



**City of Hamilton**  
**GENERAL ISSUES COMMITTEE**  
**AGENDA**

**Meeting #:** 23-006  
**Date:** February 1, 2023  
**Time:** 9:30 a.m.  
**Location:** Council Chambers  
Hamilton City Hall  
71 Main Street West

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

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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 January 12, 2023 - Special EOC Training
  - 4.2 January 12, 2023 - Special JSB Training
  - 4.3 January 18, 2023
5. **COMMUNICATIONS**
6. **DELEGATION REQUESTS**
  - 6.1 Kim Zivanovich, respecting Item 9.2, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (In-Person) (For today's meeting)
7. **DELEGATIONS**

- 7.1 Julie Alexander, Enbridge Gas on behalf of Enbridge Gas and ArcelorMittal Dofasco, respecting an upcoming project in the City of Hamilton (In-Person) (Approved January 18, 2023)

## 8. STAFF PRESENTATIONS

## 9. CONSENT ITEMS

- 9.1 Barton Village Business Improvement Area Revised Board of Management (PED23029) (Wards 2 and 3)
- 9.2 Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(d) / LS23013) (City Wide)

## 10. DISCUSSION ITEMS

- 10.1 Barton Village Business Improvement Area (BIA) Proposed Budget & Schedule of Payment (PED23030) (Wards 2 and 3)
- 10.2 2023 Budget Submission – Advisory Committee for Persons with Disabilities (CM23005) (City Wide)
- 10.3 Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors (PED23021) (City Wide)
- 10.4 Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) (Outstanding Business List Item)

*Deferred from the January 18, 2023 General Issues Committee meeting.*

Note: This item will be addressed following Closed Session.

## 11. MOTIONS

- 11.1 Amendment to Appendix “A” of Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021 - REVISED
- 11.2 Urban Boundary Expansion and Greenbelt Plan
- 11.3 City of Hamilton Property Tax Bill Increases Due to Ontario Legislative Changes

## 12. NOTICES OF MOTION

## 13. GENERAL INFORMATION / OTHER BUSINESS

## 14. PRIVATE AND CONFIDENTIAL

## 14.1 Closed Minutes - January 12, 2023 - Special JSB Training

Pursuant to Sections 9.3 and 9.5 of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (f) and Section 239(3.1) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and is meeting is being held for the purposes of educating or training members; and, at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

## 14.2 Closed Minutes - January 18, 2023

Pursuant to Section 9.3, Sub-section (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to labour relations or employee negotiations.

## 14.3 Disposition of City-Owned Parking Lot (PED23026) (Ward 4)

Pursuant to Section 9.3, Sub-section (c) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

## 14.4 Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(h)) (City Wide)

Pursuant to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

*Deferred from the January 18, 2023 General Issues Committee meeting.*

14.5 Encampment Litigation Update (LS20023(e)) (City Wide)

Pursuant to Section 9.3, Sub-sections (b), (e), and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (e), and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

*Deferred from the January 18, 2023 General Issues Committee meeting.*

**15. ADJOURNMENT**



## SPECIAL GENERAL ISSUES COMMITTEE MINUTES 23-002

1:30 p.m.

January 12, 2023

Council Chambers, City Hall, 2<sup>nd</sup> Floor  
71 Main Street West, Hamilton, Ontario

**Present:** Mayor A. Horwath, Councillors M. Wilson (Acting Deputy Mayor), J. Beattie, C. Cassar, B. Clark, J.P. Danko, M. Francis, T. Hwang, T. Jackson, C. Kroetsch, N. Nann, E. Pauls, M. Spadafora, M. Tadeson, A. Wilson,

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

### THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

**1. Emergency Operations Centre (EOC) Training - Emergency Management Orientation (Item 4.1)**

**(a) (Clark/Nann)**

- (i) That the Medical Officer of Health or designate be directed to investigate the thresholds of opioid deaths and overdoses that would enable the declaration of a state of emergency and report back to the Board of Health; and,
- (ii) That staff be directed to include in their report the response required to address such an emergency; and available sources of funding to enable an effective response by the City of Hamilton.

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

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis

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Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**(b) (Clark/Spadafora)**

That staff be directed to report back to the Emergency and Community Services Committee on whether the City has the authority to require any property owner to report on the storage of hazardous materials over a specified volume to the Hamilton Fire Department.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Absent	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**(c) (M. Wilson/Nann)**

That staff be directed to identify an approach to integrate equity into the Emergency Plans to ensure residents made vulnerable or disproportionately impacted by social determinants of health are included and report back to the General Issues Committee with any resource implications.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Absent	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

The Committee Clerk advised of that there were no changes to the agenda.

**(Tadeson/A. Wilson)**

That the agenda for the January 12, 2023 Special General Issues Committee meeting, be approved, as presented.

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

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson

Yes - Ward 14 Councillor Mike Spadafora  
Absent - Ward 15 Councillor Ted McMeekin

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) PRIVATE & CONFIDENTIAL (Item 3)**

**(i) Emergency Operations Centre (EOC) Training - Emergency Management Orientation (Item 4.1)**

**(Clark/Spadafora)**

That the Emergency Operations Centre (EOC) Training - Emergency Management Orientation, be conducted in Open Session.

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

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

Fire Chief Dave Cunliffe; Connie Verhaeghe, Senior Emergency Management Coordinator; and Kirsten Marples, Emergency Management Coordinator, provided the training respecting the Emergency Operations Centre (EOC) - Emergency Management Orientation, and answered questions of Committee.

**(Hwang/Cassar)**

That the training presentation respecting the Emergency Operations Centre (EOC) - Emergency Management Orientation, be received.



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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Absent	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

For disposition of this matter, refer to Item 1.

**(d) ADJOURNMENT (Item 15)**

**(Jackson/Tadeson)**

That there being no further business, the General Issues Committee be adjourned at 12:00 p.m.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Absent	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

Respectfully submitted,

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Councillor Maureen Wilson  
Acting Deputy Mayor, General Issues  
Committee

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Angela McRae  
Legislative Coordinator  
Office of the City Clerk



## SPECIAL GENERAL ISSUES COMMITTEE MINUTES 23-003

1:30 p.m.

January 12, 2023

Council Chambers, City Hall, 2<sup>nd</sup> Floor  
71 Main Street West, Hamilton, Ontario

- Present:** Mayor A. Horwath (Chair)  
Councillors J. Beattie, C. Cassar, B. Clark, J.P. Danko, M. Francis,  
T. Hwang, T. Jackson, N. Nann, E. Pauls, M. Spadafora, M. Tadeson,  
A. Wilson, and M. Wilson
- Absent:** Councillor T. McMeekin – Personal  
Councillor C. Kroetsch – City Business

### THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

#### 1. Joint Stewardship Board (JSB) Training (Item 4.1)

##### (Clark/Cassar)

That staff be directed to release the Joint Stewardship Board (JSB) Training materials, excluding Section 4 – pages 72 – 77 which contain Confidential legal advice, publicly following Council approval.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie

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Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Absent	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

The Committee Clerk advised that there were no changes to the agenda.

**(A. Wilson/Spadafora)**

That the agenda for the January 12, 2023 Special General Issues Committee meeting, be approved, as presented.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Absent	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) PRIVATE & CONFIDENTIAL (Item 3)**

**(i) Joint Stewardship Board (JSB) Training (Item 4.1)**

**(Clark/Spadafora)**

That Committee move into Closed Session respecting Item 4.1, pursuant to Sections 9.3 and 9.5 of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (f) and Section 239(3.1) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and as the meeting is being held for the purposes of educating or training members; and, at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Absent	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

For disposition of this matter, refer to Item 1.

**(d) ADJOURNMENT (Item 15)**

**(Hwang/Beattie)**

That there being no further business, the General Issues Committee be adjourned at 3:46 p.m.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Absent	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

Respectfully submitted,

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Mayor Andrea Horwath  
Chair, General Issues Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



## **GENERAL ISSUES COMMITTEE MINUTES 23-004**

9:30 a.m.

January 18, 2023

Council Chambers, City Hall, 2<sup>nd</sup> Floor  
71 Main Street West, Hamilton, Ontario

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**Present:** Mayor A. Horwath (Chair)  
Councillors J. Beattie, C. Cassar, B. Clark, J. P. Danko, M. Francis, T. Hwang, T. Jackson, C. Kroetsch, N. Nann, E. Pauls, M. Spadafora, M. Tadeson, A. Wilson, M. Wilson

**Absent:** Councillor T. McMeekin – Personal

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### **THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

- 1. Correspondence from Janice M. Shearer, Director, Chair of the Board of Directors, Dr. Bob Kemp Hospice Foundation Inc., respecting to officially move into an exploratory phase by Dr. Bob Kemp Hospice, and with city staff, to examine the viability of the acquisition of land at 41 South St. W (rear), Dundas, to build a “Campus of Care” for a pediatric hospice and centre of excellence for grief and bereavement that will serve Southwestern Ontario (Added Item 5.2)**

**(A. Wilson/M. Wilson)**

WHEREAS, the City of Hamilton (the “City”) is the owner of the lands municipally located at 41 South Street West, Dundas;

WHEREAS, on February 22, 2017, Council approved a report (CM17003) that identified a rear portion of the 41 South Street West lands (the “Subject Site”) as surplus to the operational requirement of Wentworth Lodge;

WHEREAS, on January 24, 2018 (in approving GIC Report 18-002 (Item18)), a number of properties, including the Subject Site, were declared surplus for disposition for affordable housing purposes. Additionally, staff were authorized to undertake suitable consultation with private, not-for-profit; and public organizations to determine appropriate consideration of disposition of the properties;

WHEREAS, on August 12, 2019, General Issues Committee deferred consideration of a report entitled “Disposition Strategy – Portion of the Wentworth Lodge Lands (PED19138)”, and on December 15, 2021, Council received the report;

WHEREAS, the Dr. Bob Kemp Hospice has approached the City with the objective of securing property on which to build a “Campus of Care” for a pediatric hospice and centre of excellence for grief and bereavement that will serve Southwestern Ontario; and,

WHEREAS, the Dr. Bob Kemp Hospice has submitted a written request to explore the possibility of and initiate due diligence to examine the viability of the acquisition of land at 41 South St. W (rear), Dundas, to build the proposed “Campus of Care”:

THEREFORE, BE IT RESOLVED:

- (a) That Dr. Bob Kemp Hospice be granted permission to explore the possibility of acquiring the vacant surplus lands at 41 South St. W (rear), Dundas (the “Subject Site”), including conducting due diligence on the viability and development potential for the proposed “Campus of Care”, and be required to undertake public engagement and consultation toward the potential opportunity, all at its sole cost and expense;
- (b) That staff be directed to undertake the due diligence required to determine the feasibility of the proposed disposition of the Subject Site to the Dr. Bob Kemp Hospice, including but not limited to valuation, tenure, land use, and maximization of site utilization;
- (c) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as property owner, be authorized to provide any consents, approvals, and notices that may be required for any due diligence activities conducted by Dr. Bob Kemp Hospice; and,
- (d) That staff report back to the General Issues Committee with recommendations respecting a land disposition strategy for the Subject Site.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis



Absent	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**2. Human Resources Recruitment and Retention Strategy (HUR23002) (City Wide) (Item 14.5)**

**(Hwang/Spadafora)**

- (a) That the directions provided to staff in Closed Session, respecting Report HUR23002 Human Resources Recruitment and Retention Strategy be approved; and
- (b) That Report HUR23002, respecting the Human Resources Recruitment and Retention Strategy remain confidential.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Absent	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**3. Economic Development Manufacturing Strategy Update (PED23005) (City Wide) (Item 8.1)**

**(Hwang/Jackson)**

That Report PED23005, respecting the Economic Development Manufacturing Strategy Update, be received.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**4. Residential Vacant Unit Tax Program Framework (FCS21017(c)) (City Wide) (Item 8.2)**

**(Nann/Kroetsch)**

- (a) That the Residential Vacant Unit Tax program framework as detailed in Appendix "A" to Report FCS21017(c) be approved;
- (b) That the City Solicitor be authorized and directed to prepare all necessary by-laws for the purposes of levying and collecting the Residential Vacant Unit Tax for the 2023 reference year;
- (c) That any annual net operating revenues of the Residential Vacant Unit Tax Program be transferred to a new Affordable Housing Reserve for affordable housing initiatives after the implementation costs are repaid to the Investment Stabilization Reserve 112300;
- (d) That a late mandatory declaration fee under the Residential Vacant Unit Tax Program of \$250 be charged; and,

- (e) That staff be directed to report back with the findings from the first year of the Residential Vacant Unit Tax as part of an annual reporting requirement.

**Result: MOTION, CARRIED by a vote of 9 to 5, as follows:**

Conflict	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**5. Business Improvement Areas (BIAs) Revised Board of Management (Items 9.2 to 9.8)**

**(Kroetsch/Tadeson)**

**(a) Westdale Village Business Improvement Area (BIA) Revised Board of Management (PED23006) (Ward 1) (Item 9.2)**

That the following individuals be appointed to the Westdale Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Robert Crockford, Westdale Theatre;
- (ii) Ron Gabor, HPL Westdale Branch;
- (iii) Jordan Geertsma, Snooty Fox;
- (iv) Biyao Hu, Second Cup Westdale;
- (v) Paul Milki, Cupcakes of Westdale;
- (vi) Ilona Santa, Casual Gourmet;
- (vii) Anita Shilliday, Pace Credit Union;
- (viii) Isha Soni, Pizzaioli;
- (ix) David Simpson, Simpson Wellenreiter Law.

**(b) Waterdown Village Business Improvement Area (BIA) Revised Board of Management (PED23008) (Ward 15) (Item 9.3)**

That the following individuals be appointed to the Waterdown Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Amanda Groves, Groves Law;
- (ii) Shari Stolpmann, BLR LLP;
- (iii) Sheila Locke, Re/Max Smart Realty;
- (iv) Buket Necip, Free2Be Wellness;
- (v) Christina Birmingham, Birmingham Consulting Inc;
- (vi) Shari Reaume, Turkstra Lumber;
- (vii) Jenn Calvano, Rockhaven Realty;
- (viii) Cat McCrimmon, Rustic Daisy's;
- (ix) Krista Allan, The Wine Shop.

**(c) Ottawa Street Business Improvement Area (BIA) Revised Board of Management (PED23011) (Wards 3 and 4) (Item 9.4)**

That the following individuals be appointed to the Ottawa Street Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Michael Carruth, Down The Street Food Co;
- (ii) Ariane Terveld, Obskurrah Bazaar;
- (iii) Eva Grad, Revolving Closet;
- (iv) Justin Abbiss, Ottawa Market;
- (v) Mark Baker, Merk;
- (vi) Wes Fletch, Wick'd Wax;
- (vii) Sean Querob, Nova Sewing Centre;
- (viii) Thomas Lute, The Argyle;
- (ix) Blaze Forgie, Community Rep.

**(d) International Village Business Improvement Area (BIA) Revised Board of Management (PED23013) (Ward 2 and 3) (Item 9.5)**

That the following individuals be appointed to the International Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Herb Wodehouse, Whitley Wodehouse CPA;
- (ii) Maja Prvanovic-Kogut, property owner of 203 King St E;
- (iii) Peter Quaglia, Dodsworth & Brown Funeral Home;
- (iv) Jessica Maurice, Community Rep;
- (v) Melanie Lourenco, Circle Studios;
- (vi) Clay Burns, Studio 205;

(vii) Kristin Kusterin, Seasoned Restaurant.

**(e) Concession Street Business Improvement Area (BIA) Revised Board of Management (PED23015) (Ward 7) (Item 9.6)**

That the following individuals be appointed to the Concession Street Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Brandon Eyre, Investment Planning Counsel;
- (ii) Sean Keast, The Dirty South;
- (iii) Sarah Maticic, White Rabbit;
- (iv) David Andrews, Community Rep;
- (v) Kat Goegan, At Your Service;
- (vi) Eva Martens, Restorative Mobility;
- (vii) Darryl Howe, Stage Diner.

**(f) Ancaster Village Business Improvement Area (BIA) Revised Board of Management (PED23017) (Ward 12) (Item 9.7)**

That the following individuals be appointed to the Ancaster Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Jason Wynne, Wynne, Pringle, Jeske & Kovacs;
- (ii) Ryan MacDonald, Ancaster Mill;
- (iii) Jane Steinberg, Total Hearing Centre;
- (iv) Joel Newman, Community Rep;
- (v) Milap Bedi, Ancaster Cheese;
- (vi) Patricia Rastin, Rastins Pharmacy;
- (vii) Diane Price, Ancaster Realtor / Lucido Global;
- (viii) Dean Hodge, Coach and Lantern.

**(g) Stoney Creek Business Improvement Area (BIA) Revised Board of Management (PED23018) (Ward 5) (Item 9.8)**

That the following individuals be appointed to the Stoney Creek Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Tina Fougere, Canadian National Autism Foundation;
- (ii) Suzanne Glinka, The Lucky Gem;
- (iii) Natashi Guidi, Trinity Natural Health;
- (iv) Daniel Trombetta, Titan Mortgage Group;
- (v) Paolo Rispoli, Comic 1 Books;
- (vi) Sandy Pavao, Cake Empire;
- (vii) Mary Terziev-Clifford, The Village Restaurant;

- (viii) Sean Kosak, Hudson Integrative Health Care;
- (ix) Matthew Trombetta, Simnat Consulting Inc.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**6. BIA Sub-Committee Report 22-009 – December 13, 2022 (Item 10.1)**

**(Hwang/Beattie)**

**(a) Appointment of Chair and Vice-Chair for 2022 - 2023 (Item 1)**

- (i) That Susie Braithwaite be appointed as Chair of the Business Improvement Area Sub-Committee for 2022 - 2023.
- (ii) That Susan Pennie be appointed as Vice-Chair of the Business Improvement Area Sub-Committee for 2022 - 2023.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie

Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**7. Advisory Committee for Persons with Disabilities (ACPD) Report 22-012 - October 11, 2022 (Item 10.2)**

**(Danko/Pauls)**

**(a) Selection Process for the one Citizen Appointment to the Hamilton Police Services Board (Item 7.8)**

- (i) That the Committee Against Racism and the Hamilton Anti-Racism Resource Centre be requested to consider a member of the Advisory Committee for Persons with Disabilities as one of the six community representatives for appointment to the Hamilton Police Services Board Selection Committee for the recruitment of one citizen appointment to the Hamilton Police Services Board for the 2022-2026 term of Council; and,
- (ii) That a copy of this resolution and the name of the member recommended by the Advisory Committee for Persons with Disabilities, attached as Confidential Appendix "A" to Advisory Committee for Persons with Disabilities Report 22-012, be forwarded to the Committee Against Racism and the Hamilton Anti-Racism Resource Centre for their consideration.

**(b) Proposed Changes to the Advisory Committee for Persons with Disabilities Terms of Reference 2022 – 2026 Term of Council (Deferred from the September 13, 2022, meeting) (Item 10.1)**

That the proposed changes to the Advisory Committee for Persons with Disabilities to the Terms of Reference for the 2022-2026 Term of Council, attached as Appendix "B" to Advisory Committee for Persons with Disabilities Report 22-012, be approved.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson

Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**8. Advisory Committee for Persons with Disabilities Report 22-014 -  
December 13, 2022 (Item 10.3)**

**(Pauls/Hwang)**

**(a) Snow Clearing By-Law Review (Item 12.2)**

WHEREAS, Section 130 of the Municipal Act, Chapter 25, S.O. 2001, provides that a municipality may regulate matters related to the health, safety, and well-being of the inhabitants of the municipality;

WHEREAS, according to the City of Hamilton Snow Clearing By-Law 03-296, "Consecutive winter storm events" refers to any precipitation and/or accumulation of snow or ice from the beginning of the original winter snow event, and any subsequent storm events occurring within a 24-hour period of the cessation of the previous storm event;

WHEREAS, according to the City of Hamilton Snow Clearing By-Law 03-296, "Winter Storm Event" refers to any precipitation and/or accumulation of snow or ice;"

WHEREAS, the City of Hamilton Snow Clearing By-Law 03-296 defines street as "Highway," meaning a common and public highway under the jurisdiction of the City of Hamilton, and includes a street, sidewalk, boulevard whether paved or not paved, an unopened road allowance, and any portion of the land situated between street lines;"

WHEREAS, according to the City of Hamilton Snow Clearing By-Law 03-296, "The provisions of this By-law shall apply to all lands within the boundaries of the City, except for those areas designated as being exempt by the Director;"

WHEREAS, the City of Hamilton Snow Clearing By-Law 03-296 is inconsistent in its obligations of property owners in relation to the forgoing by requiring that "That every occupant or owner shall, within 24 hours of the cessation of a Winter Storm Event, or within 24 hours of the cessation of a series of Consecutive winter storm events, remove and clear all snow



and ice from sidewalks abutting the highways in front of, or alongside, or at the rear of any occupied or unoccupied lot, or vacant lot;”

WHEREAS, the City of Hamilton Snow Clearing By-Law 03-296 is ambiguous and no longer meets the needs of persons with disabilities, nor is it consistent with Council-approved plans for referring persons with disabilities away from DARTS and onto HSR conventional transit; and,

WHEREAS, the City of Hamilton Snow Clearing By-Law 03-296 makes no mention of any obligation on the part of a property owner or the City to ensure a clear pathway between sidewalk curb cuts and roadways, which would ensure safe and unobstructed travel between roads and sidewalks for persons with disabilities;

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities respectfully requests Council approve the following:

- (i) That staff be directed to review, in collaboration with the Advisory Committee for Persons with Disabilities, City of Hamilton Snow Clearing By-Law 03-296, so that it may be revised to meet the needs of all persons with disabilities in preparation for the 2023/24 winter season; and,
- (ii) That staff report back to the Public Works Committee with recommendations for revisions to the City of Hamilton Snow Clearing By-Law 03-296 by the early fall of 2023.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora

Absent - Ward 15 Councillor Ted McMeekin

**9. Grant Increase to an Existing Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Approval, 555 Sanatorium Road, Hamilton, ERG-18-05 (PED19101(a)) (Ward 14) (Item 10.5)**

**(Spadafora/Wilson)**

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-18-05, submitted by Chedoke Redevelopment Corporation (Starward Homes/Marz Homes), owner of the property at 555 Sanatorium Road, Hamilton, for an ERASE Redevelopment Grant not to exceed an additional \$315,363, for a total maximum grant of \$5,043,587, payable over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the General Manager of the Planning and Economic Development Department be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to give effect to the ERASE Redevelopment Grant for Chedoke Redevelopment Corporation (Starward Homes/Marz Homes), owner of the property 555 Sanatorium Road, Hamilton in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including but not limited to: deciding on actions to take in respect of events of default and executing any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained and that any applicable Grant Amending Agreements are undertaken in a form satisfactory to the City Solicitor.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls

Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**10. Revitalizing Hamilton Tax Increment Grant - 129 Wellington Street North, Hamilton (PED23004) (Ward 2) (Item 10.6)**

**(Kroetsch/Spadafora)**

- (a) That a Revitalizing Hamilton Tax Increment Grant Program (RHTIG) Application submitted by WQ (Wellington St N) GP Inc. (Brendan Morley), for the property at 129 Wellington Street North, Hamilton, estimated at \$110,638.98 over a maximum of a four year period, and based upon the incremental tax increase attributable to the redevelopment of 129 Wellington Street North, Hamilton, be authorized and approved in accordance with the terms and conditions of the RHTIG;
- (b) That the General Manager of the Planning and Economic Development Department be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to give effect to the RHTIG for WQ (Wellington St N) GP Inc. (Brendan Morley) for the property known as 129 Wellington Street North, Hamilton, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including, but not limited to, deciding on actions to take in respect of events of default and executing any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the RHTIG Program, as approved by City Council, are maintained and that any applicable Grant Amending Agreements are undertaken in a form satisfactory to the City Solicitor.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis

Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**11. Business Improvement Areas (BIAs) Proposed Budget and Schedule of Payments (Item 10.7 to 10.13)**

**(Jackson/Tadeson)**

**(a) Westdale Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23007) (Ward 1) (Item 10.7)**

- (i) That the 2023 Operating Budget for the Westdale Village Business Improvement Area attached as Appendix "A" to Report PED23007, in the amount of \$128,125 be approved;
- (ii) That the levy portion of the Operating Budget for the Westdale Village Business Improvement Area in the amount of \$128,125 be approved;
- (iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, *The Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Westdale Village Business Improvement Area;
- (iv) That the following schedule of payments for 2023 be approved:
 

(1)	February	\$64,062.50
(2)	June	\$64,062.50

**(b) Waterdown Village Business Improvement Area (BIA) Proposed Budget & Schedule of Payments (PED23009) (Ward 15) (Item 10.8)**

- (i) That the 2023 Operating Budget for the Waterdown Village Business Improvement Area, attached as Appendix "A" to Report PED23009, in the amount of \$362,735 be approved;

- (ii) That the levy portion of the Operating Budget for the Waterdown Village Business Improvement Area in the amount of \$270K be approved;
- (iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Waterdown Village Business Improvement Area;
- (iv) That the following schedule of payments for 2023 be approved:
 

(1)	February	\$135,000
(2)	June	\$135,000

**(c) Ottawa Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23010) (Wards 3 and 4) (Item 10.9)**

- (i) That the 2023 Operating Budget for the Ottawa Street Business Improvement Area, attached as Appendix “A” to Report PED23010, in the amount of \$187,875 be approved;
- (ii) That the levy portion of the Operating Budget for the Ottawa Street Business Improvement Area in the amount of \$133K be approved;
- (iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Ottawa Street Business Improvement Area;
- (iv) That the following schedule of payments for 2023 be approved:
 

(1)	February	\$66,500
(2)	June	\$66,500

**(d) International Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23012) (Ward 2 and 3) (Item 10.10)**

- (i) That the 2023 Operating Budget for the International Village Business Improvement Area, attached as Appendix “A” to Report PED23012, in the amount of \$238,400 be approved;

- (ii) That the levy portion of the Operating Budget for the International Village Business Improvement Area in the amount of \$197,700 be approved;
- (iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the International Village Business Improvement Area;
- (iv) That the following schedule of payments for 2023 be approved:

(1)	February	\$98,850
(2)	June	\$98,850

**(e) Concession Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23014) (Ward 7) (Item 10.11)**

- (i) That the 2023 Operating Budget for the Concession Street Business Improvement Area, attached as Appendix "A" to Report PED23014, in the amount of \$247,544 be approved;
- (ii) That the levy portion of the Operating Budget for the Concession Street Business Improvement Area in the amount of \$130K be approved;
- (iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Concession Business Improvement Area;
- (iv) That the following schedule of payments for 2023 be approved:

(1)	February	\$65,000
(2)	June	\$65,000

**(f) Ancaster Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23016) (Ward 12) (Item 10.12)**

- (i) That the 2023 Operating Budget for the Ancaster Village Business Improvement Area, attached as Appendix "A" to Report PED23016, in the amount of \$116,950 be approved;

- (ii) That the levy portion of the Operating Budget for the Ancaster Village Business Improvement Area in the amount of \$110K be approved;
- (iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Ancaster Village Business Improvement Area;
- (iv) That the following schedule of payments for 2023 be approved:
 

(1) February	\$55,000
(2) June	\$55,000

**(g) Stoney Creek Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23019) (Ward 5) (Item 10.13)**

- (i) That the 2023 Operating Budget for the Stoney Creek Business Improvement Area, attached as Appendix "A" to Report PED23019, in the amount of \$83,940 be approved;
- (ii) That the levy portion of the Operating Budget for the Stoney Creek Business Improvement Area in the amount of \$72,440 be approved;
- (iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Stoney Creek Business Improvement Area;
- (iv) That the following schedule of payments for 2023 be approved:
 

(1) February	\$36,220
(2) June	\$36,220

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

- Yes - Mayor Andrea Horwath
- Yes - Ward 1 Councillor Maureen Wilson
- Yes - Ward 2 Councillor Cameron Kroetsch
- Yes - Ward 3 Councillor Nrinder Nann
- Yes - Ward 4 Councillor Tammy Hwang
- Yes - Ward 5 Councillor Matt Francis
- Yes - Ward 6 Councillor Tom Jackson

Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**12. Local Tree Planting Initiatives (PW23006) (Ward 12) (Item 10.14)**

**(Tadeson/Cassar)**

- (a) That Council approve the acceptance of the 2 Billion Trees funding through Green Communities Canada, CanPlant, and Canadian Geographic which will fund in part the participation of the City of Hamilton in the National Mini-Forest Project and that the General Manager, Public Works Department be authorized to enter into and execute an Agreement and any necessary agreements and ancillary documents required to give effect thereto, all in a form satisfactory to the City Solicitor; and
- (b) That staff accept the grant in the amount of \$10,000 as well as the possible additional grant funds of \$4,000 which may be accessed for tree planting within publicly owned Greenbelt lands, to be deposited into the existing Tree Planting project ID 4450053001.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Absent	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin



**13. Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) (City Wide) (Item 10.15)**

**(M. Wilson/Hwang)**

- (a) That the Climate Change Advisory Committee be established;
- (b) That the Climate Change Advisory Committee Terms of Reference attached as **Amended** Appendix “A” to Report PED23028, to include **one regulated health professional to the voting members of the Committee**, be approved;
- (c) That the budget for the Climate Change Advisory Committee in the amount of \$9,000 for 2023 be approved, and funded through the Climate Change Reserve Account 108062;
- (d) That the Climate Change Advisory Committee be directed to submit an annual operating budget through the General Issues Committee using the standard templates for the 2024 budget approval process;
- (e) That the Outstanding Business List (OBL) Item LL of the General Issues Committee on August 8, 2022, Item 1(d), that staff be directed to prepare a Draft Terms of Reference for a Climate Change Advisory Committee of Council for the 2022-2026 Term of Council, that will help guide the implementation of the City’s Climate Action Strategy, and which includes a composition that ensures a diverse representation of Hamilton’s community, be removed.

**Result: MAIN MOTION, As Amended, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**14. Hamilton Ukrainian Humanitarian Crisis Response Update and Recommendation (HSC22029(b)) (City Wide) (Item 10.16)**

**(Danko/Beattie)**

- (a) That staff be directed to continue responding to the Ukraine Crisis, including but not limited to short-term and temporary accommodations and wrap around supports, with an extended timeframe to June 30, 2023 and with an upset spending limit of \$500,000 to be funded from the Corporate Financials – Expenditures/Non-Program Dept ID; and,
- (b) That staff be directed to continue to work with the Greater Toronto Hamilton Area (GTHA) Committee on a regional approach to pursuing full recovery from senior levels of government for the costs associated with the City's response to the Ukraine Crisis.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**15. Outcomes and Findings of the Encampment Facilitated Sessions (HSC23009) (City Wide) (Item 10.17)**

**(Jackson/Spadafora)**

That Report HSC23009 respecting the Outcomes and Findings of the Encampment Facilitated Sessions, be received.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch

Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**16. 2023 Insurance Renewals - Cyber & Paramedics Medical Malpractice (LS22036(a)) (City Wide) (Item 10.20)**

**(Clark/Pauls)**

- (a) That the Paramedic Medical Malpractice Insurance Policy for the term January 30, 2023, to January 30, 2024 in the amount of \$5 Million at a cost of \$64,000 (plus applicable taxes) be approved and funded through the 2023 Risk Management Services Budget.
- (b) That the update on the Cyber Insurance renewal be received as information.
- (c) That the 2023 insurance renewal of the property insurance coverages be received as information.
- (d) That the City Solicitor be authorized to execute all associated documents related to the renewal of the Paramedic Medical Malpractice coverage for the term January 30<sup>th</sup>, 2023 to January 30<sup>th</sup>, 2024, through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. on behalf of the City.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark

Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**17. Stormwater Rate Review (Item 11.1)**

**(Danko/M. Wilson)**

WHEREAS, in December 2021, Council directed staff, through Report PW21074 to report back to the Public Works Committee with a review of the benefits and challenges of various stormwater program funding options including water rates, a dedicated stormwater fee or tax levy or any other options and provide a recommendation for the preferred financing model for the City's stormwater programs, including a preliminary plan and any resource requirements necessary to conduct a detailed review of the preferred financing model;

WHEREAS, in June 2022, Council approved Report FCS22043 - Stormwater Funding Review that directed staff to report back to the General Issues Committee to provide Guiding Principles for consideration that will direct the evaluation of alternative stormwater rate funding structures as part of the Stormwater Funding Review;

WHEREAS, Report FCS22043 Stormwater Funding Review outlined three phases for the project with an estimated timeline for completion of all three phases of January 2026;

WHEREAS, Report FCS22043(a) Stormwater Funding Review on the November 30, 2022 General Issues Committee (GIC) agenda recommends a set of guiding principles for council to consider;

WHEREAS, Report FCS22043(a) Stormwater Funding Review highlights that Phase 1 of the project was completed three months earlier than originally planned;

WHEREAS, a new Utility Billing System is required to be in place at the expiry of the current contract with Alectra expected at December 31, 2024; and;

WHEREAS, synergies could be achieved if a new Stormwater Funding model could be integrated into a new Utility Billing System;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to report back to the General Issues Committee in the second quarter of 2023 on the steps and resources required to

implement a dedicated user fee for stormwater services, with an implementation date no later than January 2025; and,

- (b) That, in addition to the guiding principles that may be adopted by Council through Report FCS22043(a), staff be directed to include all aspects of the City's stormwater services to be funded from the revenues associated with this dedicated user fee.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**18. Audit of the 2022 Municipal Elections in the City of Hamilton (Item 11.2)**

**(Horwath/Francis)**

WHEREAS, the City Clerk has responsibility under the *Municipal Elections Act* for conducting elections within the city of Hamilton;

WHEREAS, Council is responsible for providing funding for the conduct of municipal elections, the use of City resources during an election, the methods used for voting and the passing of by-laws related to election signs; and,

WHEREAS, there have been concerns raised including, but not limited to, the use of vote by mail ballots, elector privacy, timely distribution of information to electors and candidates, as well as voting delays during the 2022 municipal elections in the city of Hamilton;

THEREFORE, BE IT RESOLVED:

- (a) That the City Auditor be directed to:

- (i) undertake and oversee, an audit of the administration of the 2022 municipal election in the city of Hamilton and report back in May of 2023 to Audit, Finance and Administration Committee on the findings of the audit to ensure that sufficient systems, resources, vendors and vendor agreements, and policies and procedures are in place to comply with the provisions of the *Municipal Elections Act*;
  - (ii) produce an actionable set of recommendations focused on improving the administration of the City of Hamilton's elections for the 2026 municipal election; and,
  - (iii) and make recommendations to Council with regards to suggested legislative reforms to the *Municipal Elections Act*; and,
- (b) That the audit process, of the 2022 municipal election in the city of Hamilton, include the retention of an election expert, and the solicitation of feedback from electors and candidates.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**19. Council Priorities Workshop (Item 11.3)**

**(Horwath/M. Wilson)**

WHEREAS, Hamiltonians will benefit most from a council that, as a whole, sets out clear priorities,

WHEREAS, urgent needs in our communities will be addressed more quickly and efficiently by a council that is working together to make tangible progress on our most pressing challenges and opportunities,

WHEREAS, this council will be able to more effectively direct staff work and get results for Hamiltonians by setting out clear priorities for the term,

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to work with the Mayor, Councillor M. Wilson, Councillor Beattie, and Councillor Jackson, to plan a workshop for council at which Council as a whole will set priorities as a group for the 2022 – 2026 term of office; and,
- (b) That the workshop and final council product be completed by March 31st 2023.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**20. Establishment of a Mayor's Task Force on Transparency, Access and Accountability (Item 11.4)**

**(Horwath/Pauls)**

WHEREAS, Hamiltonians have articulated concerns about issues of transparency, access, and accountability at City Hall; and,

WHEREAS, Council is committed to ensuring that Hamiltonians feel confident that their elected officials have heard their concerns and will endeavor to address them.

**THEREFORE BE IT RESOLVED:**

- (a) That the City of Hamilton establish a diverse Mayor's Task Force on Transparency, Access and Accountability to be tasked with undertaking a comprehensive review of public concerns regarding access, transparency, and accountability at City Hall;
- (b) That staff, in consultation with the Mayor, develop and report back with a Terms of Reference for the Mayor's Task Force on Transparency, Access and Accountability, that includes a one year term with a regular reporting schedule and that the meetings be chaired by two Co-Chairs, appointed by the Mayor;
- (c) That the Mayor's Task Force on Transparency, Access, and Accountability provide actionable recommendations to the General Issues Committee to address these concerns and improve public access, transparency and accountability at Hamilton City Hall including the suggested measurements for success linked to each recommendation; and,
- (d) That the Mayor's Task Force on Transparency, Access, and Accountability at City Hall be provided with a budget of up to \$50,000 for the purpose of soliciting input and feedback from Hamiltonians to inform their work, and that this be funded through the Tax Stabilization Reserve 110046.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin



**21. Collective Bargaining Mandate (HUR23001) (City Wide) (Item 14.2)**

**(Hwang/A. Wilson)**

- (a) That the directions provided to staff in Closed Session, respecting Report HUR23001, Collective Bargaining Mandate, be approved; and,
- (b) That Report HUR23001, respecting the Collective Bargaining Mandate, remain confidential.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**FOR INFORMATION:**

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

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

**5. COMMUNICATION ITEMS**

- 5.2 Correspondence from Janice M. Shearer, Director, Chair of the Board of Directors, Dr. Bob Kemp Hospice Foundation Inc., respecting to officially move into an exploratory phase by Dr. Bob Kemp Hospice, and with city staff, to examine the viability of the acquisition of land at 41 South St. W (rear), Dundas, to build a "Campus of Care" for a pediatric hospice and centre of excellence for grief and bereavement that will serve Southwestern Ontario.

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

- 5.3 Correspondence from Rachel Lamont, MD, FRCPC, Psychiatrist, Assistant Professor McMaster University, respecting the Encampment Pilot Evaluation Report

Recommendation: Be received and referred to the consideration of Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)).

- 5.4 Correspondence from Marijke Jurriaans, Greater Hamilton Health Network, respecting the proposed Climate Change Advisory Committee Terms of Reference

Recommendation: Be received and referred to consideration of Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028).

- 5.5 Correspondence from David Inkley and Jeffrey Cowan, Hamilton Community Enterprises, respecting Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee - PED23028

Recommendation: Be received and referred to consideration of Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028).

## **6. DELEGATION REQUESTS**

- 6.2 Ian Borsuk, Environment Hamilton, respecting Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton (For today's meeting)

- 6.3 Delegation Requests respecting Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide), from the following individuals:

6.3(a) Marcie Mcilveen, Hamsmart

6.3(b) Gessie Stearns

6.3(c) Koubra Haggard

6.3(d) Katherine Walker-Jones

6.3(e) Amanda Nemec-Bakk

6.3(f) Tanya Collins

6.3(g) Joanna Aitcheson

6.3(h) Elia Hamelin

**8. STAFF PRESENTATIONS**

8.2 Residential Vacant Unit Tax Program Framework (FCS21017(c))  
(City Wide) (Formerly Item 10.4)

**10. DISCUSSION ITEMS**

10.20 2023 Insurance Renewals - Cyber & Paramedics Medical  
Malpractice (LS22036(a)) (City Wide)

**CHANGE TO THE ORDER OF ITEMS:**

That Item 14.5 respecting Report HUR23002, Human Resources Recruitment and Retention Strategy be moved up on the agenda to be considered immediately following the consideration of the Delegations (Item 7) as there are external consultants in attendance for this item.

**(Clark/Hwang)**

That the agenda for the January 18, 2023 General Issues Committee meeting, be approved, as amended.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

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

Councillor B. Clark declared a disqualifying pecuniary interest to Item 14.4, Report LS16029(h), respecting an Update Regarding Ontario Land Tribunal

Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion as the principle planner of Urban Solutions, who is believed to be representing some landowners in this appeal, has a retail business interest with his son.

Mayor A. Horwath declared a disqualifying interest to Item 8.2, Report FCS21017(c), Residential Vacant Unit Tax Program Framework as she has a vacant property.

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

**(Hwang/Beattie)**

That the following minutes of the General Issues Committee be approved, as presented:

- (i) November 30, 2022 (Item 4.1)
- (ii) December 6, 2022 – Special (Item 4.2)

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

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

**(Spadafora/A. Wilson)**

That the Communications Items 5.1, 5.3 to 5.5, be approved, as presented, as follows:

- (i) Correspondence from Joanne Cohen respecting CBC: Hamilton Mayor Orders Audit of Hamilton Municipal Election Practices and Concerns Re Voter Lists (Item 5.1)

Recommendation: Be received and referred to consideration of Item 11.2 - Audit of the 2022 Municipal Elections in the City of Hamilton

- (ii) Correspondence from Rachel Lamont, MD, FRCPC, Psychiatrist, Assistant Professor McMaster University, respecting the Encampment Pilot Evaluation Report (Added Item 5.3)

Recommendation: Be received and referred to the consideration of Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)).

- (iii) Correspondence from Marijke Jurriaans, Greater Hamilton Health Network, respecting the proposed Climate Change Advisory Committee Terms of Reference (Added Item 5.4)

Recommendation: Be received and referred to consideration of Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028).

- (iv) Correspondence from David Inkley and Jeffrey Cowan, Hamilton Community Enterprises, respecting Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee - PED23028 (Added Item 5.5)

Recommendation: Be received and referred to consideration of Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028).

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson

Yes - Ward 14 Councillor Mike Spadafora  
 Absent - Ward 15 Councillor Ted McMeekin

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

**(Kroetsch/Nann)**

That the Delegation Requests, be approved as follows:

- (i) Julie Alexander, Enbridge Gas on behalf of Enbridge Gas and ArcelorMittal Dofasco, respecting an upcoming project in the City of Hamilton (For the February 1, 2023 Meeting) (Item 6.1)
- (ii) Ian Borsuk, Environment Hamilton, respecting Item 10.15 Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton (For today's meeting) (Added Item 6.2)
- (iii) Delegation Requests respecting Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide), for today's meeting, from the following individuals:
  - (1) Marcie Mcilveen, Hamsmart (Added Item 6.3(a))
  - (2) Gessie Stearns (Added Item 6.3(b))
  - (3) Koubra Haggar (Added Item 6.3(c))
  - (4) Katherine Walker-Jones (Added Item 6.3(d))
  - (5) Amanda Nemec-Bakk (Added Item 6.3(e))
  - (6) Tanya Collins (Added Item 6.3(f))
  - (7) Joanna Aitcheson (Added Item 6.3(g))
  - (8) Elia Hamelin (Added Item 6.3(h))

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

Yes - Mayor Andrea Horwath  
 Yes - Ward 1 Councillor Maureen Wilson  
 Yes - Ward 2 Councillor Cameron Kroetsch  
 Yes - Ward 3 Councillor Nrinder Nann  
 Yes - Ward 4 Councillor Tammy Hwang  
 Yes - Ward 5 Councillor Matt Francis  
 Absent - Ward 6 Councillor Tom Jackson  
 Yes - Ward 7 Councillor Esther Pauls  
 Yes - Ward 8 Councillor J. P. Danko  
 Yes - Ward 9 Councillor Brad Clark  
 Yes - Ward 10 Councillor Jeff Beattie  
 Yes - Ward 11 Councillor Mark Tadeson  
 Yes - Ward 12 Councillor Craig Cassar  
 Yes - Ward 13 Councillor Alex Wilson  
 Yes - Ward 14 Councillor Mike Spadafora

Absent - Ward 15 Councillor Ted McMeekin

**(f) DELEGATIONS (Item 7)**

**(i) Ian Borsuk, Environment Hamilton, respecting Item 10.15 Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton (Added Item 7.1)**

Ian Borsuk, Environment Hamilton, addressed the Committee respecting Item 10.15 Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton.

**(A. Wilson/Beattie)**

That the Delegation from Ian Borsuk, Environment Hamilton, respecting Item 10.15 Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton, be received.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**(ii) Delegations Respecting Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (Added Item 7.2)**

The following individuals addressed the Committee respecting Item 10.18 – Report HSC20038(e) / PED21188(b), Encampment Pilot Evaluation:

- (1) Marcie Mcilveen, Hamsmart (Added Item 7.2(a))
- (2) Gessie Stearns (Added Item 7.2(b))
- (3) Koubra Hagggar (Added Item 7.2(c))
- (4) Katherine Walker-Jones (Added Item 7.2(d))
- (5) Amanda Nemec-Bakk (Added Item 7.2(e))

- (6) Tanya Collins (Added Item 7.2(f))
- (7) Joanna Aitcheson (Added Item 7.2(g))
- (8) Elia Hamelin (Added Item 7.2(h))

**(A. Wilson/Pauls)**

That the following delegations respecting Item 10.18 – Report HSC20038(e) / PED21188(b), Encampment Pilot Evaluation, be received:

- (1) Marcie Mcilveen, Hamsmart (Added Item 7.2(a))
- (2) Gessie Stearns (Added Item 7.2(b))
- (3) Koubra Haggar (Added Item 7.2(c))
- (4) Katherine Walker-Jones (Added Item 7.2(d))
- (5) Amanda Nemec-Bakk (Added Item 7.2(e))
- (6) Tanya Collins (Added Item 7.2(f))
- (7) Joanna Aitcheson (Added Item 7.2(g))
- (8) Elia Hamelin (Added Item 7.2(h))

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

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

**(i) Human Resources Recruitment and Retention Strategy (HUR23002)  
(City Wide) (Item 14.5)**

**(Spadafora/Francis)**

That Consultants Terry Curtis and Melissa Merkley from Optimus SBR; and Elizabeth Hill from Pesce & Associates; be permitted to attend the Closed Session portion of the meeting with respect to Report HUR23002, Human Resources Recruitment and Retention Strategy.



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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**(Tadeson/Beattie)**

That the Committee move into Closed Session to discuss Item 14.5, pursuant to Section 9.3, Sub-section (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to labour relations or employee negotiations.

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

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

For disposition of this matter, refer to Item 2.

**(h) STAFF PRESENTATIONS (Item 8)**

**(i) Economic Development Manufacturing Strategy Update (PED23005)  
(City Wide) (Item 8.1)**

Norm Schleeahn, Director, Economic Development introduced Clark Savolaine and Marina Vukusic from KPMG, who addressed the Committee with an update on the Economic Development Manufacturing Strategy.

**(Hwang/Danko)**

That the presentation respecting PED23005, Economic Development Manufacturing Strategy Update, be received.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

For disposition of this matter, please refer to Item 3.

Mayor A. Horwath relinquished the Chair to Deputy Mayor J.P. Danko due to a declared a conflict to Item 8.2.

**(ii) Residential Vacant Unit Tax Program Framework (FCS21017(c)) (City Wide) (Item 8.2)**

Kirk Weaver, Manager, Budgets and Financial Policy and Gloria Rojas, Senior Tax Policy Advisor addressed the Committee with a presentation on the Residential Vacant Unit Tax Program Framework.

**(Nann/A. Wilson)**

That the presentation respecting Report FCS21017(c), Residential Vacant Unit Tax Program Framework, be received.

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

Conflict	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
No	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

For disposition of this matter, please refer to Item 4.

Mayor A. Horwath assumed the Chair.

**(i) CONSENT ITEMS (Item 9)**

**(i) Arts Advisory Commission Various Minutes:**

**(Hwang/Spadafora)**

That the following minutes of the Arts Advisory Commission, be received:

- (1) January 25, 2022 (Item 9.1(a))
- (2) March 22, 2022 (Item 9.1(b))
- (3) May 24, 2022 (Item 9.1(c))
- (4) July 26, 2022 (Item 9.1(d))
- (5) September 27, 2022 (Item 9.1(e))

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann

Yes	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**(j) DISCUSSION ITEMS (Item 10)**

**(i) Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) (City Wide) (Item 10.15)**

**(Hwang/Jackson)**

That sub-section (b) to Report PED23028, Draft Terms of Reference for a Climate Change Advisory Committee, ***be amended***, by adding ***“to include one regulated health professional to the voting members of the Committee”***, as follows:

- (b) That the Climate Change Advisory Committee Terms of Reference attached as ***Amended*** Appendix “A” to Report PED23028, ***to include one regulated health professional to the voting members of the Committee***, be approved;

**Result: Amendment, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora

Absent - Ward 15 Councillor Ted McMeekin

For further disposition of this matter, refer to Item 13.

**(ii) Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) (Item 10.18)**

**(Francis/Pauls)**

- (a) That Council approve the extension of the encampment response pilot to the end of April 2023 to be structured and funded as outlined in HSC20038(d) / PED21188(a) and PED22088 at an approximate cost of \$350,000.
- (b) That, as the pilot program for the Coordination Response Team (CRT) ended on December 31, 2022, a permanent, dedicated CRT to coordinate response and service delivery related to encampments throughout the City, on a housing-outreach first approach, supported by a secondary role for enforcement only when needed, be established;
- (c) That, in order facilitate the permanent Coordination Response Team, the respective General Manager, or their designate, be authorized and directed to:
  - (i) Increase the Healthy and Safe Communities Department, Housing Services Division's budgeted complement by the following two full-time, permanent positions:
    - (1) Manager of Housing-focused Street Outreach, at an annual cost of approximately \$149,000 for salary, benefits and ancillary charges;
    - (2) Project Manager of Housing-focused Street Outreach, at an annual cost of approximately \$102,000 for salary, benefits and ancillary charges;
  - (ii) Increase the Public Works Department, Parks Section's budgeted complement by one full-time permanent position:
    - (1) Supervisor, at an annual cost of approximately \$124,000 for salary, benefits and ancillary charges;

- (iii) Increase the Planning and Economic Development Department budgeted complement by two full-time, permanent positions:
  - (1) Two Municipal Law Enforcement Officers, at an annual cost of approximately \$138,500 each (\$277,000 for both) for salary, benefits, and ancillary charges;
- (d) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent of 3.5 seconded Street Outreach Workers, at an approximate cost of \$61,500 each (total for 3.5 FTEs \$216,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or designate, and in a form satisfactory to the City Solicitor;
- (e) That, based on last year's costing as an indicator, the Public Works Department's operating budget be increased by \$200,000 annually, to be used for ad hoc clean up or other costs incurred as a result of encampments on City property;
- (f) That, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so, an additional 2 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of \$268,646 for salary, benefits and one-time costs of \$30,000 for ancillary equipment, to be fully funded by the City from Dept ID 673247; and,
- (g) That Report HSC20038(e) / PED21188(b), respecting the Encampment Pilot Evaluation, in its entirety, be referred to the 2023 Operating Budget process (February 7, 2023 GIC) for consideration.

**(Hwang/A. Wilson)**

That the General Issues Committee recess for 20 minutes until 6:20 p.m.

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang

Yes	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**(Hwang/A. Wilson)**

- (a) That the following Items be DEFERRED to the February 1, 2023 General Issues Committee meeting:
- (i) Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) (Item 10.18)
  - (ii) Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(h)) (City Wide) (Item 14.4)
  - (iii) Encampment Litigation Update (LS20023(e)) (City Wide) (Item 14.6)
- (b) That Outcomes and Findings of the Encampment Facilitated Sessions (HSC23009) (City Wide) (City Wide) (Item 10.17), be included as an appendix to Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) on the February 1, 2023, General Issues Committee meeting agenda for information.
- (c) That there be no further in-person or virtual delegations respecting the Encampment Reports at the February 1, 2023, General Issues Committee meeting;
- (d) That comments respecting the Encampment Reports be limited to written submissions.
- (e) That the following Item be DEFERRED to the February 15, 2023, General Issues Committee meeting:
- (i) Media Relations Program Review – Update to Media Relations Policy (CM23007) (City Wide) (Item 10.19)

**Result: MOTION, CARRIED by a vote of 15 to 0, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson

Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**(k) MOTIONS (Item 11)**

Mayor A. Horwath relinquished the Chair to Deputy Mayor J.P. Danko to introduce the following motions:

**(i) Audit of the 2022 Municipal Elections in the City of Hamilton (Item 11.2)**

For disposition of this matter, refer to Item 18.

**(ii) Council Priorities Workshop (Item 11.3)**

For disposition of this matter, refer to Item 19.

**(iii) Establishment of a Mayor's Task Force on Transparency, Access and Accountability (Item 11.4)**

For disposition of this matter, refer to Item 20.

Mayor A. Horwath assumed the Chair.

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

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

**(A. Wilson/Hwang)**

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

**(1) Items to be Removed (Item 13.1.a.)**

**(a) Local Tree Planting Initiatives**



Date Added: February 16, 2022 (GIC Report 22-005 - Item 13)

Date Completed: January 18, 2023 (Item 10.21)

- (b) Stormwater Funding Review  
Addressed at the November 30, 2022 GIC - FCS22043(a)
- (c) Status Update respecting the Equity, Diversity and Inclusion Roadmap and Implementation Plan  
Date Completed: November 30, 2022 (Item 9.2)

(2) Proposed New Due Dates (Item 13.1.b.)

- (a) Annual Update - Implementation of the Public Art Master Plan  
Current Due Date: November 30, 2022  
Proposed New Due Date: September 20, 2023
- (b) Updated Hamilton Tourism Strategy 2021 to 2025  
Current Due Date: November 30, 2022  
Proposed New Due Date: March 22, 2023
- (c) Hamilton Region Decarbonization Hub  
Current Due Date: January 18, 2023  
Proposed New Due Date: April 19, 2023
- (d) Update on Request for Information – Downtown Parking Structure (PED16105 and PED15183)  
Current Due Date: January 18, 2023  
Proposed New Due Date: March 22, 2023
- (e) Report Card on the City's Climate Change Abatement and Mitigation  
Current Due Date: January 18, 2023  
Proposed New Due Date: October 4, 2023
- (f) Commonwealth Games2030 Update (PED19108(h))  
Current Due Date: January 18, 2023  
Proposed New Due Date: February 15, 2023

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

- Yes - Mayor Andrea Horwath
- Yes - Ward 1 Councillor Maureen Wilson
- Yes - Ward 2 Councillor Cameron Kroetsch
- Yes - Ward 3 Councillor Nrinder Nann

Yes	-	Ward 4	Councillor Tammy Hwang
Absent	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**(m) PRIVATE & CONFIDENTIAL (Item 14) (Continued)**

**(i) Closed Session Minutes – November 30, 2022 (Item 14.1)**

**(Spadafora/Nann)**

- (a) That the Closed Session Minutes of the November 30, 2022 General Issues Committee meeting, be approved; and,
- (b) That the Closed Session Minutes of the November 30, 2022 General Issues Committee meeting remain confidential.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**(ii) Confidential Appendix "A" to Item 1 of ACPD Report 22-012 - October 11, 2022 (Item 14.3)**

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

**(Kroetsch/A. Wilson)**

That Committee move into Closed Session to discuss Item 14.2, pursuant to Section 9.3, Sub-section (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (d) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

For disposition of this matter, please refer to Item 21.

**(n) ADJOURNMENT (Item 15)**

**(Spadafora/Kroetsch)**

That there being no further business, the General Issues Committee be adjourned at 8:38 p.m.

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

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang

**General Issues Committee  
Minutes 23-004**

**January 18, 2023  
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Absent	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

Respectfully submitted,

---

Mayor Andrea Horwath  
Chair, General Issues Committee

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Angela McRae  
Legislative Coordinator  
Office of the City Clerk

Submitted on Tue, 01/24/2023 - 11:49

Submitted by: Anonymous

Submitted values are:

### **Committee Requested**

Committee  
General Issues Committee

Will you be delegating in-person or virtually?  
In-person

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

### **Requestor Information**

Requestor Information  
Kim Zivanovich

Preferred Pronoun  
he/him

Reason(s) for delegation request  
Will be discussing The City of Hamilton's "must be vaccinated" hiring policy and reasons for it to be rescinded.

Will you be requesting funds from the City?  
No

Will you be submitting a formal presentation?  
No

Good morning, Madam Mayor and Council. My name is Kim Zivanovich; you can call me Kim. I was born, raised and educated in Hamilton and currently reside in Ward 12. Most of my working life was spent at Dofasco where I managed operations. As well had a 5-year H.R. assignment transitioning employees who could no longer perform their core functions because of capability issues. This assignment provided me insight, experience and understanding on what marginalized people face.

I am here to discuss your vaccine policy and how it goes against your stated values of inclusion and equal opportunity. I would like to state that I am not an antivaxxer, misogynist, racist, or a right wing conspiracist. Quite frankly I find these terms appalling, divisive and hateful. They deserve to be buried deep in the Canadian Shield with nuclear waste. I believe it is time for reconciliation and healing and this Council has an opportunity to begin that process.

We all now know that vaccines do not stop infection, transmission, illness or death. We also know that there are risks associated with the vaccines and for most healthy people the risks outweigh the benefits. Covid19 is endemic and most have had it. Natural immunity is prevalent in society and is recognized as being immunized.

At the time when vaccine policies were being adopted it was believed that this would stop the spread of Covid19. The city followed suit, as did many, believing it was the answer. I am not here to debate this. I believe everyone was doing their best and following information available at the time. I also believe the city experience has left a bad taste in your culture which needs fixing.

My former company was unsuccessful at mandating vaccination as they did not get enough buy in from the employees. I believe employees were not agreeable because the self awareness and team building

training each received helped them to conquer fear and think rationally. They did a risk/benefit analysis, some chose some did not. The training is called Playing to Win and I have brought, as a gift, a short overview of the training that I had.

The city is a public entity and must include all its' citizens. I know many vaccinated people that were dismayed when I told them of your policy. This is not a small fringe group but solid citizens. Unfortunately, these policies have been normalized in most institutions. This does not make it right. There is also another group of citizens that have been invisibly marginalized and they are the vaccinated injured. It is sad that they have had to form a coalition because no one wants to listen to them.

So, I see three options:

Option 1: You do nothing. You are legally fine, but you are morally bankrupt. Your values are nothing but virtue signaling. It also reflects that there is still hatred towards the unvaccinated. Doing nothing does not make the problem go away. I suggest this option is "playing not to lose."

Option 2: You maintain your policy but change your values to reflect your policy. You take out ads notifying citizens that you no longer are an equal opportunity employer. You could even hang up a big sign; "Unvaccinated Need Not Apply". Circa Alabama 1960's. Not much of an option...but at least it is the truth.

Option 3: You change the policy and remove the vaccine requirement because the latest information tells us it is no longer necessary. You have an opportunity to show transparency, build engagement and start the healing process. In fact, you could kick off your "Transparency Committee" by announcing that information has changed, and the

policy has been updated. And as equally important vaccine injuries are avoided.

Taking bold actions that is against the narrative or norms is uncomfortable. That is fear of the unknown. It is much easier to do nothing...why rock the boat? I do not see evidence of a higher authority making any changes. This must start locally and grow.

Fear based behaviour is a continuation of what we have been doing the last three years. There is no dialogue just more hate, divisiveness, and polarization. There is no reconciliation, no healing.

Hamilton is facing monumental problems. I can't imagine how busy you folks are and perhaps some of you think this is frivolous and a waste of time. But rest assure if you build a house without a foundation it collapses. If your boat is rudderless you can't steer. Your values, beliefs and principles are your foundation, your rudder. Your policies and your actions must reflect and align with these fundamental things. Every decision should be based around your fundamental beliefs.

I believe Madam Mayor and council you have a fantastic opportunity to move in the right direction and start a much-needed healing process. You can choose the hard road of leading or the comfortable path of following. That is up to each one of you. I respectfully suggest you look in the mirror.

In closing, I encourage you to take 15 minutes and browse through this training overview and perhaps consider a similar program for council. I have attached references and videos. I thank you for your time, consideration and your service. If you have any questions, I will try to answer them. If not, I will take my leave.



## References:

Justice for the Vaccinate: Those Canadians Who Have Been Injured

<https://vaxjustice.org/>

Dr. Aseem Malhotra, Promoted Vaccines and Now Calls For Immediate Suspension

<https://www.youtube.com/watch?v=MtE015FqHPs>

Dr. Aseem Malhotra Interview, What The Data Says and Changed His Mind Against Vaccination

<https://www.youtube.com/watch?v=w3MPnBpfrRk&t=690s>

Dr. Aseem Malhotra Interview, British Health Regulators Are Getting Their Information From The BBC

<https://www.youtube.com/watch?v=DWaYdDKKTXc&t=435s>

Dr. John Campbell, British Regulators Limit Covid Vaccines

<https://www.youtube.com/watch?v=sidjKoHS6NE>

Dr. John Campbell, UK Data Massive Shift in Vaccine Risk/Benefit Analysis

[https://www.youtube.com/watch?v=fbFayD\\_S\\_54](https://www.youtube.com/watch?v=fbFayD_S_54)

U.K. Government Recognizes Natural Immunity As Protection Against Severe Outcomes & Recommends Vaccination To Vulnerable With Underlying Health Conditions

[https://www.gov.uk/government/publications/covid-19-vaccination-programme-for-2023-jcvi-interim-advice-8-november-2022/jcvi-statement-on-the-covid-19-vaccination-programme-for-2023-8-november-2022?utm\\_source=substack&utm\\_medium=email](https://www.gov.uk/government/publications/covid-19-vaccination-programme-for-2023-jcvi-interim-advice-8-november-2022/jcvi-statement-on-the-covid-19-vaccination-programme-for-2023-8-november-2022?utm_source=substack&utm_medium=email)

<https://www.youtube.com/watch?v=EaSU2mfNrlg&t=621s>

Government of Canada, Reported Side Effects of Covid19 Vaccines

<https://health-infobase.canada.ca/covid-19/vaccine-safety/>

VAERS, Covid Vaccine Mortalities

<https://www.openvaers.com/covid-data/mortality>



Submitted on Fri, 01/06/2023 - 13:16

Submitted by: Anonymous

Submitted values are:

### **Committee Requested**

Committee  
General Issues Committee

Will you be delegating in-person or virtually?  
In-person

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

### **Requestor Information**

Requestor Information  
Julie Alexander  
Enbridge Gas  
3401 Schmon Parkway  
Thorold, Ontario. L2V 5A8  
[julie.alexander@enbridge.com](mailto:julie.alexander@enbridge.com)  
905 984 4956

Preferred Pronoun  
she/her

Reason(s) for delegation request  
Request for Enbridge Gas and ArcelorMittal Dofasco to present at the February 1, 2023 General Issues Committee meeting. The topic of the presentation will be an upcoming project in the City of Hamilton that is related to both companies.

Will you be requesting funds from the City?  
No

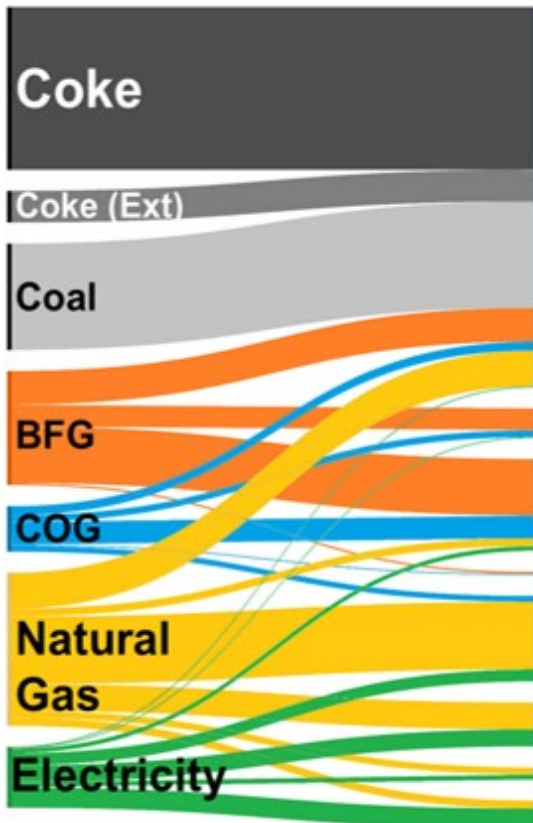
Will you be submitting a formal presentation?  
Yes

# Hamilton Reinforcement Project

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# Hamilton Reinforcement Project

## Current operations



## Future operations (2026)



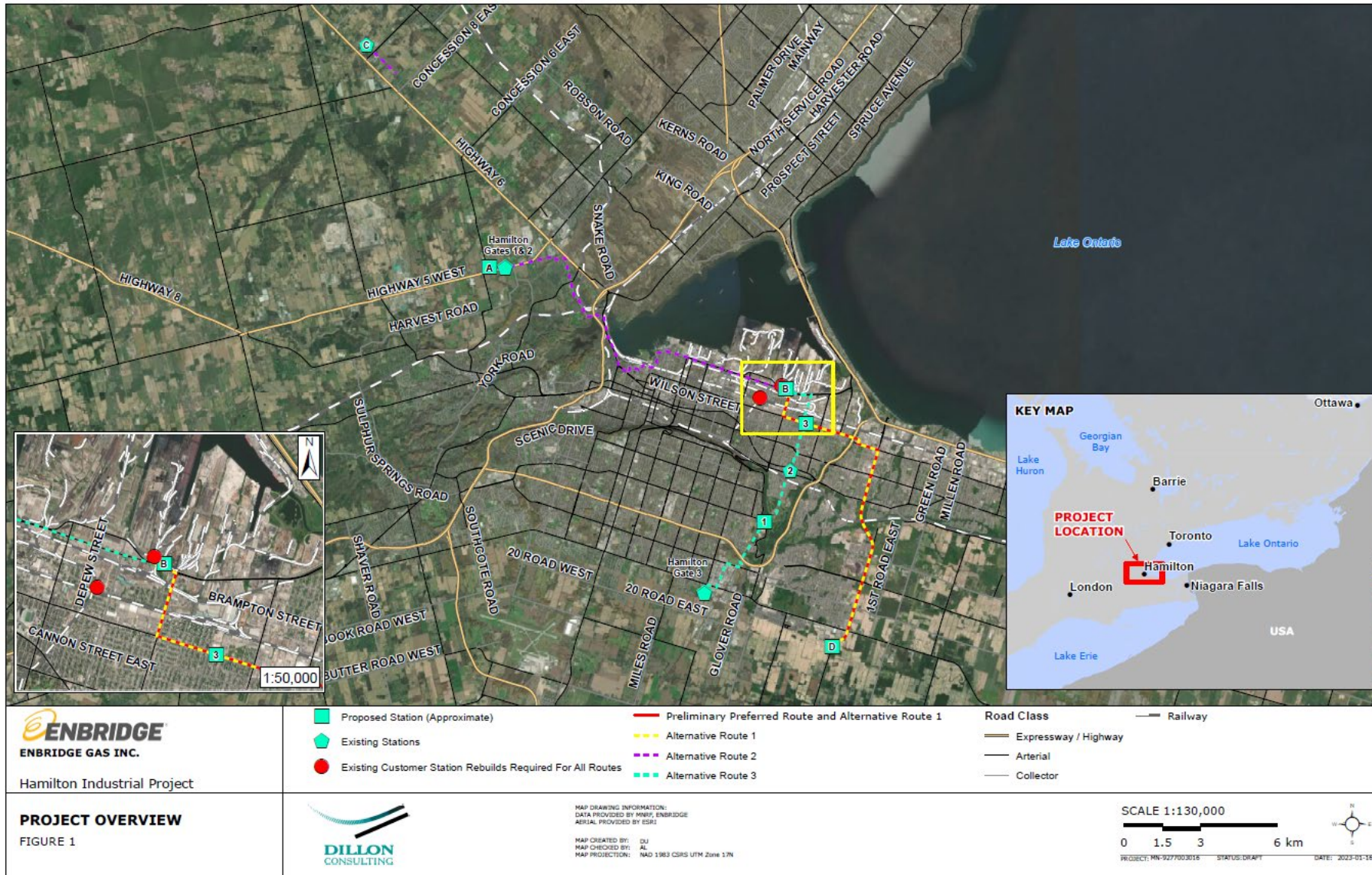
## Project need

- This reinforcement growth project is required because the customer is planning to significantly reduce their carbon footprint by 2028. As part of these efforts, they are planning to phase out cokemaking, coal-fueled ironmaking, and basic oxygen steelmaking and implement a new direct reduced iron and electric arc furnace (DRI-EAF) process.
- ArcelorMittal Dofasco (AMD) is planning to change their ironmaking process and to have a 60% reduction in total plant CO<sub>2</sub> emissions by 2028. This requires more natural gas than what they currently utilize. As a result, AMD requires Enbridge Gas to increase the capacity of its pipeline network in the City of Hamilton in order to meet these new natural gas requirements.
- Hamilton aims to reduce emissions by 50% by 2030. The customer's 2028 asset change, represented by this project and others related to it, will contribute approximately 55% to this 2030 goal.

Signature energy transition project to lower carbon fuel



# Route alternatives



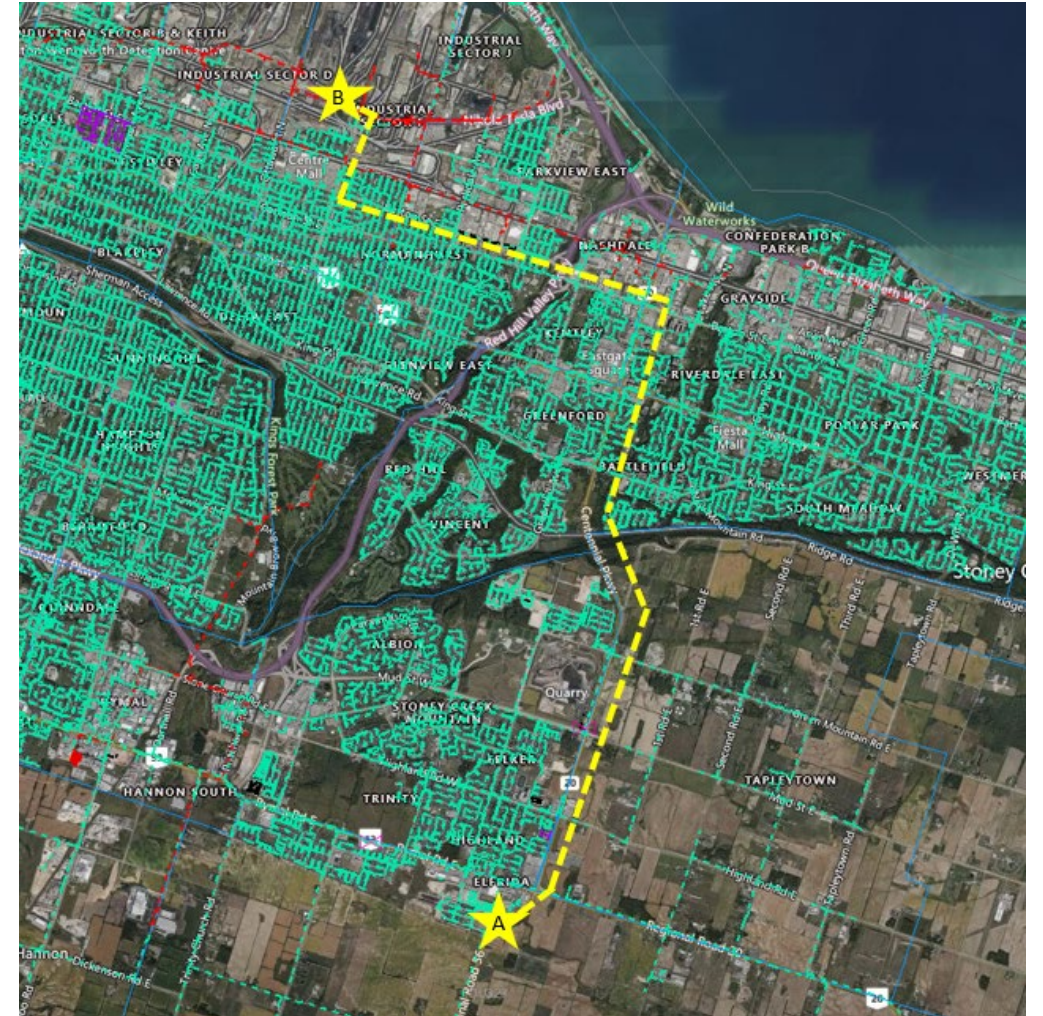


# Preliminary preferred route

The preliminary preferred route consists of approximately 14 km of 12-inch pipe.

This preferred route would begin at the TCE crossing on Regional Rd 56 and continue along Upper Centennial Parkway to Barton St to Kenilworth Ave to the customer site.

The project also consists of a new gate station, a new customer station and two customer station rebuilds.



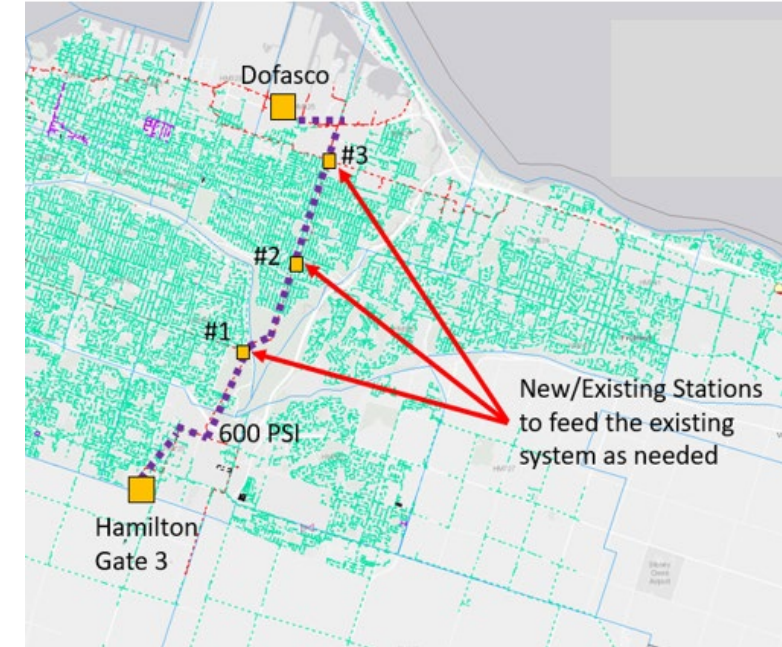
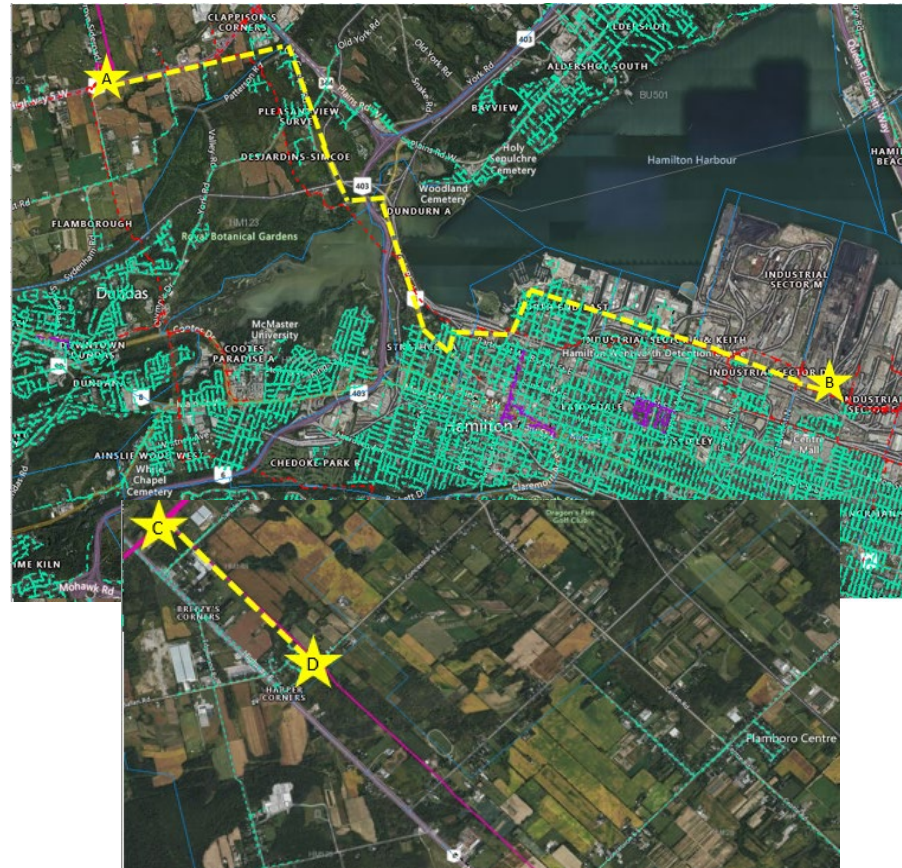


# Route Alternatives

## Alternative Route 1

## Alternative Route 2

## Alternative Route 3





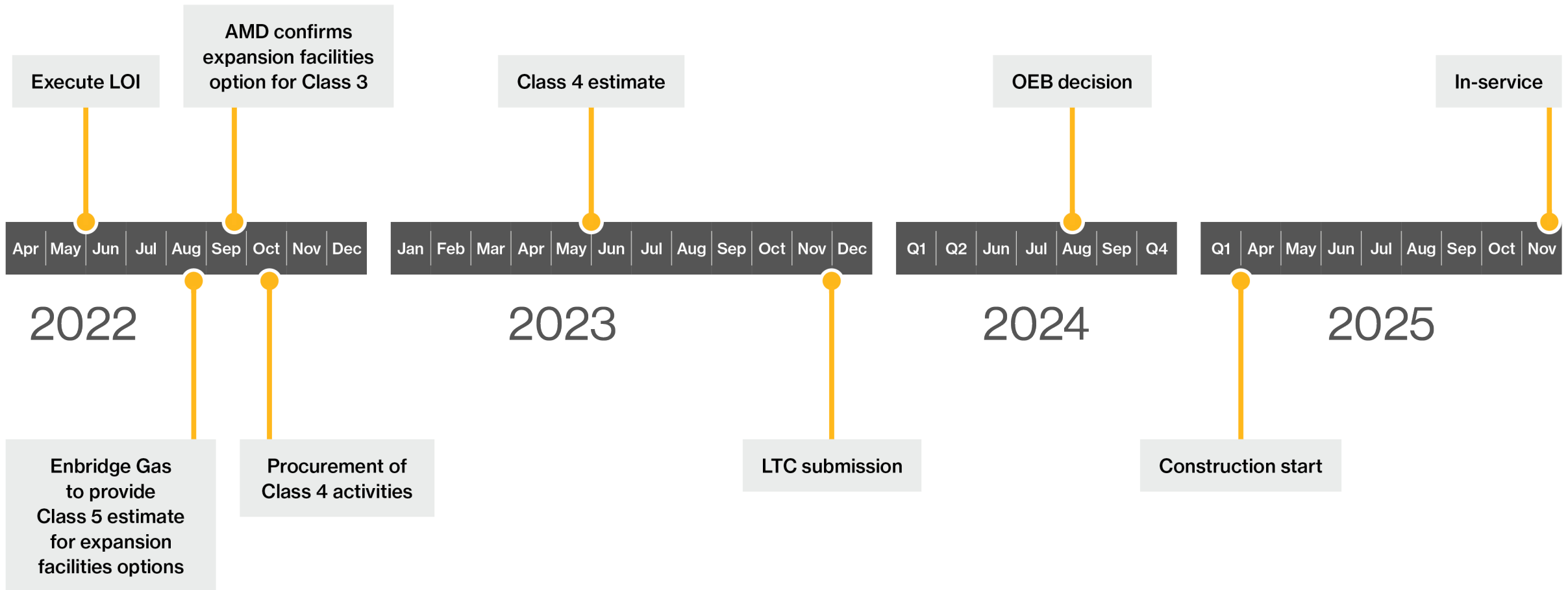
# Regulatory framework

- The project is being planned in accordance with Ontario Energy Board (OEB) regulations.
- Enbridge plans to file a “Leave to Construct” application with the OEB in 2023.
  - The OEB may order a written or oral hearing, based upon the complexity of the project and the level of public concern.
- In order to gain approval from the OEB, an environmental assessment must be completed, and an Environmental Report (ER) must be prepared.
  - Once complete, the ER is circulated to affected parties and to the Ontario Pipeline Coordinating Committee (OPCC) for review prior to filing the LTC.
- An environmental assessment is currently underway and will be completed to select a preferred route that meets Enbridge’s needs while minimizing potential environmental and/or socio-economic effects.
  - Physical, natural and socio-economic features will be identified and mitigation measures to minimize adverse effects will be recommended.
- The environmental assessment will include a comprehensive consultation program that will include agencies, Indigenous communities and the public.
  - Public Information Sessions will be held in late February and March with notices issued to the public at the beginning of February.
- Other permits required prior to construction will also be identified.





# Hamilton Reinforcement Project



# Integrated resource planning

- Integrated resource planning (IRP) is an enhanced planning strategy and process.<sup>1</sup>
- Enbridge Gas evaluates non-pipeline alternatives that could be used to defer or avoid implementing a traditional pipe project to meet a system need.
- As the energy landscape continues to evolve, there is a growing interest in low-carbon alternatives to meet energy needs.
- Consideration is given to safety, cost-effectiveness, and the ability for alternative solutions to meet customer demands reliably.

IRP is a framework through which Enbridge Gas reviews alternative approaches to meeting energy needs, before building new infrastructure such as:

- Delivering more energy without adding new pipelines using liquefied or compressed natural gas.
- Lowering energy use through effective energy-efficiency programs.
- Displacing conventional natural gas with carbon-neutral renewable natural gas and hydrogen.

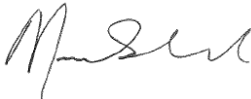


As Enbridge Gas continues to lead the transition to a low-carbon future, it is dedicated to exploring IRP alternatives where they are in the best interest of communities, the environment and the company, while considering safety and reliability, cost effectiveness, optimization, risk management and public policy.

<sup>1</sup> IRP Framework was published by the OEB on July 22, 2021.



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 1, 2023
<b>SUBJECT/REPORT NO:</b>	Barton Village Business Improvement Area Revised Board of Management (PED23029) (Wards 2 and 3)
<b>WARD(S) AFFECTED:</b>	Wards 2 and 3
<b>PREPARED BY:</b>	Cristina Geissler (905) 546-2424 Ext. 2632
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the following individuals be appointed to the Barton Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (a) Alice Plug-Buist, Helping Hands;
- (b) Stephen Colville Reeves, Property Owner;
- (c) Rob Iszkula, Bike Locke;
- (d) Melissa McSweeney, Hamilton Public Library, Barton Branch;
- (e) Tyler Cowie, Westinghouse HQ;
- (f) Peter Mokrycke, Hendry's Barbershop;
- (g) Jabob Tutt, Playhouse Cinema;
- (h) Tijana Marshall, Honeybee Esthetic;
- (i) Harry Stinson, Property Owner;
- (j) Eric Muller, Barton Salumeria.

### EXECUTIVE SUMMARY

Appointment of the ten individuals to the Barton Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term.

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**SUBJECT: Barton Village Business Improvement Area Revised Board of Management (PED23029) (Wards 2 and 3) - Page 2 of 3**

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**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not Applicable

Staffing: Not Applicable

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

**HISTORICAL BACKGROUND**

At its Annual General Meeting on Monday November 28, 2022, the Barton Village BIA Board of Management presented its nominations to the sitting Board of Management and to the membership, motioned and approved all appointments as outlined in their meeting minutes.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

N/A

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

N/A

**ALTERNATIVES FOR CONSIDERATION**

N/A

**SUBJECT: Barton Village Business Improvement Area Revised Board of Management (PED23029) (Wards 2 and 3) - Page 3 of 3**

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**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and Participation**

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

**Economic Prosperity and Growth**

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



**APPENDICES AND SCHEDULES ATTACHED**

N/A

CG/rb



# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 1, 2023
<b>SUBJECT/REPORT NO:</b>	Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(d)/LS23013) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Yakov Sluchenkov (905) 546-2424 Ext. 2655
<b>SUBMITTED BY:</b>	Lora Fontana Executive Director Human Resources  Lisa Shields City Solicitor Legal Services
<b>SIGNATURE:</b>	 

## COUNCIL DIRECTION

At its December 7, 2022 meeting, Council referred deliberations of Motion 7.12 relating to the Mandatory Vaccine Verification Policy (“the Policy”), to the February 1, 2023 meeting of the General Issues Committee. In addition, the Executive Director of Human Resources or Designate and the City Solicitor or designate were directed to report back on the implications of Motion 7.12 (“the Motion”) and alternatives for consideration. Finally, the Executive Director of Human Resources or Designate was directed to report back on the policies in place at other Ontario Municipalities.

## INFORMATION

### Background Timeline:

- The City implemented its Mandatory COVID-19 Vaccination Verification Policy in August 2021, which remains in effect.
- The Policy was amended in January 2022 to include termination of employment for employees who fail to comply with the Policy by May 31, 2022.

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

**SUBJECT: Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(d)/LS23013) – (City Wide) Page 2 of 5**

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- On April 27, 2022, a Council motion on the staff recommendation to remove language in the Policy regarding termination for employees who have not complied with the Policy, was defeated by a 6-6 vote.
- In May 2022, Council voted to extend the deadline for employees to provide proof of vaccination, or face termination of employment, to September 30, 2022.
- On August 12, 2022, Council voted to amend several provisions of the policy including but not limited to the termination provision, the requirement for unvaccinated employees to rapid test, and returning unvaccinated employees who refused to rapid test to the workplace except for Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre.
- On December 7, 2022, Council voted to refer motion 7.12 amending the Policy to the February 1, 2023 meeting of the General Issues Committee.

**Current State:**

The City of Hamilton's Policy continues to require all new employees to be fully vaccinated (i.e. 2 doses) as a condition of employment. These requirements for full vaccination for new hires under the Policy also apply to current employees in our Long-Term Care Homes, the Hamilton Paramedic Service, and the Red Hill Child Care Centre.

Current staff who have disclosed that they are unvaccinated, other than in those specialized areas noted earlier, are permitted to work without such disclosure. This is as a result of Council's direction to staff to suspend the application of the policy for all existing staff except those in the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre on August 12, 2022. Further, the current Policy also contains provisions that continue to apply to Members of Council respecting requirement to provide proof of vaccination.

Generally speaking, Labour Arbitrators have found vaccination policies to be "reasonable", including keeping unvaccinated employees out of the workplace on unpaid leave. By contrast, "vaccination-or-termination" policies have received differing outcomes depending on the facts of the case.

**Impacts of Motion 7.12 from December 7, 2022 Council meeting if passed as written:**



**SUBJECT: Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(d)/LS23013) – (City Wide)****Page 3 of 5**

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1. The Motion amends the Policy to apply only to those employees at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre.
2. Under the Scope section of the Policy, the motion removes the requirements for new employees at the City of Hamilton other than at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre, to be subject to the policy, including but not limited to the requirement to be fully vaccinated (2 doses) against the COVID-19 Virus and providing proof of said vaccination to the employer.
3. The Motion removes language describing the incorporation of language in new hire offer letters requiring compliance with any future vaccine policy requirements as an ongoing condition of employment.
4. The Motion amends the Policy to remove the requirement of new employees at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre, to be fully vaccinated and provide proof of such, as well as removing the requirement in their offer letters to acknowledge the requirement to comply with any future vaccine policy requirements as an ongoing condition of employment. This amendment appears to be an inadvertent contradiction with the earlier intent of Motion 7.12, that is, to maintain the application of the policy to existing and new employees at the Lodges, Hamilton Paramedic Service, and the Red Hill Child Care Centre.
5. The Motion amends the Policy to exclude Members of Council from being covered by the Policy and removes the requirement to forward a complaint to the Integrity Commissioner in instances of non-compliance.
6. The Motion amends the Policy to exclude employees, other than those at the Lodges, Hamilton Paramedic Service, and the Red Hill Child Care Centre, from accessing COVID-19 vaccination clinics during work time.

**Ontario Comparators:**

A review conducted of the provincial comparators, attached as Appendix “A”, identified several municipalities that have removed vaccination requirements for new hires. In addition, some municipalities that continue to have them in place indicated that they are currently reviewing their approach.

As an alternative to Motion 7.12 from December 7, 2022, Council may decide to leave the policy as it is in favour of a “wait and see” approach as other municipalities discuss the same topic and arrive at their conclusions.

**SUBJECT: Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(d)/LS23013) – (City Wide) Page 4 of 5**

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From a talent management perspective, human resources has not encountered challenges with respect to recruitment and retention as a result of the vaccination policy being in effect. In reviewing recruitment data, from September 1, 2021 to December 7, 2022, only 5 offers of employment were rescinded as a function of candidates being unable to comply with the policy. The City hired 2,162 new and rehired 816 employees in the same period. The need for vaccine verification has not been detrimental to the City's recruitment efforts to date, but may be impacted as more comparator municipalities amend their vaccination requirements.

Due to the fact that municipal comparators appear to be status quo or moving away from COVID-19 vaccination requirements for new hires, Staff have not contemplated as an alternative an enhancement of current measures beyond those currently in effect.

**Other Considerations:**

The Occupational Health and Safety Act, RSO 1990, c O.1 (the "OHSA"), requires an employer to take every precaution reasonable in the circumstances for the protection of a worker. While the institution of the Policy initially (and maintaining it until this point), along with other controls like masking, physical distancing and daily health screening, was arguably necessary for the City to meet its obligations under OHSA earlier in the pandemic, the risk of a successful claim that the City would be breaching this obligation if it amends its Policy is not the same as it were at the height of the pandemic, especially so in light of the general trend amongst municipal comparators.

Municipal employers in the province have not been directed to maintain a mandatory COVID-19 vaccination and/or rapid testing policy for staff generally, and many similarly-situated employers have elected to implement more lenient policies or no policy at all without issue. Further, in light of the currently available data surrounding infection with and transmission of COVID-19 by vaccinated individuals, there is some question about whether requiring COVID-19 vaccination will further protect the workforce from COVID-19.

A legal analysis of the risks associated with various Policy modification options was provided to counsel previously under Confidential Report HUR21008(c)- Amendments to the Mandatory COVID-19 Vaccination Verification Policy – Legal Assessment.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report HUR21008(d)/LS23013 - Municipal Comparators; New Hire Vaccination Status – As of January 11, 2023

**SUBJECT: Amendment to the Mandatory COVID-19 Vaccination Verification  
Policy (HUR21008(d)/LS23013) – (City Wide) Page 5 of 5**

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Engaged Empowered Employees.


Municipal Comparators; New Hire Vaccination Status – January 11, 2023

Municipality	Vaccination (2 Doses) Requirement for New Employees
City of Brampton	No
City of Burlington	Yes
Durham Region	Yes; long-term care requires a third dose and booster within six months of third dose.
City of Greater Sudbury	Yes; long-term care employees must be fully vaccinated in accordance with the Minister's Directive: Long-term care home COVID-19 immunization policy.
Halton Region	Yes; a third dose is strongly encouraged in long-term care. If a third dose is not disclosed, a rapid antigen test prior to every shift in long-term care is required.
City of London	Yes; new hires in long-term care must also be in compliance with mandates from the Minister of Long-Term Care, Chief Medical Officer of Health, the Province of Ontario or other regulatory or legislative authority.
City of Markham	Yes
City of Mississauga	No
Niagara Region	Yes
City of Ottawa	No; however, proof of vaccination is required for new hires in high-risk settings, such as paramedics and employees in long-term care, shelters and respite centres.
Peel Region	Yes; new hires in long-term care require a third dose.
City of Toronto	No
Waterloo Region	No; however, proof of vaccination is required for new hires in long-term care.
City of Windsor	No
York Region	Yes*; new hires in long-term care require a third dose, plus applicable boosters.  <i>*Policy being lifted March 1, 2023. Long-term care staff and new hires will still be required to show proof of vaccination (3 doses).</i>

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**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 1, 2023
<b>SUBJECT/REPORT NO:</b>	Barton Village Business Improvement Area (BIA) Proposed Budget & Schedule of Payment (PED23030) (Wards 2 and 3)
<b>WARD(S) AFFECTED:</b>	Wards 2 and 3
<b>PREPARED BY:</b>	Cristina Geissler (905) 546-2424 Ext. 2632
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the 2023 Operating Budget for the Barton Village Business Improvement Area, attached as Appendix "A" to Report PED23030, in the amount of \$176,200 be approved;
- (b) That the levy portion of the Operating Budget for the Barton Village Business Improvement Area in the amount of \$95K be approved;
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, *The Municipal Act, 2001*, to levy the 2023 Budget as referenced in Recommendation of Report PED23030;
- (d) That the following schedule of payments for 2023 be approved:
  - (i) February                      \$47,500
  - (ii) June                              \$47,500

Note: Assessment appeals may be deducted from the levy payments.

**SUBJECT: Barton Village Business Improvement Area (BIA) Proposed Budget & Schedule of Payment (PED23030) (Wards 2 and 3) - Page 2 of 3**

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**EXECUTIVE SUMMARY**

This Report deals with the approval of the 2023 Budget and Schedule of Payments for the Barton Village Business Improvement Area (BIA).

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The \$95K is completely levied by the BIA through its members. There is no cost to the City of Hamilton for any part of the Operating Budget.

Staffing: There are no staffing implications.

Legal: The *Municipal Act, 2001*, Section 205, Sub-section (2) dictates that City Council must approve Budgets of BIAs.

**HISTORICAL BACKGROUND**

At its Annual General Meeting on Monday November 28, 2022, the Barton Village BIA Board of Management presented its proposed Budget for 2023.

The process followed to adopt the Barton Village Business Improvement Area (BIA) Budget was in accordance with The *Municipal Act, 2001*, and the BIA's Procedure By-law.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

N/A

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

N/A

**ALTERNATIVES FOR CONSIDERATION**

N/A

**SUBJECT: Barton Village Business Improvement Area (BIA) Proposed Budget & Schedule of Payment (PED23030) (Wards 2 and 3) - Page 3 of 3**

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**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and Participation**

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

**Economic Prosperity and Growth**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23030 – 2023 Barton Village BIA Budget.

CG/rb


BIA Levy	\$95,000
Grants & Sponsorships	\$81,200
<b>Total Revenues</b>	<b>\$176,200</b>
<b>EXPENSES</b>	
<b>Marketing + Events</b>	
Banners/Median Lights	\$2,000
Consultants	\$10,000
Advertising	\$5,000
Barton Village Festival	\$30,000
Summer Activations	\$3,750
Fall Activations	\$3,750
Winter Activations	\$3,750
Spring Activations	\$3,750
	Total 62k
<b>Meetings and Business Development</b>	
Annual General Meeting	\$500
BIA Meetings	\$550
<b>Beautification</b>	
Streetscape Masterplan	12,000
Street Cleaning and Maintenance	\$8,000
<b>Insurance</b>	
General Insurance & Officers & Directors Liability	\$2,500
<b>Membership</b>	
Ontario BIA Membership	\$250
<b>Administrative</b>	
Partial Benefits	\$0
Accountant	\$1,200
Executive Director	\$60,000
Office Rent	\$25,000
Telephone/Internet	\$1,600
Office and BIA Supplies	\$1,000
Website Management	\$450
Financial Audit	\$500
Bank Charges	\$150
Levy Reconciliations	\$500
<b>Total Expenses</b>	<b>\$176,200</b>





Hamilton

**CITY OF HAMILTON**  
**CITY MANAGER'S OFFICE**  
 Government Relations & Community Engagement

<b>TO:</b>	Chair and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 1, 2023
<b>SUBJECT/REPORT NO:</b>	2023 Budget Submission – Advisory Committee for Persons with Disabilities (CM23005) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Lina El Khalil, Administrative Assistant, Government Relations (905) 546-2424 Ext. 7219
<b>SUBMITTED BY:</b>	Morgan Stahl Director, Government Relations & Community Engagement City Manager's Office
<b>SIGNATURE:</b>	

## RECOMMENDATION

That the Advisory Committee for Persons with Disabilities (ACPD) 2023 base budget submission attached as Appendix "A" to Report (CM23005) in the amount of \$6,100.00, be approved.

## EXECUTIVE SUMMARY

In accordance with the process for submission of budgets for the Volunteer Advisory Committees, the Advisory Committee for Persons with Disabilities budget for 2023, in the amount of \$6100.00, is being submitted for approval.

## FINANCIAL – STAFFING – LEGAL IMPLICATIONS

**Financial:** The base budget requested for 2023 for the advisory committee is the same as the budget requested and approved for 2022.

**Staffing:** Not Applicable

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**SUBJECT: 2023 Budget Submissions - Volunteer Advisory Committee (City Wide)**  
**Page 2 of 3**

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Legal: Not Applicable

**HISTORICAL BACKGROUND**

At their December 13, 2022 meeting, the Advisory Committee for Persons with Disabilities gave consideration to their budget needs for 2023. Their budget submission is attached as Appendix "A" to Report (CM23005). The budget includes incidental costs to support the Committee as well as additional costs for specific events, programs, and initiatives. The Advisory Committee for Persons with Disabilities is requesting the same budget they had in 2022 in the amount of \$6100.00

In accordance with the volunteer committee budget process, the budgets are recommended for approval.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Advisory Committee for Persons with Disabilities is able to put surplus funds from each year into a reserve, for future purposes and request the use of those funds, in future years, for specific activities. The possibility gives the Advisory Committee for Persons with Disabilities the chance to plan to undertake specific projects or initiatives, in future years, while minimizing increases in their budgets. The Advisory Committee for Persons with Disabilities has not yet determined all of their activities for 2023. Should additional funding be required in 2023 and be available in the Advisory Committee for Persons with Disabilities reserves, requests for reserve funding will be made at the appropriate time.

**RELEVANT CONSULTATION**

The Advisory Committee for Persons with Disabilities discussed their 2023 budget needs at their December 13, 2022, committee meeting.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The recommendation will provide funding for the operations of Advisory Committee for Persons with Disabilities to enable them to continue to fulfil their terms of reference.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Community Engagement & Participation**

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

**Healthy and Safe Communities**

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**SUBJECT: 2023 Budget Submissions - Volunteer Advisory Committee (City Wide)**

**Page 3 of 3**

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

**Culture and Diversity**

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

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report (CM23005) – Advisory Committee for Persons with Disabilities Budget Submission

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# **CITY OF HAMILTON**

**2023**

**ADVISORY COMMITTEES**

**BUDGET SUBMISSION FORM**

**ADVISORY COMMITTEE For Persons With Disabilities (ACPD)**

**PART A: General Information****ADVISORY COMMITTEE MEMBERS:**

Shahan Aaron	Paula Kilburn
Patty Cameron	Aznive Mallett
Elizabeth (Jayne) Cardno	Tom Manzuk
Michelle Dent	Corbin McBride
Lance Dingman	Mark McNeil
Anthony Frisina	Tim Murphy
James Kemp	Kim Nolan
Levi Janosi	Tim Nolan
Bob Semkow	

**MANDATE:**

The Advisory Committee for Persons with Disabilities recommends to the City of Hamilton policies, procedures and guidelines that address the needs and concerns of persons with disabilities.

**PART B: Strategic Planning****STRATEGIC OBJECTIVES:**

## Terms of Reference

1. To advise Council annually about the preparation, implementation, and effectiveness of its accessibility plan required pursuant to the Ontarians with Disabilities Act, the Accessibility for Ontarians with Disabilities Act, and related regulations.
2. To provide advice and recommendations to City Council and staff with respect to the implementation of Provincial standards, and policies, procedures and guidelines that address the needs and concerns of persons with disabilities.
3. To ensure that the right of access for persons with disabilities to programs and services provided by the City is sustained, maintained, and/or improved in accordance with Provincial legislation, regulations and City standards.

- 4. To review and comment to Council and other levels of government on pertinent reports, proposed legislation and studies which affect all persons with disabilities, where appropriate.
- 5. To provide a forum where persons with disabilities and service representatives can express their concerns, share information and recommend improvements to the existing level of City services for persons with disabilities.
- 6. To educate and increase awareness of the City on issues which affect people with disabilities.
- 7. To support the work of the committee through sub-committees and working groups, as required, and specifically related to the Provincial standards, including Customer Service, Transportation, Employment, Built Environment, and Information and Communications.
- 8. To maintain knowledge of the work of the committee through attendance at meetings and review of agendas and supporting materials.
- 9. To regularly review the progress and measure the success of the committee and its activities.

**ALIGNMENT WITH CORPORATE GOALS:**

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
1) Community Engagement & Participation	<input checked="" type="checkbox"/>	2) Economic Prosperity & Growth	<input checked="" type="checkbox"/>
3) Healthy & Safe Communities	<input checked="" type="checkbox"/>	4) Clean & Green	<input checked="" type="checkbox"/>
5) Built Environment & Infrastructure	<input checked="" type="checkbox"/>	6) Culture & Diversity	<input checked="" type="checkbox"/>
7) Our People & Performance	<input checked="" type="checkbox"/>		

**PART C: Budget Request**

**INCIDENTAL COSTS:**

Monthly Meetings Expenses (photocopying, refreshments, advertising, postage, etc.)	\$300.00
Administrative Assistance (note-taking) for special meetings such as Roundtable.	

Refreshments: <ul style="list-style-type: none"> <li>• Advisory Committee for People with Disabilities \$1500.00</li> <li>• Built Environment Working Group \$750.00</li> <li>• Transportation Working Group \$850.00</li> <li>• Housing Working Group \$600.00</li> <li>• Outreach Working Group \$600.00</li> <li>• Accessible Open Spaces and Parks</li> </ul>	\$4,300.00
<b>SUB TOTAL</b>	<b>\$4,600.00</b>

**SPECIAL EVENT/PROJECT COSTS:**

Conferences and related travel expenses	\$1,500.00
<b>SUB TOTAL</b>	<b>\$1,500.00</b>

<b>TOTAL COSTS</b>	<b>\$6,100.00</b>
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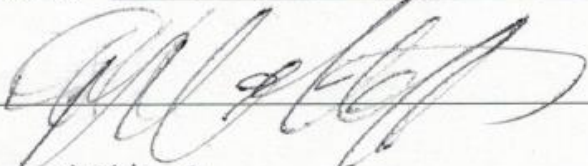
<b>Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)</b>	<b>\$</b>
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<b>TOTAL 2023 BUDGET REQUEST (net of reserve funding)</b>	<b>\$</b>
<b>PREVIOUS YEAR (2022) APPROVED BUDGET (2021 Request \$14,000)</b>	<b>\$</b>

**CERTIFICATION:**

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

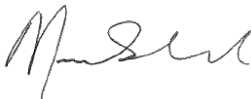
Representative Name: A Mallett

Signature: 

Date: Jan 18/23



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 1, 2023
<b>SUBJECT/REPORT NO:</b>	Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors (PED23021) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Norm Schleeahn (905) 546-2424 Ext. 2269
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That a City of Hamilton working group comprised of two Councillors, together with the Mayor, be established to determine a process for jointly appointing a new municipal representative to the Hamilton-Oshawa Port Authority Board of Directors in collaboration with a similar working group of City of Oshawa elected officials;
- (b) That the collective results of the working groups be reported back to the General Issues Committee with a recommended process for jointly appointing a single municipal representative to the Hamilton-Oshawa Port Authority Board of Directors.

## EXECUTIVE SUMMARY

On February 9, 2019, based on a recommendation from the Minister of Transport, the Governor General in Council issued a notice of a Certificate of Intent to amalgamate the Oshawa and Hamilton Port Authorities and invited comments to be submitted within 30 days of the notice. The objective of the proposal was to strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port development, land use and marketing.

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**SUBJECT: Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors (PED23021) (City Wide) - Page 2 of 7**

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During the 30-day post certificate consultation period, City staff presented a report to GIC on February 20, 2019 (PED19065) which was ratified by Hamilton City Council on February 27, 2019. The Report included several recommendations that were to be presented to the Minister of Transport regarding the proposed amalgamation including that the City of Hamilton's preference was that both the City of Hamilton and the City of Oshawa be given a seat on the Board of Directors of the Hamilton-Oshawa Port Authority (HOPA). This recommendation was not accepted by the Department of Transport.

On June 8, 2019, the Department of Transport issued a Certificate of Amalgamation of Port Authorities to create the new Hamilton-Oshawa Port Authority HOPA. The Certificate of Amalgamation included the Letters Patent of the HOPA. See Appendix "A" to Report PED23021, attached to this Report. According to the HOPA Letters Patent, as issued by the Department of Transport on June 8, 2019.

"The HOPA Board of Directors shall be composed of seven directors appointed to hold office as follows:

- (e) The Governor in Council appoints one individual nominated by the Minister;
- (f) The City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, appoints one individual;
- (g) The Province of Ontario appoints one individual; and,
- (h) The Governor General in Council appoints four remaining individuals nominated by the Minister in consultation with the users selected by the Minister or with the classes of users."

The Letters Patent state that there is to be one municipal representative on the HOPA Board of Directors, however, they did not provide direction on how this municipal appointment is to be determined.

After discussion with senior staff from both the City of Hamilton and the City of Oshawa, the recommended approach of two municipal working groups collaborating to determine an appointment process was put forward.

Upon the City of Hamilton selecting its working group, Hamilton staff would work with Oshawa staff to develop an agenda and schedule a meeting for both working groups to jointly discuss a preferred process for appointing the new municipal representative to the HOPA Board of Directors in 2023, and for any future appointments.

**SUBJECT: Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors (PED23021) (City Wide) - Page 3 of 7**

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The current municipal seat on the HOPA Board of Directors is occupied by Mr. Jim Howlett. He was first appointed by the City of Hamilton to the HOPA Board of Directors on February 14, 2018. Mr. Howlett's board position is currently in overhold, and he will remain the municipal representative until the new appointment has been determined.

**Alternatives for Consideration – See Page 7**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: There are no known financial implications for the City of Hamilton.

Staffing: There are no known staffing implications for the City of Hamilton.

Legal: There are no known legal implications for the City of Hamilton.

**HISTORICAL BACKGROUND**

**Formal Announcement of Intent—Canada Gazette (February 9, 2019)**

On February 9, 2019, the Federal government formally announced its intent to merge the HPA and OPA by publishing a Certificate of Intent to Amalgamate in the Canada Gazette which noted that:

- Pursuant to section 59.1 of the Port Authorities Management Regulations the Minister recommended that the OPA and the HPA be amalgamated and continue as one port authority to be named the “Oshawa-Hamilton Port Authority”;
- This “Proposal seeks to strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port development, land use and marketing” and “would allow the amalgamated port authority to leverage the operations of the” HPA, and “the established operations of the” OPA “to successfully broaden multimodal transportation options in the Greater Toronto Area”;
- The benefits of amalgamating Canadian Port Authorities (CPAs) have been raised in the 2016 review of the *Canada Transportation Act* (which recommended “that work be conducted to further the amalgamation of CPAs guided by ‘common user principles embodied in the *Canada Marine Act*’ and also noted the success of the previous Port Metro Vancouver amalgamation”) as well as the Minister of Transport’s Transportation 2030 vision which “proposed a broad

**SUBJECT: Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors (PED23021) (City Wide) - Page 4 of 7**

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- agenda for the future of Canada's transportation system that includes examining the governance and the optimization of CPAs";
- Canada's National Port system is made up of 18 CPAs - non-share capital corporations incorporated under the *Canada Marine Act (CMA)*. CPAs handle about 60% of Canada's marine commercial cargo tonnage and contribute over 213,000 direct and indirect jobs and over \$25B to Canada's GDP;
  - This Amalgamation is administrative in nature and would represent no further financial costs for the Government of Canada or to the Canadian public. Operations at both
  - Ports would continue without disruption and the amalgamated Port would be in a strong financial position and forecast positive growth;
  - There are no expected environmental implications, as no changes to the current land holdings, infrastructure, or real property of the OPA and HPA are being proposed. Available industrial land at both Ports would complement one another in terms of business coordination and development planning to strengthen the Ontario regional supply chain. Continuity of operations at both Ports would result in continued direct and indirect economic benefits for surrounding communities; and,
  - Consultations will be conducted after the posting of this Certificate of Intent. Interested persons may make written representations to the Minister within 30 days after publication of the Certificate. "The results of these consultations would be considered within the context of a second submission to the Governor in Council on whether to seek the issuance of a Certificate of Amalgamation that officially amalgamates the two Ports. Consultation with entities directly affected by a proposed amalgamation will be conducted by Transport Canada within the consultation period."
  - During the 30-day post certificate consultation period, City staff presented a report to GIC on February 20, 2019 (PED19065) which was ratified by Hamilton City Council on February 27, 2019. The Report included several recommendations that were to be presented to the Minister of Transport regarding the proposed amalgamation including that the City of Hamilton's preference was that both the City of Hamilton and the City of Oshawa be given a

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**SUBJECT: Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors (PED23021) (City Wide) - Page 5 of 7**

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seat on the Board of Directors of the Hamilton-Oshawa Port Authority (HOPA). This recommendation was not accepted by the Department of Transport.

- On June 8, 2019, the Department of Transport issued a Certificate of Amalgamation of Port Authorities to create the new Hamilton-Oshawa Port Authority HOPA. The Certificate of Amalgamation included the Letters Patent of the HOPA. See Appendix “A” to Report PED23021, attached to this Report. According to the Letters Patent, as issued by the Department of Transport on June 8, 2019, “The HOPA Board of Directors shall be composed of seven directors appointed to hold office as follows:
  - (e) The Governor in Council appoints one individual nominated by the Minister;
  - (f) The City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, appoints one individual;
  - (g) The Province of Ontario appoints one individual; and,
  - (h) The Governor General in Council appoints four remaining individuals nominated by the Minister in consultation with the users selected by the Minister or with the classes of users”.

### **Current Board Representation**

The municipal seat on the HOPA Board of Directors is occupied by Mr. Jim Howlett. He was appointed to the Board of Directors on February 14, 2018. Mr. Howlett is a lifetime Hamiltonian who has served on a wide variety of councils and boards since the 1980's. These include the International Joint Commission to the Great Lakes, several community councils, and non-profit groups, and also a tribunal judge for the Province of Ontario. Mr. Howlett has remained on the HOPA Board of Directors post amalgamation as the municipal appointed director under 4.4(b) of the HOPA Letters Patent.

### **The Creation of the Hamilton and Oshawa Port Authorities**

The Federal government created the HPA in 2001 to replace the Hamilton Harbour Commission (which had been in operation since 1912) and created the OPA in 2012 to replace the Oshawa Harbour Commission (which had been in place since 1960).

The Port Authorities Management Regulations (PAMR) are issued under the *Canada Marine Act* (CMA) which was enacted in 1998, with the stated purpose of establishing a

**SUBJECT: Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors (PED23021) (City Wide) - Page 6 of 7**

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system of “competitive, efficient and commercially oriented” Canadian ports and commercializing the St. Lawrence Seaway.

CPAs are intended operate at arm’s length from the Federal government and are governed by a board of directors chosen by port users and the municipal, provincial, and federal governments. Each board:

- Sets the business direction and makes commercial decisions for the Port;
- Sets fees (e.g. berthage and wharfage fees);
- Is responsible for maintaining and dredging commercial shipping channels; and,
- Acts as a landlord, leasing port operations to private operators.

Transport Canada states that CPAs must also be financially self-sufficient. They don’t receive federal funding to meet operating costs or deficits but finance capital projects using their own revenues. However, CPAs can also partner with the private sector, borrow from commercial lenders, or apply for certain federal grants related to infrastructure, the environment or security.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **RELEVANT CONSULTATION**

Ian Hamilton, CEO, Hamilton Oshawa Port Authority;

City of Oshawa; and,

City Manager’s Office.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Despite best efforts by both the City of Hamilton and the City of Oshawa to have individual representation on the HOPA board, the Letters Patent included in the Certificate of Amalgamation clearly state that there is to be a single municipal representative on the HOPA Board of Directors. The Letters Patent did not provide direction on how this municipal appointment is to be determined.

**SUBJECT: Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors (PED23021) (City Wide) - Page 7 of 7**

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Following discussions with senior staff from both the City of Hamilton and the City of Oshawa, and to ensure a fair and equitable process, it is recommended that both municipalities form working groups comprised of elected officials and collaborate to recommend an appointment process for the new municipal representative to the HOPA Board of Directors in 2023, and for any future appointments.

**ALTERNATIVES FOR CONSIDERATION**

Council could direct senior staff from both municipalities to collaborate and bring forward a suggested selection process to their respective Councils, however given the political importance of the board position, this alternative would not be 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

**Economic Prosperity and Growth**

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

**Built Environment and Infrastructure**

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

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23021 – Letters of Patent

NS/jrb

# Canada Gazette

## Part I



# Gazette du Canada

## Partie I

OTTAWA, SATURDAY, JUNE 8, 2019

OTTAWA, LE SAMEDI 8 JUIN 2019

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### Department of Transport

### Ministère des Transports

Certificate of amalgamation of  
port authorities

Certificat de fusion  
d'administrations portuaires

(Order in Council P.C. 2019-732)

(Décret C.P. 2019-732)

Hamilton-Oshawa Port Authority

Administration portuaire Hamilton-Oshawa

**ORDERS IN COUNCIL**

**DEPARTMENT OF TRANSPORT**

*Certificate of amalgamation of port authorities*

P.C. 2019-732 May 30, 2019

Her Excellency the Governor General in Council, on the recommendation of the Minister of Transport, pursuant to section 59.1 of the *Port Authorities Management Regulations*, hereby issues the annexed certificate of amalgamation of the port authorities specified in the certificate.

**CERTIFICATE OF AMALGAMATION OF PORT AUTHORITIES**

WHEREAS pursuant to Order in Council P.C. 2019-70 a certificate of intent to amalgamate the Hamilton Port Authority and the Oshawa Port Authority was issued on January 31, 2019;

AND WHEREAS the notice requirements pertaining to the certificate of intent to amalgamate set out in subsection 59.1(2) of the *Port Authorities Management Regulations* have been met;

AND WHEREAS the Minister of Transport has recommended that the Hamilton Port Authority and the Oshawa Port Authority be amalgamated and continue as one port authority to be named the Hamilton-Oshawa Port Authority;

AND WHEREAS, pursuant to paragraph 59.7(k) of the *Port Authorities Management Regulations*, the letters patent contained in this certificate of amalgamation are the letters patent of the Hamilton-Oshawa Port Authority;

NOW THEREFORE under the authority of section 59.1 of the *Port Authorities Management Regulations*, it is hereby certified that the Hamilton Port Authority and the Oshawa Port Authority are amalgamated and continue as one port authority to be named the Hamilton-Oshawa Port Authority, effective June 18, 2019.

**EXPLANATORY NOTE**

*(This note is not part of the Order.)*

**Proposal**

That the Governor in Council (GiC) issue a Certificate of Amalgamation for the Canada Port Authorities (CPAs) of Hamilton and Oshawa, pursuant to subsection 59.1(1) of the *Port Authorities Management Regulations* (PAMR), which permits the Governor in Council to amalgamate

**DÉCRETS EN CONSEIL**

**MINISTÈRE DES TRANSPORTS**

*Certificat de fusion d'administrations portuaires*

C.P. 2019-732 Le 30 mai 2019

Sur recommandation du ministre des Transports, et en vertu de l'article 59.1 du *Règlement sur la gestion des administrations portuaires*, Son Excellence la Gouverneure générale en conseil délivre le certificat de fusion des administrations portuaires qui y sont précisées, ci-après.

**CERTIFICAT DE FUSION D'ADMINISTRATIONS PORTUAIRES**

ATTENDU QUE, en vertu du décret C.P. 2019-70, un certificat d'intention de fusionner l'Administration portuaire Hamilton et l'Administration portuaire Oshawa a été délivré le 31 janvier 2019;

ATTENDU QUE les exigences en matière d'avis concernant le certificat d'intention de fusionner énoncées au paragraphe 59.1(2) du *Règlement sur la gestion des administrations portuaires* ont été respectées;

ATTENDU QUE le ministre des Transports a recommandé que l'Administration portuaire Hamilton et l'Administration portuaire Oshawa fusionnent et continuent en tant qu'administration portuaire unique nommée Administration portuaire Hamilton-Oshawa,

ATTENDU QUE, conformément à l'alinéa 59.7k) du *Règlement sur la gestion des administrations portuaires*, les lettres patentes contenues dans ce certificat de fusion sont les lettres patentes d'Administration portuaire Hamilton-Oshawa ;

À CES CAUSES, en vertu de l'article 59.1 du *Règlement sur la gestion des administrations portuaires*, il est certifié que l'Administration portuaire Hamilton et l'Administration portuaire Oshawa ont fusionné et continuent en tant qu'autorité portuaire unique nommée Administration portuaire Hamilton-Oshawa, à compter du 18 juin 2019.

**NOTE EXPLICATIVE**

*(La présente note ne fait pas partie du Décret.)*

**Proposition**

Que la gouverneure en conseil délivre un certificat de fusion pour les administrations portuaires canadiennes (APC) de Hamilton et d'Oshawa, aux termes du paragraphe 59.1(1) du *Règlement sur la gestion des administrations portuaires* (RGAP), qui permet à la gouverneure



two or more port authorities and continue as one port authority.

### Objective

To ensure the long-term sustainability of port operations and strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port management, development, land use and marketing.

### Background

The Governor in Council (GiC), on the recommendation of the Minister of Transport, issued a certificate of intent to amalgamate these two CPAs on February 9, 2019. The Minister of Transport is amalgamating the Hamilton Port Authority (HPA) and the Oshawa Port Authority (OPA) to form the Hamilton-Oshawa Port Authority (HOPA), effective June 18, 2019.

Canada is a trading nation that relies on its port system. Eighteen CPAs are part of Canada's national port system. CPAs like the HPA and OPA are non-share capital corporations incorporated under the 1998 *Canada Marine Act* (CMA) that have been recognized to be of strategic significance to Canada's trade. CPAs handle approximately 60 percent of Canada's marine commercial cargo tonnage and contribute over \$25 billion to Canada's gross domestic product. The HPA was established in 2001 and is the largest CPA in Ontario, whereas the OPA, established in 2012, is the smallest CPA both in terms of revenues generated and volume of cargo handled.

A certificate of intent to amalgamate was published in the *Canada Gazette*, Part I, on February 9, 2019, and signaled the Government of Canada's interest in amalgamating the HPA and OPA. Consistent with subsection 59.1(2) of the PAMR, a consultation period followed where interested persons were invited to submit their comments. This public consultation period was originally scheduled to end on March 11, 2019. In response to requests by certain stakeholders for additional time to submit their input, Transport Canada extended the duration of the consultation period from 30 to 45 days; bringing the end of the consultation period to March 26, 2019.

### Implications

Consideration was given to the following implications of an amalgamation between the HPA and the OPA.

en conseil de fusionner deux ou plusieurs administrations portuaires en une seule et même administration portuaire.

### Objectif

Assurer la durabilité à long terme des activités portuaires et renforcer la chaîne d'approvisionnement canadienne en Ontario en offrant une approche coordonnée pour la gestion des ports, le développement, l'utilisation des terrains et la commercialisation.

### Contexte

La gouverneure en conseil, sur la recommandation du ministre des Transports a délivré un certificat d'intention de fusion pour ces deux APC le 9 février 2019. Le ministre des Transports fusionne l'Administration portuaire de Hamilton (APH) et l'Administration portuaire d'Oshawa (APO) pour former l'Administration portuaire de Hamilton-Oshawa (APHO), ce qui entrera en vigueur le 18 juin 2019.

Le Canada est une nation commerçante qui s'appuie sur le réseau portuaire. Ce dernier est constitué de 18 APC. Les APC comme l'APH et l'APO sont des sociétés sans capital-actions incorporées en vertu de la *Loi maritime du Canada* (LMC) de 1998 qui ont été reconnues comme ayant une importance stratégique pour le commerce du Canada. Les APC traitent environ 60 % du tonnage des cargaisons commerciales maritimes et génèrent plus de 25 milliards de dollars du produit intérieur brut du Canada. L'APH a été établie en 2001 et est la plus grosse APC en Ontario, alors que l'APO, établie en 2012, est la plus petite APC en ce qui a trait aux revenus générés et au volume de cargaisons manutentionné.

Un certificat d'intention de fusion a été publié dans la *Gazette du Canada*, Partie I, le 9 février 2019 et signalait l'intérêt du gouvernement du Canada pour la fusion de l'APH et de l'APO. Conformément au paragraphe 59.1(2) du RGAP, il y a ensuite eu une période de consultation à laquelle les personnes intéressées ont été invitées à présenter leurs commentaires. Cette période de consultation publique devait, à l'origine, se terminer le 11 mars 2019. En réponse aux demandes de certains intervenants pour plus de temps afin de présenter leurs données, Transports Canada a prolongé la durée de la période de consultation de 30 à 45 jours; la date de fin de la période de consultation étant le 26 mars 2019.

### Répercussions

On a tenu compte des répercussions suivantes en ce qui a trait à la fusion de l'APH et de l'APO.

## Financial

An amalgamation under the PAMR is administrative in nature and will not represent further financial costs for the Government of Canada or to the Canadian public.

Operations at both ports will continue without disruption as all current contracts and liabilities will continue under an amalgamated port. The amalgamated port is expected to be in a strong financial position, in particular due to the strong financial performance of the HPA. The forecasted performance of the amalgamated port indicates positive growth for the foreseeable future.

## Environmental

There are no expected environmental implications, as no changes to the current land holdings, infrastructure, or real property of the HPA and OPA are being made. Provisions have been made to protect a buffer zone that is federal real property and that is adjacent to the Second Marsh Wildlife Area in Oshawa.

## Economic

No job losses are expected from the amalgamation of these two CPAs. Rather, amalgamation is expected to strengthen the Lake Ontario transportation corridor by allowing the amalgamated port authority the ability to strategically plan and invest, improve port efficiencies, and leverage key investments as well as connect to global markets and contribute to Canada's competitiveness. In addition, the amalgamated port authority is expected to be better able to attract long-term investment more strategically, based on the ability to plan from a region wide perspective, and to improve port efficiencies. Continuity of operations at both ports will result in continued direct and indirect economic benefits for surrounding communities.

## Consultations

Through a 45-day consultation period, Transport Canada received a total of 26 submissions/inquiries and engaged directly with a variety of stakeholders with an interest in the future of the HPA and the OPA, including Members of Parliament, the province of Ontario, municipalities, each ports' Board of Directors and management, port users, Indigenous communities, transportation and marine specialists, and the general public.

Overall, stakeholders recognized and/or supported Transport Canada's rationale for pursuing amalgamation. One of the most common views expressed was a desire for constructive dialogue between stakeholders and the

## Financières

Une fusion en vertu du RGAP est de nature administrative et n'entraînera aucun coût supplémentaire pour le gouvernement du Canada ou les Canadiens.

Les activités menées dans les deux ports se poursuivront sans interruption puisque tous les contrats actuels et les responsabilités continueront dans le cadre d'un port issu d'une fusion. Le port fusionné devrait être dans une bonne position financière, particulièrement en raison du bon rendement financier de l'APH. En termes de rendement, on s'attend à ce qu'un port fusionné connaisse une croissance positive dans un avenir prévisible.

## Environnementales

La fusion ne devrait pas avoir de répercussions environnementales, car aucun changement aux infrastructures, aux biens immobiliers ou aux propriétés foncières de l'APH et de l'APO ne sont apportées. Des dispositions ont été prises afin de protéger une zone tampon qui est un bien immobilier fédéral et qui est adjacent à la zone faunique du marais Second à Oshawa.

## Économiques

Aucune perte d'emploi n'est prévue à la suite de la fusion de ces deux APC. La fusion devrait plutôt renforcer le corridor de transport du lac Ontario en offrant à l'administration portuaire fusionnée de planifier et d'investir de manière stratégique, d'améliorer les gains d'efficacité du port et de tirer parti des investissements clés et avoir accès aux marchés mondiaux, et contribuer à la compétitivité du Canada. De plus l'administration portuaire fusionnée devrait être plus en mesure d'attirer des investissements à long terme de façon plus stratégique, en fonction de la capacité de planifier du point de vue de la région entière, et d'améliorer les gains d'efficacité du port. La continuité des activités dans les deux ports procurerait des avantages économiques directs et indirects aux collectivités environnantes.

## Consultations

Grâce à une période de consultation de 45 jours, Transports Canada a reçu un total de 26 présentations/demandes de renseignements et a consulté directement un éventail d'intervenants ayant un intérêt dans l'avenir de l'APH et l'APO, dont des députés, la province de l'Ontario, des municipalités, le conseil d'administration et la direction de chaque port, les usagers des ports, des collectivités autochtones, des spécialistes des transports et du secteur maritime et le grand public.

Globalement, les intervenants ont accepté et appuyé la raison fournie par Transports Canada pour l'éventuelle fusion. Un des points de vue les plus souvent exprimés était le souhait qu'il y ait un dialogue constructif entre les

amalgamated port authority to ensure its success. Stakeholders in the Hamilton area were overall supportive. Meanwhile, stakeholders in Oshawa expressed a combination of support and understanding for the proposed amalgamation as well as some concern over the length of the consultation period and the specific business case for amalgamation. Both municipalities expressed their concern that care be given to ensure appropriate municipal representation exist on an amalgamated Board of Directors and economic development under an amalgamated entity not favour one region over another.

Media coverage on the proposed amalgamation appeared balanced and suggested a general agreement that an amalgamated port authority would be able to better leverage available financial, human and operational resources and promote efficiencies within the supply chain.

Transport Canada took into consideration the views raised during the consultation period as it considered whether or not to amalgamate the two port authorities. As a result, measures were taken to address concerns raised during the consultation period, including:

- extending the consultation period by 15 days to provide stakeholders additional time to submit their views, as well as to allow Transport Canada to respond to concerns expressed about the rationale for amalgamation;
- making provisions to protect a buffer zone that separates port operations from the adjacent Second Marsh Wildlife Area in Oshawa, responding to concerns regarding local and development issues.
- identifying the legal name of the amalgamated entity based on the comments received and the attributes of the existing port authorities;

In addition, steps are being taken to ensure an appropriately balanced Board of Directors for the amalgamated port authority that ensures representation from both the municipalities of Hamilton and Oshawa.

### Contact

[TC.portamalgalamation-fusionport.TC@tc.gc.ca](mailto:TC.portamalgalamation-fusionport.TC@tc.gc.ca)

intervenants et l'administration portuaire fusionnée pour garantir son succès. Les intervenants dans la région de Hamilton étaient généralement favorables, les intervenants à Oshawa ont exprimé une combinaison de soutien et de compréhension pour la fusion proposée et des préoccupations au sujet de la durée de la période de consultation et l'analyse de rentabilisation précise pour la fusion. Les deux municipalités ont mentionné qu'il fallait prendre soin de s'assurer qu'une représentation municipalité appropriée existe au conseil d'administration issu de la fusion et que le développement économique dû à cette entité issue d'une fusion ne favorise pas une région plutôt qu'une autre.

La couverture médiatique sur la fusion proposée semble équilibrée et suggère un accord général que la fusion des administrations portuaires permettrait de mieux mettre à profit les ressources financières, humaines et opérationnelles et favoriserait les gains d'efficacité dans la chaîne d'approvisionnement.

Transports Canada a pris en compte les points de vue soulevés durant la période de consultation, tandis qu'il évaluait s'il fusionnerait ou non les deux administrations portuaires. Par conséquent, des mesures ont été prises pour répondre aux préoccupations soulevées lors de la période de consultation, y compris ce qui suit :

- prolonger la période de consultation de 15 jours afin de donner plus de temps aux intervenants pour présenter leur point de vue, en plus de permettre à Transports Canada de répondre aux préoccupations soulevées à propos de la raison de la fusion;
- prendre des dispositions pour protéger une zone tampon qui protège les activités de la zone faunique du marais Second adjacente à Oshawa, répondant ainsi aux préoccupations concernant les enjeux locaux et de développement;
- déterminer le nom juridique de l'entité issue de la fusion en fonction des commentaires obtenus et des attributs des administrations portuaires existantes.

De plus, des mesures sont prises pour s'assurer qu'un conseil d'administration correctement équilibré est mis en place pour l'administration portuaire issue de la fusion afin de garantir une représentation pour la municipalité de Hamilton et celle d'Oshawa.

### Personne-ressource

[TC.portamalgalamation-fusionport.TC@tc.gc.ca](mailto:TC.portamalgalamation-fusionport.TC@tc.gc.ca)

**HAMILTON-OSHAWA PORT AUTHORITY**

WHEREAS Letters Patent were issued by the Minister of Transport under the authority of the *Canada Marine Act* ("Act") for the Hamilton Port Authority (effective May 1, 2001) and the Oshawa Port Authority (effective January 25, 2012);

AND WHEREAS, on the recommendation of the Minister of Transport, the Governor In Council issued a Certificate of Intent to Amalgamate the Hamilton Port Authority and the Oshawa Port Authority to continue as one port authority;

AND WHEREAS the Certificate of Amalgamation continues the Amalgamating Port Authorities as one Port Authority to be named the Hamilton-Oshawa Port Authority;

NOW THEREFORE, pursuant to paragraph 59.7(k) of the *Port Authorities Management Regulations*, the Letters Patent contained in the Certificate of Amalgamation are the Letters Patent of the Hamilton-Oshawa Port Authority, and are as follows:

**ARTICLE 1****EFFECTIVE DATE, DEFINITIONS AND INTERPRETATION**

**1.1 Effective Date.** These Letters Patent take effect on the day specified in the Certificate of Amalgamation.

**1.2 Definitions.** In these Letters Patent, unless the context otherwise requires, terms used herein shall have the meaning ascribed to such terms in the Act and in addition:

"Act" means the *Canada Marine Act* as amended from time to time; (*Loi*)

"Appointing Body" means, in relation to a director, the body, entity or authority appointing such director; (*organisme de nomination*)

"Authority" means the Hamilton-Oshawa Port Authority; (*administration*)

"Board" means the board of directors of the Authority; (*conseil*)

"Borrowing" has the meaning ascribed to such term in section 9.3; (*emprunts*)

"Capital Investment" means in relation to a Subsidiary, an amount equal to the aggregate of the aggregate potential liability of the Authority pursuant to the terms of a Permitted Indemnity or Guarantee and any contribution of

**ADMINISTRATION PORTUAIRE  
HAMILTON-OSHAWA**

ATTENDU QUE le ministre des Transports, en vertu des pouvoirs prévus dans la Loi maritime du Canada (« Loi »), a produit des Lettres patentes pour l'Administration portuaire Hamilton (en vigueur depuis le 1<sup>er</sup> mai 2001) et l'Administration portuaire Oshawa (en vigueur depuis le 25 janvier 2012);

ET ATTENDU QUE le gouverneur en conseil, sur l'avis du ministre des Transports a délivré un certificat d'intention de fusionner l'Administration portuaire Hamilton et l'Administration portuaire Oshawa en une seule et même administration portuaire;

ET ATTENDU QUE le certificat de fusion fusionne les administrations portuaires fusionnantes en une seule et même administration portuaire qui sera appelée l'Administration portuaire Hamilton-Oshawa;

À CES CAUSES, en vertu de l'alinéa 59.7k) du *Règlement sur la gestion des administrations portuaires*, les Lettres patentes incluses dans le certificat de fusion sont les Lettres patentes de l'Administration portuaire Hamilton-Oshawa, et sont comme suit:

**ARTICLE 1****DATE D'ENTRÉE EN VIGUEUR, DÉFINITIONS ET INTERPRÉTATION**

**1.1 Date d'entrée en vigueur.** Les présentes Lettres patentes entrent en vigueur à la date précisée dans le certificat de fusion.

**1.2 Définitions.** Dans les présentes Lettres patentes, sauf si le contexte exige une autre interprétation, les termes utilisés ont la même signification que celle qui leur est donnée dans la Loi, et en outre les définitions suivantes s'appliquent :

« administrateur » Membre du conseil d'administration. (*Director*)

« administrateur représentatif des utilisateurs » Administrateur devant être nommé en vertu de l'alinéa 14(1)d) de la Loi. (*User Director*)

« administration » L'administration portuaire Hamilton-Oshawa. (*Authority*)

« capital engagé » Relativement à une Filiale, montant correspondant à la somme de l'ensemble du passif éventuel de l'Administration aux termes d'une Indemnité ou garantie autorisée et de toute contribution en espèces ou en biens faite par l'Administration à une Filiale, que ce soit sous forme de prêt aux actionnaires, de souscription d'actions, de donation ou autres, à l'exclusion des contributions faites par l'Administration à la Filiale au moyen d'un bail ou d'un permis à juste valeur marchande

cash or property made by the Authority to such Subsidiary whether by way of outstanding shareholder loan, subscription for shares, gift or otherwise, other than contributions by the Authority to the Subsidiary by way of a lease or licence of property held or administered by the Authority for fair market value; (*capital engagé*)

“Capitalized Lease Liabilities” means all monetary obligations of the Authority under any leasing or similar arrangements which, in accordance with GAAP, would be classified as capitalized leases and the amount of such obligations for the purposes of calculating Borrowing shall be the capitalized amount thereof, determined in accordance with GAAP; (*passif de contrat de location-acquisition*)

“Classes of users” means the classes of users for the purposes of subparagraph 8(2)(f)(iv) of the Act which are described in the annexed Schedule D; (*catégories d'utilisateurs*)

“Code of Conduct” means the code of conduct governing the conduct of directors and officers set forth in the annexed Schedule E; (*code de déontologie*)

“Contingent Liability” means any agreement, undertaking or arrangement by which the Authority guarantees, endorses or otherwise becomes or is contingently liable upon (by direct or indirect agreement, contingent or otherwise, to provide funds for payment, to supply funds to, or otherwise to invest in, a debtor, or otherwise to assure a creditor against loss) the indebtedness, obligation or any other liability of any other person or entity (other than by endorsements of instruments in the course of collection), or guarantees the payment of dividends or other distributions. The amount of any obligation under any Contingent Liability shall (subject to any limitation set forth therein) be deemed to be the outstanding principal amount (or maximum principal amount, if larger) of the debt, obligation or other liability guaranteed thereby; (*élément de passif éventuel*)

“Director” means a member of the Board; (*administrateur*)

“Fair market value” means for a good, service, facility or right, the amount which would be paid or received by an arm’s length third party acting free from compulsion or duress in an open market for a comparable good, service, right or facility available on comparable terms; (*juste valeur marchande*)

“Fiscal Year” means the fiscal year of the Authority, as established by the Authority from time to time; (*exercice*)

“GAAP” means generally accepted accounting principles in Canada; (*PCGR*)

“Gross Revenue Charge” has the meaning ascribed in such term in section 6.2; (*frais sur les revenus bruts*)

concernant des biens que possède ou gère l’Administration. (*Capital Investment*)

« catégories d'utilisateurs » Catégories d'utilisateurs pour l'application du sous-alinéa 8(2)f(iv) de la Loi, décrites à l'Annexe « D ». (*Classes of Users*)

« code de déontologie » Code de déontologie régissant la conduite des administrateurs et des dirigeants, qui figure à l'Annexe « E ». (*Code of Conduct*)

« Comité de mise en candidature » Comité décrit au paragraphe 4.6. (*Nominating Committee*)

« conseil » Le conseil d'administration de l'Administration. (*Board*)

« contrat de travail » S'entend au sens du paragraphe 8.4. (*Work Contract*)

« dirigeant » Dirigeant de l'Administration. (*Officer*)

« élément de passif éventuel » Toute entente, tout engagement ou tout arrangement par lequel l'Administration garantit, cautionne ou devient éventuellement responsable (par entente directe ou indirecte, éventuelle ou autre, de verser les fonds de paiement, de fournir les fonds ou d'investir des fonds à un débiteur, ou encore d'assurer un créancier contre la perte) de la dette, de l'obligation ou d'un élément de passif de toute personne ou entité (autrement que par endossement des instruments au moment de la perception), ou garantit le paiement de dividendes ou autre distribution. Le montant de toute obligation prévue à l'Élément de passif éventuel (sous réserve des limites qui y sont prévues) est réputé être le montant du solde du principal (ou montant maximal du principal, s'il est plus élevé) de la dette, de l'obligation ou de l'élément de passif garanti dans le document. (*Contingent Liability*)

« emprunts » S'entend au sens du paragraphe 9.3. (*Borrowing*)

« exercice » Exercice de l'Administration, tel que déterminé par cette dernière de temps à autre. (*Fiscal Year*)

« filiale » Toute filiale à cent pour cent de l'Administration constituée de temps à autre en vertu de la Loi et des présentes Lettres patentes. (*Subsidiary*)

« frais sur les revenus bruts » S'entend au sens du paragraphe 6.2. (*Gross Revenue Charge*)

« indemnité ou garantie autorisée » Aide financière qu'accorde l'Administration aux Filiales, sous forme d'indemnité, de garantie ou autrement, et qui fait état de l'ensemble du passif éventuel de l'Administration en dollars. (*Permitted Indemnity or Guarantee*)

« juste valeur marchande » Relativement à un bien, un service, une installation ou un droit, le montant qui serait payé ou reçu par une tierce partie sans lien de dépendance

“Her Majesty” means Her Majesty in Right of Canada; (*Sa Majesté*)

“Letters Patent” means these letters patent as amended by supplementary letters patent, if any, and includes any schedules hereto and thereto; (*Lettres patentes*)

“Minister” means the Minister of Transport; (*ministre*)

“Nominating Committee” means the committee described in section 4.6 (*Comité de mise en candidature*)

“Officer” means an officer of the Authority; (*dirigeant*)

“Permitted Indemnity or Guarantee” means financial assistance given by the Authority for the benefit of any Subsidiary, whether by way of indemnity, guarantee or otherwise which financial assistance must state the aggregate potential liability of the Authority in dollar terms; (*indemnité ou garantie autorisée*)

“Regulations” means the regulations made under the Act; (*règlement*)

“Significant Legal Proceedings” means legal proceedings for which the Authority or any Subsidiary has been served with written notice of the commencement of legal proceedings where such notice claims damages in excess of \$250,000; (*procédure judiciaire importante*)

“Subsidiary” means any wholly-owned subsidiary of the Authority incorporated from time to time in accordance with the Act and these Letters Patent; (*filiale*)

“Sufficient Return” means monies paid to the Authority in a Fiscal Year by a Subsidiary in which the Authority has made a Capital Investment in an amount no less than the annual yield which would have been received by the Authority had it invested an amount equal to the Capital Investment, less the amount of the aggregate potential liability of the Authority pursuant to the terms of any Permitted Indemnity or Guarantee, if any, comprised in such Capital Investment, in non-callable Government of Canada bonds, issued at par, in Canada on the closest issue date to the date upon which the Capital Investment was made by the Authority and maturing ten years from the date of issue; (*rendement suffisant*)

“User Director” means a director to be appointed pursuant to paragraph 14(1)(d) of the Act; (*administrateur représentatif des utilisateurs*)

“Work Contract” has the meaning ascribed to such term in section 8.4; (*contrat de travail*)

**1.3 Conflicts with Act or Regulations.** If there is any conflict between the Letters Patent and the Act or Regulations, the Act or Regulations shall prevail.

et agissant sans contrainte dans un marché libre, pour un bien, un service, une installation ou un droit comparable disponible à des conditions comparables. (*Fair Market Value*)

« Lettres patentes » Les présentes lettres patentes telles que modifiées par lettres patentes supplémentaires, le cas échéant, et comprenant leurs annexes respectives. (*Letters Patent*)

« Loi » La *Loi maritime du Canada* telle que modifiée. (*Act*)

« ministre » Le ministre des Transports. (*Minister*)

« organisme de nomination » À l'égard d'un administrateur, l'organisme, l'entité ou l'autorité qui l'a nommé. (*Appointing Body*)

« passif de contrat de location-acquisition » Toute obligation monétaire de l'Administration aux termes d'une entente de location ou entente semblable qui, conformément aux PCGR, serait considérée comme un contrat de location-acquisition, et le montant de ces obligations pour les fins du calcul des Emprunts est le montant capitalisé de ces derniers, déterminé conformément aux PCGR. (*Capitalized Lease Liabilities*)

« PCGR » S'entend des principes comptables généralement reconnus au Canada. (*GAAP*)

« procédure judiciaire importante » S'entend des procédures dont avis écrit a été signifié à l'Administration ou toute Filiale si l'avis du début des procédures indique une réclamation de dommages-intérêts de plus de 250 000 \$. (*Significant Legal Proceedings*)

« règlement » Règlement pris en application de la Loi. (*Regulations*)

« rendement suffisant » Au cours d'un Exercice, montants versés à l'Administration par une Filiale dans laquelle l'Administration a mis du Capital engagé dont le montant correspond au moins au rendement annuel que l'Administration aurait reçu si elle avait investi un montant équivalent, moins l'ensemble du passif éventuel de l'Administration aux termes de toute Indemnité ou garantie autorisée, si le Capital engagé en comportait, dans des obligations non remboursables du gouvernement du Canada, émises au pair au Canada à la date d'émission la plus rapprochée de la date à laquelle l'Administration a mis son Capital engagé et venant à échéance dix ans après la date d'émission. (*Sufficient Return*)

« Sa Majesté » Sa Majesté du chef du Canada. (*Her Majesty*)

**1.3 Conflit avec la Loi ou un Règlement.** En cas de conflit entre les Lettres patentes et la Loi ou un Règlement, la Loi ou le Règlement a préséance.

**1.4 Conflicts with By-laws.** If there is any conflict between the Letters Patent and the by-laws of the Authority, the Letters Patent shall prevail.

## ARTICLE 2

### DESCRIPTION OF AUTHORITY

**2.1 Name of Authority.** The corporate name of the Authority is the Hamilton-Oshawa Port Authority.

**2.2 Registered Office of Authority.** The registered office of the Authority is located at 605 James Street N, Suite 600, Hamilton, Ontario L8L 1K1.

## ARTICLE 3

### DESCRIPTIONS OF NAVIGABLE WATERS AND PROPERTY

**3.1 Description of Navigable Waters.** The description of the navigable waters that are within the jurisdiction of the Authority is set out in Schedule A hereto.

**3.2 Description of Federal Real Property.** The federal real property that is managed by the Authority is described in Schedule B hereto.

**3.3 Description of Real Property other than Federal Real Property.** The real property, other than federal real property, held or occupied by the Authority is described in Schedule C hereto.

**3.4 Estoppel Respecting Property Descriptions.** The descriptions of federal real property, real property other than federal real property and navigable waters referred to in this article shall not be interpreted as a representation, warranty or admission and shall not operate as an estoppel by or against any person, including Her Majesty, in respect of title, including aboriginal title, or any beneficial interest in, or any claim to such property.

## ARTICLE 4

### DIRECTORS AND DIRECTORS' MEETINGS

**4.1 Number of Directors.** The Board shall consist of seven (7) directors.

**4.2 Qualifications of Directors.** The following individuals may not be directors:

- (a) an individual who is a mayor, councillor, officer or employee of one of the municipalities described in subsection 4.4(b) below;

**1.4 Conflit avec des règlements administratifs.** En cas de conflit entre les Lettres patentes et les règlements administratifs de l'Administration, les Lettres patentes ont préséance.

## ARTICLE 2

### DESCRIPTION DE L'ADMINISTRATION

**2.1 Dénomination de l'Administration.** La dénomination sociale de l'Administration est : Administration portuaire Hamilton-Oshawa.

**2.2 Siège social de l'Administration.** Le siège social de l'Administration est situé au 605, rue James Nord, Pièce 600, Hamilton (Ontario) L8L 1K1.

## ARTICLE 3

### DESCRIPTIONS DES EAUX NAVIGABLES ET DES BIENS

**3.1 Description des eaux navigables.** Les eaux navigables qui relèvent de la compétence de l'Administration sont décrites à l'Annexe « A ».

**3.2 Description des immeubles fédéraux.** Les immeubles fédéraux dont la gestion est confiée à l'Administration sont décrits à l'Annexe « B ».

**3.3 Description des immeubles autres que des immeubles fédéraux.** Les immeubles, autres que des immeubles fédéraux, que détient ou qu'occupe l'Administration sont décrits à l'Annexe « C ».

**3.4 Préclusion concernant les descriptions des biens.** Les descriptions des immeubles fédéraux, des immeubles autres que les immeubles fédéraux et des eaux navigables mentionnées au présent article ne doivent pas être interprétées comme une représentation, une garantie ou une admission et ne doivent pas servir de préclusion par ou contre une personne, y compris Sa Majesté, relativement au titre de propriété, y compris un titre autochtone, ou relativement à tout intérêt bénéficiaire ou autre titre quant à ces immeubles.

## ARTICLE 4

### ADMINISTRATEURS ET RÉUNIONS DU CONSEIL

**4.1 Nombre d'administrateurs.** Le Conseil comprend sept (7) administrateurs.

**4.2 Exclusions.** Les personnes suivantes ne peuvent être administrateurs :

- a) le maire, les conseillers, dirigeants et employés de l'une des municipalités énumérées à l'alinéa 4.4b) ci-dessous;

- (b) an individual who is a member of the legislature of the Province of Ontario, or an officer or employee of the public service or of a Crown corporation of the province of Ontario;
- (c) a Senator or a member of the House of Commons;
- (c.1) an officer or employee of the federal public administration, a federal Crown corporation or a port authority;
- (d) an individual who is not a resident Canadian, as defined in subsection 2(1) of the *Canada Business Corporations Act*;
- (e) an individual who is a director, officer or employee of a person who is a user of the port;
- (f) an individual who is under 18 years of age;
- (g) an individual who has been declared mentally incompetent by a court in Canada or elsewhere; or
- (h) an undischarged bankrupt.

**4.3 Quorum for Meeting of Directors.** The quorum necessary for the transaction of business at a meeting of the Board shall be a majority of the number of directors in office of which the Authority has actual knowledge of their appointment. A quorum of directors may exercise all powers of the Board.

**4.4 Appointment of Directors.** The directors of the Authority shall be appointed to hold office as follows:

- (a) the Governor in Council appoints one (1) individual nominated by the Minister;
- (b) the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, appoints one (1) individual;
- (c) the Province of Ontario appoints one (1) individual; and
- (d) the Governor in Council appoints the four (4) remaining individuals nominated by the Minister in consultation with the users selected by the Minister or with the classes of users.

**4.5 Committees of the Board.** The Board may appoint from among its number one or more committees of the Board, however designated, and delegate to any such committee any of the powers of the Board, except the Board shall not delegate to any committee the power to:

- (a) fill a vacancy in the office of the auditor of the Authority;

- b) les députés de la législature de la province d'Ontario et les dirigeants et employés de l'administration publique provinciale ou d'une société d'État provinciale de l'Ontario;
- c) les sénateurs et les députés fédéraux;
- c.1) les dirigeants et employés de l'administration publique fédérale, d'une société d'État fédérale ou d'une administration portuaire;
- d) les personnes qui ne sont pas résidents canadiens au sens du paragraphe 2(1) de la *Loi canadienne sur les sociétés par actions*;
- e) les administrateurs, dirigeants et employés d'un utilisateur du port;
- f) les personnes âgées de moins de dix-huit (18) ans;
- g) les personnes atteintes d'une déficience mentale qui ont été reconnues comme telles par un tribunal même étranger;
- h) les faillis non libérés.

**4.3 Quorum.** La majorité des administrateurs en fonction dont la nomination est communiquée à l'Administration constitue le quorum; lorsque celui-ci est atteint, les administrateurs peuvent exercer leurs pouvoirs.

**4.4 Nomination des administrateurs.** Les administrateurs sont nommés en conformité avec les règles suivantes :

- a) le gouverneur en conseil nomme un (1) administrateur dont la nomination est proposée par le Ministre;
- b) la ville de Hamilton et la ville d'Oshawa, en consultation avec la ville de Burlington, nomme un (1) administrateur;
- c) la province d'Ontario nomme un (1) administrateur;
- d) le gouverneur en conseil nomme les quatre (4) autres candidats dont la nomination est proposée par le Ministre en consultation avec les utilisateurs qu'il choisit ou avec les catégories d'utilisateurs.

**4.5 Comités du Conseil.** Le Conseil peut nommer, parmi les administrateurs, un ou plusieurs comités du conseil, quels qu'ils soient, et leur déléguer ses pouvoirs, à l'exception des pouvoirs suivants :

- a) combler une vacance au poste de vérificateur de l'Administration;



- (b) issue debt obligations except in the manner and on the terms authorized by the Board;
- (c) approve the audited financial statements of the Authority;
- (d) adopt, amend or repeal by-laws; or
- (e) authorize or ratify any activity carried on or to be carried on or any power exercised or to be exercised by a Subsidiary.

- b) émettre des titres de créance, sauf dans les cas et de la façon autorisés par le Conseil;
- c) approuver les états financiers vérifiés de l'Administration;
- d) adopter, modifier ou révoquer les règlements administratifs;
- e) autoriser ou ratifier toute activité exercée ou devant être exercée ou tout pouvoir exercé ou devant être exercé par une Filiale.

**4.5.1 Duties of the Board Respecting Appointment of Directors.** The Board shall perform the following functions:

- (a) develop and annually update a long-term plan for the composition of the Board, in terms of the optimal combination of skills, background or experience, which plan shall take into consideration the skills, background and experience of existing directors, retirement dates and the strategic direction of the Authority;
- (b) at least six (6) months prior to the expiry of the term of a director appointed by the Governor in Council under paragraph 14(1)(a) of the Act, by the municipality under paragraph 14(1)(b) of the Act and by the province of Ontario under paragraph 14(1)(c) of the Act, provide notice to the Appointing Body that the term of its appointee is about to expire and request an appointment; where the Appointing Body is the Governor in Council, the notice required hereunder shall be sent to the Minister;
- (c) at least six (6) months prior to the expiry of the term of office of a director appointed by the Governor in Council under paragraph 14(1)(d) of the Act, provide notice to the Minister with a copy to the Nominating Committee that the term of such appointee is about to expire and request an appointment;
- (d) provide to each Appointing Body, a current copy of the plan described in subsection 4.5.1(a) and also provide a profile of the skills, background and experience of the continuing directors; and
- (e) in the event a User Director ceases to hold office, the Board shall forthwith provide to the Minister and the Nominating Committee, and if any other director ceases to hold office, the chairperson of the Board shall forthwith provide to the Appointing Body, a written request for a new appointment to fill such vacancy together with a copy of the plan described in subsection 4.5.1(a) and the profile described in subsection 4.5.1(d); where the Appointing Body is the Governor in Council, the request required hereunder shall be sent to the Minister.

**4.5.1 Fonctions du Conseil relativement à la nomination des administrateurs.** Le Conseil s'acquitte des fonctions suivantes :

- a) élaborer et mettre à jour chaque année un plan à long terme en matière de composition du Conseil, relativement à la combinaison optimale de compétences et d'expérience; ce plan prendra en considération les compétences et l'expérience des administrateurs en fonction, la date d'expiration de leur mandat et l'orientation stratégique de l'Administration;
- b) au moins six (6) mois avant l'expiration du mandat d'un administrateur nommé par le gouverneur en conseil conformément à l'alinéa 14(1)a) de la Loi, par la municipalité conformément à l'alinéa 14(1)b) de la Loi ou par la province d'Ontario conformément à l'alinéa 14(1)c) de la Loi des présentes Lettres patentes, signaler à l'Organisme de nomination pertinent que le mandat de l'administrateur qu'il avait nommé au Conseil est sur le point de prendre fin et demander une nouvelle nomination; lorsque l'Organisme de nomination est le gouverneur en conseil, l'avis requis par cet alinéa doit être envoyé au Ministre;
- c) au moins six (6) mois avant l'expiration du mandat d'un administrateur nommé par le gouverneur en conseil conformément à l'alinéa 14(1)d) de la Loi, donner un avis au Ministre, avec copie au Comité de mise en candidature, que le mandat de cet administrateur est sur le point de prendre fin et par cet avis demander une nouvelle nomination;
- d) donner à chaque Organisme de nomination une copie à jour du plan décrit à l'alinéa 4.5.1a) et fournir un profil des compétences et de l'expérience des administrateurs dont le mandat se poursuit;
- e) pour le cas où le mandat d'un Administrateur représentatif des utilisateurs prend fin, le Conseil présente immédiatement au Ministre et à l'Organisme de nomination, et pour le cas où le mandat de tout autre administrateur prend fin, le président du Conseil doit immédiatement fournir à l'Organisme de nomination, une demande écrite de nomination pour combler cette vacance ainsi qu'une copie du plan décrit à

**4.6 Nomination Process for User Directors.** The classes of users established for the purpose of providing recommendations for nominations for User Directors are listed in Schedule D. The users within Class 1 will recommend potential candidates for one of the User Director positions; the users within Class 2 will recommend potential candidates for two of the User Director positions; and the users within Class 3 will recommend potential candidates for one of the User Director positions.

A permanent Nominating Committee shall be formed and be composed of four members; one person to be appointed by users in Class 1; two persons to be appointed by users in Class 2; and one person to be appointed by users in Class 3.

The chief executive officer of the Authority is not a member of the Nominating Committee, however, the chief executive officer, or such other person who may be designated by the Board in the absence of the chief executive officer, will provide administrative support to the Nominating Committee and the nomination process. If there is a vacant User Director position, or an anticipated vacancy, the chief executive officer, in consultation with the Nominating Committee, shall coordinate the development of a list of potential candidates by administering and facilitating the following process in a timely manner so as to ensure that the length of any User Director vacancy is minimized:

- (a) contact the members of the appropriate class of users by any method(s) the chief executive officer and the Nominating Committee deem appropriate but including advertising by public notice with a view to inviting individuals to submit their names as potential candidates for the User Director vacancy. Recommendations for nomination must include the curriculum vitae and qualifications of the potential candidates together with the confirmation of acceptance of the potential nomination and a statement of willingness to serve on the Board from each such candidate;
- (b) compile a list of potential candidates from all the names of candidates received;
- (c) the Nominating Committee shall ensure that there is a minimum of two and a maximum of four potential candidates for each User Director position;

l'alinéa 4.5.1a) et du profil décrit à l'alinéa 4.5.1d); lorsque l'Organisme de nomination est le gouverneur en conseil, la demande requise par cet alinéa doit être envoyée au Ministre.

**4.6 Processus de mise en candidature des Administrateurs représentatifs des utilisateurs.** Les catégories d'utilisateurs établies aux fins de la recommandation de mises en candidature des Administrateurs représentatifs des utilisateurs figurent à l'annexe « D ». Les utilisateurs de la catégorie 1 recommandent des candidats potentiels pour un poste d'Administrateur représentatif des utilisateurs; les utilisateurs de la catégorie 2 recommandent des candidats potentiels pour deux postes d'Administrateur représentatif des utilisateurs; les utilisateurs de la catégorie 3 recommandent des candidats potentiels pour un poste d'Administrateur représentatif des utilisateurs.

Un Comité permanent de mise en candidature est formé et compte quatre membres : une personne nommée par les utilisateurs de la catégorie 1, deux personnes nommées par les utilisateurs de la catégorie 2 et une personne nommée par les utilisateurs de la catégorie 3.

Le premier dirigeant de l'Administration ne fait pas partie du comité de mise en candidature. Cependant, le premier dirigeant, ou toute autre personne que le Conseil peut désigner en son absence, fournit un soutien administratif au Comité de mise en candidature et au processus de mise en candidature. Advenant la vacance d'un poste d'Administrateur représentatif des utilisateurs, ou une vacance prévue, le premier dirigeant, en consultation avec le Comité de mise en candidature, coordonne la compilation d'une liste de candidats potentiels en administrant et facilitant le processus suivant en temps opportun dans le but de réduire au minimum la durée de la vacance d'un poste d'Administrateur représentatif des utilisateurs :

- a) communiquer avec les membres de la catégorie d'utilisateurs appropriée en utilisant toute méthode que le premier dirigeant et le comité de mise en candidature jugent indiquée, notamment la publication d'un avis public, en vue d'inviter les personnes à soumettre leur candidature pour combler la vacance au poste d'Administrateur représentatif des utilisateurs. Les recommandations de mise en candidature comprennent le curriculum vitae et une mention des qualifications des candidats potentiels ainsi que l'acceptation de la mise en candidature potentielle au Conseil et la confirmation que les candidats sont disposés à y siéger;
- b) compiler la liste des candidats avec les noms de candidats reçus;
- c) le comité de mise en candidature s'assure qu'il y a un minimum de deux et un maximum de quatre candidats

(d) the Nominating Committee shall be responsible for reviewing the recommendations from the applicable class of users ensuring that the potential candidates have the skills, background and experience required of a director of the Authority as specified in the Act, and for forwarding recommendations to the Minister; and

(e) the nomination process shall adopt and follow such other procedures, as the Nominating Committee deems appropriate to solicit potential candidate nominations including advertising by public notice.

The chief executive officer, in consultation with the Nominating Committee, shall develop and maintain a data base of port users in each class of users.

**4.7 Scope of Process.** Nothing in the process described in section 4.6 is intended to or shall derogate from, interfere with, or substitute for, any consultation, inquiry, public input or process the Minister chooses to undertake in determining the candidates to be nominated by the Minister pursuant to the provision of paragraph 14(1)(d) of the Act. The Minister, in consultation with users, selected by the Minister or the classes of users mentioned in Schedule D, shall at all times have the flexibility and discretion to nominate as User Directors persons other than those persons recommended by the Nominating Committee to ensure an appropriate mix of the Board members at all times.

**4.8 Duties of Directors Respecting Contracting.** The directors shall take all necessary measures to ensure:

(a) that the Authority and any Subsidiary that enters into a contract, including a contract for the borrowing of money, other than as agent of Her Majesty shall do so in its own name, and that such contract expressly states that the Authority or Subsidiary is entering into the contract on its own behalf and not as agent of Her Majesty; and

(b) that any subcontract arising directly or indirectly from a contract described in subsection 4.8(a) expressly states that the Authority or Subsidiary, as the case may be, enters into the contract on its own behalf and not as agent of Her Majesty.

potentiels pour chaque poste d'Administrateur représentatif des utilisateurs;

d) le comité de mise en candidature s'assure que les candidats potentiels recommandés par les catégories d'utilisateurs pertinentes possèdent l'expérience et les compétences nécessaires pour siéger à titre d'administrateur de l'Administration conformément à la Loi, et transmet les recommandations au ministre;

e) le comité de mise en candidature adopte et applique d'autres procédures qu'il estime indiquées pour solliciter des mises en candidature notamment la publication d'un avis public.

Le premier dirigeant, en consultation avec le Comité de mise en candidature, développe et maintient une base de données des utilisateurs portuaires de chaque catégorie d'utilisateurs.

**4.7 Portée du processus.** Rien dans le processus décrit au paragraphe 4.6 ne vise à déroger, à nuire ou à se substituer à la consultation, à l'enquête, à la participation ou au processus que le Ministre choisit d'appliquer pour sélectionner les candidats dont il propose la nomination conformément aux dispositions de l'alinéa 14(1)d) de la Loi. En consultation avec les utilisateurs de l'Administration qu'il a choisis ou les catégories d'utilisateurs énumérées à l'annexe « D », le Ministre peut en tout temps, à sa discrétion, proposer la nomination de personnes aux postes d'Administrateurs représentatifs des utilisateurs autres que celles recommandées par le Comité de mise en candidature pour que le Conseil ait une composition adéquate en tout temps.

**4.8 Fonctions des administrateurs relativement aux contrats.** Les administrateurs doivent prendre toutes les mesures nécessaires pour veiller :

a) à ce que l'Administration et toute Filiale de celle-ci qui concluent un contrat, y compris un contrat d'emprunt de fonds, autrement qu'à titre de mandataire de Sa Majesté, le fassent sous leur propre nom; le contrat doit indiquer expressément que l'Administration ou la Filiale le conclut pour son propre compte et non à titre de mandataire de Sa Majesté;

b) à ce que tout contrat de sous-traitance résultant directement ou indirectement d'un contrat visé à l'alinéa 4.8a) indique expressément que l'Administration ou la Filiale, selon le cas, a conclu le contrat pour son propre compte et non à titre de mandataire de Sa Majesté.

**ARTICLE 5**

**CODE OF CONDUCT**

**5.1 Code of Conduct.** The Code of Conduct governing the conduct of the directors and officers is set out in Schedule E hereto.

**ARTICLE 6**

**GROSS REVENUE CHARGE**

**6.1 Interpretation.** For the purposes of this article, the following terms shall have the following meanings:

(a) **“Applicable Tax”** means, with respect to a particular Fiscal Year, the aggregate amount of income tax payable by the Authority and Subsidiaries to Her Majesty but excluding any income tax payable by Subsidiaries whose Revenue for such Fiscal Year is a Permitted Exclusion pursuant to paragraph 6.1(d)(ii); (*Impôt applicable*)

(b) **“Calculated Gross Revenue”** means, for a particular Fiscal Year, the amount determined by subtracting the amount equal to the aggregate of the Permitted Exclusions for such Fiscal Year from the Revenue for such Fiscal Year; (*Revenu brut calculé*)

(c) **“Disclosure Statement”** has the meaning ascribed to such term in section 6.4; (*Déclaration*)

(d) **“Permitted Exclusions”** means:

(i) any gains or losses realized by the Authority or a Subsidiary on the sale by the Authority or a Subsidiary of federal real property pursuant to the *Federal Real Property Act*;

(ii) all Revenue of a Subsidiary, provided that:

(A) the Subsidiary is subject to pay income tax to Her Majesty on such Revenue; and

(B) the Authority has not, at any time, made a Capital Investment in or benefiting the Subsidiary in an amount greater than \$1,000 or, if in excess of such amount:

(1) such Capital Investment has yielded a Sufficient Return for the relevant Fiscal Year; or

(2) the Authority and the Subsidiary are in compliance with such terms and conditions, including any related to financial return, imposed by the Minister at the time the Capital Investment in or benefiting such Subsidiary was made; and

**ARTICLE 5**

**CODE DE DÉONTOLOGIE**

**5.1 Code de déontologie.** Le Code de déontologie régissant la conduite des administrateurs et dirigeants figure à l'Annexe « E » aux présentes.

**ARTICLE 6**

**FRAIS SUR LES REVENUS BRUTS**

**6.1 Interprétation.** Les définitions qui suivent s'appliquent au présent article :

a) **« Impôt applicable »** Relativement à un Exercice donné, montant total d'impôt sur le revenu payable par l'Administration et les Filiales à Sa Majesté, à l'exclusion de tout impôt sur le revenu payable par les Filiales dont le Revenu pour l'Exercice visé constitue une Exclusion autorisée conformément au sous-alinéa 6.1d)(ii). (*Applicable Tax*)

b) **« Revenu brut calculé »** Relativement à un Exercice donné, montant obtenu en soustrayant le montant correspondant à l'ensemble des Exclusions autorisées pour l'Exercice visé du Revenu pour cet Exercice. (*Calculated Gross Revenue*)

c) **« Déclaration »** S'entend au sens qui lui est donné au paragraphe 6.4. (*Disclosure Statement*)

d) **« Exclusions autorisées »** S'entend de

(i) tout produit ou perte réalisés par l'Administration ou une Filiale de la vente d'immeubles fédéraux par l'Administration ou la Filiale conformément à la *Loi sur les immeubles fédéraux*;

(ii) tout Revenu d'une Filiale, sous réserve que :

(A) la Filiale doit payer à Sa Majesté de l'impôt sur ce Revenu;

(B) le Capital engagé à tout moment par l'Administration dans la Filiale ou au profit de celle-ci ne dépasse pas 1 000 \$ ou, s'il dépasse ce montant :

(1) le Capital engagé a donné un Rendement suffisant à l'Administration pour l'Exercice pertinent;

(2) l'Administration et la Filiale observent les modalités, notamment celles relatives au rendement financier, qu'a imposées le Ministre au moment où l'Administration a mis le Capital engagé dans la Filiale ou en a fait profiter celle-ci;

(iii) the aggregate amount of all reasonable allowances and write-offs of receivables which have been determined by the Authority within the particular Fiscal Year not to be collectible or likely to be collectible provided such determination is made in accordance with GAAP; and (*Exclusions autorisées*)

(e) “**Revenue**” means the aggregate amount of all revenue recognized by the Authority and all Subsidiaries in accordance with GAAP. (*Revenu*)

**6.2 Calculation of Gross Revenue Charge.** The Authority shall annually pay to the Minister a charge (the “Gross Revenue Charge”) to maintain the Letters Patent in good standing equal to the aggregate of the following amounts:

- (a) 2% of the first \$10,000,000 of Calculated Gross Revenue for the Fiscal Year to which the charge relates;
- (b) 4% of the amount of any Calculated Gross Revenue between \$10,000,001 and \$20,000,000 for the Fiscal Year to which the charge relates;
- (c) 6% of the amount of any Calculated Gross Revenue between \$20,000,001 and \$60,000,000 for the Fiscal Year to which the charge relates;
- (d) 4% of the amount of any Calculated Gross Revenue between \$60,000,001 and \$70,000,000 for the Fiscal Year to which the charge relates; and
- (e) 2% of the amount of any Calculated Gross Revenue in excess of \$70,000,001 for the Fiscal Year to which the charge relates;

less Applicable Tax, if any, for the Fiscal Year to which the charge relates.

**6.3 Payment of Gross Revenue Charge.** The Authority shall pay the Gross Revenue Charge for each Fiscal Year to the Minister no later than ninety (90) days from the end of each Fiscal Year.

**6.4 Disclosure Statement.** The Authority shall include with every Gross Revenue Charge payment a disclosure statement (the “Disclosure Statement”) in the form prescribed by the Minister from time to time setting forth, *inter alia*, an itemized list of the sources of revenue comprising the Calculated Gross Revenue and Permitted Exclusions.

**6.5 Acceptance of Payment by Minister.** The acceptance by the Minister of any Gross Revenue Charge payment made hereunder or the issuance of a certificate of good standing pursuant to section 6.10 in respect of such payment shall not preclude the Minister from disputing the calculation, inclusion or omission of any item in connection with the calculation of such Gross Revenue Charge and adjusting the amount of the Gross Revenue Charge

(iii) le montant global des provisions et radiations raisonnables visant les créances qui, selon l'Administration, ne sont pas recouvrables ou sont peu susceptibles d'être recouvrables dans l'Exercice visé, pourvu que les PCGR aient été respectés au moment de cette détermination; (*Permitted Exclusions*)

e) « **Revenu** » S'entend du montant global de revenu reconnu par l'Administration et les Filiales conformément aux PCGR. (*Revenue*)

**6.2 Calcul des Frais sur les revenus bruts.** L'Administration est tenue de payer chaque année au Ministre des frais (ci-après les « Frais sur les revenus bruts ») pour le maintien en vigueur des Lettres patentes se chiffrant au total des montants suivants :

- a) 2 % des premiers 10 000 000 \$ des Revenus bruts calculés pour l'Exercice auquel les frais s'appliquent;
- b) 4 % du montant des Revenus bruts calculés entre 10 000 001 \$ et 20 000 000 \$ pour l'Exercice auquel les frais s'appliquent;
- c) 6 % du montant des Revenus bruts calculés entre 20 000 001 \$ et 60 000 000 \$ pour l'Exercice auquel les frais s'appliquent;
- d) 4 % du montant des Revenus bruts calculés entre 60 000 001 \$ et 70 000 000 \$ pour l'Exercice auquel les frais s'appliquent;
- e) 2 % du montant des Revenus bruts calculés en sus de 70 000 001 \$ pour l'Exercice auquel les frais s'appliquent;

moins l'Impôt applicable, le cas échéant, pour l'Exercice auquel les frais s'appliquent.

**6.3 Paiement des Frais sur les revenus bruts.** L'Administration est tenue de payer au Ministre les Frais sur les revenus bruts d'un Exercice donné dans les quatre-vingt-dix (90) jours suivant la fin de cet Exercice.

**6.4 Déclaration.** Lors du paiement des Frais sur les revenus bruts, l'Administration est tenue de joindre une déclaration (ci-après la « Déclaration ») en la forme prescrite de temps à autre par le Ministre, présentant entre autres une liste détaillée des sources de revenus composant les Revenus bruts calculés et les Exclusions autorisées.

**6.5 Acceptation du paiement par le Ministre.** L'acceptation par le Ministre du paiement des Frais sur les revenus bruts en vertu du présent article ou la délivrance d'un certificat de conformité en vertu du paragraphe 6.10 relativement à ce paiement n'empêche aucunement le Ministre de contester le calcul, l'inclusion ou l'omission de certains éléments dans le calcul desdits Frais sur les revenus bruts et de rajuster le montant des Frais sur les

payable by the Authority in a particular Fiscal Year pursuant to section 6.7.

**6.6 Audit and Inspection.** In addition to any disclosure required under the Act in connection with a special examination respecting the Authority, the Minister shall be entitled at any time to review the books, records, systems and practices of the Authority and Subsidiaries and take copies and extracts from the books and records of the Authority and Subsidiaries for the purposes of verifying the information contained in the Disclosure Statement provided by the Authority and Subsidiaries to the Minister pursuant to section 6.4. The Authority and Subsidiaries shall furnish to the Minister all information in its possession or to which it is entitled to possession that may be required by the Minister in connection with an audit and inspection by the Minister.

**6.7 Adjustment of Gross Revenue Charge.** If an audit and investigation conducted pursuant to section 6.6 or a review by the Minister of the Disclosure Statement discloses a difference between the amount which in the Minister's opinion should have been paid by the Authority as Gross Revenue Charge for a particular Fiscal Year and the amount actually paid by the Authority for such Fiscal Year, the Minister may readjust the Gross Revenue Charge payable by the Authority for such Fiscal Year. In the event that the readjustment results in the Authority paying a further amount to the Minister in respect of the Gross Revenue Charge for a particular Fiscal Year, the Minister shall invoice the Authority for such amount. The Authority shall pay the Minister the invoiced amount together with all interest accrued thereon on or before thirty (30) days following the date of receipt of the invoice.

**6.8 Set-Off.** The Minister shall be entitled to set-off any amount owing to Her Majesty by the Authority against any payment owing to the Authority by the Minister in accordance with the provisions of the *Financial Administration Act*. If an audit, investigation or review by the Minister contemplated by section 6.7 discloses amounts owed by the Minister to the Authority, the Authority shall be entitled to set-off such amount against any payment owed to the Minister by the Authority.

**6.9 Interest on Outstanding Amounts.** Interest shall accrue annually on any outstanding balance owing to the Minister in respect of a Gross Revenue Charge payment or on any payment to be made by the Authority or the Minister in connection with a readjustment of a Gross Revenue Charge payment, at the interest rate equal to the prime rate of interest established by the Bank of Canada from time to time plus 2%.

**6.10 Certificate of Good Standing.** Forthwith, upon receipt from the Authority of the full amount of the Gross Revenue Charge for a particular Fiscal Year, the Minister shall issue to the Authority a certificate of good standing

revenus bruts payables par l'Administration pour un Exercice donné conformément au paragraphe 6.7.

**6.6 Vérification et inspection.** Outre la Déclaration exigée par la Loi relativement à un examen spécial visant l'Administration, le Ministre est habilité en tout temps à examiner les documents, moyens et méthodes de l'Administration et des Filiales et à prendre des copies et des extraits des documents de l'Administration et des Filiales pour vérifier les renseignements contenus dans la Déclaration fournie par l'Administration et les Filiales au Ministre en vertu du paragraphe 6.4. L'Administration et les Filiales doivent fournir au Ministre tous les renseignements qu'elles possèdent ou qu'elles sont autorisées à posséder dont il peut avoir besoin pour effectuer la vérification ou l'inspection.

**6.7 Rajustement des Frais sur les revenus bruts.** Si la vérification et l'enquête menées en vertu du paragraphe 6.6 ou l'examen de la Déclaration, par le Ministre, révèlent une différence entre le montant qui, de l'avis du Ministre, aurait dû être payé par l'Administration à titre de Frais sur les revenus bruts et le montant réellement payé par l'Administration pour l'Exercice, le Ministre peut rajuster les Frais sur les revenus bruts à payer par l'Administration pour l'Exercice. Advenant que le rajustement entraîne un paiement additionnel de l'Administration au Ministre relativement aux Frais sur les revenus bruts pour un Exercice donné, le Ministre doit facturer ce montant à l'Administration. L'Administration doit payer le montant figurant sur la facture ainsi que tous les intérêts accumulés dans les trente (30) jours suivant réception de la facture.

**6.8 Compensation.** Le Ministre est habilité à opérer compensation entre tout montant que doit l'Administration à Sa Majesté et tout paiement qu'il doit à l'Administration conformément aux dispositions de la *Loi sur la gestion des finances publiques*. Si une vérification, une enquête ou un examen du Ministre prévu au paragraphe 6.7 révèle des montants que doit le Ministre à l'Administration, l'Administration est habilitée à opérer compensation entre ce montant et tout paiement qu'elle doit au Ministre.

**6.9 Intérêt sur les montants en souffrance.** Des intérêts s'accumulent annuellement sur les soldes impayés au Ministre relativement aux Frais sur les revenus bruts ou tout autre paiement que doit faire l'Administration ou le Ministre à titre de rajustement au paiement des Frais sur les revenus bruts au taux d'intérêt correspondant au taux d'intérêt préférentiel établi par la Banque du Canada de temps à autre plus 2 %.

**6.10 Certificat de conformité.** Dès réception du montant total des Frais sur les revenus bruts de l'Administration pour un Exercice donné, le Ministre doit délivrer à l'Administration un certificat de conformité, en la forme

in a form to be determined by the Minister confirming that the Letters Patent are in good standing as of the date of the certificate. Provided there are no amounts owing to the Minister by the Authority under this article 6, including any amounts owed pursuant to an adjustment of the Gross Revenue Charge under section 6.7, the Minister shall, upon request by the Authority at any time during a Fiscal Year, issue a certificate of good standing to the Authority confirming the Letters Patent are in good standing as of the date of the certificate.

**ARTICLE 7**

**ACTIVITIES AND POWERS OF THE AUTHORITY AND SUBSIDIARIES**

**7.1 Activities of the Authority Related to Certain Port Operations.** To operate the port, the Authority may undertake the port activities referred to in paragraph 28(2)(a) of the Act to the extent specified below:

(a) development, application, enforcement and amendment of rules, orders, by-laws, practices or procedures and issuance and administration of authorizations respecting use, occupancy or operation of the port and enforcement of Regulations or making of Regulations pursuant to subsection 63(2) of the Act;

(b) management, leasing or licensing the federal real property described in Schedule B or described as federal real property in any supplementary letters patent, subject to the restrictions contemplated in sections 8.1 and 8.3 and provided such management, leasing or licensing is for, or in connection with, the following:

- (i) those activities described in sections 7.1 and 7.2;
- (ii) those activities described in section 7.3 provided such activities are carried on by Subsidiaries or other third parties pursuant to leasing or licensing arrangements;
- (iii) the following uses to the extent such uses are not described as activities in section 7.1, 7.2 or 7.3:

(A) uses related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods;

(B) provision of municipal services or facilities in connection with such federal real property; public parks and recreation; social services; and marine related activities carried on by government departments or agencies;

(C) uses not otherwise within subparagraph 7.1(b)(iii)(A), (B) or (D) that are described in supplementary letters patent; and

qu'il détermine, confirmant que les lettres patentes sont maintenues en vigueur à la date indiquée sur le certificat. À condition qu'il n'y ait aucun montant dû au Ministre par l'Administration en vertu du présent article 6, notamment tout montant dû par suite d'un rajustement des Frais sur les revenus bruts prévu au paragraphe 6.7, le Ministre doit, sur demande de l'Administration et en tout temps au cours de l'Exercice, délivrer un certificat de conformité à l'Administration confirmant que les Lettres patentes sont maintenues en vigueur à la date indiquée sur le certificat.

**ARTICLE 7**

**ACTIVITÉS ET POUVOIRS DE L'ADMINISTRATION ET DES FILIALES**

**7.1 Activités de l'Administration liées à certaines opérations portuaires.** Pour exploiter le port, l'Administration peut se livrer aux activités portuaires mentionnées à l'alinéa 28(2)a) de la Loi dans la mesure précisée ci-dessous :

a) élaboration, application, contrôle d'application et modification de règles, d'ordonnances, de règlements administratifs, de pratiques et de procédures; délivrance et administration de permis concernant l'utilisation, l'occupation ou l'exploitation du port; contrôle d'application des Règlements ou prise de Règlements conformément au paragraphe 63(2) de la Loi;

b) sous réserve des restrictions prévues aux paragraphes 8.1 et 8.3, gestion, location ou octroi de permis relativement aux immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux, à condition que la gestion, la location ou l'octroi de permis vise ce qui suit :

- (i) les activités décrites aux paragraphes 7.1 et 7.2;
- (ii) les activités décrites au paragraphe 7.3 pourvu qu'elles soient menées par des Filiales ou des tierces parties conformément aux arrangements de location ou d'octroi de permis;
- (iii) les utilisations suivantes dans la mesure où elles ne figurent pas dans les activités décrites aux paragraphes 7.1, 7.2 ou 7.3 :

(A) utilisations liées à la navigation, au transport des passagers et des marchandises et à la manutention et à l'entreposage des marchandises;

(B) prestation de services ou d'installations municipaux relativement à ces immeubles fédéraux; parcs publics et installations récréatives; services sociaux; activités maritimes effectuées par des ministères ou organismes fédéraux;

(D) government sponsored economic development initiatives approved by Treasury Board;

provided such uses are carried on by third parties, other than Subsidiaries, pursuant to leasing or licensing arrangements;

(c) exchanging federal real property described in Schedule B or described as federal real property in any supplementary letters patent for other real property of comparable market value subject to the issuance of supplementary letters patent that describe the other real property as federal real property;

(d) mortgaging, pledging or otherwise creating a security interest in any fixture on federal real property described in Schedule B or as federal real property in any supplementary letters patent provided that:

(i) such mortgage, pledge or other security interest charges only the fixture or fixtures which is or are acquired, built, restored, enhanced or replaced with proceeds received by the Authority and secured by such mortgage, pledge or other security interest; and

(ii) the party receiving such mortgage, pledge or other security interest agrees that upon the exercise of the right to remove such fixtures from the federal real property such exercise shall be conducted in a manner that causes no greater damage or injury to such federal real property and to the other property situated on it or that puts the occupier of the federal real property or the Authority to no greater inconvenience than is necessarily incidental to the removal of the fixtures;

(e) disposition of any fixtures on federal real property described in Schedule B or as federal real property in any supplementary letters patent whether by way of removal, demolition, sale, lease, license or exchange;

(f) construction, establishment, repair, maintenance, operation, removal or demolition of:

(i) disposal sites for carrying out the activities contemplated by paragraph 7.1(i)(ii);

(ii) berths, wharfs, anchorages, breakwaters, waterways, docks, dockwalls, channels, fill sites, erosion control and shore protection works;

(iii) facilities for vessel fuelling stations incidental to the handling and shipping of goods as limited to the port, within the City of Oshawa and Part 2 of Schedule A;

(iv) facilities or equipment for finish or assembly work incidental to the handling or shipping of goods;

(C) utilisations qui ne sont pas prévues aux divisions 7.1b)(iii)(A), (B) ou (D) mais qui sont décrites dans des lettres patentes supplémentaires;

(D) projets de développement économique émanant du gouvernement et approuvés par le Conseil du Trésor;

pourvu qu'elles soient menées par des tierces parties, à l'exception des Filiales, conformément aux arrangements de location ou d'octroi de permis;

c) échange d'immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux pour d'autres immeubles, dont la valeur marchande est comparable, sous réserve de la délivrance de lettres patentes supplémentaires qui décrivent les autres immeubles comme étant des immeubles fédéraux;

d) fait d'hypothéquer, de donner en gage ou autrement de créer une sûreté relativement à tout accessoire fixé à demeure sur les immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux à condition que :

(i) l'hypothèque, le gage ou la sûreté ne vise que l'acquisition, la construction, la restauration, l'amélioration ou le remplacement de tels accessoires fixés à demeure au moyen des produits financiers que reçoit l'Administration et qui sont garantis par l'hypothèque, le gage ou la sûreté;

(ii) la partie qui reçoit cette hypothèque, ce gage ou cette sûreté convient que, lorsqu'elle exercera son droit d'enlever de tels accessoires fixés à demeure sur les immeubles fédéraux, elle procédera de façon à ne causer aux immeubles fédéraux et aux autres biens s'y trouvant ou à l'occupant des immeubles fédéraux ou à l'Administration que le dommage ou les inconvénients nécessairement accessoires à l'enlèvement des accessoires fixés à demeure;

e) aliénation de tout accessoire fixé à demeure sur des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux, soit par enlèvement, démolition, vente, location, octroi de permis ou échange;

f) construction, établissement, réparation, entretien, exploitation, enlèvement ou démolition de :

(i) décharges pour effectuer les activités décrites au sous-alinéa 7.1(i)(ii);

(ii) mouillages, quais, postes d'amarrage, brise-lames, voies navigables, quais, quais massifs, chenaux, sites d'enfouissement, ouvrages de contrôle de l'érosion et de protection de rivage;



- (v) transportation, terminal, warehousing and other port facilities or equipment;
  - (vi) office premises to be utilized by the Authority in the conduct of its activities; and
  - (vii) facilities for vehicle storage, repair and fuelling stations incidental to the handling or shipping of goods;
- within the port or for users of the port in connection with their use of the port and its facilities;
- (g) operation or maintenance of a railway within the port;
  - (h) operation or maintenance of a marina or cruise ship terminal as limited to the port, within the City of Hamilton and the City of Burlington and Part 1 of Schedule A;
  - (i) the provision of services or carrying out of activities within the port or to or for users of the port in connection with their use of the port and its facilities as follows:
    - (i) environmental assessment, audit, remediation, rehabilitation of marine habitat or other such services;
    - (ii) dredging, waste and dredgeate disposal and sale of dredgeate (except that contaminated waste and contaminated dredgeate disposal services can be provided only for users of the port in connection with their use of the port and its facilities);
    - (iii) navigational services and aids;
    - (iv) stevedoring services;
    - (v) building, design, maintenance, engineering, repair and operation of vessels owned by the Authority or leased by the Authority from third parties;
    - (vi) emergency planning and response;
    - (vii) vehicle parking, control or marshalling facilities;
    - (viii) manufacture or distribution of utilities, including the provision of communication facilities and telecommunication services;
    - (ix) multi-modal facilities and services;
    - (x) transport services within the port or transport services within or between the Cities of Hamilton and Burlington, to provide access to or from the port and its facilities;

- (iii) des installations de ravitaillement en carburant pour des navires liées à la manutention et à l'expédition de marchandises, limité au port, dans la ville d'Oshawa et à la partie 2 de l'Annexe « A »;
  - (iv) installations ou équipements pour travaux de finition ou d'assemblage accessoires à la manutention ou à l'expédition de marchandises;
  - (v) installations ou équipements de transport, de terminal, d'entrepôt ou autres installations ou équipements portuaires;
  - (vi) locaux à bureau devant être utilisés par l'Administration dans l'exercice de ses activités;
  - (vii) installations d'entreposage, de réparation et de ravitaillement de véhicules accessoires à la manutention et à l'expédition de marchandises;
- dans le périmètre du port ou pour les utilisateurs du port relativement à leur utilisation du port et de ses installations;
- g) exploitation ou entretien d'un chemin de fer dans le périmètre du port;
  - h) exploitation ou entretien d'une marina ou d'une gare pour passagers de navires de croisière, limité au port, dans les villes de Hamilton et de Burlington et dans la partie 1 de l'Annexe « A »;
  - i) fourniture des services suivants, ou exécution des activités suivantes, dans le périmètre du port ou aux utilisateurs du port ou pour ceux-ci, relativement à leur utilisation du port et de ses installations :
    - (i) services d'évaluation, de vérification et d'assainissement environnementaux, de réhabilitation du milieu marin ou autres services semblables;
    - (ii) dragage, enlèvement des déchets et des déblais de dragage et vente des déblais de dragage (sauf que les services d'élimination des déchets contaminés et des déblais de dragage contaminés peuvent être offerts uniquement aux utilisateurs du port dans le cadre de l'utilisation qu'ils font du port et de ses installations);
    - (iii) services et aides à la navigation;
    - (iv) services d'arrimage;
    - (v) construction, conception, entretien, mécanique, réparation et exploitation de navires que possède l'Administration ou que loue l'Administration auprès de tiers;
    - (vi) planification et intervention d'urgence;

(xi) providing information and information technology to users of the port;

(xii) salvage and seizure;

(xiii) warehousing and distribution of goods and services;

(xiv) security services and dispatching services;

(xv) harbour patrol services for the navigable waters of the port;

(xvi) providing expertise in connection with software or know-how developed in the course of conducting the activities described in the provisions of this section 7.1; and

(xvii) winter berthing and storage of vessels;

(j) undertaking research and development related to the activities described in this section 7.1;

(k) promoting, marketing and undertaking public or governmental relations to promote use of the port;

(l) producing, co-ordinating, sponsoring and hosting of public or civic events;

(m) in pursuing or exercising the remedies available to it as lessor or licensor of premises on federal real property described in Schedule B or described as federal real property in any supplementary letters patent, the conduct of any business or activity from such premises for a period limited to one year unless supplementary letters patent are issued; and

(n) carrying on activities described in section 7.1 on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent;

provided that in conducting such activities the Authority shall not enter into or participate in any commitment, agreement or other arrangement whereby the Authority is liable jointly or jointly and severally with any other person for any debt, obligation, claim or liability.

(vii) stationnements, installations de contrôle ou de triage;

(viii) production ou distribution des services publics, y compris la fourniture d'installations de communication et de services de télécommunication;

(ix) installations et services multimodaux;

(x) services de transport dans le périmètre du port, dans les limites des villes de Hamilton et Burlington ou entre ces dernières à destination ou en provenance du port et de ses installations;

(xi) fourniture de services d'information et d'informatique aux utilisateurs du port;

(xii) sauvetage et saisie;

(xiii) entreposage et distribution de biens et services;

(xiv) services de sûreté et de répartition;

(xv) service de patrouille portuaire pour les eaux navigables du port;

(xvi) fourniture d'expertise relativement à des logiciels ou du savoir-faire mis au point dans le cadre des activités décrites dans les dispositions du présent paragraphe 7.1;

(xvii) mouillage et entreposage des bâtiments l'hiver;

j) recherche et développement liés aux activités décrites dans les dispositions du présent paragraphe 7.1;

k) promotion, marketing, relations publiques ou gouvernementales pour promouvoir l'utilisation du port;

l) production, coordination, parrainage et accueil d'événements publics et civils;

m) dans l'exercice des recours qu'elle a en sa qualité de locateur ou de concédant des lieux sur des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux, exécution de toute activité depuis ces lieux ou utilisation de ces lieux pour une période d'un an au plus, sauf si des lettres patentes supplémentaires sont délivrées;

n) exécution des activités décrites au paragraphe 7.1 sur des immeubles, autres que des immeubles fédéraux, décrits à l'Annexe « C » ou décrits dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux;

pourvu que l'Administration ne s'engage pas de façon conjointe ou solidaire avec toute autre personne à une dette, obligation, réclamation ou exigibilité lorsqu'elle prend un engagement, conclut une entente ou participe à un arrangement dans l'exercice de ses activités.

**7.2 Activities of the Authority Necessary to Support Port Operations.** To operate the port, the Authority may undertake the following activities which are deemed necessary to support port operations pursuant to paragraph 28(2)(b) of the Act:

- (a) subject to the provisions of article 9 below:
  - (i) borrowing money upon the credit of the Authority;
  - (ii) limiting or increasing the amount to be borrowed;
  - (iii) issuing bonds, debentures or other securities of the Authority;
  - (iv) pledging or selling such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient;
  - (v) securing any such bonds, debentures or other securities, or any other present or future borrowing or liability of the Authority, by mortgage, charge, pledge or other security interest relating to all or any currently owned or subsequently acquired real and personal, movable and immovable, property and leasehold interests and reversionary interests of the Authority, and the undertaking and rights of the Authority, provided, however, that the Authority may not mortgage, hypothecate, pledge or otherwise create a security interest in federal real property described in Schedule B or as federal real property in any supplementary letters patent other than to:
    - (A) pledge the revenues of the federal real property described in Schedule B or as federal real property in any supplementary letters patent; or
    - (B) create, pursuant to the exercise of the powers of the Authority contemplated by subsection 7.1(d), a mortgage, pledge or other security interest in fixtures on federal real property described in Schedule B or as federal real property in any supplementary letters patent; and
  - (vi) issuing a Permitted Indemnity or Guarantee, provided that the cumulative amount of all such Permitted Indemnities or Guarantees shall at no time exceed one-tenth of the aggregate Borrowing maximum amount specified in section 9.2;

provided that any contract, bond, debenture or financial assistance related to such borrowing, issuance,

**7.2 Activités de l'Administration nécessaires aux opérations portuaires.** Pour exploiter le port, l'Administration peut se livrer aux activités suivantes jugées nécessaires aux opérations portuaires conformément à l'alinéa 28(2)b) de la Loi :

- a) sous réserve des dispositions de l'article 9 ci-après :
  - (i) emprunt de fonds sur le crédit de l'Administration;
  - (ii) limitation ou augmentation du montant à emprunter;
  - (iii) émission d'obligations, de bons ou d'autres titres de créance de l'Administration;
  - (iv) fait de donner en gage ou de vendre ces obligations, bons ou autres titres de créance pour les montants et les prix jugés opportuns;
  - (v) fait de garantir les obligations, bons ou autres titres de créance, ou autre emprunt ou obligation présent ou futur de l'Administration au moyen d'hypothèque, de charge, nantissement ou autre sûreté visant tout ou partie des biens meubles et immeubles, les intérêts à bail et les intérêts réversifs qu'elle possède actuellement ou dont elle fait l'acquisition ultérieurement, et l'entreprise et les droits de l'Administration, sous réserve toutefois que l'Administration ne peut grever les immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux d'une sûreté, notamment d'une hypothèque, sauf pour :
    - (A) donner en gage une somme égale au revenu qu'elle retire des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux;
    - (B) conformément à l'exercice des pouvoirs de l'Administration mentionnés à l'alinéa 7.1d), grever d'une hypothèque, d'un gage ou d'une sûreté les accessoires fixés à demeure sur des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux;
  - (vi) fait de donner une Indemnité ou garantie autorisée, à condition que le montant cumulatif de toutes les Indemnités ou garanties autorisées ne dépasse

pledging or securing shall contain a covenant, proviso or acknowledgement from the lender or counterparty that the lender or counterparty shall have no recourse against Her Majesty or any assets of Her Majesty;

(b) renting equipment;

(c) administration, leasing or licensing of real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent, subject to the restrictions contemplated in sections 8.1 and 8.3 and provided such administration, leasing or licensing is for, or in connection with, the following:

(i) those activities described in sections 7.1 and 7.2;

(ii) those activities described in section 7.3 provided such activities are carried on by Subsidiaries or other third parties pursuant to leasing or licensing arrangements;

(iii) the following uses to the extent such uses are not described as activities in sections 7.1, 7.2 or 7.3:

(A) uses related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods, including the following uses to or for users of the port in connection with their use of the port and its facilities: marine and marina services; processing work incidental to the handling or shipping of goods through the port to the extent compatible with the land-use plan for the port referred to in section 48 of the Act; restaurants, retail operations, tourist services and similar tourism-related activities located in passenger terminal facilities provided such uses are related to the transportation of passengers through the port and are compatible with the land-use plan of the port referred to in section 48 of the Act; towing or tug services; operation of union hiring halls for the purposes of union business, including the assembling, hiring, paying and dispatching of union labour, and other related union activities, for actual and potential employees of users of the port;

(B) provision of municipal services or facilities in connection with such real property; public parks and recreation; social services; and marine related activities carried on by government departments or agencies;

(C) residual office premises as limited to the port, within the City of Hamilton and the City of Burlington;

(D) media productions; manufacturing or processing of goods or conduct of small-scale

en aucun temps un dixième du montant maximal d'Emprunt prévu au paragraphe 9.2;

sous réserve que tout contrat, obligation, bon ou aide financière lié à tout emprunt, émission ou mise en gage doit comporter une clause, une disposition ou une reconnaissance du prêteur ou du cocontractant attestant que le prêteur ou le cocontractant n'aura aucun recours contre Sa Majesté ou ses éléments d'actif;

b) location d'équipement;

c) sous réserve des restrictions prévues aux paragraphes 8.1 et 8.3, administration, location ou octroi de permis relativement aux immeubles autres que des immeubles fédéraux décrits à l'Annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux, à condition que l'administration, la location ou l'octroi de permis vise ce qui suit :

(i) les activités décrites aux paragraphes 7.1 et 7.2;

(ii) les activités décrites au paragraphe 7.3 pourvu qu'elles soient menées par des Filiales ou des tierces parties conformément aux arrangements de location ou d'octroi de permis;

(iii) les utilisations suivantes dans la mesure où elles ne figurent pas dans les activités décrites aux paragraphes 7.1, 7.2 ou 7.3 :

(A) utilisations liées à la navigation, au transport des passagers et des marchandises et à la manutention et à l'entreposage des marchandises, notamment les utilisations suivantes à l'intention des utilisateurs du port, relativement à l'utilisation qu'ils font du port et de ses installations : services maritimes et de marina; travaux de traitement accessoires à la manutention ou à l'expédition de marchandises transitant par le port dans la mesure où ces utilisations sont compatibles avec le plan d'utilisation des sols pour le port prévu à l'article 48 de la Loi; restaurants, commerces au détail, services de tourisme et activités de tourisme semblables situées dans les installations terminales pour passagers pourvu que ces utilisations soient liées au transport des passagers dans le port et qu'elles soient compatibles avec le plan d'utilisation des sols du port prévu à l'article 48 de la Loi; remorquage ou services de remorqueurs; administration de services d'embauche des syndicats pour les activités des syndicats, y compris réunir, embaucher, payer et affecter les employés syndiqués, et autres activités connexes des syndicats, pour les employés actuels et potentiels des utilisateurs du port;

wholesale or retail business in premises acquired or held for future development of the port provided they remain in total of a size and scope comparable to those uses existing on May 1, 2001, to the extent compatible with port operations and the land-use plan for the port referred to in section 48 of the Act and without compromising the ability of the Authority to operate port facilities over the long term; food, beverage and retail services in support of the local tourism industry and for users of the port; and waterlots as may be required by abutting residential homeowners for the establishment of private docks for recreational use and private enjoyment; and

(E) government sponsored economic development initiatives approved by Treasury Board;

provided such uses are carried on by third parties, other than Subsidiaries, pursuant to leasing or licensing arrangements;

(d) carrying on activities described in section 7.2 on federal real property described in Schedule B or described as federal real property in any supplementary letters patent or on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent;

(e) acquisition, disposition, holding, leasing or licensing of personal property;

(f) incorporate a corporation all of whose shares on incorporation would be held by, on behalf of or in trust for the Authority provided that the Authority does not, at any time, make a Capital Investment in a Subsidiary such that the Authority's cumulative Capital Investment in all Subsidiaries exceeds an amount equal to:

(i) 50% of the net income of the Authority as shown in the last annual audited financial statements of the Authority submitted to the Minister prior to the making of such Capital Investment, before deducting from such net income the amounts shown in such statements for depreciation and/or amortization and excluding extraordinary items; or

(ii) if such statements have not yet been submitted, then 50% of the net income of the predecessor of the Authority as shown in the financial statements included in the last annual report of such predecessor submitted to the Minister prior to the making of such Capital Investment, before deducting from such net income the amounts shown in such statements for depreciation and/or amortization and excluding extraordinary items;

(B) prestation de services ou d'installations municipales relativement à ces immeubles; parcs publics et installations récréatives; services sociaux; activités maritimes effectuées par des ministères ou organismes fédéraux;

(C) locaux à bureaux résiduels, limités au port, dans les villes de Hamilton et de Burlington;

(D) productions des médias; fabrication ou traitement de marchandises ou petit commerce de vente en gros ou au détail dans des locaux acquis ou conservés pour le développement futur du port à la condition qu'ils demeurent d'une superficie et d'une vocation comparable aux utilisations existant le 1<sup>er</sup> mai 2001, dans la mesure où ces utilisations sont compatibles avec les activités du port et le plan d'utilisation des sols pour le port prévu à l'article 48 de la Loi et où elles n'empêchent pas l'Administration d'exploiter les installations portuaires à long terme; services alimentaires et de commerce au détail à l'appui de l'industrie touristique locale et pour les utilisateurs du port; lots d'eau que pourraient exiger des propriétaires de terrains résidentiels attenants pour l'installation de quais privés à des fins récréatives et privées;

(E) projets de développement économique émanant du gouvernement et approuvés par le Conseil du Trésor;

pourvu qu'elles soient menées par des tierces parties autres que des Filiales, conformément aux arrangements de location ou d'octroi de permis;

d) exécution d'activités décrites au paragraphe 7.2 sur des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux ou sur des immeubles décrits à l'Annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux;

e) acquisition, aliénation, détention, location ou octroi ou obtention de permis visant des biens meubles;

f) constitution d'une société dont toutes les actions, au moment de la constitution, seraient détenues par l'Administration, en son nom ou en fiducie, à condition que l'Administration ne mette à aucun moment du Capital engagé dans une Filiale, dont l'effet serait que le Capital engagé cumulatif dans les Filiales serait supérieur à un montant égal à :

(i) 50 % du revenu net de l'Administration selon les derniers états financiers vérifiés de l'Administration présentés au Ministre avant cet apport de Capital engagé, avant déduction de la dépréciation ou de

g) in pursuing or exercising the remedies available to it as lessor or licensor of premises on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent, the conduct of any business or activity from such premises; and

(h) development, operation, maintenance, renovation and demolition of rest areas, public parks, pedestrian and bicycle paths and observation areas within the boundaries of the port.

**7.3 Activities of Subsidiaries Necessary to Support of Port Operations.** A Subsidiary may undertake the following activities which are deemed necessary to support port operations pursuant to paragraph 28(2)(b) of the Act:

- (a) borrowing money on the credit of a Subsidiary;
- (b) limiting or increasing the amount to be so borrowed;
- (c) issuing bonds, debentures or other securities of the Subsidiary;
- (d) pledging or selling such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient;
- (e) securing any bonds, debentures or other securities, or any other present or future borrowing or liability of the Subsidiary, by mortgage, charge, pledge or other security interest relating to all or any currently owned or subsequently acquired real and personal, moveable and immovable property and leasehold interests and reversionary interests of the Subsidiary and the undertaking and rights of the Subsidiary;
- (f) participating as a partner, shareholder or co-venturer in a partnership, corporation, joint venture or similar arrangement in connection with the activities described in this section 7.3 and pledging, selling or securing such participation, interest or investment by mortgage, charge, pledge or other security interest;

l'amortissement, en excluant les postes extraordinaires, ou

(ii) si ces états financiers n'ont pas encore été présentés, 50 % du revenu net du prédécesseur de l'Administration selon les états financiers compris dans le dernier rapport annuel de ce prédécesseur présenté au Ministre avant cet apport de Capital engagé, avant déduction sur le revenu net des montants figurant dans les états financiers pour la dépréciation ou l'amortissement, en excluant les postes extraordinaires;

g) dans l'exercice des recours qu'elle a en sa qualité de locateur ou de concédant des lieux sur des immeubles décrits à l'Annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux, exécution de toute activité depuis ces lieux ou utilisation de ces lieux;

h) développement, exploitation, entretien, rénovation et démolition d'aires de repos, de parcs publics, de sentiers piétonniers, de pistes cyclables et d'aires d'observation dans le périmètre du port.

**7.3 Activités des Filiales nécessaires aux opérations portuaires.** Une Filiale peut se livrer aux activités suivantes jugées nécessaires aux opérations portuaires conformément à l'alinéa 28(2)b) de la Loi :

- a) emprunt de fonds sur le crédit de la Filiale;
- b) limitation ou augmentation du montant à emprunter;
- c) émission d'obligations, de bons ou d'autres titres de créance de la Filiale;
- d) fait de donner en gage ou de vendre ces obligations, bons ou autres titres de créance pour les montants et les prix jugés opportuns;
- e) fait de garantir les obligations, bons ou autres titres de créance, ou autre emprunt ou obligation présent ou futur de la Filiale au moyen d'hypothèque, de charge, nantissement ou autre sûreté visant tout ou partie des biens meubles et immeubles, les intérêts à bail et les intérêts réversifs, qu'elle possède actuellement ou dont elle fait l'acquisition ultérieurement, et l'engagement et les droits de la Filiale;
- f) participation à titre d'associé, d'actionnaire ou de partenaire dans une société de personnes, une société, une co-entreprise ou autre arrangement lié aux activités mentionnées dans le présent paragraphe 7.3 et fait de donner en gage, de vendre ou de garantir cette participation, cet intérêt ou investissement au moyen d'hypothèque, de charge, nantissement ou autre sûreté;

(g) providing expertise to third parties, for use outside the boundaries of the port in connection with software or know-how developed in carrying out the activities specified in section 7.1(i)(xvi);

(h) acquisition, disposition, occupying, holding, developing, leasing or licensing, real property other than federal real property, for, or in connection with, the activities described in this article 7;

(i) carrying on activities described in section 7.3 on real property other than federal real property;

(j) leasing or licensing real property from the Authority for, or in connection with, the activities described in section 7.3;

(k) operation of freight forwarding, consolidating, trading or brokerage facilities or services and warehousing, storage and handling of cargo, freight and goods outside the port or in connection with persons who are not users of the port;

(l) operation of dry dock facilities;

(m) acquisition, disposition, holding, leasing or licensing of personal property;

(n) carrying out of the activities including the provision of services as follows:

(i) environmental assessment, audit, remediation or other such services;

(ii) navigational services and aids;

(iii) security and dispatching services;

(iv) stevedoring services;

(v) maintenance, repair and operation of vessels;

(vi) emergency planning and response;

(vii) vehicle parking, control or marshalling facilities; and

(viii) multi-modal facilities and services;

outside the port or in connection with persons who are not users of the port;

(o) operation of an industrial park for activities compatible with port operations and the land-use plan for the port referred to in section 48 of the Act; and

(p) in pursuing or exercising the remedies available to it as lessor or licensor of premises on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent, the

g) fourniture d'expertise à des tiers pour utilisation à l'extérieur du périmètre du port, relativement à des logiciels ou du savoir-faire mis au point conformément à l'exercice des activités prévues au sous-alinéa 7.1i)(xvi);

h) acquisition, aliénation, occupation, détention, développement, location, octroi ou obtention de permis à l'égard d'immeubles autres que des immeubles fédéraux dans le cadre des activités décrites au présent article 7;

i) exécution d'activités décrites au paragraphe 7.3 sur des immeubles autres que des immeubles fédéraux;

j) location d'immeubles de l'Administration ou obtention de permis visant des immeubles de l'Administration, pour les activités décrites au paragraphe 7.3;

k) exploitation d'installations ou fourniture de services de transit, de groupage, d'échange ou de courtage, et entreposage, stockage et manutention des cargaisons et des marchandises à l'extérieur du port ou à l'intention d'un groupe de personnes qui ne sont pas des utilisateurs du port;

l) exploitation d'installations de cale sèche;

m) acquisition, aliénation, détention, location ou octroi ou obtention de permis visant des biens meubles;

n) exécution d'activités, notamment prestation des services suivants :

(i) services d'évaluation, de vérification et d'assainissement environnementaux ou autres services semblables;

(ii) services et aides à la navigation;

(iii) services de sûreté et de répartition;

(iv) services d'arrimage;

(v) entretien, réparation et exploitation des bâtiments;

(vi) planification et intervention d'urgence;

(vii) stationnements, installations de contrôle ou de groupage;

(viii) installations et services multimodaux;

à l'extérieur du port ou à l'intention d'un groupe de personnes qui ne sont pas des utilisateurs du port;

o) exploitation d'un parc industriel pour l'exécution d'activités compatibles avec les activités du port et le plan d'utilisation des sols pour le port prévu à l'article 48 de la Loi;

conduct of any business or activity from such premises.

#### **7.4 Restrictions Respecting Federal Real Property.**

Notwithstanding any other provision of these Letters Patent, the federal real property described in this Article 7.4 paragraph (i) shall be maintained for the purpose of a buffer zone that is respectful of the environment of the Oshawa Second Marsh, and shall not be used for any purpose other than the use made of the federal real property on June 14, 2019.

(i) a portion of the federal real property described in plan 67590 of the Directory of Federal Real Property, as shown on the record produced by Transport Canada and identified as Plan TC-CPA-BZ-001, being the portion located between the Eastern boundary of the federal real property bordering on the Second Marsh Wildlife Area, the Eastern boundary of a port dredging material disposal area (mound), the Northern boundary being situated close to waterfront Trail and the Southern boundary being situated close to Lake Ontario. The parcel is of irregular shape, varying from approximately 60 to 100 meters in width and being approximately 570 meters in length, making up a total area of approximately 4.0 hectares.

**7.5 Powers of the Authority and Subsidiaries.** The Authority has the power to carry out the activities specified in sections 7.1 and 7.2. Subsidiaries have the power to carry out the activities specified in section 7.3.

### **ARTICLE 8**

#### **LEASING AND CONTRACTING**

**8.1 Restriction on Leasing and Licensing.** The Authority shall not grant a lease or licence of real property for a term in excess of 60 years where such lease or licence is granted pursuant to section 7.1(b)(i), 7.1(b)(iii)(A), 7.1(b)(iii)(B), 7.2(c)(i), 7.2(c)(iii)(A) or 7.2(c)(iii)(B) or for a term in excess of 40 years where such lease or licence is granted pursuant to section 7.1(b)(ii), 7.1(b)(iii)(C), 7.1(b)(iii)(D), 7.2(c)(ii), 7.2(c)(iii)(D) or 7.2(c)(iii)(E) provided however that:

(a) with the written consent of the Minister, the Authority may lease or license such real property for a maximum term of 99 years; and

(b) nothing contained in this section shall restrict the ability of the Authority or a Subsidiary to grant a road

p) dans l'exercice des recours qu'elle a en sa qualité de locateur ou de concédant des lieux sur des immeubles décrits à l'Annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux, exécution de toute activité depuis ces lieux ou utilisation de ces lieux.

#### **7.4 Restrictions relatives aux immeubles fédéraux.**

Nonobstant toute autre disposition des présentes lettres patentes, le bien immobilier fédéral décrit à l'alinéa i) du présent article 7.4 devra être entretenu aux fins d'une zone tampon respectant l'environnement du secteur connu comme étant la réserve sauvage Second Marsh d'Oshawa et ne devra être utilisé à aucune autre fin que celle prévue pour le bien immobilier fédéral en date du 14 juin 2019.

i) une partie du bien immobilier fédéral décrit au plan 67590 du Répertoire des biens immobiliers fédéraux, telle qu'elle apparaît sur le document produit par Transports Canada et identifié comme étant le plan TC-CPA-BZ-001, c'est-à-dire la partie située entre la limite Est du bien immobilier fédéral bordant la zone faunique du marais Second, la limite Est d'une aire d'entreposage des matériaux de dragage du port (monticule), la limite Nord étant localisée à proximité du sentier Waterfront et la limite Sud étant le lac Ontario. La parcelle visée a une forme irrégulière, variant entre 60 et 100 mètres de largeur et ayant une longueur approximative de 570 mètres, couvrant une aire totale d'approximativement 4,0 hectares.

#### **7.5 Pouvoirs de l'Administration et des Filiales.**

L'Administration a tous les pouvoirs de se livrer aux activités prévues aux paragraphes 7.1 et 7.2. Les Filiales ont tous les pouvoirs de se livrer aux activités prévues au paragraphe 7.3.

### **ARTICLE 8**

#### **BAUX ET CONTRATS**

#### **8.1 Restrictions sur les baux et les permis.**

L'Administration ne doit pas louer des immeubles ou octroyer des permis à leur égard pour une durée supérieure à 60 ans, lorsque ces baux ou permis sont octroyés en vertu du sous-alinéa 7.1b)(i), des divisions 7.1b)(iii)(A) ou 7.1b)(iii)(B), du sous-alinéa 7.2c)(i), des divisions 7.2c)(iii)(A) ou 7.2c)(iii)(B) ou pour une durée supérieure à 40 ans lorsque ces baux ou permis sont octroyés en vertu du sous-alinéa 7.1b)(ii), des divisions 7.1b)(iii)(C) et 7.1b)(iii)(D), du sous-alinéa 7.2c)(ii), ou des divisions 7.2c)(iii)(D) ou 7.2c)(iii)(E), sous réserve que :

a) avec l'autorisation écrite du Ministre, l'Administration peut consentir un bail ou un permis à l'égard de ces immeubles pour une durée maximale de 99 ans;



allowance, easement, right of way or licence for utilities, services or access for any term.

**8.2 Calculation of Term of Lease or Licence.** For the purpose of section 8.1, "term" shall mean, in relation to a lease or licence, the sum of:

- (a) the number of years for which a lessee or licensee has the right to occupy the demised premises or licensed area; and
- (b) the maximum number of years not included in the calculation under subsection 8.2(a) that, by the exercise of rights or options to renew or extend the lease or licence agreement, the lessee or licensee may occupy the demised premises or licensed area.

**8.3 Fair Market Value Requirement.** The Authority shall ensure that every lease or license of real property to be entered into following the effective date of the Letters Patent pursuant to which the lessees or licensees carry on uses described in subparagraph 7.1(b)(iii)(C), 7.1(b)(iii)(D), 7.2(c)(iii)(D), 7.2(c)(iii)(E) or activities described in section 7.2 or 7.3 shall be for not less than fair market value provided, however, that with the written consent of the Minister, the Authority may lease or licence such real property for uses described in subparagraph 7.1(b)(iii)(D) or 7.2(c)(iii)(E) at less than fair market value.

**8.4 Tendering Requirement Respecting Work Contracts.** The Authority shall establish and implement a written policy respecting the entering into by the Authority of any agreement (a "Work Contract") for the construction, renovation, repair or replacement of a building, structure, facility, work or undertaking, the excavation, filling or development of any real property or the provision of materials in connection therewith. Such policy shall set forth:

- (a) the requirements respecting the publication of a notice or advertisement requesting bids for Work Contracts;
- (b) the policies and procedures respecting bidding for Work Contracts;
- (c) the requirement to provide potential bidders for a Work Contract with reasonable access during normal business hours to the proposed work site for the purposes of assessing the site conditions relevant to the performance of the Work Contract; and

b) rien dans le présent article ne limite la capacité de l'Administration ou de la Filiale de consentir à leur égard des emprises routières, des servitudes ou permis pour des droits de passage ou d'accès ou des services publics pour quelque durée que ce soit.

**8.2 Calcul de la durée du bail ou du permis.** Pour les fins du paragraphe 8.1, « durée » signifie, relativement à un bail ou un permis, la somme :

- a) du nombre d'années au cours desquelles un locataire ou détenteur de permis a le droit d'occuper les lieux transportés à bail ou la zone visée par le permis;
- b) du nombre maximal d'années non comprises dans le calcul prévu à l'alinéa 8.2a) pendant lesquelles un locataire ou détenteur de permis qui se prévaut de ses droits ou options de renouvellement ou de prolongation du bail ou de l'entente de permis peut occuper les lieux transportés à bail ou la zone visée par le permis.

**8.3 Juste valeur marchande.** L'Administration doit s'assurer que la valeur de chaque bail ou permis visant des immeubles octroyé après l'entrée en vigueur des Lettres patentes en vertu duquel bail ou permis le locataire ou le détenteur de permis se livre aux utilisations décrites aux divisions 7.1b)(iii)(C), 7.1b)(iii)(D), 7.2c)(iii)(D) ou 7.2c)(iii)(E) ou aux activités décrites au paragraphe 7.2 ou 7.3, correspond au moins à la juste valeur marchande, sauf que l'Administration peut, avec le consentement écrit du Ministre, octroyer des baux ou des permis visant des immeubles pour les utilisations prévues aux divisions 7.1b)(iii)(D) ou 7.2c)(iii)(E) à une valeur inférieure à la juste valeur marchande.

**8.4 Exigences d'appel d'offres concernant les marchés de services.** L'Administration doit établir et appliquer une politique écrite concernant la conclusion, par l'Administration, de tout contrat (ci-après « Contrat de travail ») en vue de la construction, de la rénovation, de la réparation ou du remplacement d'un édifice, structure, installation, ouvrage ou projet, de l'excavation, du remplissage ou du développement d'un immeuble ou de la fourniture de matériel lié à ces travaux. Cette politique doit établir :

- a) les exigences concernant la publication d'un avis ou d'une annonce demandant des offres pour le Contrat de travail;
- b) les politiques et procédures relatives à ces soumissions pour les Contrats de travail;
- c) l'exigence de donner aux soumissionnaires potentiels un accès raisonnable pendant les heures d'ouverture à l'emplacement proposé pour fins d'évaluation des conditions pertinentes à l'exécution du Contrat de travail;

- (d) exceptions to tendering requirements:
- (i) where there exists only one supplier of the work;
  - (ii) for emergencies;
  - (iii) where the Authority itself performs the work;
  - (iv) where the delay resulting from compliance with formal tendering requirements is reasonably expected to be injurious to the public interest; and
  - (v) for Work Contracts below a value determined by the Board.

**ARTICLE 9**

**BORROWING**

**9.1 No Borrowing as an Agent.** The Authority and any Subsidiaries may not borrow money as an agent of Her Majesty. Every contract for the borrowing of money shall contain an acknowledgement of the lender that it shall have no recourse against Her Majesty or any assets of Her Majesty.

**9.2 Restriction on Incurrence of Borrowing.** The Authority shall not incur any item of Borrowing so that the aggregate Borrowing of the Authority would exceed \$45,500,000.

**9.3 Borrowing.** "Borrowing" means the following items for the Authority (adjusted to give effect to the provisions of section 9.4), without duplication, as follows:

- (a) all obligations for borrowed money and all obligations evidenced by bonds, debentures, notes, or other similar instruments on which interest charges are customarily paid, recorded in accordance with GAAP;
- (b) all obligations, contingent or otherwise, relative to the face amount of all letters of credit, whether or not drawn, and bankers' acceptances issued;
- (c) any obligation as lessee under leases which have been or should be, in accordance with GAAP, recorded as Capitalized Lease Liabilities;
- (d) all obligations to pay the deferred purchase price of property or services, and indebtedness (excluding prepaid interest thereon) secured by a lien on property owned or being purchased by the Authority (including indebtedness arising under conditional sales or other title retention agreements), whether or not such indebtedness shall have been assumed by the Authority or is limited in recourse and recorded in the financial statements of the Authority and Subsidiaries for the most recently completed Fiscal Year;

- d) les exemptions :
- (i) lorsqu'il n'y a qu'un seul fournisseur;
  - (ii) en cas d'urgence;
  - (iii) lorsque l'Administration effectue elle-même les travaux;
  - (iv) lorsque le retard résultant de l'observation des exigences officielles de soumission pourrait être considéré préjudiciable à l'intérêt public;
  - (v) pour les Contrats de travail dont la valeur est inférieure à un seuil déterminé par le Conseil.

**ARTICLE 9**

**EMPRUNTS**

**9.1 Aucun emprunt à titre de mandataire.** L'Administration et les Filiales ne peuvent emprunter des fonds à titre de mandataire de Sa Majesté. Tous les Emprunts contractés doivent contenir une clause précisant que le prêteur n'aura aucun recours contre Sa Majesté ou les éléments d'actif de Sa Majesté.

**9.2 Restriction sur les Emprunts.** L'Administration ne doit pas contracter des Emprunts dont le total serait supérieur à 45 500 000 \$.

**9.3 Emprunts.** « Emprunts » À l'égard de l'Administration, les éléments suivants (rajustés de façon à donner effet aux dispositions du paragraphe 9.4), sans dédoublement :

- a) toutes les obligations de l'Administration relativement à ses emprunts et toutes les obligations constatées par les obligations, bons, billets ou autres instruments similaires sur lesquels des intérêts sont normalement payés, comptabilisées conformément aux PCGR;
- b) toutes les obligations, éventuelles ou autres, relatives à la valeur nominale de toutes les lettres de crédit, qu'elles soient tirées ou non, et des acceptations bancaires émises;
- c) toute obligation de l'Administration à titre de locataire en vertu de baux qui ont été, ou devraient être, conformément aux PCGR, comptabilisés à titre d'éléments de Passif de contrat de location-acquisition;
- d) toutes les obligations de paiement du prix d'achat différé de biens ou de services, et l'endettement (à l'exclusion de l'intérêt payé d'avance à cet égard) garanti par un privilège sur des biens dont l'Administration est propriétaire ou fait l'acquisition (y compris l'endettement découlant de ventes conditionnelles ou autres

(e) accrued contingent losses reflected as a charge to income in accordance with GAAP and recorded in the financial statements of the Authority and Subsidiaries for the most recently completed Fiscal Year;

(f) all Contingent Liabilities of the Authority in respect of any of the foregoing; or

(g) the amount of the aggregate potential liability of the Authority pursuant to the terms of a Permitted Indemnity or Guarantee.

**9.4 Exclusion of Subsidiaries.** In determining the Borrowing pursuant to section 9.3, any amounts pertaining to Subsidiaries carrying on activities contemplated by paragraph 28(2)(b) of the Act shall be excluded.

**9.5 Certificate of the Authority.** Concurrent with the submission of financial statements to the Minister contemplated by subsection 37(4) of the Act, the Authority shall deliver to the Minister a certificate executed by the chief executive officer of the Authority stating:

(a) the amount of the aggregate Borrowing of the Authority at the end of the Fiscal Year to which such financial statements relate;

(b) that the Authority is not in default or has not committed an event of default under any of the terms of its Borrowing except those which it is contesting in good faith or if such default or event of default exists, the particulars thereof;

(c) that since the date of the last certificate provided hereunder the Authority has not been served with written notice of any Significant Legal Proceedings or, if the Authority has been served, particulars of such legal proceedings;

(d) if any Capital Investment in a Subsidiary has been made by the Authority during the Fiscal Year to which such financial statements relate, the amount of such Capital Investment, the annual rate of return required for such Capital Investment to yield a Sufficient Return and the amounts paid by all Subsidiaries on account of payment of Sufficient Return; and

(e) that the Authority is not aware of any contract for the borrowing of money on the amount exceeding \$1,000,000 which fails to contain the express statement stipulated in subsection 28(5) of the Act;

provided that the Authority may satisfy its obligations pursuant to this section through delivery to the Minister

ententes de réserve de propriété), que l'endettement ait ou non été assumé par l'Administration ou qu'il soit limité et comptabilisé dans les états financiers de l'Administration et des Filiales pour le dernier Exercice complété;

e) les pertes éventuelles accumulées qui seraient reflétées par une charge sur les revenus selon les PCGR et comptabilisées dans les états financiers de l'Administration et des Filiales pour le dernier Exercice complété;

f) tous les Éléments de passif éventuel de l'Administration relativement aux éléments susmentionnés;

g) l'ensemble du passif potentiel de l'Administration conformément à une Indemnité ou garantie autorisée.

**9.4 Exclusion de Filiales.** Pour déterminer les Emprunts conformément au paragraphe 9.3, tous les montants relatifs aux Filiales se livrant aux activités visées à l'alinéa 28(2)b) de la Loi doivent être exclus.

**9.5 Certificat de l'Administration.** Au moment de la présentation au Ministre des états financiers prévus au paragraphe 37(4) de la Loi, l'Administration doit délivrer au Ministre un certificat signé par le premier dirigeant de l'Administration attestant :

a) le montant total des Emprunts de l'Administration au terme de l'Exercice visé par les états financiers;

b) que l'Administration n'est pas en défaut, ni n'a commis d'acte de défaut, aux termes de l'un ou l'autre de ses Emprunts, à l'exception de ceux qu'elle conteste de bonne foi ou s'il existe un tel défaut ou acte de défaut, les détails de ce dernier;

c) que depuis la date du dernier certificat fourni en vertu des présentes, l'Administration n'a pas reçu d'actes de procédure amorçant des Procédures judiciaires importantes ou, si de tels actes lui ont été signifiés, les détails de ces procédures;

d) si l'Administration a mis du Capital engagé dans une Filiale au cours de l'Exercice visé par les états financiers, le montant du Capital engagé, le taux de rendement annuel requis pour que ce Capital engagé donne un Rendement suffisant, et les montants versés par toutes les Filiales en vue du paiement du Rendement suffisant;

e) que l'Administration n'a, à sa connaissance, conclu aucun contrat visant des Emprunts de plus de 1 000 000 \$ ne contenant pas la mention expresse prévue au paragraphe 28(5) de la Loi;

sous réserve que l'Administration puisse satisfaire à ses obligations conformément au présent article en remettant au Ministre copie de la lettre envoyée au vérificateur de

of a copy of the letter delivered to the auditor of the Authority in connection with the annual audit of the financial statements of the Authority which contains substantially the same information as contemplated by this section.

## ARTICLE 10

### SUBSIDIARIES

**10.1 Constating Documents of Subsidiary.** The constating documents of every Subsidiary shall state that the Subsidiary cannot exercise any power as an agent of Her Majesty.

**10.2 Use of Authority Property and Employees.** Prior to a Subsidiary utilizing the property, services, facilities or employees of the Authority in connection with the Subsidiary's activities or vice versa, the Subsidiary and Authority shall enter into a written agreement whereby the recipient covenants to pay fair market value for use of such property, services, facilities or employees.

**10.3 Mandatory Standby Fee.** Every Subsidiary shall pay and the Authority shall collect from each Subsidiary a one-time guarantee standby fee for each Permitted Indemnity or Guarantee given by or on behalf of the Authority which fee shall be in an amount not less than one-half of one percent of the maximum dollar amount of such Permitted Indemnity or Guarantee given by the Authority.

**10.4 Prohibition on Indemnities.** Other than Permitted Guarantees or Indemnities, no guarantee, indemnity or other agreement or commitment may be given by or on behalf of the Authority for the discharge of an obligation or liability of a Subsidiary, whether such obligation or liability be contingent or otherwise.

## ARTICLE 11

### FEDERAL OBLIGATIONS

**11.1 International and Provincial Obligations.** The Authority shall comply with all obligations applicable to the Authority arising under any international agreement, convention or arrangement, or any federal-provincial agreement, including:

- (a) Canadian Free Trade Agreement;
- (b) North American Free Trade Agreement;
- (c) Canada Chile Free Trade Agreement;

l'Administration au sujet de la vérification annuelle des états financiers de l'Administration qui contient dans une large mesure les mêmes renseignements que ceux qui sont envisagés par ce paragraphe.

## ARTICLE 10

### FILIALES

**10.1 Actes constitutifs des Filiales.** Les actes constitutifs des Filiales doivent préciser que la Filiale ne peut exercer aucun pouvoir à titre de mandataire de Sa Majesté.

**10.2 Utilisation des biens ou recours aux employés.** Avant de laisser une Filiale utiliser les biens, les services ou les installations, ou faire appel aux employés de l'Administration pour mener à bien ses propres activités ou l'inverse, la Filiale et l'Administration doivent conclure par écrit une entente selon laquelle le bénéficiaire convient de payer la juste valeur marchande pour l'utilisation de ces biens, services ou installations, ou le recours aux employés.

**10.3 Droit d'usage obligatoire.** Chaque Filiale devra verser un droit d'usage unique que percevra l'Administration pour chaque Indemnité ou garantie autorisée accordée par l'Administration ou en son nom. Ce droit se chiffrera à au moins un demi pour cent de la valeur maximale de l'Indemnité ou garantie autorisée accordée par l'Administration.

**10.4 Interdiction d'indemnités.** À l'exception des Garanties et indemnités autorisées, aucune garantie ou indemnité ou aucun autre accord ou engagement ne peut être donné par l'Administration ou au nom de celle-ci pour libérer une Filiale d'une obligation ou d'un élément de passif, qu'il s'agisse d'une obligation ou d'un élément de passif éventuel ou non.

## ARTICLE 11

### OBLIGATIONS FÉDÉRALES

**11.1 Obligations internationales et provinciales.** L'Administration est tenue de s'acquitter de toutes les obligations s'appliquant à elle qui découlent d'ententes, de conventions ou d'accords internationaux ou d'ententes fédérales-provinciales auxquelles Sa Majesté est partie, que cet accord, cette convention ou entente, ou entente fédérale-provinciale soit conclu avant ou après la date de délivrance des présentes Lettres patentes, notamment :

- a) Accord de libre-échange canadien;
- b) Accord de libre-échange nord-américain;

- (d) World Trade Organization General Agreement on Trade in Services; and
- (e) Port State Control Agreements;

to which Her Majesty is a party, whether such agreement, convention or arrangement, or federal provincial agreement is entered into before or after the date of issuance of these Letters Patent.

**11.2 Federal Identity.** The Authority shall:

- (a) display the Canadian flag prominently at the port;
- (b) display the “Canada” wordmark on a prominent building at the port; and
- (c) apply the “Canada” wordmark prominently on all the Authority’s identity applications.

**11.3 Emergency Preparedness.** The Authority shall, at the request of the Minister and in accordance with applicable policies established by Her Majesty from time to time, provide all the support required by the Minister to fulfil the responsibilities of the Minister under the *Emergency Management Act*, S.C. 2007, c. 15.

**ARTICLE 12**

**BY-LAWS**

**12.1 By-Laws.** The directors of the Authority may, by resolution, make, amend or repeal by-laws that regulate the affairs of the Authority or the duties of officers and employees.

ISSUED under my hand to be effective on the day specified in the Certificate of Amalgamation as the day upon which the amalgamation of the Hamilton Port Authority and the Oshawa Port Authority takes effect.

**The Honourable Marc Garneau, P.C., M.P.**  
 Minister of Transport

- c) Accord de libre-échange Canada-Chili;
- d) Accord général sur le commerce des services de l’Organisation mondiale du commerce;
- e) Mémoires d’entente sur le contrôle des navires par l’État du port.

**11.2 Image de marque.** L’Administration doit :

- a) mettre le drapeau canadien bien en évidence dans le port;
- b) afficher le mot-symbole « Canada » sur un édifice bien en évidence dans le port;
- c) mettre bien en évidence le mot-symbole « Canada » sur toutes les utilisations de son identité.

**11.3 Protection civile.** L’Administration doit, sur demande du ministre et conformément aux politiques applicables prises par Sa Majesté de temps à autre, fournir tout le soutien nécessaire au ministre pour s’acquitter des responsabilités qui lui incombent relativement au port en vertu de la *Loi sur la protection civile*, L.C. 2007, ch. 15.

**ARTICLE 12**

**RÈGLEMENTS ADMINISTRATIFS**

**12.1 Règlements administratifs.** Les administrateurs peuvent, par résolution, prendre, modifier ou révoquer des règlements administratifs portant sur les affaires de l’Administration ou sur les fonctions de ses dirigeants ou employés.

DÉLIVRÉES sous mon seing et en vigueur à compter de la date indiquée dans le certificat de fusion comme étant la date à laquelle la fusion de l’Administration portuaire de Hamilton et de l’Administration portuaire Oshawa entre en vigueur.

**L’honorable Marc Garneau, C.P., député**  
 Ministre des Transports

**SCHEDULE A**

**HAMILTON-OSHAWA PORT AUTHORITY**

**DESCRIPTION OF NAVIGABLE WATERS**

**PART 1 (Hamilton)**

ALL the waters of Hamilton Harbour (formerly Burlington Bay) together with all the inlets thereof, including Cootes Paradise, but excepting Burlington Channel.

**PART 2 (Oshawa)**

All the waters of Lake Ontario within the following limits: COMMENCING at the high water mark of Lake Ontario where it intercepts the easterly limit of Lot 1 of the broken front concession of the Township of East Whitby; THENCE, along the high water mark in a westerly direction to a point where it intercepts the westerly limit of Lot 17 of the broken front concession of the Township of East Whitby; THENCE, in a southerly direction 3,000 feet into Lake Ontario on the extension of the said westerly limit of Lot 17; THENCE, on a straight line in an easterly direction to a point on a southerly extension of the easterly limit of Lot 1, 3,000 feet from the high water mark; THENCE, in a northerly direction to the point of commencement and all water front property, wharves, piers, docks, buildings, shores and beaches in or along the said waters.

**SCHEDULE B**

**HAMILTON-OSHAWA PORT AUTHORITY**

**DESCRIPTION OF FEDERAL REAL PROPERTY**

**PART 1 (Hamilton)**

1. All and singular that certain parcel or tract of land situate, lying and being part of the Government Reserve (Canal Reserve), North of the Burlington Canal, in the Geographic Township of Saltfleet, now in the City of Burlington, in the Regional Municipality of Halton and being composed of Parts 1 and 2 on Reference Plan 20R-13281.

2. All and singular that certain parcel or tract of land situate, lying and being part of the Government Reserve (Canal Reserve), South of Burlington Canal, in the Geographic Township of Saltfleet, now in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of Parts 1, 2, 3, 4, 5 and 6 on Reference Plan 62R-15102.

**ANNEXE « A »**

**ADMINISTRATION PORTUAIRE  
HAMILTON-OSHAWA**

**DESCRIPTION DES EAUX NAVIGABLES**

**PARTIE 1 (Hamilton)**

TOUTES les eaux du havre de Hamilton (antérieurement la baie de Burlington) ainsi que toutes les baies qui s'y rattachent, incluant Cootes Paradise, mais à l'exception du chenal de Burlington.

**PARTIE 2 (Oshawa)**

La totalité des eaux du lac Ontario dans les limites suivantes : COMMENÇANT à la ligne des hautes eaux du lac Ontario où elle coupe la limite est du lot 1 de la concession de Broken Front du canton de East Whitby en bordure du lac; DE LÀ, suivant la ligne des hautes eaux en direction ouest jusqu'à un point où elle coupe la limite ouest du lot 17 de la concession de Broken Front du canton de East Whitby; DE LÀ, en direction sud 3 000 pieds dans le lac Ontario sur le prolongement de ladite limite ouest du lot 17; DE LÀ, en ligne droite dans une direction est jusqu'à un point sur un prolongement sud de ladite limite est du lot 1, 3 000 pieds de la ligne des hautes eaux; DE LÀ, dans une direction septentrionale jusqu'au point de départ; ainsi que toutes les propriétés faisant face à l'eau, tous les quais, jetées, bassins, bâtiments, grèves et plages à l'intérieur et le long desdites eaux.

**ANNEXE « B »**

**ADMINISTRATION PORTUAIRE  
HAMILTON-OSHAWA**

**DESCRIPTION DES IMMEUBLES FÉDÉRAUX**

**PARTIE 1 (Hamilton)**

1. La totalité de la parcelle de terrain située dans la réserve du gouvernement (réserve du canal), au nord du canal de Burlington, dans le canton de Saltfleet, maintenant dans la ville de Burlington, dans la municipalité régionale de Halton et composée des parties 1 et 2 sur le plan de renvoi 20R-13281.

2. La totalité de la parcelle de terrain située dans la réserve du gouvernement (réserve du canal), au sud du canal de Burlington, dans le canton de Saltfleet, maintenant dans la ville de Hamilton, dans la municipalité régionale de Hamilton-Wentworth et composée des parties 1, 2, 3, 4, 5 et 6 sur le plan de renvoi 62R-15102.

3. Any interests in land, whether or not registered, to the extent that they are interests in land in accordance with the *Federal Real Property Act*, in any way belonging or appertaining to, or, benefiting, any of the lands described above.

SAVE AND EXCEPT as to all the lands set out above:

(i) the federal real property listed above under the administration of a Member of the Queen's Privy Council for Canada other than the Minister of Transport or any successor thereto, if that Member has not given consent to the Minister in accordance with paragraph 44(2)(b) of the *Act*; and

(ii) all lands situate within the areas described above vested in the name of a person other than the Authority, The Hamilton Harbour Commissioners, Her Majesty the Queen in Right of Canada, His Majesty the King in Right of Canada, or any other name used to designate the Crown in Right of Canada.

**PART 2 (Oshawa)**

1. PIN 16380-0108 (LT), designated as Parts 2, 3 and 4 on Plan 40R-21634 deposited in the land registration system of Ontario.
2. PIN 16380-0105 (LT), designated as Parts 5, 6 and 7 on Plan 40R-21634 deposited in in the land registration system of Ontario.
3. PIN 16378-0025 (LT), designated as Parts 1 and 2 on Plan 40R-21632 deposited in the land registration system of Ontario.
4. PIN 16378-0104 (LT), designated as Parts 1 to 9 on Plan 40R-21635 deposited in the land registration system of Ontario; SAVE and EXCEPT Parts 1, 2 and 3 on Plan 40R-26890.
5. PIN 16394-0108 (LT), designated as Part 11 on Plan 40R-21636 deposited in the land registration system of Ontario.
6. PIN 16394-0103 (LT), designated as Part 1 on Plan 40R-21636 deposited in the land registration system of Ontario.
7. PIN 16394-0107 (LT), designated as Part 4 on Plan 40R-21636 deposited in the land registration system of Ontario.
8. PIN 16394-0113 (LT), designated as Part 3 on Plan 40R-21636 deposited in the land registration system of Ontario.

3. Tous les autres intérêts fonciers, dans la mesure où il s'agit d'intérêts fonciers conformément à la *Loi sur les immeubles fédéraux*, enregistrés ou non, qui sont attachés aux terrains décrits ci-dessus, qui en dépendent ou qui leur procurent un avantage.

À L'EXCEPTION, relativement à tous les terrains mentionnés ci-dessus :

(i) des immeubles fédéraux mentionnés plus haut qui relèvent d'un membre du Conseil privé de la Reine du Canada autre que le ministre des Transports ou son successeur, si ce membre n'a pas fait part de son consentement au ministre en vertu de l'alinéa 44(2)b) de la *Loi*;

(ii) de tous les terrains situés dans le secteur décrit ci-dessus qui sont dévolus à des personnes autres que l'Administration, les Commissaires du port de Hamilton, Sa Majesté la Reine du chef du Canada, Sa Majesté le Roi du chef du Canada ou tout autre nom utilisé pour désigné la Couronne de chef du Canada.

**PARTIE 2 (Oshawa)**

1. NIP 16380-0108 (LT), désigné comme les parties 2, 3 et 4 sur le Plan 40R-21634 déposé au système d'enregistrement foncier de l'Ontario.
2. NIP 16380-0105 (LT), désigné comme les parties 5, 6 et 7 sur le Plan 40R-21634 déposé au système d'enregistrement foncier de l'Ontario.
3. NIP 16378-0025 (LT), désigné comme les parties 1 et 2 sur le Plan 40R-21632 déposé au système d'enregistrement foncier de l'Ontario.
4. NIP 16378-0104 (LT), désigné comme les parties 1 à 9 sur le Plan 40R-21635 déposé au système d'enregistrement foncier de l'Ontario ; à l'EXCEPTION des parties 1, 2 et 3 du Plan 40R-26890.
5. NIP 16394-0108 (LT), désigné comme la partie 11 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
6. NIP 16394-0103 (LT), désigné comme la partie 1 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
7. NIP 16394-0107 (LT), désigné comme la partie 4 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
8. NIP16394-0113 (LT), désigné comme la partie 3 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.

9. PIN 16394-0114 (LT), designated as Part 2 on Plan 40R-21636 deposited in the land registration system of Ontario.
10. PIN 16394-0208 (LT), designated as Part 6 on Plan 40R-21636 deposited in the land registration system of Ontario.
11. PIN 16394-0212 (LT), designated as Part 5 on Plan 40R-27139 in the land registration system of Ontario.
12. PIN 16394-0117 (LT), designated as Part 10 on Plan 40R-21636 in the land registration system of Ontario.
13. PIN 16394-0120 (LT), designated as Part 5 on Plan 40R-21636 in the land registration system of Ontario.
14. PIN 16394-0209 (LT), being part of the bed of Lake Ontario and designated as Part 1 on Plan 40R-21940 in the land registration system of Ontario.
15. PIN 16378-0048 (LT), being all of water lot location DT-60, being part of the bed of Lake Ontario, and designated as Part 2 on Plan 40R-21940 in the land registration system of Ontario.
16. Part of PIN 16394-0216 (LT), designated as Part 15 on Plan 40R-21636 and Part 10 on a Plan 40R-27129, both plans deposited in the land registration system of Ontario.

**SCHEDULE C**

**HAMILTON-OSHAWA PORT AUTHORITY**

**DESCRIPTION OF REAL PROPERTY OTHER THAN FEDERAL REAL PROPERTY**

**PART 1 (Hamilton)**

Note: References to draft Reference Plans in the descriptions hereinbelow, unless otherwise described, relate to the preliminary compiled plans prepared by Ross A. Clarke, O.L.S., of Mackay Mackay & Peters Limited, dated March, 2001, under Project No. 98-031-3R(H), to be maintained on file at the registered office of the Authority.

1. Part of the bed of Hamilton Harbour in front of Lots 14, 15, 16, 17, 18 19 and 20, Concessions 1 and Broken Front, Geographic Township of Barton, Lots 12 and 13, Broken Front Concession, Geographic Township of East Flamborough and Lot 14, Broken Front Concession, Geographic Township of West Flamborough, now in the City of Hamilton, designated as Parts 1, 2, 3, 4 and 5 on sheet no. 3 of the draft Reference Plans.

9. NIP 16394-0114 (LT), désigné comme la partie 2 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
10. NIP 16394-0208 (LT), désigné comme la partie 6 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
11. NIP 16394-0212 (LT), désigné comme la partie 5 sur le Plan 40R-27139 déposé au système d'enregistrement foncier de l'Ontario.
12. NIP 16394-0117 (LT), désigné comme la partie 10 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
13. NIP 16394-0120 (LT), désigné comme la partie 5 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
14. NIP 16394-0209 (LT), étant partie du lit du lac Ontario et désignée comme étant la partie 1 sur le Plan 40R-21940 déposé au système d'enregistrement foncier de l'Ontario.
15. NIP 16378-0048 (LT), étant tout l'emplacement du lot de grève DT-60, étant partie du lit du lac Ontario, et désigné comme la partie 2 sur le Plan 40R-21940 déposé au système d'enregistrement foncier de l'Ontario.
16. Partie de NIP 16394-0216 (LT), désignée comme la partie 15 sur le Plan 40R-21636 et la partie 10 sur le Plan 40R-27129, les deux plans déposés au système d'enregistrement foncier de l'Ontario.

**ANNEXE « C »**

**ADMINISTRATION PORTUAIRE  
HAMILTON-OSHAWA**

**DESCRIPTION DES IMMEUBLES AUTRES QUE DES IMMEUBLES FÉDÉRAUX**

**PARTIE 1 (Hamilton)**

Remarque : Les références aux ébauches de plans de renvoi dans les descriptions ci-après désignent les plans préliminaires dressés par Ross A. Clarke, A.-G.O., chez Mackay Mackay & Peters Limited, datés mars 2001 sous le numéro de projet 98-031-3R(H), et classés au siège social de l'administration.

1. Une partie du lit du havre de Hamilton devant les lots 14, 15, 16, 17, 18, 19 et 20, concessions 1 et de Broken Front, canton de Barton, les lots 12 et 13, concession de Broken Front, canton de East Flamborough et le lot 14, concession de Broken Front, canton de West Flamborough, maintenant dans la ville de Hamilton, désignée parties 1, 2, 3, 4 et 5 sur la feuille N° 3 des plan de renvoi.



2. Part of Unnumbered Lot and all of Lots 6 and 7, Block 11, Registered Plan 127 (Sir A.N. MacNab Survey), Geographic Township of Barton, now in the City of Hamilton, designated as Part 1 on Reference Plan 62R-15750.
2. Une partie du lot non numéroté et la totalité des lots 6 et 7, bloc 11, plan enregistré 127 (arpentage de Sir A.N. MacNab), canton de Barton, maintenant dans la ville de Hamilton, désignée partie 1 sur le plan de renvoi 62R-15750.
3. Part of the bed of Hamilton Harbour in front of Lots 10, 11, 12, 13 and 14, Broken Front Concession, Water Lots in front of Lots 10, 11, 12, 13 and 14, Broken Front Concession, Part of Lots 11, 12 and 13, Broken Front Concession, including Part of lot 13, Broken Front Concession, formerly township of Barton, now city of Hamilton, being P.I.N. 17579-0079 (LT) being municipally known as 560 Ferguson Avenue North, Hamilton, Ontario, Part of Lot 12, Concession 1, Part of the Road Allowance between Lots 12 and 13 closed by By-law No. 83-175, registered as Instrument No. 267183AB, all of Lots 1 and 46, Part of Lot 45, Registered Plan 493 (Landsdowne Park Survey), all of Lots 107 to 127, both inclusive, Registered Plan 32 (J.T. Gilkinson Survey), Geographic Township of Barton, now in the City of Hamilton, designated as Parts 1 to 32, both inclusive, on sheet no. 1 of the draft Reference Plans.
3. Une partie du lit du havre de Hamilton devant les lots 10, 11, 12, 13 et 14, concession de Broken Front, les lots de grève devant les lots 10, 11, 12, 13 et 14, concession de Broken Front, une partie des lots 11, 12 et 13, concession de Broken Front, y compris la partie du lot 13, concession Broken Front, anciennement le canton de Barton, maintenant ville de Hamilton, étant PIN 17579-0079 (LT) étant la désignation civique est 560, avenue du Ferguson Nord, Hamilton, Ontario, une partie du lot 12, concession 1, une partie de la réserve pour chemins entre les lots 12 et 13 annulée par l'arrêté n° 83-175, enregistré sous l'instrument n° 267183AB, la totalité des lots 1 et 46, une partie du lot 45, plan enregistré 493 (arpentage de Landsdowne Park), la totalité des lots 107 à 127, inclusivement, sur le plan enregistré 32 (arpentage de J.T. Gilkinson), canton de Barton, maintenant dans la ville de Hamilton, désignées parties 1 à 32, inclusivement, sur la feuille N° 1 des plans de renvoi.
4. Part of the Water Lots in front of Lots 9 and 10, Broken Front Concession, Part of Lots 7, 8 and 9, Broken Front Concession, Part of the Road Allowance between Lots 8 and 9, closed by By-law No. 290 (registered as Instrument No. 37 By-law), all of Lots 174 to 203, 230 to 270, 281 to 300, all inclusive, Reserve 5, Part of Lots 204, 205 and Reserve 4, Parts of Ship Street, Land Street, Gilkinson Street, Dickson Street, McKinstry Street and Richie Street (all closed by By-law No. 1028, registered as Instrument No. 208 By-law), Registered Plan 32 (J.T. Gilkinson Survey), Geographic Township of Barton, now in the City of Hamilton, designated as Parts 1 to 21, both inclusive, on sheet no. 2 of the draft Reference Plans.
4. Une partie des lots de grève devant les lots 9 et 10, concession de Broken Front, une partie des lots 7, 8 et 9, concession de Broken Front, une partie de la réserve pour chemins entre les lots 8 et 9, annulée par l'arrêté n° 290 (enregistré comme instrument par l'arrêté n° 37), la totalité des lots 174 à 203, 230 à 270, 281 à 300, inclusivement, réserve 5, une partie des lots 204, 205 et la réserve 4, des parties de la rue Ship, de la rue Land, de la rue Gilkinson, de la rue Dickson, de la rue McKinstry et de la rue Richie (toutes annulées par l'arrêté n° 1028, enregistré comme instrument par l'arrêté n° 208), plan enregistré 32 (arpentage de J.T. Gilkinson), canton de Barton, maintenant dans la ville de Hamilton, désignées parties 1 à 21, inclusivement, sur la feuille N° 2 des plans de renvoi.
5. Part of the bed of Hamilton Harbour in front of Lots 9, 10, 11, 12, 13, 14, 15 and 16, Broken Front Concession, Geographic Township of Barton, now in the City of Hamilton, designated as Part 1 on sheet no. 7 of the draft Reference Plans.
5. Une partie du lit du havre de Hamilton devant les lots 9, 10, 11, 12, 13, 14, 15 et 16, concession de Broken Front, canton de Barton, maintenant dans la ville de Hamilton, désignée partie 1 sur la feuille N° 7 des plans de renvoi.
6. Part of the bed of Hamilton Harbour in front of Lots 9, 10, 11, 12, 13, 14 and 15, Broken Front Concession, Geographic Township of Barton and Lots 5, 6, 7, 8, 9 and 10, Broken Front Concession, Water Lot in front of Lot 7, Broken Front Concession, Geographic Township of East Flamborough, now in the City of Hamilton, designated as Part 1 on sheet no. 8 of the draft Reference Plans.
6. Une partie du lit du havre de Hamilton devant les lots 9, 10, 11, 12, 13, 14 et 15, concession de Broken Front, canton de Barton et des lots 5, 6, 7, 8, 9 et 10, concession de Broken Front, lot de grève devant le lot 7, concession de Broken Front, canton de East Flamborough, maintenant dans la ville de Hamilton, désignée partie 1 sur la feuille N° 8 des plans de renvoi.
7. Part of the bed of Hamilton Harbour in front of Lots 3, 4, 5, 6, 7, 8 and 9, Broken Front Concession, Geographic Township of Barton, now in the City of Hamilton, designated as Part 1 on sheet no. 9 of the draft Reference Plans.
7. Une partie du lit du havre de Hamilton devant les lots 3, 4, 5, 6, 7, 8 et 9, concession de Broken Front, canton de Barton, maintenant dans la ville de Hamilton, désignée partie 1 sur la feuille N° 9 des plans de renvoi.

8. Part of the bed of Hamilton Harbour in front of Lots 1, 2, 3, 4 and 5, Broken Front Concession, Geographic Township of East Flamborough, now in the City of Hamilton, designated as Part 1 on sheet no. 10 of the draft Reference Plans.

9. Part of the bed of Hamilton Harbour adjoining Burlington Beach, Geographic Township of Saltfleet and in front of Registered Plan 614 (Inglehaven Survey), Geographic Township of East Flamborough, the Water Lot in front of Registered Plan 97 (Filmans Survey), Part of Lot 10 and Block A, Registered Plan 97 (Filmans Survey), Part of Block 2, Registered Plan 47 (J.S. McMurray's Survey), Geographic Township of Nelson, now in the City of Burlington, Regional Municipality of Halton, designated as Parts 1 to 8, both inclusive, and Parts 10 to 16, both inclusive, on sheet no. 11 of the draft Reference Plans provided that as to Parts 10, 11 and 12, the same are included herein to the extent of any right, title and interest heretofore held by The Hamilton Harbour Commissioners, and such inclusion is without prejudice to any right, title and interest of Her Majesty the Queen in right of Canada in said Parts.

10. Part of the bed of Hamilton Harbour adjoining Burlington Beach and part of Burlington Beach, west side of Beach Boulevard, South of the Canal Reserve, Geographic Township of Saltfleet, now in the City of Hamilton, designated as Parts 1, 2, 3, 4, 5, 6, 7, 8 and 9 on sheet no. 6 of the draft Reference Plans, provided that as to Parts 1, 2, 3 and 9, the same are included herein to the extent of any right, title and interest heretofore held by The Hamilton Harbour Commissioners, and such inclusion is without prejudice to any right, title and interest of Her Majesty the Queen in right of Canada in said Parts.

11. Part of the bed of Hamilton Harbour adjoining Burlington Beach and part of Burlington Beach, Geographic township of Saltfleet, now in the City of Hamilton, designated as Parts 1 to 9, both inclusive, on sheet no. 5 of the draft Reference Plans.

12. Part of the bed of Hamilton Harbour and Water Lots in front of Lot 1, Broken Front Concession, Geographic township of Barton, Lots 31, 32, 33 and 34, Broken Front Concession, Geographic Township of Saltfleet, Part of Lots 33 and 34, Broken Front Concession and Burlington Beach, Part of Lot 1, Registered Plan 440 (R. Fletcher Survey), Geographic Township of Saltfleet, Part of Lot 1, Broken Front Concession, Geographic Township of Barton, now in the City of Hamilton, designated as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 on sheet 4 of the draft Reference Plans.

8. Une partie du lit du havre de Hamilton devant les lots 1, 2, 3, 4 et 5, concession de Broken Front, canton de East Flamborough, maintenant dans la ville de Hamilton, désignée partie 1 sur la feuille N° 10 des plans de renvoi.

9. Une partie du lit du havre de Hamilton adjacente à la plage Burlington, canton de Saltfleet et devant le plan enregistré 614 (arpentage de Inglehaven), canton de East Flamborough, le lot de grève devant le plan enregistré 97 (arpentage de Filmans), une partie du lot 10 et du bloc A, plan enregistré 97 (arpentage de Filmans), une partie du bloc 2, plan enregistré 47 (arpentage de J.S. McMurray's), canton de Nelson, maintenant dans la ville de Burlington, municipalité régionale de Halton, désignées parties 1 à 8, inclusivement, et parties 10 à 16, inclusivement, sur la feuille N° 11 des plans de renvoi sous réserve que quant aux parties 10, 11 et 12, elles sont incluses dans la mesure que les commissaires du havre de Hamilton en y détiennent quelque droit, titre ou intérêt que ce soit et ce sans préjudice à quelque droit, titre ou intérêt que ce soit de Sa Majesté la Reine du chef du Canada dans ces parties.

10. Une partie du lit du havre de Hamilton adjacente à la plage Burlington, et une partie de la plage Burlington, côté ouest du boulevard Beach, sud de la réserve du canal, canton de Saltfleet, maintenant dans la ville de Hamilton, désignée parties 1, 2, 3, 4, 5, 6, 7, 8 et 9 sur la feuille N° 6 des plans de renvoi sous réserve que quant aux parties 1, 2, 3 et 9, elles sont incluses dans la mesure que les commissaires du havre de Hamilton en y détiennent quelque droit, titre ou intérêt au ce soit et ce sans préjudice à quelque droit, titre ou intérêt que ce soit de Sa Majesté la Reine du chef du Canada dans ces parties.

11. Une partie du lit du havre de Hamilton adjacente à la plage Burlington et une partie de la plage Burlington, canton de Saltfleet, maintenant dans la ville de Hamilton, désignées parties 1 à 9, inclusivement, sur la feuille N° 5 des plans de renvoi.

12. Une partie du lit du havre de Hamilton et les lots de grève devant le lot 1, concession de Broken Front, canton de Barton, les lots 31, 32, 33 et 34, concession de Broken Front, canton de Saltfleet, une partie des lots 33 et 34, concession de Broken Front et plage Burlington, une partie du lot 1, plan enregistré 440 (arpentage de R. Fletcher), canton de Saltfleet, une partie du lot 1, concession de Broken Front, canton de Barton, maintenant dans la ville de Hamilton, désignées parties 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 et 14 sur la feuille N° 4 des plans de renvoi.

EXCEPT:

1. Parts 4, 5, and 7, Plan 62R-15661, City of Hamilton
  
13. Concession Broken Front Barton Part Lots 7 and 8 [BTN HAM], Part Closed Road Allowance, more Specifically Described as Parts 3, 4, 5, 11 and 12 on Reference Plan 62R-15207, known municipally as 450 Sherman Avenue North, in the City of Hamilton.
  
14. PIN 17575-0020, designated as Part 1 on Plan 62R-10465 in the land registration system of Ontario.
  
15. PIN 17576-0061 (R) and 17576-0062 (R):
  - A) PIN 17576-0061 (R), designated as Part 1 on Plan 62R-17015 in the land registration system of Ontario;
  - B) PIN 17576-0062 (R), designated as Part 2 on Plan 62R-17015 in the land registration system of Ontario.
  
16. PIN 17251-0032 (LT), shown as Part 1 on Plan 62R-19863 in the land registration system of Ontario.
  
17. Pier 22, also known and designated as the Rod Mill Lands Property, legal description:  
 PIN 17574-0018 (R) and part of PIN 17574-0001 (R) as registered in the land registration system of Ontario.  
  
 Part of Lots 1 and 2 Broken Front Concession and Part of the Water Lot lying in front of Lots 1 and 2, Broken Front Concession.  
  
 Formerly in the Township of Barton, now in the City of Hamilton.  
  
 Designated as Parts 1 to 28 both inclusive on Plan 62R-17462.  
  
 Together with a right of way over Part of Lot 1 Concession Broken Front designated as Part 29, 30, 31 and 32 on 62R-17462 as in AB23568, registered August 17, 1966.  
  
 Subject to a right of way in favour of CNR over Part of Lot 1 Concession Broken Front, former Township of Barton designated as Parts 11, 19, 20 to 28 both inclusive on 62R-17462 as in NS178118, registered November 1, 1950.  
  
 Subject to a right of way in favour of Jarvis B. Webb Company of Canada, its successors and assigns over Part of Lots 1 and 2 Concession Broken Front, former Township of Barton designated as Part 23 on 62R-17462 as

À L'EXCEPTION DE :

1. Parties 4, 5, et 7, Plan 62R-15661, ville de Hamilton
  
13. Partie des lots 7 et 8, concession Broken Front, canton de Barton [BTN HAM], emprise routière partiellement fermée, plus précisément décrite dans le plan de référence 62R-15207 comme les parties 3, 4, 5, 11 et 12, adresse civique 450 Sherman Avenue North, dans la ville de Hamilton.
  
14. NIP 17575-0020, désigné partie 1 sur le Plan 62R-10465 au système d'enregistrement foncier de l'Ontario.
  
15. NIP 17576-0061 (R) et 17576-0062 (R) :
  - A) NIP 17576-0061 (R), désigné partie 1 sur le Plan 62R-17015 au système d'enregistrement foncier de l'Ontario;
  - B) NIP 17576-0062 (R), désigné partie 2 sur le Plan 62R-17015 au système d'enregistrement foncier de l'Ontario.
  
16. NIP 17251-0032 (LT), apparaissant comme Partie 1 sur le Plan 62R-19863 au système d'enregistrement foncier de l'Ontario.
  
17. Description légale du Quai 22, aussi connu et désigné comme la propriété « Rod Mill Lands » :  
 NIP 17574-0018 (R) et partie de NIP 17574-0001(R) tel qu'enregistrés au système d'enregistrement foncier de l'Ontario.  
  
 Une partie des lots 1 et 2 de la concession de Broken Front et une partie des lots de grève se trouvant en face des lots 1 et 2 de la concession de Broken Front.  
  
 Anciennement du canton de Barton, maintenant dans la ville de Hamilton.  
  
 Désignées parties 1 à 28, inclusivement, sur le plan 62R-17462.  
  
 Ainsi qu'un droit de passage d'une partie du lot 1 de la concession de Broken Front désigné parties 29, 30, 31 et 32 sur 62R-17462 comme AB23568, enregistré le 17 août 1966.  
  
 Sous réserve d'un droit de passage en faveur de CNR d'une partie du lot 1 de la concession de Broken Front, anciennement le canton de Barton désigné parties 11, 19, 20 à 28, inclusivement, sur 62R-17462 comme NS178118, enregistré le 1<sup>er</sup> novembre 1950.  
  
 Sous réserve d'un droit de passage en faveur de Jarvis B. Webb Company of Canada, et ceux ayant cause et droit d'une partie des lots 1 et 2 de la concession de Broken Front, anciennement le canton de Barton désigné

in HL23053, registered September 16, 1957 as renewed by VM260064, registered March 17, 2004.

Subject to an easement in favour of City of Hamilton over Part of Lot 1 and 2 Concession Broken Front, former Township of Barton designated as Parts 4, 5 and 6 on 62R-17462 as in HL292195, registered November 2, 1964.

Subject to a right of way in favour of Jarvis B. Webb Company of Canada Ltd. over Part of Lot 1 Concession Broken Front, former Township of Barton designated as Parts 10, 11, 12, 13 and 14 on 62R-17462 as in CD267807, registered December 20, 1983.

Subject to an Easement in favour of Union Gas Ltd. over Part of Lot 1 Concession Broken Front, former Township of Barton designated as Part 13 and 16 on 62R-17462 as in CD391982, registered December 18, 1986.

SAVE AND EXCEPT any federal real property included in the foregoing.

**Easements, Rights of Way and Leaseholds**

Document	Parties	Real Property Affected
(a) Transfer/Deed of Land dated September 26, 1994, registered September 28, 1994 as 194802VM conveying certain lands together with rights and easements relating to spur lines, water and sewer pipes, use of existing services and access.	Grantor: Case Canada Corporation Grantee: The Hamilton Harbour Commissioners	Parts 1, 2, 3, 12, 14, 18, 19 and 21, Reference Plan 62R-13125 and Parts 7 and 10, Reference Plan 62R-8011.
(b) Transfer/Deed of Land dated September 25, 1998, registered October 2, 1998 as 243272VM conveying certain lands together with a right relating to spur lines.	Grantor: Case Canada Corporation Grantee: The Hamilton Harbour Commissioners	Part 21, Reference Plan 62R-13125 and Part 10, Reference Plan 62R-8011.
(c) Lease dated September 27, 1965 as amended by a Supplementary Agreement dated February 17, 1977.	Lessor: Her Majesty the Queen represented by Minister of National Defence Lessee: The Hamilton Harbour Commissioners	A triangular shaped parcel of H.M.C.S. Star property at the foot of Catherine Street.

partie 23 sur 62R-17462 comme HL23053, enregistré le 16 septembre 1957 et renouvelé par VM260064, enregistré le 17 mars 2004.

Sous réserve d'une servitude en faveur de la ville de Hamilton d'une partie des lots 1 et 2 de la concession de Broken Front, anciennement le canton de Barton désignée parties 4, 5 et 6 sur 62R-17462 comme HL292195, enregistrée le 2 novembre 1964.

Sous réserve d'un droit de passage en faveur de Jarvis B. Webb Company of Canada Ltd. d'une partie du lot 1 de la concession de Broken Front, anciennement le canton de Barton désigné parties 10, 11, 12, 13 et 14 sur 62R-17462 comme CD267807, enregistré le 20 décembre 1983.

Sous réserve d'une servitude en faveur de Union Gas Ltd. d'une partie du lot 1 de la concession de Broken Front, anciennement le canton de Barton désignée parties 13 et 16 sur 62R-17462 comme CD391982, enregistrée le 18 décembre 1986.

À L'EXCEPTION DE tous immeubles fédéraux inclus dans la description qui précède.

**Servitudes, droits de passage et biens à bail**

Document	Parties	Bien immobilier visé
(a) Acte de cession en date du 26 septembre 1994, enregistré le 28 septembre 1994 sous le numéro 194802VM cédant certaines terres ainsi que des droits et des servitudes visant des lignes secondaires, des conduites d'eau et d'égout, l'utilisation de services existants et l'accès.	Concédant : Case Canada Corporation Concessionnaires : The Hamilton Harbour Commissioners	Parties 1, 2, 3, 12, 14, 18, 19 et 21, plan de renvoi 62R-13125 et parties 7 et 10, plan de renvoi 62R-8011.
(b) Acte de cession en date du 25 septembre 1998, enregistré le 2 octobre 1998 sous le numéro 243272VM cédant certaines terres ainsi qu'un droit visant des lignes secondaires.	Concédant : Case Canada Corporation Concessionnaires : The Hamilton Harbour Commissioners	Partie 21, plan de renvoi 62R-13125 et partie 10, plan de renvoi 62R-8011.
(c) Bail en date du 27 septembre 1965 modifié par une entente supplémentaire en date du 17 février 1977.	Locateur : Sa majesté la Reine représentée par le ministre de la Défense nationale Locataire : The Hamilton Harbour Commissioners	Une parcelle de forme triangulaire de la propriété du H.M.C.S. Star au pied de la rue Catherine.

Document	Parties	Real Property Affected
(d) Ground Lease dated November 24, 2000.	Lessor: The Corporation of the City of Hamilton Lessee: The Hamilton Harbour Commissioners	Parts 12, 13, 20, 31 to 41, both inclusive, Reference Plan 62R-15663.
(e) Ground Lease dated November 24, 2000.	Lessor: The Corporation of the City of Hamilton Lessee: The Hamilton Harbour Commissioners	Parts 4, 5, 8, 17, 21, 45 and 50, Reference Plan 62R-15663.
(f) Ground Lease dated November 24, 2000.	Lessor: Her Majesty the Queen in right of Canada as represented by the Minister of Canadian Heritage Lessee: The Hamilton Harbour Commissioners	Parts 10, 11, 14, 18, 19, 46, 47 and 51, Reference Plan 62R-15663.

Document	Parties	Bien immobilier visé
(d) Bail foncier en date du 24 novembre 2000.	Locateur : The Corporation of the City of Hamilton Locataires : The Hamilton Harbour Commissioners	Parties 12, 13, 20, 31 à 41, inclusivement, plan de renvoi 62R-15663.
(e) Bail foncier en date du 24 novembre 2000.	Locateur : The Corporation of the City of Hamilton Locataires : The Hamilton Harbour Commissioners	Parties 4, 5, 8, 17, 21, 45 et 50, plan de renvoi 62R-15663.
(f) Bail foncier en date du 24 novembre 2000.	Locateur : Sa majesté la Reine du chef du Canada représentée par le ministre du Patrimoine canadien Locataires : The Hamilton Harbour Commissioners	Parties 10, 11, 14, 18, 19, 46, 47 et 51, plan de renvoi 62R-15663.

**PART 2 (Oshawa)**

1. PIN 16378-0105 (LT), designated as Parts 1, 2 and 3 on Plan 40R-26890 in the land registration system of Ontario.

**SCHEDULE D**

**HAMILTON-OSHAWA PORT AUTHORITY**

**CLASSES OF USERS**

1. Private Docks.
2. Port Authority Docks and Related Businesses.
3. All other port users, including but not limited to labour, environmental and recreational users.

**SCHEDULE E**

**HAMILTON-OSHAWA PORT AUTHORITY**

**CODE OF CONDUCT**

**ARTICLE 1**

**OBJECTS AND INTERPRETATION**

**1.1 Object of Code.** The object of this Code is to enhance public confidence in the integrity and impartiality of directors and officers of the Authority and the business activities and transactions carried on by the Authority by

**PARTIE 2 (Oshawa)**

1. NIP 16378-0105 (LT), désigné comme les parties 1, 2 et 3 sur le Plan 40R-26890 au système d'enregistrement foncier de l'Ontario.

**ANNEXE « D »**

**ADMINISTRATION PORTUAIRE  
HAMILTON-OSHAWA**

**CATÉGORIES D'UTILISATEURS**

1. Quais privés.
2. Quais de l'Administration portuaire et activités connexes.
3. Tous les autres utilisateurs portuaires, notamment les utilisateurs à des fins de travail, d'environnement et de loisirs.

**ANNEXE « E »**

**ADMINISTRATION PORTUAIRE  
HAMILTON-OSHAWA**

**CODE DE DÉONTOLOGIE**

**ARTICLE 1**

**OBJET ET INTERPRÉTATION**

**1.1 Objet du code.** Le présent code a pour but de renforcer la confiance du public dans l'intégrité et l'impartialité des administrateurs et dirigeants de l'Administration et des activités et transactions commerciales menées par

establishing clear conflict of interest rules for directors and officers of the Authority.

**1.2 Principles.** This Code shall be interpreted in accordance with the following general principles:

- (a) every director and officer shall discharge their official duties and arrange their private affairs in such a manner as to preserve and promote public confidence and trust in the integrity and impartiality of the Authority;
- (b) the obligations of a director or officer described in subsection 1.2(a) may not always be discharged merely by acting in accordance with the technical requirements of the Act, the Regulations, the Letters Patent, the by-laws and the policies and resolutions of the Board; and
- (c) public confidence and trust in the integrity and impartiality of the Authority may be as equally compromised by the appearance of a conflict as by the existence of an actual conflict.

**1.3 Definitions.** In this Code, terms used herein shall have the meanings ascribed to them in the Act and the Letters Patent, and, in addition, the following terms shall have the following meanings:

- (a) **“Gift”** includes any good, service, benefit, hospitality, promise or favour; and
- (b) **“Related Party”** means with respect to a director or officer of the Authority:
  - (i) a spouse, child, brother, sister or parent of such director or officer;
  - (ii) a relative of such director or officer (other than a spouse, child, brother, sister or parent of such director or officer) or a relative of the spouse of such director or officer if the relative has the same residence as the director or officer;
  - (iii) a corporation, partnership, trust or other entity which is directly or indirectly controlled by such director or officer or by a spouse, child, brother, sister or parent of such director or officer or any combination of such persons; and
  - (iv) a partner of such director or officer acting on behalf of a partnership of which the director or officer and the partner are partners.

**1.4 Application of Code.** This Code applies to all directors and officers of the Authority.

l'Administration en établissant des règles claires sur les conflits d'intérêts à l'intention des administrateurs et dirigeants de l'Administration.

**1.2 Principes.** Le présent code doit être interprété conformément aux principes généraux suivants :

- a) chaque administrateur et dirigeant doit exercer ses fonctions officielles et organiser ses affaires personnelles de façon à préserver et à faire croître la confiance du public dans l'intégrité et l'impartialité de l'Administration;
- b) pour s'acquitter des obligations prévues à l'alinéa 1.2a), il ne suffit pas simplement à un administrateur ou un dirigeant d'observer les exigences techniques de la Loi, des Règlements, des Lettres patentes, des règlements administratifs et des politiques et résolutions du Conseil;
- c) la confiance du public dans l'intégrité et l'impartialité de l'Administration peut être remise en question tant par l'apparence de conflit d'intérêts que par un conflit réel.

**1.3 Définitions.** Dans le présent code, les termes utilisés s'entendent au sens de la Loi et des Lettres patentes et les termes suivants ont le sens qui leur est donné ci-après :

- a) « **cadeau** » Bien, service, avantage, hospitalité, promesse ou faveur;
- b) « **personne apparentée** » Relativement à un administrateur ou dirigeant de l'Administration :
  - (i) conjoint, enfant, frère, sœur, ou parent de l'administrateur ou du dirigeant;
  - (ii) personne parente avec l'administrateur ou le dirigeant (autre qu'un conjoint, un enfant, un frère, une sœur, ou un parent de l'administrateur ou du dirigeant) ou personne parente avec le conjoint de l'administrateur ou du dirigeant si la personne parente habite à la même adresse que l'administrateur ou le dirigeant;
  - (iii) société, société de personnes, fiducie ou autre entité contrôlée directement ou indirectement par cet administrateur ou dirigeant ou par le conjoint, l'enfant, le frère, la sœur, ou le parent de cet administrateur ou de ce dirigeant ou encore tout groupe constitué de ces personnes;
  - (iv) associé de cet administrateur ou dirigeant agissant pour le compte d'une société de personnes dans laquelle l'administrateur ou le dirigeant et cet associé sont associés.

**1.4 Application du code.** Le présent code s'applique à tous les administrateurs et dirigeants de l'Administration.

**1.5 Scope of Obligations.** Conforming to the specific requirements of this Code shall not absolve a director or officer of responsibility for taking such additional action as may be necessary to conform with any standard of conduct or comply with any duty imposed by the Act, the Regulations, the Letters Patent, the by-laws and the policies and resolutions of the Board, or otherwise by law.

**1.6 Acknowledgement by Directors and Officers.** Each director and officer shall acknowledge in writing to the Board that:

- (a) they have read and understood this Code;
- (b) to the best of their knowledge they are in compliance with this Code, and neither they nor any Related Party has a conflict or a potential conflict within the meaning of article 2 of this Code; and
- (c) in the case of each officer, compliance with this Code is a condition of their employment.

**1.7 Timing of Acknowledgement.** Each director and officer shall deliver the acknowledgement described in section 1.6 of this Code to the Board:

- (a) with respect to the directors serving and officers employed on the date the Letters Patent take effect, forthwith upon the Letters Patent taking effect; and
- (b) with respect of all other directors, at the time of their appointment and, with respect to all other officers, at the time of the commencement of their employment.

**1.8 Annual Review.** Each director and officer shall regularly review their obligations under this Code and shall on the 15th day of May of each year provide the Board with a written acknowledgement confirming such review and that, to the best of the knowledge of the director or officer:

- (a) they are in compliance with this Code; and
- (b) neither they nor any Related Party has a conflict within the meaning of article 2 of this Code.

**ARTICLE 2**

**CONFLICTS OF INTEREST**

**2.1 Conflicts Generally.** A director or officer shall not allow his or her personal interests or the personal interests of a Related Party to conflict with or to give rise to the appearance of a conflict with the duties and responsibilities of the director or officer or the interests of the Authority.

**1.5 Portée des obligations.** Il ne suffit pas à un administrateur ou un dirigeant de se conformer aux exigences particulières du présent code, mais il lui incombe également de prendre toutes les mesures supplémentaires nécessaires pour se conformer à une ligne de conduite ou avec un devoir imposé par la Loi, les Règlements, les Lettres patentes, les règlements administratifs et les politiques et résolutions du Conseil ou autres règles.

**1.6 Attestation des administrateurs et dirigeants.** Les administrateurs et dirigeants doivent signer et remettre au Conseil un document attestant :

- a) qu'ils ont lu et compris le présent code;
- b) qu'au meilleur de leur connaissance, ils se conforment au présent code et que ni eux, ni une personne apparentée n'est en conflit, réel ou potentiel, au sens de l'article 2 du présent code;
- c) dans le cas de chaque dirigeant, qu'il s'engage, comme condition d'emploi, à observer le présent code.

**1.7 Moment de l'attestation.** L'administrateur ou le dirigeant doit remettre l'attestation décrite au paragraphe 1.6 du présent code au Conseil :

- a) en ce qui a trait aux administrateurs en poste et aux dirigeants employés au moment de l'entrée en vigueur des Lettres patentes, immédiatement après l'entrée en vigueur des Lettres patentes;
- b) en ce qui a trait à tous les autres administrateurs, au moment de leur nomination et, en ce qui a trait aux autres dirigeants, au moment de leur entrée en fonction.

**1.8 Revue annuelle.** Tous les administrateurs et dirigeants doivent revoir régulièrement leurs obligations en vertu du présent code et, chaque année le 15 mai, remettre au Conseil une attestation écrite confirmant cette revue ainsi qu'une mention indiquant que, au meilleur de leur connaissance, les administrateurs ou dirigeants :

- a) se conforment aux dispositions du présent code;
- b) ni eux, ni une personne apparentée est en situation de conflit au sens de l'article 2 du présent code.

**ARTICLE 2**

**CONFLITS D'INTÉRÊTS**

**2.1 Conflits en général.** Un administrateur ou un dirigeant ne doit pas laisser ses intérêts personnels ou ceux d'une personne apparentée entrer en conflit ou donner l'impression d'entrer en conflit avec les fonctions et responsabilités de l'administrateur ou dirigeant ou avec les intérêts de l'Administration.

**2.2 Specific Types of Conflicts.** Without restricting the generality of section 2.1, the following represent examples of specific matters which give rise to a conflict or an appearance of a conflict on the part of a director or officer:

(a) *Competition with the Authority:* A director or officer or a Related Party engages in any activity, or has a material interest in any person which engages in an activity, which is or could be in competition with the present or proposed interests of the Authority;

(b) *Transactions with the Authority or a User; Material Interests:* A director or officer or a Related Party:

- (i) has a material interest in a user;
- (ii) owes material obligations to the Authority or a user, other than in connection with the duties of the director or officer arising from their position with the Authority;
- (iii) conducts business with the Authority or a user; or
- (iv) holds a material interest in a corporation, partnership or other entity which conducts business with, or acts as a consultant or advisor to, the Authority or a user;

(c) *Interest in Material Contract:* A director or officer:

- (i) is a party to a material contract or proposed material contract with the Authority; or
- (ii) is a director or officer of or has a material interest in any person who is a party to a material contract or proposed material contract with the Authority; and

(d) *Acceptance of Offices with Conflicted Entities:* A director or officer accepts an appointment or a nomination for election to an office of, or employment with, any corporation, partnership, foundation, institute, organization, association or other entity, the business or activities of which are or could be in conflict with the interests of the Authority.

**2.3 Conflicts For Which Approval Satisfactory.** Engaging in the following activities shall be deemed not to give rise to a conflict or the appearance of a conflict on the part of a director or officer within the meaning of article 2

**2.2 Types précis de conflits d'intérêts.** Sans restreindre la portée générale du paragraphe 2.1, les exemples suivants représentent des cas précis qui donnent naissance à un conflit, ou apparence de conflit d'intérêts, de la part de l'administrateur ou du dirigeant :

a) *Concurrence avec l'Administration :* Administrateur ou dirigeant ou personne apparentée qui se livre à une activité ou a un intérêt important dans une personne qui se livre à une activité qui entre ou pourrait entrer en concurrence avec les intérêts actuels ou potentiels de l'Administration;

b) *Transactions avec l'Administration ou un utilisateur; intérêts importants :* Administrateur ou dirigeant ou personne apparentée qui :

- (i) a un intérêt important dans un utilisateur;
- (ii) doit des obligations importantes à l'Administration ou à un utilisateur, autrement que dans le cadre des fonctions d'administrateur ou de dirigeant découlant de leur poste au sein de l'Administration;
- (iii) se livre à des activités avec l'Administration ou un utilisateur;
- (iv) possède un intérêt important dans une société, société de personnes ou autre entité qui se livre à des activités avec l'Administration ou un utilisateur, ou lui sert de consultant ou de conseiller;

c) *Intérêts dans des marchés importants :* Administrateur ou dirigeant qui :

- (i) est partie à un marché important ou un projet de marché important avec l'Administration;
- (ii) est administrateur ou dirigeant d'une personne qui est partie à un marché important ou un projet de marché important avec l'Administration ou possède un intérêt important dans cette personne;

d) *Acceptation de postes au sein d'entités conflictuelles :* Administrateur ou dirigeant qui accepte une nomination ou une candidature à un poste ou un emploi au sein d'une société, société de personnes, fondation, institut, organisation, association ou autre entité, dont les activités entrent ou pourraient entrer en conflit avec les intérêts de l'Administration.

**2.3 Approbation nécessaire.** L'administrateur ou le dirigeant qui se livre aux activités énoncées ci-après ne sera pas réputé être en conflit d'intérêts, réel ou potentiel, au sens de l'article 2 du présent code à condition que



of this Code provided that the director or officer obtains the written approval of the Board prior to engaging in such activities:

(a) *Acceptance of Offices With Entities Benefiting From Authority*: A director or officer accepts an appointment or a nomination for election to an office of, or employment with, any corporation, partnership, foundation, institute, organization, association or entity, the business or activities of which benefit or could reasonably be expected to benefit from the business of the Authority or decisions made by the Authority; and

(b) *Use of Authority Property*: A director or officer uses property held or managed by the Authority for the personal benefit of the director or officer or a Related Party.

If a director or officer fails to obtain the written approval of the Board prior to engaging in any activity described in subsections (a) or (b) of this section, the engagement of the director or officer in such activity shall be deemed to give rise to a conflict of interest within the meaning of article 2 of this Code.

### ARTICLE 3

#### DISCLOSURE OF CONFLICTS

**3.1 Timing of Disclosure.** Written disclosure of a conflict or an appearance of a conflict shall be made by a director or officer forthwith after the director or officer becomes aware of the conflict or the appearance of a conflict within the meaning of article 2 of this Code.

**3.2 Declaration of Interest.** For the purposes of this Code, a notice in writing to the Board by a director or officer providing reasonable particulars of the interest, asset, activity or position giving rise to a conflict or the appearance of a conflict together with such other material information relating to the conflict or the appearance of a conflict as shall be reasonably requested by the Board shall be deemed to be disclosure of the conflict or the appearance of a conflict.

**3.3 Voting and Participation.** A director or officer who is in conflict within the meaning of article 2 of this Code shall not participate in discussions or vote on any decision of, or provide recommendations to, the Board on any matter related to the conflict. Notwithstanding the foregoing, a director or officer may participate in, vote on and provide recommendations to the Board respecting any matter related to:

(a) an arrangement by way of security for money lent to, or obligations undertaken by the director or officer for the benefit of, the Authority;

l'administrateur ou le dirigeant obtienne l'approbation écrite du Conseil avant de se livrer à ces activités :

a) *Acceptation de postes au sein d'entités tirant un avantage de l'Administration* : Administrateur ou dirigeant qui accepte une nomination ou une candidature à un poste ou un emploi au sein d'une société, société de personnes, fondation, institut, organisation, association ou entité, dont les activités profitent ou pourraient profiter des activités ou des décisions de l'Administration;

b) *Utilisation des biens de l'Administration* : Administrateur ou dirigeant qui utilise les biens que possède l'Administration ou dont la gestion lui a été confiée au profit personnel de l'administrateur ou du dirigeant ou d'une personne apparentée.

Si l'administrateur ou dirigeant omet d'obtenir l'approbation écrite du Conseil avant de se livrer aux activités décrites aux alinéas a) ou b) du présent article, la participation de l'administrateur ou du dirigeant à cette activité sera réputée donner naissance à un conflit d'intérêts au sens de l'article 2 du présent code.

### ARTICLE 3

#### DIVULGATION DES CONFLITS

**3.1 Moment de la divulgation.** L'administrateur ou dirigeant doit divulguer par écrit le conflit d'intérêts réel ou apparent immédiatement après que l'administrateur ou le dirigeant prend connaissance du conflit réel ou apparent au sens de l'article 2 du présent code.

**3.2 Déclaration de l'intérêt.** Pour les fins du présent code, l'administrateur ou dirigeant qui présente au Conseil un avis écrit donnant suffisamment de détails relativement à l'intérêt, le bien, l'activité ou le poste donnant naissance à un conflit réel ou potentiel, ainsi que tout autre renseignement important lié au conflit réel ou potentiel comme pourrait normalement le demander le Conseil, est réputé avoir divulgué le conflit réel ou potentiel.

**3.3 Vote et participation.** L'administrateur ou le dirigeant qui est en conflit d'intérêts au sens de l'article 2 du présent code ne doit pas participer aux discussions ou au vote du Conseil sur tout sujet lié au conflit, ou encore fournir des conseils à ces derniers à ce sujet. Néanmoins, un administrateur ou dirigeant peut participer, voter et formuler des recommandations au Conseil relativement à toute question liée à :

a) un arrangement au moyen d'une sûreté pour des montants prêtés à l'Administration, ou des obligations contractées par l'administrateur ou le dirigeant au profit de cette dernière;

(b) a contract that relates primarily to his or her remuneration as a director, officer, employee or agent of the Authority; and

(c) a contract for indemnity, in favour of the director or officer or directors' or officers' liability insurance.

**3.4 Quorum of Directors' Meetings.** Nothing contained in section 3.3 shall preclude a director or officer who is in conflict within the meaning of article 2 of this Code from being counted to determine the presence of a quorum at a meeting of the directors or committee of directors of the Authority where all or a portion of the business conducted at such meeting is consideration of the transaction or matter giving rise to the conflict, the interpretation of this Code or a determination or recommendation made pursuant to article 4 of this Code. Notwithstanding the foregoing, a director or officer who is in conflict shall absent himself or herself from the meeting for the portion of the meeting during which the transaction or matter giving rise to the conflict is considered.

**3.5 Similar Transactions.** In the case of similar transactions that are, or are likely to be, of a recurring nature and which are made or will be made in the ordinary course of the operations of the Authority, a director or officer who is in conflict as a result of such transactions shall be deemed to have complied with the disclosure requirements of this article 3 if:

(a) in the case of the directors serving or officers employed on the date the Letters Patent take effect, forthwith upon the Letters Patent taking effect; and

(b) in the case of all directors or officers, including the directors and officers described in subsection 3.5(a), on or before the 15th day of May of each year for which such disclosure relates,

the director or officer makes a single annual written disclosure to the Board setting out the nature and extent of the conflict arising as a result of the transactions together with such other information as shall reasonably be requested by the Board.

**ARTICLE 4**

**COMPLIANCE**

**4.1 Voluntary Activities.** When a conflict arises within the meaning of article 2 of this Code, in addition to the disclosure required under article 3 of this Code, a director

b) un marché portant principalement sur sa rémunération à titre d'administrateur, de dirigeant, d'employé ou de mandataire de l'Administration;

c) un marché d'indemnisation pour l'assurance-responsabilité de l'administrateur ou dirigeant ou de l'ensemble de ces derniers.

**3.4 Quorum des réunions d'administrateurs.** Le paragraphe 3.3 n'a pas pour effet d'empêcher un administrateur ou dirigeant en conflit d'intérêts au sens de l'article 2 du présent code d'être compté pour obtenir quorum à une réunion des administrateurs ou d'un comité d'administrateurs de l'Administration au cours de laquelle le ou les points à l'ordre du jour comprennent l'examen de la transaction ou de la question donnant naissance au conflit d'intérêts, l'interprétation du présent code ou une décision ou recommandation présentée en vertu de l'article 4 du présent code. Néanmoins, l'administrateur ou le dirigeant qui se trouve en conflit d'intérêts doit s'absenter de l'assemblée pendant la partie de la réunion au cours de laquelle les autres administrateurs abordent le point donnant lieu au conflit d'intérêts.

**3.5 Transactions semblables.** Pour le cas où des transactions semblables se répètent ou sont susceptibles de se répéter dans le courant des activités normales de l'Administration, l'administrateur ou dirigeant qui se trouve en conflit d'intérêts par suite de ces transactions est réputé s'être conformé à l'exigence de divulgation du présent article 3 s'il remet chaque année au Conseil une déclaration écrite exposant la nature et la portée du conflit découlant de la transaction ainsi que tout autre renseignement que pourrait raisonnablement demander le Conseil :

a) dans le cas des administrateurs en fonctions ou des dirigeants employés à la date d'entrée en vigueur des Lettres patentes, immédiatement après l'entrée en vigueur des Lettres patentes;

b) dans le cas de tous les administrateurs ou dirigeants, y compris ceux mentionnés à l'alinéa 3.5a), au plus tard le 15 mai de chaque année pour laquelle cette déclaration s'applique.

**ARTICLE 4**

**OBSERVATION**

**4.1 Activités volontaires.** Lorsque se produit un conflit d'intérêts au sens de l'article 2 du présent code, outre la divulgation exigée en vertu de l'article 3 du présent code,

or officer may voluntarily undertake one or more of the following actions to address the conflict:

- (a) *Divestment*: selling or causing the sale of the asset or interest giving rise to the conflict to a party which is not a Related Party;
- (b) *Withdrawal*: resigning the position or withdrawing from the activity or causing the resignation or withdrawal; or
- (c) *Resignation*: resigning where the director or officer is unwilling or unable to divest the asset or interest, withdraw from the activity or resign from the position giving rise to the conflict.

**4.2 Voluntary Compliance Not Determinative.** Voluntary compliance by a director or officer with one or more of the measures described in section 4.1:

- (a) in the case of a director, shall not relieve the director from complying with such other measures as may be determined by the entity appointing the director to be appropriate in connection with a conflict or an appearance of conflict; and
- (b) in the case of an officer, shall not relieve the officer from complying with such other measures as may be determined by the Board to be appropriate in connection with a conflict or an appearance of conflict.

**4.3 Determination by Board.** Where a disclosure is made to the Board by a director or officer pursuant to article 3 of this Code or facts are brought to the attention of the Board which indicate a conflict or appearance of conflict or failure to comply with this Code by a director or officer, the Board shall forthwith determine:

- (a) whether the director or officer is in a conflict within the meaning of article 2 of this Code;
- (b) whether the director or officer has failed to comply with this Code;
- (c) whether the conflict has been or will be satisfactorily addressed through:
  - (i) disclosure by the director or officer;
  - (ii) the director or officer's undertaking one or more of the actions described in section 4.1; or
  - (iii) the director or officer undertaking actions other than as described in paragraphs 4.3(c)(i) and (ii);
- (d) in the case of an officer, the measures to be taken by the officer to address the conflict and any sanctions to

l'administrateur ou dirigeant peut volontairement prendre l'une ou l'autre des mesures suivantes pour régler le conflit :

- a) *Dessaisissement* : vendre ou faire vendre à un tiers avec qui il n'est pas apparenté les biens qui suscitent le conflit d'intérêts;
- b) *Retrait* : démissionner d'un poste ou se retirer d'une activité ou causer la démission ou le retrait;
- c) *Démission* : démissionner lorsque l'administrateur ou dirigeant refuse de se dessaisir du bien ou de l'intérêt, de se retirer de l'activité ou de démissionner du poste qui suscite le conflit d'intérêt, ou encore qu'il n'est pas en mesure de le faire.

**4.2 Observation volontaire non déterminante.** L'observation volontaire, par un administrateur ou un dirigeant, de l'une ou l'autre des mesures énoncées au paragraphe 4.1:

- a) dans le cas d'un administrateur, ne le libère pas de l'obligation d'observer toute autre mesure que l'entité qui l'a nommé pourra juger appropriée relativement à un conflit réel ou apparent;
- b) dans le cas d'un dirigeant, ne le libère pas de l'obligation d'observer toute autre mesure que le Conseil pourra juger appropriée relativement à un conflit réel ou apparent.

**4.3 Décision par le Conseil.** Lorsqu'un administrateur ou dirigeant présente une déclaration au Conseil en vertu de l'article 3 du présent code ou que des faits sont portés à l'attention du Conseil qui indiquent un conflit d'intérêts réel ou apparent, ou encore un défaut d'observation du présent code par un administrateur ou dirigeant, le Conseil doit immédiatement décider :

- a) si l'administrateur ou dirigeant se trouve en conflit d'intérêts au sens de l'article 2 du présent code;
- b) si l'administrateur ou dirigeant a omis d'observer le présent code;
- c) si le conflit d'intérêts a été réglé ou le sera de façon satisfaisante par les moyens suivants :
  - (i) divulgation par l'administrateur ou dirigeant;
  - (ii) administrateur ou dirigeant prenant l'une ou l'autre des mesures décrites au paragraphe 4.1;
  - (iii) administrateur ou dirigeant prenant des mesures autres que celles décrites aux sous-alinéas 4.3c)(i) et (ii);

be imposed upon the officer in connection with a failure by the officer to comply with this Code; and

(e) in the case of a director, whether to request the director to resign.

**4.4 Opportunity to be Heard.** The Board shall provide a director or officer with an opportunity to be heard in connection with a determination made pursuant to section 4.3.

**4.5 Notification of Determination Respecting Officer.** Upon the Board's making a determination pursuant to section 4.3 in respect of an officer, the Board shall forthwith provide the officer with written notification of the determination, including the reasons therefor, together with any direction of the Board to be complied with by the officer.

**4.6 Notification of Determination Respecting Director.** Where the Board has determined that a director has failed to comply with this Code, the Board shall forthwith provide the entity which has appointed such director to the Board with written notification of the failure to comply along with full particulars of the circumstances giving rise thereto.

## ARTICLE 5

### ACCEPTANCE OR OFFERING OF GIFTS

**5.1 Acceptance or Offering of Gifts.** No director or officer shall offer Gifts to, or accept Gifts from, users or potential users without the prior written consent of the Board. Notwithstanding the foregoing, Gifts may be accepted or offered provided that:

- (a) the Gift is not in the form of cash or cash equivalent;
- (b) the Gift is neither in such form nor of sufficient value such that it could reasonably be construed to be a bribe or other improper payment; and
- (c) the Gift is of modest value and the acceptance of the Gift is in accordance with customary business practice.

## ARTICLE 6

### INSIDE INFORMATION

**6.1 Use of Information.** A director or officer shall not use any information obtained in connection with his or her position with the Authority for personal benefit or for the benefit of any other person unless such information has been disclosed to the public or made available to the public. Without limiting the generality of the foregoing, a

d) dans le cas d'un dirigeant, les mesures à prendre pour régler le conflit d'intérêts et toute peine imposée au dirigeant pour avoir omis d'observer le présent code;

e) dans le cas d'un administrateur, s'il est indiqué de demander la démission de ce dernier.

**4.4 Audience.** Le Conseil doit accorder à l'administrateur ou dirigeant une audience relativement à une décision initiale prise en vertu au paragraphe 4.3.

**4.5 Avis de la décision concernant le dirigeant.** Dès que le Conseil prend une décision en vertu au paragraphe 4.3 relativement à un dirigeant, le Conseil avise immédiatement par écrit le dirigeant de sa décision et des raisons qui l'ont motivée ainsi que de toute directive du Conseil que doit observer le dirigeant.

**4.6 Avis de la décision concernant l'Administrateur.** Lorsque le Conseil décide qu'un administrateur a omis d'observer le présent code, le Conseil doit sans délai aviser l'entité qui a proposé la nomination de l'administrateur du défaut d'observation ainsi que tous les détails des circonstances qui ont donné lieu à cette situation.

## ARTICLE 5

### ACCEPTATION OU OFFRE DE CADEAUX

**5.1 Acceptation ou offre de cadeaux.** Les administrateurs et dirigeants ne doivent ni offrir de cadeaux aux utilisateurs ou aux utilisateurs potentiels, ni en accepter d'eux, sans le consentement préalable écrit du Conseil. Néanmoins, ils peuvent accepter ou offrir des cadeaux si ceux-ci :

- a) ne sont pas en espèces ou l'équivalent;
- b) ne sont pas de valeur importante et ne sont pas de nature à laisser planer des doutes quant à un pot-de-vin ou paiement illicite;
- c) sont d'une valeur peu importante et leur acceptation est conforme aux pratiques commerciales courantes.

## ARTICLE 6

### RENSEIGNEMENTS D'INITIÉS

**6.1 Utilisation des renseignements.** Un administrateur ou dirigeant ne peut utiliser les renseignements obtenus dans l'exercice de ses fonctions au sein de l'Administration à son avantage personnel ou celui d'autres personnes, à moins que ces renseignements n'aient été divulgués au public ou aient été mis à la disposition du

director or officer who has knowledge of a proposed action or decision by the Authority shall not purchase or sell assets, or advise any other party to purchase or sell assets, the value of which could be expected to be materially affected by the proposed action or decision until such time as the proposed action or decision has been announced or has been made available to the public.

**6.2 Disclosure of Confidential Information.** Subject to section 6.3, no director or officer shall disclose any information concerning the business and affairs or proposed business and affairs of the Authority acquired in connection with his or her position with the Authority ("Confidential Information") which has not been disclosed to the public or been made available to the public without the prior written consent of the Board.

**6.3 Permitted Disclosures.** A director or officer may disclose Confidential Information:

(a) to the extent that the disclosure is reasonably necessary in connection with the performance of the duties and responsibilities of the director or officer, including disclosures necessary in connection with a financing transaction or proposed financing transaction involving the Authority;

(b) to the extent disclosure is required by law (including *Access to Information Act* (Canada) and *Privacy Act* (Canada) requirements) or by a court or tribunal of competent jurisdiction; and

(c) to professional advisors of the Authority.

## ARTICLE 7

### OUTSIDE EMPLOYMENT

**7.1 Offers of Employment or Appointment.** In discharging his or her duties and responsibilities to the Authority, a director or officer shall not allow the performance of such duties and responsibilities to be affected by offers or potential offers of outside employment or appointment.

**7.2 Disclosure of Offer.** A director or officer who receives a firm offer of employment or appointment which may affect the performance of the director's or officer's duties or responsibilities shall forthwith disclose the offer to the Board in writing.

public. Sans limiter le caractère général de ce qui précède, un administrateur ou un dirigeant qui est au courant d'une mesure ou décision proposée par l'Administration ne doit pas acheter ou vendre des biens, ni conseiller à des tiers d'acheter ou de vendre des biens, dont la valeur pourrait varier de façon appréciable en raison de la mesure ou décision proposée, jusqu'à ce que la mesure ou décision ait été annoncée ou rendue publique.

**6.2 Divulgence de renseignements confidentiels.** Sous réserve au paragraphe 6.3, un administrateur ou dirigeant ne peut divulguer de renseignements concernant les activités et affaires de l'Administration obtenus dans l'exercice de ses fonctions au sein de l'Administration (« renseignements confidentiels ») qui n'ont pas été divulgués au public ou rendus publics sans autorisation préalable écrite du Conseil.

**6.3 Divulgence autorisée.** Un administrateur ou dirigeant peut divulguer des renseignements confidentiels dans les cas suivants :

a) dans la mesure où la divulgation est raisonnablement nécessaire pour permettre à l'administrateur ou dirigeant de s'acquitter de ses fonctions et responsabilités, notamment, la divulgation nécessaire relative à une transaction financière ou transaction financière proposée mettant en cause l'Administration;

b) dans la mesure où la divulgation est prévue par la loi (notamment, les exigences de la *Loi sur l'accès à l'information* (Canada) et de la *Loi sur la protection des renseignements personnels* (Canada)) ou un tribunal compétent;

c) divulgation aux conseillers professionnels de l'Administration.

## ARTICLE 7

### ACTIVITÉS EXTÉRIEURES

**7.1 Offres d'emploi ou de nomination.** Dans l'exercice de ses fonctions et de ses responsabilités au sein de l'Administration, un administrateur ou dirigeant ne peut laisser des offres ou offres potentielles d'emploi ou de nomination à l'extérieur influencer sur ses fonctions et responsabilités.

**7.2 Divulgence de l'offre.** Un administrateur ou dirigeant qui reçoit une offre sérieuse d'emploi ou de nomination qui pourrait influencer sur l'exécution des fonctions ou des responsabilités de l'administrateur ou dirigeant doit immédiatement divulguer par écrit cette offre au Conseil.

**ARTICLE 8**

**RECORDS OF PRIVACY**

**8.1 Confidentiality Obligation.** Information concerning the interests or activities or proposed interests or activities of a director or officer provided to the Board in connection with the disclosure obligations of this Code or otherwise obtained by the Board shall be placed in separate personal files and kept in secure safekeeping.

**8.2 Privacy.** Subject to disclosure of personal information in accordance with law (including disclosure under the *Access to Information Act* (Canada) and *Privacy Act* (Canada)), in addition to the confidentiality obligations set forth in section 8.1, the Board shall make all reasonable efforts to ensure that the privacy of the director or officer disclosing personal information to the Board is fully respected.

**ARTICLE 8**

**DOSSIERS ET PROTECTION DES RENSEIGNEMENTS PERSONNELS**

**8.1 Caractère confidentiel.** Les renseignements sur les intérêts ou les activités privés, actuels ou projetés, d'un administrateur ou dirigeant qui sont divulgués au Conseil conformément aux obligations de divulgation du présent Code, ou que le Conseil obtient autrement, sont consignés dans des dossiers personnels spéciaux gardés en lieu sûr.

**8.2 Protection des renseignements personnels.** Sous réserve de la divulgation des renseignements personnels conformément à la loi (notamment, les exigences de divulgation prévues en vertu de la *Loi sur l'accès à l'information* (Canada) et la *Loi sur la protection des renseignements personnels* (Canada)), outre les obligations de protection du caractère confidentiel exposées au paragraphe 8.1, le Conseil doit faire tous les efforts possibles pour s'assurer que les renseignements personnels de l'administrateur ou dirigeant divulgués au Conseil sont protégés.



**CITY OF HAMILTON**  
**HEALTHY AND SAFE COMMUNITIES DEPARTMENT**  
**General Manager's Office**  
**and**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	January 18, 2023
<b>SUBJECT/REPORT NO:</b>	Encampment Pilot Evaluation (HSC20038(e)/PED21188(b)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Mike Jones (905) 546-2424 Ext. 3824
<b>SUBMITTED BY:</b>	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Monica Ciriello Director, Licensing and Bylaw Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Council approve the extension of the encampment response pilot to the end of April 2023 to be structured and funded as outlined in HSC20038(d)/PED21188(a) and PED22088 at an approximate cost of \$350,000.
- (b) That, as the pilot program for the Coordination Response Team (CRT) ended on December 31, 2022, a permanent, dedicated CRT to coordinate response and service delivery related to encampments throughout the City, on a housing-outreach first approach, supported by a secondary role for enforcement only when needed, be established;

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- (c) That, in order facilitate the permanent Coordination Response Team, the respective General Manager, or their designate, be authorized and directed to:
- (i) Increase the Healthy and Safe Communities Department, Housing Services Division's budgeted complement by the following two full-time, permanent positions:
    - (1) Manager of Housing-focused Street Outreach, at an annual cost of approximately \$149,000 for salary, benefits and ancillary charges;
    - (2) Project Manager of Housing-focused Street Outreach, at an annual cost of approximately \$102,000 for salary, benefits and ancillary charges;
  - (ii) Increase the Public Works Department, Parks Section's budgeted complement by one full-time permanent position:
    - (1) Supervisor, at an annual cost of approximately \$124,000 for salary, benefits and ancillary charges;
  - (iii) Increase the Planning and Economic Development Department budgeted complement by two full-time, permanent positions:
    - (1) Two Municipal Law Enforcement Officers, at an annual cost of approximately \$138,500 each (\$277,000 for both) for salary, benefits, and ancillary charges;
- (d) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent of 3.5 seconded Street Outreach Workers, at an approximate cost of \$61,500 each (total for 3.5 FTEs \$216,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or designate, and in a form satisfactory to the City Solicitor;
- (e) That, based on last year's costing as an indicator, the Public Works Department's operating budget be increased by \$200,000 annually, to be used for ad hoc clean up or other costs incurred as a result of encampments on City property;
- (f) That, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so,

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an additional 2 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of \$268,646 for salary, benefits and one-time costs of \$30,000 for ancillary equipment, to be fully funded by the City from Dept ID 673247; and,

- (g) That Report HSC20038(e)/PED21188(b), respecting the Encampment Pilot Evaluation, in its entirety, be referred to the 2023 Operating Budget process (February 7, 2023 GIC) for consideration.

**EXECUTIVE SUMMARY**

This report provides an update on the Encampment Coordination Team pilot and provides recommendations for future direction. The pilot, approved by Council in March 24, 2022, and which operated from April 2022 – December 2022, has been successful in its ability to prevent entrenched encampments, improve coordination of all services involved in the City's response to encampments, including internal City divisions and Hamilton Police Services, allow existing staff in the Housing Services Division and Municipal Law Enforcement to focus on other core business, and to streamline reporting to City Council through the General Issues Committee. In addition, the pilot was effective in mobilizing resources to effectively respond to complaints and requests from City Councillors and the public, and in communicating trends and updates on an ongoing basis. The pilot was also able to reduce the presence of long-term encampments within the City, although approximately 30-40 individuals continue to live in encampments and to date have not been able to be placed in housing or temporary shelter due to a variety of reasons.

When applying the Parks By-law, Municipal Law Enforcement Officers (MLEOs) took a soft approach to enforcement, developing relationships with individuals living in encampments and engaging from a compassionate approach. Encampment Coordination Team staff and MLEOs provided Housing-focused Street Outreach (HFSO) staff with details of new encampments, and HFSO staff engaged with individuals living in encampments to better understand their needs and connect them to internal and community supports, including referrals to the emergency shelter system, health agencies, social assistance supports, specialized outreach supports, and any other relevant supports available that would improve the health and wellbeing of the person they are working with. MLEOs also engaged with Hamilton Police Services Social Navigator Program to coordinate service delivery to individuals living in encampments, as well as with the encampment engagement team to coordinate Bylaw enforcement.

The presence of encampments continues to be complex and the result of several interconnected issues, including a lack of affordable housing, subsidized housing,

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and housing with supports in the community, as well as low social assistance rates, an increased cost of living, substance use, and the existence of real or perceived barriers to accessing the emergency shelter system. As a result, finding simple solutions is difficult. Since the beginning of the pilot to the end of November 2022, 12 people living in encampments have transitioned into housing directly through the efforts of Housing-focused Street Outreach (HFSO), but there are still individuals living in encampments who are not, for a constellation of reasons that are specific to each individual, currently able to transition to housing. In order to transition into housing, more support is required; such as community support, and support from other levels of government for programs that may assist people to transition to housing.

Staff from Housing Services Division (HSD) and Municipal Law Enforcement (MLE) are recommending the City continue the Encampment Coordination team with several modifications: the creation of a Manager of Housing-focused Street Outreach (1.0 new Full-time Equivalent {FTE}) and Project Manager (1.0 new FTE) positions within Housing Services Division, Housing-focused Street Outreach (HFSO) staff (3.5 new FTE), Municipal Law Enforcement Officers (MLEOs) (2.0 new FTE), and a Supervisor within Parks Section (1.0 FTE). Existing pilot FTEs include 1 director, 1 SPM, 1 supervisor and 4 by-law officers, plus over complement Parks resources. Additionally, Hamilton Police Services will also require 2 officers to effectively support the coordination of encampment response efforts across the community. An integrated approach to encampment response will help connect individuals living in encampments to housing and other necessary services that sustain and improve health and wellbeing, while also preventing entrenched encampments.

There are several alternative encampment response options available for consideration, including taking no action following the pilot expiration on December 31, 2022, an enforcement-only approach, and a housing-only approach.

**Alternatives for Consideration – See Page 19**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Through recommendation (a) staff are requesting the continuation of the pilot to April 2023 to ensure a continuation of service until budget deliberations are complete at an approximate cost of \$350 K funded as previously approved in Reports HSC20038(d)/PED21188(a) and PED22088.

The recommended approach to provide, on a permanent basis, a dedicated Coordination Response Team, as reflected in

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recommendations (c) to (e) would require a levy enhancement of \$1,068,000 to support COH staffing and ancillary costs. As reflected in recommendation (f), an additional 2 FTEs (police officers) to support the delivery of the coordinated encampment response requires a levy enhancement of \$298,646 for salary, benefits and one-time costs. The total levy enhancement request to support the coordinated encampment response is \$1,366,646..

If recommendations (c) to (f) are approved, the budget for the coordinated encampment response will be reflected in 673247 HSD-Encampment Response Coord. The FTEs will be added to the department budgets and the actual salary and benefit costs will be recovered through the salary and budget reallocation accounts and charged to 673247.

Recommendations (c) to (f) will be referred to the 2023 tax operating budget deliberations for Council approval as per recommendation (g).

Staffing: The recommended coordinated encampment response would require additional FTEs:

- 1 Manager of Housing-focused Street Outreach
- 1 Project Manager of Housing-focused Street Outreach
- Funding for 3.5 additional seconded FTE Housing-focused Street Outreach workers
- 2 Municipal Law Enforcement Officers
- 1 Supervisor within Parks Section
- 2 Police Officers through Hamilton Police Services

Legal: N/A

## **HISTORICAL BACKGROUND**

On February 4, 2021, Emergency and Community Services Committee approved Report HSC21000 Analysis of United Nations Special Rapporteur's Report on a National Protocol for Homeless Encampments.

On February 4, 2021, Emergency and Community Services Committee approved Report HSC20038(b) Encampment Update, providing an overview of the operationalization of the Encampment Protocol.

On March 25, 2021, Emergency and Community Services Committee approved Report HSC21008 Housing Focused Street Outreach, which provided an updated overview of the role of Hamilton's Street Outreach Team within Housing Services

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Division.

On August 9, 2021, the Emergency and Community Services Committee approved the repealing of the By-law Enforcement Protocol.

On September 9, 2021, Emergency and Community Services Committee approved Report PED21188/HSC20038(c) Encampment Response Update.

On March 22, 2022, Planning Committee, Motion 11.3 directed staff to:

- a) Complete their activities under the Encampment Process, including notifying the Hamilton Police Service that a Trespass Notice has been issued, within 12 to 72 hours after staff receive the first complaint regarding unauthorized camping in a City park or public place; and,
- b) Enforce the Encampment Process 7 days per week.

On March 24, 2022, Emergency and Community Services Committee approved Encampment Response Update (HSC20038(d)/PED21188(a)) and the creation of an Encampment Coordination Team pilot to the end of 2022 with an estimated cost of \$305,000, funded first from COVID-19 Government Funds (eligible costs), then COVID- 19 Reserve (eligible costs), then departmental budgets surplus and finally by the Tax Stabilization Reserve. The pilot was created to:

- a) Improve coordination and efforts of services involved in encampment response and allow for existing Municipal Law Enforcement and Housing Service Division staff to focus on their core business, and,
- b) Streamline reporting from staff related to encampment coordination. All new reporting will be brought forward to the General Issues Committee for discussion and decisions.

On March 30, 2022, in response to Motion 11.3 Council approved Encampment Process: Staffing Feasibility/Service Levels Impacts' (PED220088) and approved four new temporary, dedicated Municipal Law Enforcement Encampment Officers (MLEO) at a total cost of \$416,673.73, to be funded through the Tax Stabilization Reserve.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

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## **RELEVANT CONSULTATION**

Staff from Planning and Economic Development (Licensing and By-law Services), Healthy and Safe Communities (Housing Services Division), Public Works (Parks Section), Legal, and Finance were consulted in the preparation of this report. Hamilton Police Services were also consulted.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

On September 9, 2021, Emergency and Community Services Committee received Report PED21188/HSC20038 (c) Encampment Response Update, which detailed a six-step process to encampment response developed by City staff, requiring participation from several teams and divisions. In 2021, there were no dedicated staff members to the City's encampment response. Staff members reprioritized workload to develop an Encampment Response Team that met daily with the objective of providing an integrated approach to achieving compliance of the City's Parks By-law and assist private property owners to remove encampments from private property. The team included staff from:

- Municipal Law Enforcement- Encampment Officers
- Housing Services Division - Housing Focused Street Outreach
- Hamilton Police Services
- Public Works – Parks Section
- Communications

On March 30, 2022, in Report PED220088 Encampment Process: Staffing Feasibility/ Service Levels Impacts', Council approved the hiring of a dedicated team of four MLEO's. Additionally, one Supervisor was funded via the Encampment Coordination Pilot on March 24, 2022, in Report HSC20038(d)/PED21188(a) Encampment Response Update, to respond 7 days a week to complaints and requests from the community regarding encampments, as well as a Director and Senior Project Manager to help provide guidance and expertise. The Encampment Coordination Team Supervisor worked directly with MLEOs to initiate first contact with individuals living in encampments within 24-72 hours of a complaint, to determine whether a violation had occurred under City By-law. In carrying out this function, MLEOs established relationships with people living in encampments and developed an understanding of the impacts of homelessness on mental and physical well-being.

After contact was made by MLEOs, Housing-focused Street Outreach would engage with individuals to offer housing-focused case management services and supports, provision of basic needs items to individuals living in encampments, referrals into emergency shelter and other housing-related programs, assistance in

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accessing financial assistance programs (i.e. Ontario Disability Support Program, Ontario Works), and maintain knowledge of the broader homelessness-serving system to actively provide referrals to organizations in the community in support of the needs of the individual (e.g. physical health, mental health, harm reduction, population-specific supports).

If an encampment was deemed to be in violation of a Parks By-law, MLEOs, in partnership from Hamilton Police Services, used a soft enforcement approach to achieve early voluntary compliance. That is, to leverage the relationships built to avoid issuing a Trespass Notice until all softer approaches were considered. When MLEOs were not able to receive voluntary compliance alone, they notified HPS and worked in partnership to receive voluntary compliance. Once the individuals had moved on from their encampment to a new location, the Encampment Coordination Team Supervisor would make Parks Section aware of whether cleanup and/or maintenance was required.

Staff from the Encampment Coordination team joined MLE, HFSO, Parks Section, Communications, and Hamilton Police Services in meeting daily to ensure a streamlined approach to coordinating encampment response. The meeting also provided an opportunity to strategize around finding operational solutions to acute issues and improve strategies to mitigate risk and improve the health and wellbeing of individuals living in encampments.

From data collected by Municipal Law Enforcement and Housing Services Division when conducting their response, Council was provided with monthly updates on the efforts made by the Encampment Response Team.  
Continuous Improvement Measures

Several continuous improvement measures were introduced by the Encampment Coordination team in conjunction with the larger City-wide Encampment Response team during the pilot, aimed to improve safety and eliminate barriers for those seeking emergency shelter and/or housing accommodations.

The MLE Supervisor and two MLEO's attended an in-depth four day "Crisis Intervention Training" provided by Hamilton Police Service (HPS) to increase their knowledge and understanding of individuals with mental health and substance use challenges. The new skills learned were valuable when interacting with individuals living in encampments, to be able to build relationships and achieve better outcomes.

To put the health and safety of people first, the MLE Supervisor and four MLEO's attended a training session by Public Health Services, Harm Reduction staff on opioid overdose and response with the use of a naloxone kit. The MLEO's now carry naloxone kits to be able to administer to individuals in the event of an

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overdose and have been used twice to assist unresponsive people in crisis which potentially saved their life. Also, it should be noted that MLEO's sought medical attention for several people living in encampments where it was deemed to be urgently required.

Presently, emergency shelters in Hamilton are not able to accommodate pets due to limitations with adequate funding, space, amenities, and liability issues. Service animals are already accommodated within emergency shelters. Encampment Coordination team staff have worked with internal and external partners to identify programmatic and operational best practices to mitigate pets as a barrier to emergency shelter. Several options have been identified for future consideration including, a temporary boarding option for pets of people living unsheltered to be offered in conjunction with Animal Services and other animal welfare partners, and/or a pilot to introduce pet-friendly space(s) into the existing emergency shelter system. This work will continue with the extension of the program.

City staff from the Encampment Coordination team engaged in meetings with staff from Hamilton Fire Department – Fire Prevention Division to discuss how they might offer support toward Encampment Response Team initiatives. When fire issues/concerns are identified during MLEO visits, consultation with or inclusion of Fire Prevention staff at Encampment Team meetings and/or site visits could prove beneficial. In addition, Fire Prevention can develop targeted fire safety educational messaging to support unsheltered individuals. This messaging could be provided to unsheltered individuals by city staff during encampment visits. This work will continue with the extension of the program.

Emergency shelters often impose a two-bag limit to individuals entering, which may be a barrier to those who have accumulated several items that will not fit within a two-bag limit. To mitigate this, staff have developed and implemented a process to allow individuals to temporarily store their belongings at a centrally located city facility. This program was rarely used, as individuals were often unwilling to separate from their belongings, however the program remains in effect and is led by HFSO.

To provide guidance to frontline staff as they encounter issues requiring urgent response, health & safety protocols and P&Ps were developed for MLE and HFSO management and staff. The P&Ps provide information related to staff's health and safety, incident reporting responsibilities, as well as direction for several urgent and life-threatening circumstances that staff may potentially be encountered when visiting an encampment (e.g., death, severe injury, fire, overdose, physical violence, mental health crisis, non-emergency medical needs, children and adolescents on-site, encountering someone who is pregnant, and/or potential health and safety hazards, including propane tanks and weapons). Each item

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requires specific actions and responses, including ongoing support from Hamilton Police Service, both on-site and off-site, to ensure the health and safety of staff and those that reside in encampments.

To improve coordination across multiple teams and to identify gaps in service delivery, the Encampment Coordination team documented key processes and relationships.

Each team involved in encampment response provided their mandate, roles and responsibilities, and defined values they believed to be most important in successfully responding to encampments. The data shared by Encampment Response teams was used to analyze encampment response from a systems perspective, and to identify gaps in service that would inform future work.

MLEO's have been engaged with several property owners who are dealing with encampments on private property. Meetings have been held with CN Rail to discuss the numerous complaints and concerns the city receives regarding garbage and debris left on their property because of encampments. While it is the responsibility of a private property owner to clean and maintain their property, Encampment Response staff continue to provide support in an attempt to achieve voluntary compliance of encampment individuals who are trespassing. If voluntary compliance is not obtained the property owner can provide Hamilton Police Service, the authority to enforce the *Trespass to Property Act* if required.

HFSO staff visit encampments utilizing a housing first, human rights-based approach to supporting unsheltered individuals in the community after a complaint or concern has been noted by the Encampment Coordination team or MLEOs. HFSO workers engage with unsheltered individuals to better understand their needs and connect them with internal and community supports, including housing-focused case management, referrals to the emergency shelter system, health agencies, social assistance supports, specialized outreach supports, and any other relevant supports available that would improve the health and wellbeing of the person they are working with. HFSO workers also develop housing plans, connecting unsheltered individuals to the Coordinated Access System through which they are prioritized for via the By-Name List, as well as available resources in the homeless-serving system including intensive case management supports. Indigenous clients are prioritized first for resources within the homeless serving system. HFSO workers also provide direct assistance in searching for and viewing apartments, liaise with potential landlords, and assist with applicants to subsidized housing, or other forms of housing (such as housing allowances or housing benefits) that may be available. In addition, HFSO workers provide assistance with immediate needs such as providing water, and harm reduction and menstrual health supplies onsite. Overall, the goal of HFSO is to engage with and support each unsheltered individual along their housing journey, while connecting them to

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services in the community that sustain and/or improve their health and wellbeing.

One component not included in the original Encampment Coordination team pilot, was resources for Parks Section. The work of Parks has been imperative to the success of the City's encampment response process, providing cleanup and maintenance of previously occupied encampments where persistent garbage and debris presented health and safety risks for staff and the public. In some cases, Parks Section staff have required the use of specialized machinery in cleanup. Without adequate resources, Parks staff were utilizing one over complement supervisor, staff overtime and contracted work to meet the demands of encampment response. Additional, dedicated resources are necessary to ensure an effective response to encampments.

A key missing component in the original pilot was the resources required by Parks, who needed to ensure the ongoing maintenance of parks. This has been addressed in the recommendation with the request for a supervisor and funding.

Hamilton Police Services were also active in supporting encampment response effort via their dedicated Encampment Engagement team, who attended daily meetings and provided onsite support at encampments as required by MLEOs. Due to staffing challenges at Hamilton Police Services, the dedicated team was discontinued on September 4, 2022, limiting their ability to support encampment response. Dedicated resources are required for the ongoing support of HPS in encampment response efforts.

#### Data and Performance Measurement

The following chart provides an overview of monthly data collected as of end of November 2022, for key performance indicators identified at the beginning of the pilot.

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Indicator	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Total Encampment sites investigated (incl. public and private)	76	141	112	112	116	120	68	53
Voluntary Compliance Achieved - public	31	51	67	60	66	58	42	26
Voluntary Compliance Achieved - private	7	8	16	24	23	9	10	8
Complaints unfounded - public	10	11	20	23	24	33	8	17
Complaints unfounded - private	5	18	9	5	17	20	10	8
Notices of Trespass Issued	3	0	6	9	14	11	2	14
Approximate number of unique individuals unsheltered and regularly living in encampments throughout the City	25	30	30	32	39	44	39	53
Unique individuals (both in encampments and otherwise) engaged with Outreach for supports/referrals	43	71	39	25	37	39	56	53
Unique individuals housed directly from an encampment by Outreach	2	1	0	3	1	2	1	2
Unique individuals assisted by Outreach through Housing Services OW Case Managers in obtaining or stabilizing their Social Assistance	8	9	11	3	6	6	9	9
Unique individuals accepting referral to an emergency shelter space	N/A	N/A	N/A	N/A	N/A	N/A	7	3
Number of sites cleaned and maintained by Parks Section staff	26	N/A	47	55	59	81	72	57

Several trends and insights were observable:

- The number of sites investigated by MLE peaked in May, plateaued over the summer, and is now decreasing into fall.

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- Voluntary compliance was achieved by MLE staff in most interactions with individuals in encampments. When voluntary compliance was not achieved a Notice of Trespass was issued and MLEO's continued to engage individuals and were successful in achieving voluntary compliance in 59 of 62 occasions. Hamilton Police Services were asked for support in the remaining three occasions, and compliance was achieved peacefully without incidence.
- There were few unique individuals housed directly from an encampment by HFSO throughout the duration of the pilot, although this data does not reflect individuals who accepted referral into emergency shelter and were connected to housing through a separate process or community agency.
- There has been a slight proportional increase in the number of unique individuals engaged with Outreach for supports and/or referrals in the past two months. This may be a result of colder weather and/or ongoing relationship building.
- Approximately 70 sites required constant monitoring and extra resources, with MLEO's conducting both proactive and reactive inspections.
- In addition to the above, 70 locations (58 City/12 Private) were identified that received ongoing proactive inspections, resulting in 1,252 total proactive inspections. The total proactive and reactive inspections from April – October 31 was 1,997.
- Through the duration of the pilot, Parks Section staff cleaned an increasing number of sites month-over-month, peaking in September 2022, before decreasing in October and November. This data is not reflective of the time and complexity of the cleanups, which increased in October and November as sites that were less conspicuous became visible due to diminished flora coverage. Some sites required special machinery for cleanup.

Encampment Coordination Team staff met biweekly with staff from Housing Services Division and Hamilton Police Services (Analytics) to strategize around the development of data infrastructure and processes necessary to collect, analyze and report new performance metrics. Currently, performance data is shared monthly by Housing Services Division, Municipal Law Enforcement, Parks Section, and Hamilton Police Services, and is being tracked and analyzed. Additional performance measures will be necessary to better understand the success of City Divisions involved in encampment response and to assess ongoing impacts to people living in encampments.

#### Impacts on Staff and Resources

Locations requiring recurrent daily visits from various City departments where persistent garbage and debris presented health and safety risks for staff and the public, placed a significant burden on Parks Section maintenance staff and resources. Without continued coordinated attention to encampment in City Parks, Parks Section staff anticipate that camps will grow in size and become more

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difficult to clean up, there will be more damages to the park such as compacted soils/loss of sod areas, cutting of trees, increased waste and debris including biohazardous waste and the risk of more frequent vandalism and fires.

To ensure success of the pilot, without resources allocated as part of the pilot, Parks hired one over complement supervisory staff to oversee the cleanup program and existing staff were used for clean ups. To provide the service level required for these clean ups without impacting our standard level of service, parks utilized their existing complement of staff on overtime or hired a contractor. Parks Section staff visited 397 encampment sites (including repeat sites), logging 149 work orders (102 internal, 47 contracted). This resulted in 1,798 labour hours for Parks Section staff, with 582 hours contracted out. The cost for encampment cleanups, including contracted work, was \$140,861.21, not including the cost of an over complement supervisor or waste disposal fees.

Under the rapid response model of clean up made possible through the pilot, Parks Section staff found that the work time was reduced because sites were smaller, and less waste accumulated. Responsiveness and quick action has been noted as a key success factor in the evaluation of the pilot.

As the Encampment Coordination team became more established, it became a complaint repository for all issues related to visible homelessness in the community, often for issues not directly related to homelessness. This added an additional strain on resources necessary to carry out encampment coordination and response.

While not within the formal pilot mandate, staff from the Encampment Coordination Team and other city divisions were expending inordinate time and effort addressing a few challenging locations in parks and on City property where encampments had been cleared and were no longer the main source of concern, but where people (not living unsheltered per se) congregate before and after visiting/using external, community- based services. While not related directly to encampment activity, this resulted in a strain on resources.

#### Impacts on People with Lived Experience

Several individuals living in encampments who stayed outdoors more frequently throughout the duration of the pilot repeatedly declined available emergency shelter space, instead cycling through sites where they felt most comfortable. This pattern became more pronounced over the course of the pilot, as people living in encampments grew more frustrated with the requirement to continually move from their existing site.

Others living in encampments moved to less conspicuous areas where they would

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not be found and therefore would not need to move as frequently. This impacted the ability of HFSSO staff to aid as it became more difficult for staff to find them to make necessary referrals and provide harm reduction and other basic supplies. Additionally, due to gaps between making contact with people living in encampments it became more difficult for HFSSO staff to maintain continuity in providing a housing plan, as this requires ongoing interaction with staff and coordination with other services in the community.

#### Continuing Encampment Response in the City

The coordinated multi-disciplinary response to encampments was effective in achieving compliance with the Parks By-law and in limiting large, entrenched encampments. MLEOs also helped prevent the proliferation of encampments in the community by building relationships with individuals in encampments and receiving voluntary compliance through soft intervention. However, at the conclusion of the pilot there were still approximately 40 unique individuals known to be unsheltered and regularly living in encampments throughout the City. There are several possible contributing factors.

From March-November 2022, 12 individuals have transitioned from an encampment into housing by Housing-focused Street Outreach, not including those housed via other organizations (e.g. emergency shelters, drop-ins, and non-profit housing providers). Access to suitable, affordable housing and the corresponding wraparound supports are necessary to prevent encampments from proliferating.

Additionally, several individuals who remain in encampments have refused available emergency shelter space, which they report they have done for a variety of reasons. Their stated reasons include lack of space for couples, lack of space for pets, safety concerns, service restrictions, and policies restricting drug use in shelters. For these individuals, there are very few places to stay overnight in the community which adequately meet their needs, and they often persist in encampments as a result. Connecting individuals in encampments to HFSSO workers that can assist with basic needs supports and build the necessary rapport to make effective referrals to address complex mental health issues, substance use, and other health and housing needs.

Several unique individuals continue living in encampments throughout the City for which an enforcement-based approach is not deemed to be prudent nor effective. A new housing-focused, person-centered, health-based approach would be most effective in addressing the underlying factors leading some to live uninterruptedly in encampments.

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The United Nations Special Rapporteur has reported on A National Protocol for Homeless Encampments in Canada: A Human Rights Approach and has also contributed to a National Protocol for Homeless Encampments in Canada. As an independent expert, the UN Special Rapporteur acts as a bridge between rights-holders, governments, and international organizations and institutions, offering guidance on the interpretation of international law, while reporting on situations and conditions on the ground. These reports have been utilized by communities across Canada in responding to encampments.

A National Protocol for Homeless Encampments in Canada outlines universal recommendations for how all levels of government in Canada should approach engagement with unhoused residents of encampments from a rights-based perspective to ensure dignity while negotiating the provision of adequate, affordable housing solutions that meet their needs. The following eight guiding principles are recommended:

- 1) Recognize residents of homeless encampments as rights holders
- 2) Meaningful engagement and effective participation of encampment residents
- 3) Prohibition of forced evictions of encampments
- 4) Explore all viable alternatives to eviction
- 5) Ensure that any relocation is human rights compliant
- 6) Ensure encampments meet basic needs of residents consistent with human rights
- 7) Ensure human rights-based goals and outcomes, and the preservation of dignity for encampment residents
- 8) Respect, protect, and fulfil the distinct rights the distinct rights of Indigenous Peoples in all engagements with encampments

The processes utilized by City teams when responding to encampments will continue to evolve and adapt to meet the best practices identified.

#### An Evolving Encampment Response Strategy

The principles included in 'A National Protocol for Homeless Encampments in Canada' will be applied in conjunction with the findings from 'A Human Rights Analysis of Encampments in Canada – Case Study: Hamilton' to evolve towards a rights-based, person-centered approach to encampment response. In addition, on January 13, 2022, Motion 11.1 was approved by the Emergency and Community Services Committee, to address Comprehensive, Human-rights Based, Health-focused Housing Solutions for Residents Living Encamped across Hamilton, via facilitated sessions with cross-sectoral stakeholders and people with lived experience. Feedback received from the July 2022 facilitated sessions will also

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form the basis of a report back to Council (Report HSC23009) and will also inform the development of an Encampment Response Strategy for the City.

An Encampment Response Strategy will include:

- A set of principles underpinning encampment response that are common ground among stakeholders with a strong equity, diversity and inclusion lens
- Clear mission on what problem(s) the response aims to address, and the goals
- Common definitions of terms when speaking about encampments and unsheltered homelessness
- Response to encampments that is trauma-informed, strengths based, harm reducing, housing-focused, and culturally appropriate
- Coordinated response for encampment assessments, mapping and data collection, roles and responsibilities, command centre structure, interdepartmental protocols, and coordination of community volunteers
- Communications plan that includes meaningful engagement of people with lived/living experience of unsheltered homelessness
- Strategic alignment with Homeless-serving system of care, including Outreach and resources available through Coordinated Access and,
- Evaluation framework to assess effectiveness of approaches, including a specific focus on diversity and inclusion

In the development and implementation of a successful Encampment Response Strategy, it remains essential that people with living/lived experience are empowered to inform services and hold the homelessness-serving system accountable for delivering on its promise of housing and supports. A distinct focus on Indigenous rights should be prioritized in these efforts, guided by the obligation to respect, protect, and fulfil the distinct rights of Indigenous peoples through engagement with unhoused residents and those residing in encampments.

All residents living in encampments will be asked to voluntarily participate in developing a personalized housing plan and to identify supports that help facilitate movement to shelter and/or permanent housing. This approach is consistent with a collective obligation to ensure that people experiencing homelessness, including encampment residents, have access to long-term, adequate housing that meets their needs.

Using the previous six step process, the Encampment Coordination team's Supervisor, MLE, was responsible for overseeing all complaints and concerns from Councillors and the community and coordinated the response of MLEOs to follow-up and apply the By-law. An updated Encampment Response Strategy will be housing-led and inform an encampment response process that transparently

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details the roles and responsibilities of all teams involved in encampment response, and defines a person-centered, housing-focused, best practices process to guide contact and assessment with individuals living in encampments.

Housing Services Division, overseen by the Manager of HFSO, will adopt the responsibility of coordinating the City's response to encampments, and all daily coordination will be led by the Project Manager of HFSO. All complaints currently sent to MLE will be re-routed to the HFSO team for follow-up, and MLEOs will only respond after the HFSO team has attended the encampment. The HFSO will be responsible for making first contact with individuals living in encampments and may require the assistance of MLEOs or paid duty Hamilton Police Services.

#### Required Staffing

On March 30, 2022, in Report PED22088 Encampment Process: Staffing Feasibility / Service Levels Impacts', Council approved the hiring of a dedicated team of four MLEO's to support encampment response efforts via the enforcement of the Parks By-law. Soon after, on March 24, 2022 Emergency and Community Services Committee approved Report HSC20038(d)/PED21188(a) Encampment Response Update and the creation of an Encampment Coordination Team made up of a Director – Response Coordination, Supervisor – Municipal Law Enforcement, and Senior Project Manager, Housing Services Division. To ensure success of the pilot, and without dedicated resources allocated, Parks Section hired one over complement supervisory staff to oversee the clean-up program and in order to achieve the service level required, parks utilized their existing complement of staff on overtime or hired a contractor.

In evaluating the pilot, it is clear that the program does not require a Director. Due to the operational nature of encampment response and the necessity for housing-focused, person-centered outcomes, a Manager of Housing-focused Street Outreach (1.0 FTE) reporting to the Director, Housing Service Division is more suitable, The Manager will be responsible for utilizing existing standards, research, approaches from comparator municipalities, public consultation, and Housing Services Division's staff expertise to guide the development and implementation of an Encampment Response Strategy. The Housing-focused Street Outreach Manager will have the knowledge and expertise to provide systems-level solutions via collaboration and coordination with the broader homelessness-serving system, and across other sectors.

The Manager will also direct and support the work of the existing HFSO Supervisor and Coordinator. An additional 3.5 HFSO workers (3.5 FTE) will be necessary to ensure adequate coverage seven days a week from 8am-8pm. HFSOs ensure residents living in encampments are provided access to basic items required for

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their immediate needs and well-being, are referred to the appropriate overnight services and/or housing supports, and provided case management support via referrals to services in the community that meet each resident's unique needs.

In a new housing-led approach where complaints and requests will be re-routed from MLE to HSD for response, a HFSO Project Manager (1.0 FTE) is required to manage complaints and requests made to the City regarding encampment response and maintain contact with stakeholders and Councillors Offices to ensure adequate line of sight exists between encampment response and the community. The HFSO Project Manager will also support the existing HFSO Supervisor and Coordinator by providing locations of new encampments to be visited by HFSO staff and MLEOs.

Two MLEOs (2.0 FTE) will still be required to attend encampment response team meetings, problem solve challenging and complex situations that can occur in encampments including enlisting the help of Animal Services for assistance with pets, direct field operations including clean-ups, track compliance under the Parks By-law, provide coverage for a five-day a week operation, and proactively monitor recurring sites to ensure encampments do not become entrenched.

A dedicated Parks Section Supervisor (1.0 FTE) will respond to requests from Housing Services Division to provide parks maintenance and cleanup and will coordinate to identify staff and/or contracted labour to be used in cleanups. The Parks Section Supervisor will also act as a liaison for encampment response, attending coordination meetings as necessary.

The total cost of the program considers resources, beyond dedicated staffing, for Public Works and Paid Duty Hamilton Police Services.

It is staff's recommendation that this approach be adopted in an effort to re-house individuals while preventing long-term encampments in the City. It takes into consideration the needs of the community as a whole including the housed and un-housed.

## **ALTERNATIVES FOR CONSIDERATION**

- 1) Council may choose to not extend the Coordination Response Team. With no dedicated staffing resources there will be limited ability to coordinate responses and service delivery related to encampments in the city.
  - Housing based street outreach would continue with reduced hours of operation; Monday to Friday until 8 p.m. and weekends until 5 p.m. only.
  - By-law enforcement would revert to low priority, based on availability of existing staffing resources, within normal operating hours 8:30 a.m. – 4:30 p.m. Monday to

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Friday, and with response times that may extend up to 72 hours depending on priorities. It is likely that this low service level would result in entrenched encampments becoming established at various locations across the City.

- Parks staff would continue to provide enhanced park clean ups, however if encampment sites become entrenched, it is unlikely that Parks staff would be able to provide for regular clean ups
- Although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so, an additional 2 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of \$268,646 for salary, benefits and one-time costs of \$30,000 for ancillary equipment to be funded by the City.

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The alternative to seize the coordinated Response Team, would require a levy enhancement of \$298,646 for Hamilton Police Services staff and ancillary costs.

If approved, the budget for the coordinated encampment response will be reflected in 673247 HSD-Encampment Response Coord. The FTEs will be added to the department budgets and the actual salary and benefit costs will be recovered through the salary and budget reallocation accounts and charged to 673247.

This alternative will be referred to the 2023 tax operating budget deliberations for Council approval.

**Staffing:** Two Police Officers through Hamilton Police Services

**Legal:** N/A

- 2) Council may choose an enforcement only approach to encampments, by creating a permanent encampment response team within Licensing and By-law Services, made up of 1 FTE Supervisor, 4 FTE MLEOs, and a Supervisor of Parks Section. This approach is likely to result in moving individuals from parks, and preventing the establishment of large entrenched encampments, but it is likely to result in fewer referrals of individuals in encampments to services that improve health and wellbeing, as well as emergency shelter and housing. This would result in an estimated annual cost of approximately \$710,365. Additionally, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so, an additional 2 FTEs (police officers) be hired to support

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

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

**SUBJECT: Encampment Pilot Evaluation (HSC20038(e)/PED21188(b)) (City Wide)**  
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the delivery of the coordinated encampment response at an annual cost of \$268,646 for salary, benefits and one-time costs of \$30,000 for ancillary equipment to be funded by the City.

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The alternative to provide an enforcement approach to encampment would require a levy enhancement of \$1,009,011 for City of Hamilton staff and operating costs and Hamilton Police Services staff and ancillary costs.

If approved, the budget for the coordinated encampment response will be reflected in 673247 HSD-Encampment Response Coord. The FTEs will be added to the department budgets and the actual salary and benefit costs will be recovered through the salary and budget reallocation accounts and charged to 673247.

This alternative will be referred to the 2023 tax operating budget deliberations for Council approval.

**Staffing:** The recommended coordinated encampment response would require additional FTEs:

- 1 Supervisor in Licensing and By-Law
- 4 Municipal Law Enforcement Officers
- 1 Supervisor within Parks Section
- 2 Police Officers through Hamilton Police Services

**Legal:** N/A

- 3) Council may choose to trial a housing services only approach to encampments, by enhancing the permanent housing-focused street outreach team with 1 FTE Manager, 1 FTE Project Manager, 3.5 FTE additional housing-focused street outreach workers, and a Supervisor of Parks Section. This approach will ensure unsheltered individuals have the ongoing assistance of housing-focused street outreach workers who will support their journey into housing while connecting them with the necessary resources to sustain and improve health and wellbeing. However, without dedicated by-law enforcement resources, the risk is that encampments will likely become entrenched, and result in ongoing health and safety issues and the occupation of public space. This would result in a levy enhancement of approximately \$592,000. Additionally, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not

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**SUBJECT: Encampment Pilot Evaluation (HSC20038(e)/PED21188(b)) (City Wide)**  
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in the mandate of the HPS to do so, an additional 4 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of \$268,646 for salary, benefits and one-time costs of \$30,000 for ancillary equipment to be funded by the City.

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The alternative to provide a trail housing only services approach to encampments, would require a levy enhancement of \$889,646 for City of Hamilton staff, operating costs and Hamilton Police Services staff and ancillary costs.

If approved, the budget for the coordinated encampment response will be reflected in 673247 HSD-Encampment Response Coord. The FTEs will be added to the department budgets and the actual salary and benefit costs will be recovered through the salary and budget reallocation accounts and charged to 673247.

The alternative will be referred to the 2023 tax operating budget deliberations for Council approval.

**Staffing:** The recommended coordinated encampment response would require additional FTEs:

- 1 Manager of Housing-focused Street Outreach
- 1 Project Manager of Housing-focused Street Outreach
- Funding for 3.5 additional seconded FTE Housing-focused Street Outreach workers
- 1 Supervisor within Parks Section
- 2 Police Officers through Hamilton Police Services

**Legal:** N/A

For any desired option, HPS resources would be required. Any police implications should be taken to the Hamilton Police Services Board for additional funding to support the delivery of encampment response.

**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.

**SUBJECT: Encampment Pilot Evaluation (HSC20038(e)/PED21188(b)) (City Wide)**  
**- Page 23 of 23**

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**APPENDICES AND SCHEDULES ATTACHED**

N/A

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# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	January 18, 2023
<b>SUBJECT/REPORT NO:</b>	Outcomes and Findings of the Encampment Facilitated Sessions (HSC23009) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Mike Jones (905) 546-2424 Ext. 3824
<b>SUBMITTED BY:</b>	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

Not Applicable

## INFORMATION

On January 13, 2022, Motion 11.1 was moved and approved by the Emergency and Community Services Committee to address comprehensive, human-rights based, health-focused housing solutions for residents living encamped across Hamilton via solution-focused planning session(s) from a broad spectrum of community stakeholders, including people with lived experience, to identify comprehensive, human-rights based, health-focused housing solutions to directly address the needs of residents living encamped in Hamilton.

On July 20, 2022 a consultant-led, facilitated session was held with stakeholders across several sectors with expertise in housing, homelessness, encampments, and encampment response, to discuss systemic issues and their consequences, identify shared values, develop a shared short- and long-term vision, and to co-create a new approach to encampment response by identifying first steps, supports and potential barriers.

Since June 2018, representatives from Housing Services Division (HSD) and various other City departments have met formally with stakeholders to increase collaboration in encampment response efforts. At the onset of COVID-19, City staff, homelessness serving agencies, outreach services and community based support programs met weekly as an opportunity to align available resources, assess and respond to potential health and safety risks, and facilitate person-centred engagement opportunities and individualized housing plans for people living in encampments through connections to community-based supports. HSD has continued to provide leadership, support, and expertise, working with other City departments and community stakeholders to improve and coordinate the City's response to encampments through consultation and partnerships with community stakeholders and people with lived experience. The Housing Services Division, working collaboratively with internal and external partners developed a people-centred approach to address the issues of encampments. Many of the issues and challenges noted through the facilitation sessions are issues underway within the HSD planning prior to the encampment sessions.

The community engagement sessions resulted in substantial feedback regarding systemic factors associated with encampments, as well as potential short-term solutions. Key issues highlighted included: the need for additional types of housing, housing stock, and deeper affordability; better coordination of housing, health, and criminal justice systems; requests for alternatives to the existing Parks By-law; improvements to emergency shelters and the alleviation of barriers to access; integrating the community, especially people with lived experience, into planning and response; and learning from other jurisdictions.

In tandem with the formal facilitated sessions, from July 25 to 29, 2022, City staff engaged with 57 individuals living, or having recently lived in encampments across Hamilton, exploring issues contributing to unsheltered homelessness, access to resources and services, and suggestions for how the City and community could improve their response to encampments.

People living in encampments highlighted their frustration with the existing Parks By-law and were clear about its negative impact on physical health, mental health, and their ability to access housing supports and other resources. Additionally, many were concerned with barriers that prevented them from accessing housing and/or emergency shelter. No clear alternatives were recommended, although an overwhelming majority of people living in encampments wanted to see a different approach taken that allowed for more stability and access to resources.

Recommendations were developed utilizing the concerns and solutions shared by stakeholders and people living in encampments. The following recommendations were synthesized by City Staff from the engagement sessions, and a review of best practice reports and work to date by Housing Services Division as solutions required to address

comprehensive, human-rights based, health-focused housing solutions to directly address the needs of residents living encamped in Hamilton.

1. Expand and improve coordination of supports for mental health and substance use
2. Expand the use of harm reduction approaches in emergency shelters, drop-ins, and outreach supports
3. Address barriers to accessing emergency shelter (e.g., people with pets, couples)
4. Explore new approaches to encampment response, utilizing best practices and successes in other jurisdictions
5. Engage with Indigenous partners to identify encampment-related interventions that are culturally appropriate and rooted in the spirit and actions of reconciliation
6. Improve coordination and collaboration of encampment response teams to more efficiently address needs of people living in encampments

A detailed set of encampment response action items were developed to address the recommendations identified and are attached in Appendix "B" to Report HSC23009. The action items are integrated into HSD's encampment response program and progress will be reported to Council on an ongoing basis.

## Background

On April 1, 2021, in Report HSC21008 Housing Focused Street Outreach, supervision of Hamilton's Street Outreach Team, a team dedicated to providing housing-focused case management services and supports for individuals living unsheltered, was centralized to HSD to allow for enhanced alignment with the housing-focused goals and strategic actions outlined in Hamilton's System Planning Framework. Housing-focused Street Outreach staff have participated in daily collaboration with other City departments in service and response planning, work directly with community stakeholders to identify resources and supports for people living in encampments, and bring forward the understandings of those with living experience of encampments to inform best practices.

On August 9, 2021, the Emergency and Community Services Committee approved the repealing of the By-law Enforcement Protocol that permitted some individuals to camp in public spaces for up to 14 days, and the City returned to pre-protocol enforcement of Parks By-law 01-291 that prohibits camping on City property, including park areas. Additionally, a six-step encampment response process was approved that defined roles and responsibilities of City departments associated with the response.

On January 13, 2022, Motion 11.1 was moved and approved by the Emergency and Community Services Committee. City staff were directed to host solution-focused



planning session(s) made up of representatives from the health sector, housing service providers, organizations that provide frontline support to the unhoused, people with lived experiences of being unhoused and living in encampments, and other community stakeholders to identify comprehensive, human-rights based, health-focused housing solutions to directly address the needs of residents living encamped in Hamilton.

On March 31, 2022, Council approved the creation of an Encampment Coordination Team to be piloted until the end of 2022 to: a) improve coordination of encampment response and streamline efforts of the many services involved; b) allow for existing Municipal Law Enforcement and Housing Service Division staff to focus on their core business; and, c) were directed to send all forthcoming reports related to encampments to the General Issues Committee.

In June 2022, a consultant from the organization Coueraj was selected to assist in planning, coordinating, and facilitating a consultation of community stakeholders in response to the Motion. A project team of City staff was developed to provide context and direction to the consultant and recommended stakeholders to be included. The team was comprised of staff from the Encampment Coordination Team and Housing Services Division, with support from Strategic Communications.

Simultaneous to the engagement sessions, the Housing Services Division has continued to engage with providers and community partners on solutions to encampments and homelessness. The Housing Services Division has engaged with cross-sectoral community stakeholders in several core community tables, including: Emergency Shelter Coordination Table, Hospital-Shelter Working Group, Coordinated Access Steering Committee, as well as connections with the Community Safety and Well-Being Advisory Committee and Greater Hamilton Health Network. Additionally, HSD has conducted outreach and engagement with sector leadership tables, and continues to work with Coalition of Hamilton Indigenous Leadership (CHIL) to develop partnerships and best practices for engaging with the Indigenous community. The City has committed to facilitating a comprehensive, whole-of-community approach to encampment response and is dedicated to working with stakeholders in the community and people with lived experience on issues towards accomplishing shared goals.

## Consultation Process

### (I) Community Stakeholders

On July 20, 2022, 35 representative stakeholders were engaged virtually via WebEx by consultant(s) to develop a shared understanding of the issues associated with encampments and encampment response approaches, and to consider potential next steps to be taken by the City and community towards developing a coordinated, person-centred, health and housing focused approach to encampment response.

The session included representatives across several sectors, including: frontline responders; service providers in the community health care, emergency shelter, housing, drop-in, mental health, substance use and concurrent case management fields; stakeholders in the social planning, research, and advocacy sectors; Hamilton Police Services; and City staff from various departments and divisions including Housing Services Division, Municipal Law Enforcement, Hamilton Paramedic Service, and Public Health.

Stakeholders were assigned to one of five breakout groups where a facilitator led discussions on systemic issues of homelessness and their consequences, worked to identify shared values amongst stakeholders, developed a shared short- and long-term vision, and co-created a new approach by identifying first steps, supports, and potential barriers. All responses were captured and recorded by the consultants in real-time and shared as raw data with the project team.

Following the virtual session with stakeholders, a questionnaire was sent to all participants, in attempt to provide an additional opportunity to share information regarding the themes outlined.

A second questionnaire was sent to evaluate the effectiveness of the virtual session, and stakeholders were given an additional opportunity to provide feedback on encampment response, as well as ways they would like to be engaged moving forward.

Feedback received from both questionnaires was incorporated into the development of encampment response recommendations.

## (II) People living in Encampments

The project team established to support the consultant was maintained to develop a strategy toward engaging with people living in encampments.

In developing a research tool to receive feedback from people living in encampments, the project team consulted with the lead researcher from the Hamilton Alliance for Tiny Shelters (HATS) who had recently completed qualitative work with Hamilton's unsheltered population. Findings from HATS were incorporated into the development of the City's engagement process, as well as its feedback tool.

The research tool used to engage with people living in encampments incorporated several components. The first section included closed-ended demographic questions. The second section was comprised of open-ended questions exploring issues contributing to unsheltered homelessness, access to resources and services, and suggestions for how the City and community could improve their response to encampments. The third section included a series of rating scale questions meant to

establish satisfaction with a number of issues related to encampments and encampment response.

From July 25 to 29, 2022, City staff engaged with 57 individuals living, or having recently lived in encampments across Hamilton. The engagement was led by Housing-focused Street Outreach, as they had developed previous relationships with many of the people living in encampments and were experienced in collecting sensitive information. They were supported by staff from the Housing Services Division and the Encampment Coordination Team who took notes and completed administrative tasks.

### (III) What We Heard

In August 2022, the raw data from the stakeholder consultation was presented by the consultant to City staff. Additionally, City staff also compiled raw data from the interviews conducted with people who lived in encampments. The raw data was compiled and analysed to identify salient themes to be developed into recommendations.

The following are themes identified by stakeholders in the community via the July 20, 2022 facilitated sessions:

- Increased focus on eviction prevention and shelter diversion is required, to prevent people from entering into homelessness.
- Lack of affordable, subsidized, and/or supportive housing available to people experiencing homelessness.
- Better coordination of systems (e.g. health, criminal justice, and housing) required to address gaps in service provision and prevent people from entering into homelessness.
- Negative impacts of Parks By-law on stakeholders, as people in encampments move to more remote and inconspicuous areas, it becomes more difficult to ensure service continuity.
- Alternatives to existing Parks By-law that are more person-centred are required.
- Alternative shelter service models, notably harm reduction-friendly approaches are required to incentivize people to move indoors.
- Encampment response solutions should better utilize existing strengths in non-profit sector in response to encampments.
- Solutions to encampment response should utilize a whole-of-community approach.
- Targeted strategies and/or supports should be introduced for overrepresented groups (e.g. 2SLGBTQ+ and Indigenous peoples).
- People living in encampments should be included in developing solutions, as they have unique expertise.

- City should utilize the successes of other jurisdictions when developing encampment response strategies.
- City should align encampment response with existing City strategies regarding homelessness and poverty reduction.
- Frustration with a perceived lack of accountability and/or action on homelessness and housing-related issues.

The following are themes identified by people living, or having recently lived in encampments via the July 25 to 29, 2022 engagement:

- People living in encampments experience difficulty maintaining and acquiring housing, notably due to affordability issues, insufficient income, and discrimination.
- Negative impacts of Parks By-law on physical and mental health of people living in encampments, as well as on their ability to attend appointments in community.
- Access to necessary resources to address basic needs is more difficult for unsheltered people when living in encampment, particularly under the context of the existing by-law that requires ongoing movement.
- Barriers to accessing emergency shelter exist that limit unsheltered people with pets, in a couple, or use substances and have harm reduction needs.
- A frustration with the current approach to encampments exists, leading to a belief that the struggles of living unsheltered were not understood.
- No clear consensus on what approach to replace current bylaw with. Irrespective of the approach, there was a preference for services to be easily accessible and a need for a consistent space to stay in.

More detailed information regarding 'What we Heard' is available in Appendix "A" to Report HSC23009.

## Recommendations

City staff from the Encampment Coordination Team compiled, reviewed, and analysed data from each consultation and organized the data into themes and recommendations that highlighted the breadth of information shared by both stakeholders and people living in encampments.

On September 20, 2022, a follow-up session was conducted virtually with stakeholders to review the findings of the consultations and ensure the voice of the community was accurately represented in the recommendations. Stakeholders were also offered an opportunity to share written feedback via a questionnaire.

Feedback from the virtual follow-up session and written feedback from the questionnaire was used to finalize recommendations. Additional stakeholders who were unable to

attend the initial virtual facilitated session nor the follow-up session reached out individually to discuss encampment response and provide feedback on the draft recommendations.

There were several systemic issues affecting housing and homelessness raised within the consultations, relating to available housing stock, affordability, intergovernmental approaches to change, and advocacy. While all of these are vital to addressing homelessness, many suggestions required several levers of action and immediate benefits may not be experienced by people living in encampments. Due to the urgency of response required, and because other teams within Housing Services Division are better positioned and already prioritizing a systemic response to housing and homelessness, these items were deemed to be out of scope for the Encampment Coordination Team.

The following recommendations emerged as solutions to address comprehensive, human-rights based, health-focused housing solutions to directly address the needs of residents living encamped in Hamilton. Each recommendation is directly attributable to the concerns and solutions shared by stakeholders and people living in encampments. The City has been engaged in encampment response efforts for several years, and the experiences and expertise of staff have also been taken into account in the development of these recommendations.

1. Expand and improve coordination of supports for mental health and substance use.
2. Expand the use of harm reduction approaches in emergency shelters, drop-ins, and outreach supports.
3. Address barriers to accessing emergency shelter (e.g. people with pets, couples).
4. Explore new approaches to encampment response, utilizing best practices and successes in other jurisdictions.
5. Engage with Indigenous partners to identify encampment-related interventions that are culturally appropriate and rooted in the spirit and actions of reconciliation.
6. Improve coordination and collaboration of encampment response teams to more efficiently address needs of people living in encampments.

A detailed set of encampment response action items (attached in Appendix "B" to Report HSC23009) were developed using feedback from community stakeholders including people with lived experience, and informed by best practices identified by experts and successful approaches used in other communities. The encampment response action items are integrated into HSD's encampment response program. HSD is committed to reporting back on its progress, and HSD staff will continue their efforts toward providing a coordinated, person-centered response to encampments.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report HSC23009: What We Heard: Detailed Feedback

Appendix "B" to Report HSC23009: Encampment Response Action Items

# CITY OF HAMILTON

## MOTION

General Issues Committee: February 1, 2023

MOVED BY COUNCILLOR E. PAULS.....

SECONDED BY COUNCILLOR .....

**Amendment to Appendix “A” of Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021 - REVISED**

That Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021, be **amended** to read as follows:

#### **4.1 Mandatory COVID-19 Vaccination Verification Policy (HUR21008) (City Wide)**

- (a) That Council approve the recommendation that the City implement the Mandatory COVID-19 Vaccination Verification Policy, attached hereto as Appendix “A”, **as further amended**, requiring proof of vaccination in the workplace, including a comprehensive testing, education and communication plan for unvaccinated staff:
  - (i) That Appendix “A”, as amended, to Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy (HR-66-21), be **amended**, as follows:
    - (a) That paragraphs one and two of the Scope section of Appendix “A”, as amended, be **further amended** by deleting the words “of the City of Hamilton, including full-time, part-time, permanent, temporary, casual, volunteers; and students, and including Members of Council”; and by adding the words “**at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre**”, to read as follows:

#### **SCOPE**

This policy applies to all employees of the City of Hamilton, including full-time, part-time, permanent, temporary, casual, volunteers; and students, and including Members of Council **at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre.**

New Employees **at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre** will be subject to this policy as a condition of their employment contract with the City of Hamilton. It requires Employees to be fully vaccinated against the COVID-19 virus and requires Employees to provide proof of vaccination satisfactory to the employer.

- (b) That the Operational Areas Subject to Differential Terms and Conditions Requirements for New Employees section of Appendix “A”, as amended, be **further amended** by deleting bullet points 5 and 6, in their entirety, as follows:

#### **Operational Areas Subject to Differential Terms and Conditions Requirements for New Employees**

- ~~**fully vaccinated or provide proof of valid exemption satisfactory to the employer prior to their start date. By signing the conditional offer letter, they acknowledge and agree to comply with any future vaccine policy requirements as an ongoing condition of employment at the City of Hamilton.**~~
- ~~**All Members of Council are required to be fully vaccinated against COVID-19, unless subject to an approved exemption. Failure to comply will result in a condition of employment, new hires are required to provide proof that they are complaint to the Integrity Commissioner.**~~

- (c) That the Requirements for Members of Council Additional Provisions section of Appendix “A”, as amended, be **further amended** by adding the following words “**That for the**” and “**at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre who are still**” to the following bullet point, to read as follows:

#### **Requirements for Members of Council Additional Provisions**

1. Providing Proof of COVID-19 Vaccination Status
  - **That for the** employees **at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre** who are still required to provide proof of their vaccination series approved by Health Canada and recommended by Ontario Ministry of Health by providing one of the following:

- (d) That the Requirements for Members of Council Additional Provisions section of Appendix “A”, as amended, be **further amended** by deleting the words “and Members of Council” from the following bullet points:



## Requirements for Members of Council Additional Provisions

### 2. Providing Proof of An Approved Exemption

- The City will comply with its human rights obligations and accommodate Employees **and ~~Members of Council~~** who are legally entitled to accommodation.
- Employees **~~and Members of Council~~** are required to provide proof of their medical exemption by providing one of the following:

- (e) That the Compliance section of Appendix “A”, as amended, be **further amended**, by deleting the words “Non-compliance with the Policy by Members of Council will result in a complaint to the Integrity Commissioner”, as follows:

#### COMPLIANCE

**~~Non-compliance with the Policy by Members of Council will result in a complaint to the Integrity Commissioner.~~**

- (b) That the Mandatory COVID-19 Vaccination Verification Policy applies to all **City employees at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre**; and,
- (c) That Appendix “B” to Report HUR21008, remain confidential and not be released publicly.

# CITY OF HAMILTON

## MOTION

**General Issues Committee: February 1, 2023**

**MOVED BY COUNCILLOR J.P DANKO.....**

**SECONDED BY COUNCILLOR.....**

### **Urban Boundary Expansion and Greenbelt Plan**

WHEREAS, on June 8, 2022, City Council adopted Urban Official Plan Amendment 167 and Rural Official Plan Amendment 34 to implement Councils preferred growth scenario of “no urban boundary expansion” as Hamilton’s strategy to accommodate future growth to 2051;

WHEREAS, Hamilton City Council’s decision on the preferred growth scenario was made in December 2021 after an extensive process of analysis and community consultation through the GRIDS2/Municipal Comprehensive Review project;

WHEREAS, on November 4, 2022 the City of Hamilton received a decision from the Minister of Municipal Affairs and Housing on Official Plan Amendment (OPA) 167 to the Urban Hamilton Official Plan and OPA 34 to the Rural Hamilton Official Plan (GRIDS 2 / MCR);

WHEREAS, the Minister’s decision unilaterally expanded the City’s urban boundary by 2,200 hectares including all future developable land in the City of Hamilton (Twenty Road West, Twenty Road East, Elfrida and White Church lands);

WHEREAS, on December 16, 2022 the City of Hamilton received a decision from the Minister of Municipal Affairs and Housing on proposed changes to the Greenbelt Plan and to the Greenbelt Area Boundary Regulation;

WHEREAS, the Minister’s decision unilaterally removed 795 hectares of land from Greenbelt Plan in Hamilton for the purpose of residential development;

WHEREAS, the City of Hamilton is committed to reducing the cost of housing, and building more homes that are attainable for our growing population;

WHEREAS, the City of Hamilton understands that prime agricultural areas are finite and non-renewable and form the foundation of local food production, agri-food exports and make a significant contribution to Hamilton's jobs and economic prosperity;

WHEREAS, the City of Hamilton has declared a Climate Emergency and adopted a Climate Change Action Strategy, and unchecked urban sprawl will exacerbate the climate crisis;

WHEREAS, the City of Hamilton is moving forward with several initiatives to preserve agricultural land and support higher rates of infill and intensification including permitting secondary dwelling units city-wide, permitting the conversion of existing low density residential properties City wide into higher density forms of housing, updating the City's zoning by-laws to permit additional density within the existing urban area, a review of parking standards, and new planning policies to support higher density development at Major Transit Station Areas;

WHEREAS, Hamilton already has lands designated and in many cases approved to accommodate approximately 37,000 units of new development, , which is approximately 10.5 years of housing supply, not including abundant opportunities for infill and intensification; and,

WHEREAS, on October 14th, 2022 the City of Hamilton released an updated analysis of Hamilton's 2006 Growth Plan Land Needs Assessment (LNA) for growth to 2031 using actual 2021 Census information showing that actual development densities have been higher than were projected in 2006, resulting in a surplus of 329 hectares of land to 2031.

THEREFORE, BE IT RESOLVED:

- (a) That the Minister's decision to expand Hamilton's urban boundary to include 2,200 hectares of agricultural, rural and natural heritage lands for residential development is unnecessary and is not supported by the City of Hamilton; and,
- (b) That the Minister's decision to remove 795 hectares of land from the Greenbelt Plan is unnecessary and is not supported by the City of Hamilton.

# CITY OF HAMILTON

## MOTION

General Issues Committee: February 1, 2023

**MOVED BY COUNCILLOR B. ....**

**SECONDED BY COUNCILLOR .....**

**City of Hamilton Property Tax Bill Increases Due to Ontario Legislative Changes**

That staff be directed to explore methods and resources in order to include language in City of Hamilton property tax bills that would indicate any increase in property taxes due to Ontario legislative changes and report back to the General Issues Committee.