



City of Hamilton

CITY COUNCIL ADDENDUM

Wednesday, February 8, 2023, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

5. COMMUNICATIONS

5.2 Correspondence respecting making our waterfalls more accessible instead of blocking them off:

*g. Doug MacBean

Recommendation: Be received.

5.12 Correspondence from Kim Zivanovich respecting the City's vaccination policy.

*a. Additional Information from Kim Zivanovich

Recommendation: Be received and referred to the consideration of Item 2 of the General Issues Committee Report 23-006

5.13 Lakewood Beach Community Council respecting Procedural Clarification for 310 Frances Avenue.

*a. Additional Information from Lakewood Beach Community Council

Recommendation: Be received and referred to the consideration of Item 11.3

***5.18 Correspondence respecting Restructuring of the Board of Health:**

- *a. Claire Bodkin, MD**
- *b. Dr. Anjali Menezes**
- *c. Dr. Kassia Johnson**
- *d. Ruth Rodney, RN**
- *e. Stacey Marjerrison, MD**
- *f. Natasha Johnson, MD**

Recommendation: Be received and referred to the consideration of Item 7.1

***5.19 Correspondence from Mark Harrington respecting Permit Parking on west side of East 18th Street between Concession and Mountville Avenue, opposite G.L. Armstrong School.**

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

***5.20 Correspondence from the Ministry of Health in response to the Mayor's letter respecting the feasibility of including members of the public on Hamilton's Board of Health.**

Recommendation: Be received and referred to the consideration of Item 7.1

***5.21 Correspondence from Robert Cooper respecting the Unvaccinated Hiring Freeze.**

Recommendation: Be received and referred to the consideration of Item 2 of the General Issue Committee Report 23-006.

8. NOTICES OF MOTIONS

***8.1 Amendment to Item 5 of the Emergency and Community Services Committee Report 21-013, respecting Adaptation and Transformation of Services for**

People Experiencing Homelessness Update 4 (HSC20020(d)), which was approved by Council on December 15, 2021.

11. PRIVATE AND CONFIDENTIAL

*11.3 Correspondence from Lakewood Beach Community Council respecting Procedural Clarification for OLT Appeal OLT-22-001995, 310 Frances Avenue (LS23014) (Ward 10)

Pursuant to Section 9.1, 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 municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Pilon, Janet

Subject: Our waterfalls

From: Doug MacBean

Sent: February 6, 2023 6:01 PM

To: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Ward 1 Office <ward1@hamilton.ca>; Ward 2 <ward2@hamilton.ca>; Office of Ward 3 City Councillor Nrinder Nann <ward3@hamilton.ca>; Ward 4 <ward4@hamilton.ca>; Francis, Matt <Matt.Francis@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Beattie, Jeff <Jeff.Beattie@hamilton.ca>; Tadeson, Mark <Mark.Tadeson@hamilton.ca>; Cassar, Craig <Craig.Cassar@hamilton.ca>; Ward 13 <ward13@hamilton.ca>; Spadafora, Mike <Mike.Spadafora@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>

Subject: Our waterfalls

To Andrea Horwath, and councillors,

Hamilton is blessed to have over 100 waterfalls, but the bylaw enforcement of popular falls is holding them back from the potential they have.

The previous council approved this pilot in 2021, which continued into 2022. It's expected you will debate whether it'll be permanent beyond 2023.

While parking enforcement should continue, visitors should be able to access the bottom of the falls, particularly Albion and Smokey Hollow, without worrying about a \$75 trespassing ticket.

Current bylaws prohibiting access aren't effective, as people regularly ignore the signs and go off trail anyway. A google search of Albion, Chedoke, etc.. will give you tons of pictures down there.

At the same time this punishes responsible hikers who previously hiked down with no issues, but can't anymore due to the new rules. This petition with 2590 signatures also wants access to be improved: <https://change.org/dontblockthefalls>

The base provides the best views, views the viewing platforms simply don't have. If the viewing platforms had the best views, you wouldn't have people constantly going off-trail.

Global News found the enforcement last year costing \$360,000. This money shouldn't be spent on guards patrolling the waterfall, and should instead fund programs that allow viewers to safely access the falls' base.

A guided/self guided tour to the bottom every couple of weeks would allow viewers to legally access the bottom, and is cheaper than building infrastructure like stairs. It could be done on days where there's no flash flood chance, and only done in the summer/fall months.

Visitors could pay \$5-10 to be part of the tour group, and sign a waiver to protect the city's liability. That is much better than a \$75 ticket.

This could be first piloted where Albion falls' base is open to the tour, and if the program is successful, expand it to other off-limits falls like Chedoke, or even Tews/Websters if the HCA is on board.

The program can ensure visitors have the right equipment to hike these areas, as well as hazards to look out for. With proper education and programs, these areas can be safely hiked.

Covid taught us to embrace our natural areas, as they're essential for one's mental health and wellbeing. For some, it's as simple as hearing the falls up close and feeling the mist of the water.

If the enforcement program remains unchanged, expect the same result where people keep ignoring signage, and bylaw struggling to keep them out. This will get worse over time, as the GTA/Hamilton area keeps growing and blogs further advertise these locations.

I appreciate you taking the time to hear my concerns. With the right ideas, we can safely improve the access of our waterfalls, and make Hamilton a more liveable city.

Doug MacBean
Hamilton Ontario

5.12 (a)

Vaccine Efficacy & Comments Made By Ward 2 Councillor Wilson

This email was sent to the Mayor and all Councillors on Monday Februaryth, 2023 @ 9.56 am and is an addendum to be received and referred to the consideration of Item 2 of the General Issues Committee Report 23-006.

I finally got around to watching the video of the meeting and have this to say for public record and to Council:

Councillor Wilson: Regarding my misinformation/disinformation of vaccines not preventing death/illness. I agree that the vaccines do prevent illness and death and for some people they are necessary (i.e. those people with comorbidities and poor health, the aged, the immune compromised) I already apologized that my wording led to this misunderstanding. (And I sincerely regret, that when given the opportunity by Counsellor Tadeson I did not challenge his disagreement with some of my statements, and clarified with what I meant.) I made a mistake and should have focused on infection and transmission.

However, if you are being sincere and to my point, people who are fully vaccinated and boosted are still getting seriously ill and dying. Do you think that there are other factors, as already stated? That was my point. Knowing that the vaccines do not stop infection or illness why should a young healthy person risk an adverse event when they are not at any health risk of severe illness. Have you read "The Great Barrington Declaration"?

<https://gbdeclaration.org/>

I agree with you that the most vulnerable in our community (e.g. those living in poverty, the aged, the malnourished in our nursing homes, those that can't afford vitamin supplements, etc.) are at higher risk of severe outcomes. My intent was not to underplay this and again my apologies.

However, I found it disgraceful and appalling that you would use this to bring up race. In my opinion, Councillor, you do not belong on any Public Health committee, given how you used the opportunity to play the race card and particularly how that was directed to Councillor Kroetsch. I guess that is politics.

Covid19 Vaccine Policy....Clarification & Follow Up

This email was sent to the Mayor and all Counsellors on Wednesday February 1st, 2023 @ 3:37 pm and is an addendum to be received and referred to the consideration of Item 2 of the General Issues Committee Report 23-006.

I would like to make one thing perfectly clear; if a co--op student or others has to take the vaccine to get a co-op term or employment, and god forgive, ends up with my myocarditis, pericarditis, Guillain-Barre syndrome, or death their blood will be on yours and the city's hands.

There were councillors suggesting that I made false claims. Perhaps that was in reference to "Vaccines Do Not Stop Transmission, Infection, Illness or Death". That statement is not false if given the right context, which is that there is **no guarantee** that they do. I have provided you enough references to show that nothing that I said today was false. There is excellent analysis on the risk/benefit of the vaccine. Take the time to read it or watch, or dialogue with me so you can tell me what falsehoods I made.

To the councillor that was taken back to my reference to Circa Alabama 1960's, I made that statement not as a racist remark, but to point out and emphasize that your policy is discriminatory. Unfortunately, in my opinion sir, you can not distinguish discrimination unless it is race, creed, or gender. Suggest you rethink that, in the contexts that I used.

I have attached the references that I sent to the city clerk as well as what I intended to say but ran out of time. I strongly urge you to review them to understand that the "science" has changed. If you are waiting to get direction from our Public Health...they are lagging, and I suggest this information be reviewed at your Public Health Committee. Many countries have advanced far more than Canada.

I hope that you take enough interest in this material as you did with the proposed Enbridge pipeline. As well please make copies of the training "Play To Win" and share with yourselves and family.

I would like this email to be put on public record and request my councillor, Craig Cessar, put this forward at your next meeting. If he is unwilling then I hope someone who understands what I have said will do so.

Kind regards,
Kim N. Zivanovich

Vaccine Hiring Policy: The Original Intent

This email was sent to the Mayor and all Councillors on Sunday February 5th, 2023 @ 9.56 am and is an addendum to be received and referred to the consideration of Item 2 of the General Issues Committee Report 23-006.

I am sending this to ask you to reconsider why you voted to maintain the policy. My sincere apologies for confusing the issue by discussing vaccine efficacy in regards to infection and death. That was not my intent. My intent was to eliminate polarization, unfortunately I believe I contributed to it.

The original policy's intent was to stop infection and transmission. We now know the vaccine does not do this, and Dr. Richardson concurs there is minimum efficacy for stopping transmission and infection. In fact Pfizers' original study did not even test for this.

Madam mayor you say that perhaps this policy will be brought up for future debate and consideration. Respectively, we know the policy is moot. Deal with it now, do not ratify and show Hamiltonians you are willing to change, reconcile and lead.

Your HR representative stated that 79% of Hamiltonians are vaccinated leaving 21 unvaccinated. This is a large portion of our population. Is it right to exclude those people? Is it inclusive? Does it matter what other authorities may think? What matters is reconciliation and healing.

I respectfully ask each one of you to reconsider ratifying the current vote and reconsider your position. Again, my apologies for creating misunderstandings and polarization.

Sincerely and Respectively
Kim Zivanovich

Pilon, Janet

Subject: ADDENDUM - OLT Appeals - Procedural Clarification on Delegated Authority - Item 5.3 Feb 8 Council Agenda

From: Lakewood Beach Community Council

Sent: February 5, 2023 11:13 AM

To: DL - Council Only <dlcouncilonly@hamilton.ca>; clerk@hamilton.ca

Subject: ADDENDUM - OLT Appeals - Procedural Clarification on Delegated Authority - Item 5.3 Feb 8 Council Agenda

Honourable Mayor Horwath and City Council,

Since penning the Jan 30th correspondence, we believe we have found additional information you might find helpful and which partially answers our initial questions. It appears:

(a) there is no process in place on whether or not Council approves settlement agreements prior to them being presented to the OLT for decision; and

(b) there is also no Direction from Council for Staff to engage in dispute resolution discussions on perhaps all appeals presently at the OLT.

We have gone back through 2022 Planning Committee and Council Agendas and although we haven't found an in-camera reference in our specific case, we have found many publicly released in-camera Directions to Staff on other appeals in the City. (*which by the way Kudos on the enhanced transparency*)

The wording has been consistent during 2022 to present day, such that in cases when Council has decided to oppose (deny applications eg: 186 Hunter, 522 Winona Road, & a handful of other), the Directions to Staff have not included dispute resolution options (mediation/settlement). The wording has been:

1. oppose the appeal to the OLT
2. that the OLT be provided the reasons for Council's opposition
3. that Staff are authorized to retain outside professionals to successfully defend the City's position before the OLT

It is obvious to us, that the wording above is such that Council has only been directing Staff to proceed to a full hearing; and that there is no direction to update Council on the proceedings and/or seek approval for any alternative options. Both of those omissions in a Council approved Staff Direction are problematic, in our respectful opinion.

This email has removed any reference to our specific matter since our updated request is for Council to consider formulating a clear and transparent procedural by-law for all OLT appeals on a go-forward basis.

To help, we are attaching Collingwood's procedures which you may wish to consider using as a guide; or simply duplicate since it is very clear and very well-written and could save resources.

With respect,

Lakewood Beach Community Council



STAFF REPORT P2022-01

Strategic Initiatives Committee 1/10/2022

Amendments: No

Submitted to: Strategic Initiatives Committee
Submitted by: Summer Valentine, Director of Planning, Building and Economic Development
Subject: Ontario Land Tribunal (OLT) Appeals Process

PURPOSE

The purpose of this report is to update Council on the volume, status and resources being directed to outstanding Ontario Land Tribunal (OLT) appeals and to clarify the process to be followed when new appeals are submitted.

RECOMMENDATION

THAT Report P2022-01 "Ontario Land Tribunal (OLT) Appeals Process" dated January 10, 2021 be received;

AND FURTHER THAT the general process outlined in Report P2022-01 be followed when new major OLT appeals are received related to applications under the *Planning Act* and *Ontario Heritage Act* for which the Town is the approval authority;

AND FURTHER THAT staff continue to monitor the resources allocated to OLT matters and report back to Council on budget and workload implications, including the ability of staff to deliver on legislated development review and approvals functions and priority projects identified in the Town's approved Community Based Strategic Plan and budget plan.

1. BACKGROUND

The Province of Ontario maintains an appeal system through provisions of the *Planning Act* and *Ontario Land Tribunal Act* that is unique within Canada in its function and characteristics. Most applications under the *Planning Act* include a legal right to file appeals to the Ontario Land Tribunal (OLT) to either a decision of the approval authority or lack of a decision within specified time frames. When an application is appealed to the OLT the entire process is taken out of the

hands of local elected officials and placed in the hands of a provincially-appointed Tribunal, usually represented by a single presiding member. The OLT also addresses appeals under the *Ontario Heritage Act*.

The OLT is a quasi-judicial forum, where lawyers typically represent interested parties. The OLT has its own legislated processes and terminology (see Resource 1). Planning staff and other subject matter experts may prepare witness statements, be subpoenaed, participate in hearing events or mediation, provide oral testimony before the Tribunal, and are often cross-examined by lawyers as cases are made before the appointed Tribunal member. For a variety of reasons, appellants, applicants and/or municipalities periodically pursue settlements, thereby avoiding what often are expensive hearings, with uncertain outcomes. A two-week hearing, for instance, can cost a municipality more than \$100,000 to prepare for and participate in the event.

Traditionally, Council direction on matters under appeal is provided in camera (or closed session) meetings, which is the appropriate forum under the *Municipal Act* to discuss matters before administrative tribunals or that involve advice subject to solicitor-client privilege. Town-led public consultation is not a requirement for applications under appeal but has occurred at the direction of Council in concert with the advice of the Town Solicitor. However, there has not necessarily been consistency in the process to follow when an OLT appeal is received because appeals were rare. Today, they are becoming more common.

In the past, the Town averaged approximately two (2) major appeals of development proposals to the OLT annually. However, the table below demonstrates that there are currently seven (7) major appeals ongoing with Town involvement (see Appendix A). Staff would note that “major” appeals would typically exclude appeals associated with Committee of Adjustment decisions. Potential explanations for this rise in litigation may include:

- the shortening of the legislative *Planning Act* timeframes within which approval authorities must issue decisions as enacted by the Province;
- limited staff resources available at approval authorities and commenting agencies;
- a more engaged public particularly during the pandemic and with the advent of virtual meetings;
- an evolving policy and regulatory landscape with a stronger focus on achieving community benefits; and
- a general increase in complexity of development applications, with the easier to develop lands within a municipality being already built upon.

2. INPUT FROM OTHER SOURCES

The Town Solicitor, CAO, Treasurer, and Clerk were consulted in the preparation of this report and the content reflects their feedback.

3. APPLICABLE POLICY OR LEGISLATION

Municipal Act, 2001, S.O. 2001, c.25

Planning Act, R.S.O. 1990, c. P. 13

Ontario Heritage Act, R.S.O. 1990, c. O.18

Ontario Land Tribunal Act, 2021, S.O. 2021, c.4, Sched. 6

Ontario Land Tribunal Rules of Practice and Procedure, 2021

Procedural By-law No. 2019-075, as amended

8. ACTIONS & PROCEEDINGS

8.1 Town's Solicitor

The Town's Solicitor is authorized to commence or to defend any proceeding, appeal, or other form of action in a court or before an administrative tribunal to meet statutory or regulatory time limits and to seek costs where appropriate in accordance with the rules of the court or administrative tribunal.

8.2 Report to Council

The Town's Solicitor shall report to Council at the first available opportunity on any such action taken, and Council shall determine whether the matter should be continued or discontinued.

This report aligns with Section 8.1 of the Procedural By-Law in recognizing that the initial response to an OLT appeal requires upfront and immediate action by the Town Solicitor and staff in order to meet legislative timelines and reporting to Council in advance is not typically possible. However, Section 8.2 of the By-law indicates that a report to Council should be provided at the first available opportunity to seek direction on proceeding with the matter. The balance of this report recommends a more detailed process regarding such reporting and ongoing updates throughout any major OLT appeal. Staff would suggest that further amendments to the Procedural By-law are not warranted, nor desirable at this time. Flexibility should remain for Council to update and refine the below outlined process without the need to amend the By-law.

4. ANALYSIS

Proposed OLT Process

Given the steep rise in OLT appeals and the likely continuation of that trend, it is desirable to establish a process to ensure a consistent and predictable system, with defined roles and responsibilities. Because of the litigious nature of the appeal system in Ontario, where opposing parties mount legal cases to support their objectives, establishing legal positions on behalf of the Town in consultation with the Town Solicitor is an essential component in dealing with matters under appeal. Further, costs associated with OLT appeals can be extensive and Council may not wish to participate in every case. It is therefore recommended that the following general process be undertaken when an appeal is received:

1. Notice of Appeal Received

As noted in Section 3 of this report, when an appeal is received there are immediate legislative steps that need to be undertaken within 15 days after the last day for filing an appeal with the municipality, including compiling and submitting the record and notice of appeal to the OLT. The Town's Procedural By-law recognizes that detailed reporting to Council in advance of these initial steps is not usually possible. However, Council should be notified that an appeal has been received, the file(s) to which the appeal pertains, and the property location. Notice of receipt of OLT appeals would be provided to Council through regular open session departmental updates. In accordance with the Procedural By-law, the next step, consisting of a closed session report to Council, would be undertaken at the first available opportunity. Council should be aware that the discussion about appeals in open session would be limited to process and general information (e.g. address, file number, status of file, etc.).

2. Initial Staff Report

An initial report would be prepared and provided by staff to Council in camera and in consultation with the Town's Solicitor to:

- Summarize the application(s) under appeal, including any pertinent context and background;
- Describe the extent of development review and public consultation activities undertaken and identify any potential issues;
- Provide a staff planning opinion or indicate additional information or updated documentation needed to formulate a planning opinion;
- Indicate what type of expert witnesses would be involved in the appeal, including consultants, and identify potential parties or participants who may have an interest in the matter, including any objections to specific parties/participants being provided status by the OLT;
- Estimate the cost of participating in the appeal, including identifying staff, legal and consulting resources required and the possible impact on the ability of staff to deliver on legislated development review and approvals functions and priority projects identified in the Town's approved Community Based Strategic Plan;
- Receive direction on whether Council wishes to participate in the appeal and/or provide a position on the appeal to the OLT;
- Recommend any public engagement through either non-statutory meetings or public reports;
- Clarify what information can be shared with the public in appropriate forums and what should be kept confidential; and
- Generally discuss options such as mediation, settlement, or full hearing based on the information available.

Active staff work on applications under appeal would generally be deferred until direction is sought from Council in camera, including work on related applications that are not under appeal. Further, it should be stressed that in an appeal scenario, planning staff are in an expert witness role. Should Council's opinion of the matter differ from staff's, Council cannot direct staff or consultants to change their opinion or to represent Council's position to the OLT. However, Council may hire an expert witness(es) to support their position on the application(s). Unless a conflict was identified, the Town Solicitor would continue to represent Council and may cross examine staff who are subpoenaed to provide expert testimony.

3. Implement Direction of Council

Pending the direction received in step two, the Town Solicitor would either inform the OLT of the Town's withdrawal from any further participation in the appeal or the intent to be a party to the appeal. If participating in the appeal, staff and the Town Solicitor would then undertake the actions necessary to protect the Town's interests including attending hearing events, preparing issues lists and witness statements, meeting with stakeholders on a without prejudice basis, complying with orders, and undertaking public engagement (if appropriate). Should Council elect not to participate in an appeal, a notice of the OLT's decision would be requested but no further action would occur on the file(s) unless staff were subpoenaed as expert witnesses.

4. Provide Periodic Updates

OLT appeals can last months or years. There may be a number of key events, such as case management conferences, mediation sessions, settlement discussions, meetings of expert witnesses, hearings, etc. Staff, in consultation with the Town Solicitor, will provide regular verbal or written updates to Council in camera as needed to ensure that Council remains apprised of the progress of site-specific cases. These updates would also offer the opportunity for Council to provide further direction, change direction, or communicate an updated position to the OLT. While efforts will be made to align OLT updates with other quarterly reporting (i.e. budget, operational and strategic plan updates), there may be situations where time sensitive matters would need to be addressed outside of that cycle.

At minimum, Council should also be provided with an annual update regarding the number, type, and status of ongoing OLT appeals as well as resources allocated to OLT matters, including budget and workload implications impacting the ability of staff to deliver on legislated development review and approvals functions and priority projects identified in the Town's approved Community Based Strategic Plan and budget plan.

5. Seek Endorsement of Settlements

As noted earlier in this report, when a matter is appealed to the OLT, the decision-making authority of Council ceases. Unless an appeal is withdrawn, it is the OLT who will render a decision, including in the case of a settlement. There are no longer any legislative mechanisms to return matters to municipal Councils for decisions, even where an appeal occurred before a decision was made by the municipality. With the exception of minor technical or typographical errors, decisions of the OLT may only be reviewed under very limited circumstances comprising of acting outside of its jurisdiction, violating the rules of natural justice, making an error in law or substantial error in fact, false evidence, or new evidence becoming available. Due to the limited ability to revisit OLT decisions and that they are often in the hands of a single unelected individual with limited familiarity of the local context, it may be desirable to seek a settlement, agreed upon by all or some parties, to allow for a baseline certainty that Town interests will be appropriately addressed.

Through settlement negotiations, the Town Solicitor will make every effort to involve all parties and ultimately seek solutions that are acceptable to all parties involved, where possible. Any settlement proposed as supportable by the Town Solicitor and staff must be endorsed by Council and would be presented in camera, being clear if there remain parties who object to the settlement. If Council wishes to proceed with a settlement, staff and/or the Town Solicitor would take the necessary steps to execute the required documentation for submission to the OLT. The OLT would conduct a settlement hearing and the decision on whether the settlement represents good planning remains with the OLT. Any party that does not agree with the proposed settlement would continue to have an opportunity to present their arguments to the OLT.

6. Final Reporting

At the conclusion of any appeal where direction from Council was provided to actively participate, a final update would be provided, summarizing the decision and orders of the OLT, along with any activities or next steps required to be undertaken by the Town to implement the outcome. Such reporting may include recommendations for policy or regulatory amendments or improvements that were brought to light during the appeal

process, in order to protect the public interest or advance the community's vision. The advice of the Town Solicitor would be sought to determine if the final case summary could be presented in open session and may take the form of a written staff report or verbal update.

Further refinement to the above process is anticipated after an initial implementation period. Appeals can be varied and complex and unforeseen circumstances may arise that merit deviation from the approved general process, require additional steps, or necessitate further clarification. In particular, the *Planning Act* allows for alternative dispute resolution techniques to be employed in advance of the submission of a record of appeal to the OLT. However, the legislative timelines for such a system require quick action that usually cannot be accommodated within committee/council cycles and can typically only be accomplished by delegation of responsibility to staff. Further, Council may also wish to consider mechanisms to reduce appeals of non-decisions, such as requesting that all applications nearing the end of legislative timelines be brought forward by staff for a decision before the expiry of the time frame. Lastly, Council may consider it appropriate to update the Town's Procedural By-law to prohibit public delegations on any application where the Town is the approval authority and where a statutory public meeting has already been held. This is common practice in many municipalities to ensure a fair and transparent process where certain groups or individuals, including the applicant, are not able to access additional opportunities to address Council that were not made equally available to all stakeholders.

Despite the possible improvements noted above, staff would recommend that the baseline process be put in place and tested for a period of at least six (6) months before further considerations are included.

5. EFFECT ON TOWN FINANCES

In recognition of the increasing number and therefore costs of OLT appeals and to align with 2020 and 2021 actual expenditures, the draft 2022 Planning Division Budget allocated an additional \$77,000 to cover anticipated OLT legal expenditures alone. The 2021 Budget allocated to OLT legal costs was \$23,000 and expenditures to date exceed \$82,000. The total budget requested in 2022 is \$100,000. If staff time and consulting costs were included, the resources being directed to OLT matters would be far more significant. Further, the cost estimates to date anticipate that most appeals could be resolved without the need for a full hearing and two new appeals were received in late 2021 that were not accounted for in the 2022 budget process.

Should any one of the ongoing appeals proceed to the full hearing stage, likely significant additional budget would be required as noted earlier in this report (i.e. costs for a two-week hearing could exceed \$100,000). Should that circumstance or any other arise where additional budget is needed, a report to Council would be brought forward requesting the funds and exploring options for financing the variance. In the general process recommended above, costs and resource needs for each new OLT appeal would be estimated and any required budget variance would be addressed as needed.

6. CONSIDERATIONS

Community Based Strategic Plan:	<input type="checkbox"/> N/A or <input checked="" type="checkbox"/> Explain: Consistent with CBSP
Climate Change / Sustainability:	<input checked="" type="checkbox"/> N/A or <input type="checkbox"/> Explain: Choose an item.
Accessibility:	<input checked="" type="checkbox"/> N/A or <input type="checkbox"/> Explain: Choose an item.
Communication / Engagement:	<input checked="" type="checkbox"/> N/A or <input type="checkbox"/> Explain: Choose an item.

Accountability / Transparency: N/A or Explain: Enhances Accountability and Transparency

7. APPENDICES & OTHER RESOURCES

Appendix A	Summary of Active Appeals to the Ontario Land Tribunal
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Resource 1	<u>Ontario Land Tribunal Rules of Practice and Procedure, 2021</u>
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SIGNATURES

Prepared by:	
<i>Summer Valentine, Director of Planning, Building and Economic Development</i>	
Town of Collingwood	

Appendix A

Summary of Active OLT Appeals of Planning Act Applications

File number(s)	File Name	Property Address	Appeal Type	Steps Completed	Next Step(s)	Continue into 2022
D14211 Proposed Zoning By-law Amendment D1201111 Proposed Plan of Subdivision Tribunal Case # PL190515	Huntingwood Trails (Collingwood) Ltd.	5 Silver Creek Drive	Non-decision	Several Case Management Conferences Approved Minutes of Settlement (appeal narrowed to west portion of property) Procedural Order issued for hearing	Scoping of issues Five week hearing scheduled beginning Aug. 8, 2022	Yes
D14618 Proposed Zoning By-law Amendment D11918 Proposed Site Plan Approval Tribunal Case # PL200276	Blackmoor Gates GP	Various - 33 Findlay Drive, 22 Campbell Street and 774 Hurontario Street	Non-decision	Partial Settlement Hearing August 3, 2021 Zoning Appeal essentially settled – order being withheld until outcome of ICBL and land use planning policy study process	Site Plan Appeal remains outstanding (hearing not scheduled) Ongoing review of Site Plan submissions	Yes
D14618 Proposed Zoning By-law Amendment D111320 Proposed Site Plan Approval Tribunal Case #	Collingwood Harbour House	31 Huron Street	Non-decision	Record Submitted for Zoning By-law Amendment appeal Case Management Conference held on Nov. 5, 2021 Record being compiled for Site Plan appeal	Two-day hearing Scheduled beginning May 26, 2022	Yes

OLT-21-001181 for Zoning By-law Amendment Tribunal Case # not yet assigned for Site Plan				Possible consolidation of two appeals		
D14818 Proposed Zoning By-law Amendment Tribunal Case # OLT-21-001360	Bridgewater	11644 Highway 26 West	Non- decision	Record submitted	Case Management Conference to be scheduled	Yes
Permit 2021- 00938 Tribunal Case # not yet assigned	12 Fourth Street	12 Fourth Street	Appeal of Council Decision [partial refusal heritage permit]	Record being compiled	Case Management Conference to be scheduled	Yes
CW-OP-0001 Proposed Official Plan Amendment Tribunal Case # PL040510	Consulate Developments (Ontario) Inc. et. al.	11790, 11878 Highway 26 West	Appeal of Council Decision [official plan designation of subject property]	Appeal remains open	Inactive	Inactive, but likely to reactivate in connection with Official Plan Update process

5.18 (a)

February 3 2023

Dear Mayor and City Councillors,

I am writing to express my support for Councillor Kroetsch's motion regarding Restructuring the Board of Health. Please note that my letter today represents only my own views, and not those of any organizations I work for.

I provided a pre-recorded video delegation to the Board of Health on March 22, 2021 (Item 6.4) regarding the need for restructuring of the Board of Health. This letter is to reiterate what I shared there, and to ask City Council to support this crucial transformation of Board of Health governance to better support the health of all Hamiltonians.

I have been privileged to be part of the Board of Directors for the Parkdale Community Health Centre in Toronto, and to currently sit on the core organizing team for the Hamilton Social Medicine Response Team and as a member of the Greater Hamilton Health Network's Health Equity Council. In all 3 of these settings, I've seen how expertise in health equity alongside community representation changes the priorities and decisions at the leadership level and translates to better outcomes for people and communities. It directs resources towards tailored community public health interventions with better uptake from the communities' they are meant to serve, shares power with those most affected by an issue to create more effective solutions, and offers a more transparent and accountable governance structure.

Hamilton Public Health is charged with leading the response to some of the most challenging and important health issues in our city – the year-over-year increase in deaths from the toxic drug supply, the ongoing COVID-19 pandemic and future pandemics, healthy childhood development, environmental health, and so much more. For these responses to meet the needs of all Hamiltonians, the Board of Health must have leadership from not only city councillors, but also experts in health equity, and representation from structurally vulnerable communities. I hope that city councillors realize this is an opportunity to create that legacy – of better, more equitable health outcomes - for generations of Hamiltonians to come; and vote in support of Councillor Kroetsch's motion.

Thank you for considering my submission.

Sincerely,



Claire Bodkin MD CCFP
Ward 4 Resident, Hamilton

5 February 2023

ATTN: HAMILTON CITY COUNCIL

RE: MOTION TO AMEND HAMILTON'S BOARD OF HEALTH – LETTER OF SUPPORT

I offer my staunch support for Councillor Kroetsch's motion to restructure Hamilton's Board of Health to include 6 members of Council, 6 members of community health professionals, and 1 education representative. As Dr. Ameil Joseph, Lyndon George, and Dr Madeleine Verhovsek called for in their open letter dated February 25, 2021, the COVID-19 pandemic highlighted the profound racial health inequities that exist in Canada and this must be addressed through structural changes in leadership and governance.

As a family physician and racialized woman myself, I know far too well the obvious racial disparities in health outcomes for racialized patients, of the anxiety my family members and racialized patients face when entering the health care environment, and mistrust of a system designed by and for white Canadians. As a researcher, my work focuses on racial differentials in attainment, and the appropriate collection and interpretation of race-based data. We know that health care is far from race-neutral. Rather, our political and health structures have been, and continue to be, shaped by our Colonial history.

Addressing structural inequities necessitates structural changes. Hamilton's Board of Health cannot continue to be compromised solely of elected members of council. Health outcomes are the result of complex interactions between our physiology, health system, politics, and socioeconomic statuses. Navigating such complexities should be done with the valuable input of local health experts. Representation matters, and racialization impacts the political attainment and representation of people from racialized and other equity seeking-communities in elected positions. I hope that my City Council would extend their equity-lens in understanding the importance of representation - as improving access to health care and increasing trust in such a system cannot be done without being informed by the lived experiences of our community members.

Sincerely,



Dr. Anjali Menezes

MBBS, MClined, CCFP
Family Physician, McMaster Family Practice
Family Medicine Postgraduate Anti-Racism Advisor, McMaster University
Lead, DARE Group

5.18 (c)

February 5, 2023

To Hamilton City Council,

re: Motion to Restructure Hamilton Board of Health

My name is Dr. Kassia Johnson and I was part of the original group that delegated to City Council in 2021 with a team of concerned citizens and healthcare supporters/providers. At that time, our team discussed that the Hamilton Board of Health needed to better represent the community it was serving such that the issues of racism, sexism, discrimination, inadequate housing, poor working conditions and a lack of protections could be discussed and understood differently. Scientific evidence shows that all of these issues impact health in our community but also that diverse thinking in decision making bodies also leads to better decisions being made. This systemic change will not only lead to better decisions but also better Public Health governance.

The motion that will be put forward by Councillor Kroetsch at February 8, 2023 city council meeting, provides a real opportunity to create a decision making framework from an EDI-lens with accessibility and inclusion principles embedded in the process.

Please receive this letter as a document in support of the motion that will be appearing as 7.1 on the City Council Meeting agenda for February 8, 2023.

Sincerely,

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

Dr. Kassia Johnson, MD, FRCPC (she/her/elle)
Assistant Clinical Professor, McMaster University
Developmental Pediatrics, Ron Joyce Children's Health Centre
Director of Anti-Racism and Inclusion, Dept. of Peds, McMaster University
Senior Medical Director Equity, Diversity, Inclusion – Hamilton Health Sciences
Co-Physician Lead Canadian Paediatric Society Antiracism Initiative



February 6, 2023

FACULTY OF HEALTH

School of Nursing

4700 Keele St.
Toronto ON
Canada M3J 1P3

Tel 416 736-5271
Fax 416 736-5714
nursing@yorku.ca

To: Mayor Horwath
City of Hamilton Council Members
71 Main Street South
Hamilton, ON
L8P 4Y5

Dear: Mayor Horwath and City of Hamilton Council Members

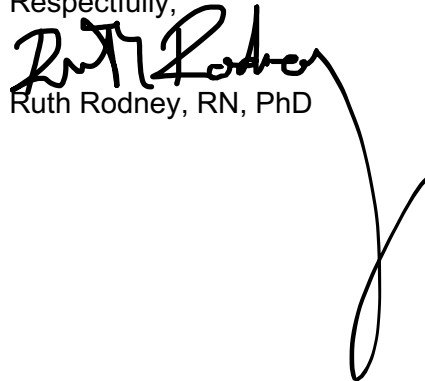
I am writing this letter in **full support** of Councillor Kroetsch's motion to **amend the composition of Hamilton's Board of Health to include community members and health care professionals**. As a registered nurse for almost 20 years, faculty member of York University's School of Nursing, and Hamiltonian, I am acutely aware of the complexities within our social and health systems that perpetuate inequitable access to health care across the city, particularly for low-income, racialized, women and gender-diverse individuals. We (as Hamiltonians) are always in a position to re-examine how and what we do to ensure Hamilton is a city that creates space for everyone to thrive. I believe reforming the Hamilton's Board of Health membership to include community members and health professionals enhances the expertise, lived experience, and diverse voices to better reflect Hamilton's growing population. While council may be faced with many difficult decisions, reforming the Hamilton Board of Health membership should not be one of them. Including health care workers on a Board of Health simply makes sense.

I am enthused that Councillor Kroetsch has recognized the importance of this issue and is bringing it forward once more for council to consider and pass. Prior to our delegation on March 22, 2021, <https://www.youtube.com/watch?v=1rKDIJulrq8&t=5475s>, Dr. Kassia Johnson and I spoke with Councillor Esther Pauls, Ward 7, and past Councillors Jason Farr, Ward 2, and Judi Partridge, Ward 15 to discuss the benefits of restructuring the Board of Health and better understand their hesitations, if any, to the suggested change in membership. We also attempted to discuss this issue with Councillor Tom Jackson, Ward 6, however his office declined. Our discussions with Councillor Pauls, Farr, and Partridge were fruitful and they acknowledged the usefulness of including health care providers on the Board of Health. Including health care workers on the Board of Health provides another measure of accountability as their knowledge and understanding of health issues, language, and terminology can counter what has been described as "*Bored of Health*" meetings. Moreover, my experience of logging on to delegate on March 22, 2021, and hearing defensive comments by some past council members before being alerted that delegates were on the call, including, "*McMaster wants to come and take over our Board*" meant that the motion was never given full consideration. Rather, it was viewed as an opportunity to exercise the power of their office in opposition of community members who brought forward a reasonable and practical improvement to the board of health membership.

Presenting the motion to reform the board of health was and is not about vilifying council members or the medical officer of health as it was originally described in 2021 https://docs.google.com/forms/d/e/1FAIpQLScnXbqNCTJ81cfvUbn_vm9hFpMWTFpCQU6Vq0fSZE9i3AT_7A/viewform?fbclid=IwAR1gG8D-6JKs6FMc1UkhfPb1hfQf1Md3SJ_xGsLVy6J-GW_Z-z1nD48h3uY Rather, it is about improving health outcomes for Hamiltonians by recognizing that municipal public health decisions would benefit from greater engagement of local health care providers and community members. Moreover, municipal health boards that have similar membership models (i.e. City of Ottawa and Toronto) provide clear examples of the possibilities that await the City of Hamilton in better serving its constituency.

In closing, the foundation of great healthcare rests in the ability to practice with humility. This means consistently re-evaluating approaches and practices to care, listening to the needs of communities, and being courageous and willing to do things differently, especially when it means stretching outside of one's comfort zone. I ask that the Mayor and Council Members who, collectively, are in positions of power that impact the health outcomes of Hamiltonians support the motion to change the board of health membership and include community members and health care workers.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ruth Rodney', with a long, sweeping flourish extending downwards and to the right.

Ruth Rodney, RN, PhD





5.18 (e)

Dear members of the City of Hamilton Board of Health,

I am writing to express my support of Councillor Kroetsch's motion to restructure the Board of Health for the City of Hamilton. As a pediatric oncologist at McMaster Children's Hospital and a child health researcher, I have been able to see the impacts of the decisions of the Board of Health on children in our region. It is critical that these decisions are informed by and made in alignment with those of us who spend our days focused on the health and well-being of our community and include voices from equity-deserving groups.

The Boards of Health for Ottawa and Toronto, as examples, have included members of the community and health professions, and have been better able to have specific and community-based responses to some of the most pressing health issues facing their communities. I feel as though Hamilton can and should do the same. While I understand that some members may feel that unelected health professions members may be "unaccountable", please trust me when I say that we spend the majority of our lives accountable to the individual patients in front of us each day. We take our work home, and we are available at all hours. Being able to assist in setting policies that serve the health of these patients more broadly – rather than just providing band-aids for the impacts of poor policies in our clinics – would be incredibly rewarding, and it is an affront to our oath to suggest that we would not continue to be accountable to the health of our communities in this respect as well.

I would be happy to discuss further at any juncture.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey Marjerrison".

Stacey Marjerrison, MD MSc FRCPC

Associate Professor, Department of Pediatrics
Associate Member, Department of Health Research Methods, Evidence & Impact
Ronald Barr Professor in Pediatric Oncology
McMaster University

Pediatric Oncologist and AfterCare Program Medical Director
McMaster Children's Hospital

1200 Main St. W, Hamilton ON, L8N 3Z5
Phone: 905-521-2100 x73622; Fax: 905-521-1703
Email: marjersl@mcmaster.ca



Pediatrics

Natasha Johnson, MD, FAAP, FRCPC
Department of Pediatrics, McMaster University
McMaster Children's Hospital
3A36 Health Sciences Centre, Department of Pediatrics
1280 Main Street West, Hamilton, ON L8S 4K1
T: 905-521-2100 ext. 75658 • F: 905-308-7548 • natjohn@mcmaster.ca



February 7, 2023

5.18 (f)

Attn: Hamilton Board of Health Members

RE: Movement to Restructure the Board of Health to Include Community Members and Health Experts

Dear Board of Health Members,

I am writing in support of Councillor Cameron Kroetsch's proposal to restructure the City of Hamilton's Board of Health to include expert and community voices among its membership. The COVID-19 pandemic has starkly illustrated the importance of having our public health policies be informed by health professionals. Hamilton is behind in including these critical perspectives among city health decisions makers compared to other Ontario cities, including Toronto and Ottawa. The strategic vision for Hamilton's health cannot be meaningfully informed or achieved without health experts on this board.

Furthermore, this restructuring should result in a membership that is more diverse by seeking and including community and health leaders from equity-deserving groups, including but not limited to: women, (in)visibly disabled people/people with (in)visible disabilities, Indigenous peoples, Black communities, racialized communities, 2SLGBTQIA+ folks, low-income communities, and newcomer communities. My colleagues and I in healthcare and anti-racist, anti-oppressive work have publicly called for a diversified, restructured board membership as crucial to addressing the impact of discrimination on health, seeking care, and health outcomes since 2021. Achieving progress towards equitable care requires equitable representation at policy- and decision-making tables.

I strongly support Councillor Kroetsch's motion and the echo the calls of my peers to restructure the Board of Health for the benefit of our city. By adopting this systemic change, we will ensure better health outcomes for residents, particularly the most vulnerable and oppressed members of our communities.

Yours sincerely,

Natasha Johnson (MD, FAAP, FRCPC)
Associate Chair, Equity, Diversity & Inclusion
Associate Professor, Department of Pediatrics, McMaster University
McMaster Children's Hospital

Pilon, Janet

Subject: For Feb 8 Council mtg re: East 18th permit parking

From: harrington

Sent: February 6, 2023 12:55 PM

To: clerk@hamilton.ca

Subject: For Feb 8 Council mtg re: East 18th permit parking

Re:

Permit Parking on West side of East 18th street between Concession and Moutville, opposite G.L. Armstrong school playground.

Dear Councillors and Mayor,

At 42 East 18th my home is roughly central on this street.

I would strongly prefer to keep the permit parking in place, as businesses on Concession st., and School visitors will fill our street with parked cars continuously.

Ridiculously high permit fees for residents is the sole motive of those who wish to remove the permit parking.

There is no cost whatsoever to the city, to provide permit parking. The same signs have been in place for the 23 years I've owned my home.

The pressures of the surrounding school and commercial areas are extremely onerous and not typical to a residential neighbourhood.

The City forfeits tens, if not hundreds of thousands of dollars in income that could be legitimately acquired through fines by virtually complete and utter abdication of enforcement/ticketing in this area.

Maintaining the permit parking with permit fees at a very reasonable/nominal level, and providing even a modicum of enforcement would :

1. Keep a stable neighbourhood stable, rather than creating new battles and battleground over perceived parking rights, etc..
2. Make the neighbourhood safer for all.
3. Increase City coffers as fine income would outstrip permit fees by leaps and bounds.

Thank you for considering my input.

Please do not hesitate to contact me with questions. Phone call preferred.

Very best regards,
Mark

Mark Harrington

Ministry of Health

Office of Chief Medical Officer
of Health, Public Health

Box 12,
Toronto, ON M7A 1N3

Fax: 416 325-8412

Ministère de la Santé

Bureau du médecin hygiéniste
en chef, santé publique

Boîte à lettres 12
Toronto, ON M7A 1N3

Télec. :416 325-8412

5.20

February 6, 2023

Mayor Andrea Horwath
Chair, Board of Health
City of Hamilton, Public Health Services
71 Main Street West
Hamilton ON L8P 4Y5

Dear Mayor Horwath:

Thank you for your letter dated July 19, 2022 to the Honourable Sylvia Jones, Deputy Premier and Minister of Health, regarding the structure of the Board of Health for the City of Hamilton, Public Health Services.

I would first like to apologize for the delay in responding. A copy of the letter was provided to my office on November 30, 2022, when my staff reached out to the Medical Officer of Health for the City of Hamilton, Public Health Services to seek information about this issue. The ministry has no records of receiving the letter in July 2022.

Ontario's boards of health are established in three ways: those which are autonomous and established under section 49 of the *Health Protection and Promotion Act* (HPPA); those which are established as regional municipalities by regional-specific acts; and those which are established by city-specific acts, including the Board of Health for the City of Hamilton, Public Health Services. Under section 11 of the *City of Hamilton Act*, the City of Hamilton has the powers, rights and duties of a Board of Health under the HPPA (i.e., Hamilton City Council operates and functions as the Board of Health).

.../2

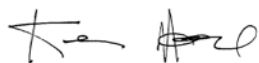
Mayor Andrea Horwath

If Hamilton City Council is considering moving from an all-council-member Board of Health model to one that also includes community members (like the Cities of Toronto and Ottawa), amendments would likely be required to the *Health Protection and Promotion Act* and the *City of Hamilton Act*.

As government/cabinet approval would be required, should you wish to pursue this approach, I suggest you initiate discussions with, or submit a detailed request/proposal to the Ministry of Health and the Ministry of Municipal Affairs and Housing. Alternatively, or in addition, the Board of Health could consider establishing ad-hoc/advisory committees which may include citizen representation to address specific issues of interest or otherwise provide advice to the Board. This local option would not require legislative amendments.

In the meantime, the ministry is also considering how to move forward with strengthening public health in order to make the important changes needed to address long-standing challenges, its role in the broader health care system, and incorporate lessons learned from the pandemic. The ministry will communicate any information as it becomes available.

Yours truly,



Dr. Kieran Michael Moore, MD, CCFP(EM), FCFP, MPH, DTM&H, FRCPC, FCAHS
Chief Medical Officer of Health and Assistant Deputy Minister, Public Health

c: Dr. Elizabeth Richardson, Medical Officer of Health, City of Hamilton
Dr. Wajid Ahmed, Associate Chief Medical Officer of Health, Office of Chief Medical Officer of Health, Public Health
Elizabeth Walker, Executive Lead, Office of Chief Medical Officer of Health, Public Health



OFFICE OF THE MAYOR
CITY OF HAMILTON

July 19, 2022

VIA: Mail and Email

Hon. Sylvia Jones
Minister of Health, Ontario
College Park 5th floor, 777 Bay Street
Toronto, ON M7A 2J3
Sylvia.Jones@pc.ola.org

Dear Minister Jones,

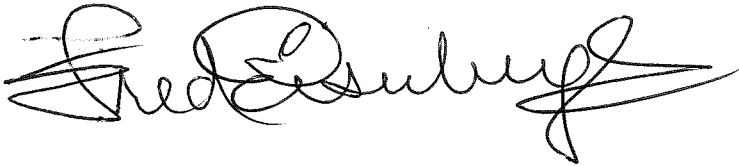
I am writing on behalf of the Board of Health for Hamilton Public Health Services to request information regarding the feasibility of including members of the public on Hamilton's Board of Health.

Currently, Hamilton has a single-tier governance structure whereby the City Council serves as the Board of Health. Over the past year, there were several delegations advocating for the inclusion of health experts and diverse community leaders on Hamilton's Board of Health. As a result, our Board of Health has endeavoured to learn more about governance and structural options. On September 20, 2021, Board of Health members participated in a governance education session facilitated by Karima Kanani, Lawyer and Partner, Miller Thompson Lawyers. This session provided an overview of the legal landscape of public health governance, principles of good governance, advancing diversity, equity and inclusion through governance, and alternate board of health structures.

Following that session, Board of Health members expressed interest in learning more about the semi-autonomous governance structure and staff reached out to Toronto and Ottawa Public Health for consultation. It is the Board's understanding that legislative change would be required under the *Health Promotion and Protection Act* as well as the *City of Hamilton Act* in order to include members of the public on Hamilton's Board of Health.

We would appreciate hearing more about the feasibility of including members of the public on the Board of Health for Hamilton Public Health, as well as steps that could be taken should the Board of Health choose to pursue this. Our Medical Officer of Health, Dr. Elizabeth Richardson, would be happy to meet with your staff to discuss this further as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Eisenberger". The signature is fluid and cursive, with a large initial "F" and "E".

Fred Eisenberger
Mayor

CC:
Dr. Kieran Moore, Chief Medical Officer of Health

February 7, 2023

Dear Mayor & Councillors;

Last weeks vote on the Unvaccinated Hiring Freeze caught my attention.

The City of Hamilton's definition of vaccinated is 2 shots – while the Ministry of Health definition is a person who has received all doses including the boosters.

I openly question why the Mayor and 7 Councillors have used this artificial standard to create a hiring barrier at the City when it does not align with the Ministry of Health.

I wonder what racialized communities are represented by the Unvaccinated Hiring Freeze that the City of Hamilton is blocking with this artificial standard.

I have asked the last council to disclose the racialized communities this hiring freeze is affecting – they refused to.

This new council claiming to be transparent, I am asking you to publicly disclose this information.

I called the Mayor's office and was told by the Mayor's advisor that they have not reviewed which racialized communities are represented in the Unvaccinated Hiring Freeze - found this shocking and troubling that the Mayor would not know who she is impacting by her policies of exclusion and marginalization.

I also wonder who those unvaccinated people are that Councillor Danko keeps marginalizing and labeling – what racialized groups is he referring too?

Mayor Horvath and this Council ran on a mandate of having a City for all and transparency.

I am asking you to publicly disclose which racialized communities in Hamilton are being frozen out of being hired by the City, so we better understand who the Mayor and these Councillors are marginalizing.

Sincerely,

Robert Cooper

CITY OF HAMILTON

NOTICE OF MOTION

Council: February 8, 2023

MOVED BY COUNCILLOR C. KROETSCH.....

Amendment to Item 5 of the Emergency and Community Services Committee Report 21-013, respecting Adaptation and Transformation of Services for People Experiencing Homelessness Update 4 (HSC20020(d)), which was approved by Council on December 15, 2021

WHEREAS, Council on December 15, 2021 approved funding for the Hamilton Young Women's Christian Association (YWCA) for capital renovations required to continue to operate Carol Anne's Place as a temporary drop in program for 22 single homeless women until June 30, 2022;

WHEREAS, Council on December 7, 2022 amended its previous approval of report HSC20020(d) for the funding of capital renovations for Carol Anne's place so as to provide that it continues to operate until March 31st, 2023;

WHEREAS, delays beyond the control of YWCA had continue to be encountered preventing them from meeting the March 31st, 2023 and require a further extension until May 31st, 2023; and

WHEREAS, the building permits have been issued for the capital improvements for Carol Anne's Place, and YWCA has advised they will be completed by May 31,2023;

THEREFORE, BE IT RESOLVED:

That sub-section (b) of Item 5 of the Emergency and Community Services Committee Report 21-013, respecting Adaptation and Transformation of Services for People Experiencing Homelessness Update 4 (HSC20020(d)), be **amended** to read as follows:

5. Adaptation and Transformation of Services for People Experiencing Homelessness Update 4 (HSC20020(d)) (City Wide) (Item 8.2)

- (b) That an additional grant in the **maximum** amount of \$500 K (**the "Grant"**) to **the Hamilton Young Women's Christian Association ("YWCA")** for **costs incurred** for capital renovations required to continue to operate Carol Anne's Place as a temporary drop in program for 22 single homeless women **at the property municipally known as 75 MacNab Street South, Hamilton (the "Property")** until **May 31, 2023, or for such longer period and at a greater capacity as deemed appropriate by the General Manager of Healthy and Safe Communities Department provided that**

the YWCA has sufficient operating funds to accommodate such extensions; and the capital renovations, be funded from the Tax Stabilization Reserve #110046 and advanced as follows:

- (i) a first advance, for the actual costs of the work, including HST, permitted by Building Permit Number 2112156800C3 that is equal to the lesser of \$200,000.00 or the actual cost, of the work, which shall be advanced after the capital work pertaining to said Building Permit has been completed to the satisfaction of the City's Building Department and proof of the cost of the work has been provided to the General Manager of Healthy and Safe Communities Department to her satisfaction; and***
- (ii) a second and final advance for the actual costs, including HST, of the work permitted by Building Permit Number 2211916800 in an amount, that is equal to \$500,000 minus the amount of the first advance, which shall be advanced after completion of work permitted by the Building Permit issued for Building Permit Application Number 2211916800 and which is necessary to accommodate a 22 single women's temporary drop in space, to the satisfaction of the City's Building Department and proof of the cost of the work has been provided to the General Manager of Healthy and Safe Communities Department to her satisfaction;***

Main Motion, As ***Amended***, to read as follows:

5. Adaptation and Transformation of Services for People Experiencing Homelessness Update 4 (HSC20020(d)) (City Wide) (Item 8.2)

- (a) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized to continue to enter into contracts necessary to secure access and purchase of service for continued enhancement of supports for Hamilton's homeless-serving system during COVID-19 and be funded from any available source jointly deemed appropriate by the General Manager of the Healthy and Safe Communities Department and the General Manager of the Finance and Corporate Services Department including, but not limited to, one or more of the following sources: Reaching Home, Community Homelessness Prevention Initiative, any available provincial or federal funding:
 - (i) Transitioning 378 Main Street East (the former Cathedral Boys School) into a temporary shelter for women (approximately 80-100 beds) at an approximate cost of \$1 M for the period of January 1, 2022 to March 31, 2022;
 - (ii) Adding approximately 28 temporary emergency shelter beds as men's system overflow at an approximate cost of \$350 K for the period of January 1, 2022 to March 31, 2022;

- (iii) That the establishment of a funding source of up to \$500 K to support independent agencies and community entities (e.g. community collaboratives/churches/social clubs, etc.) who may be interested in supporting vulnerable residents through the winter months until March 31, 2022 but who may not have the operational funds to be viable, be approved;
 - (iv) That the creation of an Emerging Needs Fund to prevent and address homelessness experienced by Indigenous community members of Hamilton to respond to needs arising as a result of COVID-19 in the amount of \$500 K for the period of January 1, 2022 to March 31, 2022 be approved;
- (b) That an additional grant in the **maximum** amount of \$500 K (**the “Grant”**) to **the Hamilton Young Women’s Christian Association (“YWCA”)** for **costs incurred** for capital renovations required to continue to operate Carol Anne’s Place as a temporary drop in program for 22 single homeless women **at the property municipally known as 75 MacNab Street South, Hamilton (the “Property”)** until **May 31, 2023, or for such longer period and at a greater capacity as deemed appropriate by the General Manager of Healthy and Safe Communities Department provided that the YWCA has sufficient operating funds to accommodate such extensions; and the capital renovations, be funded from the Tax Stabilization Reserve #110046 and advanced as follows:**
- (i) **a first advance, for the actual costs of the work, including HST, permitted by Building Permit Number 2112156800C3 that is equal to the lesser of \$200,000.00 or the actual cost, of the work, which shall be advanced after the capital work pertaining to said Building Permit has been completed to the satisfaction of the City’s Building Department and proof of the cost of the work has been provided to the General Manager of Healthy and Safe Communities Department to her satisfaction; and**
 - (ii) **a second and final advance for the actual costs, including HST, of the work permitted by Building Permit Number 2211916800 in an amount, that is equal to \$500,000 minus the amount of the first advance, which shall be advanced after completion of work permitted by the Building Permit issued for Building Permit Application Number 2211916800 and which is necessary to accommodate a 22 single women’s temporary drop in space, to the satisfaction of the City’s Building Department and proof of the cost of the work has been provided to the General Manager of Healthy and Safe Communities Department to her satisfaction;**
- (c) That an additional grant in the approximate amount of \$150 K to the Good

8.1

Shepherd Centre Hamilton for capital renovations required to continue to operate Cathedral as a temporary shelter for women until June 30, 2022, funded from the projected 2021 Housing Services Division surplus through the Tax Stabilization Reserve #110046 and if necessary, from in-year surpluses of the department; any unspent Housing Services Division 2021 surplus be transferred to the Housing Supplement/Housing Allowance Reserve, #112252 be approved;

- (d) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized to enter into contracts necessary to hire and retain a consultant to find the ways and means of implementing a New Westminster style by-law in Hamilton to deal with the issue of 'renovictions' in the approximate amount of \$100 K, funded from the projected 2021 Housing Services Division surplus through the Tax Stabilization Reserve #110046 and if necessary, from in-year surpluses of the department; any unspent Housing Services Division 2021 surplus be transferred to the Housing Supplement/Housing Allowance Reserve, #112252 be approved.
- (e) That the General Manager of the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined above on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department or his designate and in a form satisfactory to the City Solicitor; and,
- (f) That the item respecting Encampment Response Update be identified as completed and removed from the Outstanding Business List.