



## City of Hamilton

# AUDIT, FINANCE AND ADMINISTRATION COMMITTEE ADDENDUM

**Meeting #:** 22-012  
**Date:** June 16, 2022  
**Time:** 9:30 a.m.  
**Location:** Council Chambers  
Council Chambers, Hamilton City Hall  
71 Main Street West

Angela McRae, Legislative Coordinator (905) 546-2424 ext. 5987

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## 5. COMMUNICATIONS

- \*5.1. Correspondence from David Bronskill, Goodmans LLP, respecting Item 8.1 Community Benefits Charge Strategy - 41-61 Wilson Street and 97, 99 and 117 John Street North

Recommendation: Be received and referred to consideration of Item 8.1.

- \*5.2. Correspondence from Lou Piriano, Realtors Association of Hamilton-Burlington, respecting Item 8.1 Community Benefits Charge Strategy

Recommendation: Be received and referred to consideration of Item 8.1.

## 6. DELEGATION REQUESTS

- \*6.1. Michelle Diplock and Daryl Keleher, West End Home Builder's Association, respecting Item 8.1 - Community Benefits Charge Strategy (For today's meeting)
- \*6.2. Brent Marshall on behalf of Wahed Al-Jabry, Hamilton Downtown Mosque, respecting their support of City staff's recommendations in Item 10.2 (For today's meeting)
- \*6.3. Alex Bishop, on behalf of DCR Holdings Inc and Harlo Capital, respecting Item 10.3 (For today's meeting)





Barristers & Solicitors

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June 15, 2022

Our File No.: 000031

**Via E-mail (angela.mcrae@hamilton.ca)**

Audit, Finance and Administration Committee  
City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4y5

**Attention: Angela McRae, Legislative Coordinator**

Dear Sirs/Mesdames:

**Re: Item 8.1 – Community Benefits Charge Strategy – 41-61 Wilson Street and 97, 99 and 117 John Street North**

We are solicitors for the owners of the property known municipally in the City of Hamilton (the “City”) as 41-46 Wilson Street and 97, 99 and 117 John Street North (the “Property”). We are writing to provide our client’s comments to the Audit, Finance and Administration Committee regarding the draft community benefits charge by-law (the “Draft CBC By-law”).

### **Background**

The Property is subject to existing zoning that permits certain as-of-right heights and density for which a Section 37 contribution is not required. This was the City’s decision to ensure an approach to intensification of the Property (and others within the same area).

Our clients have significantly advanced the planning processes for the Property in reliance on this approach. Although the Property is subject to conditional site plan approval, we understand that the City is not prepared to allow our client to apply for a building permit at this time. This would prevent our client from avoiding application of the Draft CBC By-law.

The concern is that the Draft CBC By-law does not recognize the approach to pre-zone the Property (and others) without a Section 37 requirement. Passage of the Draft CBC By-law without a corresponding exemption would result in the Property being subject to payment of a community benefits charge contrary to the planning history for the Property.

In passing zoning by-law amendments in certain areas, including for the Property, the City deliberately chose not to secure facilities, services or matters in return for an increase in the height/density of development. Our client relied on this decision of City Council in purchasing

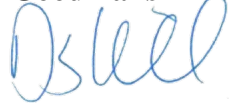
the Property and proceeding with development. However, the transition in Section 37.1 of the *Planning Act* may not apply to the Property, meaning that the City's decision not to apply Section 37 to the Property would be reversed absent an exemption in the Draft CBC By-law.

We would respectfully request that the City recognize the planning history for the Property and specifically exempt the Property from the imposition of community benefits charges. This would be consistent with the current approach to Section 37 for the Properties and protect the ongoing planning processes.

We would appreciate if this correspondence could be included as part of the record. Please also accept this letter as our request to receive notice of any decisions of the City regarding the Draft CBC By-law.

Yours truly,

**Goodmans LLP**



David Bronskill  
DJB/

cc: Clients

7280395



June 16, 2022

**To:** Members of the Hamilton Audit, Finance and Administration Committee & City Council  
**City of Hamilton**  
 52 Jackson St W, Hamilton

## Introduction

Thank you for accepting this correspondence from the REALTORS® Association of Hamilton-Burlington (RAHB). RAHB is a 100-year-old not-for-profit organization that proudly represents nearly 3,800 local REALTOR® members.

Today, we are writing to you as a key stakeholder in housing whose values include quality of life, private property ownership, a fair and efficient real estate marketplace, and promoting economically vibrant communities. We feel it is important to weigh in on issues such as Community Benefits Charges (CBC) in Hamilton.

## The Issue

RAHB REALTORS® understand that nothing comes for free and that the airport, parking, and landfill services that would be paid for with the Community Benefits Charge are part of the often-overlooked infrastructure that allows our world to run smoothly. With housing affordability being near top-of-mind for almost all Hamiltonians, it is essential to remember that any costs imposed on development will be passed down to homebuyers.

Given that the Community Benefits Charge would apply only to developments five or more storeys tall and with ten or more residential units, in housing terms, it is essentially a tax on new apartment buildings. With an already heated housing market, imposing a new surcharge, which will further raise prices, is not in the best interest of current or future residents of Hamilton.

RAHB is glad to see exemptions for 50 per cent of the cost for residential facilities, as this shows an awareness of the issue. Unfortunately, though, when looked at alongside the nine per cent increase in development charges, this is still more than a ten per cent increase in cost for new apartment developments. Furthermore, since apartment buildings represent the densest type of residential dwelling and play a critical role in reaching the city's growth targets, it's hard to see how this taxation aligns with GRIDS and the MCR.

## The Solution

RAHB urges the committee not to impose CBC's for all residential units to keep housing costs down for homebuyers and renters. Instead, RAHB wants to see Hamilton continue to have a flourishing and diverse housing spectrum for years to come.

Sincerely,

**Lou Piriano**

2022 President

REALTORS® Association of Hamilton-Burlington



Submitted on Thursday, June 9, 2022 - 9:28am Submitted by anonymous user: 172.70.38.107 Submitted values are:

==Committee Requested==

Committee: Audit, Finance & Administration Committee  
Will you be delegating in person or virtually? Virtually  
Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): West End Home Builders Association  
Name of Individual: Michelle Diplock and Daryl Keleher  
Preferred Pronoun:

Contact Number:  
Email Address: [michelle@westendhba.ca](mailto:michelle@westendhba.ca)  
Mailing Address: 1112 Rymal Road East

Reason(s) for delegation request: To speak to the City of Hamilton's Audit, Finance and Administration Committee on Hamilton's New Community Benefits Charge. WE HBA will be joined by our consultants from Altus Group, Daryl Keleher and Alex Beheshti.

Will you be requesting funds from the City? No  
Will you be submitting a formal presentation? No





Submitted on Tuesday, June 14, 2022 - 12:35pm Submitted by anonymous user: 162.158.126.164 Submitted values are:

==Committee Requested==

Committee: Audit, Finance & Administration Committee

Will you be delegating in person or virtually? In person (as of May 30, 2022)

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): HAMILTON DOWNTOWN MOSQUE

Name of Individual: Brent Marshall on behalf of Wahed Al-Jabry, who will also be in attendance

Preferred Pronoun:

Contact Number: 905-515-7544

Email Address: [bmarshall@shlaw.ca](mailto:bmarshall@shlaw.ca)

Mailing Address: 221 York Boulevard, Hamilton, Ontario L8R 1Y6

Reason(s) for delegation request: Speak in support of city staff recommendations (item 10.2 of the agenda)

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Submitted on Wednesday, June 15, 2022 - 7:44am Submitted by anonymous user: 172.71.22.133 Submitted values are:

==Committee Requested==

Committee: Audit, Finance & Administration Committee

Will you be delegating in person or virtually? In Person

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): (on behalf of DCR Holdings Inc and Harlo Capital)

Name of Individual: Alex Bishop

Preferred Pronoun:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request:

I wish to speak on behalf of respecting a request for extension of Development Charge Demolition Credits, Hamilton Central Business Park - Formerly 440 Victoria Ave. N. now Studebaker Place and Ferris St. - DCR Holdings Inc. (Item 5.1)

(Formerly 440 Victoria Ave. N. now Studebaker Place and Ferris St. - DCR Holdings Inc and Harlo Capital)

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No