITY SERVICES COMMITTEE
AGENDA

Meeting #: 22-006
Date: April 21, 2022
Time: 1:30 p.m.
Location: Due to the COVID-19 and the Closure of City Hall (RM)

All electronic meetings can be viewed at:

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

City's Youtube Channel:
<https://www.youtube.com/user/InsideCityofHamilton>

Tamara Bates, Legislative Coordinator (905) 546-2424 ext. 4102

1. CEREMONIAL ACTIVITIES
2. APPROVAL OF AGENDA
(Added Items, if applicable, will be noted with *)
3. DECLARATIONS OF INTEREST
4. APPROVAL OF MINUTES OF PREVIOUS MEETING
 - 4.1. April 7, 2022
5. COMMUNICATIONS
6. DELEGATION REQUESTS
7. CONSENT ITEMS

8. STAFF PRESENTATIONS

9. PUBLIC HEARINGS / DELEGATIONS

10. DISCUSSION ITEMS

- 10.1. Urban Native Homes - Management Plan Update (CES16024(b)) (Wards 2, 3, 4, 6, 7 and 9)
- 10.2. Lost Revenue Replacement Due to Fire at Stoney Creek Community Homes 110 Stoneybrook Drive (HSC22022) (Ward 10)
- 10.3. New Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City Wide)
- 10.4. Fireworks By-Law Review (HSC22018) (City Wide) (Outstanding Business List Item)

11. MOTIONS

- 11.1. Purchase of Key Cards and Reading Equipment for the Gore Building at 89 King Street East

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1. Amendments to the Outstanding Business List
 - a. Items Considered Completed and to be Removed
 - a. Fireworks By-Law Review
 - Item on OBL: 21-J
 - Addressed as Item 10.4 at today's meeting

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



EMERGENCY & COMMUNITY SERVICES COMMITTEE MINUTES 22-005

1:30 p.m.
Thursday, April 7, 2022
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors B. Clark (Chair), N. Nann, T. Jackson, and E. Pauls

Regrets: Councillors S. Merulla and T. Whitehead – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Fire Apparatus Conference/Trade Show Showcase (HSC22019) (City Wide) (Item 7.1)

(Jackson/Nann)

That Report HSC22019, respecting Fire Apparatus Conference/Trade Show Showcase, be received.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 3 Councillor Nrinde Nann
ABSENT - Ward 4 Councillor Sam Merulla
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Chair - Ward 9 Councillor Brad Clark
ABSENT - Ward 14 Councillor Terry Whitehead

2. City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007) (City Wide) (Item 10.1)

(Nann/Pauls)

(a) That the City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market attached as Appendix "A" to Report HSC22007, be endorsed; and,

- (b) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to administer the Secondary Dwelling Units Program and provide support to residents applying to the Secondary Dwelling units Program including: entering into any agreements on such terms as they consider appropriate; approving payments, and taking other actions needed to ensure success, in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 3 to 1, as follows:

YES - Ward 3 Councillor Nrinder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 NO - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Chair - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

3. Shelter System Complaint Resolution Process (Item 11.1)

(Clark/Nann)

WHEREAS, since the onset of COVID-19 there has been a rapid expansion of the emergency shelter system which has created many changes and ongoing challenges for service providers and clients;

WHEREAS, to better support the emergency shelter system in achieving outcomes, continuous improvement processes should be in place to learn from the pandemic response and look for opportunities for improvement;

WHEREAS, opportunities for improvement should be identified in a person-centred way that accounts for individual experiences of those in the emergency shelter;

WHEREAS, there are many avenues in which complaints, concerns or questions can be received by City staff about services and care provided in the emergency shelter system; and

WHEREAS, developing a formal complaint process for Residential Care Facilities has been successful in receiving and responding to complaints, concerns or questions about the services and care provided to residents of these locations;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to formalize a process within the Healthy and Safe Communities Department to receive complaints, concerns or questions about the services and care provided to clients within Hamilton's emergency shelter system;

- (b) That when the complainant feels the issue has not been satisfactorily resolved through working directly with the service provider, that the process allows for complaints, concerns or questions from:
 - (i) Clients of the shelter system;
 - (ii) Anyone acting on behalf of a client including peers, advocates, friends and family members of clients;
 - (iii) Shelter system staff, service coordinators, medical providers, hospitals, social service organizations and paraprofessionals regarding a client(s) issue;
- (c) That once established, staff report back to the Emergency and Community Services Committee on the details of the formalized shelter system complaint resolution process.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 3 Councillor Nrinder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Chair - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

4. Rapid Housing Initiative (RHI) Eligible, Shovel-Ready Locations Inventory (Added Item 11.2)

(Clark/Jackson)

WHEREAS, the City of Hamilton, through City Housing Hamilton, has received tens of millions of dollars through the Federal Government's Rapid Housing Initiative (RHI) program to construct new affordable housing units;

WHEREAS, current projects benefiting from RHI funding will, in part, assist in securing homes for houseless individuals;

WHEREAS, Hamilton has a Housing First mandate;

WHEREAS, there are tight timelines associated with the application process for RHI funding; and

WHEREAS, there is the possibility that a third round of RHI funding may be made available for municipal service providers;

THEREFORE, BE IT RESOLVED:

- (a) That Housing Services staff, in consultation with ***Hamilton is Home Coalition, of which City Housing Hamilton is a part***, prepare a list of Rapid Housing Initiative (RHI) eligible, shovel-ready locations for a possible third round of RHI funding; and
- (b) That the list of Rapid Housing Initiative (RHI) eligible, shovel-ready locations be presented to the Emergency and Community Services Committee for consideration.

Result: Motion, As Amended CARRIED by a vote of 4 to 0, as follows:

YES - Ward 3 Councillor Nrinder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Chair - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

5. Appointments to the Seniors Advisory Committee (Added Item 14.1)

(Pauls/Jackson)

That the recommendation respecting Appointments to the Seniors Advisory Committee be approved and released publicly following approval by Council.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 3 Councillor Nrinder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Chair - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1. Garth Brown, Equality, respecting secondary suites (for today's meeting)

7. CONSENT ITEMS

- 7.3 Seniors Advisory Committee Minutes - March 4, 2022

- 7.4 Interview Sub-Committee to the Emergency and Community Services Committee Minutes – March 22, 2022

12. NOTICES OF MOTION

- 12.1. Rapid Housing Initiative (RHI) Eligible, Shovel-Ready Locations Inventory

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1. Amendments to the Outstanding Business List
 13.1.a. Items Considered Completed and to be Removed
 13.1.a.a. Hamilton Youth Engagement Collaboration (CES15056(b))
 Item on OBL: 17-C
 Addressed at the March 24, 2022 Emergency and Community Services Committee meeting as Item 8.2 – **WITHDRAWN**

14. PRIVATE & CONFIDENTIAL

- 14.1. Appointments to the Seniors Advisory Committee

(Jackson/Pauls)

That the agenda for the April 7, 2022 Emergency and Community Services Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 3 Councillor Nrinder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Chair - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(Nann/Jackson)

That the Minutes of the March 24, 2022 meeting of the Emergency and Community Services Committee, be approved, as presented.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 3 Councillor Nrinder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Chair - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

(d) DELEGATION REQUESTS (Item 6)

(i) Garth Brown, Equality, respecting secondary suites (added Item 6.1)

(Pauls/Nann)

That the Delegation Request from Garth Brown, Equality, respecting secondary suites, be approved, for today's meeting.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 3 Councillor Nrinder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Chair - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

(e) CONSENT ITEMS (Item 7)

(i) Various Advisory Committee and Sub-Committee Minutes

(Jackson/Pauls)

That the following Minutes be received:

- (a) Seniors Advisory Committee – February 4, 2022 (Item 7.2)
- (b) Seniors Advisory Committee – March 4, 2022 (Added Item 7.3)
- (c) Interview Sub-Committee to the Emergency and Community Services Committee – March 22, 2022 (Added Item 7.4)

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 3 Councillor Nrinder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Chair - Ward 9 Councillor Brad Clark

ABSENT - Ward 14 Councillor Terry Whitehead

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Garth Brown, Equality, respecting secondary suites (Added Item 9.1)

Garth Brown, Equality, addressed the Committee respecting secondary suites.

(Nann/Jackson)

That the delegation from Garth Brown, Equality, respecting secondary suites, be received and referred to the consideration of Report HSC22007, respecting City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (Item 8.1).

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 3 Councillor Nrinder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Chair - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

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

(g) MOTIONS (Item 11)

(i) Shelter System Complaint Resolution Process

Councillor Clark relinquished the Chair to Councillor Nann to introduce a motion respecting Shelter System Complaint Resolution Process.

For disposition of this matter, refer to Item 3.

(h) NOTICES OF MOTION (Item 12)

(i) Rapid Housing Initiative (RHI) Eligible, Shovel-Ready Locations Inventory (Added Item 12.1)

(Clark/Jackson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Rapid Housing Initiative (RHI) Eligible, Shovel-Ready Locations Inventory.

Result: Motion CARRIED by a 2/3 vote of 4 to 0, as follows:

YES - Chair - Ward 3 Councillor Nrinder Nann

ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

For further disposition of this matter, refer to Items 4 and (i).

(i) MOTIONS (Item 11) (continued)

(ii) Rapid Housing Initiative (RHI) Eligible, Shovel-Ready Locations Inventory

Councillor Nann relinquished the Chair to Councillor Jackson to introduce an amendment respecting Rapid Housing Initiative (RHI) Eligible, Shovel-Ready Locations Inventory.

(Nann/Pauls)

That the motion respecting Rapid Housing Initiative (RHI) Eligible, Shovel-Ready Locations Inventory, be amended by deleting the words "**CityHousing Hamilton**" and replacing them with "**Hamilton is Home Coalition, of which CityHousing Hamilton is a part,**" to read as follows:

- (a) That Housing Services staff, in consultation with ~~CityHousing Hamilton~~ **Hamilton is Home Coalition, of which City Housing Hamilton is a part**, prepare a list of Rapid Housing Initiative (RHI) eligible, shovel-ready locations for a possible third round of RHI funding; and

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Chair - Ward 3 Councillor Ninder Nann
 ABSENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 9 Councillor Brad Clark
 ABSENT - Ward 14 Councillor Terry Whitehead

For disposition of this matter, refer to Item 4.

Councillor Clark assumed the Chair.

(j) PRIVATE AND CONFIDENTIAL (Item 14)

The Emergency and Community Services Committee determined that it was not necessary to move into Closed Session respecting Item 14.1.

(i) Appointments to the Seniors Advisory Committee (Added Item 14.1)

(Pauls/Jackson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Appointments to the Seniors Advisory Committee.

Result: Motion CARRIED by a 2/3 vote of 5 to 0, as follows:

YES - Chair - Ward 3 Councillor Nrinder Nann
ABSENT - Ward 4 Councillor Sam Merulla
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 14 Councillor Terry Whitehead

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

(k) ADJOURNMENT (Item 15)

(Jackson/Pauls)

That there being no further business, the Emergency and Community Services Committee be adjourned at 2:57 p.m.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Chair - Ward 3 Councillor Nrinder Nann
ABSENT - Ward 4 Councillor Sam Merulla
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 14 Councillor Terry Whitehead

Respectfully submitted,

Councillor B. Clark
Chair, Emergency and Community Services
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	April 21, 2022
SUBJECT/REPORT NO:	Urban Native Homes - Management Plan Update (CES16024(b)) (Wards 2, 3, 4, 6, 7 and 9)
WARD(S) AFFECTED:	Wards 2, 3, 4, 6, 7 and 9
PREPARED BY:	Brian Kreps (905) 546-2424 Ext. 1782 Kim Ryan (905) 546-2424 Ext. 6285
SUBMITTED BY:	Edward John Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the General Manager of Healthy and Safe Communities Department or their designate be authorized and directed to transfer funds in the amount of \$772,072 received from Ross & McBride as final disposition of assets from the dissolution of Urban Native Homes to Ontario Aboriginal Housing Services; and,
- (b) That the General Manager of Healthy and Safe Communities Department or their designate be authorized to execute any documents required in connection with the transfer of \$772,072 to Ontario Aboriginal Housing Services as the final disposition of Urban Native Home's assets, in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

Notice was given to the Province and Urban Native Homes (UNH) on April 4, 2016 that UNH met the definition of a "project-in-difficulty" under the *Housing Services Act, 2011* (the "Act") and that the City, in its capacity as Service Manager under the Act, would exercise remedies to help preserve the housing assets of UNH, pending development of a long term plan for UNH.

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SUBJECT: Urban Native Homes - Management Plan Update (CES16024(b)) (Wards 2, 3, 4, 6, 7 and 9) - Page 2 of 6

A successful sale of the properties and other assets of UNH was completed to Ontario Aboriginal Housing Services (OAHS) in 2018, where OAHS assumed all aspects for the price of the mortgage debt. The Agreement of Purchase and Sale documents as well as the Undertaking Agreement, which required the remaining cash to be paid over to OAHS once all outstanding issues had been resolved. These agreements were subject to consent from the City, in its capacity as Service Manager, as required under the *Housing Services Act* for the transfer of social housing assets. It is important to note that no parties to the transaction nor their solicitors during the transaction identified any issues with the transfer.

The City of Hamilton, as the Service Manager, has continued to assist the UNH Board of Directors with the banking, staffing and litigation issues until all outstanding liabilities were resolved. Housing Services Division staff will continue to work with OAHS on the development of a new operating agreement pending new provincial regulations on minimum requirements for agreements.

A critical issue arose in 2020 related to Canada Revenue Agency and UNH's compliance with CRA regulations applicable to registered charities. In January 2022, the City of Hamilton was contacted by the Charities Directorate relaying that the Minister of Finance of Canada had granted special permission to allow the funds to be transferred without any tax penalty to the City of Hamilton as an eligible donee. The purpose of this report is to ensure that the City has approved the transfer of these funds onward to OAHS.

The funds in trust from Ross & McBride, solicitors for UNH, were received on January 10, 2022 and approval to transfer these funds to OAHS is being requested.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Report CES16024(a) did not envision the challenges posed by UNH's charitable status or that funds might be directed to the City as a result of the Charities Directorate's decision. Legal Services has advised this Report did not provide direction to address this current situation and that Council's permission must be received to transfer the money to OAHS in accordance with the intended plan in the agreement of purchase and sale.

SUBJECT: Urban Native Homes - Management Plan Update (CES16024(b)) (Wards 2, 3, 4, 6, 7 and 9) - Page 3 of 6

Furthermore, Legal Services has confirmed that the Charities Directorates decision to release the funds to the City of Hamilton does not require that the funds be paid to OAHS. The original agreement of Purchase and Sale, however, makes it clear that the balance of UNH's assets were to be paid to OAHS once all outstanding financial obligations were concluded. The City is not a party to the Agreement of Purchase and Sale.

HISTORICAL BACKGROUND

Urban Native Homes Incorporated (UNH) was a non-profit social housing provider that provided housing with a specific mandate to serve the needs of Hamilton's Indigenous community.

After a number of significant operational issues were identified with UNH, it was declared a Project in Difficulty and its board was replaced. On April 27, 2016, Report CES16024 was approved which updated Council on UNH and included the recommendation "that Housing Services Division staff be directed and authorized to request a proposal for services and/or a portfolio transfer plan from Ontario Aboriginal Housing Services (OAHS) for the consideration of the Service Manager."

On January 22, 2018, the Emergency & Community Services Committee approved Report CES16024(a) to transfer ownership and operation of UNH's social housing assets to OAHS, as set out in the Resolution of the Board of Directors of Urban Native Homes Incorporated. The Report also directed staff to enter into a new operating agreement with OAHS governing the transferred assets.

On February 14, 2018, a successful sale of the properties and other assets of UNH was completed to OAHS, which assumed all aspects of the project for the price of the mortgage debt. The Acknowledgement and Undertaking called for the remaining cash to be paid to OAHS once all outstanding issues had been resolved.

From April 2018 to the present, the City of Hamilton, as the Service Manager, has been assisting the UNH Board of Directors with the banking, staffing and litigation issues until all outstanding liabilities were resolved.

A critical issue arose in 2020 related to Canada Revenue Agency (CRA) and UNH's compliance with the regulations as a registered charity. CRA noted that UNH was no longer functioning as a charity and that its remaining assets could not be transferred to an organization that is not registered as a charity without a significant penalty being assessed. OAHS is not a registered charity.

On January 5, 2022, the City of Hamilton was informed by the Charities Directorate that the Minister of Finance of Canada had granted special permission to allow the funds to

SUBJECT: Urban Native Homes - Management Plan Update (CES16024(b)) (Wards 2, 3, 4, 6, 7 and 9) - Page 4 of 6

be transferred without any tax penalty. It was stipulated, however, that the money must be transferred to a qualified donee and that the City of Hamilton was suitable.

The City of Hamilton received the \$772,072.24 from Ross & McBride, solicitors for UNH, on January 10, 2022.

Having resolved all Board duties and outstanding issues the Urban Native Homes Incorporated Board of Directors filed for and received a Certificate of Dissolution dated February 11, 2022.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Under the *Housing Services Act 2011 (Act)* and within the federal and urban native operating agreements, Housing Services Division is designated as Service Manager and is responsible for ensuring that housing projects are well managed; maintained in a satisfactory state of repair; fit for occupancy and that social housing providers are managing their assets in a prudent and fiscally responsible manner to meet their financial obligations.

The Act and operating agreements impose requirements on a Service Manager to take steps to manage associated risk when a housing project is considered to be a project in difficulty (s. 72 of the Act). The Act and operating agreements prescribe triggering events (s.83 of the Act) in relation to a housing project, which allow a Service Manager to exercise prescribed remedies. Under the legislation, Service Managers have broad sweeping powers including “act as the housing provider with respect to all or part of the assets, liabilities and undertakings of the housing provider, including its housing projects.”

To date, the City has assisted UNH to dissolve the corporation with staffing and other Property Manager duties. This included scheduling, attending & recording all UNH Board Meetings, assisting with the settlement of lawsuits, serving Notice to employees, working with Bookkeepers/Auditors, cancelling contracts, paying outstanding bills, etc. At the time of the transfer, it was estimated that UNH had approximately \$1.1 M in liabilities not including five outstanding lawsuits.

In January 2020, a critical issue arose relating to Canada Revenue Agency (CRA) and UNH’s compliance with the regulations for charities. CRA’s administrative policy establishes that once a Notice of Intention to Revoke a Charity’s Registration has been issued, a registered charity can only transfer its remaining assets to an “eligible donee”, or it will be subject to a “revocation tax” equal to the Fair Market Value of the properties transferred. A registered charity constitutes an “eligible donee”, but OAHS does not have registered charity status. However, municipalities are considered an “eligible donee” in situations where an eligible charity cannot be found. In order to keep the

SUBJECT: Urban Native Homes - Management Plan Update (CES16024(b)) (Wards 2, 3, 4, 6, 7 and 9) - Page 5 of 6

property/asset within the charitable sector, CRA may allow the property to be transferred to a municipality for the benefit of the community as it has done in this case.

RELEVANT CONSULTATION

The Charities Directorate of Canada Revenue Agency confirmed that the balance of UNH's assets could not be transferred directly to OAHS without substantial penalty because it is not a qualified donee. The City of Hamilton, however, is a qualified donee.

OAHS and its lawyer, Miller Thomson LLP, have reiterated that the transfer of the balance of assets was part of the original agreement of sale. Furthermore, the funding is urgently needed to address substantial capital needs within the former UNH portfolio in Hamilton.

Financial Planning, Administration and Policy Division, Corporate Services Department has confirmed that direction is required regarding the cheque from Ross and McBride representing the final disposition of UNH's assets.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Once all Urban Native Homes' (UNH) financial obligations had been settled, their account had a balance of \$772,072.24 which was being held by their lawyer Ross & McBride. On January 5, 2022, the federal Minister of Finance, gave approval for remaining UNH funds (held in trust by Ross & McBride) to be transferred to the City of Hamilton as a qualified donee. On January 10, 2022, Ross & McBride issued the funds to the City of Hamilton where they have been received and deposited into a City of Hamilton account.

The funds were being provided to the City of Hamilton to use them for community benefit. While CRA does not require the City of Hamilton to transfer the funding to OAHS, the transfer was included as part of the Undertaking Agreement between UNH and OAHS. The terms of the sale indicate that it is required and is also pursuant to the management plan.

When OAHS purchased UNH's assets, they did not receive the capital reserves which are used to provide for the long-term repairs and replacement of building structures and systems. Similarly, OAHS did not receive any cash or funds that would represent an accumulated surplus that a housing provider would use to address year to year challenges that might result in budget shortfalls. This has made it difficult for OAHS to maintain their buildings in Hamilton and prevented them from making some necessary investments. Approving the transfer of funding to OAHS would allow them to make much needed investments in their properties located in Hamilton.

SUBJECT: Urban Native Homes - Management Plan Update (CES16024(b)) (Wards 2, 3, 4, 6, 7 and 9) - Page 6 of 6

ALTERNATIVES FOR CONSIDERATION

None

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

None



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	April 21, 2022
SUBJECT/REPORT NO:	Lost Revenue Replacement Due to Fire at Stoney Creek Community Homes 110 Stoneybrook Drive (HSC22022) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Carin Finch (905) 546-2424 Ext. 4837 Brian Kreps (905) 546-2424 Ext. 1782
SUBMITTED BY:	Edward John Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to allow Stoney Creek Community Homes to retain their overpayment of subsidy from the fiscal year end of 2021 up to a maximum of \$146,000 to address costs at 110 Stoney Brook not covered by their insurer after April 1, 2022;
- (b) That the General Manager of Healthy and Safe Communities Department or their designate be authorized and directed to allocate funds from other providers' recoveries of overpaid subsidy, if Stoney Creek Community Homes' surplus does not meet the \$146,000 cap; and,
- (c) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to recover any payments made to Stoney Creek Community Homes by their insurer or tenants' insurers covering income replacement beyond April 1, 2022.

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

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SUBJECT: Lost Revenue Replacement Due to Fire at Stoney Creek Community Homes 110 Stoneybrook Drive (HSC22022) (Ward 10) - Page 2 of 5

EXECUTIVE SUMMARY

Stoney Creek Community Home's (SCCH) senior's apartment building at 110 Stoney Brook Drive experienced a fire on April 14, 2021. The damage was extensive, and the restoration is anticipated to take 17 months.

SCCH's insurance coverage only pays business interruption expenses for a maximum of 12 months. The business interruption loss in the amount of \$146,000 for an additional five months will be devastating for SCCH as their expenses will continue to mount during this period.

It is recommended that funding be provided to SCCH to cover the additional five months of business interruption loss. Stoney Creek Community Homes will have a significant overpayment of subsidy for the year ending December 31, 2021. Their RGI subsidy has been under-utilized because they are under their target of Rent-Geared-to-Income subsidies, and they have 30 vacant senior units due to the fire.

It is anticipated that the recoveries in 2022 may be lower than in 2021. In 2021, the Stoney Creek Community Homes (SCCH) provider portfolio contributed to the Housing Services Division surplus with a subsidy recovery of \$222 K related to the 2020 calendar year.

It has been determined by SCCH that they have a deficit of \$29,200 a month in operating costs for 5 months, or until September 2022, that cannot be recovered through the insurance company. The City of Hamilton, as the Service Manager, would like to remedy this deficit by allowing SCCH to retain up to \$146,000 of subsidy in 2022 related to the 2021 calendar year.

In the event SCCH's recovery payable to the City is less than the \$146,000, the balance would be drawn from the recovery of overpaid subsidy from other housing providers.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Over the past several years, the Housing Services Division has had budget surpluses due to the recovery of overpaid social housing operating subsidy to housing providers. The recovery in 2021 totalled \$2.4 M with the budgeted recoveries from social housing providers of \$1 M, the net surplus was \$1.4 M.

This will reduce the subsidy amount recovered but is not expected to negatively impact on the overall budgeted recoveries for 2022.

SUBJECT: Lost Revenue Replacement Due to Fire at Stoney Creek Community Homes 110 Stoneybrook Drive (HSC22022) (Ward 10) - Page 3 of 5

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On April 14, 2021, a fire broke out at 110 Stoneybrook Drive, a senior's building owned by Stoney Creek Community Homes (SCCH). 18 units were severely damaged by fire and water, and tenants from all 30 units were displaced. Most displaced tenants were temporarily re-housed in vacant units managed by Stoney Creek Community Homes or other social housing providers. Some displaced tenants opted to stay with family or in a hotel paid for by their renters' insurance. All have the option to return to their home once the restoration has been completed.

The cost of the restoration estimated to be in the millions, was turned over to their insurance company. It was originally anticipated that restoration would take more than 12 months, but an exact timeline was difficult to obtain due to anticipated supply chain issues.

In the immediate days following the fire, SCCH had incurred significant expenses for security, electrical work and elevator work that needed to be addressed immediately. Thus far, the insurance company is denying the request for reimbursement for these expenses.

SCCH has hired legal representation to speed the claim process and advocate that the full amount of the claim be paid which is an additional expense they have incurred.

There has been a significant financial impact on SCCH operations. Not only the lost revenue from the 30 units that will remain vacant until the restoration is completed, but there has also been an increase in utilities such as hydro while it's being used by the contractors for the restoration.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City of Hamilton is designated as the Service Manager (SM) for Social Housing under the *Housing Services Act, 2001*. Under the Act, the City is required to pay Stoney Creek Community Homes (SCCH) an annual subsidy according to the formula contained in the legislation. SM are allowed, but not required, to provide additional funding to support the operation of listed projects under The Act.

As SM the City is required to meet a Service Level Standard which specifies how many Rent-Geared-to-Income units must be provided annually. The 30 units at 110 Stoney Brook contribute to that Service Level Standard.

SUBJECT: Lost Revenue Replacement Due to Fire at Stoney Creek Community Homes 110 Stoneybrook Drive (HSC22022) (Ward 10) - Page 4 of 5

RELEVANT CONSULTATION

Discussions have taken place with Stoney Creek Community Homes to determine the financial impact associated with the loss of business interruption expenses in the amount of \$29,200 per month.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Due to the COVID-19 pandemic, there have been many delays in the restoration of 110 Stoney Brook Drive. The restoration is anticipated to take at least 17 months to complete.

Stoney Creek Community Homes (SCCH) was informed by their insurer that they do not cover business interruption expenses beyond 12 months and as a result the coverage will end April 2022.

As of February 2022, SCCH has only received one draw from their insurance company in the amount of \$150,000. The insurer has not yet paid any portion of the business interruption expenses and is auditing Stoney Creek Community Homes' business interruption expenses claim. Stoney Creek Community Homes estimates that to date they are out of pocket \$277,000. SCCH have hired legal representation to speed the claim process and advocate that the full amount of the claim be paid.

Assuming SCCH receives the full amount claimed as business interruption expenses for the 12-month period, they will have to cover the remaining loss out of their own operating expenses until the restoration is complete. This will be in the amount of \$29,200 per month which will cause significant financial hardship for the non-profit housing provider.

It is recommended that the City assist SCCH to address loss of revenue when their business interruption expenses insurance coverage ends at the end of April. The proposed amount cap is based on 5 months at a monthly loss. It is proposed that the funding be drawn from SCCH's anticipated repayment to the City as part of their 2021 social housing subsidy reconciliation.

If SCCH is paid for the extended period by their insurer, the amounts paid out will be due back to the City of Hamilton in full.

ALTERNATIVES FOR CONSIDERATION

None

**SUBJECT: Lost Revenue Replacement Due to Fire at Stoney Creek Community
Homes 110 Stoneybrook Drive (HSC22022) (Ward 10) - Page 5 of 5**

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

None



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	April 21, 2022
SUBJECT/REPORT NO:	New Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Brian Kreps (905) 546-2424 Ext. 1782 Al Fletcher (905) 546-2424 Ext. 4711
SUBMITTED BY:	Edward John Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Appendix "A" to Report HSC22025 being a By-law to authorize the City to enter into a "Transfer Payment Agreement - Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative" and to authorize the General Manager of the Healthy and Safe Communities Department to execute the aforesaid agreement, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to deliver and administer the Canada-Ontario Community Housing Initiative ("COCHI") and Ontario Priorities Housing Initiative ("OPHI") programs or any successor thereto;
- (c) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to execute all agreements and documents required to give effect thereto or for the provision of additional funding pursuant to the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative programs, with content satisfactory to the General

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SUBJECT: New Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City Wide) - Page 2 of 8

Manager of the Healthy and Safe Communities Department and in a form satisfactory to the City Solicitor;

- (d) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized to approve and submit the annual Investment Plan pursuant to receiving the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative program guidelines, and to update or amend the Investment Plan, as necessary to deliver and administer the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative program; and,
- (e) That the General Manager of the Healthy and Safe Communities Department be authorized and directed to approve and revise any municipal program guidelines, approve any exceptions to the municipal program guidelines as special or unanticipated circumstances arise, and update or amend the Investment Plan, as necessary to deliver and administer the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative in accordance with all Provincial requirements.

EXECUTIVE SUMMARY

In May 2019, the Ministry of Municipal Affairs and Housing released the Canada-Ontario Community Housing Initiative (“COCHI”) and Ontario Priorities Housing Initiative (“OPHI”) Program Guidelines proposing a 10-year funding plan through 2028. We are currently entering into Phase 2 of this program. In August 2021, the Province released the Canada-Ontario Community Housing Initiative (“COCHI”) and the Ontario Priorities Housing Initiative (“OPHI”) allocation for the year of 2022-2023 (attached as Appendix “B” to Report, HSC22025) which will provide:

- \$4,672,594 – COCHI funding
- \$3,390,400 – OPHI funding

The federal and provincial funding can be used for a suite of housing programs which include investment for capital in new affordable housing developments, the development and repair of affordable housing and rent subsidies/allowances.

Staff propose using COCHI funding to prioritize capital repairs for social housing, assessing the viability of federal social housing providers once operating agreements end, updating building condition assessments for all social housing providers, and providing rent supplements. The capital repair funding and rent supplements will be tied to new agreements with providers to continue to provide deeply affordable housing once their operating agreements expire.

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**SUBJECT: New Canada-Ontario Community Housing Initiative and Ontario
Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City
Wide) - Page 3 of 8**

Staff propose using OPHI to prioritize the development of new affordable rental housing, supporting Ontario Renovates including Secondary Dwelling Unit catalyst funding for the first year of Phase 2 and, as this phase is for 3 years, staff made assumptions of the funding for year 2 and 3 of Phase 2. Staff will report back should there be any substantial change in the funding for the program.

Dates for both the submission of the Investment Plan and the signed Transfer Payment Agreement are yet to be determined by the Province and are likely to be included in the program guidelines.

The City is required to submit a Sustainability Plan detailing how the investments made through COCHI will improve the projects' longevity and affordability. The Sustainability Plan will be brought to the Emergency and Community Services Committee in 2022, once the recipients of funding have been identified.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: For 2022-23 fiscal year, City of Hamilton has received a letter confirming funding for COCHI and OPHI of \$8,062,994. This is the Year 1 of 3 for Phase 2 funding. Guidelines describing the program priorities and requirements for phase 2 have not been released.

Staff anticipate that this funding will not require security beyond signing the Transfer Agreements.

If Phase 2 is consistent with Phase 1, The City of Hamilton is required to fully spend the annual operating funding and commit capital funding in the fiscal year that the funds are allocated. City of Hamilton has until September 15 of each fiscal year to reallocate funding between operating and capital. A Q3 financial report is due to the Ministry by January 30 of each year outlining projected expenditures for the fiscal year. Any identified savings may be required to be returned to the Ministry upon demand and cannot be carried over into the next fiscal year.

In the 2022-23 fiscal year, City of Hamilton may use up to 5% or \$403 K of their annual allocation for program administration costs. However, the province encourages Service Managers to reduce administration costs below 5% to provide more funding to program recipients.

SUBJECT: New Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City Wide) - Page 4 of 8

Where applicable and unless otherwise stated in the Program Guidelines, the Ministry will provide quarterly payments based on the information requested through the Investment Plan. Generally, payments to Service Manager are made in April, July, October and no later than March 1.

At this time, these requirements are assumptions. Agreements will not be executed with agencies until the guidelines are received and the Investment Plan is approved by the Province.

Staffing: N/A

Legal: While the Transfer Payment Agreement has not been received yet, historically, Legal Services staff has reviewed the report recommendations and the Transfer Payment Agreement. Legal staff noted a number of concerns with previous Transfer Payment Agreements, including but not limited to:

- The powers of the Province to require certain matters or actions are broad, vague and entirely within the discretion of the Province;
- There is little or no ability for the City to question the Province's actions under the Agreement; and,
- Provisions in the Agreement will require the City to pass on additional risks to the successful funding recipients in the community.

Housing Services Division staff consulted with the Ministry of Municipal Affairs and Housing who responded in writing that there is no opportunity for negotiation of the terms of the Transfer Payment Agreement. Accordingly, if the City wishes to receive OPHI/COCHI funding, it be required to sign the Agreement as is.

To ensure that the City complies with the terms of the Transfer Payment Agreement and risks to the City are mitigated to the extent possible, Legal Services staff will be involved in the review and drafting of any ancillary agreements as may be required to deliver the COCHI and OPHI programs.

HISTORICAL BACKGROUND

In April 2019, the Province of Ontario announced the Canada-Ontario Community Housing Initiative ("COCHI") and the Ontario Priorities Housing Initiative ("OPHI"), typically referred to as COCHI/OPHI, as well as the City's three-year funding allocations in the amount of \$16.7M. The announcement was brought to the attention of Council through Report HSC19042(a) on September 5, 2019.

SUBJECT: New Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City Wide) - Page 5 of 8

August 23, 2021, the Province provided the 2022-23 Planned Funding Allocations for Provincially-Delivered Housing and Homelessness Prevention Programs. The allocation included an extension of OPHI funding contrary to the 2019 announcement which had indicated that OPHI funding was to expire in 2022 with no extension. The program guidelines and requirements and Transfer Payment Agreement are expected soon.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

As explained in Report HSC19042(a), the obligation to maintain the Service Level Standard still continues despite the continued expiry of operating agreements and mortgages. While the Provincial Government has acted to prevent community housing organisations from exiting the Housing Services Act and therefore the obligation to provide social housing, no direct additional funding has been allocated to the Service Managers to maintain the continuity of subsidy provision. The new COCHI allocation is therefore providing a cushion for limited continued subsidy funding for community housing providers.

Hamilton has an undersupply of affordable rental housing units. To address its housing crisis, Council endorsed a 10-Year Housing and Homelessness Action Plan (HHAP) with the first outcome area to increase the supply of affordable housing. The City is currently falling below its stretch target of development of 350 new units per year. OPHI and COCHI funding will partially support the City's effort in meeting the HHAP stretch target.

Dates for when both the Investment Plan and the signed Transfer Payment Agreement must be submitted is yet to be determined by the Province and likely to be included in the program guidelines. It is expected, under the terms of the Transfer Payment Agreement, the City is responsible to administer, deliver, and report on the programs in accordance with the Transfer Payment Agreement which includes the program guidelines.

RELEVANT CONSULTATION

As a condition of previous OPHI and COCHI funding, Staff held a community stakeholder consultation meeting on July 24, 2019. Close to 40 participants representing affordable housing proponents (stakeholders from the affordable housing development community), Housing and Homelessness Action Plan Planning Group; members of the Housing and Homelessness Advisory Committee and community housing providers (social housing) developed numerous priorities for the utilization of COCHI and OPHI funding.

**SUBJECT: New Canada-Ontario Community Housing Initiative and Ontario
Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City
Wide) - Page 6 of 8**

The priorities selected during the 2019 consultations included capital repairs for community housing, creation of new affordable housing units, supporting the creation of a secondary dwelling unit subsidy and proving housing subsidies to residents. These priorities are still relevant today and have been worsened by the pandemic. Unless the upcoming program guidelines provide a change to the original funding targets, staff believe this new funding provides an opportunity to build on the priorities made during the 2019 consultation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Assuming the release of the regulations and guidelines for use of the COCHI and OPHI funds remains largely the same, staff provide the following analysis of the proposed use of the funds:

A. Canada-Ontario Community Housing Initiative (COCHI)

COCHI funding is an investment to offset the ongoing decline of federal funding for social housing. COCHI provides:

- an opportunity for Service Managers and housing providers to address the challenges associated with projects reaching the end of their operating agreements and/or mortgage maturity as well as much needed capital repairs.
- an important source for rent-geared-to-income housing that is threatened as projects reach the end of operating agreements.

The COCHI funding will help the City protect RGI tenants in non-profit and co-operative housing projects with expiring operating agreements/mortgages; preserve social housing supply through repairs and renovations, including urban native housing; and support social housing providers that can demonstrate their potential for long-term sustainability with transitional operating funding. COCHI funding cannot be used to offset municipal social housing subsidy expenditures.

B. Ontario Priorities Housing Initiative (OPHI)

Staff propose prioritizing OPHI funding for the development of new and retention and repair of existing affordable rental housing supply by funding traditional affordable rental construction, but also by supporting the development of new second units and capital repairs.

a) New Affordable Rental Construction

**SUBJECT: New Canada-Ontario Community Housing Initiative and Ontario
Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City
Wide) - Page 7 of 8**

The absence of newly developed rental housing stock over the last 20 years has constrained supply and led to increasing rents. While the number of new units that can be funded with OPHI is limited and development is expensive, it is important to continue to build new supply.

Allocating a significant portion of the OPHI funds to new affordable rental development is recommended for the following reasons:

1. New units can help moderate the increasing negative impacts of the lack of affordable rental supply.
2. Offset any overages in construction costs associated with the supply chain issues and significant increase costs for materials and trades;
3. It enables leveraging much larger amounts of funding through CMHC's Co-Investment Fund (CIF). In spite of challenges, the CIF is the primary funding source available for creating new affordable rental housing in Canada. To access CIF dollars, proponents must demonstrate that they have secured provincial or municipal contributions, which can include OPHI funds.
4. Invest in pre-development costs to support moving development costs closer to "shovel-ready" to permit greater ability to meet funding occupancy requirements.

b) New Focus for Ontario Renovates

While the majority of OPHI funding is proposed to be dedicated to the development of new deeply affordable rental housing supply, the draft revised Housing and Homelessness Action Plan recommends that Hamilton take a broader and more innovative approach to reach its supply and quality targets. To this end, staff recommend investing a portion of OPHI funding into various aspects of Ontario Renovates (OR).

Staff are proposing the use of the OPHI funds for the following:

- Basic health and safety repairs to the homes of low-income homeowners; basic health and safety repairs to affordable private market rental and community housing, including single rooms and emergency shelters; and,
- As catalyst funding to support the creation of new secondary dwelling units on existing residential properties including granny flats, accessory apartments, laneway homes and basement apartments.

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**SUBJECT: New Canada-Ontario Community Housing Initiative and Ontario
Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City
Wide) - Page 8 of 8**

Overall, the intent of the OPHI spending is to seek opportunities to maintain the existing supply of housing as well as increase the supply of both affordable and innovative housing units – goals to which the above will secure.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC22025: By-law authorizing the Transfer Payment for COCHI and OPHI

Appendix “B” to Report HSC22025: COCHI and OPHI Funding Allocation to City of Hamilton

Authority: Item XX, Emergency & Community Services Committee
Report XXX
CM: XXX

CITY OF HAMILTON

BY-LAW NO. XX-XXX

To Authorize the Execution of the Ontario Transfer Payment Agreement for the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing for the Province of Ontario to Receive Funding Under the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative

WHEREAS the City is the Service Manager under the *Housing Services Act, 2011* and is authorized to operate and manage housing, including establishing, administering and funding programs for the provision of residential accommodation in its service area;

AND WHEREAS the Ministry of Municipal Affairs and Housing has allocated three years of funding to the City of Hamilton under the Canada-Ontario Community Housing Initiative to repair, regenerate and expand community housing, and to protect affordability support for tenants, and the Ontario Priorities Housing Initiative to address local priorities in the areas of housing supply and affordability, including affordable rental construction, community housing repair, rental assistance, tenant supports, and affordable homeownership, in its service area;

AND WHEREAS in May 2019, the Ministry of Municipal Affairs and Housing established the 10-year plan for the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative which outlined guidelines through 2028;

AND WHEREAS on August 23, 2021, the Ministry of Municipal Affairs and Housing outlines the 2022-2023 planning allocation of \$4,672,594 funding for Canada-Ontario Community Housing Initiative and \$3,390,400 funding for Ontario Priorities Housing Initiative;

AND WHEREAS the Minister has not yet released the implementing regulations for both programs;

NOW THEREFORE Council of the City of Hamilton enacts as follows:

1. Upon receipt of the implementing regulations, the General Manager of the Healthy and Safe Communities Department or their designate is authorized and directed to enter into and sign a Transfer Payment Agreement between the City

Appendix "A" to Report HSC22005

Page 2 of 2

of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing for the Province of Ontario to receive funding under the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative;

2. This By-Law shall come into effect upon its passing.

PASSED this _____ day of _____, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre
777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



August 23, 2021

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

Dear Fred Eisenberger:

Re: 2022-23 Planned Funding Allocations for Provincially-Delivered Housing and Homelessness Prevention Programs

I am pleased to be writing to you today with important details regarding your 2022-23 planned funding allocations for your housing and homelessness prevention programs.

As you know, our government understands the importance of housing that is affordable, adequate and accessible, and that meets the needs of Ontario's diverse communities and populations.

As part of our government's investment in housing and response to COVID-19, we are projecting to invest over \$3 billion in 2020-21 and 2021-22, which will help sustain, repair and grow community housing, and address homelessness across Ontario. This includes the province's Social Services Relief Fund (SSRF), which to date has invested over \$1 billion to protect vulnerable populations, deliver critical services, and create longer-term housing solutions during the COVID-19 pandemic. Additional funding under the SSRF for 2021-22 was announced on August 16, 2021. This builds off of several other investments the Ontario government has made for vulnerable populations.

We also continue to work closely with the federal government to advocate for the needs of Ontarians, and to ensure that our residents receive their fair share of federal funding. Currently, Ontario receives its federal allocations for the National Housing Strategy (NHS) based on population, even though we have just over 44 percent of national population living in core housing need. As we begin to negotiate the amendments to the NHS Bilateral Agreement and the second NHS Action Plan, we will continue to advocate for a funding allocation based on need with the federal government.

As we continue to respond to the COVID-19 pandemic, we look forward to continuing our vital work together to provide affordable housing options in our local communities.

To assist with planning, we are now pleased to provide **your specific planned funding allocations for the 2022-23 fiscal year.**

Please note that all funding amounts included below are for planning purposes only and are subject to confirmation through the province’s annual budget planning process. Allocations for the National Housing Strategy (NHS) programs – COCHI; OPHI; COHB – are subject to agreement with the Canada Mortgage and Housing Corporation on NHS Bilateral Agreement amendments.

2022-23 Fiscal Year Planned Funding Allocations – City of Hamilton

Program	Allocation Amount
Canada-Ontario Community Housing Initiative (COCHI)	\$4,672,594
Ontario Priorities Housing Initiative (OPHI)	\$3,390,400
Canada-Ontario Housing Benefit (COHB)	\$1,872,000
Community Homelessness Prevention Initiative (CHPI)*	\$19,645,911
Home For Good (HFG)*	\$1,000,000
Strong Communities Rent Supplement Program (SCRSP)**	\$1,921,307
Service Manager Federal Funding for Social Housing***	\$12,588,883

Notes:

* The funding allocations for CHPI and HFG are at the same level as the 2021-22 allocations. Given the ongoing program review, allocations and programs guidelines may be subject to change.

** Please note that the Ministry continues to evaluate SCRSP. As this work continues, Ministry staff will communicate updates to Service Managers as they become available.

*** As previously communicated in the October 28, 2017 issue of The Ontario Gazette, this represents Federal Social Housing Agreement planning allocations, in total value, converted into fiscal year. Payments will be adjusted and paid in accordance with the *Housing Services Act, 2011*.

For more information on the programs listed above, please see the enclosed Appendix. Again, we sincerely appreciate your efforts to assist vulnerable residents and to keep people safe as we move forward with recovering from the COVID-19 pandemic. I look forward to continuing our vital work together to provide affordable housing options in our local communities.

Yours truly,



The Honourable Steve Clark
Minister of Municipal Affairs and Housing

Enclosures

- c. Janette Smith, Chief Administrative Officer
- Edward John, Director of Housing Services
- Ian Russell, Team Lead, Municipal Services Office

Appendix – Program Descriptions

Canada-Ontario Community Housing Initiative (COCHI)

To support Ontario's *Community Housing Renewal Strategy*, COCHI was launched in fiscal 2019-20. COCHI funding is provided under the National Housing Strategy and represents a reinvestment of federal funding that has been declining under the *Canada-Ontario Social Housing Agreement*.

COCHI provides an opportunity for Service Managers and housing providers to address the challenges associated with social housing projects reaching the end of their operating agreements and/or mortgage maturity. This initiative provides flexible funding for social housing affordability support, repair and/or new supply.

Ontario Priorities Housing Initiative (OPHI)

In addition to launching COCHI under the *Community Housing Renewal Strategy*, the Ministry also launched OPHI in fiscal 2019-20. OPHI is modelled on similar, previous affordable housing programs and funding is provided under the National Housing Strategy.

OPHI provides significant flexibility to address local priorities in the areas of housing supply and affordability, including new affordable rental construction, community housing repair, rental assistance, tenant supports and affordable homeownership.

Canada-Ontario Housing Benefit (COHB)

Launched in April 2020, the COHB is a joint federal/provincial housing allowance program under the National Housing Strategy.

The purpose of the COHB is to increase the affordability of rental housing by providing an income-tested, portable housing benefit payment directly to eligible households in housing need that are on, or are eligible to be on, a social housing waiting list, and to households in housing need living in community housing. To date, over 8,300 households across Ontario have been approved for assistance through this program.

Community Homelessness Prevention Initiative (CHPI)

CHPI is a 100 per cent provincially funded outcomes-based program that aims to prevent and end homelessness by improving access to adequate, suitable, and affordable housing and homelessness services for people experiencing homelessness and for people at-risk of homelessness. Service Managers are provided with funding and are given the flexibility to design programs to address their local needs and priorities.

Home For Good (HFG)

HFG is a homelessness-focused program that provides funding for housing assistance and support services to vulnerable populations within the four provincial priority homelessness areas of chronic homelessness, youth homelessness, Indigenous homelessness and homelessness following transitions from provincially-funded institutions and service systems (e.g., hospitals and prisons).

Strong Communities Rent Supplement Program (SCRSP)

The SCRSP provides long-term funding to Service Managers to assist clients who are on, or eligible to be on, social housing waiting lists with rent supplement assistance. This provincially funded and delivered program runs until March 31, 2023, with an annual budget of approximately \$50 million.

Service Manager Federal Funding for Social Housing

As stated in the *Housing Services Act, 2011*, the Ministry is required to publish a notice in *The Ontario Gazette* of the annual amount of federal funding payable to each Service Manager. The annual allocations for 2021 to 2032 for each Service Manager were published in the October 28, 2017 issue of *The Ontario Gazette*. This was done to facilitate effective budget planning to the end of the social housing operating agreements and to help Service Managers understand the implications of federal funding declining to zero.



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Hamilton Fire Department

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	April 21, 2022
SUBJECT/REPORT NO:	Fireworks By-Law Review (HSC22018) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Michael Rember (905) 546-2424 Ext. 3376
SUBMITTED BY:	David Cunliffe Chief, Hamilton Fire Department Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the amending By-law attached as Appendix “A” to Report HSC22018 to amend the City of Hamilton’s By-law 02-285, To Regulate the Sale and Use of Fireworks (the “Fireworks By-law”) which has been prepared in a form satisfactory to the City Solicitor, be enacted effective immediately by Council;
- (b) That By-law 07-025, a By-law to Amend Fireworks By-law No. 02-285 to Provide for the Sale of Family Fireworks for a Period of 14 days, Prior to Holidays be repealed in its entirety; and,
- (c) That the item respecting the Fireworks By-Law Review be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

Staff undertook a review of the existing Fireworks By-Law to determine whether its content and scope aligned with current community fire safety, social responsibility, and inclusivity needs.

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SUBJECT: Fireworks By-Law Review (HSC22018) (City Wide) - Page 2 of 8

An environmental scan of several communities provided points of comparison regarding the sale and use of family fireworks (referred to as “consumer fireworks” under the *Explosives Act*, R.S.C., 1985, c. E-17, which are designed for recreational use by members of the general public.

The recommendations in this report derive from consideration of the following key decision points: fire safety, legislation and recommendations, environment, and inclusivity.

Staff are proposing:

- (a) That the sale of family fireworks be permitted for only seven days prior to Victoria Day and Canada Day – reduced from 14 days in the current By-law;
- (b) That the use/discharge of family fireworks be permitted on Victoria Day and Canada Day only, or in case of inclement weather the day immediately following Victoria Day or Canada Day. This would reduce the number of use/discharge days to a total of two days each year from the current 10;
- (c) That the use/discharging of family fireworks be limited to the time period between dusk and 11:00 p.m. on Victoria Day and Canada Day only (or the day following each holiday in case of inclement weather); and,
- (d) That the use of professional display/pyrotechnic fireworks be maintained as per current practice as this supports the message of diversity and inclusivity in the community by allowing groups, organizations, and communities to celebrate on any day of the year pending permit issuance.

The Hamilton Fire Department will continue to issue permits to firework vendors and professional display operators, inspect fireworks retail sales outlets for compliance, issue compliance orders to those retail sales outlets being found in violation and provide emergency response in case of medical or fire-related issues stemming from fireworks use. Additionally, the Hamilton Fire Department will look to enhance the level of public education relating to fireworks safety through local media and social media channels with the assistance of Corporate Communications.

The current enforcement strategy for Licensing and Bylaw Services (LBS) focuses on public complaint for the roadside sales and the display of private fireworks, usually identified by a nuisance type of concern. The roadside sales of fireworks require a transient traders/peddlers license together with a fireworks permit. There are limitations in the availability of staff to proactively enforce both the sales or display of fireworks. As part of continuous improvement efforts, staff will work to evaluate the internal service levels of both departments to identify inefficiencies and limitations administering and

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SUBJECT: Fireworks By-Law Review (HSC22018) (City Wide) - Page 3 of 8

enforcing the regulations for fireworks within the City of Hamilton. LBS will continue to respond to noise complaints as a result of fireworks.

Alternatives for Consideration – See Page 7**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Legal Services provided direction on the amending By-law to the existing Fireworks By-Law 02-285.

HISTORICAL BACKGROUND

In November 2021, the Hamilton Fire Chief and staff were directed to review the City's bylaw that regulates fireworks sales and residential use.

There was a significant increase in noise and nuisance complaints related to fireworks in 2020 and 2021 compared with prior years. Concerns included time of day, proximity to adjacent residences, use of City owned property, inducing anxiety in certain persons and animals, size of the fireworks display, pollution and debris.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

- By-Law 02-285 To Regulate the Sale and Use of Fireworks
- Ministry of the Attorney General approvals are required to update short form wording for the Set Fine Schedule respecting By-law 02-285.
- Provincial Offences Act, R.S.O. 1990, c. P.33, as amended
- Ontario Fire Code (O. Reg 213/07)
- *Explosives Act*, R.S.C., 1985, c. E-17

RELEVANT CONSULTATION

Consultation has taken place with staff from the City's Licensing and By-Law Services and Legal Services Divisions.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The current Fireworks By-law regulates the discharge of both family fireworks and display/pyrotechnic fireworks.

SUBJECT: Fireworks By-Law Review (HSC22018) (City Wide) - Page 4 of 8**Display / Pyrotechnic Fireworks**

A permit must be issued by the City of Hamilton, for display/pyrotechnic fireworks, which may occur on any day of the year, pending permitted approval by the Hamilton Fire Chief (or their designate). Display/pyrotechnic fireworks are for professional use only and require training and certification by Natural Resources Canada (NRCAN). There are no recommended revisions to alter this approval process within the existing Fireworks By-law or this report.

Family Fireworks

Family fireworks are fireworks designed for recreational use by members of the general public over the age of 18, such as roman candles, fountains and sparklers.

The current By-law allows individuals to set off family fireworks on Victoria Day and Canada Day and the two days immediately preceding and following each of those days. This represents a total of 10 days per year. This number is higher than in several surrounding communities who have either recently revised or are in the process of revising their fireworks by-laws.

The existing By-law permits the sale of family fireworks for a period of 14-days prior to and including the holiday. This number is higher than several of the surrounding communities, who on average permit seven days.

Staff reviewed the by-laws and regulations associated with the sale and use of family fireworks in several municipalities. The two primary points of comparison included the number of sales days per year (timeframe during which vendors may sell family fireworks), and the number of permissible use/discharge days per year.

Tables 1 and 2 below illustrate the respective information.

Table 1 - Family Fireworks By-Law Permitted Sale Days

Municipality	Permitted Sale Days for Family Fireworks
Brampton	7 days prior to Victoria Day, Canada Day, Diwali, New Year's Eve
Burlington	6 days prior to Victoria Day, Canada Day
Brantford	5 days prior to Victoria Day, Canada Day
Grimsby	7 days prior to Victoria Day, Canada Day
Hamilton (current)	14 days prior to Victoria Day, Canada Day
Niagara Falls	Annual period between May 1 – July 6
Oakville	Not specified
Ottawa	7 days prior to Victoria Day, Canada Day
Mississauga	Not specified
St. Catharines	7 days prior to Victoria Day, Canada Day
Richmond Hill	7 days prior to Victoria Day, Canada Day

SUBJECT: Fireworks By-Law Review (HSC22018) (City Wide) - Page 5 of 8

Except for Brampton and Niagara Falls, the remaining communities permit family fireworks sales less than half the number of days that Hamilton does.

Table 2 - Family Fireworks By-Law Allowed Use/Discharge days

Municipality	Permitted Use/Discharge Dates for Family Fireworks	Total Annual Discharge Days
Brampton	Victoria Day, Canada Day, Diwali, New Year's Eve	4
Burlington	Victoria Day, Canada Day	2
Brantford	Victoria Day, Canada Day or on the three (3) calendar days immediately preceding those days	8
Grimsby	Victoria Day and Canada Day or each of two (2) days immediately preceding or seven (7) days immediately following of those days	20
Hamilton (current)	Victoria Day, Canada Day and the two days immediately preceding and following each of those days	10
Niagara Falls	Victoria Day, Canada Day; the day immediately preceding and three (3) days immediately following those dates	10
Oakville	Victoria Day, Canada Day, New Year's Day, and any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event, including the day of, the day before, or the day after	9+
Ottawa	Victoria Day, Canada Day and the day before or after	6
Mississauga	Victoria Day, Canada Day, Diwali, Lunar New Year, and if rain delayed - the day following the holiday	4
St. Catharines	Victoria Day, Canada Day and the day before or after	6
Richmond Hill	Victoria Day, Canada Day and the day before or after	6

With the exception of Grimsby and Niagara Falls, Hamilton's total number of use/discharge days is greater (66% on average) than in eight of the other jurisdictions compared.

Concerns have been expressed about the nuisance and safety aspects of family fireworks displays in the community. Staff conducted an analysis of both the perceived risks as well as existing regulations and legislation that speak to the potential hazards of fireworks handling and use.

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Municipal Law Enforcement (MLE) provided data on noise complaints received due to the discharging of fireworks between 2017 and 2021. These ranged from less than five in 2017 and 2018, to 10 in 2019, then 24 and 26 in 2020 and 2021 respectively. Of note is the fact that due to COVID-19 a temporary fireworks ban was in place during a portion 2020.

The Hamilton Fire Department received five fireworks complaints in 2021 – all of them citing improper use, three of them associated with use in parks and public areas, and four resulting in debris on abutting properties. While the overall number of complaints were small, over 50% of cases occurred on City land.

There are several different legislations and regulations that control the manufacture, storage, handling, transportation, sale and use of fireworks in Canada and the Province of Ontario. For information purposes, a summary of the applicable laws has been provided below, which operate in addition to the City's existing Fireworks By-law:

- Section 5.2 of the 2015 Ontario Fire Code regulates explosives, fireworks and pyrotechnics. Div. B, Article 5.2.1.2. – The manufacture, storage, handling, transportation, sale and use of explosives shall meet the requirements of the *Explosives Act* and the Regulations made under the *Explosives Act*.
- The *Explosives Act* is the Act relating to the manufacture, testing, acquisition, possession, sale, storage, transportation, importation and exportation of explosives and the use of fireworks. It requires anyone working with explosives to have a license, certificate or permit issued by the Minister of Natural Resources, and makes exceptions for certain low-hazard explosives, low-hazard pyrotechnics, sporting ammunition and consumer (family) fireworks. It is also applicable to (high hazard) display/pyrotechnic fireworks displays. The Explosive Regulations, 2013 (SOR/2013-211) provides regulations for the safe and secure handling of explosives.

The Office of the Fire Marshal (OFM) does not recommend family fireworks or informal neighbourhood displays in order to “reduce the risk of fire and burn injuries.” Instead, the OFM encourages individuals to “attend professional fireworks displays hosted by their municipality or another responsible organization using NRCan fireworks certified technicians.” According to figures provided by the OFM, fireworks were blamed for 83 fires and \$3.9 million in damage in Ontario between 2014 and 2018. These are the most recent figures available from the OFM.

Several municipalities have used an inclusivity lens when contemplating changes to their fireworks by-laws. This aligns with Hamilton's 2016 – 2025 Strategic Plan focus on Culture and Diversity to support the inclusion of religious and cultural events within our community. Equally, the nature of cultural celebration can be polarizing at time – especially when there is a desire to avoid exclusion or marginalization.

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This requires consideration of those individuals who would be in favour of adding additional family fireworks discharge dates, as well as the percentage of those whose preference would be for no fireworks at all.

Staff considered a holistic approach to the impact of fireworks in the community. Not only are fireworks considered a fire hazard, the loud noise created by fireworks can induce fear, stress and anxiety in people and animals (wildlife and family pets). Also, while fireworks are enjoyed by some as part of a celebration, there are many individuals in the community that find them a frightening ordeal. The noise from fireworks is loud, sudden and can be reminiscent of the sounds of war and/or attacks. It is not uncommon for veterans, civilians, new Canadians, refugees and first responders to have a negative experience from the sound and/or display of fireworks.

The recommendation by staff is to only allow family fireworks use/discharge on Victoria Day and Canada Day between dusk and 11:00 p.m., or in case of inclement weather the day immediately following (same time period). This would reduce the number of use/discharge days to a total of two days each year.

Additionally, the sale of family fireworks would be reduced from a 14-day to a 7-day period prior to and including the holiday.

ALTERNATIVES FOR CONSIDERATION

In light of the growing concern regarding the fire safety, environmental, and social impacts of fireworks displays, consideration could be given to an outright ban on the sale and use of fireworks in the community. This could include family fireworks only, or both family and display/pyrotechnic fireworks.

As climate change actions and environmental protection becomes more prevalent, places around the world are acting to reduce the negative impacts of fireworks. Some examples are; Banff, Alberta has cut out the use of fireworks for large celebrations all together due to the adverse effects on local wildlife. Vancouver, British Columbia has banned the sale and use of fireworks completely.

This alternative is not being recommended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

SUBJECT: Fireworks By-Law Review (HSC22018) (City Wide) - Page 8 of 8

Clean and Green

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to report HSC22018: By-Law - To Amend By-law 02-285, a By-law to Regulate the Sale and Use of Fireworks

Appendix “A” to Report HSC22018
Page 1 of 5

Authority: Item ,
Report (HSC22018)
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 22-xxx

To Amend By-law 02-285, a By-law to Regulate the Sale and Use of Fireworks and to Repeal By-law 07-025

WHEREAS; section 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “*Municipal Act, 2001*”) provides that a municipality may regulate or prohibit the sale of fireworks; and

WHEREAS Council enacted By-law 02-285, a By-law to Regulate the Sale and Use of Fireworks (the “Fireworks By-law”) on October 9, 2002; and

WHEREAS Council deems it necessary to amend the Fireworks By-law to address the discharge of fireworks and to address other housekeeping matters;

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. That By-law 02-285 be amended by repealing the definitions of “display fireworks”, “family fireworks”, “Fire Chief”, “Fire Department”, “General Manager”, “pyrotechnics”, and “prohibited fireworks” and replacing those definitions with the following:

“display fireworks” means Type F.2 high-hazard firework articles that are classed under the *Explosives Act*, and the *Explosives Regulations* under that Act, designed for use by professionals holding a Fireworks Operator Certificate issued by the Explosives Regulatory Division of Natural Resources Canada (NRCan). These articles include but are not limited to items such as aerial shells, cakes, roman candles, waterfalls, lances and wheels;

“family fireworks” has the same meaning as “consumer fireworks” under the *Explosives Act* and means Type F.1 low-hazard firework articles that are classed under the *Explosives Act*, and the *Explosives Regulations* under that Act, designed for recreational use by the public. These articles include but are not limited to items such as roman candles, sparklers, fountains, wheels, volcanoes, mines, and snakes;

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“Fire Chief” means the City’s Fire Chief of the Hamilton Fire Department, or their designate;

“Fire Department” means the Hamilton Fire Department;

“General Manager” means the City’s General Manager of the Healthy and Safe Communities Department, or their designate;

“pyrotechnics” means Type F.3 high-hazard pyrotechnic articles that are classed under the *Explosives Act*, and the *Explosives Regulations* under that Act, designed for use by professionals holding a Fireworks Operator Certificate issued by the Explosives Regulatory Division (ERD) of Natural Resources Canada (NRCan). These articles include items such as gerbs, mines, comets and cassettes. Certification for pyrotechnics also includes special purpose pyrotechnics manufactured for the film and television industry.

“prohibited fireworks” means firecrackers, flying lanterns, and also those types of fireworks more particularly described in Schedule “A” hereto annexed;

3. That By-law 02-285 be amended by adding the following definitions:

“Display Supervisor” means an individual possessing a valid Fireworks Operator certificate at the level of Supervisor as issued by the Explosives Regulatory Division (ERD) of Natural Resources Canada (NRCan);

“*Explosives Act*” means the *Explosives Act*, R.S.C. 1985, c. E-17, as amended;

“*Explosives Regulations*” means Explosives Regulations, 2013 (SOR/2013-211), as amended;

4. That the title in section 2 of By-law 02-285 be amended by repealing the title and replacing it with the following:

Ban Against Possession or Use of Prohibited Fireworks

5. That By-law 02-285 be amended by repealing subsections 2.1, 2.2, and 2.3 and replacing them with the following:

2.1 No person within the City shall possess, offer for sale, cause or permit to be sold, or sell any prohibited fireworks.

2.2 No person within the City shall discharge, fire, set off or cause, or permit to be discharged, fired or set off any prohibited fireworks.

2.3 The prohibition against the possession of prohibited fireworks under subsection 2.1 does not apply with respect to prohibited fireworks that are within the City solely as a result of their being in transit while being transported by a railway, airline, trucking company or other public carrier.

Appendix “A” to Report HSC22018
Page 3 of 5

6. That By-law 02-285 be amended by adding the following subsection after subsection 3.2:
 - 3.3 No person shall offer for sale, cause or permit to be sold, or sell family fireworks without displaying or otherwise making available to purchase, the fireworks information outlining the safe handling of fireworks, including any information or brochures that may be required under the *Explosives Act* or supplied by the manufacturer.
7. That subsection 5.3 of By-law 02-285 be amended to replace the word “fourteen” with the word “seven”.
8. That By-law 02-285 be amended by repealing subsection 6.1 and replacing it with the following:
 - 6.1 Subject to subsection 6.2, no person shall set off family fireworks except on Victoria Day and Canada day, or the day immediately following either of those days if precluded by inclement weather on Victoria Day or Canada Day, and every person shall only set off family fireworks on those permitted days during the time period between dusk and 11:00 p.m.
9. That By-law 02-285 be amended by repealing subsection 6.5 and replacing it with the following:
 - 6.5 No person shall set off family fireworks:
 - (a) on or into any highway, street, lane, boulevard, roundabout, or private roadway;
 - (b) on or into any land used for school purposes;
 - (c) on or into any park, parkette, trail, linear park, land used for storm water management, square, other public place or any land owned by the government of Canada, or the City of Hamilton, or any of their boards or agencies; or
 - (d) on any land whatsoever, except on land belonging to the person setting off the fireworks, or on other privately-owned land where the consent of the owner has been obtained.
10. That By-law 02-285 be amended by repealing subsection 7.1 and replacing it with the following:
 - 7.1 No person shall sell or otherwise distribute, offer for sale, cause or permit to be sold, or possess for the purposes of sale or distribution, any display fireworks unless,
 - (a) those fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Regulatory

Appendix “A” to Report HSC22018
Page 4 of 5

Division of the Department of Natural Resources Canada or its successor; and

(b) the fireworks are kept and maintained in a magazine licensed by the Explosives Regulatory Division of the Department of Natural Resources Canada or its successor.

11. That By-law 02-285 be amended by repealing subsection 7.2 (b) and replacing it with the following:

7.2 (b) holds a valid Fireworks Operator certificate at the level of Display Supervisor.

12. That By-law 02-285 be amended by repealing subsection 8.1 and replacing it with the following:

8.1 Any person eighteen years of age or over, who is duly authorized under the *Explosives Act* and approved thereunder as a Display Supervisor, may apply to the General Manager of Healthy and Safe Communities, for a permit to set off or hold a display of display or family type fireworks.

13. That subsection 8.2 of By-law 02-285 be amended by repealing the words “fireworks supervisor” and replacing them with “Display Supervisor”.

14. That By-law 02-285 be amended by repealing subsection 8.6 (d) and replacing it with the following:

8.6 (d) proof that the applicant has been approved by the Explosives Regulatory Division of the Department of Natural Resources Canada as a Display Supervisor.

15. That By-law 02-285 be amended by repealing subsection 8.9 (b) and replacing it with the following:

8.9 (b) conform to the provisions of the current issue of the Display Fireworks Manual as published from time to time by the Explosives Regulatory Division of the Department of Natural Resources Canada, or any successor publication, for the setting off or holding of a display of display fireworks.

16. That By-law 02-285 be amended by repealing subsection 11.2 (b) and replacing it with the following:

11.2 (b) the specifications, recommendations or requirements, as the case may be, set down in the Special Effects Pyrotechnic Manual as issued and updated from time to time by the Explosives Regulatory Division of the Department of Natural Resources Canada.

17. That in all other respects, By-law 02-285 is confirmed; and

Appendix "A" to Report HSC22018
Page 5 of 5

18. That By-law 07-025, a By-law to Amend Fireworks By-law No. 02-285 to Provide for the Sale of Family Fireworks for a Period of 14 days, Prior to Holidays be repealed in its entirety; and
19. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON MOTION

Emergency and Community Services: April 21, 2022

MOVED BY COUNCILLOR S. MERULLA.....

SECONDED BY COUNCILLOR

Purchase of Key Cards and Reading Equipment for the Gore Building at 89 King Street East

WHEREAS, the Ward 2 office has recently heard from both residents of the Gore Building at 89 King Street East and from CityHousing Hamilton staff that the Gore Building has consistent issues with regards to people who are not residents, entering and allegedly doing illegal things;

WHEREAS, the safety and security of CityHousing Hamilton residents is of paramount concern and a mandate of CityHousing Hamilton; and

WHEREAS, a request has been made that we employ “key cards” for the residents and staff of the Gore Building at 89 King Street East, to ensure the building is safe for all moving forward.

THEREFORE, BE IT RESOLVED:

- (a) That funds be allocated for the purchase of key cards and reading equipment for the Gore Building at 89 King Street East, to an upset limit of \$9,000, to be funded through the Ward 2 Area Rating Special Capital Reinvestment Reserve account number 108052.