



City of Hamilton

CITY COUNCIL AGENDA

22-020

Wednesday, September 14, 2022, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

Call to Order

1. APPROVAL OF AGENDA

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

2. DECLARATIONS OF INTEREST

3. CEREMONIAL ACTIVITIES

3.1 2022 International Children's Games

3.2 2022 Trillium Awards

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 August 12, 2022

4.2 August 15, 2022 - Special

4.3 August 19, 2022 - Special

5. COMMUNICATIONS

- 5.1 Correspondence from the Honourable Kinga Surma, Minister of Infrastructure in response to the Mayor's letter respecting intergovernmental partnerships to improve digital infrastructure and address the digital divide.

Recommendation: Be received.

- 5.2 Correspondence from the City of Kingston requesting support for their resolution respecting Vacancy Decontrol.

Recommendation: Be received.

- 5.3 Correspondence from the City of Kingston requesting support for their resolution respecting a Request to Provincial Government to release Landlord and Tenant Board Information.

Recommendation: Be received.

- 5.4 Correspondence from Paul Dube, Ombudsman of Ontario respecting a closed meeting complaint respecting the March 15, 2022, Heritage Permit Review Sub-Committee meeting and the March 29, 2022, Agriculture and Rural Affairs Advisory Committee meeting.

Recommendation: Be received.

- 5.5 A petition to stop the implementation of a speed bump on Belmont Ave.

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

- 5.6 Correspondence from Joseph Minor respecting PFAS contaminated fish in Hamilton.

Recommendation: Be received.

- 5.7 Correspondence from the Township of Ashfield-Colborne-Wawanosh requesting support for their resolution respecting Ontario Wildlife Damage Compensation Program.

Recommendation: Be received.

- 5.8 Correspondence from Tim Gilbert, Gilbert's LLP respecting Chedoke Creek Remediation and Council Meeting No. 22-071.

Recommendation: Be received and referred to *Legal Services for a response*.

- 5.9 Correspondence from Grant Bivol, NPCA Clerk respecting the Niagara Peninsula Conservation Authority Board of Directors resolution respecting their Land Securement Strategy 2022-2032.

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

6. COMMITTEE REPORTS

- 6.1 CityHousing Hamilton Shareholder Report 22-003 - August 15, 2022
- 6.2 Planning Committee Report 22-014 - September 6, 2022
- 6.3 General Issues Committee Report 22-017 - September 7, 2022
- 6.4 Audit, Finance and Administration Committee Report 22-015 - September 8, 2022
- 6.5 Public Works Committee Report 22-013 - September 9, 2022

7. MOTIONS

- 7.1 Amendment to the 2023 Council / Committee Calendar

8. NOTICES OF MOTIONS

9. STATEMENT BY MEMBERS (non-debatable)

10. COUNCIL COMMUNICATION UPDATES

- 10.1 August 5, 2022 to September 8, 2022

11. PRIVATE AND CONFIDENTIAL

- 11.1 Closed Session Minutes – August 19, 2022

Pursuant to Section 9.1, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

12. BY-LAWS AND CONFIRMING BY-LAW

12.1 231

To Establish City of Hamilton Land Described as Parts 1, 2 and 6 inclusive on Plan 62R-21744 as a Public Highway to Form Part of Sonoma Lane

Ward: 10

12.2 232

To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

Schedule 6 (Time Limit Parking)

Schedule 8 (No Parking Zones)

Schedule 10 (Alternate Side Parking Zones)

Schedule 12 (Permit Parking Zones)

Schedule 15 (Commercial Vehicle Loading Zones)

Ward: 1, 2, 3, 6, 7, 9, 11, 12

12.3 233

Respecting Removal of Part Lot Control, Blocks 86-95, Registered Plan No. 62M-1280, and further described as Parts 1-92 of Deposited Reference Plan 62R-21836 for lands municipally known as 141-229 Cittadella Boulevard & 158-244 Rockledge Drive, Glanbrook

PLC-22-006

Ward: 9

12.4 234

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1552 Concession 2 Road West, Flamborough

ZAR-20-040

Ward: 12

12.5 235

Being a By-law to Regulate Nuisance Parties in the City of Hamilton

Ward: City Wide

12.6 236

To Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties

Table 29 (By-law No. 22-235 Nuisance Party By-law)

Ward: City Wide

12.7 237

Respecting Removal of Part Lot Control from Part of Lot 10, Registered Plan No. 62M-1142

PLC-22-014

Ward: 11

12.8 240

To Confirm the Proceedings of City Council

13. ADJOURNMENT



CITY COUNCIL MINUTES 22-017

9:30 a.m.

August 12, 2022
Council Chamber
Hamilton City Hall
71 Main Street West

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

Absent: Councillor B. Johnson – City Business
Councillor S. Merulla - Personal
Councillor T. Whitehead – Personal

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

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CEREMONIAL ACTIVITY

Donation of Obsolete Firefighting Equipment to the Ukraine
Fire Chief Cunliffe and Firefighters Without Borders

4. COMMUNICATIONS

4.7 Correspondence respecting Report CM22016/PED22058(a)/HSC22030(a) - Hamilton's Climate Action Strategy Implementation Resources and Governance:

(a) David Farrar, President and Vice-Chancellor, McMaster University

(b) Joanna Sargent

Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 22-016.

4.8 Correspondence respecting Report PED22154, Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200:

- (a) Michael Mercier
- (b) Nancy Henderson and Al Dell
- (c) Dayna Firth
- (d) Brian Bentham
- (e) Anka Cassar
- (f) Summer Thomas
- (g) Kris Gadjanski
- (h) Sherri Brown
- (i) Nancy Hurst
- (j) Craig Cassar
- (k) Lorelei Brown
- (l) Ryan Ferrari, A.J. Clark and Associates Ltd.
- (m) Ian Borsuk, Environment Hamilton

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 22-012.

4.9 Correspondence from Patrick Harrington, Aird & Berlis LLP respecting the ReEnactment of the Parkland Dedication By-law PED22158.

Recommendation: Be received and referred to the consideration of Item 9 of Planning Committee Report 22-013.

4.10 Correspondence from Sidney Shaw respecting 256 Mill St. South Waterdown Rezoning Application.

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 22-012.

4.11 Correspondence from Nicole Smith respecting Hamilton's Climate Action Strategy Implementation Resources and Governance.

Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 22-016.

7. NOTICES OF MOTION

- 7.1 Reconsideration of a decision that was defeated at the April 27, 2022 Council meeting respecting sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)
- 7.2 Amendment to Item 3.1 of Council Minutes 22-001 respecting the Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide)
- 7.3 Financial Support for City Housing Hamilton (CHH) to Address underfunding from Canada Mortgage and Housing Corporation (CMHC) for the new developments at 104 Bay Street North and 55 Queenston Road, Hamilton, Ontario
- 7.4 Amendment to Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1)
- 7.5 Amendment to Item 4 of the Audit, Finance and Administration Committee Report 22-011, respecting the Governance Review Sub-Committee Report 22-002 - May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide)
- 7.6 Amendment to Item 4 of the Audit, Finance and Administration Committee Report 21-022, respecting Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds
- 7.7 Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1)
- 7.8 Association of Municipalities of Ontario (AMO) Representative

11. BY-LAWS AND CONFIRMING BY-LAW

- 206 To Adopt Official Plan Amendment No. 170 to the Urban Hamilton Official Plan Respecting 136 and 144 Upper Mount Albion Road (former City of Stoney Creek)
Ward: 9
- 207 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 136 and 144 Upper Mount Albion Road (Stoney Creek)
ZAC-21-033
Ward: 9

- 208 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)
Schedule 9 (No Right Turn on Red)
Schedule 11 (No Left Turn on Red)
Schedule 13 (Designated Traffic Lanes)
Ward: 1, 2, 3, 5
- 209 A By-law to Establish a Municipal Accommodation Tax
Ward: City Wide
- 210 Being a By-law to Permanently Close a Portion of Public Unassumed Alley
Abutting 46 Ferguson Avenue South, Hamilton, established by Registered
Plan 48, in the City of Hamilton, designated as Part 2 on Reference Plan
62R-21195, being Part of PIN 17169-0382 (LT), City of Hamilton
Ward: 2
- 211 A By-law to Deem a Part of a Subdivision Not to Be Registered, Blocks
131, 132, 133 and 134, inclusive, of Registered Plan No. 62M-1085
Ward: 14
- 212 To Amend Zoning By-law No. 87-57, Respecting Lands Located at 154
Wilson Street East, Ancaster
ZAC-18-058/UHOPA-18-024
Ward: 12
- 213 To Adopt Official Plan Amendment No. 172 to the Urban Hamilton Official
Plan Respecting 705 and 713 Rymal Road East
Ward: 6
- 214 To Amend Zoning By-law No. 6593, Respecting Lands Located at 705 and
713 Rymal Road East
ZAC-21-026
Ward: 6
- 215 To Adopt Official Plan Amendment No. 175 to the Urban Hamilton Official
Plan Respecting Bill 13 & Bill 109 Implementation
Ward: City Wide
- 216 To Adopt Official Plan Amendment No. 36 to the Rural Hamilton Official
Plan Respecting Bill 13 and Bill 109 Implementation
Ward: City Wide
- 217 To Delegate Removal of a Holding Symbol, Approval and Extension of a
Temporary Use By-law and Minor Zoning By-law Amendment
Ward: City Wide
- 218 Being a By-law to Require the Conveyance of Land for Park or Other
Public Recreational Purposes as a Condition of Development or
Redevelopment or the Subdivision of Land
Ward: City Wide

- 219 To Adopt Official Plan Amendment No. 249 to the City of Hamilton Official Plan Respecting 405 James Street North (Hamilton)
Ward: 2
- 220 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 405 James Street North, Hamilton
ZAC-21-031
Ward: 2
- 221 Delegation of Consent Authority and Constituting a Committee of Adjustment
Ward: City Wide
- 223 To Adopt Official Plan Amendment No. 174 to the Urban Hamilton Official Plan, Respecting 1842 King Street East
Ward: 4
- 224 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1842 King Street East, in the City of Hamilton
ZAC-21-021
Ward: 4
- 225 To Adopt Official Plan Amendment No. 176 to the Urban Hamilton Official Plan Respecting 510 Centennial Parkway North (Hamilton)
Ward: 5
- 226 To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 510 Centennial Parkway North, Hamilton
ZAC-21-041
Ward: 5
- 227 Hamilton 60 Caledon Avenue Municipal Housing Project Facilities By-law
Ward: 8

(Clark/Danko)

That the order of items of the August 12, 2022 Council Agenda, be **amended** by moving up the consideration of Items 7.1 - Reconsideration of a decision that was defeated at the April 27, 2022 Council meeting respecting sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6) and 7.2 - Amendment to Item 3.1 of Council Minutes 22-001 respecting the Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide) following the Declarations of Interest.

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

- YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla

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

(Clark/Danko)

That the agenda for the August 12, 2022 meeting of Council be approved, as **amended**.

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

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

CEREMONIAL ACTIVITY

Donation of Obsolete Firefighting Equipment to the Ukraine

On behalf of the City of Hamilton, Mayor Eisenberger who was joined by our Hamilton Fire Chief David Cunliffe and Oakville Deputy Fire Chief Kalpana Rajgopalan, a Director with Firefighters Without Borders, Bohdan Leschyshen and Anna Jacyniak of BUC Financial and Alena Lazar, President of the Ukrainian Canadian Congress Hamilton Chapter, was pleased to share that the Hamilton Fire Department is donating a significant amount of out of service firefighting gear to support Ukrainian counterparts through Firefighters Without Borders.

When it comes to donated equipment, Firefighters Without Borders helps to refurbish (where required) and repurpose valuable firefighting equipment to help build the firefighting capacity of communities around the world. While the 500 sets of Bunker Gear, 45 Helmets, 266 Firefighter Gloves, 53 protective hoods, 120 Nomex Coveralls and 21 Harnesses

are no longer suitable for service in Hamilton, given the conditions in Ukraine, it is anticipated that the gear will provide years of valuable service to first responders as they serve and protect residents.

The donation of out of service personal protective equipment is another tangible example of how Hamilton continues to demonstrate support for Ukraine and Ukrainians, whether it's welcome those who arrive in Hamilton fleeing the war, and in this case supporting fellow firefighters in Ukraine who are working to serve and protect citizens and property during such fraught times.

Council thanked the Firefighters Without Borders for their efforts to build firefighting capacity in Ukraine and to our team at the Hamilton Fire Department.

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared a disqualifying interest to Item 8 of Planning Committee Report 22-012 respecting the Taxi Regulation Review Report (PED22055), as he is an owner of taxi plate licences.

Councillor B. Clark declared a disqualifying interest to Item 11 of Planning Committee Report 22-012 respecting 442-462 Wilson Street East - Ontario Land Tribunal Appeal Instructions, as his son has a retail business interest with one of the property owners.

Councillor B. Clark declared a disqualifying interest to Item 5 of Planning Committee Report 22-013 respecting Application for a Zoning By-law Amendment for Lands Located at 154 Wilson Street East, Ancaster (PED22165) (Ward 12), as his son has a retail business interest with the principal of the planning firm, UrbanSolutions.

Councillor B. Clark declared a disqualifying interest to Item 7 of Planning Committee Report 22-013 respecting Application for Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 1842 King Street East, Hamilton (PED22139) (Ward 4), as his son has a retail business interest with the principal of the planning firm, UrbanSolutions.

Councillor J.P. Danko declared a non-disqualifying interest to Item 9 of General Issues Committee Report 22-015 respecting Hamilton-Wentworth District School Board Liaison Committee Report 22-002, June 27, 2022, as his wife is the Chair of the Hamilton Wentworth District School Board.

Councillor M. Wilson declared a non-disqualifying interest to Item 2 of General Issues Committee Report 22-015 respecting Community Benefits Protocol Advisory Committee (HSC19066(a)) (City Wide), as the organization for which her spouse works is one of the funders of the Community Benefits Network.

Councillor M. Wilson declared a disqualifying interest to Item 6 of General Issues Committee Report 22-015 respecting Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 488 & 500 Upper Wellington Street, Hamilton ERG-22-02 (PED22169) (Ward 8), as her spouse is on the Board of one of the principles on the development.

NOTICES OF MOTION

7.1 Reconsideration of a decision that was defeated at the April 27, 2022 Council meeting respecting sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)

(Danko/Clark)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Reconsideration of a decision that was defeated at the April 27, 2022 Council meeting respecting sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)

Result: Motion CARRIED by a 2/3rds vote of 10 to 3, as follows:

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

For further disposition of this matter, refer to Item 6.4

7.2 Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide)

Councillor Pauls withdrew the Notice of Motion respecting an Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide).

APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 July 8, 2022

(Wilson/Pearson)

That the Minutes of the July 8, 2022 meeting of Council be approved, as presented.

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

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

COMMUNICATIONS

(Danko/Pauls)

That Council Communications 4.1 to 4.11 be approved, as presented, as follows:

- 4.1 Correspondence from the Town of South Bruce Peninsula requesting support for their resolution respecting the Physician Shortages in Ontario.

Recommendation: Be received.
- 4.2 Correspondence from the Honourable Michael Kerzner, Solicitor General respecting an updated standards of care for dogs kept outdoors and dogs tethered outdoors.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.
- 4.3 Correspondence from the City of Brantford requesting support for their resolution respecting the Potential threat to residential home ownership.

Recommendation: Be received.
- 4.4 Correspondence from the City of Brantford requesting support for their resolution Seeking Prosperity and Partnership with Indigenous Nations and a Timely Resolution of Haldimand Tract Land Dispute.

Recommendation: Be received.

- 4.5 Correspondence from the Hamilton and District Apartment Association respecting the Vacant Home Tax.

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for appropriate action.

- 4.6 Correspondence from Sidney Shaw respecting the Public Hearing in regards to 265 Mills St. S. Waterdown, Rezoning Application.

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 22-012.

- 4.7 Correspondence respecting Report CM22016/PED22058(a)/HSC22030(a) - Hamilton's Climate Action Strategy Implementation Resources and Governance:

- (a) David Farrar, President and Vice-Chancellor, McMaster University
- (b) Joanna Sargent

Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 22-016.

- 4.8 Correspondence respecting Report PED22154, Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200:

- (a) Michael Mercier
- (b) Nancy Henderson and Al Dell
- (c) Dayna Firth
- (d) Brian Bentham
- (e) Anka Cassar
- (f) Summer Thomas
- (g) Kris Gadjanski
- (h) Sherri Brown
- (i) Nancy Hurst
- (j) Craig Cassar
- (k) Lorelei Brown
- (l) Ryan Ferrari, A.J. Clark and Associates Ltd.
- (m) Ian Borsuk, Environment Hamilton

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 22-012.

- 4.9 Correspondence from Patrick Harrington, Aird & Berlis LLP respecting the ReEnactment of the Parkland Dedication By-law PED22158.

Recommendation: Be received and referred to the consideration of Item 9 of Planning Committee Report 22-013.

- 4.10 Correspondence from Sidney Shaw respecting 256 Mill St. South Waterdown Rezoning Application.

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 22-012.

- 4.11 Correspondence from Nicole Smith respecting Hamilton's Climate Action Strategy Implementation Resources and Governance.

Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 22-016.

Result: Motion on the Communication Items, CARRIED by a vote of 13 to 0, as follows:

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

(Danko/Pauls)

That Council move into Committee of the Whole for consideration of the Committee Reports.

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

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

YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

PLANNING COMMITTEE REPORT 22-012

(Ferguson/Pearson)

That Planning Committee Report 22-012, being the meeting held on Wednesday, August 3, 2022, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 8 was voted on separately as follows:

8. Taxi Regulation Review Report (PED22055) (City Wide) (Item 10.1)

- (a) That Council approve the reinstatement of the Taxi Inactive Plate fee retroactive to its termination date of December 31, 2021 and extend it until December 31, 2022 at an estimated cost of \$28,350 and that the User Fees and Charges By-law No. 15-158, be amended accordingly;
- (b) That Council approve the amendment to Appendix 1, Schedule 25 of the Licensing By-law 07-170, to add a \$10 fee for requested Van (non-accessible) trips, attached as Appendix "A" to Report PED22055; and,
- (c) That Council approve a one-year extension to the Accessible Taxi Financial Incentive Program until April 1, 2024, originally passed as a one year pilot program in 2018 through report PED18082, was extended through PED18082(a) for 16 months and then re-extended through PED18082(a) until April 1, 2023 and that it be modified to include additional incentives of \$100 to \$500 annually based on the overall number of trips per approved licensed driver.

Result: Motion on Item 8 of Planning Committee Report 22-012, CARRIED by a vote of 12 to 0, as follows:

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

YES - Ward 9 Councillor Brad Clark

7. **Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200 (PED22154) (City Wide) (Item 9.6)**

(Danko/Wilson)

WHEREAS, at its meeting on November 23, 2016, Council received through Report PW16100 the Pilot Study Assessment of Increase in Lot Coverage in Rurally Serviced Roadway Neighbourhoods, Community of Ancaster (Phase 1 Report) and directed staff to undertake a Detail Detailed Drainage Assessment Study of all Existing Residential "ER" Neighbourhoods in Ancaster (Phase 2 study); and

WHEREAS, Item 7(a)(i) should reflect that the list are amendments to Appendix "A";

THEREFORE, BE IT RESOLVED:

- (a) That Item 7 of the Planning Committee Report 22-012, respecting the Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200 (PED22154) (City Wide) (Item 9.6), be **amended**, by adding the following sub-section to read as follows:
- (vi) ***That upon completion of the Detail Detailed Drainage Assessment Study of all Existing Residential "ER" Neighbourhoods in Ancaster (Phase 2 study), staff be directed to prepare the appropriate Public Meeting notice under the Planning Act and associated report for Planning Committee to consider the following at a future statutory public meeting:***
- (a) ***Amendments to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 to implement the uses permitted in Urban Hamilton Official Plan Amendment No. 167.***
- (b) That Item 7 of the Planning Committee Report 22-012, respecting the Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200 (PED22154) (City Wide) (Item 9.6), be further **amended**, by adding a reference to the amendments to Appendix "A" in sub-section (a)(i), to read as follows:

- (a) That City Initiative CI 22-G respecting amendments to the Low Density Residential Zones in Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, to implement Urban Hamilton Official Plan Amendment No.167 by permitting an expanded range of low density residential uses and the conversion of existing single detached dwellings and duplex dwellings (two family dwellings) to provide small-scale intensification opportunities, be APPROVED on the following basis:
- (i) That the Draft By-laws to amend the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “A”, as amended **by 1, 2, 3 and 4 as follows**, to Appendix “F” to Report PED22154, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
1. That Section 5(b) be amended to delete reference to the “ER” Zone;
 2. That Section 6 be deleted in its’ entirety
 3. That Sections 7 – 17 be renumbered accordingly to Section 6 – 16; **and**
 4. That the Appendix map included in the draft By-law to amend former **Town of Ancaster Zoning By-law** No. 87-57 be amended to delete any lands zoned “ER” in Zoning By-law No. 87-57.

Result: Motion on the Amendment to Item 7 of Planning Committee Report 22-012, CARRIED by a vote of 7 to 6, as follows:

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

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

7. **Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200 (PED22154) (City Wide) (Item 9.6)**
- (a) That City Initiative CI 22-G respecting amendments to the Low Density Residential Zones in Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, to implement Urban Hamilton Official Plan Amendment No.167 by permitting an expanded range of low density residential uses and the conversion of existing single detached dwellings and duplex dwellings (two family dwellings) to provide small-scale intensification opportunities, be APPROVED on the following basis:
- (i) That the Draft By-laws to amend the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “A”, as amended **by 1, 2, 3 and 4 as follows**, to Appendix “F” to Report PED22154, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
1. That Section 5(b) be amended to delete reference to the “ER” Zone;
 2. That Section 6 be deleted in its’ entirety
 3. That Sections 7 – 17 be renumbered accordingly to Section 6 – 16; **and**
 4. That the Appendix map included in the draft By-law to amend former **Town of Ancaster Zoning By-law** No. 87-57 be amended to delete any lands zoned “ER” in Zoning By-law No. 87-57.
- (ii) That the Low Density Residential (R1) Zone and the Low Density Residential – Small Lot (R1a) Zone be added to Zoning By-law 05-200, and amendments to the Definition, Parking, General Provision and other Administrative Sections of Zoning By-law to implement the new zones, attached as Appendix “G” to Report PED22154, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply the Urban Hamilton Official Plan;

- (iv) That upon final approval of Urban Hamilton Official Plan Amendment No. 167 and the draft Zoning By-laws that a general text amendment be added to all Neighbourhood Plans to add semi-detached dwellings and townhouse dwellings as permitted uses and to allow for the conversions of single detached dwellings and duplex dwellings to all low density residential areas identified in Appendix "A", as amended, to "G" to Report PED22154;
- (v) That staff be directed to consult on Neighbourhood Infill Guidelines and Urban Design Standards that will inform the creation of Residential Zones in Comprehensive Zoning By-law No. 05-200.
- (vi) ***That upon completion of the Detail Detailed Drainage Assessment Study of all Existing Residential "ER" Neighbourhoods in Ancaster (Phase 2 study), staff be directed to prepare the appropriate Public Meeting notice under the Planning Act and associated report for Planning Committee to consider the following at a future statutory public meeting:***
 - (a) ***Amendments to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 to implement the uses permitted in Urban Hamilton Official Plan Amendment No. 167.***

Result: Main Motion as Amended, Item 7 of Planning Committee Report 22-012, CARRIED by a vote of 9 to 3, as follows:

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

Due to a declared conflict, Item 11 was voted on separately as follows:

11. 442-462 Wilson Street East - Ontario Land Tribunal Appeal Instructions (Added Item 11.3)

WHEREAS, at its meeting on July 5, 2022, Planning Committee recommended refusal of the subject applications;

WHEREAS, on July 6, 2022 appeals were filed with the Ontario Land Tribunal for a failure of the City to make a decision on applications UHOPA-21-019 and ZAC-21-049 for lands located at 442, 450, 454 and 462 Wilson Street East; and

WHEREAS, at its meeting on July 8, 2022, Council refused the subject applications;

THEREFORE, BE IT RESOLVED:

- (a) That Legal and Risk Management Services staff be instructed to oppose the appeals for non-decision by 2691823 Ontario Inc arising from its applications for Official Plan amendment application UHOPA-21-019 and Zoning By-law amendment application ZAC-21-049;
- (b) That the Ontario Land Tribunal (OLT) be advised that the reasons for Council's opposition include but are not limited to the following:
 - (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood;
 - (ii) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to setbacks, building height, and massing;
 - (iii) There is inadequate sanitary capacity for the proposed density;
 - (iv) That the proposal is not considered to be good planning and is considered an over development of the site.
- (c) That staff from Planning and Economic Development attend the hearing to provide evidence, if necessary;
- (d) That Legal and Risk Management Services staff, in consultation with Development Planning staff, be authorized to retain such outside professional(s) in support of Council's opposition to the proposal, as necessary and charge such costs of retainers to the Development Stabilization Reserve 110086.

Result: Motion on Item 11 of Planning Committee Report 22-012, CARRIED by a vote of 12 to 0, as follows:

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

9. Demolition Permits for 1117 and 1133 Beach Boulevard, Hamilton (Item 11.1)

(Powers/Farr)

That sub-section (a) be **amended** by deleting sub-section (a)(i) in its entirety, as follows, as the condition has been complied with:

- (a) That the Chief Building Official be authorized and directed to issue a demolition permit for 1117 Beach Boulevard, Hamilton, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101, ~~upon the successful completion of the following condition:~~

~~(i) That the Holding Provision applicable to the property pursuant to Zoning By-law XX be lifted pursuant to s. 36 of the Planning Act, which shall require a documentation and salvage report to the satisfaction of the Director of Planning.~~

Result: Motion on the Amendment to Item 9 of Planning Committee Report 22-012, CARRIED by a vote of 12 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Russ Powers
 YES - Ward 6 Councillor Tom Jackson
 NO - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

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

WHEREAS, the owner of the property cannot proceed with a Demolition permit until after Site Plan approval, due to changes in the Demolition Control By-law; and,

WHEREAS, the neighbours at a Community meeting on the subject property requested demolition of the houses once they became vacant and the owner wishes to uphold that request;

THEREFORE, BE IT RESOLVED:

- (a) That the Chief Building Official be authorized and directed to issue a demolition permit for 1117 Beach Boulevard, Hamilton, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.
- (b) That the Chief Building Official be authorized and directed to issue a demolition permit for 1133 Beach Boulevard, Hamilton, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

Result: Main Motion as *Amended*, Item 9 of Planning Committee Report 22-012, CARRIED by a vote of 12 to 1, as follows:

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

Result: Motion on the balance of Planning Committee Report 22-012, CARRIED by a vote of 13 to 0, as follows:

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

(Danko/Pauls)

That Section 5.8(2) of the City's Procedural By-law 21-021, as Amended, which provides that a minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review, be waived in order to consider the General Issues Committee Report 22-015, General Issues Committee Report 22-016, Planning Committee Report 22-013, Board of Health Report 22-008, CityHousing Hamilton Corporation Shareholder Report 22-002, Public Works Committee Report 22-012, Audit, Finance and Administration Committee Report 22-014 and Emergency and Community Services Committee Report 22-012.

Result: Motion CARRIED by a 2/3rds vote of 13 to 0, as follows:

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

GENERAL ISSUES COMMITTEE REPORT 22-015

(Clark/Danko)

That General Issues Committee Report 22-015, being the meeting held on Thursday, August 4, 2022, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 6 was voted on separately as follows:

- 6. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 488 & 500 Upper Wellington Street, Hamilton ERG-22-02 (PED22169) (Ward 8) (Item 10.3)**
- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-22-02, submitted by 488-500 Upper Wellington Nominee Inc. (488-500 Upper Wellington LP/Fengate Asset Management) owner of the properties at 488 and 500 Upper Wellington Street, Hamilton for an ERASE Redevelopment Grant not to exceed \$5,354,800, for estimated eligible remediation costs provided over a maximum of ten (10) 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 488-500 Upper Wellington Nominee Inc. (488-500 Upper Wellington LP/Fengate Asset Management), owner of the properties 488 and 500 Upper Wellington Street, Hamilton in a form satisfactory to the City Solicitor;
 - (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 on Item 6 of the General Issues Committee Report 22-015, CARRIED by a vote of 12 to 0, as follows:

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

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

Result: Motion on the balance of the General Issues Committee Report 22-015, CARRIED by a vote of 13 to 0, as follows:

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

GENERAL ISSUES COMMITTEE REPORT 22-016

(Danko/Pauls)

That General Issues Committee Report 22-016, being the meeting held on Monday, August 8, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the General Issues Committee Report 22-016, CARRIED by a vote of 12 to 1, as follows:

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

YES - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PLANNING COMMITTEE REPORT 22-013

(Ferguson/Pearson)

That Planning Committee Report 22-013, being the meeting held on Tuesday, August 9, 2022, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 5 was voted on separately as follows:

5. Application for a Zoning By-law Amendment for Lands Located at 154 Wilson Street East, Ancaster (PED22165) (Ward 12) (Item 9.3)

- (a) That Amended Zoning By-law Amendment Application ZAC-18-058, by UrbanSolutions Planning and Land Development (c/o Matt Johnston) on behalf of T. Valeri Construction Ltd. (Owner), for a change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM4-715" Zone, Modified, to permit 10, three storey townhouse dwellings on a private (condominium) road for the lands located at 154 Wilson Street East, as shown on Appendix "A" attached to Report PED22165, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED22165 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan.
 - (iv) That the proposal include a grass area along the curb of Wilson Street, for residents to leave garbage on pick-up day.
 - (v) That the Noise Study be implemented through the Site Plan and Condominium approval stages, which includes notice in the Agreement of Purchase and Sale, and in the Condominium agreement, to ensure it's registered on title to advise future property owners of the maintenance facility of the golf club behind the proposed development.

Result: Motion on Item 5 of the Planning Committee Report 22-013, CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

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

Due to a declared conflict, Item 7 was voted on separately as follows:

7. Application for Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 1842 King Street East, Hamilton (PED22139) (Ward 4) (Item 9.5)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-009 by UrbanSolutions Planning & Land Development Consultant Inc. c/o Sergio Manchia, on behalf of 1842 King St E. Inc. c/o New Horizon Development Group, (Owner), to establish a Site Specific Policy Area within the Neighbourhoods designation, to permit a 13 storey, mixed use development, with a residential density of 500 units per hectare, to restrict the maximum height to 13 storeys, and to permit commercial uses below the ground floor, for 1842 King Street East, as shown on Appendix "A" attached to Report PED22139, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED22139, be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That Revised Zoning By-law Amendment Application ZAC-21-021 by UrbanSolutions Planning & Land Development Consultant Inc. c/o Sergio Manchia, on behalf of 1842 King St E. Inc. c/o New Horizon Development Group, Owner, for a change in zoning from Major Institutional (I3) Zone to Mixed Use Medium Density (C5, 812, H76, H77) Zone, to permit four, 13 storey multiple dwellings with commercial uses below the ground floor and, four, four storey maisonette for a total of 1,341 dwelling units, and four commercial units, for lands located at 1842 King Street East, as shown on Appendix "A" attached to Report PED22139, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22139, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix “C” to Report PED22139 be added to Map No. 1139 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Growth: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of the Official Plan Amendment No. _____;
- (iv) That the amending By-law apply the Holding Provision of section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ (H76) as a suffix to the proposed zoning for the following:
 - (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee;
 - (2) That the Owner submit a Functional Servicing Report to demonstrate the stormwater management, sanitary flow and water supply demand (Water Hydraulic Analysis) resulting from this development has adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed development, to the satisfaction of the Director of Growth Management;
 - (3) That the Owner make satisfactory arrangements with City’s Growth Management Division and enter into an external works agreement with the City for the design and construction of any improvements to the municipal infrastructure at the Owner’s cost, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report, Traffic Impact Study (TIS) and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management;
 - (4) A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the

Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;

- (5) An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;
- (v) That the amending By-law apply the Holding Provision of section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' (H77) as a suffix to the proposed zoning for the following:
 - (1) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (C5, 812) Zone except where in conflict with the following:

 - (aa) No development exceeding 1,341 dwelling units;
 - (2) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, for all or part of the lands subject to this provision when the following conditions have been satisfied:

 - (aa) That the Owner submit and receive approval of an updated Transportation Impact Study where greater than 1,341 dwelling units are proposed, to the satisfaction of the Director of Transportation Planning;
 - (bb) That the Owner submit and receive approval of an updated Functional Servicing Report and Watermain Hydraulic Analysis Report where greater than 1,341 dwelling units are proposed, to the satisfaction of the Director of Growth Management.

Result: Motion on Item 7 of the Planning Committee Report 22-013, CARRIED by a vote of 12 to 0, as follows:

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

YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
CONFLICT - Ward 9 Councillor Brad Clark

Upon request, Council voted on Item 13 separately, as follows:

13. Urban Hamilton Official Plan Amendment (UHOPA-21-019) and Zoning By-law Amendment (ZAC-21-041) Applications for the Lands Located at 510 Centennial Parkway North (PED22129) (Ward 5) (Item 9.3) (Deferred back to Committee by Council at their July 8, 2022 meeting) (Item 10.3)

- (a) That Official Plan Amendment Application UHOPA-21-019 by Confederation Park Shopping Centres Limited and Confederation Park Shopping Centres II Limited, Owner (c/o Adam Anthony Hawkswell) for a further modification to Area Specific Policy - Area "D" in the Centennial Neighbourhoods Secondary Plan to permit the establishment of a four storey warehouse (mini storage facility), to restrict the maximum gross floor area of the mini storage use to 12,900 square metres and to permit a mini storage facility in addition to the existing maximum gross floor area cap of 45,058 square metres for all District Commercial uses, for lands located at 510 Centennial Parkway North, as shown on Appendix "A" attached to Report PED22129, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED22129, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That Zoning By-law Amendment Application ZAC-21-041 by Confederation Park Shopping Centres Limited and Confederation Park Shopping Centres II Limited (c/o Adam Anthony Hawkswell) for a further modification to the "G-1/S-1613" (Designated Shopping Centre) District, Modified, to permit a four storey, 12,482 square metre warehouse (mini storage facility) on the lands located at 510 Centennial Parkway North, as shown on Appendix "A" attached to Report PED22129, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED22129, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with

the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. _____.

Result: Motion on Item 13 of the Planning Committee Report 22-013, CARRIED by a vote of 10 to 3, as follows:

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

Result: Motion on the balance of the Planning Committee Report 22-013, CARRIED by a vote of 13 to 0, as follows:

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

BOARD OF HEALTH REPORT 22-008

(Wilson/Partridge)

That Board of Health Report 22-008, being the meeting held on Wednesday, August 10, 2022, be received and the recommendations contained therein be approved.

Upon request, Council voted on Item 1 separately, as follows:

1. **Correspondence from the Timiskaming Health Unit respecting Decriminalization of Personal Possession of Illicit Drugs (Item 5.2)**
 - (a) That the Correspondence from the Timiskaming Health Unit respecting Decriminalization of Personal Possession of Illicit Drugs, be endorsed;
 - (b) That the City of Hamilton communicate to the Health Canada that penalties for the production and distribution of illicit drugs be increased;
 - (c) That the City of Hamilton request that the Federal Government include Hamilton in the Health Canada pilot-project, granting an exemption, under subsection 56(1) of the Controlled Drugs and Substance Use Act to remove criminal penalties for people who possess a small amount of certain illegal substances for personal use. pilot project, similar to that given to British Columbia; and
 - (d) That the correspondence be distributed to local Members of Parliament, Federation of Canadian Municipalities, the Hamilton Police Services Board and the Association of Municipalities of Ontario.

Result: Motion on Item 1 of the Board of Health Report 22-008, CARRIED by a vote of 11 to 2, as follows:

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

Upon request, Council voted on Item 4 separately, as follows:

4. Healthy Babies Healthy Children Program Budget 2022-2023 (BOH22015) (City Wide) (Item 10.2)

- (a) That the 2022-2023 Healthy Babies, Healthy Children program budget, funded primarily by the Ministry of Children, Community and Social Services be approved; and,
- (b) That the Medical Officer of Health or delegate be authorized and directed to receive, utilize, report on and execute all Service agreements and contracts, in a form satisfactory to the City Solicitor, required to give effect to the 2022-2023 Healthy Babies, Healthy Children program budget; and,
- (c) That the Medical Officer of Health or delegate be authorized and directed to receive, utilize, and report on the grant received from the Hamilton Community Foundation for the Nurse Family Partnership program for 2022.

Result: Motion on Item 4 of the Board of Health Report 22-008, CARRIED by a vote of 12 to 1, as follows:

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

Result: Motion on the balance of the Board of Health Report 22-008, CARRIED by a vote of 13 to 0, as follows:

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

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

CITYHOUSING HAMILTON SHAREHOLDER REPORT 22-002

(Farr/Jackson)

That CityHousing Hamilton Shareholder Report 22-002, being the meeting held on Wednesday, August 10, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the CityHousing Hamilton Shareholder Report 22-002, CARRIED by a vote of 13 to 0, as follows:

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

PUBLIC WORKS COMMITTEE REPORT 22-012

(Nann/Powers)

That Public Works Committee Report 22-012, being the meeting held on Wednesday, August 10, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Public Works Committee Report 22-012, CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla

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

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-014
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(Pearson/VanderBeek)

That Audit, Finance and Administration Committee Report 22-014, being the meeting held on Thursday, August 11, 2022, be received and the recommendations contained therein be approved.

Upon Request, Council voted on Item 11 separately, as follows:

11. City Enrichment Fund - Digital Program (CM22015 / GRA22003) (City Wide) (Added Item 10.7)

That Report CM22015 / GRA22003, respecting the City Enrichment Fund - Digital Program as **Amended**, be REFERRED to the Grant's Sub-Committee for further consideration.

Result: Motion on Item 11 of the Audit, Finance and Administration Committee Report 22-014, DEFEATED by a vote of 3 to 11, as follows:

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

Mayor Eisenberger relinquished the Chair to Deputy Mayor Danko in order to move the following motion:

11. City Enrichment Fund - Digital Program (CM22015 / GRA22003) (City Wide) (Added Item 10.7)

(Eisenberger/Nann)

- (a) *That a new Digital program area, which focuses on projects related to digital equity, be established within the City Enrichment Fund as a 2-year pilot, with the ability to evaluate the success of the program area thereafter;***
- (b) *That the City Enrichment Fund Reserve of \$150,000 be effectively allocated to this new pilot program area of Digital, with the split of \$75,000 allocated to Year 1 and \$75,000 be allocated to Year 2 and be made available to local eligible entities as per existing CEF eligibility guidelines and newly drafted program area specific guidelines; and,***
- (c) *That the Digital Handbook, containing objectives, funding categories, guidelines, application details and budget information, as outlined in the attached Appendix "A" to Report CM22015/GRA22003 be approved.***
- (d) *That staff be directed to report back to the Grant's Sub-Committee annually respecting the City Enrichment Fund - Digital Program Pilot Program.***

Result: Motion on Item 11, *As Amended*, of the Audit, Finance and Administration Committee Report 22-014, CARRIED by a vote of 12 to 1, as follows:

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

Result: Motion on the balance of the Audit, Finance and Administration Committee Report 22-014, CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

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

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 22-012

(Clark/Jackson)

That Emergency and Community Services Committee Report 22-012, being the meeting held on Thursday, August 11, 2022, be received and the recommendations contained therein be approved.

(Nann/Wilson)

That sub-section (a)(i)1 to Item 7 of the Emergency and Community Services Committee Report 22-012, respecting Adaptation and Transformation of Services for People Experiencing Homelessness Update 6, be **amended**, to read as follows:

7. Adaptation and Transformation of Services for People Experiencing Homelessness Update 6 (HSC20020(f)) (City Wide) (Item 10.3)

- (a) That staff be authorized to implement an interim plan for homelessness system service levels at an approximate cost of \$5.472M for additional pressures in 2022 and to the end of March 2023, as follows:
 - (i) In 2022:
 - 1. ***Subject to receipt of the necessary building permits and/or planning approvals, a A*** one-time grant to a maximum amount of \$3.04 M to Mission Services for capital improvements to a new men’s emergency shelter location ***at 400 King Street East***, replacing the current location at 325 James St. North to retain permanent emergency shelter for approximately 58 men and add 50 new transitional beds of which up to 24 can be used for shelter surge capacity in the men’s shelter system;

Result: Amendment on Item 7 of the Emergency and Community Services Committee Report 22-012, CARRIED by a vote of 12 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson

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

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

7. Adaptation and Transformation of Services for People Experiencing Homelessness Update 6 (HSC20020(f)) (City Wide) (Item 10.3)

- (a) That staff be authorized to implement an interim plan for homelessness system service levels at an approximate cost of \$5.472M for additional pressures in 2022 and to the end of March 2023, as follows:
- (i) In 2022:
1. ***Subject to receipt of the necessary building permits and/or planning approvals, a A*** one-time grant to a maximum amount of \$3.04 M to Mission Services for capital improvements to a new men's emergency shelter location ***at 400 King Street East***, replacing the current location at 325 James St. North to retain permanent emergency shelter for approximately 58 men and add 50 new transitional beds of which up to 24 can be used for shelter surge capacity in the men's shelter system;
 2. Ancillary costs, including security and damages, associated with the rental of hotel rooms for expanded temporary emergency shelter for single men and women, in the approximate amount of \$500 K;
- (ii) From January to March 2023, addressing the needs of community members accessing the emergency shelter system through:
1. Interim capacity of up to 100 additional beds in the women's emergency shelter system as needed, by extending temporary emergency shelter operations at 378 Main Street East (the former Cathedral Boys School) at an approximate cost of \$334 K monthly for an approximate total of \$1 M;

2. Maintaining increased interim emergency shelter capacity of up to 24 beds in the men's system, by increasing the overflow capacity of the new Mission Services men's shelter by up to 24 additional beds in the approximate monthly amount of \$58.3 K for an approximate total of \$175 K;
 3. Extending four temporary emergency shelter beds at Salvation Army men's shelter at an approximate cost of \$22 K; and;
 4. Continuation of enhanced drop-in services including but not limited to The Living Rock Ministries, Mission Services of Hamilton Inc., Wesley Urban Ministries Inc. and The Hamilton Young Women's Christian Association (YWCA) in the approximate monthly amount of \$245 K for an approximate total of \$735 K;
- (b) That staff be directed to pursue full recovery from senior levels of government for the costs identified in recommendation (a) as they are associated to COVID and that recommendations will be coming back through the Year End report outlining what has been funded and what requires additional funding;
- (c) That staff be directed to bring a business case forward to Council through the 2023 budget process detailing a phased transition plan over the remaining nine months of 2023 for the emergency shelter system; and,
- (d) That the Mayor, on behalf of City Council, correspond with the Federal Minister of Housing and Diversity and Inclusion and the Provincial Minister of Municipal Affairs and Housing to advocate for additional transitional COVID-19 funding resources to support ongoing housing and homelessness systems responses, address budgetary shortfalls, and mitigate impacts on the City.

Result: Main Motion, As Amended, Item 7 of the Emergency and Community Services Committee Report 22-012, CARRIED by a vote of 13 to 0, as follows:

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

Result: Motion on the balance of the Emergency and Community Services Committee Report 22-012, CARRIED by a vote of 13 to 0, as follows:

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

(Danko/Pauls)

That Council rise from Committee of the Whole.

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

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

(Jackson/Pauls)

That Council recess until 1:20 p.m.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr

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

MOTIONS

6.1 Renaming of Keith Park to Joel Hulsman Park

(Nann/Eisenberger)

WHEREAS, Joel Hulsman started working at Kenesky’s Sports and Cycle at the age of 12 years, where he was part of the infamous legacy of producing the gold standard of goalie pads among hockey players until 1992;

WHEREAS, Joel Hulsman became the owner of Kenesky’s Sports and Cycle on Barton Street until it closed in 2015;

WHEREAS, Joel Hulsman was known as the “Mayor of Barton Street”, and Kenesky’s Sports and Cycle acted as an information hub and community gathering place;

WHEREAS, residents in the ward have requested that a park situated at Keith Street and Douglas Avenue be named after Joel Hulsman to coincide with the 50th Anniversary of the Team Canada ’72 Summit Series in hockey in September 2022; and

WHEREAS, a Facility Naming Sub-Committee meeting to discuss the request will not fall within the September deadline for the naming, as is the usual practice of naming requests;

THEREFORE, BE IT RESOLVED:

That staff proceed with the process of having the park at the corner of Keith Street and Douglas Avenue, named after Joel Hulsman to coincide with the 50th Anniversary of the Team Canada ’72 Summit Series in hockey in September 2022.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

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

6.2 Appointments to the Hamilton-Wentworth Catholic District School Board Liaison Committee and the Hamilton-Wentworth District School Board Liaison Committee

(Partridge/VanderBeek)

WHEREAS, Council on July 8th, increased the membership on the Hamilton-Wentworth District School Board Liaison Committee and the Hamilton-Wentworth Catholic District School Board Liaison Committee to a total of three Members of Council (Mayor and two members of Council).

THEREFORE, BE IT RESOLVED:

- (a) That Councillor R. Powers, be appointed to the Hamilton-Wentworth District School Board Liaison Committee for the remainder of the 2018-2022 Term of Council; and
- (b) That Councillor B. Clark, be appointed to the Hamilton-Wentworth Catholic District School Board Liaison Committee for the remainder of the 2018-2022 Term of Council.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

NOT PRESENT - Ward 9 Councillor Brad Clark
Mayor Eisenberger relinquished the Chair to Deputy Mayor Danko in order to introduce the following motion:

6.3 Amendment to Item 5.10(a) of the June 22, 2022 Council minutes, respecting Report HSC22029(a) - Ukrainian Response Update and Request for Assistance (City Wide)

(Eisenberger/Jackson)

WHEREAS, Council on June 22, 2022 authorized staff to respond to supporting the Ukraine Crisis, including but not limited to short-term and temporary accommodations and wrap around supports with an estimated cost up to \$670,000 per month for 2 months (\$1,340,000);

WHEREAS, staff as of August 12, 2022, have expensed approximately \$25,000 of the estimated cost up to \$670,000 per month for 2 months (\$1,340,000);

WHEREAS, it is now necessary to extend the timeframe beyond August 2022 to approximately January 31, 2023, to an upset limit of \$1,340,000 (\$670,000 per month for 2 months).

THEREFORE, BE IT RESOLVED:

- (a) That Sub-section (a) of Item 5.10(a) of the June 22, 2022 Council minutes, respecting Report HSC22029(a) - Ukrainian Response Update and Request for Assistance (City Wide), be **amended**, to read as follows:
 - (a) That staff be authorized to respond to supporting the Ukraine Crisis, including but not limited to short-term and temporary accommodations and wrap around supports with **an upset limit of \$1,340,000**, to be charged to the Corporate Financials – Expenditures/Non-Program Dept Id; and

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

5.10(a) Sub-Sections (a) and (c) of Report HSC22029(a) - Ukrainian Response Update and Request for Assistance (City Wide)

- (a) That staff be authorized to respond to supporting the Ukraine Crisis, including but not limited to short-term and temporary accommodations and wrap around supports with **an upset limit of \$1,340,000**, to be charged to the Corporate Financials – Expenditures/Non-Program Dept Id; and
- (b) That the Mayor and City Clerk be authorized and directed to execute all documentation necessary to support the City's response to the Ukraine Crisis, with content acceptable to the General Manager, City Managers Office, and in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

Mayor Eisenberger assumed the Chair.

6.4(a) Reconsideration of a decision that was defeated at the April 27, 2022 Council meeting respecting sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)

(Danko/Clark)

That sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6), which was defeated by Council on April 27, 2022 and reads as follows, be reconsidered:

10. Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)

- (a) That the City suspend its Mandatory COVID-19 Vaccination Verification Policy requiring proof of full vaccination in the workplace, and that the following provisions in the current policy, be amended by:
- (i) removing the general requirement to provide proof of vaccination or participate in rapid antigen testing program as an ongoing condition of employment, thereby eliminating the termination of employment for those employees failing to provide evidence of vaccination by May 31, 2022;
 - (ii) discontinuing the requirements for employees who have not disclosed their vaccination status (or who are subject to an accommodation) to participate in rapid antigen testing, effective May 2, 2022; and,
 - (iii) removing citizen appointees from the application of the Policy.

Result: Motion CARRIED by a 2/3rds vote of 10 to 3, as follows:

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

6.4(b) Consideration of a decision that was defeated at the April 27, 2022 Council meeting respecting sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)**(Clark/Jackson)**

That sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6), which was defeated by Council on April 27, 2022 and reads as follows, be considered:

10. Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)

- (a) That the City suspend its Mandatory COVID-19 Vaccination Verification Policy requiring proof of full vaccination in the workplace, and that the following provisions in the current policy, be amended by:
 - (i) removing the general requirement to provide proof of vaccination or participate in rapid antigen testing program as an ongoing condition of employment, thereby eliminating the termination of employment for those employees failing to provide evidence of vaccination by May 31, 2022;
 - (ii) discontinuing the requirements for employees who have not disclosed their vaccination status (or who are subject to an accommodation) to participate in rapid antigen testing, effective May 2, 2022; and,

- (iii) removing citizen appointees from the application of the Policy.

Result: Motion CARRIED by a vote of 9 to 4, as follows:

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

6.5 Financial Support for CityHousing Hamilton (CHH) to Address underfunding from Canada Mortgage and Housing Corporation (CMHC) for the new developments at 104 Bay Street North and 55 Queenston Road, Hamilton, Ontario

(Farr/Jackson)

WHEREAS, Canada Mortgage and Housing Corporation (CMHC) Co-Investment applications were made for the City Housing Hamilton Projects at 104 Bay Street North and 55 Queenston Road in December 2020;

WHEREAS, further supporting documents were gathered and submitted as per the regular application process and project progression through design and planning for construction to commence in August 2022;

WHEREAS, without any prior indication, CityHousing Hamilton (CHH) received notice on June 13, 2022 that projects in the application stage that have not reached final funding commitments were being capped at new lower funding levels, or otherwise being reduced, resulting in an estimated gap of \$5.4M;

WHEREAS, CHH escalated the crisis issue to CHH Board President, Councillor Jason Farr, and Member of Parliament Chad Collins and subsequently to the CHH Board on June 21, 2022 (CEO Update) and July 22, 2022 (Report 17021(e)) detailing the risk to the build out of these 95 affordable housing units;

WHEREAS, the 55 Queenston Road project is time sensitive to a financial commitment of the \$4.6M shortfall in order to proceed with construction, and dialogue and negotiation with CMHC has not resulted in a resolution;

WHEREAS, the 104 Bay Street North project with a shortfall of \$800k is not as time sensitive as continued conversations with CMHC may enable the smaller financial shortfall to be bridged; and,

WHEREAS, the City has previously authorized the issuance of debt financing for both of these projects;

THEREFORE, BE IT RESOLVED

- (a) That the General Manager, Finance and Corporate Services, be authorized to enter into and execute any necessary agreements, including any agreements with Infrastructure Ontario's Loan Program, to secure the capital funding required for CityHousing Hamilton Corporation project at 55 Queenston Road with content acceptable to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to negotiate and confirm the terms, placement and issuance of all debenture issue(s) and / or private placement debenture issue(s), in either a public or private market and / or bank loan agreements and debenture issue(s) and / or variable interest rate bank loan agreements and debenture issue(s), in an amount not to exceed \$4,600,000 Canadian currency in support of CityHousing Hamilton for project at 55 Queenston Road;
- (c) That the General Manager, Finance and Corporate Services, be authorized and directed to enter into and execute any necessary agreements, to engage the services of all required persons, agencies and companies to secure the terms and issuance of the debenture issue(s) described in Recommendation (a) including, but not limited to, external legal counsel, fiscal agents and financial professionals, with content acceptable to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (d) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are individually authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents to implement Recommendation (a) and in order to secure the terms and issuance of the debenture issue(s) described in Recommendation (a) with content acceptable to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (e) That the General Manager, Finance and Corporate Services be authorized and directed to administer all agreements and necessary ancillary documents described in Recommendations (a), (b), (c) and (d);
- (f) That staff be directed to prepare, for Council's consideration, all necessary By-law(s) to authorize and implement CityHousing Hamilton Corporation project at 55 Queenston Road, including By-laws for the purpose of authorizing the debenture issue(s) in accordance with Recommendations (b), (c), (d), (e), and (f) and any by-laws necessary to negotiate, place and secure the required capital funding in accordance with Recommendation (a);

- (g) That the General Manager, Finance and Corporate Services be directed and authorized to amend the debt financing amount in Recommendation (b) to reflect any additional funding sources, whether Federal or Provincial, that may be received in addition to the current budgeted amounts.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

6.6 Amendment to Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1)

(Ferguson/Partridge)

WHEREAS, the Fieldcote Memorial Park & Museum (“Fieldcote”), located at 64 Sulphur Springs Road, Ancaster, Ontario, is a City-owned facility which is cultural heritage centre;

WHEREAS, EarlyON Child and Family Centres offer a range of free programs that support parents and caregivers, encourage positive interactions with children and provide information regarding early learning and child development;

WHEREAS, EarlyON Child and Family Centres are rooted in collaboration across the system working with partners in recreation, libraries, school boards, arts and museums to ensure children and families are connected to essential resources that support optimal development;

WHEREAS, EarlyON Child and Family Centres require further support in Ancaster through an accessible, community-based location to meet service demands;

WHEREAS, the current indoor space and outdoor landscape at “Fieldcote” effectively complements EarlyON Child and Family Centre’s need for an accessible, community-based location in Ancaster;

WHEREAS, it is proposed that the “Fieldcote” be used as the primary program space for an EarlyON Child and Family Centre, with the new Ancaster Memorial Arts & Culture Centre offering a secondary space available to the program occasionally (3-4 times per month at a minimum, when permissible);

WHEREAS, the use of primary program space at “Fieldcote” for an EarlyON Child and Family Centre can be accommodated without adversely impacting existing museum programs and services;

WHEREAS, the two City-owned facilities in close proximity to each other and on a transit route in downtown Ancaster has created a prominent presence and synergy to the community of Ancaster;

WHEREAS, a significant capital contribution of \$500,000 has been made from the Early Years Reserve #112218 to the new Ancaster Memorial Arts & Culture Centre Project;

WHEREAS, the Ancaster Memorial Arts & Culture Centre project is nearing substantial completion and the capital budget sits with a favorable variance due to anticipated property sale of the Carluke Community Centre, which has increased from its original appraised value of \$300,000 to favourable range of \$550,000 – \$600,000 based on current real estate market conditions; and

WHEREAS, due to popular and overwhelming demands at the Ancaster Memorial Arts & Culture Centre with the arts and theatre programming, available space for the EarlyON program has been reduced significantly, accordingly, another nearby location is required to meet the needs of the Ancaster community.

THEREFORE, BE IT RESOLVED:

- (a) That Sub-section (b) to Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1), be **amended** to redistributed the original capital contribution of the \$500,000 from Early Years Reserve to Ancaster Memorial Arts & Culture Centre Project to include Fieldcote Memorial Park & Museum at 64 Sulphurs Spring Road as part of the EarlyON Child and Family Centre support in the Ancaster area, as follows:
 - (b) That the following funding strategy for an additional \$12.115M be approved for Project 3541641602, Ancaster Memorial Arts & Culture Centre **and Fieldcote Memorial Park & Museum at 64 Sulphurs Spring Road as part of the EarlyON Child and Family Centre support in the Ancaster area**, to complete construction of the projects as well as cover any associated project costs and fees:
 - (i) \$860,000 from Councillor Priority Roads Work-In-Process (for road access upgrade to property);
 - (ii) \$540,000 from additional Property Sales;

- (iii) \$2,000,000 from additional Community Contribution, of which \$1,000,000 will be loaned from the Investment Stabilization Reserve 112300;
 - (iv) \$2,738,333 from Federal Gas Tax;
 - (v) \$2,738,334 from the Unallocated Capital Reserve 108020;
 - (vi) \$2,738,333 from a 10-year Ancaster area-rating charge to be loaned from the Investment Stabilization Reserve 112300;
 - (vii) \$500,000 from Early Years Reserve 112218;
- (b) That the following Sub-sections be included in Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1), with the remaining sub-sections being renumbered as follows:
- (c) ***That staff be directed to set up a new Capital Project ID #7202241002 called “Ancaster Heritage Improvements”;***
 - (d) ***That funding be made available from the Ancaster Memorial Arts Project 3541641602 – “Ancaster Memorial Arts & Culture Centre”, in the amount of \$200,000 to be transferred to Capital Project ID #7202241002 “Ancaster Heritage Improvements”, in lieu of a rental fee and that the available funds be committed to future heritage-related capital initiatives at Ancaster museums and grounds together with the EarlyON Child and Family Centre; and***
 - (e) ***That the Energy, Fleet & Facilities Management Division staff work in collaboration with all parties to facilitate the necessary Service Level Agreement(s) (SLA) and/or License Agreement(s) which will outline the terms, conditions and expectation in accommodating the EarlyON Child and Family Centre at the two City-owned properties in Ancaster, being:***
 - (i) ***Fieldcote Memorial Park & Museum at 64 Sulphur Spring Road; and***
 - (ii) ***Ancaster Memorial Arts & Culture Centre at 357 Wilson Street East.***
- (f) That staff be directed to explore funding from other levels of government to offset the City’s own source funding commitment;
- (g) That the General Manager, Public Works Department be authorized and directed to negotiate, enter into, execute and amend any ancillary documents with funders or other levels of government for additional funding on the project, with such terms and conditions in a form satisfactory to the City Solicitor; and,

- (h) That pursuant to Procurement Policy #11 – Non-competitive Procurements staff be authorized to enter into single source procurement for \$125,000, with Archaeology Research Associates to complete the final Stage 4 excavation report in accordance with the Ministry of Tourism Culture and Sport Standards and Guidelines for Archaeologists.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

6.7 Amendment to Item 4 of the Audit, Finance and Administration Committee Report 22-011, respecting the Governance Review Sub-Committee Report 22-002 - May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide) (Item 10.1)

(Wilson/Nann)

WHEREAS, homelessness and affordable housing is a Hamilton City council Priority;

WHEREAS, ensuring sustainability along the housing continuum is a critical and urgent concern and Council has been asked to endorse a whole of community approach to develop a Housing Sustainability and Investment Plan, which will require the identification of appropriate and sustainable funding sources;

WHEREAS, there are approximately 6,450 active households on the City of Hamilton housing waitlist;

WHEREAS, additional affordable housing developments, with appropriate supports, require a coordinated strategy, involving all levels of government, the not for profit sector and private donors;

Whereas, the Future Fund was established in 2002 with a mandate to create a permanent legacy for current and future generations of Hamiltonians to enjoy economic prosperity and improved quality of life.

WHEREAS, the City of Hamilton leveraged \$20 million from the Future Fund in the past towards a Poverty Reduction Strategy with an emphasis on affordable housing;

WHEREAS, the Office of the City Auditor (OCA) performed an assessment of the effectiveness of the Hamilton Future Fund;

WHEREAS, the OCA brought forward ten recommendations to strengthen fund governance, including: Development of a strategic plan for the use of funds, which incorporates public consultation;

WHEREAS, City staff have been directed by Council to develop and execute public engagement and consultation on the Hamilton Future Fund governance and reserve strategy and report back on the results in January 2023;

WHEREAS, City Council approved a framework of the public engagement and consultation on Hamilton Future Fund governance and reserve strategy on June 8, 2022 through Audit, Finance & Administration Committee Report 22-011 (Report FCS22045); and,

WHEREAS, some jurisdictions have introduced lending programs to help non-profit organizations keep and increase affordable housing units e.g. Nova Scotia - Community Housing Acquisition Program (CHAP) and the City of Ottawa Community Land Trust.

THEREFORE, BE IT RESOLVED:

- (i) That Sub-section (b) to Item 4 to the Audit, Finance and Administration Committee Report 22-011, respecting the Governance Review Sub-Committee Report 22-002 - May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide) (Item 10.1), be **amended**, to read as follows:
 - 4. Governance Review Sub-Committee Report 22-002 - May 30, 2022 (Added Item 10.3)**
 - (b) Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide) (Item 10.1)**
 - (i) That staff be directed to develop and execute public engagement and consultation on the Hamilton Future Fund governance and reserve strategy and report back on the results in January 2023; and,
 - (ii) That the framework of the public engagement and consultation on Hamilton Future Fund governance and reserve strategy, attached hereto as **REVISED Page 4** of Appendix "C" to Audit, Finance and Administration Committee Report 22-011, be approved, as **amended**, by including:

Priorities for investment along the housing continuum specific to non-profit affordable housing whereby the Hamilton Future Fund, in whole or in conjunction with federal monies, could serve as a permanent revolving source of sustainable funding to assist in making affordable housing projects viable where co-investment is appropriate and/or required with upper levels of government, and that the public engagement feedback be considered in the context of future updates to the City's Affordable Housing strategy.

(Powers/Eisenberger)

That the amendment to Item 4 of the Audit, Finance and Administration Committee Report 22-011, respecting the Governance Review Sub-Committee Report 22-002 - May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide), as follows, be referred to the Hamilton Future Fund Board of Governors for consideration and a report back to Audit, Finance and Administration:

(b) Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide) (Item 10.1)

- (ii) That the framework of the public engagement and consultation on Hamilton Future Fund governance and reserve strategy, attached hereto as ***REVISED Page 4*** of Appendix "C" to Audit, Finance and Administration Committee Report 22-011, be approved, as ***amended***, by including:

Priorities for investment along the housing continuum specific to non-profit affordable housing whereby the Hamilton Future Fund, in whole or in conjunction with federal monies, could serve as a permanent revolving source of sustainable funding to assist in making affordable housing projects viable where co-investment is appropriate and/or required with upper levels of government, and that the public engagement feedback be considered in the context of future updates to the City's Affordable Housing strategy.

Result: Amendment CARRIED by a vote of 10 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Russ Powers
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 NO - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger

YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
NOT PRESENT - Ward 9 Councillor Brad Clark

6.8 Amendment to Item 4 of the Audit, Finance and Administration Committee Report 21-022, respecting Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds

(Danko/Wilson)

WHEREAS, Vision Zero and Complete Streets principles are used in the City of Hamilton to provide a safer environment for all road users;

WHEREAS, in 2020 a review of designated Ward 8 neighbourhoods was initiated with the intent of providing a Complete Streets report identifying areas of concern and recommendations to provide a safer environment for all road users based on Vision Zero and Complete Streets principles;

WHEREAS, the Complete Streets review included a focus on Traffic Calming Measures at problem locations considering road width, classification, surrounding land use, proximity to schools/playgrounds, access roads from arterials, on-street parking and other considerations;

WHEREAS, extensive public consultation has been completed as part of the Ward 8 Complete Streets review;

WHEREAS, Phase One (Short-Term) of the Ward 8 Complete Streets Review implementation strategy recommended the installation of speed cushions and other traffic calming measures on various roadways in Ward 8 based upon the study's review, input from residents and needs assessment to aid in managing safe use of neighborhood roadways, as outlined in the May 2, 2022 motion; and

WHEREAS, Phase Two (Medium-Term) and Phase Three (Long-Term) of the Ward 8 Complete Streets Review implementation strategy is being finalized and is expected to include more complex traffic calming measures including gateway features, curb bump-outs, raised crosswalks and other traffic safety installations.

THEREFORE, BE IT RESOLVED:

That sub-section (a) of Item 4 of Audit, Finance and Administration Report 21-022, respecting Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds, be **amended** as follows:

- (a) That the Canada Community Building Fund investment of \$30 M be allocated to the list of projects in Appendix "B" (attached hereto), **as further amended**, to Audit, Finance & Administration Committee Report 21-022 by adding the **Implementation of Phase Two Ward 8 Complete Streets Review with an allocated Canada Community – Building Funds totaling \$600,000**, and

reducing the \$1.9M of Canada Community – Building Funds allocated to the Limeridge Road resurfacing project to **\$1.3M**;

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

6.9 Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1)

(Powers/Partridge)

WHEREAS, the motion respecting the Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1), approved by the Airport Sub-Committee at their meeting of July 27, 2022, is considered time sensitive;

THEREFORE, BE IT RESOLVED:

Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1)

- (a) That staff be directed to author and provide letters of acknowledgment, as may be requested, from the City of Hamilton, as Head Landlord, towards any considered Sublease Agreement to be entered into by Hamilton International Airport Limited (Landlord), as a wholly owned subsidiary of TradePort International Corporation established to enter into such agreements, and a proposed tenant, respecting any contemplated construction and/or expansion to facilities located on John C. Munro Hamilton International Airport lands as leased by the City of Hamilton to TradePort International Corporation, as deemed appropriate and signed by the General Manager of Planning and Economic Development Department or designate;
- (b) That staff be directed to negotiate and enter into any requisite Non-Disturbance Agreement between the City of Hamilton, Hamilton International Airport Limited and any proposed tenant towards facilitating the construction

and/or expansion of any new and existing facility located on John C. Munro Hamilton International Airport lands, based substantially on such contemplated Sublease to be entered into between Hamilton International Airport Limited, as a wholly owned subsidiary of TradePort International Corporation established to enter into such agreements, and a potential tenant, and on such terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department;

- (c) That staff be directed to recover all costs related to any requested Non-Disturbance Agreement, including real estate and legal costs of \$2,500 plus applicable HST from Hamilton International Airport Limited and credited to Dept. ID Account No. 45408-812036 (Real Estate – Admin Recovery);
- (d) That the City Solicitor be authorized and directed to complete any requisite agreements including Non-Disturbance Agreements arising from a provided letter of acknowledgement that may be issued by the City of Hamilton towards any considered Sublease Agreement between Hamilton International Airport Limited and proposed tenant, on behalf of the City of Hamilton in order to facilitate the construction and/or expansion of any new or existing facility located on the John C. Munro International Airport lands, including paying any necessary expenses, amending the dates, due diligence and amending and waiving such other terms and conditions as deemed reasonable; and,
- (e) That the General Manager, Planning and Economic Development be authorized and directed to execute any requisite Non-Disturbance Agreement and all associated and necessary documents respecting a contemplated Sublease between Hamilton International Airport Limited and proposed tenancy, and all such documents to be in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

6.10 Association of Municipalities of Ontario (AMO) Representative

(Eisenberger/Jackson)

WHEREAS the Association of Municipalities of Ontario (AMO) represents the interests of 444 of Ontario's municipalities working together to achieve shared goals and meet common challenges;

THEREFORE BE IT RESOLVED:

- (a) That Councillor Russ Powers be appointed the City of Hamilton's representative at the Association of Municipalities of Ontario (AMO) (August 14 -17) in Ottawa; and
- (b) That Council assumes all costs associated with Councillor Russ Powers attending AMO's Conference (August 14 -17) in Ottawa be charged to the General Legislative 300100 account.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

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

Mayor Eisenberger assumed the Chair.

NOTICES OF MOTION - CONTINUED

7.3 Financial Support for CityHousing Hamilton (CHH) to Address underfunding from Canada Mortgage and Housing Corporation (CMHC) for the new developments at 104 Bay Street North and 55 Queenston Road, Hamilton, Ontario

(Farr/Jackson)

That the rules of order be waived to allow for the introduction of a Motion respecting Financial Support for CityHousing Hamilton (CHH) to Address underfunding from Canada Mortgage and Housing Corporation (CMHC) for the new developments at 104 Bay Street North and 55 Queenston Road, Hamilton, Ontario.

Result: Motion CARRIED by a 2/3rds vote of 11 to 0, as follows:

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

For further disposition of this matter, refer to Item 6.5

7.4 Amendment to Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1)

(Ferguson/Partridge)

That the Rules of Order be waived to allow for the introduction of a motion respecting an Amendment to Item 3.1 of Council Minutes 22-001 respecting an Amendment to Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1).

Result: Motion CARRIED by a 2/3rds vote of 11 to 0, as follows:

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

For further disposition of this matter, refer to Item 6.6

7.5 Amendment to Item 4 of the Audit, Finance and Administration Committee Report 22-011, respecting the Governance Review Sub-Committee Report 22-002 - May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide) (Item 10.1)

(Wilson/Nann)

That the Rules of Order be waived to allow for the introduction of a motion respecting an Amendment to Item 3.1 of Council Minutes 22-001 respecting an Amendment to Item 4 of the Audit, Finance and Administration Committee Report 22-011, respecting the Governance Review Sub-Committee Report 22-002 - May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide) (Item 10.1)

Result: Motion CARRIED by a 2/3rds vote of 11 to 0, as follows:

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

For further disposition of this matter, refer to Item 6.7

7.6 Amendment to Item 4 of the Audit, Finance and Administration Committee Report 21-022, respecting Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds

(Danko/Wilson)

That the Rules of Order be waived to allow for the introduction of a motion respecting an Amendment to Item 3.1 of Council Minutes 22-001 respecting an Amendment to Item 4 of the Audit, Finance and Administration Committee Report 21-022, respecting Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds.

Result: Motion CARRIED by a 2/3rds vote of 11 to 0, as follows:

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

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

For further disposition of this matter, refer to Item 6.8

Mayor Eisenberger relinquished the Chair to Deputy Mayor Danko.

7.7 Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1)

(Powers/Partridge)

That the Rules of Order be waived to allow for the introduction of a motion respecting an Amendment to Item 3.1 of Council Minutes 22-001 respecting the Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1).

Result: Motion CARRIED by a 2/3rds vote of 9 to 0, as follows:

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

For further disposition of this matter, refer to Item 6.9

7.8 Association of Municipalities of Ontario (AMO) Representative

(Eisenberger/Jackson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting an Association of Municipalities of Ontario (AMO) Representative.

Result: Motion CARRIED by a 2/3rds vote of 9 to 0, as follows:

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

For further disposition of this matter, refer to Item 6.10

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Danko/Partridge)

That the listing of Council Communication Updates from July 1, 2022 to August 4, 2022, be received.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
NOT PRESENT - Ward 9 Councillor Brad Clark

BY-LAWS AND CONFIRMING BY-LAW

(Danko/Powers)

That Bills No. 22-181 to No. 22-228, as **Amended**, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 181 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)
Schedule 9 (No Right Turn on Red)
Schedule 11 (No Left Turn on Red)
Ward: 1, 2, 3, 5
- 182 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 5 (Stop Control)
Ward: 1, 2, 3, 4, 5
- 183 A By-law to Establish Certain 2022 User Fees and Charges for Services,
Activities or the Use of Property and the Repeal By-law No. 21-119
Ward: City Wide
- 184 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 18-30 King
Street East, Hamilton
ZAD-22-026
Ward: 2
- 185 To Amend Zoning By-law No. 05-200 (Hamilton), Respecting Lands Located at
41 Wilson Street, Hamilton
ZAD-22-034
Ward: 2
- 186 Respecting Removal of Part Lot Control, Block 1 and 3, Registered Plan No.
62M-1278, municipally known as 11-17 Reid Avenue South, 30 Reid Avenue
North, and 7-29 Lang Street, Hamilton
PLC-22-008
Ward: 4
- 187 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 265 Mill
Street South, Former Town of Flamborough, owned by Braebourne Holdings Inc.
ZAC-21-017
Ward: 15
- 188 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 0
Gowland Drive and 3435 Binbrook Road (Glanbrook)

- ZAC-21-024
Ward: 11
- 189 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1117, 1121, 1129 and 1133 Beach Boulevard (Hamilton)
ZAC-22-007
Ward: 5
- 190 To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 1117, 1121, 1129 and 1133 Beach Boulevard, Hamilton, as **Amended**
ZAC-22-007
Ward: 5
- 191 To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Modifications and Updates to Low Density Residential Zones
CI 22-G
Ward: City Wide
- 192 To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Modifications and Updates to Low Density Residential Zones
CI 22-G
Ward: City Wide
- 193 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Modifications and Updates to Low Density Residential Zones
CI 22-G
Ward: City Wide
- 194 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Modifications and Updates to Low Density Residential Zones
CI 22-G
Ward: City Wide
- 195 To Amend Former City of Hamilton Zoning By-law No. 6593 Respecting Modifications and Updates to Low Density Residential Zones
CI 22-G
Ward: City Wide
- 196 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Modifications and Updates to Low Density Residential Zones
CI 22-G
Ward: City Wide
- 197 To Amend City of Hamilton Zoning By-law No. 05-200, Respecting the Creation of a Low Density Residential (R1) Zones and Low Density Residential – Small Lot (R1a)Zones
CI 22-G
Ward: City Wide

- 198 Respecting Removal of Part Lot Control, Block 1, Registered Plan No. 62M-1273 and Blocks 9 & 13, Registered Plan 62M-1256
PLC-22-012
Ward: 9
- 199 Respecting Removal of Part Lot Control, Block 1, Registered Plan No. 62M-1286, municipally known as 179, 183 and 187 Wilson Street West, Ancaster
PLC-22-003
Ward: 12
- 200 Respecting Removal of Part Lot Control, Block 2, Registered Plan No. 62M-1273
PLC-22-011
Ward: 9
- 201 To Amend City of Hamilton By-law No. 01-215, Being a By-law to Regulate Traffic, to Designate Community Safety Zones in Hamilton
Schedule 34 (Community Safety Zones)
Ward: 1, 2, 3
- 202 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 2 (Through Highways)
Schedule 3 (Through Highways, NPA)
Schedule 5 (Parking Meter Zones)
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 14 (Wheelchair Loading Zones)
Schedule 15 (Commercial Vehicle Loading Zones)
Schedule 20 (School Bus Loading Zones)
Ward: 1, 2, 3, 4, 6, 7, 8, 15
- 203 To Designate Property Located at 56 York Boulevard, City of Hamilton as Property of Cultural Heritage Value
Ward: 2
- 204 To Adopt Official Plan Amendment No. 171 to the Urban Hamilton Official Plan Respecting 335 Wilson Street East (Ancaster)
Ward: 12
- 205 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 327 Wilson Street East and 335 Wilson Street East, Ancaster
ZAC-21-002
UHOPA-21-02
Ward: 12
- 206 To Adopt Official Plan Amendment No. 170 to the Urban Hamilton Official Plan Respecting 136 and 144 Upper Mount Albion Road (former City of Stoney Creek)
Ward: 9

- 207 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 136 and 144 Upper Mount Albion Road (Stoney Creek)
ZAC-21-033
Ward: 9
- 208 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)
Schedule 9 (No Right Turn on Red)
Schedule 11 (No Left Turn on Red)
Schedule 13 (Designated Traffic Lanes)
Ward: 1, 2, 3, 5
- 209 A By-law to Establish a Municipal Accommodation Tax
Ward: City Wide
- 210 Being a By-law to Permanently Close a Portion of Public Unassumed Alley Abutting 46 Ferguson Avenue South, Hamilton, established by Registered Plan 48, in the City of Hamilton, designated as Part 2 on Reference Plan 62R-21195, being Part of PIN 17169-0382 (LT), City of Hamilton
Ward: 2
- 211 A By-law to Deem a Part of a Subdivision Not to Be Registered, Blocks 131, 132, 133 and 134, inclusive, of Registered Plan No. 62M-1085
Ward: 14
- 212 To Amend Zoning By-law No. 87-57, Respecting Lands Located at 154 Wilson Street East, Ancaster
ZAC-18-058/UHOPA-18-024
Ward: 12
- 213 To Adopt Official Plan Amendment No. 172 to the Urban Hamilton Official Plan Respecting 705 and 713 Rymal Road East
Ward: 6
- 214 To Amend Zoning By-law No. 6593, Respecting Lands Located at 705 and 713 Rymal Road East
ZAC-21-026
Ward: 6
- 215 To Adopt Official Plan Amendment No. 175 to the Urban Hamilton Official Plan Respecting Bill 13 & Bill 109 Implementation
Ward: City Wide
- 216 To Adopt Official Plan Amendment No. 36 to the Rural Hamilton Official Plan Respecting Bill 13 and Bill 109 Implementation
Ward: City Wide

- 217 To Delegate Removal of a Holding Symbol, Approval and Extension of a Temporary Use By-law and Minor Zoning By-law Amendment
Ward: City Wide

- 218 Being a By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land
Ward: City Wide

- 219 To Adopt Official Plan Amendment No. 249 to the City of Hamilton Official Plan Respecting 405 James Street North (Hamilton)
Ward: 2

- 220 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 405 James Street North, Hamilton
ZAC-21-031
Ward: 2

- 221 Delegation of Consent Authority and Constituting a Committee of Adjustment
Ward: City Wide

- 223 To Adopt Official Plan Amendment No. 174 to the Urban Hamilton Official Plan, Respecting 1842 King Street East
Ward: 4

- 224 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1842 King Street East, in the City of Hamilton
ZAC-21-021
Ward: 4

- 225 To Adopt Official Plan Amendment No. 176 to the Urban Hamilton Official Plan Respecting 510 Centennial Parkway North (Hamilton)
Ward: 5

- 226 To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 510 Centennial Parkway North, Hamilton
ZAC-21-041
Ward: 5

- 227 Hamilton 60 Caledon Avenue Municipal Housing Project Facilities By-law
Ward: 8

- 228 To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 9 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- NOT PRESENT - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla

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

(Farr/Pearson)

That, there being no further business, City Council be adjourned at 2:55 p.m.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

Respectfully submitted,

Mayor Fred Eisenberger

Andrea Holland
City Clerk



SPECIAL CITY COUNCIL MINUTES 22-018

9:32 a.m.
August 15, 2022
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Deputy Mayor J.P Danko
Councillors M. Wilson, J. Farr, S. Merulla, T. Jackson, E. Pauls,
J. Partridge, B. Clark, M. Pearson

Absent: Mayor F. Eisenberger – City Business
Councillors B. Johnson, A. VanderBeek and R. Powers – City
Business
Councillors N. Nann, L. Ferguson and T. Whitehead – Personal

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

APPROVAL OF THE AGENDA

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

(Clark/Pearson)

That the agenda for the August 15, 2022 Special meeting of Council be approved, as presented.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

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

DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTIONS

3.1 CityHousing Hamilton Shareholder Resolutions

(Merulla/Farr)

Sole Voting Member Approval Re: Appointment of a Chief Executive Officer of the Corporation

WHEREAS the City of Hamilton is the sole voting member of the Corporation (“Sole Voting Member”);

AND WHEREAS the Declaration and Direction of the Sole Voting Member, (also referred to therein as the Shareholder) effective as of September 30, 2012 (the “Direction”) provides for the appointment of a Chief Executive Officer of the Corporation who shall be a City of Hamilton employee and who shall report to the Board of Directors with respect to all operational and functional matters of the Corporation;

AND WHEREAS the Direction further provides that the Board of the Corporation may make recommendations on the hiring and terms and conditions for a Chief Executive Officer (the “CEO”), as a City of Hamilton employee, to the Shareholder pursuant to Article 3.1.6 of the Direction;

AND WHEREAS the Shareholder desires to further direct a temporary change to the Direction on the process for hiring of the CEO, for the period of August 22, 2022 to December 2, 2022, to deal with limitations on the powers of Council for the City of Hamilton, so as to provide further authority for the Board of the Corporation;

NOW THEREFORE the Council of the City of Hamilton, acting in its capacity as representative of the Sole Voting Member of the Corporation, RESOLVES AS FOLLOWS:

- 1. SOLE VOTING MEMBER APPROVAL RE: APPOINTMENT OF A CHIEF EXECUTIVE OFFICER OF THE CORPORATION**

BE IT RESOLVED:

- (i) That the Board of Directors of the Corporation are hereby authorized and will, in consultation with the City Manager and Human Resources for the City of Hamilton, upon conclusion of its selection criteria and process for a CEO, direct the City Manager to complete the hiring processes; and
- (ii) That the City Manager will report to the Shareholder and the Board of the Directors on the outcome of the recruitment and selection process and the successful candidate for the CEO position and including the terms, conditions and performance expectations that have been agreed upon with the successful candidate.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

CONFIRMING BY-LAW

(Pauls/Pearson)

That Bill No. 22-229, be passed and that the Corporate Seal be affixed thereto, and that the By-law, be numbered, be signed by the Mayor and the City Clerk to read as follows:

229 To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

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

(Pearson/Pauls)

That, there being no further business, City Council be adjourned at 9:38 a.m.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

Respectfully submitted,

Deputy Mayor J.P. Danko

Tamara Bates
Acting City Clerk



SPECIAL CITY COUNCIL MINUTES 22-019

10:30 a.m.
August 19, 2022
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger
Councillors M. Wilson, N. Nann, J.P. Danko, B. Clark, M. Pearson, A. VanderBeek, E. Pauls, L. Ferguson and J. Farr.

Absent: Councillor R. Powers – City Business
Councillors B. Johnson, J. Partridge, T. Jackson, S. Merulla and T. Whitehead – Personal

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

(Danko/Pearson)

That Section 3.4(3) of the City's Procedural By-law 21-021, as Amended, which provides for notice of a Special Council meeting at least 2 days before the time appointed for the Special Council meeting, be waived in order to hold this Special Council meeting.

Result: Motion CARRIED by a 2/3rds vote of 10 to 0, as follows:

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

NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

APPROVAL OF THE AGENDA

The Clerk advised of the following change to the agenda:

4. COMMITTEE REPORT

4.1 STAFF REPORT

4.1(a) Red Hill Valley Parkway Inquiry Update (LS19036(p)) (City Wide)

(Wilson/VanderBeek)

That the agenda for the August 19, 2022 Special meeting of Council be approved, as amended.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

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

DECLARATIONS OF INTEREST

There were no declarations of interest.

PRIVATE AND CONFIDENTIAL

(Ferguson/Pauls)

That Council move into Closed Session to consider Item 3.1 respecting the Red Hill Valley Parkway Inquiry Update (LS19036(o)) (City Wide), pursuant to Section 9.1, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f), (i) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

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

3.1 Red Hill Valley Parkway Inquiry Update (LS19036(o)) (City Wide)**(Eisenberger/Wilson)**

- (a) That Litigation Counsel and Inquiry Counsel, be directed to proceed as recommended and accept the decision of Hon. Frank Marrocco dated August 15, 2022 (the "Decision");
- (b) That External Legal Counsel be directed not to proceed with an appeal of Hon. Frank Marrocco's decision;

- (c) That Legal and Risk Management Services be directed to work with Inquiry Counsel to produce the requested documents in accordance with the Decision;
- (d) That the direction provided to staff in Closed Session, respecting Report LS19036(o) - Red Hill Valley Parkway Inquiry Update, be approved; and
- (e) That Report LS19036(o), respecting the Red Hill Valley Parkway Inquiry Update, remain confidential.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

(Danko/Ferguson)

That Council move into Committee of the Whole for consideration of the Committee Reports.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

YES – Ward 9 Brad Clark

COMMITTEE REPORTS

4.1 STAFF REPORT

4.1(a) Red Hill Valley Parkway Inquiry Update (LS19036(p)) (City Wide)

(Danko/Ferguson)

That Report LS19036(p) respecting the Red Hill Valley Parkway Inquiry Update, be received.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

(Danko/Pauls)

That Council rise from Committee of the Whole.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

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

CONFIRMING BY-LAW

(Danko/Pauls)

That Bill No. 22-230, be passed and that the Corporate Seal be affixed thereto, and that the By-law, be numbered, be signed by the Mayor and the City Clerk to read as follows:

230 To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

(Ferguson/Danko)

That, there being no further business, City Council be adjourned at 11:53 a.m.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

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

YES – Ward 9 Brad Clark

Respectfully submitted,

Mayor Fred Eisenberger

Andrea Holland
City Clerk

Ministry of Infrastructure

Office of the Minister

5th Floor, 777 Bay Street
Toronto, Ontario M7A 2E1
Telephone: 416-314-0998

Ministère de l'Infrastructure

Bureau du ministre

777, rue Bay, 5^e étage
Toronto (Ontario) M7A 2E1
Téléphone: 416 314-0998



August 4, 2022

His Worship Fred Eisenberger
Mayor
City of Hamilton
mayor@hamilton.ca

Dear Mayor Eisenberger:

Thank you for your letter regarding intergovernmental partnerships to improve digital infrastructure and address the digital divide.

We understand how important it is for people and businesses to have reliable access to high-speed internet. To that end, the Ontario government has been working to ensure that unserved and underserved communities across the province gain access to high-speed internet by the end of 2025.

Ontario has committed nearly \$4 billion to fill the infrastructure gaps in the province. A range of initiatives have been developed and are currently underway to deliver funds to internet service providers and other eligible entities to build out internet networks and bring faster service to these premises.

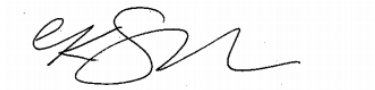
To date, we have committed over \$950 million to nearly 190 high-speed internet, cellular and satellite projects. These projects will bring high-speed internet access to over 375,000 homes and businesses across the province. The reverse auction is also coming to a close, and I anticipate it will help us take another enormous stride towards our 2025 commitment. The government has also implemented important legislative and regulatory measures to reduce barriers to high-speed internet infrastructure deployment.

With all that in mind, I am pleased to receive your letter and the recommendations included. Municipalities have long been our most important partners in helping to identify problems and solutions in underserved areas. All levels of government must find ways to work together and leverage our respective strengths to close the digital divide for all.

The Ministry of Infrastructure officials have been meeting regularly with the Digital Advocacy Working Group under the Greater Toronto and Hamilton Area Regional Prosperity Alliance, and your recommendations are being discussed at that table. These conversations are important for us to learn more about connectivity and affordability challenges in urban, rural and remote parts of Ontario.

As always, my door remains open should you want to discuss anything further.

Sincerely,

A handwritten signature in black ink, appearing to read 'KS', is placed on a light gray rectangular background.

The Honorable Kinga Surma
Minister of Infrastructure



Office of the City Clerk

August 11, 2022

Via email: premier@ontario.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Toronto, ON M7A 1A1

Dear Premier:

Re: Kingston City Council Meeting, August 9, 2022 – New Motion 3 – Vacancy Decontrol

At the regular meeting on August 9, 2022, Council approved New Motion 3 with respect to request to vacancy decontrol. At the same meeting, the following resolution was approved:

Whereas the Ontario Rent Control law allows the rent on vacated units to be increased by any amount in a legal deregulation known as “vacancy decontrol”; and

Whereas this allowed deregulation and market forces are permitting a significant rise in rents for tenants in Kingston and Ontario, which is making it difficult for people to afford their homes, save for home ownership, and better their situation;

Therefore Be It Resolved That City Council request the Province to tie rent control rules to residential units, rather than to the tenants who inhabit them in order to protect existing affordable housing and preserve affordable and mid-range rental housing supply; and

That as per a recent City of Toronto housing report, that Council request that the Province create a centralized data system to collect information on all rental units across Ontario such as rents, ownership, beneficial ownership and N12 and N13 issuance in order that governments and researchers may better understand who makes up market conditions and ownership and to what overall effect; and

That City staff report back by Q4 2022 on ways the City could ameliorate the market conditions faced by tenants through measures such as a bylaw to change renovation permit rules, eviction protection handbooks and other measures to help protect tenants from illegal and pressurized evictions as suggested in the recent City of Toronto housing report; and

That this request be sent to the Premier of the Province of Ontario, Doug Ford, the Minister of Housing and Municipal Affairs, Steve Clark, the Association of Municipalities of Ontario (AMO), interim leader of the NDP and the Official Opposition, Peter Tabuns, interim leader of the Ontario Liberal Party, John Fraser, and all Ontario municipalities with populations of 100,000 or more.

Yours sincerely,



John Bolognone
City Clerk
/nb

- C.C. Minister of Municipal Affairs & Housing, Steve Clark
AMO
Peter Tabuns, Interim Leader of the NDP & Official Opposition
John Fraser, Leader of the Ontario Liberal Party
Municipality of Chatham-Kent
Regional Municipality of Oxford
City of Thunder Bay
Town of Ajax
City of Guelph
Town of Whitby
Lambton County
City of Cambridge
City of St. Catharines
City of Barrie
City of Oshawa
City of Greater Sudbury
City of Burlington
Essex County
Town of Oakville
City of Richmond Hill
City of Windsor
City of Kitchener
Simcoe County
City of Vaughan
City of Markham
City of London
Regional Municipality of Niagara
Halton County
Regional Municipality of Waterloo
City of Hamilton
City of Brampton
Regional Municipality of Durham
City of Mississauga

City of Ottawa
City of York
Regional Municipality of York
City of Toronto



Office of the City Clerk

August 11, 2022

Via email: premier@ontario.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Toronto, ON M7A 1A1

Dear Premier:

Re: Kingston City Council Meeting, August 9, 2022 – New Motion 1 – Request to Provincial Government to release Landlord and Tenant Board Information

At the regular meeting on August 9, 2022, Council approved New Motion 1 with respect to request to the Provincial Government to release Landlord and Tenant Board Information. At the same meeting, the following resolution was approved:

Whereas landlords may issue to a tenant (1) a “Notice to End your Tenancy Because the Landlord, a Purchaser or a Family Member Requires the Rental Unit” (Form N12), or (2) a “Notice to End your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use” (Form N13); and

Whereas over the last few years there has been significant reporting in Kingston and Ontario of growing use of N12 and N13 Forms through which some landlords have evicted tenants contrary to the provisions meant to protect tenants from illegal evictions and renoventions in order to increase the rent on the vacated unit; and

Whereas the Kingston Community Legal Clinic has reported that they have seen a steadily growing number of N12 and N13 applications between 2018 and 2022 and have noted that the Clinic does not receive all the N12 and N13 Forms issued as many tenants do not report receiving the Notices and many middle-income tenants do not qualify for Clinic services; and

Whereas the media have recently reported that “there has been a substantial surge in overall applications to the Ontario Landlord and Tenant Board to evict a renter for renovations and repairs – not including any cases where tenants are asked to leave, but a formal application is never filed”;

Therefore Be It Resolved That in order to assist in understanding the extent of the issue, Council request the Province to have that the Landlord and Tenant Board release its information on N12 and N13 applications from 2018 to 2022; and

That this request be sent to the Premier of the Province of Ontario, Doug Ford, the Minister of Housing and Municipal Affairs, Steve Clark, the Association of Municipalities of Ontario (AMO), and all Ontario municipalities with populations of 100,000 or more.

Yours sincerely,



John Bolognone
City Clerk
/nb

C.C. Minister of Housing & Municipal Affairs Steve Clark
AMO
Municipality of Chatham-Kent
Regional Municipality of Oxford
City of Thunder Bay
Town of Ajax
City of Guelph
Town of Whitby
Lambton County
City of Cambridge
City of St. Catharines
City of Barrie
City of Oshawa
City of Greater Sudbury
City of Burlington
Essex County
Town of Oakville
City of Richmond Hill
City of Windsor
City of Kitchener
Simcoe County
City of Vaughan
City of Markham
City of London
Regional Municipality of Niagara
Halton County
Regional Municipality of Waterloo
City of Hamilton
City of Brampton

Regional Municipality of Durham
City of Mississauga
City of Ottawa
City of York
Regional Municipality of York
City of Toronto

BY EMAIL

September 7, 2022

Mayor Fred Eisenberger
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mayor Eisenberger,

Re: Closed meeting complaint

My Office received a complaint about two meetings in the City of Hamilton (the “City”). Specifically, the complaint alleged that a meeting of the Heritage Permit Review Sub-Committee on March 15, 2022, and a meeting of the Agriculture and Rural Affairs Advisory Committee on March 29, 2022, violated the open meeting rules found in the *Municipal Act, 2001*¹ (the “Act”) because they were not fully livestreamed and were therefore improperly closed to the public.

I have found that there was a technical issue during the meeting held on March 15, 2022, causing the livestream to go down despite the City’s commendable measures to prevent this from occurring. I am unable to conclude whether or not the meeting on March 29, 2022 was closed to the public contrary to the Act.

Ombudsman’s role and authority

As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public.² Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own. My Office is the closed meeting investigator for the City of Hamilton.

¹ SO 2001, c 25.

² *Ibid* at s 239.1.

My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of closed meeting cases. This searchable repository was created to provide easy access to the Ombudsman's decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/digest.

Review

My Office reviewed the City's procedural by-law and its YouTube page, where meetings are livestreamed for the public. We also reviewed the agenda, minutes, and video recording for the March 15, 2022 meeting of the Heritage Permit Review Sub-Committee and the agenda for the March 29, 2022 Agriculture and Rural Affairs Advisory Committee meeting.

We spoke with the Deputy Clerk, two Legislative Coordinators, the Manager of Heritage and Urban Design, and the staff liaison to the Heritage Permit Review Sub-Committee.

The Heritage Permit Review Sub-Committee meeting on March 15, 2022

We received a complaint that the March 15, 2022 meeting of the Heritage Permit Review Sub-Committee had a brief technical glitch with the livestream, which excluded the public from a portion of the meeting.

According to our review, the group met shortly after 5:00 p.m. and the meeting was livestreamed on YouTube. The public was not able to attend the meeting in person due to pandemic-related protocols. There was only one substantive item on the agenda, which was the consideration of a heritage permit application. However, the applicant was not present. The Chair asked the group whether consideration of the application should be adjourned to another day. According to the meeting recording, the staff liaison began to speak, but the livestream abruptly ended.

We were told that after that point, the group decided it needed to hear from the applicant or their agent so it moved to defer consideration of the application to April 19, 2022. According to the minutes, the meeting adjourned at 5:15 p.m.

Following previous investigations by my Office,³ the City has adopted a robust procedure to address technical issues with a livestream. A designated staff person is responsible for periodically checking the livestream, and their contact information is included on the agenda

³ Letter from the Ontario Ombudsman to the City of Hamilton (2 February 2022), online: <<https://www.ombudsman.on.ca/Media/ombudsman/ombudsman/resources/Municipal-Meetings/Ombudsman-Ontario-Hamilton-Board-of-Health-February-2022-accessible.pdf>>.



so the public can contact them in case there is an issue. As soon as staff becomes aware of a problem with the stream, the meeting is to be recessed so the issue can be addressed. If the issue cannot be fixed within fifteen minutes, the meeting is adjourned.

In this case, the staff liaison who was responsible for periodically checking the livestream feed did not notice the stream go down as she herself was speaking when this occurred. The meeting was adjourned shortly thereafter. No member of the public contacted the staff liaison during or after the meeting to indicate that there were issues with the stream.

Analysis

Our review found no evidence that the committee intentionally closed any part of the meeting to the public. The City did follow its procedure by assigning a staff person to monitor the livestream of its meetings. The procedure to recess the meeting was not activated in this case because the staff liaison responsible for periodically checking the livestream was actively participating in the conversation when the stream went down and was therefore not aware of the issue. The public also did not contact her about the problem, the meeting ended within minutes of the issue occurring, and the only matter discussed was adjourning the discussion to a specific later date. We encourage the City to continue with this practice of having a staff member monitor the livestream and to activate their procedure if technical problems should occur.

The Agriculture and Rural Affairs Advisory Committee meeting on March 29, 2022

We also received a complaint alleging that the March 29, 2022 meeting of the Agriculture and Rural Affairs Advisory Committee was improperly closed to the public. The complainant indicated that they attempted to watch the meeting, but were not able to access the livestream. The complainant did not contact the City to inform them of the issue, assuming the meeting had been cancelled for lack of quorum, but later learned that the meeting had gone ahead.

According to our review, the committee met virtually on March 29, 2022 at 7:00 p.m. The meeting was livestreamed on YouTube. The staff person responsible for setting up and monitoring the livestream informed us that she checked the public-facing livestream before the meeting and periodically throughout the meeting, and that she did not notice any issues. She also told us that she was not contacted by any member of the public about issues with the livestream, and that her contact information is available on the group's webpage and in each agenda package.

Analysis

We received conflicting information about whether the March 29 meeting of the Agriculture and Rural Affairs Advisory Committee was livestreamed. The Agriculture and Rural Affairs Advisory Committee does not archive their meetings, so my Office was unable to confirm

483 Bay Street, 10th Floor, South Tower / 483, rue Bay, 10^e étage, Tour sud
Toronto, ON M5G 2C9

Tel./Tél. : 416-586-3300 Facsimile/Télécopieur : 416-586-3485 TTY/ATS : 1-866-411-4211
www.ombudsman.on.ca

Facebook : facebook.com/OntarioOmbudsman Twitter : twitter.com/Ont_Ombudsman YouTube : youtube.com/OntarioOmbudsman



whether this meeting was livestreamed. In light of this, we are unable to reach a conclusion as to whether there were any technical issues with the feed. To increase the accountability and transparency of its meeting practices, we were told that the Clerk's office will recommend that all committee meeting recordings be archived on the City's YouTube page starting with the next term of council.

Conclusion

I would like to thank the City of Hamilton for its co-operation during my review, and I commend it for putting in place a robust procedure to address technical issues with public meetings. The Clerk has confirmed that this letter will be included as correspondence at an upcoming council meeting.

Sincerely,



Paul Dubé
Ombudsman of Ontario

Cc. Andrea Holland, Clerk

483 Bay Street, 10th Floor, South Tower / 483, rue Bay, 10^e étage, Tour sud
Toronto, ON M5G 2C9

Tel./Tél. : 416-586-3300 Facsimile/Télécopieur : 416-586-3485 TTY/ATS : 1-866-411-4211
www.ombudsman.on.ca

Facebook : facebook.com/OntarioOmbudsman Twitter : twitter.com/Ont_Ombudsman YouTube : youtube.com/OntarioOmbudsman



5.5

Residents of Belmont Ave – Formal Petition

We the residents of Belmont Ave. have submitted this electronic Petition to stop the implementation of the speed bump on Belmont Ave.

The Petition contains 12 signatures
A copy of the petition is available for viewing
in the Office of the City Clerk

Pilon, Janet

Subject: PFAS contaminated fish in Hamilton

From: Joseph Minor

Sent: Sunday, August 28, 2022 6:34 PM

To: clerk@hamilton.ca; clerks@hamilton.ca

Subject: PFAS contaminated fish in Hamilton

To: The Mayor and All Members of City Council c/o the Clerk

Can we please do a better job about telling people about the highly PFAS contaminated “do not eat” fish that live in the upper Welland River downstream from the Hamilton International Airport?

As you may remember, I have written Council on this subject before. I am writing again because a professional review of the recent scientific literature has concluded that the amounts of PFAS contaminated fish that it is “advisable” to eat need to be significantly reduced. I do not think this message is making it to people fishing in the area.

This is what they need to know:

Attention: People fishing in the upper Welland River, from the Hamilton International Airport downstream to Highway 6, the Binbrook Conservation Area, and all the way to Port Davidson in Niagara.

The highly contaminated areas are downstream from the former fire-fighting practice pad at the Hamilton International Airport. In order to comply with directives from Transport Canada, fire fighters sprayed large amounts of AFFF (aqueous film-forming foam) on practice fires in order to train with the use of AFFF. A popular type of AFFF had PFAS/PFCs/PFOS as a major ingredient, and the PFAS/PFCs/PFOS ran off the airport site and contaminated many kilometers of waterway downstream in the upper Welland River. The zone of high contamination is so long that it extends across Hamilton and on into Niagara. The Binbrook Conservation Area has highly contaminated fish and wildlife.

Many of the fish in this stretch of river are so highly contaminated with PFAS they are designated “do not eat” fish. According to the “current” online version of the Guide to Eating Ontario Fish:

In the upper Welland River (upstream of the Binbrook Reservoir):

“Women of child-bearing age and children under 15 years old” should not eat any pike, green sunfish, carp, or brown bullhead because they are highly contaminated with PFAS. Men and women past childbearing age should not eat carp over 22” because they are highly contaminated with PFAS.

In the Binbrook Reservoir:

“Women of child-bearing age and children under 15 years old” should not eat any black crappie, largemouth bass, smallmouth bass, channel catfish, pike (over 24”), white crappie (over 10”), carp (over 12”), or brown bullhead (over 12”) because they are highly contaminated with PFAS. Men and women past childbearing age should not eat carp over 22” because they are highly contaminated with PFAS.

In the stretch of the Welland River past the Binbrook dam down to Port Davidson:

“Women of child-bearing age and children under 15 years old” should not eat any white crappie, largemouth bass, or rock bass because they are highly contaminated with PFAS.

As bad as this PFAS contamination is, recent scientific studies have indicated that the amounts of PFAS/PFCs/PFOS that were deemed “advisable” to eat in the Guide were set too high (see below).

In Hamilton, Transport Canada has funded a million dollar, seven year (and ongoing) study called the “Hamilton International Airport - Offsite Risk Assessment”. Parts of the study have been released to the public in three pdfs. If you would like to see them, send me an eMAIL and I will send them to you.

The study reports that it is likely that the spraying of PFOS ended in 1989, and the spraying of all PFAS ended in 1994. Despite this, high levels of environmental contamination (including tainted fish) persist for many kilometres downstream to this day (33 years later). It is likely that this pollution will remain a significant problem for the foreseeable future.

An important part of the study was to evaluate whether or not the levels of PFAS/PFCs/PFOS currently used in the Guide to Eating Ontario Fish are consistent with the current state of scientific knowledge. The short answer is not even close. Adult men should eat no more than 30% of the amounts recommended in the Guide, and children and women of childbearing age should eat no more than 14% of the amounts recommended in the Guide. This means that the amounts listed in the Guide for men need to be decreased by more than 3.3-fold, and the amounts listed for children and women of childbearing age need to be decreased by more than 7.1-fold.

To see what applying this correction looks like for the fish in the upper Welland River, please see the pdf labelled “ERRATA_Tables”. As can be seen, the result is many more fish with decreased amounts of consumption.

I do not know when the Guide to Eating Ontario Fish will be corrected to bring it in line with current scientific knowledge.

Have you been told about these findings?

Transport Canada and the Ontario Ministry of the Environment, Conservation and Parks believe that their public notification regarding these results is “adequate”.

I am interested in learning what part of the public notification process is working. If you have heard about these findings, how were you informed?

If you have not been officially informed (e.g. by somebody other than me), please let me know when and how you are finally informed about the results of this major federally funded study.

Joe Minor

PhD, Biology



— TOWNSHIP OF —
ASHFIELD-COLBORNE-WAWANOSH

82133 Council Line, R.R. #5
 Goderich, Ontario N7A 3Y2

PHONE: 519-524-4669

FAX: 519-524-1951

E-MAIL: clerk@acwtownship.ca

September 2, 2022

Ministry of Agriculture, Food and Rural Affairs
 1 Stone Road West
 Guelph, ON N1G 2Y1

Re: Ontario Wildlife Damage Compensation Program

Dear Minister,

Please be advised that at the August 23rd meeting, the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh considered and adopted the following resolution.

Moved by Roger Watt
 Seconded by Jennifer Miltenburg

WHEREAS the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) administers the Ontario Wildlife Damage Compensation Program to provide compensation to farm producers for livestock killed by wildlife;

AND WHEREAS Ontario Municipalities administer the Program on behalf of OMAFRA by appointing Livestock Investigators and staff to work on wildlife damage claims;

AND WHEREAS the costs associated with wildlife damage claims exceed the administration fee of \$50.00 per claim as provided to the Municipality by OMAFRA;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of Ashfield-Colborne-Wawanosh request the Ministry of Agriculture, Food and Rural Affairs review the administration fee provided to Municipalities for the administration of the Ontario Wildlife Compensation Program;

AND FURTHER THAT this resolution be circulated to the Association of Municipalities of Ontario and all Ontario Municipalities for their consideration and support.

Carried

I also enclose the letter and resolution that brought the issue to Council's agenda. If you require any clarification or further information, please do not hesitate to contact me.

Sincerely,

Florence Witherspoon
 Municipal Clerk

The Corporation of the
MUNICIPALITY OF TWEED

255 Metcalf St., Postal Bag 729
Tweed, ON K0K 3J0
Tel.: (613) 478-2535
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Email: info@tweed.ca
Website: www.tweed.ca
[facebook.com/tweedontario](https://www.facebook.com/tweedontario)

July 4, 2022

Ministry of Agriculture, Food and Rural Affairs
1 Stone Road West
Guelph, ON N1G 4Y2

Dear Minister:

Re: Ontario Wildlife Damage Compensation Program

We are writing to you today on behalf of our municipality regarding the administration fees related to wildlife damage claims. This program is necessary to protect our farm producers from the devastating losses incurred when they lose livestock to predators.

At the June 28, 2022 Regular Council Meeting the attached Resolution was passed by Council.

Our Council's concern is the administration fee paid to municipalities to administer the program on the Ministry's behalf which was recently increased from \$30.00 per claim to \$50.00 per claim.

We have recently contracted for a new Livestock Investigator resulting in the following costs directly related to wildlife claims:

Hourly Rate: \$25.00/hour
Mileage Rate: .50/km

On the most recent invoice for this service there were three wildlife claims with costs as follows:

1. April 28, 2022 – 3 hours + mileage = \$95.00
2. May 5, 2022 – 2.5 hours + mileage = \$75.00
3. May 8, 2022 – 3.5 hours + mileage = \$120.00

There is also time spent by municipal staff in preparing the wildlife claims for submission and monitoring the claims for payment to the livestock owner.

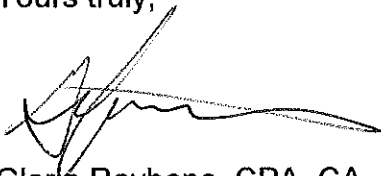
This results in a loss on each wildlife claim for our taxpayers to bear to be able to provide this necessary service to our farm producers.

Ministry of Agriculture, Food and Rural Affairs
Page 2
July 4, 2022

We respectfully request that the Ministry consider increasing the administration fee on wildlife claims to help offset the increasing costs associated with Livestock Investigation.

We look forward to hearing from you about this matter at your earliest convenience.

Yours truly,

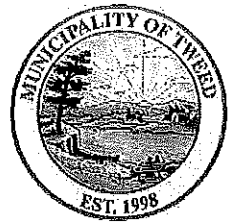
A handwritten signature in black ink, appearing to read 'Gloria Raybone', with a long, sweeping horizontal stroke extending to the right.

Gloria Raybone, CPA, CA
CAO/Treasurer

Encl.

cc. Association of Municipalities of Ontario
Ontario Municipalities

Municipality of Tweed Council Meeting
Council Meeting



Resolution No.

442.

Title:

Ministry of Agriculture, Food and Rural Affairs

Date:

Tuesday, June 28, 2022

Moved by

Brian Treanor

Seconded by

Jacob Palmateer

WHEREAS the Ontario Ministry of Agriculture, Food and Rural Affairs administers the Ontario Wildlife Damage Compensation Program to provide compensation to farm producers for livestock killed by wildlife;

AND WHEREAS Ontario Municipalities administer the Program on behalf of OMAFRA by appointing a Livestock Investigator and staff to work on wildlife damage claims;

AND WHEREAS the costs associated with wildlife damage claims typically exceed the administration fee of \$50.00 per claim as provided to the Municipality by OMAFRA;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Tweed request the Ministry of Agriculture, Food and Rural Affairs to review the administration fee provided to

Municipalities for the administration of the Ontario Wildlife Damage Compensation Program;

AND FURTHER, that this Resolution be circulated to the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities for their consideration and support.

Carried

Mayor

J. Albert



September 7, 2022

Delivered By Email to mayor@hamilton.ca and stephanie.paparella@hamilton.ca

His Worship Fred Eisenberger
Mayor of the City of Hamilton
Hamilton City Hall
2nd floor – 71 Main Street West
Hamilton, Ontario L8P 4Y5

Council Chambers
General Issues Committee
Attn: Stephanie Paparella
Hamilton City Hall
71 Main Street West
Hamilton, Ontario L8P 4Y5

Dear Mayor Eisenberger and Members of Council:

Re: Chedoke Creek Remediation and Council Meeting No. 22-071

We are counsel to the Haudenosaunee Development Institute (“**HDI**”), which acts with delegated authority from the Haudenosaunee Confederacy Chiefs Council (“**HCCC**”) in respect of land development issues.

We write in respect of Meeting No. 22-017 of the Hamilton City Council General Issues Committee held today (the “**Meeting**”) and the report submitted by Hamilton Public Works in respect of the Meeting titled “Chedoke Creek Order – Remediation Update (PW19008(r))” prepared by Hamilton City Staff (the “**Report**”). The Report purports to provide an update on the City of Hamilton’s engagement with the Haudenosaunee in respect of the Chedoke Creek Dredging Project (the “**Project**”).

False and Misleading Statements in the Report

Specifically, we write with concerns about allegations in the Report regarding the conduct of HDI delegates at the site of the Chedoke Creek Dredging Project (the “**Project Site**”) during the last three weeks. Numerous of these statements are false and require clarification.

1. Contrary to the Report’s statement that “two individuals representing the [HDI] blocked access to the site via the Kay Drage Park Bridge with a vehicle”:
 - a. No member of the Haudenosaunee Confederacy “blocked access” to the Chedoke Creek site with a vehicle or otherwise. As stated by Mr. Detlor at today’s Meeting, Mr. Detlor parked his car and moved it upon request from workers at the Project Site.

- b. HDI has “no plans to block the dredging”, as stated to the CBC by Mr. Detlor and reported on August 24, 2022. HDI has repeated this very position to Hamilton City Staff and Council on numerous occasions. HDI does not have any plans to block access to the Project Site, as indicated by Mr. Detlor at the Meeting.
 2. Contrary to the Report’s statement that “it is understood from discussions between City staff and representatives from the HCCC/HDI that should the City resume any works on the project, a protest may ensue on-site by representatives of the HCCC/HDI and their supporters, to attempt a work stoppage”:
 - a. No member of the Haudenosaunee Confederacy has at any time threatened or indicated that work at the Project Site could not proceed or that an undisclosed number of “others” would reattend at the Project Site.

The aforementioned statements are false, misleading, and defamatory of HDI, the HCCC, and the Haudenosaunee Confederacy. We ask that the City of Hamilton forthwith retract these statements in the Report and publicly apologize for the inaccuracies.

The statements contained in the Report are inflammatory and appear to be calculated to support the imposition of injunctive relief. Appellate authorities, including the Court of Appeal for Ontario, make clear that the use of litigation and injunctions are not appropriate unless every effort has, in good faith, been exhausted to obtain a negotiated solution.¹ Hamilton cannot say “every effort” has been exhausted here, and HDI has presented a clear pathway forward.

Pathway Forward

As with other municipalities with whom HDI engages (such as Haldimand County), all that is required of Hamilton is: (a) file an application with HDI in respect of the Project; and (b) undertake to do the same for future works in Hamilton.

HDI’s position is simple: Hamilton ought to abide by its own policy commitments, including those set out in its Urban Indigenous Strategy. The UIS incorporates the UNDRIP by reference, Article 32 of which provides that:

“States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”

To clarify, the Haudenosaunee Confederacy is not opposed to the subject of the Project, however even laudable undertakings cannot run roughshod over established treaty rights or constitutional obligations.

¹ See e.g., *Frontenac Ventures Corporation v Ardoch Algonquin First Nation*, 2008 ONCA 534 at paras 46-48.

The Haudenosaunee Confederacy have established treaty rights that cover the Project Site, including those provided by instruments such as the Nanfan/Fort Albany Treaty of 1701. To be clear, the exercise of these treaty rights is not inconsistent with the works to be carried for the Project.

All the best,

GILBERT'S LLP



Tim Gilbert

- c. Deputy Mayor Russ Powers by email to russ.powers@hamilton.ca
- Councillor Maureen Wilson by email to maureen.wilson@hamilton.ca
- Councillor Jason Farr by email to jason.farr@hamilton.ca
- Councillor Nrinder Nann by email to ward3@hamilton.ca
- Councillor Sam Merulla by email to sam.merulla@hamilton.ca
- Councillor Tom Jackson by email to tom.jackson@hamilton.ca
- Councillor Esther Pauls by email to esther.pauls@hamilton.ca
- Councillor John-Paul Danko by email to ward8@hamilton.ca
- Councillor Brad Clark by email to brad.clark@hamilton.ca
- Councillor Maria Pearson by email to maria.pearson@hamilton.ca
- Councillor Brenda Johnson by email to brenda.johnson@hamilton.ca
- Councillor Lloyd Ferguson by email to lloyd.ferguson@hamilton.ca
- Councillor Arlene Vanderbeek by email to arlene.vanderbeek@hamilton.ca
- Councillor Terry Whitehead by email to terry.whitehead@hamilton.ca
- Councillor Judi Partridge by email to judi.partridge@hamilton.ca
- Director Cari Vanderperk by email to cari.vanderperk@hamilton.ca
- Director Nick Winters by email to nick.winters@hamilton.ca
- Director Carlyle Khan by email to carlyle.khan@hamilton.ca
- City Solicitor Larry Tansley by email to larry.tansley@hamilton.ca
- Office of the City Clerk by email to clerk@hamilton.ca

September 2, 2022

Mayor Eisenberger and Council
2nd Floor – 71 Main Street, West
Hamilton, ON
L8P 4Y5

SENT ELECTRONICALLY

Dear Mayor Eisenberger and Council,

Please be advised that at its meeting of June 17, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following as Resolution No. FA-56-2022:

*Moved by Member Ed Smith
Seconded by Member Jack Hellinga*


1. **THAT** Report No. FA-24-222 RE: Draft Land Securement Strategy 2022-2032, as appended, **BE ENDORSED** in principle to engage with external partners to obtain input before finalizing the Strategy.
2. **THAT** staff **CONSULT** with municipal partners, land trusts, Indigenous organizations, the Niagara Peninsula Conservation Foundation, and Public Advisory Committee to seek input and to explore partnerships toward future land securement.
3. **THAT** staff **DEVELOP** policy to guide decision-making regarding land acquisition and disposition, as per the Conservation Authorities Act, O. Reg 686/21 (Sec. 9 (2)(vi)).
4. **AND FURTHER THAT** staff **REPORT** back to the Board of Directors for final approval of the Land Securement Strategy 2022-2032 and implementation priorities during Q4 of 2022.

CARRIED

Accordingly, please find attached the subject NPCA Report No. FA-24-2022, in addition to the *Draft Land Securement Strategy 2022-2032*. As the NPCA moves forward with this initiative, we seek opportunities to enhance partnerships and encourage collaboration in securing and preserving public lands across the Niagara Peninsula watershed.

Please share this information with the appropriate staff and kindly reach out to Eric Baldin, Manager of Land Planning, by October 3, 2022, to set up a meeting or provide feedback on the final Land Securement Strategy document. Mr. Baldin can be reached by email at ebaldin@npca.ca or by phone at 905-788-3135, extension #283.

Sincerely,



Grant Bivol
NPCA Clerk

Report To: Board of Directors

Subject: Draft Land Securement Strategy 2022-2032

Report No: FA-24-22

Date: June 17, 2022

Recommendations:

1. **THAT** Report No. FA-24-222 RE: Draft Land Securement Strategy 2022-2032, as appended, **BE ENDORSED** in principle for the purpose of engaging with external partners to obtain input prior to finalizing the Strategy.
2. **THAT** staff **CONSULT** with municipal partners, land trusts, Indigenous organizations, the Niagara Peninsula Conservation Foundation, and Public Advisory Committee to seek input and to explore partnerships toward future land securement.
3. **THAT** staff **DEVELOP** policy to guide decision-making regarding land acquisition and disposition, as per the *Conservation Authorities Act*, O. Reg 686/21 (Sec. 9 (2)(vi)).
4. **AND FURTHER THAT** staff **REPORT** back to the Board of Directors for final approval of the Land Securement Strategy 2022-2032 and implementation priorities during Q4 of 2022.

Purpose:

The purpose of this report is to present the final Draft Land Securement Strategy 2022-2032 and obtain the Board of Directors' endorsement, in principle, for consultation with key stakeholders as well as the development of a land acquisition and disposition policy, as per the updated *Conservation Authorities Act*.

Background:

A land acquisition strategy was first prepared by the NPCA in 2007 and updated in 2015 (referred to as a Land Management Plan) aimed at securing ecologically-sensitive areas within the NPCA watershed. A recommendation from the Auditor General of Ontario's 2018 Special Audit of the NPCA specifically noted that a review and update of the 2015 Land Management Plan be conducted to improve its goals, criteria, funding options, implementation plan, and success measures. An updated draft Land Management Plan was presented to the Board of Directors in December 2019 (Report No. FA-163-19) and staff were further directed to expand on the program.

In May 2020, NPCA staff engaged the Board of Directors for input on developing a robust long-term land securement program aligned with the strategic plan and background research was completed. Further to the completion of NPCA 10-Year Strategic Plan in 2021, staff initiated the process of

developing the draft Land Securement Strategy to guide the securement of lands within the Niagara Peninsula watershed over the next decade for environmental, natural hazard protection, and societal (recreation, culture, health) benefits. The consulting firm, Orland Conservation, was retained to develop the Strategy with input from a staff team.

Discussion:

The draft Land Securement Strategy 2022-2032 (Appendix 1) provides the framework for the NPCA to secure public greenspace effectively using established best practices, sound decision-making, sustainable and innovative financial models, and collaboration.

The NPCA currently owns or manages 41 conservation areas which account for approximately 2,946 hectares (or 1.2%) of lands within its watershed jurisdiction. Despite having secured the most lands compared to other conservation organizations in the watershed, the NPCA falls significantly behind the land securement achievements of its two neighbouring conservation authorities. Further, according to the NPCA's 'Nature for Niagara's Future' study (2011), the Niagara Peninsula watershed only achieves 56% towards what science recommends is required to sustain a healthy and resilient landscape. A long-term land securement strategy, in combination with other watershed-based programs, is necessary to help the NPCA achieve its strategic goals related to increasing biodiversity, habitat connectivity, and natural cover while creating equitable access to greenspace for the health and well-being of people and building relationships with partners, stakeholders, and Indigenous peoples.

The watershed contains a multitude of important natural resources needing protection to sustain life. It is not feasible to secure all the important natural resources in the watershed with limited resources; therefore, land securement criteria are imperative to prioritize areas to be considered and actively pursued. The strategy guides the application of primary criteria focused on watershed features and functions while considering secondary criteria such as parcel size, securement method, and cost. Given that the amount of land meeting these criteria would be considered unwieldy to secure in any timeframe, the Land Securement Strategy identifies six landowner outreach areas (LOAs) to provide a manageable number of target areas as the focus of a proposed landowner outreach program within the Strategy's 10-year horizon.

By collaborating with other land securement organizations and partners, applying for funding where possible, and launching a targeted landowner outreach program within the six LOAs, the NPCA can expect to secure a minimum of 180 hectares (i.e., average 20 ha annually, 1 property per year secured) by 2032. As landowner outreach and land securement projects occur, momentum of the land securement program will likely increase and give rise to more landowner and funder/partner interest. If executed consistently, the more aggressive land securement target of 360 hectares secured by 2032 (i.e., average of 40 ha annually, two properties per year) may become attainable.

The Land Securement Strategy offers 8 recommendations to ensure the NPCA achieves its objectives:

1. Develop and adopt policies that guide decision-making regarding land acquisition and disposition, as per *Conservation Authorities Act, O. Reg 686/21* (Sec. 9 (2)(vi)).
2. Develop and implement a land securement program including:
 - a. staff and financial resources
 - b. annual work plans and targets and performance measures
 - c. outreach and engagement plan and associated collaterals

- d. internal staff team to evaluate potential land securement projects from technical, operational, and financial perspectives
 - e. continued augmentation of land acquisition reserve in accordance with NPCA board-approved reserve policy
3. Ensure NPCA Indigenous engagement guidelines support opportunities to work together on land securement.
 4. Engage with land securement partners to obtain feedback on the land securement strategy and establish connections that facilitate future securement collaborations.
 5. Form a Land Securement Working Group (comprised of land securement partners and funders) to collaborate on potential securement projects. The group should meet a minimum of annually.
 6. Collaborate with the Niagara Peninsula Conservation Foundation to develop and implement a stewardship fund.
 7. Collaborate with the Niagara Peninsula Conservation Foundation to launch fundraising campaign(s) for land securement.
 8. Proactively seek funding opportunities and explore the feasibility of non-conventional funding options for securement projects.

The next steps for implementation of the Land Securement Strategy in 2022 are to:

- consult with municipal partners, land trusts, Indigenous organizations, Niagara Peninsula Conservation Foundation, and Public Advisory Committee for feedback on the strategy and to build relationships toward future land securement;
- develop policies that guide decision-making regarding land acquisition and disposition, as per *Conservation Authorities Act* O. Reg 686/21 (Sec. 9 (2)(vi)); and
- develop a land securement program including a budget, outreach and engagement plan and associated materials, landowner contact list, and allocating staff resources.

Financial Implications:

The costs associated with land securement can vary greatly depending on the property and method of securement. There are numerous ways to fund land securement projects including municipal and other partnerships, government grants, and fundraising campaigns, among others. However, to access funding and successfully secure lands, it is imperative to fund a land securement program. For a successful and effective land securement program, an annual budget will be required to cover the associated costs of implementation (e.g., staff time, outreach materials, appraisal, assessment fees, etc.), as determined by an annual review by staff. Following endorsement by the Board of Directors, staff will develop a preliminary annual costing and work with partners to discuss financing options.

Links to Policy/Strategic Plan:

The NPCA strategic plan calls for the development and implementation of a land acquisition strategy to achieve Goal 1.4: *“Manage lands to increase biodiversity, habitat connectivity, and natural cover”*.

Implementing a land securement strategy will also directly support achieving Goal 3.1 “*Create equitable access to greenspace for the health and well-being of people*” as well as several other NPCA strategic goals and performance measures related to natural hazard protection, ecosystem improvements, and building relationships with partners, stakeholders, and Indigenous peoples.

Related Reports and Appendices:

Appendix 1: Draft Land Securement Strategy 2022-2032

Authored by:

Original Signed by:

Natalie Green, M.Sc., PMP
Manager, Climate Change and Special Programs

Reviewed by:

Original Signed by:

Lise Gagnon, CPA, CGA
Director, Corporate Services

Reviewed by:

Original Signed by:

Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP
Director, Watershed Management

Reviewed by:

Original Signed by:

Adam Christie
Director, Conservation Areas

Submitted by:

Original Signed by:

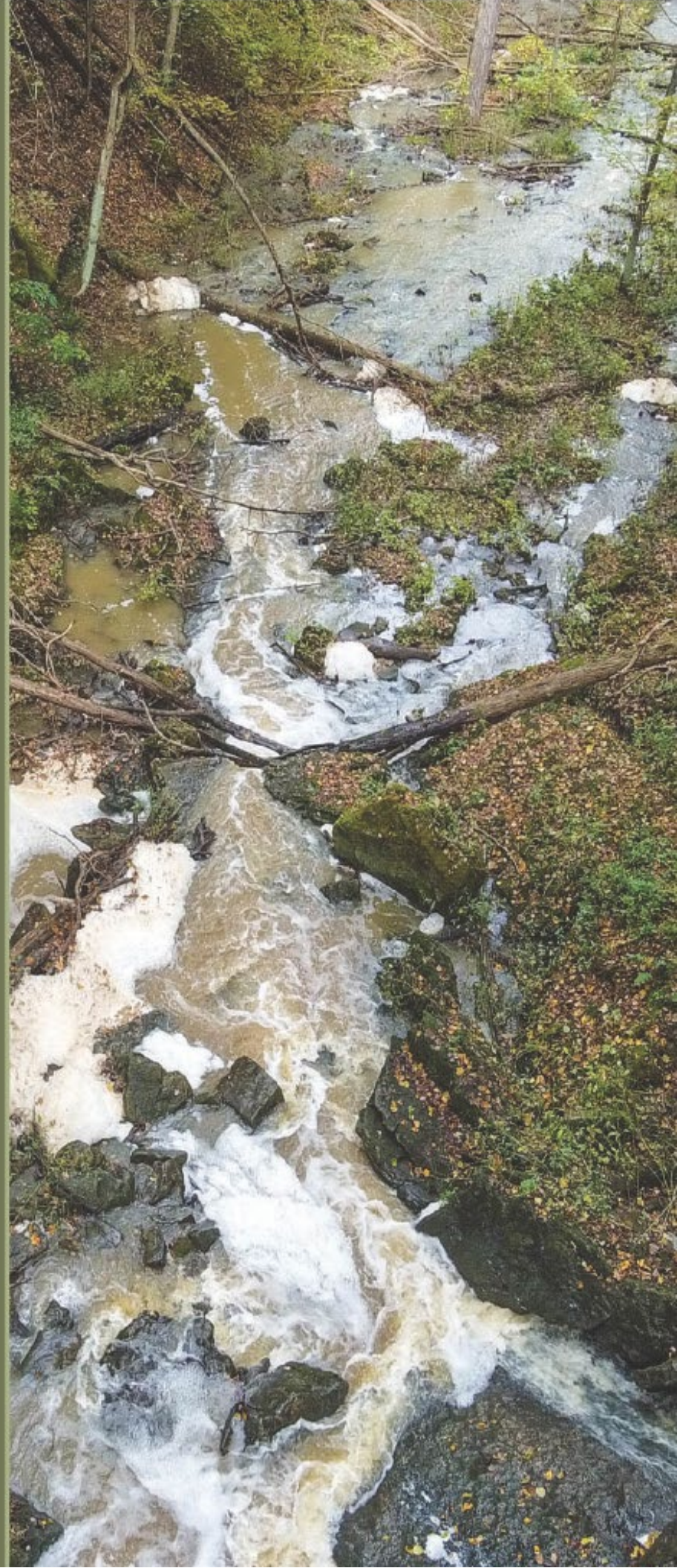
Chandra Sharma, MCIP RPP
Chief Administrative Officer/Secretary-Treasurer



Land Securement Strategy

2022-2032

DRAFT



DRAFT

Land Securement Strategy

2022 - 2032



Produced by Orland Conservation, 2022

orlandconservation.ca

Land Acknowledgment

The Niagara Peninsula watershed is situated within the traditional territory of the Haudenosaunee, Attiwonderonk (Neutral), and the Anishinaabeg, including the Mississaugas of the Credit—many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties: Niagara Purchase (Treaty No. 381), Between the Lakes Purchase (Treaty No. 3), and the Simcoe Patent or Haldimand Tract (Treaty No. 4) and is within the land protected by the Dish with One Spoon Wampum agreement. Today, the watershed is home to First Nations, Métis, and Inuit.

Through the 2021-2031 Strategic Plan and this land securement strategy, the NPCA is committed to improving engagement with local Indigenous peoples by implementing actions that support reconciliation and shared stewardship of the Niagara Peninsula watershed.

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Executive Summary

The conservation of greenspace has been used to improve environmental conditions, protect and improve biodiversity, promote outdoor activities and active lifestyles, increase social interaction and exchange, and provide healthy conditions for good physical and mental well-being. Since many areas containing such important natural features and functions are found on private property, working with landowners is important in the long-term protection of these lands.

This Land Securement Strategy is intended to complement other land and water conservation programs operated by the Niagara Peninsula Conservation Authority (NPCA) with a cost-effective approach. It expands on the NPCA's existing conservation area network while protecting delicate habitats and natural hydrologic and hydrogeologic functions.

The NPCA has secured the most land in the watershed compared to land trusts and other land conservation organizations working in the region; however, it falls significantly behind the land securement achievements of its two neighbouring conservation authorities. This strategy will outline a path for the NPCA to increase land securement effectively and notably within the watershed.

Criteria used to determine the areas within the watershed worthy of the NPCA securement has largely already been done by staff and by the Province in designations of certain environmental features, such as wetlands, Areas of Natural and Scientific Interest (ANSIs) and Environmentally Significant Areas (ESAs). These criteria will be of importance when considering public inquiries to convey land or conservation easements to the NPCA. The amount of land meeting the land securement criteria would be considered unwieldy to secure in any timeframe. This strategy identifies six landowner outreach areas to provide a manageable number of target areas as the focus of the landowner outreach program.

By partnering with other land securement organizations, applying for funding where possible, and launching a targeted landowner outreach program, the NPCA can expect to secure a minimum of 180 hectares within a ten-year timeframe. If implemented consistently, the NPCA could reasonably double this goal.

Introduction

Natural heritage and natural green infrastructure (e.g., forests, wetlands, rain garden, bioswales) provide critical services and benefits that sustain life for people and wildlife such as providing clean air and water, protection from flooding and erosion, as well as a source of food and habitats for wildlife species. However, there are growing pressures on the landscape due to increased urbanization, land use changes, and changing climatic conditions that continue to threaten and impact the integrity of these natural features. In addition, there is an increasing demand for access to greenspaces for the health and well-being of people. Together, these issues have highlighted the critical need to secure more natural areas to improve the environment, mitigate the impacts of climate change, and provide more opportunities for people to enjoy the outdoors.

The NPCA is one of 36 community-based natural resource management agencies in Ontario that protects, enhances, and sustains healthy watersheds. The NPCA currently owns or manages 41 conservation areas which account for approximately 2,946 hectares (or 1.2%) of lands within its watershed jurisdiction (Fig. 1). These conservation areas are held in public trust for the purpose of natural heritage protection and/or restoration (e.g., interior forests, wetlands, areas of natural and scientific interest (ANSIs)), passive recreation (e.g., hiking, birdwatching), active recreation (e.g., swimming, camping, boating), education programming, cultural heritage protection, and natural hazard protection (e.g., floodplains, valleylands, and dams). Most of these conservation lands are publicly accessible with a few exceptions in various municipalities. In addition to NPCA conservation areas, there are natural areas owned/managed by other stakeholders (e.g., municipalities, Province of Ontario, Nature Conservancy of Canada, other landowners) that help bolster natural heritage across the NPCA jurisdiction. These important natural areas support a rich biodiversity within the watershed (including rare plants and animals) and provide people with recreational, social, and economic benefits.

While the terms ‘land acquisition’ and ‘land securement’ are often used interchangeably, there are important differences. The term ‘land securement’ refers to the legal purchase of natural areas with the intent to maintain, protect, restore and/or enhance those natural features using a range of methods to facilitate permanent protection of land in perpetuity. The term ‘land acquisition’ refers to the purchase of land that may at some point be deemed a disposable asset by the public, non-profit funding partner, or land donor/seller.

The NPCA has an increasingly important role in the securement of lands for the purpose of conservation and restoration of natural areas. The *Conservation Authorities Act* (CA Act) provides guidance on the governance and purpose of conservation authorities, including the powers to “acquire by purchase, lease or otherwise any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired” (Sec. 21 (1)(c)). As part of the *CA Act Regulation O. Reg 686/21*, there are only certain types of programs and services that can be provided in relation to the conservation and management of lands including (but not limited to) the development of one or more policies governing land acquisitions and land dispositions (Sec. 9 (2)(vi)).

In 2021, the NPCA completed its first 10-year strategic plan aimed at achieving its vision of ‘Nature for all’ to ensure a healthy and vibrant environment with shared greenspace and clean water that

sustains life for future generations. Through six overarching strategic priorities and twenty-one specific goals, the NPCA is committed to actions that aim to create healthy and climate-resilient watersheds, support sustainable communities, connect people to nature, strengthen relationships with partners and stakeholders, improve organizational practices, and ensure financial sustainability. Notably, the strategic plan calls for the development and implementation of a land acquisition strategy to achieve Goal 1.4: “*Manage lands to increase biodiversity, habitat connectivity, and natural cover*”. Implementing a land securement strategy will also directly support achieving Goal 3.1 “*Create equitable access to greenspace for the health and well-being of people*” as well as several other NPCA strategic goals and performance measures related to natural hazard protection, ecosystem improvements, and building relationships with partners, stakeholders, and Indigenous peoples.

Given the recent (2021) changes to the CA Act, the need to meet the Auditor General’s recommendation, and a new NPCA strategic plan, there was a clear and timely need to update the NPCA’s land securement strategy. The purpose of the Land Securement Strategy is to guide the securement of lands within the Niagara Peninsula watershed for environmental, natural hazard protection, and societal (recreation, culture, health) benefits.

To achieve the NPCA’s strategic goals, the Land Securement Strategy focuses on the following objectives:

- Secure public greenspace in the NPCA watershed using clear and concise decision-making;
- Collaborate with municipal partners, land trusts, stakeholders, and Indigenous communities on mutual land securement goals;
- Implement sustainable and innovative financial models that support land securement and stewardship

Regional Context

Since time immemorial, Indigenous peoples have been stewards of the lands within the Niagara Peninsula. It continues to be a place for sharing, trading, hunting, gathering, stewardship, and friendship. The Niagara Peninsula watershed is the traditional territory of the Haudenosaunee, Attiwonderonk (Neutral), and Anishinaabeg including the Mississaugas of the Credit. Today, the watershed is home to many First Nations peoples, Métis citizens, and Inuit.

The NPCA’s watershed jurisdiction encompasses 2,424 km² and supports a population of 474,217 people situated within the entire regional municipality of Niagara, portions of the City of Hamilton (21%), and Haldimand County (25%). NPCA’s partner municipalities will experience significant increases in human population with the watershed by 2051. For example, the City of Thorold was in the top ten Ontario municipalities for population growth at 26.7% according to Statistics Canada from 2016 to 2021. In addition, the Niagara Region is set to accommodate a minimum of 674,000 people by 2051 (Growth Plan, May 2021 Forecast).

The watershed is uniquely situated between two Great Lakes with the Niagara River and is part of the Carolinian Life Zone, which supports a rich biodiversity including rare plants and animals

and provides people with recreational, social, and economic benefits. The watershed includes noteworthy natural features such as the Niagara Escarpment, Niagara Falls, Niagara gorge, Wainfleet Bog, Ball's Falls, and Willoughby Marsh. The unique microclimate created by the Niagara Escarpment and rich soils supports one of Ontario's most productive agriculture systems including vineyards, tender fruit orchards, livestock, and various specialty crops (greenhouses for flowers, vegetables, sod farms, and mushroom farms). Despite these incredible features, the NPCA's 'Nature for Niagara's Future' study indicates that the watershed only achieves 56% of the minimum natural cover target (30%) required to sustain a healthy and resilient landscape.

To date, NPCA has secured 41 properties totalling almost 3,000 hectares as shown in Table 1. NPCA's secured lands constitute 1.22% of the total watershed. All other land securement organizations have secured about 1,000 additional hectares or 0.42% land in the watershed. The combined secured land in the watershed is almost 4,000 hectares (1.64%).

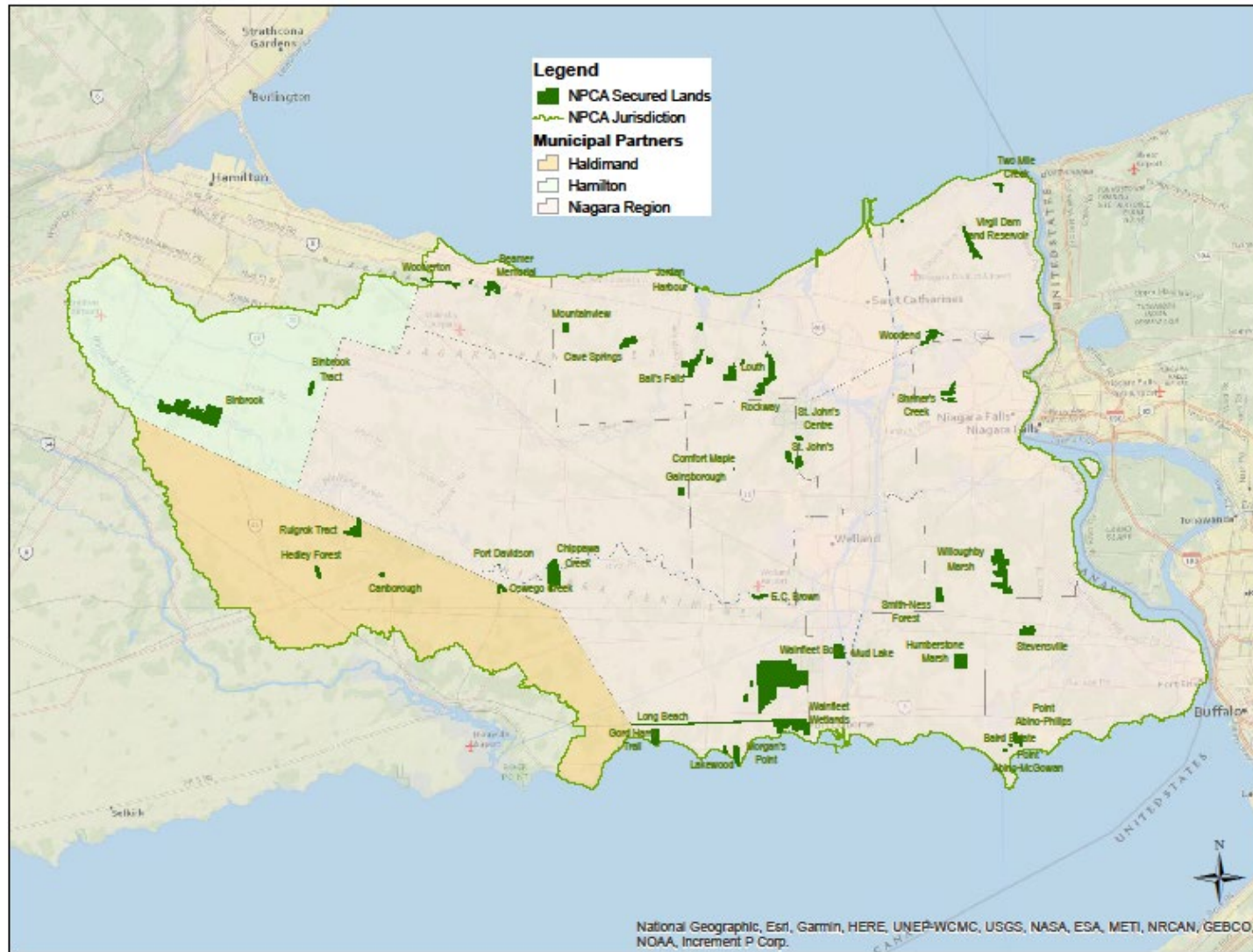


Table 1: NPCA Secured Lands

#	Name	Municipality	Ha
1	Wainfleet Bog	Wainfleet	805.27
2	Binbrook	City of Hamilton	374.28
3	Willoughby Marsh	Niagara Falls	230.13
4	Wainfleet Wetlands	Wainfleet	182.02
5	Chippawa Creek	Wainfleet	149.79
6	Rockway	Lincoln/St. Catharines	125.52
7	Ball's Falls	Lincoln	112.61
8	Humberstone Marsh	Port Colborne	82.39
9	Ruigrok Tract	Haldimand County	73.79
10	Mud Lake	Port Colborne	63.13
11	Louth	Lincoln	62.21
12	Beamer Memorial	Grimsby	57.22
13	Long Beach	Wainfleet	55.83
14	Virgil Dam and Reservoir	Niagara-on-the-Lake	49.70
15	Stevensville	Fort Erie	49.30
16	Woodend	Niagara-on-the-Lake	47.51
17	Cave Springs	Lincoln	43.37
18	Point Abino-Philips	Fort Erie	38.36
19	Smith-Ness Forest	Niagara Falls	37.77
20	Morgan's Point	Wainfleet	37.52
21	Shriner's Creek	Niagara Falls	36.02
22	St. John's	Thorold/Pelham	30.81
23	Mountainview	Lincoln	26.37
24	Gord Harry Trail	Wainfleet	26.92

25	Lathrop	Pelham	20.73
26	Binbrook Tract	City of Hamilton	20.29
27	Woolverton	Grimsby	18.59
28	Hedley Forest	Haldimand County	17.65
29	Gainsborough	West Lincoln	16.04
30	E.C. Brown	Pelham	13.77
31	Two Mile Creek	Niagara-on-the-Lake	8.51
32	Oswego Creek	Haldimand County	7.84
33	St. John's Centre	Thorold	7.44
34	Lakewood	Wainfleet	6.16
35	Canborough	Haldimand County	5.56
36	Baird Estate	City of Hamilton	2.07
37	Point Abino-McGowan	Fort Erie	2.00
38	Eight Mile Creek	Niagara-on-the-Lake	0.79
39	Jordan Harbour	Lincoln	0.72
40	Comfort Maple	Pelham	0.24
41	Port Davidson	West Lincoln	0.19
41	TOTAL		2,946.39

Figure 1: NPCA Secured Lands



Land Securement Partners

It is not uncommon to have several partners involved in the securement of a particular property. Sometimes additional partners are required for funding purposes or assistance with specific expertise (e.g., negotiating leverage, funding) required to secure a property. In other cases, involving title or an interest in title, a partner group may be a better suited land or conservation easement recipient than the original organization involved. There may be a better suited recipient of the land due to funding requirements or because the landowner has requested the involvement of another group based on personal preference. In addition, a landowner may not want to sell or donate their property but is instead willing to have the land secured through a conservation easement agreement. Some circumstances will depend on the unique characteristics of the property, the type of securement method involved, and the requests of the landowner (depending on whether it is a donation or purchase). It is important to note that any partnership involvement that NPCA has in the securement of a property should be viewed as a land securement success. This is also referred to as an “assist.” An assist can include the involvement of staff time, resources, technical expertise, mapping, or funding towards securement of a particular property. Even if NPCA does not end up holding title, an interest in title, or even managing a particular property, any contribution by NPCA is considered a victory. After all, the end goal is to secure these key properties for overall conservation in the watershed.

The following sections describe the various land securement partners and their primary benefits to NPCA as well as their strengths and weaknesses in terms of holding title or interests in title (i.e., conservation easement agreements) to land.

Federal Government

Environment and Climate Change Canada (ECCC) announced in late 2021 that they set a target to protect 25% of lands and oceans by 2025 and 30% by 2030. This commitment comes with funding; however, some monies would have to be accessed by partnering with land trusts. Additionally, conservation authorities are eligible to receive ECCC’s Nature Smart Climate Solutions Fund for land securement projects.

ECCC also administers the Ecological Gifts Program (Ecogifts) which can provide significant tax savings to landowners wishing to donate lands; NPCA is a qualified Ecogifts recipient.

Provincial Government

Provincial parks, and other park lands, are managed for the public by public agencies such as municipalities and the Ontario Ministry of the Environment, Conservation and Parks (MECP) through Ontario Parks. In NPCA’s jurisdiction, there are two provincially protected properties: Short Hills Provincial Park and Wainfleet Bog Conservation Reserve.

The Ontario Heritage Trust (OHT) is somewhat removed optically from the Province yet is still an arm’s length government agency. OHT has conserved several natural heritage properties within NPCA’s watershed.

Beginning in 2021, the Province has committed \$20,000,000 towards land securement until 2025 through a program called the Greenlands Conservation Partnership. Currently, this funding is awarded to the Nature Conservancy of Canada (NCC) and the Ontario Land Trust Alliance (OLTA). Through partnering with a local land trust, the funding could be accessible for NPCA to secure, restore, and manage a property.

Indigenous Governments

There is the potential for the NPCA to partner with local Indigenous organizations to secure lands for the establishment of Indigenous Protected and Conserved Areas (IPCAs) within the watershed. IPCAs are an important tool for reconciliation through conservation and can help the NPCA achieve habitat targets while supporting and maintaining Indigenous cultural knowledge systems. In 2021, the federal government pledged over \$166 million to support the establishments of IPCAs in Canada. This model would involve leadership from local Indigenous governments to secure and manage the IPCA with the NPCA assisting as a partner if the property is in the watershed.

Single and Upper-Tier Municipal Government

In early 2022, relevant staff from NPCA's partner municipalities were contacted to help inform the development of the Land Securement Strategy. The City of Hamilton has its own land securement strategy and Natural Areas Acquisition Fund to provide funding support to CAs and land trusts for eligible securement projects. The City will not use the fund to secure lands for itself to hold title or conservation easements. The funding model is 50 percent of the acquisition or \$50,000. The City has policies within both its Rural (RHOP) and Urban Official Plans (UHOP) that support a Natural Areas Acquisition Fund Strategy. These policies are: RHOP Volume 1 policies C.2.11.1, C.2.11.2 and C.2.11.3 and UHOP Volume 1 policies C.2.2.8, C.2.12.1, C.2.12.2 and C.12.3.

Although the Regional Municipality of Niagara does not have a land securement program in place, there have been staff-level discussions about the possibility of developing such a program like those of other regional Greenbelt municipalities.

The County of Haldimand expressed interest in land securement as they have also mapped their Natural Heritage System. The County has 13% forest cover and ideally wants 25%. Securing existing forests and non-forested lands with potential of reforestation will help them achieve their goal. If NPCA brings forward such a land securement project, municipal staff may consider bringing the project forward to Council for support on a case-by-case basis.

Lower-Tier Municipal Government

Although the lower tier municipalities do not typically secure land for conservation, they all expressed varying interest in land securement. could be securement partners that offer insight and facilitate introductions to key landowners. Additionally, most local area municipalities have Official Plan goals related to environmental protection, restoration, and sustainability. Lower-tier municipalities can be approached for funding support on a case-by-case basis, particularly if the potential securement project offers benefits to the local community and helps the municipality achieve its own strategic objectives.

Land Trusts

Most land trusts are primarily focused on securing natural heritage lands to protect significant ecological features; therefore, it is important for the NPCA to collaborate with land trusts to further its conservation goals through land securement.

Several land trusts operate within the watershed including the Bruce Trail Conservancy (BTC), Niagara Land Trust (NLT), Nature Conservancy of Canada (NCC), and Ontario Nature. Combined, these land trusts have secured over 241 hectares in the watershed. This number is expected to rise but most land trusts are not actively securing more land in the watershed. The BTC has targeted properties along their Optimum Route (OR) which they would very much like to secure but the opportunities are relatively few compared to other areas outside of NPCA's jurisdiction.

The following is a list of land trusts and their potential benefit to NPCA's securement efforts:

American Friends of Canadian Conservation (AFCC) is available to help NPCA with land securement involving American landowners. AFCC can receive donated land temporarily from landowners and issue a U.S. tax receipt. Land would later be transferred to NPCA. There may be few (if any) American landowners currently holding targeted lands in the watershed, but existing lands could be sold to Americans in the future. Additionally, AFCC can also issue U.S. tax receipts to American cash donors to NPCA or its Foundation. To date, there have not been any projects within the watershed that AFCC has been asked to help with.

Bruce Trail Conservancy (BTC) is one of the most active land trusts, but their interest is confined to a narrow corridor along the Niagara Escarpment which they refer to as the Optimal Route (OR). If NPCA takes on a project within the OR, BTC has proven to be a reliable partner. They are highly adept at raising funds to secure land.

Escarpment Biosphere Conservancy (EBC) primarily focuses on securing lands on the Niagara Escarpment and is highly active in their securement activity, but they have yet to secure land south of the 401 Highway. They have expressed interest in securing land in the NPCA watershed. EBC also executes securement projects relatively quickly and would be a potential securement partner both on and off the Escarpment.

Ducks Unlimited Canada (DUC) have a multitude of wetland restoration projects on private lands within the watershed which are in partnership with NPCA. DUC is not actively looking to secure land in the watershed but would consider helping NPCA with some ideal areas especially on coastal areas of the Great Lakes. Securement projects worthy of DUC's consideration must be ideal for waterfowl staging or breeding habitat (e.g., shallow, open water) and have a minimum project size of 40 hectares. DUC does not have a leveraging demand on funds that NPCA need to provide; therefore, they could potentially fund an entire project. DUC also has access to federal land securement funds.

Nature Conservancy of Canada (NCC) is not targeting any areas within NPCA's watershed for securement, but they would be open to help on projects that could expand on their current holding. Additionally, NCC has access to significant federal and provincial funds for securement; therefore,

discussions to access those funds through a partnership with another local land trust should be discussed.

Head-of-the-Lake Land Trust (HLLT) is Ontario's first land trust and acquired its first property for conservation in 1961. The HLLT, managed by the Hamilton Naturalists' Club, has secured ten properties to protect ecologically significant natural heritage in Southern Ontario. Two of the HLLT properties (Vinemount and Short Hills Nature Sanctuary) are situated in the Niagara Peninsula watershed. The group has a strong volunteer base, an active land securement program, and an endowment fund to support ongoing management and maintenance costs.

Niagara Land Trust (NLT) is the newest land trust to the area and has secured two properties so far. As with most relatively new land trusts, they operate entirely with volunteers. There is a high potential for partnering on land securement projects as this is the only land trust that has a watershed wide focus on land securement. While they have their own criteria by which they will accept projects, their geographic scope covers the watershed.

Ontario Farmland Trust (OFT) aims to secure prime agricultural land. Thus far, they have only secured land through donations of conservation easements. These easements have been certified as Ecogifts, which required that they have significant ecological merit. Partnering on securement projects that have prime agricultural land may suit having OFT as a partner. For example, OFT could arrange to retain the arable land for farming and manage it while NPCA takes title to any adjoining forest and/or marginal farmland better suited for ecological restoration.

Ontario Nature is a registered land trust in Ontario and owns the Harold Mitchell Nature Reserve, but securement is not this group's primary role. They are not targeting land to secure in the watershed but if a property has a particularly important ecological feature or function, Ontario Nature may consider assisting with securement and contributing funds.

Other Non-Governmental Organizations

Non-governmental organizations such as the local nature clubs, stewardship councils, and Carolinian Canada Coalition may be helpful to NPCA's securement efforts by providing the following:

- Introductions to key landowners
- Fundraising and community support efforts for protection of an area of specific public interest
- Ecological monitoring/inventory
- Gathering volunteers for invasive species removal
- Trail maintenance

Secured Land

Including lands secured by NPCA, the Province, and land trusts, there are almost 4,000 hectares (1.64%) of protected lands within the watershed (Figure 2). The NPCA has secured the most land in the watershed than all other land securement partners combined (Table 2). However, its neighbouring conservation authorities have secured significantly more land in their respective watersheds. The Grand River Conservation Authority has secured 19,400 ha equating to 2.8% of

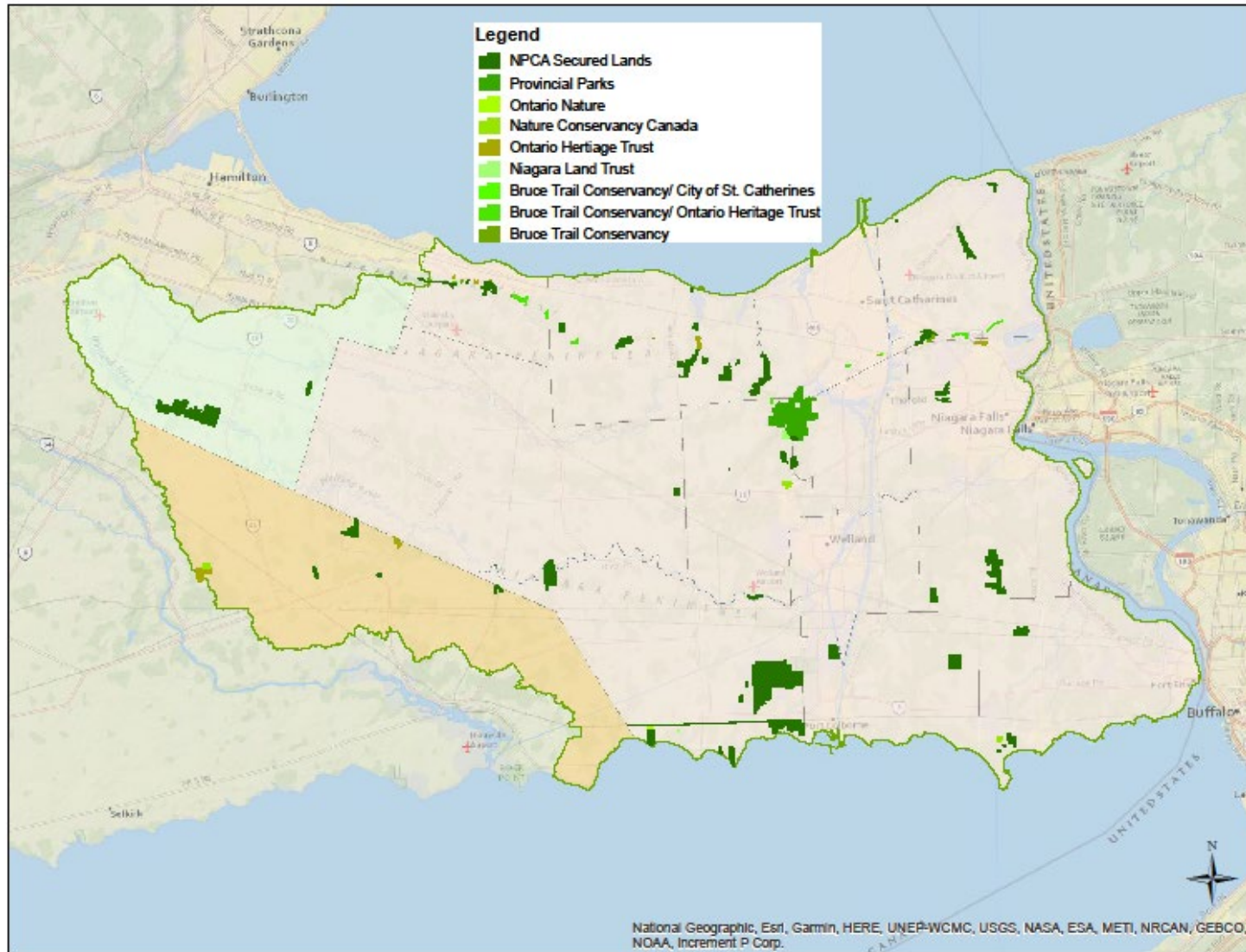
its watershed. Hamilton Conservation Authority has secured 4,603 ha equating to 9.2% of its watershed.

Once the NPCA's Land Securement Strategy is approved in principle, a meeting of all the partners is recommended. Inviting all the above listed partners to a meeting where NPCA staff present this report and receive feedback can lead into a brainstorming session which may bring helpful information towards achieving land securement goals faster and easier. Also, communication between partners can coordinate landowner outreach activities and firm up possible partnerships on upcoming projects. This meeting of partners may evolve into a Land Securement Working Group that could meet once or twice per year to give updates on securement activities and funding programs.

Table 2: Secured Land within Watershed

Partner Name	# of properties	Total area (ha)	% of watershed
NPCA	41	2,946.39	1.22
Ontario Parks	1	645.08	0.27
Bruce Trail Conservancy	48	151.67	0.06
Ontario Heritage Trust	9	133.87	0.06
Nature Conservancy of Canada	3	52.85	0.02
Niagara Land Trust	2	23.16	0.01
Ontario Nature	1	13.92	0.01
TOTAL	106	3,966.94	1.64

Figure 2: Secured lands (all partners)



Securing Land

There are two primary ways to secure lands: holding land title (fee simple) or holding land rights (conservation easement agreement). The following provides a brief overview of these securement tools.

Fee-Simple

The most used method of land securement is fee-simple purchase. In this case, NPCA would purchase full title and rights to a property from a willing seller. A landowner can also offer to donate property using the fee simple method; NPCA has a history of receiving such fee-simple donations.

Conservation Easement Agreement

Conservation easement agreements (CEs) are an effective tool for protecting the conservation values of a property without owning that property because they contain restrictive covenants intended to ensure the protection of ecological features. CEs are legally binding agreements registered on title whereby the landowner transfers specific rights to an easement holder such as a conservation authority such as the ability to create building lots or cut trees.. The easement holder has the right and responsibility to monitor the property (thus the term “easement”) and ensure that the terms of the conservation agreement are being respected. If no easement is granted under the agreement, the agreement can be referred to as simply a “restrictive covenant.”

The purpose of a CE is typically to prevent the destruction of a feature(s) on a particular property. The rights to the uses of a property (i.e., subdivision rights, development rights, and tree cutting rights) can be donated or purchased from the landowner; however, it is more common to have CEs donated. CEs can provide for the protection of a feature, trail construction, and construction and maintenance of rehabilitation works.

To aid in the protection of the natural features, a Baseline Documentation Report (BDR) is prepared and registered on title with the accompanying CE. The BDR takes an ecological inventory and pinpoints other pertinent features, improvements, and disturbances. This reporting at the time of securement identifies all issues for staff to observe and compare to for future monitoring of the property. The BDR offers proof, if needed, for enforcement of the CE restrictions.

Since a property with a CE remains in ownership with the private landowner, NPCA does not have maintenance responsibility nor property tax to pay. However, with the responsibility of monitoring, which is usually an annual minimum, comes the possibility of enforcement and legal defence should a present or future landowner contravene the restrictions of the CE. Even though there are often less upfront securement costs associated with a CE, the ongoing stewardship and possible costs are unpredictable. These costs do not include the need for a legal defense fund should the landowner (usually subsequent owner) breaches the restrictions of the CE.

Methods of Fee-Simple Land Securement

The following section outlines the various fee simple methods which could be employed in the securement of environmentally sensitive or significant lands. These options should be clearly communicated to landowners in person and through web-based media and print publications facilitated through the landowner outreach program discussed later in this strategy. In order to maximize available resources (i.e., financial and staff time), this strategy recommends fee simple donations first (full value or split-receipt), followed by important purchases.

Of all the land securement scenarios, a project often combines several tools. For example, a landowner may decide to donate the bulk of their property via direct conveyance while retaining a life interest on the severed parcel.

Donations

Donations of land or property rights (i.e., fee simple or conservation easement agreements) at appraised value may qualify as charitable donations under the Federal Income Tax Act through the Ecological Gifts Program (or Ecogifts Program). The Canada Revenue Agency (CRA) provides tax incentives to landowners willing to donate ecologically sensitive lands. All Ecogifts are subject to 0% capital gains tax. All lands donated outside of this program remain subject to 50% capital gains. In addition, as part of the program, all appraisals are reviewed by an expert panel of appraisers; therefore, landowners and NPCA can be assured that the appraisal's legitimacy is peer reviewed. These and other advantages of the program are outlined in Appendix 1. Donations can include receipt of lands under specific conditions such as a bequest or gratuitous dedication.

Bequest

Landowners may elect to provide for a gift of land to NPCA in their Will through a bequest. The advantage of making a bequest is that there is no cost during the landowner's lifetime. A bequest can be cost-effective from a tax perspective against the estate and create a legacy for the donor and their family. However, a Life-Interest Agreement (discussed later) serves the same objective and is often better for the donor and recipient because it protects the land sooner rather than later, prevents family members from contesting a Will, and offers the donor a tax receipt to use while alive rather than leaving it for the estate.

Gratuitous Dedication

Typically, Official Plans contain a provision which requires the dedication of environmentally protected lands to a public authority as part of the development process. Implemented through the conditions of draft approval for the subdivision, these lands are generally those associated with a riverine valley system and include the hazard lands associated with that system and the associated access allowances. Further, environmentally protected lands may contain a wetland feature and associated buffer habitats.

Should NPCA be the public authority to which these lands are dedicated, they shall be dedicated free and clear of all encumbrances and an easement(s) for access to these lands may be required. The donor of the property may also be required to pay a stewardship fee, to cover costs associated with the long-term maintenance of the lands, which may include such things as:

- Land management planning
- Research and monitoring
- Land operations
- Land administration

The exact figure of the stewardship fee can be calculated based on the actual costs associated with the property and based on expenditure requirements for an agreed upon timeframe. Alternatively, the industry standard of 15% of the land value could be used, or whichever is greater. The stewardship fee would be paid to the Niagara Peninsula Conservation Foundation (NPCF) in a lump sum payment upon the transfer of lands. Refer to the 'Financing Land Securement' section for more information.

Trade Lands

When a landowner wishes to either donate or bequeath their property but their property does not contain any significant environmental features, NPCA can accept the gift with the intention to sell it. The proceeds from the property sale should be directed into securement of more strategic lands, as agreed upon with the donor. A trade lands policy is recommended to guide this type of decision-making.

Exchanges

In this case, landowners who own property of interest to NPCA may exchange their parcels for surplus lands owned by NPCA that the landowner desires. For example, a landowner wants to expand their farm or have better access to it. In turn, they have a parcel of land that meets NPCA's securement criteria. If the parcel desired by the landowner is not of significant ecological value, NPCA may consider the exchange. While these transactions traditionally consist of the exchange of fee simple interests, they can consist of any combination of property interests. Note that land exchanges are not necessarily acre for acre and any exchange would be based on an appraised value as valley lands would not be valued the same as developable tableland.

Direct Conveyance

A direct conveyance is an acquisition of part of a property through either a fee simple purchase or donation scenario to a government agency. For example, if a landowner has a residence, they may be willing to dispose of most of the property while retaining the residence and amenity area (Figure 3). The advantage of this method is that usually the part of the property severed for conservation purposes does not include the bulk of the value of the property. Therefore, landowners can retain a residential lot and some acreage around their residence or building, allowing them to hold on to most of the property's value. The land severed is then owned and managed by the municipality or conservation authority. The landowner's residence, barn, or working farm field remain adjacent to the now publicly owned conservation lands without the

burden of the costs and liability associated with maintaining and managing a larger property. In addition, if the landowner wishes to sell the property in the future, it will be a significantly more saleable parcel size, which may attract more buyers.

In the situation of a direct conveyance, conservation authorities have an advantage over land trusts with their allowance under Section 50 (3)(e) of the *Planning Act* to create the conveyance without going through the formal severance process.

Figure 3: Direct Conveyance Example



Split-Receipt

A split-receipt can be viewed as either a donation of land or easement, with cash consideration back to the donor, or a purchase of land with a donation of land value in cash back to the purchaser. Once the land value is determined by a qualified appraiser, the percentage of the fair market value of the land to be donated versus the percentage of land to be accepted in cash will be negotiated. Through the Ecogifts Program, the donated portion must be a minimum of 20% of the value to qualify for a split-receipt. Conversely, the landowner cannot receive more than 80% cash for the appraised value.

Fee-Simple Purchase

The most used method of land securement is fee-simple purchase. In this case, NPCA would purchase full title and rights to a property from a willing seller. An Agreement of Purchase and Sale is signed between both parties to clarify the details of the transaction.

There are two additional agreement types that could be utilized in a fee simple purchase:

1. Option to Purchase
2. Right of First Refusal

Option to Purchase

An option to purchase is a contract that would allow NPCA to buy a property at a set price for a stipulated period. It is a written contract by the landowner to sell the property by which they agree to not withdraw the offer of sale during the stipulated deadline. NPCA would likely pay a fee for this option. This mechanism is often used as a means of “buying time” during an attempt to acquire a specific piece of land and allows time to fundraise for the purchase costs. For NPCA, the approach could be used to extend the “window” of buying time into the next fiscal year, if needed.

Right of First Refusal

A right of first refusal is an agreement between a landowner and the potential buyer to match any third party offer to buy the subject property. It sets out the conditions of sale and is registered on title to the property. It is an interim measure giving NPCA the option to acquire a key property in the future. It can be a good tool to use if negotiations have been halted (e.g., due to an unacceptable appraised value). The right of first refusal can also be registered on title allowing NPCA to buy a property that has an existing conservation easement agreement. In this case, NPCA would prefer to wait until they can secure title rather than be the easement holder. Right of first refusal is also a means by which to discourage other potential buyers (e.g., developers) as they will know they have competition and the holder of the first rights has priority. There may be a fee associated with the right of first refusal.

Life Interest Agreement or Lease Back Arrangement

When the vendor/donor wishes to retain an interest in the property, they can enter into either a life interest agreement or a lease back arrangement. A life interest agreement allows the landowner to retain an interest in the property for the duration of their life. This interest can take many forms including use of a family home, cottage, or recreational access to hiking trails. In a lease back arrangement, the landowner sells the property but remains in possession for a specified period while paying rent to the buyer, effectively making the landowner a tenant. In either case, the land can be donated, purchased, or split-receipted. The value of the retained interest would be determined by a qualified appraiser. The agreement would specify a set term or continue if the vendor uses the subject property as outlined in the agreement. Such retained interests can range from passive use (e.g., hiking), medium use (e.g., camping, removal of deadfall trees for firewood), to high use (e.g., residing, agricultural operation).

Land Securement Criteria

The watershed contains a multitude of important natural resources needing protection to sustain life, but it is not feasible to secure all these lands with limited resources. Thus, it is important to prioritize areas for securement by identifying a set of land securement criteria to guide which lands are to be considered and actively pursued for land securement. Overall, the NPCA will use a set of primary criteria focused on watershed features and functions while considering secondary criteria such as parcel size, securement method, and cost.

To be considered, every potential land securement project must pass the first and second criteria screening. There will be times when the NPCA should graciously reject an opportunity, even a donation of land is deemed ecologically important. If a property is relatively small to offer much benefit, is costly or problematic to secure, or is predicted to be more challenging than it is worth to the organization, it should not be a project for the NPCA. Passing it to another securement partner may be the best option.

Watershed Features and Functions

Previous provincial and NPCA-led scientific assessments have identified several key areas in the watershed required to conserve ecological integrity including Areas of Natural and Scientific Interest (ANSIs), Environmentally Significant Areas (ESAs), floodplains, wetlands, habitat of species at risk, etc. While it is understood that these areas are important, they are already mostly protected through policy. Thus, land securement criteria should also focus on protecting and restoring other important features and functions critical for watershed health.

Eligibility criteria of the Ecogifts program and the Conservation Land Tax Incentive Program (CLTIP) (Appendix 2) are suitable filters for determining NPCA's land securement criteria. These criteria apply regardless of if a securement project is to be donated or purchased.

In general, the NPCA will consider the securement of land if any of the following first-level criteria are met:

- Lands in proximity or adjacent to existing NPCA conservation areas;
- Flood control, flood vulnerable, erosion control and reservoir project lands, and their associated access lands;
- Valley and stream corridors, riparian habitat zones, wetlands;
- Great Lakes' waterfront;
- Highly vulnerable aquifers, significant groundwater recharge areas;
- Important woodland/vegetation/habitat linkages, interior forest areas, and/or lands which contribute to the expansion of interior forest habitats;
- Environmentally Significant Areas (ESAs), Areas of Natural and Scientific Interest (ANSI);
- Habitat for aquatic and terrestrial species of concern and sensitive species, including those listed under the *Species at Risk Act* and the *Endangered Species Act*;
- Relevant lands identified in NPCA's watershed and sub-watershed plans, municipal natural heritage systems, and in urban and near-urban areas suitable to provide residents with access to nature;

- Lands identified as Escarpment Natural Areas and Escarpment Protection Areas in the Niagara Escarpment Plan;
- Lands that provide terrestrial and aquatic habitat restoration opportunities, including lands identified as priority for ecosystem restoration;
- Areas that provide linkages for a regional trail system or to other nearby greenspaces (e.g., municipal natural areas, neighbouring conservation authorities).

This extensive list covers an enormous area of the watershed offering many passive land securement opportunities (landowners approaching the NPCA). Conversely, there is too much potential area to actively pursue (NPCA outreach to landowners) within a 10-year timeframe. Even when limiting the criteria for active land securement to only wetlands, ANSIs, and ESAs (in which many of the other criteria overlap) those three features alone cover a daunting area exceeding 19,200 ha or 7.9% of the watershed (Figure 4). While value is impressive, it falls woefully short of the International Union for Conservation of Nature's Aichi Biodiversity Targets of 17% applying to terrestrial lands and inland waters.

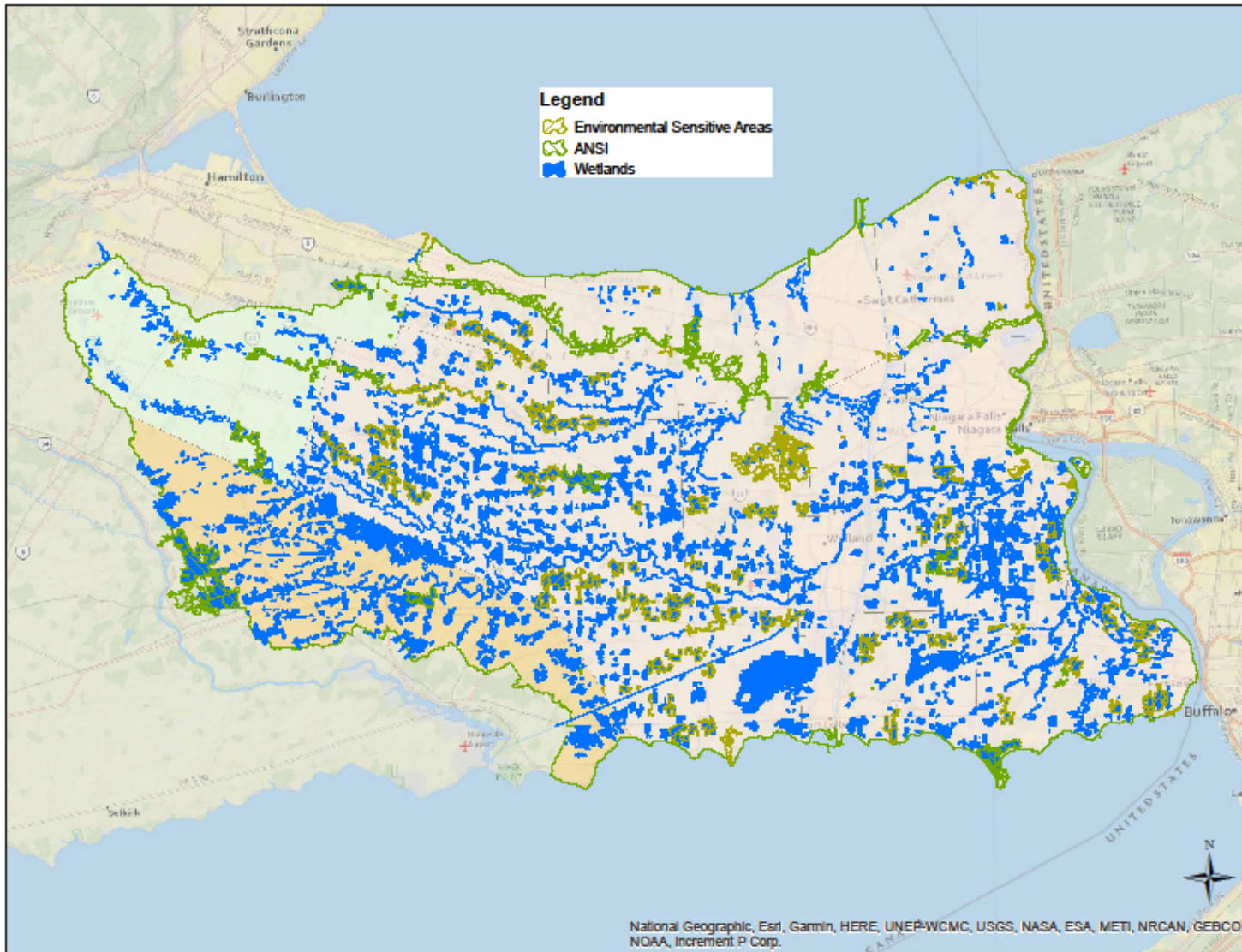
To make a land securement program effective and manageable, additional criteria must be considered. Even though some landowners may offer the NPCA land or a CE that meets the primary criteria, there are securement and stewardship costs that accompany each project. Being selective is important so that resources can be extended to the worthiest land securement projects. After a potential property passes the first screening, it still needs to pass an important secondary practical screening of the following criteria before a decision to secure can be made:

- Size of parcel
- Type of securement form and method landowner prefers
- Cost of stewardship

Parcel Size

Parcel size is one of the most important of the secondary criteria since the time and costs that are required to secure a property are largely independent of size. Therefore, securing large properties are most cost effective at further advancing NPCA's efforts to protect delicate habitats, maintain important natural function, and restore degraded areas. Exceptions to this criterion are when a small parcel is needed for access, to maintain terrestrial corridors or is strategic to secure in some way.

Figure 4: Natural features limited to ESAs, wetlands, and ANSIs



Securement Method

The NPCA needs to consider the securement method that will be most advantageous. In some cases, it may not be best for the NPCA to hold title or a CE. For example, the stewardship of the land may be deemed too costly or the landowner wishes to sell quickly and NPCA cannot foresee raising funds quickly enough. Instead of refusing the offer, the NPCA can still help by bringing in a partner better suited to the land securement method that the landowner prefers.

Alternatively, if a landowner offers to donate some land to the NPCA, the decision becomes much easier to accept, especially if the property passes the first level of screening.

Cost of Stewardship

The cost of managing properties can vary greatly. Passing up on land securement opportunities that are likely to have high ongoing costs is prudent. For example, the NPCA may choose to accept lands that are, or will be, exempt from property taxes through the provincial Conservation Land Tax Incentive Program (CLTIP), regardless of if the land is to be donated.

Additionally, the anticipated stewardship cost of holding title of land or a CE should be assessed. As previously mentioned, CEs have unpredictable stewardship costs whereas taking ownership of land can more easily be budgeted.

The proximity of lands near existing conservation areas is also a key factor in the cost of stewardship. Lands that abut existing NPCA lands should have the least stewardship costs because travel to the site is minimized and there are already stewardship activities on the original conservation area that the new parcel would be absorbed into.

Lands farther away from NPCA properties need to be closely inspected to determine existing and potential stewardship. The cost to address those issues would need to be estimated. If estimated stewardship costs are high, the securement project may be rejected or re-directed to another land securement partner. Before passing on such an opportunity, an investigation of accessing reliable long-term stewardship funds should happen. Additionally, opportunities for income generation that would have nominal or neutral impact on the land could be considered. In either case, a determination through a cost-benefit analysis is required.

Landowner Outreach

A primary goal of any land securement initiative should be to inform the targeted landowners about the various long-term conservation options that are available to them. Most landowners only know about two options when it comes to their land:

- Sell it, or
- Leave it to their children.

Deciding to protect one's property for the long term is a big decision and can take a landowner several years to make. Even if a landowner does not express interest in selling or donating their land when first approached, they will have increased awareness about long-term conservation

should they reconsider such options in the future. As in fundraising, approaching people for land donations also requires patient cultivation. Building relationships and patience is important for successful landowner outreach.

Types of proactive landowner outreach activities are listed below; however, it is possible that some landowners will take the lead in contacting the NPCA to discuss potential donation or sale of their land. This is especially likely if the NPCA maintains a good reputation with target landowners and the community and practices good communication of land securement programs and tax benefits to landowners.

Developing a Landowner Contact List

Landowner contact information (e.g., mailing address and contact person) must be collected so that packages can be mailed and followed-up on. Although landowner emails and phone numbers can be difficult to obtain, there will be a greater chance of connecting with landowners if this information can be collected.

Communication between partner conservation organizations is very important especially in areas where partners are directly involved in landowner outreach. These landowners can be included on the list but making contact should be left to the partner organization to reduce duplicative efforts.

The list should be in a format that is accessible to applicable NPCA staff to review and update and can be created with spreadsheet or database software. A blank example is provided in Appendix 3.

Property Listings

When funding is available, a search for property listings in the target areas should be conducted using www.realtor.ca. Communicating the NPCA's interest in a listing to a listing agent should include explaining the NPCA's conservation goal which should give the realtor and vendor encouragement of a possible sale. It is also an opportunity to explain the various scenarios to acquire the property, either whole or in part.

Land donation options are usually not appropriate to discuss as the realtor expects a commission. However, the landowner could entertain a donation of the bulk of the property while retaining a smaller parcel for the realtor to sell. It is best practice to request a three-way call or meeting (virtual or in person) with the landowner and listing agent.

Landowner Leads

Getting warm leads and introductions can significantly boost any landowner outreach initiative and improve the effectiveness of communications. An introduction bridges trust between parties. There are likely many landowners within the targeted areas that have already interacted with NPCA. Thus, the landowner list should be circulated throughout the applicable NPCA departments to identify any previous interactions between staff and landowners. For those identified landowners that already have shown an interest in conservation (e.g., participated in

tree planting program, wetland restoration), the staff member with the best relationship should approach and arrange an introduction.

Conversely, if past interactions with a particular landowner were not positive or well-received (e.g., denied a permit, violation issued), staff should be cognizant of those past interactions and give due consideration before reaching out to the landowner. If the property is also within an area of interest to a land securement partner, the NPCA could pass those leads to that partner for contact.

NPCA Board members, being well-connected to the community, should also be asked to provide leads and introductions to key landowners in their communities/wards. If a Board member does not know a specific landowner of interest in their area, they should be able to suggest someone who does.

Mail Campaigns

A mail campaign involves sending out an introductory letter (Appendix 4), a brochure outlining the various long-term securement options, and a photo mosaic map of the subject property (potentially showing ecological features). Ecogifts and NPCA program brochures should be excluded from the first mail out to avoid initial disinterest from the landowner. The primary objective is to introduce the landowner to the idea of long-term conservation and “break the ice” so that a telephone call, email, or drop-in visit can potentially be made a few weeks later. Other brochures can be given to the landowner if applicable and as rapport develops.

Telephone Contact

As more people are forgoing landlines, it is harder to find phone numbers for landowners. Nevertheless, Canada 411 can still be utilized. For phone numbers obtained, calling landowners to introduce them to long-term conservation options and other stewardship programs offered can be successful. The objective is to arrange a meeting, ideally on the property, rather than to discuss details over the phone. A face-to-face conversation is a much more engaging and trust-building format. It is highly recommended that this step follows the mail campaign so that the telephone call is not a “cold call”.

Drop-in Visits

Following mail campaigns, some mail is returned due to out-of-date address information or landowners undergoing a recent change of address. If there is no other way to contact the landowner, knocking on the door is prudent to bring the information to them.

Even when packages have been mailed out and presumably received, if a phone number is not available, dropping in is often very effective. Some landowners are interested in exploring the information mailed to them but do not often act on it immediately. The package may get placed in a drawer with good intentions to follow up, but often gets forgotten. Thus, making the effort to reach out personally to ensure the package was received and be available to answer questions or to arrange a meeting at their convenience is well-received.

Having another package on hand to leave at the gate or roadside mailbox for those properties that are gated or warn of no trespassing is suggested. Adding a note or postcard to the effect of

“We would like an opportunity to meet with you to discuss land conservation options that you may wish to take advantage of” may increase the likelihood of a favourable response.

Drop-in visits have been shown to be highly effective. The best times to drop-in are in the warmer weather months when landowners can be engaged outside or not holding the door open.

Landowner Forums

An effective way to meet and engage landowners was at a forum designed to provide them with information on a variety of land conservation and estate planning topics. Landowners can be invited to attend an in-person informational event with topics to learn about land conservation programs available and meet relevant NPCA staff.

To maximize attendance, the following guidelines should be considered:

- Select a date on a weekend or evening
- Include several topics that would be of interest to a rural landowner (e.g., tree planting, restoration, MFTIP, and invasive species such as Emerald Ash Borer), life estate planning
- Do not exceed three hours
- Host at a location near the targeted land securement zone
- Send postcard invitations requesting RSVP
- Follow-up with each landowner to ensure receipt of invitation and ask if they plan to attend, or if they would rather have a private visit/consultation

With the mass use of virtual mediums, landowner forums could be attempted while following the same format above. There are pros and cons to a virtual landowner forum; the best test is to host one. Costs to organize and host such an event would be less than an in-person forum and is likely worth the effort.

Scheduled Site Visits

Once a landowner is contacted and they express some interest in the program, a site visit or landowner visit can be scheduled (if necessary). Meeting with a landowner allows for more free-flowing dialogue. At this time, more information can be provided to the landowner about long-term land conservation options. If the landowner is interested, a Property Evaluation Form can be filled out by NPCA staff (Appendix 5).

Landowner Expectations

When interest is garnered, expectations of timing and value should be managed. Explaining the appraisal and approval process in the beginning is important to prepare landowners and realtors for several months of waiting. This explanation is often more important when dealing with land donation through the Ecogifts Program.

Appraisals can often be disappointing to a landowner’s expectations. Having a third party perform a thorough appraisal will ensure the report is fair and unbiased. Giving a six-week approximation for appraisal completion and another week for internal review helps to explain the lengthy process.

Early Outreach Process

Attempts to contact all identified high priority landowners will commence in 2023. After assessing the uptake and time management of securement projects, the second priority landowners will be contacted.

Based on other landowner outreach programs, it is expected that an average of 10-20% of landowners will express an interest in learning more about land securement. Of these, a smaller percentage will be interested in more detailed discussions. The focus of the work in year 2 of the land securement program implementation not only involves contacting the secondary priority landowners but also requires follow-up with high priority contacts previously established in the first year. It can take several years to cultivate a relationship with a landowner before they are ready to decide to leave a legacy of their land. The landowner outreach process is repeated every year, with new contacts being established and continued relationship building with those expressing interest in the program.

Landowner Outreach Areas

The land securement criteria result in a substantial amount of area in the watershed to ideally be secured; however, as previously mentioned, this is an unsurmountable amount of area and number of projects to warrant active pursuit. Therefore, six Landowner Outreach Areas (LOAs) are proposed to concentrate landowner outreach efforts within the watershed over the next ten years. These LOAs are not given higher priority over other areas in the watershed that meet the land securement criteria; rather, they are intended to focus direct landowner contact to a manageable amount. It is usually simpler and more effective to give attention to specific areas rather than spread efforts thinly across all areas of the watershed.

Using a geospatial analysis together with the application of the specific attributes listed in Table 3, six LOAs were identified in the Niagara Peninsula watershed.

Table 3: Description of the attributes applied to identify LOAs

Attribute examined	Details and rationale
Proximity to existing conservation area(s)	Existing conservation areas are already in highly ecologically valuable areas. A parcel near an existing CA is easier and less expensive to maintain and offers greater ecological benefits.
Watershed features and functions	Parcels meeting multiple primary land securement criteria generally represent a more environmentally valuable area.
Land use	Orthoimagery provides insight into current land use. Parcels with active land use (e.g., gravel pit, golf course, intensive agriculture) should be avoided for landowner contact. Vacant lands that appear to be naturalized or properties with an existing residence, but no other apparent land use have a higher probability of being secured than those in active use.
Large parcel size	Areas containing large parcels (>20 ha) enable securement of a larger area with fewer transactions.
Funding opportunities	The potential funding source available in a particular area can facilitate a land securement project. The proposed LOAs spread out those potential funding sources and increase NPCA’s chances of receiving funding.
Geographic distribution	Ensuring securement is distributed across each of the upper tier and single tier municipalities (i.e., Region of Niagara, City of Hamilton, Haldimand County) allows better access to greenspace and environmental benefits across the watershed.

Properties in the vicinity of the conservation areas less than three hectares were removed from the analysis as they would be less likely to be significant land securement targets to fulfil the previously outlined criteria. The exception was Cave Springs LOA because the number of properties within the boundaries are significantly less than the other LOAs. Properties less than 1 ha for the Cave Springs LOA was used as the minimum parcel size.

Within all the proposed LOAs, a total of 9,684 hectares were identified as shown in Table 4.

Table 4: Summary of proposed target LOA data

LOA name	Total Area (ha)	Average Size (ha)
Binbrook	1,792.27	35.85
Wainfleet	1,972.88	19.15
Short Hills/St. John's	1,415.54	11.23
Willoughby	1,757.38	17.06
Ruigrok	2,600.79	41.28
Cave Springs	145.38	10.38
TOTAL	9,684.23	21.10

The data excludes lands already secured by the NPCA and other land securement organizations. As can be seen from Table 4, there is a substantial amount of land just within the proposed LOAs that could be secured; however, as previously mentioned, some properties should be excluded during a more detailed investigation. Furthermore, properties in their entirety will not always be available to secure as some landowners may prefer to divest a portion of a property rather than the whole. Thus, the total area of eligible land to be secured may decrease after a more detailed analysis and the first wave of landowner outreach have been completed.

Land Securement Targets

Setting targets helps provide motivation for NPCA to work toward a measurable goal. An easily achievable target diminishes the importance of land conservation while setting the bar too high can lead to disappointment. The purpose of this section is to set achievable targets that significantly enhance NPCA's conservation efforts.

Land securement successes are often measured in hectares and/or number of properties secured. From Table 4, there are 9,864.23 hectares identified as potentially worthy of securing.

For landowner outreach efforts in the LOAs to commence in 2023, a reasonable minimum securement target is to **secure 10 properties or 200 hectares by 2032**. This target may be achieved earlier than the 10-year timeframe. If so, an updated goal to would be required.

A more aggressive yet reasonable target is to double the minimum target and aim to **secure 20 properties or 400 hectares by 2032**. This target requires regular landowner engagement and additional time for project management, but less than double the time involved. Much of the time is spent on initial landowner contact. By diligently following-up with landowners, the potential for more securement projects increases.

In addition, NPCA will likely continue to receive calls from landowners offering qualified land donations outside the LOAs. These securement projects would also contribute to either target.

Management & Implementation

To evaluate potential securement opportunities in an efficient manner, it is important to screen potential land securement opportunities using the Property Evaluation Form (Appendix 5) to assess each securement project. When landowner outreach commences, there will be multiple projects to assess and a system to track and rank them will be necessary.

Land Securement Project & Evaluation List

Developing and maintaining a list of land securement projects divided into category A for “active” securement projects and category B for “potential” properties for securement will help organize projects and help focus on projects at a glance. Projects in category A will have a signed commitment in the form of a Letter of Intent or an Agreement of Purchase and Sale. Category B would include those properties that have landowners expressing interest in land securement options and warrant further consideration.

Before placing a candidate property on either list, a property evaluation involving desktop analysis and, where necessary, a field investigation should be undertaken. This process will provide an assessment of the merit and stewardship issues of the property. Further, the desire to acquire the property and the landowner’s interest in working with NPCA will need to be assessed to develop a mutually acceptable transaction. The transaction could take the form of a fee-simple purchase, land donation, or split-receipt. Depending on the property history and preliminary site evaluation, additional environmental studies may also be required before completing a land securement transaction (e.g., Phase 1 and/or 2 Environmental Assessment).

When a property has moved to category A, staff should prepare a business case and recommendation for its purchase. Approval by the Board is required prior to any further negotiation. If financing the purchase is approved, the securement process continues (i.e., negotiate agreement, obtain appraisal, commission survey, etc.).

Land Securement Success & Promotion

The term “success breeds success” is highly applicable to any land securement program. Unless confidential, once there is the success of securing a property within a given area, NPCA should

consider the messaging and leveraging of successful land securement projects to generate additional successes. Whether the property was purchased or donated, a single success can be used to generate local, regional, or even provincial attention leading to increased funding, more interested landowners, and better partnership support. Especially in the case of land donations, other landowners may be encouraged to do the same. These landowners can in turn be invited to act as champions in their own communities. Below are best practices for communicating successes:

- Ensure that all partners involved in the securement of a property are given proper recognition
- Invite municipal politicians to the event (include federal representatives if a donation was made through the Ecogifts program)
- Ensure that the event or success is covered by all forms of local media (i.e., newspaper, television, radio, social media)
- Ensure that celebrations and donor recognitions are communicated through internal media such as newsletters, website, social media, etc.
- Use the media articles, newsletters, or other internal communications to send to other target landowners

Land Securement Budget

The NPCA has a current modest reserve dedicated to land securement. As landowner interest increases, more attention to the budget must be given. If there is more landowner interest to sell than the capacity of the budget, negotiations must adapt to ensure budget capacity is secured prior to scheduling property closings.

Relative to conservation land values, ranging from \$2,500 to 4,500 per hectare, the current budget may be insufficient to meet land securement requirements. Thus, an emphasis on landowner outreach to encourage land donations becomes necessary as well as seeking external funding sources to potentially increase the amount of land secured.

Securement Costs

Even with a land securement program that focused only on receiving land donations or taking on purchases that have the purchase price covered by outside funding sources, there are still securement costs. Just one fee-simple land donation has the following approximate associated securement costs (as of 2022):

\$4,500 - \$7,000	Appraisal
\$1,500 - \$4,000	Legal
\$2,500 - \$10,000	Survey (if required)
\$2,500 - \$4,000	Phase 1 Environmental Assessment (if required)
\$8,000 - \$13,000	Baseline Documentation Report (if required, see CE section)
\$5,000 - \$10,000	Staff/contractor time

Some of the costs noted above can be recovered through external programs and sources. Nevertheless, it would be prudent to budget at least \$30,000 per acquisition.

Program Implementation

Once the land securement strategy is approved and resources have been assigned for program development, implementation can begin. As previously mentioned, the first year of program implementation (2023) will be primarily devoted to landowner outreach. As outreach continues, land securement projects may occur concurrently, as a result of each previous year's outreach. The suggested program implementation work plan is as follows:

2022

- Obtain Board approval for the Land Securement Strategy
- Consult with municipal partners, land trusts, Indigenous organizations, NPCF, and Public Advisory Committee for feedback on the strategy and to build relationships toward future land securement
- Develop a land securement program including a budget, outreach and engagement plan and associated materials, landowner contact list, and allocating staff resources

Year 1 of implementation (2023)

- Scan for property listings in LOAs
- Populate a landowner contact list
- Circulate landowner list to people that could be helpful in facilitating introductions and providing background information
- Prepare and mail out landowner information packages in waves of one or two target areas per month
- Follow-up with phone calls and emails where possible
- Conduct drop-in visits with those landowners whose mail has been returned to sender and no other contact information is available
- Determine which landowners are most likely to work towards selling or donating and prioritize closings for the fiscal year and which to carry over, if needed
- Begin securement process, as required (e.g., retain appraiser)

The first year of implementation is primarily gearing up for the follow-through each subsequent year. Each year thereafter involves the same process with the addition of closing property transactions from the previous year, regularly updating the landowner contact list, and reporting on performance metrics.

Stewardship Fund

To provide adequate resources in perpetuity for stewardship related activities on owned properties, a detailing of stewardship costs is required for each new and existing property. There are more stewardships costs involved in the direct management of land that the NPCA owns versus lands under conservation easement agreement. Administrative and conservation stewardship-related costs can be short-term (e.g., tree planting) or long-term costs (e.g., insurance, clean-up, monitoring, etc.). Examples of stewardship costs are listed below as well as their likelihood for successful fundraising.

Land Administration - Carrying Charges

For owned properties: taxes, carrying charges including (but are not limited to) risk management, insurance, access, perimeter signage for adjacent neighbours or trespass. These disbursements are often difficult to fundraise for and are more reliant on operating costs or interest accrued from a stewardship fund.

Conservation Stewardship - Managing Sites

Stewardship costs are determined on a case-by-case basis following a site visit and discussion with the landowner. For owned properties, stewardship activities include (but are not limited to) burning (for ecosystem maintenance), removal of invasive species, restoration, interpretive signage, partner/volunteer support, and community relations. For both owned and CE properties, stewardship activities include (but are not limited to) inventory and site monitoring. These conservation stewardship costs have a greater likelihood of successful fundraising. Stewardship requirements should be assessed and detailed in the Property Evaluation Form (Appendix 5). Further, when the NPCA develops new or updated conservation area management plans, stewardship costs for these areas and any adjoining nature reserves should be identified and detailed accordingly.

Consideration should be given to developing and implementing a stewardship fund through the NPCF and based on the current and future costs of stewardship. The fund would consist of a pool of dollars used to support a specific operating objective consisting of stewardship of conservation lands. The stewardship fund would require a Board approved policy providing a governance framework and terms of reference to guide collection of funds and disbursement of eligible costs. Contributions to the fund may vary with each land purchase and the contribution from a landowner may be a negotiated item, in accordance with appropriate stewardship fund governance framework. For special projects that may be periodic and require additional funding, further fundraising would be required. The amount required in the fund would be determined from the projected stewardship costs and would change over time as the NPCA's property portfolio changes.

Enforcement or Legal Defence Funds

In addition to having a stewardship fund, it is important to consider having a legal defence fund for CE properties. For example, in the event a CE has been violated, the NPCA will take every measure possible to mitigate the situation with the landowner in a friendly way. However, this approach may not always be successful and may require the support of legal counsel or involvement in legal proceedings. The cost of defending a CE could range from thousands to tens of thousands of dollars per property, depending on the situation. By having a separate legal defence fund, resources could be properly allocated, tracked, and managed to ensure that they are in place when needed. The determination of the amount for the fund could be based on the number of CEs and the likelihood of risk of each.

It is the responsibility of the NPCA to uphold its CEs and set a precedent for other landowners. Having a legal defence fund shows the community and future easement landowners that the NPCA is serious about enforcing its easements and protecting the natural features of the watershed.

Land Disposition

The purpose of this Land Securement Strategy is to guide NPCA in conserving land that best fits the aforementioned criteria of maintaining healthy and well-functioning ecosystems. Although the disposition of land seems counter to such a strategy, there are instances whereby disposition would benefit the NPCA's conservation efforts and would provide resources that enable the NPCA to secure higher quantity and quality properties.

As the NPCA does not endorse the sale of lands containing significant features, a Land Disposition Policy should be developed. Where the land still warrants protection, but the NPCA determines that another conservation organization or government agency would be better suited to manage the property, such lands can be transferred with a land holding agreement to ensure the land remains protected.

In either case, for lands that are recommended for disposition, the following practices could be considered for NPCA's Land Disposition Policy:

- a) That all surplus lands be offered "as is".
- b) That a staff report be prepared detailing the technical concerns of the disposition, the environmental significance of the lands, potential impacts of the disposition, and any mitigation requirements associated with the lands and remaining NPCA land holdings. The proponent may be required to prepare an environmental review documenting the above noted matters. The scope of this assessment will be determined in consultation with the NPCA staff, agency staff, and/or their consultants prior to any work being undertaken.
- c) That the proposed disposition of land is first offered to the local municipality and upper tier municipality within which the lands are located for either purchase or lease. Where lands have been acquired through a donation or bequest of lands that do not contain environmentally significant lands and the owner has given permission for the NPCA to use or dispose of the lands as the NPCA desires, the staff report may not be required. This will be determined at the discretion of the Board.
- d) When the disposition involves any lands where the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) provided funding for the acquisition of the subject lands under section 39 of the CA Act, that the proposed disposition be approved by the MECP (CA Act, Sec. 21 (2))
- e) That all land sales generally be appraised at market value by an Accredited Appraiser Canadian Institute (AACI) qualified appraiser. The sale may be subject to conditions to ensure objectives are met. Where an appraisal of land value is required, the appraisal will be commissioned by the NPCA. Generally, where lands were donated to the NPCA, the family who donated the property will be given first right of refusal or requested for consent to sell unless otherwise stated in the terms of the donation or bequest.
- f) Any proceeds from the sale of any lands shall be used to acquire other conservation lands or be used for the direct care of the existing conservation lands and CEs.

Financing Land Securement

Historically, NPCA hasn't had the benefit of a land securement program *per se*. Land securement has been opportunistic requiring staff and Board reaction. This Land Securement Strategy proposes a proactive approach through the implementation of a landowner outreach program. Random opportunities are still expected and welcomed if they meet the criteria laid out in this report, but such cases cannot be counted on and can distract from a focused approach to achieve the securement targets. Thus, it is important to distinguish between program and project costs.

Program Financing

With the adoption of this Land Securement Strategy there is an acknowledgement of the need for land protection efforts above and beyond NPCA's current conservation activities. To have an effective land securement program, an annual budget will be required to cover the associated costs of implementation. The cost for a land securement program, especially in the first few years, can be nominal compared to other programs by paying for just the essentials. Below are some of the essential program costs:

- One staff member or contractor to do landowner outreach and coordinate securement projects. Additional help from seasonal staff to maintain the landowner database, support mapping updates, conduct site visits, and mail packages.
- Supplies and printing costs for informational handouts and landowner packages (including envelopes and postage)
- Travel expenses to meet with landowners and conduct site visits
- Appraisals (also a project cost but is considered a program cost as not every project comes to a close). When an agreement is signed between the landowner and NPCA, the appraisal becomes a project cost. Prior to that, there should be some monies available for one or two appraisals each year.
- Event/celebration costs (e.g., refreshments if hosting a landowner outreach event or an event to celebrate a project closing), especially a purchase of a property for which there was a successful fundraising campaign.

Project Financing

A securement project is defined as the process of protecting an individual property. Securing land is never free of costs even when land or a conservation easement is donated. Land securement "soft" costs for projects were outlined in the preceding sections of this strategy. Financing land securement is important to be able to successfully execute this Land Securement Strategy.

Funding for securement projects can fluctuate. Additionally, funding sources have their own eligibility criteria. As such, some funding can be received directly while other sources need to be obtained through securement partners or combined from multiple sources. Traditionally, funding for land securement projects have been from government and charitable foundations.

Government Funding

As was stated in the Land Securement Partners section of this document, there are federal and provincial funds available to exclusively to land trusts requiring NPCA to establish a partnership. The partnership may require the land trust to be the primary or sole applicant and be the one to hold title to the property or hold the CE.

Some municipal funds are available on a case-by-case basis that would be beyond NPCA's regular levy. For example, the City of Hamilton has a fund earmarked for land securement applicants. The other upper tier and single tier municipalities in the watershed do not have land securement funds yet; nevertheless, partnering with a municipality on a land securement project that benefits their community should be brought forward. In most cases, municipalities will expect to have their funds leveraged.

Niagara Peninsula Conservation Foundation

The Niagara Peninsula Conservation Foundation (NPCF) raises funds exclusively for NPCA projects and programs. The NPCF should have a list of environmentally giving foundations and private individuals that would contribute funds towards land securement projects. The NPCF should be engaged to discuss raising funds for land securement projects and launching project campaigns.

Project Campaigns

When a property purchase can be made that could excite the community, NPCF and NPCA (possibly with partner support) should launch a fundraising campaign for the securement of that property. In such a case, a long closing date would be negotiated with the seller to allow sufficient time to fundraise (e.g., 9 - 12 month closing). Such campaigns have proven to be effective beyond just closing the intended property transaction. They also boost public awareness and support of the land securement project and overall program. Such "flagship" property acquisitions should be encouraged every couple of years to keep the public interest high.

When considering campaigning for a property purchase, it is prudent to have a high degree of confidence of closing the transaction in the proposed timeframe. If half the funds are reliably available, launching a successful fundraising campaign becomes easier. Knowing that more than half of the funds have been raised gives more assurance that the project will close. Furthermore, an exact closing date creates a sense of urgency and encourages people to donate.

People are motivated to donate cash towards a property that have a perceived benefit to them. If a property can be used by the public in a way while also protecting the bulk of the land from intrusion, the use can be promoted. For example, the Bruce Trail Conservancy (BTC) have been highly successful in its fundraising campaigns because each acquisition allows people to hike more trail. BTC typically runs two securement campaigns each year because of all the trail enthusiasts in its membership.

Conservation Impact Bond

The Conservation Impact Bond (CIB) is a new instrument being applied by multiple stakeholders in southern Ontario to address the conservation funding gap and create healthy landscapes in

the spirit and practice of reconciliation with Indigenous communities. The CIB initiative is facilitated by the Carolinian Canada Coalition. There is an opportunity for the NPCA to become a partner (e.g., habitat grower) as part of a Niagara Peninsula CIB. To date, there are no detailed eligibility criteria other than the project must further biodiversity efforts; however, it is possible that the CIB could be used to fund a land securement project.

Land Trusts

Beyond land trusts' eligibility to access government funding for securement projects, they are also able to fundraise for projects that are meaningful to them. For example, a land securement project that abuts an existing secured property held by a land trust such as NCC or Ontario Nature may be of great enough interest to them to want to contribute.

Even the smaller land trusts such as the Niagara Land Trust also have a role to play. They may be able to do some local fundraising on behalf of a securement project that is important to them.

Creative Financing

When funding partners are not enough, individual securement projects can also be funded creatively. Some examples follow:

Loans and Debentures

Though not desired, in some special circumstances, securing a loan may be appropriate as part of an acquisition process. A loan to close on a property should be considered in only two cases:

- There is income derived from the property that a cash flow analysis demonstrates will provide a positive cash flow
- The loan is zero or very low interest and there is sufficient time before the end term to raise the required amount

In either of the two cases, negotiations for closing dates of other purchases should be postponed until all loans have been paid in full.

Similar to a loan, a conservation authority may issue a debenture to raise long-term project capital. This approach can be considered for projects whereby funds need to be raised over a few years before payback of the debenture.

Flipping Land with a Conservation Easement

Some land trusts (primarily in the United States) have used the practice of flipping a property once an easement is applied to title. The concept is that they buy a property with conservation value, put a conservation easement on the property, then sell the property again. The funds from the sale go back into the land securement project fund.

Conservation Offsetting for Species at Risk

Some conservation authorities have been approached by the Ministry of Northern Development, Natural Resources and Forestry (NDMNRF) for land securement when a developer in their watershed requires a permit under the Lakes and Rivers Improvement Act. For example,

NDMNRF asked the Credit Valley Conservation Authority (CVC) to provide ideal locations suitable for Bobolink (*Dolichonyx oryzivorus*) habitat that CVC could likely secure with funding. The developer paid CVC to acquire and restore marginal farmland to provide suitable habitat, and the developer received a permit from NDMNRF. Conservation offsetting is common in the U.S. and becoming more popular in Canada in recent years. This approach recognizes that developers are already required to 'offset' impacts through legislation such as the *Species at Risk Act*. Land securement and restoration for sensitive habitat can be used as an opportunity through this approach.

Revenue Generation

Revenue generation potential is something to consider when acquiring a property. If the property can generate income beyond operating costs and such income-generating activities are congruent with NPCA's mission, then revenue generating capacity should be considered in both securement and financing of prospective properties. With recent changes to the *Conservation Authorities Act*, the NPCA will need to carefully evaluate if revenue generation is appropriate as it may have other implications. Table 5 below showcases some examples of potential activities that could generate income to help offset land securement and operational costs.

Land Sale Funding

As previously stated in the Land Disposition Policy section of this report, the sale of land could benefit land securement finances by raising funds in the following ways:

1. A donated property, which does not meet criteria and considerations, could be sold with proceeds used to purchase environmentally significant land. For example, land gifted simply as an asset to be sold for capital like donations of stock or annuities.
2. Securing the whole of a property and then severing and selling off the house/building lot. This approach would only be desirable if the seller did not wish to sell a conservation parcel to NPCA at the outset or if there are timing issues regarding a potential severance and the seller's need to sell. This scenario has been used successfully by BTC multiple times.

Summary

There are numerous ways to fund land securement projects, often with the use of partners. Partners and funders change over time. Some new ones show themselves and other fairly reliable sources can drop off. It is important to investigate status of partnerships, funding criteria and eligibility, and search for new prospects annually.

To access funding and have a successful land securement program, it is imperative to fund the land securement program first. This seed funding can go a long way to leverage hundreds of thousands or even millions of dollars over the next ten years.

Table 5: Potential Revenue Generation Activity

Activity	General Overview
Forest management	Sustainably managed forest activities. Money made from selling timber products.
Recreation – passive	Passive recreation like trails, photography, geocaching, etc. Money made from user, entry permit fees.
Accommodations	Camping and Bed & Breakfast type establishments. Reservation fees.
Green Burial / Memorial Forest	Using conservation land to bury people in a sustainable way and/or use unplanted open areas to plant trees in memoriam.
Retail/commercial permits	Using buildings to rent out for commercial / storage purposes which NPCA would receive rent and/or privatization of concession services which NPCA would receive a percentage of profit.
Landlords	Renting out existing houses to private individuals for housing. Money made through monthly rent.
Events	Permits for hosting corporate, filming, and wedding events on conservation areas. Money made by permit fees.
Agriculture – General	Either practicing agriculture or leasing out land to farmers.
Agriculture – Biofuel	Agricultural practices to produce biofuel which can be sold back to distributors.
Historical interpretative centers	Educational centers / historical interpretative centers open to public.
Community garden/orchard	Open spaces of portions of parcels could be converted to garden areas for those from urban areas without garden space.
Crowd funding	Encouraging park support from community through crowd funding platform.
Research / Academia	Research station offering to rent facilities, space, access.

Recommendations

The following is a list of recommendations to successfully implement and achieve the securement targets of this Land Securement Strategy:

1. Develop and adopt policies that guide decision-making regarding land acquisition and disposition, as per *Conservation Authorities Act Regulation O. Reg 686/21 (Sec. 9 (2)(vi))*.
2. Develop and implement a land securement program including:
 - a. staff and financial resource allocations
 - b. annual work plans and targets and performance measures
 - c. outreach and engagement plan and associated collaterals
 - d. internal staff team to evaluate potential land securement projects from technical, operational, and financial perspectives
 - e. land acquisition reserve in accordance with NPCA board-approved reserve policy
3. Ensure NPCA Indigenous engagement guidelines support opportunities to work together on land securement.
4. Engage with land securement partners to obtain feedback on the land securement strategy and establish connections that facilitate future securement collaborations.
5. Form a Land Securement Working Group (comprised of land securement partners and funders) to collaborate on potential securement projects. The group should meet a minimum of annually.
6. Collaborate with the Niagara Peninsula Conservation Foundation to develop and implement a stewardship fund.
7. Collaborate with the Niagara Peninsula Conservation Foundation to launch fundraising campaign(s) for land securement.
8. Proactively seek funding opportunities and explore the feasibility of non-conventional funding options for securement projects.

Conclusions

As of early 2022, the NPCA has secured almost 3,000 hectares of ecologically significant land. In combination with lands protected by partner government agencies and land trusts, almost 4,000 hectares have been protected within the watershed. These joint efforts equate to over 1.6% of the total land area in the watershed being secured for conservation—far below the recommended federal and international biodiversity targets.

This Land Securement Strategy provides the criteria for the NPCA to react decisively to land donation offers and conservation easements. It also acts as a 10-year guideline for the NPCA to secure high-priority lands through proactive landowner outreach and strategic land securement. With a concerted effort in active targeted landowner outreach within the proposed six LOAs, NPCA can secure a minimum of 180 hectares by 2032. As landowner outreach and land

securement projects occur, momentum of the land securement program will likely increase and give rise to more landowner and funder/partner interest. If executed consistently, the more aggressive land securement target becomes attainable.

Minimum Securement Target

The securement of 180 hectares total by 2032 would aim for the following:

- Secure an average of 20 ha annually
- Secure an average of 1 property per year

Aggressive Securement Target

A target of 360 hectares total by 2032 can be achieved by increasing landowner outreach to all target areas and expedite the internal decision making and approval process.

- Secure an average of 40 ha annually
- Secure 2 properties per year

The information presented in this strategy is for a ten-year timeframe (2022-2032). Annual progress on land securement efforts will be highlighted in the NPCA's annual report. A review will occur after 5 years of implementation to assess progress and adjust accordingly. The NPCA Land Securement Strategy should be reviewed and revised in 2032.

Appendix 1: Ecological Gifts Program

The Ecological Gifts (Ecogifts) program enables owners of property with ecologically sensitive natural features to preserve wildlife habitat. Ecogifts are qualified charitable land donations that generate enhanced income tax benefits. Donations of fee simple title and partial interests, including conservation easements, are eligible. In many scenarios, the landowner can continue to hold title and/or live on the land.

To qualify as ecologically sensitive, the land must satisfy at least one criterion from the 'A' List of Specific Categories of Qualified Lands and one or more from the 'B' List of General Criteria for Other Ecologically Sensitive Lands (see below).

Gift recipients include land trusts and other conservation charities, and government agencies chosen by donors and approved by the federal government. Donors of Ecogifts receive a donation receipt for the fair market value of the gift.

Ecogifts receive tax treatment that is superior to most other charitable gifts. Program tax advantages include:

- Eliminated taxable capital gain on the disposition of the property
- No income limit for calculating the tax credit/deduction
- Donation value certified by the Government of Canada
- Tax liability for recipients that do not protect the gifted land

The process of making an Ecogift is relatively straightforward. The donor will basically have two steps to complete that include providing: (i) information to support the evaluation of the land as ecologically sensitive, and (ii) an appraisal of Fair Market Value by a qualified appraiser along with a signed Application for Appraisal Review and Determination. The donor and recipient will generally cooperate on the application to confirm that the property qualifies as ecologically sensitive. The recipient will also often help the donor arrange for the appraisal of fair market value.

Provincial Ecological Sensitivity Criteria for Ontario

A) Specific Categories of Qualified Lands

Lands, easements, or covenants relative to such lands, which fall into one or more of the following categories shall be deemed to be ecologically sensitive lands in Ontario provided the terms of easements or covenants protect the ecologically sensitive features of the land.

A1. Significant portions of the habitat of species determined to be endangered, threatened or vulnerable in Ontario, as specified in a recovery plan or other biological study;

A2. Areas designated as Provincially Significant Wetlands;

A3. Provincial or regional Areas of Natural and Scientific Interest;

A4. Designated Areas of Concern for biodiversity purposes as identified in Forest Management Plans;

- A5. Areas qualifying for the Conservation Land Tax Incentive Program;
- A6. Areas managed for wildlife habitat conservation purposes that qualify under the Managed Forest Tax Incentive Program;
- A7. Areas promoting the conservation of natural heritage and biodiversity that are identified within a regional or watershed plan or strategy developed by a recognized conservation organization;
- A8. Areas designated as a World Heritage Site for biodiversity conservation purposes, a core area of a UNESCO Biosphere Reserve, or a Wetland of International Importance under the Ramsar Convention;
- A9. Areas of biodiversity significance identified in a Canadian Heritage Rivers Management Plan or Strategy;
- A10. Areas designated in the Niagara Escarpment Plan as an Escarpment Protection Area or an Escarpment Natural Area;
- A11. Areas designated as Natural Core, Natural Linkage, Sensitive Hydrological Feature, High Aquifer Vulnerability, Significant Landform, Minimum Areas of Influence or Minimum Vegetation Protection Zones within the Oak Ridges Moraine Conservation Plan;
- A12. Areas designated Core Area, Corridor or Restoration Area in the Lake Ontario Greenway Strategy;
- A13. Areas designated for biodiversity conservation purposes within Management Plans or Strategies for the Trent-Severn or Rideau waterways;
- A14. Areas within a municipal official plan or zoning by-law under the *Planning Act* (Ontario) designated as an Environmentally Sensitive Area, Environmentally Significant Area, Environmental Protection Area, Restoration Area, Natural Heritage System or other designation for similar purposes that are compatible with the conservation of the biodiversity, ecological features and functions of the site;
- A15. Areas within or adjacent to a Provincial Park, Provincial Park Reserve, Conservation Reserve, Conservation Area, Wilderness Area, Provincial Wildlife Area, National Wildlife Area, Migratory Bird Sanctuary, National Park, National Park Reserve or Ecological or Nature Reserve managed by a government or non-government agency;
- A16. Municipal parks or other protected areas designated or managed for biodiversity conservation purposes;
- A17. Areas identified as Carolinian Canada sites or alternate sites;

A18. Areas designated as Core Natural Area, Natural Area Buffer, Natural Area Link, or Valued Ecosystem Component in the National Capital Greenbelt Master Plan by the National Capital Commission; and

A19. Areas designated for biodiversity purposes by regional agencies such as the Niagara Parks Commission, St. Clair Parkway Commission, St. Lawrence Parks Commission and the Waterfront Regeneration Trust.

B. General Criteria for Other Ecologically Sensitive Lands

Lands, easements, or covenants relative to such lands that meet one or more of the following general criteria may also be considered to be ecologically sensitive lands in Ontario -- subject to the approval of the federal Minister of the Environment and Climate Change (MOECC) or a person delegated by the Minister for this purpose (the term "significant" for the purposes below refers to definitions provided in Provincial Policy Statements): This is provided terms of easements or covenants regard and protect the ecologically sensitive features of the land.

B1. Significant habitats such as alvars, prairies, cliffs, Great Lakes coastal habitats, old growth forest areas, glacial relic communities and sites with enduring geological features that contribute to biodiversity;

B2. Areas of wildlife concentration such as bat caves, snake hibernacula, heronries, deer wintering yards and sites used by migratory water birds and other species for seasonal staging, feeding, breeding and like purposes;

B3. Areas identified, designated or protected as ecologically significant or ecologically important by a government or non-government local, provincial, national or international system or body;

B4. Significant water bodies, rivers, streams, shorelines, valleys, wetlands, groundwater recharge areas, headwaters and aquifers;

B5. Significant wildlife or fish habitats;

B6. Significant woodlands;

B7. Areas that have significant current or potential for enhanced ecological values through restoration, remediation, management or geographic proximity to other ecologically significant properties;

B8. Natural buffers and adjacent lands around areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity;

B9. Natural links or corridors between areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity;

B10. Areas used for long-term scientific study or baseline and benchmark monitoring of biodiversity; and

B11. Areas that contribute to Canada's environmental heritage through the maintenance of the genetic diversity of species, ecosystem health, or landscape biodiversity, and other natural spaces of significance to the environment in which they are located.

The categories and criteria listed above, for the purposes of implementation of provisions in the *Income Tax Act* for Ecogifts, have been agreed to by representatives of the governments of Ontario and Canada. This list and criteria may be further elaborated and amended by agreement between MOECC and the MECP.

DRAFT

Appendix 2: Conservation Land Tax Incentive Program

Only lands identified by the NDMNRF as provincially significant are eligible for the CLTIP. These are a small subset of lands found in a natural state in Ontario. The eligible types of land are:

Provincially Significant Wetland

Wetlands are lands covered by shallow water all the time, or in certain seasons, as well as lands where the water table is close to or at the surface. The abundant water causes the soil to be waterlogged and encourages growth of plants that either love the water or tolerate it well. Periodically soaked or wetlands that are being used for agricultural purposes and that no longer have the characteristics of wetlands are not considered wetlands under this program. Wetlands play a crucial role in the province. They:

- Provide vital habitat for rare and endangered wildlife and many other species;
- Maintain and improve water quality;
- Help stabilize shorelines and control flooding and erosion;
- Provide spawning grounds for fish;
- Help ensure a stable, long-term supply of water by functioning as groundwater recharge and discharge areas;
- Supply many social and economic benefits, such as opportunities for outdoor recreation and tourism; and
- Ensure opportunities for the renewable harvest of products such as timber, fuel wood, fish, wildlife and wild rice.

The NDMNRF has evaluated many wetlands more than 2 hectares in size, both in southern Ontario and parts of northern Ontario. Only wetlands that NDMNRF has identified as provincially significant are eligible under the CLTIP.

Provincially Significant Area of Natural and Scientific Interest (ANSI)

ANSIs are areas of land and water that represent significant geological (Earth Science, ANSI-ES) and biological (Life Science, ANSI-LS) features. Earth Science ANSIs include areas that contain examples of rock, fossil, and landform features in Ontario. These features are the result of billions of years of geological processes and landscape evolution. Life Science ANSIs are areas that contain examples of the many natural landscapes, communities, plants, and animals found in the 14 natural regions of the province. NDMNRF identifies ANSIs that are 'provincially significant' by surveying regions and evaluating sites to decide which have the highest value for conservation, scientific study, and education.

Habitat of Endangered Species

An endangered species is any native species that is at risk of extinction or extirpation throughout all or a significant portion of its Ontario range. For purposes of the Conservation Land Tax Incentive Program, endangered species are those listed in regulation under *Ontario's Endangered Species Act*.

The 2002 adoption of Canada's *Species at Risk Act* (SARA) completed the National Strategy for the Protection of Species at Risk. The purposes of SARA are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened.

Through these initiatives, Canada is making its commitment under the United Nations Convention on Biological Diversity a reality.

Endangered species habitat is the habitat necessary for the survival of populations of endangered species. The specific requirements of the various endangered species are set out in NDMNRF guidelines for mapping this habitat. These guidelines are used to delineate endangered species habitat on a species-by-species and site-by-site basis.

A list of regulated endangered species in Ontario with NDMNRF rankings is published on the Species at Risk in Ontario (SARO) webpage: www.ontario.ca

Eligibility criteria for the new category are outlined in *Ontario Regulation 388/04* under the *Assessment Act*. Agencies interested in applying under this category should review this regulation.

Size

The conservation land must be at least 1/5 of a hectare in size. Therefore, if there is a building or structure on the property, the property must be greater in size.

Buildings and Improvements

The CLTIP does not provide tax relief for buildings or other improvements and associated land (the land associated with a structure or improvement is generally considered to be 2/5 hectares).

Appendix 3: Example Landowner Contact Database

Roll #	Legal	Address	Size (ha)	Vacant?	Owner	Contact Person	Mailing Address	Phone	Email	Assigned to	Date of Contact	Contact Method	Last Contact	Notes	Next Steps

Appendix 4: Sample Landowner Contact Letter

Date

Dear [insert landowner name]:

You may already be aware that the natural areas on your property are ecologically important. Have you ever thought about creating a conservation legacy by having the natural features of your property protected in perpetuity for future generations?

I have enclosed an information package about an environmental land conservation program offered by NPCA and its partnering land trusts. In accordance with your wishes, you can arrange for the natural features on your land to be protected in perpetuity. We are working with a wide range of conservation partners, both public and private, to provide land conservation opportunities to landowners, some of which offer tax advantages.

Please contact me at xxx-xxx-xxxx if you wish to learn more about the program. I would be happy to arrange a time to discuss land conservation options with you.

Yours in conservation,

[Insert NPCA Staff name]

Appendix 5: Sample Property Evaluation Form

A. Property and Owner Particulars

Owner Information (Name, Phone No., Email)	
Legal address	
Mailing address	
Roll No.	
Family members and/or agent contact info	
Primary contact	
Sub-Watershed	
Property Size	
Current Official Plan Designation(s)	
Current Zoning Designation(s)	
How was contact made?	
Motivation of landowner (e.g., cash sale, conservation, curiosity, tax benefits)	
Existing Mortgage (Y/N)	
Tax Assessed Value (note year)	
Comments	

B. Preliminary Property Investigation

Property Attributes	Yes/No/Not Applicable	Comments
Adjacent to other public lands or private conservation lands		
Tax Exempt (CLTIP, Easement)		
Contains features eligible for the Ecogifts Program		
Part of an identified municipal or provincial greenspace system		
History with the permits, complaints, and violations		
Previous positive NPCA involvement (e.g., stewardship or restoration projects, donor)		

The ecological sensitivity of the subject lands is based on the following priority and secondary land securement criteria:

C. Priority Securement Criteria

Property Attributes	Yes/No/Not Applicable	Comments
Provincially Significant Wetland		
Areas of Natural and Scientific Interest (Earth or Life Science)		
Habitat of Endangered Species (<i>Ontario Endangered Species Act</i>)		
Natural Heritage Features or Areas identified in the Provincial Policy Statement		
Regionally Significant ANSIs		

Property Attributes	Yes/No/Not Applicable	Comments
Habitats of species of special concern designated by MNRF (species at risk)		
NHIC species occurrences or ecological communities (S1, S2, S3).		
Designated Natural Area, Protection Area or Rural Area in the NEP		
Designated Natural Core, Natural Linkage		
Natural heritage areas identified within a regional or watershed plan or strategy developed by a CA under the CAA.		
Lands designated environmentally significant, environmental protection or equivalent in municipal Official Plans		
Areas within or adjacent to protected areas (i.e., provincial park, conservation reserve, or provincial wildlife area) that contribute to the natural heritage objectives of the protected area.		
Other criteria as may apply under the CLTIP program requirements.		
Distance to closest NPCA lands		
Identified NPCA property securement considerations		

D. Secondary Securement Criteria

Property Attributes	Yes/No/Not Applicable	Comments
Areas with enhanced ecological values through restoration and/or remediation (i.e., forest, stream, wetland)		
Groundwater recharge areas, headwaters and aquifers		

Property Attributes	Yes/No/Not Applicable	Comments
Lands under Forest Management Plans (designated areas of concern for biodiversity)		
Natural buffers and adjacent lands under other ecologically sensitive lands that contribute to conservation of biodiversity		
Natural links or corridors between areas identified under other ecologically sensitive lands that contribute to conservation of biodiversity (i.e., through Natural Heritage Programs or Watershed Plans)		
Regional Floodplain (flood and erosion risk)		
Significant waterbodies, rivers, streams, shorelines and valleys		
Significant wildlife or fish habitats		
Significant Woodlands		
Wetlands		

E. Determination whether securement is the most appropriate course of action to protect natural heritage lands

Criteria	Yes/No/Not Applicable	Comments
Are the lands significant in the context of the overall natural heritage system?		
Availability of funding for securement (purchase, donation, easement, appraisal, legal, survey etc.).		
Availability of funding for ongoing maintenance		
Is there an immediate threat to the lands?		

Criteria	Yes/No/Not Applicable	Comments
Proximity of property to lands already in public ownership		
Willingness of owner to enter into negotiations		
Sale price at fair market value		
Availability of maintenance access to the property		
Potential municipal lease agreement		
Preferred agency for securement (e.g., NPCA, Municipality, or other)		

Summary and Recommendation for Securement

Evaluated by: _____ **Date:** _____

Attach overview/locator map and property sized map



**CITYHOUSING HAMILTON CORPORATION
SHAREHOLDER ANNUAL GENERAL MEETING
REPORT 22-003**

9:00 a.m.

Wednesday, August 15, 2022

Council Chambers

Hamilton City Hall, 71 Main Street West

Present: Deputy Mayor J.P. Danko (Chair)
Councillors M. Wilson, J. Farr, S. Merulla, T. Jackson, E. Pauls,
B. Clark, M. Pearson and J. Partridge

Absent Mayor Eisenberger,
Councillors R. Powers, B. Johnson and A. VanderBeek– City
Business
Councillors N. Nann, L. Ferguson and T. Whitehead - Personal

**THE CITYHOUSING HAMILTON CORPORATION SHAREHOLDER PRESENTS
REPORT 22-003 FOR INFORMATION:**

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised the following changes to the agenda:

12. NOTICES OF MOTION

12.1. Shareholder Resolution (2)

The agenda for the August 15, 2022 meeting of the CityHousing Hamilton Corporation Shareholder was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) August 15, 2022 (Item 4.1)

The Minutes of the August 10, 2022 meeting of the CityHousing Hamilton Shareholder, were approved, as presented.

(d) MOTIONS (Item 11)

At its meeting of August 12, 2022, Council gave the CityHousing Hamilton Shareholder delegated authority to consider the following resolution:

(i) Sole Voting Member Approval Re: Incurring Debt to Address Financial Shortfall on 55 Queenston Project (Item 11.1)

WHEREAS the City of Hamilton is the sole voting member of the Corporation ("Sole Voting Member");

AND WHEREAS the Sole Voting Member is authorized to hold shares in the Corporation and to exercise the rights attributed thereto, pursuant to Subsection 203(1) of the Municipal Act, 2001, SO 2001, c25 ("Act"), but the Corporation is not an Offering Corporation within the meaning ascribed to that term in the Business Corporations Act, R.S.O. 1990, c. B.16 ("OBCA");

AND WHEREAS the Corporation approved development plans for 104 Bay St N ("104 Bay") and 55 Queenston Rd ("55 Queenston") in March 2018;

AND WHEREAS Canada Mortgage and Housing Corporation (CMHC) co-investment applications were made for 104 Bay and 55 Queenston in December 2020;

AND WHEREAS further supporting documents were gathered and submitted as per the regular application process and the two projects progressed through design and planning with construction anticipated to commence in August 2022;

AND WHEREAS without any prior warning, the Corporation received notice on June 13, 2022 that projects in the application stage that have not reached final funding commitments were being capped at new lower funding levels, or otherwise being reduced, resulting in an estimated total funding shortfall of approximately \$5.4 million;

AND WHEREAS the 55 Queenston project is time sensitive and immediately requires a financial commitment of \$4.6M in order to proceed with construction (dialogue and negotiations with CMHC has to date not resulted in a resolution);

AND WHEREAS the 104 Bay project, which has a financial shortfall of \$800K, is less time sensitive than the 55 Queenston project (continued conversations with CMHC may enable such \$800K financial shortfall to be bridged);

AND WHEREAS the Corporation requires debt financing from the City of Hamilton to address the \$4.6M financial shortfall related to the 55 Queenston project;

AND WHEREAS the Sole Voting Member has acquired the requisite delegated authority from the Council of the City of Hamilton to endorse the resolutions contained herein.

NOW THEREFORE the Council of the City of Hamilton, acting in its capacity as representative of the Sole Voting Member of the Corporation, RESOLVES AS FOLLOWS:

- (a) That the Sole Voting Member approves the Corporation incurring \$4.6M in debt as a result of the City of Hamilton's issuance of debenture issue(s) and/or private placement debenture issue(s) in order to address the financial shortfall on the 55 Queenston project;
- (b) That the Sole Voting Member approves the preparation of all necessary documents and/or agreements to give effect to the foregoing; and
- (c) That the Mayor and City Clerk are hereby authorized and directed to sign and/or dispatch and deliver all other agreements, documents, notices, articles and/or certificates to be signed and/or dispatched or delivered under or in connection with the Declaration and Direction of the Sole Voting Member or to take any action deemed necessary in respect of any of the foregoing.

(e) NOTICES OF MOTION (Item 12)

(i) Sole Voting Member Approval Re: Appointment of a Chief Executive Officer of the Corporation (Added Item 12.1)

The Rules of Order were waived to allow for the introduction of a motion respecting Sole Voting Member Approval Re: Appointment of a Chief Executive Officer of the Corporation.

(f) MOTIONS – CONTINUED (Item 11)

The following resolution was considered by Council at its special meeting of August 15, 2022:

(ii) Sole Voting Member Approval Re: Appointment of a Chief Executive Officer of the Corporation (Added Item 11.2)

WHEREAS the City of Hamilton is the sole voting member of the Corporation (“Sole Voting Member”);

AND WHEREAS the Declaration and Direction of the Sole Voting Member, (also referred to therein as the Shareholder) effective as of September 30, 2012 (the “Direction”) provides for the appointment of a Chief Executive Officer of the Corporation who shall be a City of Hamilton employee and who shall report to the Board of Directors with respect to all operational and functional matters of the Corporation;

AND WHEREAS the Direction further provides that the Board of the Corporation may make recommendations on the hiring and terms and conditions for a Chief Executive Officer (the “CEO”), as a City of Hamilton employee, to the Shareholder pursuant to Article 3.1.6 of the Direction;

AND WHEREAS the Shareholder desires to further direct a temporary change to the Direction on the process for hiring of the CEO, for the period of August 22, 2022 to December 2, 2022, to deal with limitations on the powers of Council for the City of Hamilton, so as to provide further authority for the Board of the Corporation;

NOW THEREFORE the Council of the City of Hamilton, acting in its capacity as representative of the Sole Voting Member of the Corporation, RESOLVES AS FOLLOWS:

BE IT RESOLVED:

- (a) That the Board of Directors of the Corporation are hereby authorized and will, in consultation with the City Manager and Human Resources for the City of Hamilton, upon conclusion of its selection criteria and process for a CEO, direct the City Manager to complete the hiring processes; and
- (b) That the City Manager will report to the Shareholder and the Board of the Directors on the outcome of the recruitment and selection process and the successful candidate for the CEO position and including the terms, conditions and performance expectations that have been agreed upon with the successful candidate.

(g) ADJOURNMENT (Item 15)

There being no further business the CityHousing Hamilton Corporation Shareholder meeting was adjourned at 9:26 a.m.

Respectfully submitted,

Deputy Mayor J.P. Danko
Chair, CityHousing Hamilton
Corporation Shareholder

Tamara Bates
Legislative Coordinator
Office of the City Clerk



**PLANNING COMMITTEE
REPORT
22-014**

September 6, 2022

9:30 a.m.

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

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

Also in Attendance: Councillor VanderBeek

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Hamilton Municipal Heritage Committee 22-008 (Item 7.1)**
 - (i) Notice of Intention to Demolish the Buildings Located at 164-168 King Street East, Hamilton, being Non-designated Properties Included in the Register of Property of Cultural Heritage Value or Interest (PED22178) (Ward 2) (Item 8.1)**
 - (a) That no action be taken in response to the Notice of Intention to Demolish the existing buildings located at 164-168 King Street East, Hamilton, properties included in the City's Register of Property of Cultural Heritage Value or Interest;
 - (b) That an Interpretation Plan and a Documentation and Salvage Report be submitted to the satisfaction and approval of the Manager of Heritage and Urban Design prior to any site plan approval;
 - (c) The properties located at 164-168 King Street East, Hamilton, be removed from the Register following demolition of the existing buildings.

2. Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) (Item 9.1)

- (a) That City of Hamilton Official Plan Amendment Application UHOPA-20-001 by T. Johns Consulting Group c/o Katelyn Gillis, on behalf of Hughson Street Baptist Church (c/o Paul Havercroft), (Owner), for an amendment to the West Harbour (Setting Sail) Secondary Plan to redesignate the lands from Low Density Residential to Medium Density Residential 1 with a site specific policy area, to permit a 12 unit multiple dwelling for lands located at 383 and 383 ½ Hughson Street North, as shown on Appendix “A” attached to Report PED22177, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019), as amended;
- (b) That Amended Zoning By-law Amendment Application ZAR-20-001 by T. Johns Consulting Group (c/o Katelyn Gillis), on behalf of Hughson Street Baptist Church (c/o Paul Havercroft), (Owner), for a change in zoning from Neighbourhood Institutional (I1) Zone to a Neighbourhood Institutional (I1, 815) Zone, to permit a two and three storey addition for a 12 unit multiple dwelling to the existing heritage building with 10 parking spaces, for lands located at 383 and 383 ½ Hughson Street North, as shown on Appendix “A” attached to Report PED22177, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED22177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (iii) That this By-law will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. _____.

3. Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) (Item 9.2)

- (a) That Zoning By-law Amendment Application ZAR-20-040, by Urban in Mind c/o Terrance Glover on behalf of Wendell Thompson, Raymond Thompson and Brad Hood (Owners), for a change in zoning from

Settlement Institutional (S3) Zone to Settlement Residential (S1, 818) Zone, in order to permit the adaptive reuse of a vacant place of worship for a single detached dwelling, for the lands known as 1552 Concession 2 West, as shown on Appendix “A” attached to Report PED22179, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED22179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (iii) The proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017) and Growth Plan for the Greater Golden Horseshoe (2020, as amended), and complies with the Rural Hamilton Official Plan.

4. Daniel Artenosi and Steven Dejonckheere respecting a Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street (Added Item 9.4)

That staff be directed to report back on the Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street to the September 19, 2022 Public Works Committee meeting.

5. Public Consultation on Sustainable Building and Development Guidelines – Low Density Residential Uses (PED22185) (City Wide) (Item 10.2)

- (a) That Report PED22185, (City Initiative CI-22-I) including the report titled Sustainable Building and Development Guidelines Phase 1 – Low Density Residential Uses - Background Research Report, attached as Appendix “A” to Report PED22185, be received;
- (b) That staff be authorized to proceed with public engagement for the proposed Sustainable Building and Development Guidelines for Low Density Residential Checklist attached as Appendix “B” to Report PED22185 and report back to the Planning Committee on the feedback received, including the identification of the preferred approach for the Sustainable Building and Development Guidelines incorporation into the City of Hamilton’s Site Plan Guidelines.

6. Nuisance Party By-Law (PED22156) (City Wide) (Item 10.3)

- (a) (i) That the draft Nuisance Party By-Law to regulate nuisance parties, attached as Appendix “A” to Report PED22156 which has been prepared in a form satisfactory to the City Solicitor, be adopted;

- (ii) That 0.5 FTE for a Supervisor position and funding for the necessary training of By-Law staff within the Licensing and By-Law Services Division to administer the Nuisance Party By-Law be referred to the 2023 Operating Budget;
 - (iii) That the matter respecting this item, Item 22F from the Planning Committee Meeting on February 15, 2022, be identified as complete and removed from the Outstanding Business List.
- (b) That the Mayor and City Manager correspond and meet with McMaster University and Hamilton Police Service to hold discussions regarding McMaster's contribution to the cost of police services and City resources including Fire, EMS, and By-law Enforcement to plan and respond to nuisance parties in the University District Safety Initiative area (McMaster University).

7. Demolition Permit for 195 Fallingbrook Drive, Ancaster (Item 11.1)

WHEREAS the subject property at 195 Fallingbrook Drive in Ancaster is owned by Diane and Robert Billi;

WHEREAS the owners are prepared to build immediately upon receipt of the building permit approval;

WHEREAS the owners are currently in a rental home that is being demolished in six months;

WHEREAS site plan approval has taken longer than expected creating timing issues to build prior to the winter season.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demotion permit for 195 Fallingbrook Drive in Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

8. Demolition Permit for 530 Winona Road (Item 11.2)

WHEREAS, the owner/consultant of the above-mentioned property would like to demolish the existing dwelling without having to replace it with a new dwelling; and,

WHEREAS, there have been ongoing issues with the vacant home being repeatedly trespassed and vandalized creating ongoing safety and security concerns for the surrounding neighbours and owner.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 530 Winona Rd, Stoney Creek, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

9. Demolition Permit for 44 Lakeshore Drive (Added Item 12.1)

WHEREAS, the owner/developer of the above-mentioned property would like to demolish the existing dwelling that is boarded up without having to replace it with a new dwelling at this time as this lot along with several other properties are incorporated in an overall redevelopment proposal being completed currently; and,

WHEREAS, two previous demolition permits were issued for two other properties in this development proposal and have been demolished.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 44 Lakeshore Drive, Stoney Creek, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.3 Daniel Artenosi and Steven Dejonckheere respecting Request for By-law Exemption for 386 Wilcox Street (For today's meeting)
- 6.4 John Fairland respecting Legality of Rental Housing By-law No. 21-166 (For the September 20th meeting)

2. CONSENT ITEMS (Item 7)

- 7.2 Enhancement of Digital Sign Portfolio (CM22004) (City Wide) – WITHDRAWN

3. PUBLIC HEARINGS/ DELEGATIONS (Item 9)

- 9.3 Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13)

(b) Added Delegation Requests

(i) Michele Gunn

4. NOTICE OF MOTIONS (Item 12)

- 12.1 Demolition Permit for 44 Lakeshore Drive

5. DEFERRALS BY COMMITTEE MEMBERS

- 9.3 Councillor Partridge requested Item 9.3 respecting Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13), and the associated Written Submissions (Item 9.3 (a)(i)-(ix)) and Registered Delegation (Added Item 9.3 (b)(i)) be DEFERRED to Q1 of 2023.

- 10.1 Councillor Pearson requested Item 10.1 respecting Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent (Stoney Creek) (PED22150) (Ward 10) and associated Delegation

Requests Item 6.1 be DEFERRED to the September 20, 2022 Planning Committee meeting.

The agenda for the September 6, 2022 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared an interest with Item 6.4 respecting John Fairland respecting Legality of Rental Housing By-law No. 21-166, as she is a landlord of rental properties.

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

(i) August 9, 2022 (Item 4.1)

The Minutes of the August 9, 2022 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from Lakewood Beach Community Council respecting Development Agreements with Agenda Items (Item 5.1)

The correspondence from Lakewood Beach Community Council respecting Development Agreements with Agenda Items, was REFERRED to the Chief Planner for a report back to the September 20, 2022 Planning Committee meeting.

(e) DELEGATION REQUESTS (Item 6)

(i) Various Delegations (Item 6.2, and Added Items 6.3 and 6.4)

The following Delegation Requests (Item 6.2, and Added Items 6.3 and 6.4) were approved as follows:

- (i) Ryan Reid respecting Sunday Gun Hunting in Flamborough, (For the September 20, 2022 meeting) (Item 6.2)
- (ii) Daniel Artenosi and Steven Dejonckheere respecting Request for By-law Exemption for 386 Wilcox Street (For today's meeting) (Added Item 6.3)
- (iii) John Fairland respecting Legality of Rental Housing By-law No. 21-166 (For the September 20th meeting) (Added Item 6.4)

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

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

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

(i) Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) (Item 9.1)

The staff presentation was waived.

Katelyn Gillis with T. Johns Consulting Group, was in attendance and indicated support for the staff report.

The delegation from Katelyn Gillis with T. Johns Consulting Group, was received.

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

- (a) There were no public submissions received regarding this matter; and,
- (b) The Public Meeting was Closed.

For disposition of this matter, refer to Item 2.

(ii) Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) (Item 9.2)

The staff presentation was waived.

Terrance Glover with Urban In Mind, was in attendance and indicated support for the staff report.

The delegation from Terrance Glover with Urban In Mind, was received.

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

- (a) There were no public submissions received regarding this matter; and,
- (b) The Public Meeting was Closed.

For disposition of this matter, refer to Item 3.

(iii) Daniel Artenosi and Steven Dejonckheere respecting a Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street (Added Item 6.3)

Daniel Artenosi and Steven Dejonckheere addressed the Committee respecting a Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street.

The Delegation from Daniel Artenosi and Steven Dejonckheere respecting a Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street, was received.

For disposition of this matter, refer to Item 4.

(g) DISCUSSION ITEMS (Item 10)

(i) Public Consultation on Sustainable Building and Development Guidelines – Low Density Residential Uses (PED22185) (City Wide) (Item 10.2)

Mallory Smith, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 5.

(ii) Nuisance Party By-Law (PED22156) (City Wide) (Item 10.3)

Ben Spychaj, Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 6.

(h) NOTICES OF MOTION (ITEM 12)

(i) Demolition Permit for 44 Lakeshore Drive (Added Item 12.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit for 44 Lakeshore Drive.

For disposition of this matter, refer to Item 9.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1).

The following changes to the Outstanding Business List, were approved:

(a) Items Requiring New Due Dates:

19BB - Parking Fee Review (PED19238)

Current Due Date: September 6, 2022

Proposed New Due Date: September 20, 2022

19EE - Angela Riley respecting a Request for a Taxi Stand

Current Due Date: September 20, 2022

Proposed New Due Date: Late Q2 2023

22i - Luca Giuliano respecting the 12 Hour Parking Rule (Item 9.1)

Current Due Date: September 6, 2022

Proposed New Due Date: November 29, 2022

(j) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 12:06 p.m.

Councillor B. Johnson
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 22-017

9:30 a.m.

September 7, 2022

City Hall, Council Chambers, 2nd Floor
71 Main Street West, Hamilton, Ontario

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

Absent: Councillors S. Merulla, T. Whitehead – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 22-017, AND RESPECTFULLY RECOMMENDS:

1. Airport Sub-Committee Report 22-003, July 27, 2022 (Item 7.1)

That the Airport Sub-Committee Report 22-003, July 27, 2022, be received.

2. CityLAB Annual Update (CM22014) (City Wide) (Item 7.2)

That Report CM22014, respecting the CityLAB Annual Update, be received.

3. Chedoke Creek Order – Remediation Update (PW19008(q)) (City Wide) (Item 8.1)

That Report PW19008(q), respecting the Chedoke Creek Order – Remediation Update, be received.

4. Advisory Committee for Persons with Disabilities Report 22-010, August 9, 2022 (Item 10.1)

(a) Resignation of Tim Murphy from the Transportation Working Group of the Advisory Committee for Persons with Disabilities (Item 7.4 (a))

- (i) That the resignation of Tim Murphy from the Transportation Working Group of the Advisory Committee for Persons with Disabilities, be received; and,
- (ii) That Tim Nolan be appointed to the Transportation Working Group of the Advisory Committee for Persons with Disabilities for the remainder of the 2018-2022 Term of Council.

(b) Reimbursement of an Additional Cost Related to the Website for the “Ability First” Event (Item 11.1)

WHEREAS, the Outreach Working Group of the Advisory Committee for Persons with Disabilities is planning an event, “Ability First”, in the Forecourt of City Hall on October 5th from 11:00 a.m. until 3:30 p.m. to promote accessibility for all, no matter your ability;

WHEREAS, the budget for the “Ability First” event was approved by Council on July 4, 2022; and,

WHEREAS, the website for the “Ability First” event is hosted by WordPress and an additional cost for the website was incurred to enable members to better manage the site;

THEREFORE, BE IT RESOLVED:

That reimbursement to Paula Kilburn for \$36.00 and to James Kemp for \$4.57, for the additional cost incurred in order to enable members to better manage the “Ability First” event website, hosted by WordPress, be approved.

(c) Authorization for the Advisory Committee for Persons with Disabilities to Promote the Accessibility Fair, “Ability First” Event by Distributing a Media Release and Inviting Members of the Media (Item 11.2)

WHEREAS, the Advisory Committee for Persons with Disabilities (ACPD) is hosting an Accessibility Fair, “Ability First” on the Forecourt of City Hall

on October 5th, 2022 from 11:00 a.m. until 3:30 p.m. in an effort to raise awareness and educate people of all abilities;

WHEREAS, the event's success is dependent on successful promotion to as many people as possible;

WHEREAS, the ACPD is required to obtain permission from Council, prior to any communication with the media; and,

WHEREAS, the ACPD is required to obtain permission, prior to inviting members of the media to be in attendance;

THEREFORE, BE IT RESOLVED:

That, in order to promote the Accessibility Fair "Ability First" event to be held October 5, 2022 from 11:00 a.m. to 3:30 p.m., the Advisory Committee for Persons with Disabilities be authorized to distribute the Media Release to members of the media and to invite members of the media to be in attendance on the day of the event.

(d) Advisory Committee for Persons with Disabilities Informational Pamphlet (Item 11.3)

WHEREAS, the Advisory Committee for Persons with Disabilities' (ACPD) Outreach Working Group designed an informational pamphlet to be used to inform the community about its roles and functions;

WHEREAS, the informational pamphlet has been distributed to various City facilities for example, Service Centres, Libraries, Recreation facilities, etc.; and,

WHEREAS, the ACPD is preparing for an Accessibility Fair, "Ability First" on October 5, 2022, and would like to host an informational table;

THEREFORE, BE IT RESOLVED:

That the costs, to an upset limit of \$300, for printing 500 copies of the Advisory Committee for Persons with Disabilities informational pamphlet, to be funded from the ACPD 2022 Budget, be approved.

5. Cleanliness and Security in the Downtown Core Task Force Report 22-002, July 13, 2022 (Item 10.2)

(a) Cleanliness and Security in the Downtown Core Task Force – Terms of Reference (Item 7.1)

That the Cleanliness and Security in the Downtown Core Task Force Terms of Reference, attached hereto as Appendix 'A' to Report 22-017, be approved.

6. Hamilton-Wentworth Catholic District School Board Liaison Committee Report 22-001, August 23, 2022 (Item 10.3)

(a) Appointment of Chair and Vice Chair 2022 (Item 1)

(i) That P. Daly be appointed Chair of the Hamilton Wentworth Catholic District School Board for the balance of the 2018- 2022 term of Council; and,

(ii) That Councillor B. Clark be appointed Vice-Chair of the Hamilton Wentworth Catholic District School Board for the balance of the 2018- 2022 term of Council.

7. Chedoke Creek Order – Remediation Update (PW19008(r) (City Wide) (Item 10.4)

WHEREAS, staff plans to resume its efforts with the Chedoke Creek Remediation Project, namely continue with the dredging of the creek, with an appropriate Operational Safety Plan in place, and in keeping with the outstanding Director's Order No. 1-PE3L3;

THEREFORE, BE IT RESOLVED:

(a) That staff be directed to continue to consult with the Mississaugas of the Credit First Nation, the Huron-Wendat Nation, the Six Nations of the Grand River, and the Haudenosaunee Confederacy Chiefs Council (through their representative agency, the Haudenosaunee Development Institute), throughout the Chedoke Creek Remediation Project;

(b) That the General Manager, Public Works Department, or designate be authorized and directed, where appropriate, to concurrently negotiate, enter into and execute agreements for Indigenous Environmental Monitors to support the Chedoke Creek Remediation Project with the Mississaugas of the Credit First Nation, the Huron-Wendat Nation, the Six Nations of the

Grand River, and the Haudenosaunee Confederacy Chiefs Council (through their representative agency, the Haudenosaunee Development Institute), in a form satisfactory to the Solicitor, and without exceeding the existing approved project budget; and,

- (c) That Appendices “B” and “C” to Report PW19008(r), respecting the Chedoke Creek Order – Remediation Update, remain confidential.

8. Human Service Integration (HSC21032(a)) (City Wide) (Item 14.2)

- (a) That the direction provided to staff in Closed Session, respecting Report HSC21032(a), Human Service Integration, be approved;
- (b) That the General Manager’s Office, within the Healthy and Safe Communities Department, be added to operate under the approved Human Services framework alongside the Ontario Works, Housing Services and Children’s and Community Services Divisions for the purpose of transferring complement between these divisions, at the discretion of the General Manager, Healthy and Safe Communities Department until such time as the human services integration work is complete;
- (c) That the General Manager, Healthy and Safe Communities, be provided, with temporary delegated authority to transfer full-time equivalent (FTEs) complement from one Division to another within the Healthy and Safe Communities Department, in consultation with the Executive Director of Human Resources, until such time as COVID recovery efforts are complete, provided that all FTE transfers will have no impact on the levy;
- (d) That the General Manager, Healthy and Safe Communities be directed to report back to the Audit, Finance & Administration Committee respecting the completed FTE complement transfers, as part of the Tax and Rate Operating Budget Variance Reporting process; and,
- (e) That Report HSC21032(a), respecting Human Services Integration, remain confidential until approved by Council.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

7. CONSENT ITEMS

- 7.3 Chedoke Creek Order – Remediation Update (PW19008(q)) (City Wide)

As there is a presentation to accompany Report PW19008(q), this matter has been moved from Item 7.3 to Item 8.1.

10. DISCUSSION ITEMS

- 10.4 Chedoke Creek Order – Remediation Update (PW19008(r)) (City Wide)

14. PRIVATE & CONFIDENTIAL ITEMS

- 14.3 Appendices “B” and “C” to Report PW190089(r), respecting the Chedoke Creek Order – Remediation Update

Pursuant to Section 9.1, Sub-section (b) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (b) 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.

The agenda for the September 7, 2022 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) August 4, 2022 and August 8, 2022 (Items 4.1 and 4.2)

The Minutes of the August 4, 2022 and August 8, 2022 General Issues Committee meetings were approved, as presented.

(d) STAFF PRESENTATIONS (Item 8)

(i) Chedoke Creek Order – Remediation Update (PW19008(q)) (City Wide) (Item 8.1)

The presentation respecting Report PW19008(q) - the Chedoke Creek Order – Remediation Update was received.

Aaron Detlor, Barrister & Solicitor, for the Haudenosaunee Conference and the Haudenosaunee Development Institute, was provided an opportunity to delegate for 10 minutes, respecting Item 8.1 - Report PW19008(q), Chedoke Creek Order – Remediation Update; and, Item 10.4, respecting Report PW19008(r) – Chedoke Creek Order Remediation Update, at the September 7, 2022 General Issues Committee.

(e) DELEGATIONS (Item 9)

(ii) Aaron Detlor, Barrister & Solicitor, for the Haudenosaunee Conference and the Haudenosaunee Development Institute (HDI) (Item 9.1)

Mr. Detlor spoke to Item 8.1 - Report PW19008(q), Chedoke Creek Order – Remediation Update; and, Item 10.4, respecting Report PW19008(r) – Chedoke Creek Order Remediation Update.

Trevor Bomberry, from the Mohawk Nation and as a member of Six Nations of the Grand River, also spoke respecting these matters.

The delegations from Aaron Detlor and Trevor Bomberry, respecting the Chedoke Creek Order – Remediation Update Reports PW19008(r) and PW190098(q), were received.

(f) DISCUSSION ITEMS (Item 10)

(i) Chedoke Creek Order – Remediation Update (PW19008(r)) (Item 10.4) (City Wide) (Item 10.4)

Consideration of Report PW19008(r), respecting the Chedoke Creek Order – Remediation Update, was DEFERRED until Committee reconvenes in Open Session.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

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

The following amendments to the General Issues Committee's Outstanding Business List were approved:

(aa) Items to be Removed (Item 13.1.a.)

- (1) Community Benefits Protocol Advisory Committee
(Addressed at the August 4, 2022 GIC as Items 8.1 and 8.1(a) - Reports HSC19066 and HSC19066(a))

(bb) Proposed New Due Dates (Item 13.1.c)

- (2) Protection of Privacy
Current Due Date: September 7, 2022
Proposed New Due Date: November 30, 2022

(h) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – August 8, 2022 (Item 14.1)

- (a) The Closed Session Minutes of the August 8, 2022 General Issues Committee meeting were approved; and,
- (b) The Closed Session Minutes of the August 8, 2022 General Issues Committee meeting shall remain confidential.

At the request of Councillor B. Clark, the motion to move into Closed Session for Items 14.2 and 14.3 were voted on separately.

Committee moved into Closed Session respecting Item 14.2, pursuant to Section 9.1, Sub-section (b) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (b) 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.

Committee moved into Closed Session respecting Item 14.3, pursuant to Section 9.1, Sub-sections (a), (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (a), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the security of the property of the municipality or local board; 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.

(i) ADJOURNMENT (Item 15)

There being no further business, the General Issues Committee adjourned at 2:07 p.m.

Respectfully submitted,

Russ Powers, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk

Cleanliness and Security in the Downtown Core Task Force Terms of Reference

Mandate:

To identify issues related to the perception of the cleanliness and security of the Downtown Core and recommend appropriate action and strategies to rectify the perception. To create short-term action plans for immediate implementation and long-term action plans involving partnerships and associated funding implications.

Composition:

Downtown BIA
International Village BIA
James Street South Business District
James Street North Business Merchants
Ward 2 Councillor
One Additional Councillor
Four Community Representatives

Geographic Boundary:

Cannon Street (in the North) and Hunter Street (in the South) from Queen Street (in the West) to West Avenue (in the East).

James Street from Charlton Street (in the South) to Strachan Street (in the North).

Supporting Staff:

The Task Force will be provided support by relevant divisions within Public Works, Planning and Development, Police Services, Fire Department and Tourism. Support from Finance, Legal and Social Services will be provided as required.

Reporting:

The Task Force will report in time for the May meeting of the General Issues Committee with short-term actions, and in September with long-term actions including potential budget implications.

Rules and Procedures:

The Task Force will meet at the request of the Chair and the proceedings of the Task Force shall be conducted as set out in Bourinot's Rules of Order.

Key Activities:

- Determine the geographic boundary
- Identify the issues/problem statement
- Identify the existing level of service
- Identify the desired level of service
- Identify alternative solutions to meet desired level of service
- identify costs to implement the alternative solutions
- develop a short-term plan of action by May
- develop a long-term plan of action by September
- Identify budget implications for following year
- Examine the recommendations identified as part of the Mayor's Proudly Hamilton initiative and incorporate these, where applicable, into the short-term and long-terms plans of action



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-015

9:30 a.m.
September 8, 2022
Council Chambers
Hamilton City Hall

Present: Councillors M. Pearson (Chair), B. Clark, L. Ferguson, B. Johnson, R. Powers, A. VanderBeek, and M. Wilson

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 22-015 AND RESPECTFULLY RECOMMENDS:

1. 2022 Second Quarter Emergency and Non-competitive Procurements Report (FCS22046(a)) (City Wide) (Item 7.1)

That Report FCS22046(a) respecting the 2022 Second Quarter Emergency and Non-competitive Procurements Report, be received.

2. 2022 Second Quarter Non-compliance with the Procurement Policy Report (FCS22047(a)) (City Wide) (Item 7.2)

That Report FCS22047(a) respecting the 2022 Second Quarter Non-compliance with the Procurement Policy Report, be received.

3. 2022 Second Quarter Request for Tenders and Proposals Report (FCS22048(a)) (City Wide) (Item 7.3)

That Report FCS22048(a) respecting the 2022 Second Quarter Request for Tenders and Proposal Report, be received.

4. Water Leak Protection Program Update (FCS21087(a)) (City Wide) (Item 7.4)

That Report FCS21087(a) respecting the Water Leak Protection Program Update, be received.

5. Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695) (AUD22007) (City Wide) (Item 8.1)

(a) That Report AUD22007 and Appendices “A” and “B” to Report AUD22007, respecting the Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695), be received;

(b) That the Management Response, as detailed in Appendix “A” to Audit, Finance and Administration Committee Report 22-015, be approved;

- (c) That the General Manager of Public Works be directed to report back to the Office of the City Auditor by January 2023 with a detailed management action plan, which will then be reported to the Audit, Finance and Administration Committee for approval;
- (d) That staff be directed to report cases of suspected fraudulent mechanic activity to the Ministry of Transportation of Ontario for their investigation; and,
- (e) That Municipal Law Enforcement staff be directed to investigate licensed mechanics in Hamilton who have been involved in fraudulent inspections and bring relevant businesses to the Licensing Tribunal for review.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Nicholas Morris, respecting an appeal of the City's decision regarding Claim #061628 (For a future meeting)

The agenda for the September 8, 2022 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) August 11, 2022 (Item 4.1)

The Minutes of the August 11, 2022 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Nicholas Morris, respecting an appeal of the City's decision regarding Claim #061628 (For a future meeting) (Added Item 6.1)

The delegation request from Nicholas Morris respecting an appeal of the City's decision regarding Claim #061628, was approved for a future meeting.

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

(i) **Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695) (AUD22007) (City Wide) (Item 8.1)**

Charles Brown, City Auditor, and Roger Smith, Fleet Challenge Canada, addressed the Committee with a presentation on the Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695).

That the presentation respecting the Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695), was received.

That Report AUD22007, respecting Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695), **be amended** by adding sub-sections (d) and (e) as follows:

(d) That staff be directed to report cases of suspected fraudulent mechanic activity to the Ministry of Transportation of Ontario for their investigation; and,

(e) That Municipal Law Enforcement staff be directed to investigate licensed mechanics in Hamilton who have been involved in fraudulent inspections and bring relevant businesses to the Licensing Tribunal for review.

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

(f) **MOTIONS (Item 11)**

The following motion, was DEFERRED to the December 1, 2022 Audit, Finance and Administration Committee meeting for consideration:

(i) **Development Charge Demolition Charge Credit Extension for 708 Rymal Road East, Hamilton, Ontario (Item 11.1)**

WHEREAS, on August 12, 2022 Council authorized staff to issue a demolition permit for 708 Rymal Road East, Hamilton, Ontario, L8W 1B3, pursuant to Section 33 of the *Planning Act*, as amended, without having to comply with the conditions of Sub-section 6.(a) of Demolition Control Area By-law 22-101;

WHEREAS, the City Development Charge Demolition Credit expires 5 years from the date of issuance of the demolition permit; and,

WHEREAS, the development of the applicant's lands cannot proceed until servicing is available, which is dependent on the timing of adjacent lands, which is outside of the control of the applicant; and

WHEREAS, Education Development Charges are not within Municipal Authority and therefore Education DC Demolition Credit Extensions cannot be extended by Council;

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized to extend the City Development Charge Demolition Credit at 708 Rymal Road East, Hamilton, Ontario, L8W 1B3 such that it expires 5 years after all the downstream servicing (storm, sanitary sewers & watermains) within the Sandrina Gardens development, connecting to the existing services on Terni Blvd., have been constructed and operational to the satisfaction of the City. Specifically, the 5 year limit would commence at the time of “acceptance of services” by the City in accordance with the Subdivision Agreement for Sandrina Gardens development; and,
- (b) That any foregone City Development Charge revenue related to the extension of City Development Charge Demolition Credits at 708 Rymal Road East, Hamilton, Ontario L8W 1B3, be funded through the Waterworks Capital Reserve (108015), the Sanitary Sewer Reserve (108005), the Storm Sewer Reserve (108010) and the Unallocated Capital (108020); estimated as at September 18, 2022 at \$5,564, \$11,046, \$12,212 and \$29,678 respectively.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

The following amendment to the Audit, Finance & Administration Committee’s Outstanding Business List, were approved:

- (a) Items Requiring a New Due Date (Item 13.1(a)):

Road Maintenance Small Tools and Equipment Inventory Audit and Follow Up to Audit Report AUD11006 (AUD21010) (City Wide)

That the General Manager of Public Works be directed to implement the Management Responses (attached as Appendix “B” and Private and Confidential Appendix “D” to Report AUD21010 and report back to AF&A by September 2022.

OLB Item: 21-M

Added: September 23, 2021 at AF&A (Item 10.2)

Proposed New Due Date: December 1, 2022

(h) PRIVATE AND CONFIDENTIAL (Item 14)

Committee determined that discussion of Item 14.1 was not required in Closed Session, therefore, the item was addressed in Open Session, as follows:

- (i) **Closed Minutes – August 11, 2022 (Item 14.1)**

- (a) The Closed Session Minutes of the August 11, 2022 Audit, Finance and Administration Committee meeting, were approved as presented; and,
- (b) The Closed Session Minutes of the August 11, 2022 Audit, Finance and Administration Committee meeting, remain confidential.

(i) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee adjourned at 11:14 a.m.

Respectfully submitted,

Councillor Pearson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



Hamilton

Office of the City Auditor

**Accessible Transit Services:
DARTS Fleet Management and Vehicle
Safety Audit (Report #50695)**

**Recommendations
and
Management Responses**

September 8, 2022

**Office of the City Auditor
Brigitte Minard, Deputy City Auditor
Domenic Pellegrini, Senior Auditor
Charles Brown, City Auditor**

Introduction

As a result of the audit completed by the Office of the City Auditor (OCA) with support from Fleet Challenge Canada (FCC), many significant opportunities for improvement were identified and a total of 73 (nine from the OCA and 64 from FCC) recommendations were made (as noted in Appendix "B" to Report AUD22007).

The Office of the City Auditor requested one high-level management response from management in the Transit Division. They will be providing the OCA with a detailed response to each individual recommendation within the next few months after they consult with Legal and Risk Management Services, complete benchmarking research and consult with the vendor (DARTS).

FCC Recommendations-Key Highlights

The FCC recommendations covered a broad range of themes including:

- DARTS Driver Communications
- DARTS Safety Practices
- Recommendations for Accessible Transit Services (ATS)
- Recommendations for DARTS
- Recommendations for DARTS Regarding its Subcontractors
- Insurance
- Contracts-Memorandum of Agreement (MOA)
- Contracts-Subcontractor Service Agreements

Broadly speaking, many recommendations related to vehicle safety and how to ensure that service is delivered to residents-that is providing them with a trip in a safe vehicle that is properly insured, and are driven by a driver that is properly trained with an adequate safety and training record.

The many recommendations that related to contracts and insurance ultimately support the safe delivery of accessible transit services, while achieving value for money in service delivery (primary focus being effectiveness of service delivery).

Recommendations

Office of the City Auditor Recommendations

Recommendation 1

We recommend that the existing Memorandum of Agreement (MOA) be substantially redesigned with a view to ensuring safe and efficient operations, clear standards, and effective remedies and contingencies. The MOA is dated, and lacks many critical areas of contract language such as driver training, vehicle safety, remedies for non-performance or conformance, penalties for non-compliance, vehicle specifications and standards, etc. A new, modern legal document that meets the City's requirements is needed.

Recommendation 2

We recommend that the Transit Division set standards for contractor and sub-contractor vehicle safety inspection results and include this language in future contract updates to ensure public safety risks are properly addressed. When assessing inspection results, the City should exercise contractual rights to penalize contractors failing to meet the safety standards to the fullest extent possible, and it should have intervention mechanisms that are effective and timely.

Recommendation 3

We recommend that a single, accurate, and complete list of DARTS and Subcontractor vehicles be maintained by the contractor and be available to the Transit Division. The list should be up to date in real time and revised whenever there are changes proposed by the contractor. This should be part of any updated contract related to the provision of accessible transit services.

In order to properly identify each unique vehicle, this list should include the vehicle number, the license plate number, the VIN number, and proof of insurance. It should also reflect whether the vehicle is active or inactive. The accuracy and completeness of this list should be tested and verified at least annually. Consideration should also be given to defining key terms relating to the above in future contract updates.

Recommendation 4

We recommend that Transit's contract management practices be improved to ensure adequate contract management documentation is maintained by the City, including for amendments, non-conformances, and penalties, ensuring that contract management administrative requirements are strictly adhered to, maintaining appropriate contractor boundaries, and formal communications with them are timely, effective, and sufficient.

Recommendation 5

We recommend that Transit's process for approving subcontractors be improved and replaced with a consistent, formalized process and criteria that will ensure appropriate due diligence and provide the City with assurances that any proposed subcontractors are being properly vetted prior to being considered for approval. It should be the City's sole discretion if any sub-contractors are to be utilized or not.

Recommendation 6

We recommend that the Trapeze application and the service data be under the control of the City. The Transit Division needs access to all the Trapeze functionalities and captured data, and this should be a critical requirement of the terms that form part the next agreement with a contractor. Consideration should also be given to having future contracts include some level of authority over routing decisions by the City.

Recommendation 7

We recommend that contractor performance for the accessible transit services contracts be tracked and evaluated using a consistent and robust process.

Recommendation 8

We recommend that contract management training be provided to Transit Division staff to ensure the City's rights under contract are protected and timely remedies can be implemented during the contract management process.

Recommendation 9

We recommend that Transit develop contingency plans that can be executed should the need arise to replace and/or cancel a contract with a contractor/subcontractor.

Fleet Challenge Canada Recommendations

Theme A: Recommendations Regarding DARTS Driver Communications

Recommendation 1

DARTS drivers, whether employed by DARTS or its subcontractors, should have a mechanism for freely reporting their concerns and complaints without fear of reprisal.

Recommendation 2

DARTS drivers filing a complaint or concern should be given the option of anonymity if that is their choice.

Recommendation 3

DARTS should appoint a designate to receive driver concerns and complaints. The designate should be a senior-level representative, sufficiently empowered and accountable for taking reasonable and appropriate corrective actions to address the driver's complaints/concerns once validated.

Recommendation 4

Complaints and comments by DARTS drivers should be documented and time-stamped, and an action plan prepared to address the driver's issue(s) by the DARTS designate selected to receive driver concerns and complaints.

Recommendation 5

The DARTS designate should ensure that there is a follow-up process in place to advise the complainant of the actions taken by DARTS to correct the issue.

Recommendation 6

The DARTS designate should be required to prepare a monthly report to DARTS senior management and the ATS of all complaints/concerns and corrective actions taken.

Theme B: Recommendations Regarding DARTS Safety Practices

Recommendation 7

DARTS should take immediate actions to ensure its vehicles, and those of its subcontractors always meet MTO safety standards, not just when inspections are completed.

Recommendation 8

Safety inspections of the DARTS fleet, and its subcontractors should be conducted in accordance with applicable Ministry of Transportation of Ontario (MTO) Safety Standards Inspection (SSI) protocol and guidelines.

(For further details please see the section of this report that deals with DARTS and DARTS subcontractor's practices)

Recommendation 9

DARTS should provide drivers instruction on the use of emergency brakes and required to deploy their emergency brakes whenever their vehicle is stopped.

Recommendation 10

DARTS should ensure that emergency brakes are inspected, tested and functional at all times.

Recommendation 11

DARTS should provide drivers with additional training and regular refresher on completing driver's daily inspections.

Theme C: Recommendations for ATS

Recommendation 12

ATS should conduct random MTO safety compliance inspections of Contractor (DARTS) and Subcontractor in-service vehicles.

Recommendation 13

Regarding contract language in the current MOA requiring DARTS vehicles to be "certified mechanically fit and safe" and "meet the requirements of the Ministry of Transportation" (MTO), the ATS should ensure that contract language is amended to apply the correct terminology and applicable requirements of the MTO (For further details please see section of this report dealing with Contracts)

Recommendation 14

ATS should have real-time online access into a new DARTS fleet maintenance information system (FMIS) that would be managed and maintained by DARTS. This would enable ATS to verify the status of all DARTS MTO safety inspections and vehicle histories at any time while saving ATS time and administrative effort (as opposed to the ATS' current practice of laboriously tracking Vehicle Inspection Records (VIRs) in Excel after-the-fact). (For further details please see recommendations for DARTS later in this report)

Recommendation 15

DARTS and DARTS subcontractor's driver's daily inspections should be in electronic format (as opposed to paper-based as they are now). ATS should have real-time access to drivers' inspection electronic records. Driver's electronic daily reports should be integrated into a fleet maintenance information system (FMIS) managed by DARTS. ATS should always have online access to the system to confirm actions are being taken by DARTS and subcontractors when defects are reported by drivers.

Recommendation 16

Vehicle inspection worksheets prepared to guide technicians in completing DARTS and subcontractor vehicle safety inspections should be reviewed by the ATS to confirm full compliance with applicable MTO Safety Standards Inspection guidelines (see previous point)

Recommendation 17

ATS should review and ensure that vehicle inspection worksheets prepared to guide technicians in completing DARTS and subcontractor vehicle safety inspections must be signed by the licenced mechanic completing the inspections.

Recommendation 18

DARTS and DARTS subcontractors should provide ATS with current copies of the trade licences for their technicians/mechanics engaged in completing their MTO safety inspections and advise the ATS in the event of mechanic's trade certificate suspensions.

Recommendation 19

Major portions of the DARTS Master Operating Agreement (MOA) are no longer relevant. A new MOA is needed, ideally prepared with a clean slate approach. (Please see Contracts section of this report)

Recommendation 20

An approval process and protocol to be followed by DARTS and ATS should be in place in the MOA regarding fuel rates and upcharges, weekend rates and in general, all relevant pricing and rate structures. (Please see Contracts section of this report)

Recommendation 21

Language in the DARTS subcontractors Service Agreements regarding Validated Registered Drivers should be reviewed to include pre-hire driver abstracts, and follow-up abstracts after hire. (Please see Contracts section of this report)

Recommendation 22

Language in the DARTS subcontractors Service Agreements regarding Validated Registered Drivers should be reviewed to define the minimum standards for drivers and include a maximum demerit point threshold. (Please see Contracts section of this report)

Recommendation 23

Language in the DARTS subcontractors Service Agreements should include a commitment to professional driver improvement courses (PDIC) or remedial training, rather than taking a punitive approach when driver complaints are received, as is the current practice. (Please see Contracts section of this report)

Theme D: Recommendations for DARTS

Recommendation 24

DARTS should practice vigilance regarding the contractual vehicle safety inspection requirements and maintenance procedures of its subcontractors to prevent a recurrence of unsafe subcontractor vehicles being operated in the DARTS fleet.

Recommendation 25

DARTS preventive maintenance (PM) inspections should be increased in intensity and frequency to reduce or eliminate safety defects – how much they need to increase would be determined by a new fleet maintenance information system (FMIS) (See point #28 below regarding fleet maintenance systems) based on "uptime" tracking functionalities of the FMIS.

Recommendation 26

The requirement for subcontractors' drivers to complete daily vehicle circle checks, and the processes of managing the checks, and in particular, defects reported by drivers, should be defined in the subcontractor's service agreements (SAs)

Recommendation 27

DARTS should immediately implement quality assurance measures. In its current preventive maintenance practices, there are no quality assurance processes in place at DARTS. We feel this is likely the root cause of the high rate of safety inspection failures during the recent safety inspection campaign.

The DARTS Maintenance/Driver Supervisor is not a licenced mechanic and therefore not in possession of the skills and accreditations required to confirm that the work of the mechanics is satisfactory.

As one option, DARTS should consider a new Lead Mechanic job classification, in which a licensed mechanic would be given responsibility for final inspection of work completed by DARTS mechanics thusly assuring quality and increasing adherence to safety protocols.

Recommendation 28

DARTS should invest in a proper fleet maintenance information system (FMIS) to replace the current whiteboard. The fleet maintenance scheduling and management functionalities of the current program, which was developed in-house, are far inadequate for the needs of a modern fleet.

Recommendation 29

The recommended FMIS (see above) should be capable of multi-criteria preventive maintenance (PM) scheduling, tracking DARTS and subcontractor maintenance and safety inspection histories (now tracked by ATS externally in Excel), enable complex cost-analysis, track fuel usage and driver profiles, abstracts and a myriad of other functions required by a modern fleet. Electronic drivers' daily inspections should be connected to the FMIS to replace paper-based records now in place.

Recommendation 30

In the long-term, and once quality assurance processes are in place and the issue of safety inspections failures has been fully addressed in a manner that is acceptable to the ATS, DARTS should consider re-applying to become a licenced, accredited Ministry of Transportation (MTO) Motor Vehicle Inspection Station (MVIS).

If successful in becoming an MVIS, it would lower costs and increase efficiencies by eliminating the dependency on third-party garages for performing its MTO safety inspections.

That stated, without having quality assurance processes in place, as is the situation now, it would be risky if DARTS was able to complete its own MTO safety inspections given the results (~26% fail rate) from our independent safety inspections. At this time, a licenced, independent third-party MTO Motor Vehicle Inspection Station (MVIS) of the City's choosing would be a more prudent choice.

Recommendation 31

Under the terms of the MOA, there is a contractual requirement for DARTS use of subcontractors to be approved by the General Manager of Public Works. DARTS management should immediately seek this approval for existing and future subcontractors and ensure that documentation of the approval(s) is available at all times.

Recommendation 32

DARTS should conduct a detailed financial review to compare the cost of subcontractor vehicles versus similar vehicles being obtained by DARTS through leases, rentals, or purchases. The latter options may be more cost-effective than previously expected. Consider issuing an RFQ/Q for the provision options (i.e., buy, rent or lease) for acquisition of light-duty vans now being provided by its subcontractors.

Theme E: Recommendations for DARTS Regarding its Subcontractors

Recommendation 33

DARTS should take a vigilant approach in managing its subcontractors as far as their vehicle safety inspections and quality standards. For example, DARTS should require that annual MTO Safety Standards Inspections and 6-month accessible vehicle MTO Safety Standards Inspections required under the subcontractor Service Agreements to be carried out at MTO licenced Motor Vehicle Inspection Stations (MVIS') of DARTS choice, not the subcontractors.

Recommendation 34

DARTS should re-investigate its dependency on outsourced subcontractors. Cost-effective alternatives may include in-sourcing the services now outsourced to the sub-contractors.

Recommendation 35

DARTS should complete comprehensive business case analysis to revisit the lowest cost options between insourcing or outsourcing to subcontractors

Recommendation 36

For vehicles now provided and driven by DARTS subcontractors, DARTS should consider a hybrid business model in which DARTS would provide and maintain the vehicles while drivers would be provided and managed by contracted driver pool service-provider(s).

Recommendation 37

DARTS subcontractor Service Agreements should set a limit regarding the maximum age and total kilometres for subcontractor vehicles. As a starting point, we recommend vehicles should be no older than five model years and 200,000 total kilometres, but these thresholds should be confirmed through historical operating data and safety inspection failure rate analysis.

Theme F: Recommendations – Insurance

Recommendation 38

DARTS should require subcontractors to obtain insurance coverage that applies to all vehicles owned or operated by the insured (as opposed to insurance coverage for specific vehicles identified by their vehicle identifications numbers, fleet unit numbers, makes/model/year of units or other methods).

Recommendation 39

DARTS and ATS, as additional named insureds, on subcontractor's insurance policies should be provided legally notarized copies of the subcontractor's certificates of insurance (COIs).

Recommendation 40

In subcontractor COIs, DARTS and ATS should be provided full details including Declarations (e.g., at minimum the risks that are covered, policy limits, and deductibles), Insuring Agreements (e.g., policy conditions, exclusions and special limits, risks that are covered, policy limits, and deductibles, other insureds, a list of form numbers and endorsements that add to or alter the policy, losses covered, the subject matter of the insurance and description of the property covered, the perils insured against and circumstances when the insured may receive the proceeds of the insurance), Policy Conditions and Exclusions and Special Limits.

Recommendation 41

DARTS and ATS should be provided legally notarized subcontractor insurance COIs at least annually, any time changes are made to the policies, whenever a vehicle is added to the subcontractor's fleet, or any time a vehicle is returned to active DARTS service.

Recommendation 42

City of Hamilton Risk Management should review and approve in writing to DARTS and ATS management, the legally notarized COIs provided by each subcontractor's insurers before vehicles are put into active service in the DARTS operation.

Recommendation 43

City of Hamilton Risk Management should review subcontractor insurance requirements at least annually.

Theme G: Recommendations – Contracts – the MOA

Recommendation 44

The DARTS Master Operating Agreement (MOA) should be re-written or replaced in its entirety. Although DARTS business structure has changed significantly over the years the MOA was executed almost ten years ago and has remained much the same:

- MOA Schedule A is irrelevant as it relates to vehicles and buses, they (the City) leased to DARTS, however there are no buses leased to the City as of last year
- MOA Schedule B relates to IT Services and has been stricken as DARTS procure their own servers and licences
- MOA Schedule C relates to City-owned land, offices & parking used by DARTS
- ATS no longer handles reservations – now DARTS manages

Recommendation 45

The terminology used in the MOA section 3.3.13 c): “Certificate of Mechanical Fitness” should be referred to as the Ministry of Transportation (MTO) Safety Standards Inspection (SSI) program.

Recommendation 46

The MOA should define requirements of accessible vehicles that must receive MTO accessible vehicle safety inspections every 6-months.

Recommendation 47

The MOA should be re-worded to require the Contractor (DARTS) to keep records of vehicle maintenance (it now refers to Schedule A regarding leased City-owned vehicles)

Recommendation 48

The MOA should define the requirement for driver’s daily pre-trip inspections and the processes for managing documentation of, and actions resulting from these inspections

Recommendation 49

The MOA should set out the requirements regarding driver screening and driver’s abstracts, both pre-hire and during employment.

Recommendation 50

The MOA contract language should define the minimum standards as far as DARTS driver’s demerit point status.

Theme H: Recommendations – Contracts - Subcontractor Service Agreements (SAs)

Recommendation 51

Subcontractor Service Agreements (SAs) should be aligned with the DARTS MOA contractual obligations to the City.

Recommendation 52

Contract language throughout the subcontractor SAs including current references to “Certificate of Mechanical Fitness”, should be updated to correctly refer to the Ministry of Transportation (MTO) Safety Standards Inspection (SSI) program.

Recommendation 53

The SAs should define requirements for accessible vehicles to receive MTO accessible vehicle safety inspections every 6-months.

Recommendation 54

The SAs should be re-worded to require the subcontractors to keep records of vehicle maintenance and promptly provide such records to DARTS

Recommendation 55

The SAs should define minimum acceptable vehicle safety and preventive maintenance (PM) standards consistent with MTO safety standards.

Recommendation 56

The SAs should set out the consequence of non-compliance with MTO safety standards.

Recommendation 57

The SAs should define the consequence of non-compliance with MTO safety and PM standards, up to and including cancellation of their SA contracts

Recommendation 58

The SAs should define the requirement for driver's daily pre-trip inspections, the processes for managing documentation of, and corrective actions resulting from these inspections.

Recommendation 59

The SAs should set out the requirements regarding driver screening and driver's abstracts, both pre-hire and during employment.

Recommendation 60

The SAs contract language should define the minimum standards as far as driver's demerit point status.

Recommendation 61

The SAs should include specific language requiring subcontractor vehicles to conform to safety requirements for the modification and construction of accessible vehicles.

Recommendation 62

Language in the SAs regarding Validated Registered Drivers should be reviewed to include pre-hire driver abstracts, and follow-up abstracts after hire.

Recommendation 63

Language in the SAs regarding Validated Registered Drivers should be reviewed to define the minimum standards for drivers and a maximum demerit point threshold.

Recommendation 64

Language in the SAs should include remedial measures such as professional driver improvement courses (PDIC) or training, rather than taking a punitive approach when driver complaints are received.

Management Response (Transit Division, Public Works Department)

Agree.

Management is generally agreeable with the OCA's audit findings. Management will review the recommendations in detail, coordinate responses with the City's external contractor (DARTS) on their specific issues and recommendations, and will work towards providing thorough Management Action Plans intended to strengthen the service delivery and the safety of accessible transit services in Hamilton. This will include providing further rigor to vehicle maintenance, inspection, fleet management, and contract management practices to ensure that program objectives are achieved, therefore ensuring the safe provision of service.

Management will provide specific responses and Management Action Plans to the OCA for each recommendation, including those of DARTS where applicable, so that the OCA can review and report to Committee and Council on the efficacy of measures being proposed and necessary resources required to address identified gaps.

Completion Type: Expected Completion

Completion Date: January 2023



**PUBLIC WORKS COMMITTEE
REPORT 22-013**

1:30 p.m.

Friday, September 9, 2022

Council Chambers

Hamilton City Hall

71 Main Street West

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

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

**THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 22-013 AND
RESPECTFULLY RECOMMENDS:**

1. Proposed Permanent Closure and Sale of Portion of Public Unassumed Alleyway Abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton (Ward 3) (PW22074) (Item 9.1)

That the application of the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton ("Subject Lands"), attached to Public Works Committee Report 22-013 as Appendix "A", be approved, subject to the following conditions:

- (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and
 - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;

- (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
 - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (2) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- (iv) The Corporate Real Estate Office of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton, as described in Report PW22074, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (v) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department;
- (vi) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office; and
- (vii) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Kristeen Sprague respecting Safety on HSR Buses (for today's meeting). Approval will be for a future meeting.

11. MOTIONS

- 11.1 Totem Pole that was Located at Confederation Beach Park (200 Van Wagners Beach Road) (Ward 5) – WITHDRAWN. To be presented at a future meeting of the General Issues Committee.

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1(a)(c) Accessible Transportation Services and the Disabled and Aged Regional Transportation Service Policy
Item on OBL: ACT
Current Due Date: July 6, 2022
Proposed New Due Date: September 19, 2022
Corrected Proposed New Due Date: November 28, 2022
- 13.1(a)(d) Accessible Transportation Services
Item on OBL: ACU
Current Due Date: August 10, 2022
Proposed New Due Date: November 28, 2022
Corrected Proposed New Due Date: September 19, 2022

The agenda for the September 9, 2022 Public Works Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) August 10, 2022 (Item 4.1)

The Minutes of the August 10, 2022 meeting of the Public Works Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

The following Delegation Requests, were approved:

- (i) Kristeen Sprague respecting Safety on HSR Buses (for a future meeting) (Item 6.1)
- (ii) Peter Whittaker respecting the Speed Limit on West Street and Stop Sign at West Street and Baldwin Street (for today's meeting) (Item 6.2)

(e) CONSENT ITEMS (Item 7)

(i) Hamilton Cycling Committee Meeting Minutes - July 6, 2022 (Item 7.1)

The Hamilton Cycling Committee Meeting Minutes of July 6, 2022, were received.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Proposed Permanent Closure and Sale of Portion of Public Unassumed Alleyway Abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton (Ward 3) (PW22074) (Item 9.1)

Councillor Nann advised that the notice of the Proposed Permanent Closure of a Portion of Chapple Street, Hamilton was provided as required under the City's By-law No. 14-204 – the Sale of Land Policy By-law.

The Committee Clerk advised that there were no registered speakers.

The Chair asked three times if there were any members of the public in attendance who wished to come forward to speak to the matter. No individuals came forward.

The public meeting closed.

For further disposition of this matter, refer to Item 1.

(i) Peter Whittaker respecting the Speed Limit on West Street and Stop Sign at West Street and Baldwin Street (Item 9.2)

Peter Whittaker addressed to the Committee concerns respecting speeding vehicles on West Street and requested that a stop sign be installed at West Street and Baldwin Street.

The delegation from Peter Whittaker respecting the Speed Limit on West Street and Stop Sign at West Street and Baldwin Street, was received.

(g) GENERAL INFORMATION / OTHER BUSINESS

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

(a) Items Requiring a New Due Date: (Item 13.1(a)):

(i) Improving Truck Route Detouring during Construction Closures (Item 13.1(a)(a))

Item on OBL: ABY

Current Due Date: September 19, 2022

Proposed New Due Date: March 30, 2023

(ii) Protected Bike Lane Curbs (Hamilton Cycling Committee - Citizen Committee Report) (Item 13.1(a)(b))

Item on OBL: ACA

Current Due Date: September 19, 2022

Proposed New Due Date: November 28, 2022

(iii) Accessible Transportation Services and the Disabled and Aged Regional Transportation Service Policy (Item 13.1(a)(c))

Item on OBL: ACT

Current Due Date: July 6, 2022

Proposed New Due Date: November 28, 2022

(iv) Accessible Transportation Services (Item 13.1(a)(d))

Item on OBL: ACU

Current Due Date: August 10, 2022

Proposed New Due Date: September 19, 2022

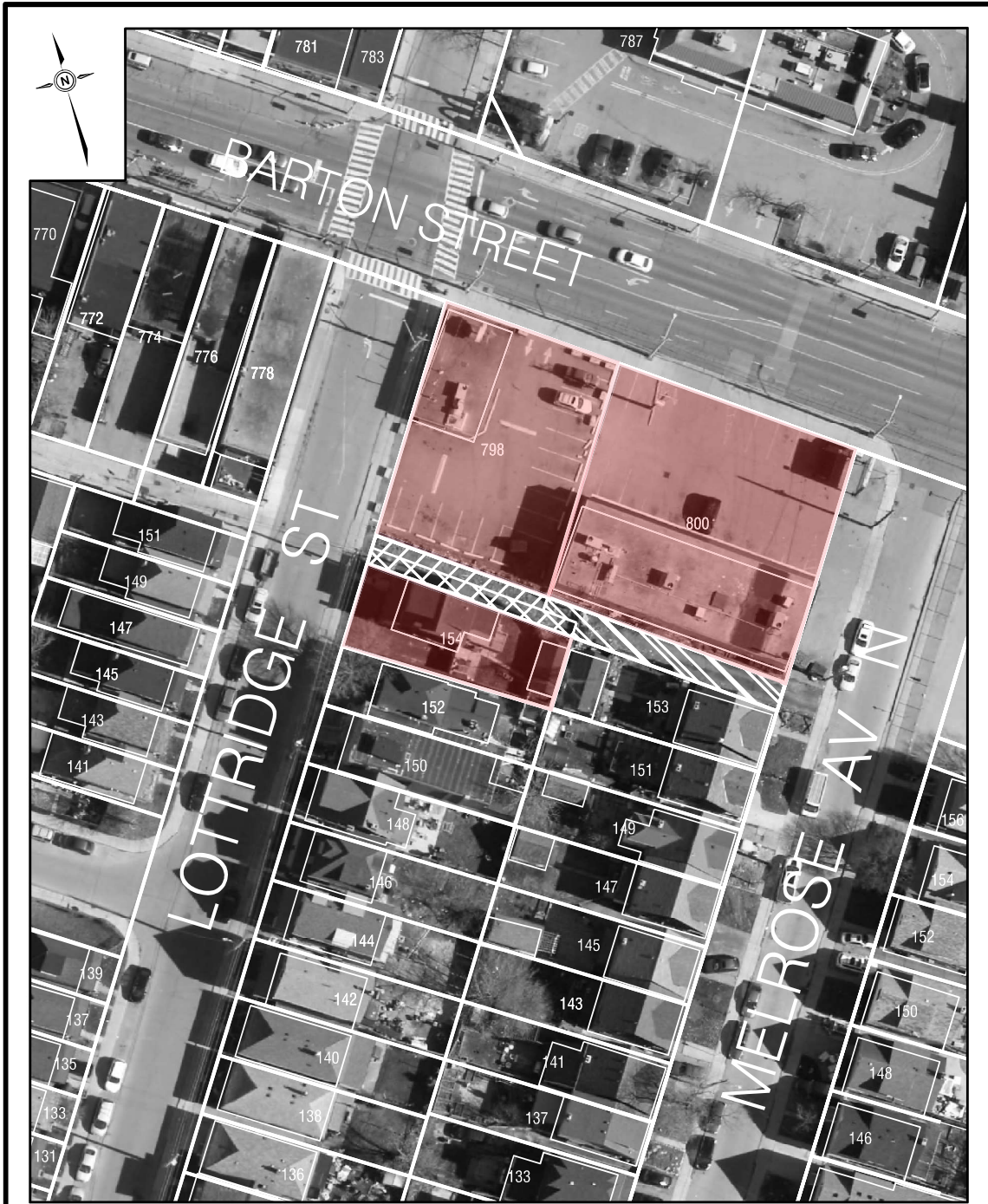
(h) ADJOURNMENT (Item 15)

There being no further business, the meeting adjourned at 2:07 p.m.

Respectfully submitted,

Councillor N. Nann, Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk



PROPOSED CLOSURE OF PORTION OF UNASSUMED ALLEY ABUTTING 798 BARTON STREET EAST (PART A), 154 LOTTRIDGE STREET (PART B), & 800 BARTON STREET EAST (PART C), HAMILTON

Geomatics & Corridor Management Section
 Public Works Department

LEGEND	
	PART A - 798 Barton Street East, Hamilton
	PART B - 154 Lottridge Street, Hamilton
	PART C - 800 Barton Street East, Hamilton

NTS | 05/05/2022 | Sketch by: CF

CITY OF HAMILTON MOTION

Council: September 14, 2022

MOVED BY COUNCILLOR B. JOHNSON.....

SECONDED BY COUNCILLOR.....

Amendment to the 2023 Council / Committee Calendar

WHEREAS Council on April 13, 2022 approved the 2023 Council / Committee Calendar;

WHEREAS, it is necessary to amend the 2023 Council / Committee Calendar by moving the July 2023 Council and Committee week (July 3, 2023 to July 7, 2023) to the following week (July 10, 2023 to July 14, 2023), due to the Canada Day statutory holiday being taken on July 3, 2023;

WHEREAS, there are two Board of Health meetings scheduled in May 2023 and there are no meetings scheduled in the month of June 2023; and

WHEREAS, there are two Board of Health meetings scheduled in October 2023 and there are no meetings scheduled in the month on November 2023;

THEREFORE, BE IT RESOLVED:

- (a) That the 2023 Council / Committee Calendar be **amended** by:
 - (i) moving the July 2023 Council / Committee week to **July 10, 2023 to July 14, 2023**;
 - (ii) rescheduling the May 29, 2023 Board of Health meeting to **June 12, 2023**; and
 - (iii) rescheduling the October 30, 2023 Board of Health meeting be rescheduled to **November 13, 2023**.

Attachment:

Appendix 'A' – May, June, July, October and November 2023 REVISED - 2023 Council / Committee Calendar

May 2023 REVISED

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 BOH – 9:30 a.m. PW – 1:30 p.m.	2 Planning – 9:30 a.m.	3 GIC – 9:30 a.m.	4 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	5	6
7	8	9	10 COUNCIL 9:30 a.m.	11	12	13
14	15 PW – 1:30 p.m.	16 Planning – 9:30 a.m.	17 GIC – 9:30 a.m.	18 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If required	19	20
21	22 VICTORIA DAY	23	24 COUNCIL 9:30 a.m.	25	26	27
28	29 PW – 1:30 p.m.	30 Planning – 9:30 a.m.	31 GIC – 9:30 a.m.			

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

June 2023 REVISED

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	2	3
4	5	6	7 COUNCIL 9:30 a.m.	8	9	10
11	12 BOH – 9:30 a.m. PW – 1:30 p.m.	13 Planning – 9:30 a.m.	14 GIC – 9:30 a.m.	15 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If required	16	17
18	19	20	21 COUNCIL 9:30 a.m.	22	23	24
25	26	27	28	29	30	

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

July 2023 REVISED

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 CANADA DAY
2	3 STAT HOLIDAY FOR CANADA DAY	4	5	6	7	8
9	10 GIC – 9:30 a.m.	11 Planning – 9:30 a.m.	12 BOH – 9:30 a.m. PW – 1:30 p.m.	13 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	14 COUNCIL 9:30 a.m.	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

October 2023 REVISED

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 BOH – 9:30 a.m. PW – 1:30 p.m.	3 Planning – 9:30 a.m.	4 GIC – 9:30 a.m.	5 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	6	7
8	9 THANKSGIVING	10	11 COUNCIL 9:30 a.m.	12	13	14
15	16 PW – 1:30 p.m.	17 Planning – 9:30 a.m.	18 GIC – 9:30 a.m.	19 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If Required</i>	20	21
22	23	24	25 COUNCIL 9:30 a.m.	26	27	28
29	30 PW – 1:30 p.m.	31 Planning – 9:30 a.m.				

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

November 2023 REVISED

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 GIC – 9:30 a.m.	2 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	3	4
5	6 3:00 GIC Budget – Public Delegations	7	8 COUNCIL 9:30 a.m.	9	10	11
12	13 BOH – 9:30 a.m. PW – 1:30 p.m.	14 Planning – 9:30 a.m.	15 GIC – 9:30 a.m.	16 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If Required	17	18
19	20 GIC - Rate Budget	21 GIC - Capital Budget	22 COUNCIL 9:30 a.m.	23	24	25
26	27 GIC - Rate Budget, if required.	28	29	30 GIC - Capital Budget, if required.		

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor unless otherwise noted.

COUNCIL COMMUNICATION UPDATES

August 5, 2022 to September 8, 2022

Council received the following Communication Updates during the time period listed above, the updates are also available to the public at the following link: <https://www.hamilton.ca/government-information/information-updates/information-updates-listing>, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Date	Department	Subject	Link
August 5, 2022	Public Works	Sport Lighting Phase 1 Condition Assessment Update (ES22008) (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-08-05/comm-update-sport-lighting-phase1-condition-assessment-update.pdf
August 10, 2022	Healthy and Safe Communities	Encampment Coordination Team Update - July 2022 (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-08-10/comm-update-encampment-coordination-team.pdf
August 11, 2022	Planning and Economic Development	Definition of Affordable Housing (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-08-11/comm-update-definition-of-affordable-housing.pdf
August 11, 2022	Public Works	Chedoke Creek Remediation - HW.22.06 (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-08-11/comm-update-chedoke-creek-remediation.pdf
August 17, 2022	Public Works	Registering Emission Credits within Clean Fuel Regulations (City Wide) (EFFM22-01)	https://www.hamilton.ca/sites/default/files/media/browser/2022-08-17/comm-update-registering-emission-credits-within-clean-fuel-regulations.pdf
August 19, 2022	Public Works	2022 Annual Rain Barrel Sale - HW.22.07 (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-09-01/comm-update-2022-annual-rain-barrel-sale.pdf
August 22, 2022	Healthy and Safe Communities	Canada-Wide Early Learning and Child Care Update (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-08-22/comm-update-cwelc-update-aug-2022.pdf
August 22, 2022	Corporate Services	Notification of Restricted Acts Period and By-Law 22-157 (City wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-08-22/comm-update-notification-restricted-acts-period-by-law-22-157.pdf Appendix A: https://www.hamilton.ca/sites/default/files/media/browser/2022-08-22/appendixa-comm-update-notification-restricted-acts-period-by-law-22-157.pdf

September 6, 2022	Public Works	Centennial Heights Park – Contaminated soil discovery and City response (ES22009) (Ward 13)	https://www.hamilton.ca/sites/default/files/media/browser/2022-09-06/comm-update-centennial-heights-sept6-2022.pdf
September 8, 2022	City Manager's Office	Intergovernmental Update: Provincial Ministerial Engagement Activity at Association of Municipalities of Ontario Annual Conference (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-09-09/comms-update-associatio-of-municipalities-of-ontario-annualconference.pdf Appendix: https://www.hamilton.ca/sites/default/files/media/browser/2022-09-09/comms-update-2022-hamilton-priorities-provelec-report.pdf

Authority: Item 1, Planning Committee
Report 22-013: (PED22049)
CM: August 12, 2022
Ward: 10

Bill No. 231

CITY OF HAMILTON

BY-LAW NO. 22-

**To Establish City of Hamilton Land
Described as Parts 1, 2 and 6 inclusive on Plan 62R-21744 as a
Public Highway to Form Part of Sonoma Lane**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and,

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

- (1) The land, owned by and located in the City of Hamilton, described as Part of Lot 3, Concession 1 in the Geographic Township of Saltfleet, and Part of Blocks 15 & 18 on Plan 62M-1241, designated as Parts 1, 2 and 6, inclusive, on Plan 62R-21744, be established as a public highway to form part of Sonoma Lane.
- (2) The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
- (3) This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 14th day of September, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: February 6, 2001
Ward: 1,2,3,6, 7, 9, 11, 12

Bill No. 232

**CITY OF HAMILTON
BY-LAW NO. 22-**

**To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 11(1)1 of the *Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

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

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Duration	Times	Days	Adding/ Deleting
6 - Time Limit	E	Arthur	West	King to Aikman	3 hr	8 am - 6 pm	Mon - Sat	Deleting
6 - Time Limit	E	Arthur Avenue South	West	King Street East to Aikman Avenue	1 hr	Anytime	Anyday	Adding
6 - Time Limit	A	Gilbert Avenue	Both	Carrington Court to Floresta Court	2 hr	Anytime	Anyday	Adding
6 - Time Limit	E	Maplewood Avenue	South	Prospect Street South to Cedar Avenue	2 hr	Anytime	Anyday	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	E	Bigwin	South	Pritchard to 105.8m westerly	7:00 a.m. to 3:00 p.m. Monday to Friday	Deleting
8 - No Parking	D	Voyager Pass	West	39 metres south of Windwood Drive (east leg) to 6 metres south thereof	Anytime	Adding
8 - No Parking	E	Arthur Avenue South	East	King Street East to Aikman Avenue	Anytime	Adding
8 - No Parking	E	Bigwin Road	North	42 metres east of Anchor Road to 6 metres east thereof	Anytime	Adding
8 - No Parking	E	Bigwin road	South	Anchor Road to Pritchard Road	Anytime	Adding
8 - No Parking	E	East 11th Street	West	Mountville Avenue to Inverness Avenue	Anytime	Adding
8 - No Parking	F	Penny Lane	Both	Waterbridge Street to eastern end, including cul-de-sac	Anytime	Adding
8 - No Parking	G	Pearl Street	East	12 metres south of King Street to 24 metres southerly	8:00 a.m. - 6:00 p.m. Monday to Saturday	Adding

Schedule	Section	Highway	Location	NPA from 8am on 1st day of each month, to 11pm on 15th day of each month AND Dec-Mar	NPA from 8am on 16th day of each month to 11pm on last day of month Apr-Nov	Adding/ Deleting
10 - Alt Side (Apr-Nov)	E	Arthur Avenue South	Aikman Avenue to King Street East	West	East	Deleting

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
12 - Permit	E	MacNab Street North	West	53 metres south of Ferrie Street West to 7 metres south thereof	Anytime	Adding
12 - Permit	E	Cathcart Street	West	57 metres north of Cannon Street East to 5 metres north thereof	Anytime	Adding
12 - Permit	E	Catharine Street North	East	76 meters north of Barton Street East to 11.5m north thereof	Anytime	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
<i>15 - Comm Veh LZ</i>	<i>E</i>	Pearl	East	39 ft. 42 ft. south of King	8:00 A.M.- 6:00 P.M.	Deleting

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 14th day of September 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 9

Bill No. 233

**CITY OF HAMILTON
BY-LAW NO. 22-**

Respecting Removal of Part Lot Control

**Blocks 86-95, Registered Plan No. 62M-1280, and further described as Parts 1-92 of
Deposited Reference Plan 62R-21836 for lands municipally known as 141-229
Cittadella Boulevard & 158-244 Rockledge Drive, Glanbrook**

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating lots for street townhouse dwellings, shown as Parts 1-92, inclusive, including 20 maintenance easements, shown as Parts 6, 10, 12, 17, 19, 28, 30, 35, 37, 44, 49, 56, 58, 63, 65, 74, 76, 81, 83, 87, inclusive, on Deposited Reference Plan 62R-21836, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Blocks 86-95, Registered Plan No. 62M-1280, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 14th day of September, 2024.

Respecting Removal of Part Lot Control
Blocks 86-95, Registered Plan No. 62M-1280, and further described as Parts 1-92 of Deposited Reference
Plan 62R-21836 for lands municipally known as 141-229 Cittadella Boulevard & 158-244 Rockledge Drive,
Glanbrook

Page 2 of 2

PASSED this day of September 14th 2022.

F. Eisenberger
Mayor

PLC-22-006

J. Pilon
Acting City Clerk

Authority: Item 3, Planning Committee
Report 22-014 (PED22179)
CM: September 14, 2022
Ward: 12

Bill No. 234

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1552 Concession 2 Road West, Flamborough

WHEREAS, Council approved Item 3 of Report 22-014 of the Planning Committee, at its meeting held on September 14, 2022;

WHEREAS, the Council of the City of Hamilton, in adopting Item 3 of Report 22-014 of the Planning Committee, at its meeting held on the 14 day of September, 2022, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided; and,

WHEREAS, this By-law conforms with the Rural Hamilton Official Plan.

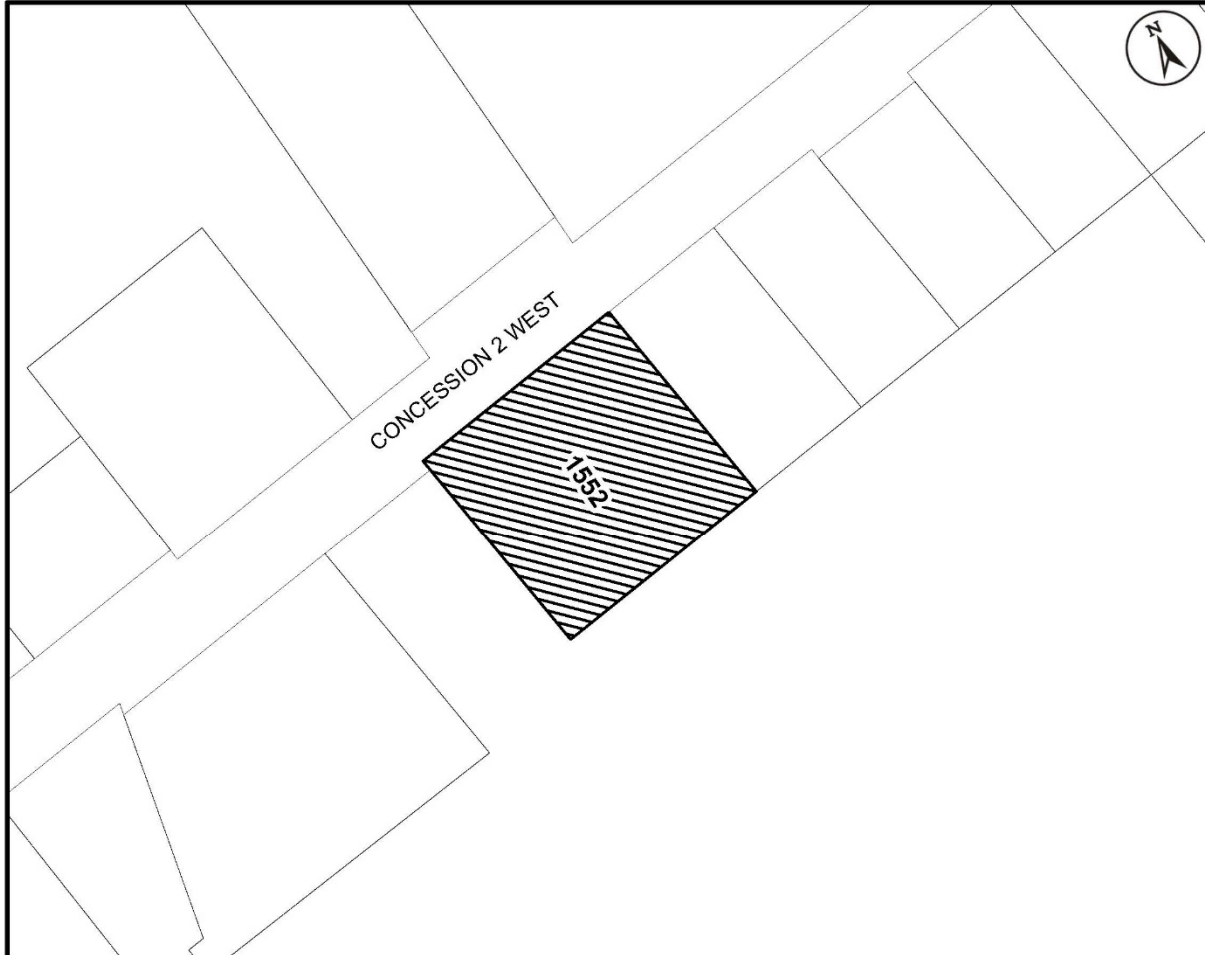
NOW THEREFORE Council of the City of Hamilton enacts as follows:

1. That Map No. 933 of Schedule "A" – Zoning Maps appended to and forming part of Zoning By-law No. 05-200 be amended by adding the lands known as 1552 Concession 2 Road West, Flamborough, the boundaries of which are shown on a plan hereto annexed as Schedule "A", to this By-law.
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:
 - "818. Within the lands zoned Settlement Residential (S1, 818) Zone, identified on Map 113 of Schedule "A" – Zoning Maps and described as 1552 Concession 2 Road West, Flamborough the following special provisions:
 - a) In addition to Section 12.3.1, a single detached dwelling shall only be permitted in the principle building and structure existing on the date of passing of this By-law;
 - b) In addition to Section 12.3.3, a Single Detached Dwelling shall have a maximum of 3 bedrooms; and,
 - c) Notwithstanding Section 12.3.3 (a), the Minimum Lot Area shall be 0.35 hectares.

PASSED this 14th day of September, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 22- Passed the day of, 2022	----- <p style="text-align: center;">Mayor</p> ----- <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <h3>Map forming Part of By-law No. 22-_____</h3> <h3>to Amend By-law No. 05-200 Map 933</h3>	<p>Subject Property</p> <p>1552 Concession 2 West, Flamborough</p> <p> Change in Zoning from the Settlement Institutional (S3) Zone to Settlement Residential (S1, 818) Zone</p>
--	---

Scale: N.T.S	File Name/Number: ZAR-20-040	 Hamilton
Date: June 24, 2022	Planner/Technician: AB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 6, Planning Committee
Report 22-014 (PED22156)
CM: September 14, 2022
Ward: City Wide
Bill No. 235

CITY OF HAMILTON

BY-LAW NO. 22-

Being a By-law to Regulate Nuisance Parties in the City of Hamilton

WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the "*Municipal Act, 2001*") as amended provides that a Municipality may pass by-laws respecting: economic, social and environmental well-being of the Municipality; health, safety and well-being of persons; and the protection of persons and property;

AND WHEREAS the Council of the City of Hamilton deems it appropriate to enact a by-law to prohibit and regulate certain public nuisances within the City of Hamilton pursuant to sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, ("*Municipal Act, 2001*") as amended;

AND WHEREAS in the opinion of the Council for the City of Hamilton, certain large gatherings, as defined in this By-law, are or could become, or cause public nuisances;

AND WHEREAS section 444 of the *Municipal Act, 2001* authorizes municipalities to make orders requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS sections 445 and 446 of the *Municipal Act, 2001* authorize municipalities to issue work orders and in default of a work order being completed by the person directed or required to do it, the work shall be done by the City at the person's expense by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

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

PART I - INTERPRETATION

Definitions

1. In this By-law:

"Administrative Penalty" means an administrative penalty administered pursuant to By-law 17-225 of the Corporation of the City of Hamilton, being a By-law to Establish a System of Administrative Penalties;

“**By-law**” means this by-law to prohibit and regulate Nuisance Parties within the City of Hamilton;

“**City**” means the municipal corporation of the City of Hamilton;

“**Highway**” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, part of which is intended for use or used, by the general public for the passage of vehicles or persons, and includes the area between the lateral property lines thereof, including sidewalks and boulevards;

“**Nuisance Party**” means a gathering on Premises which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring:

- (a) public disorderly conduct;
- (b) public drunkenness or public intoxication;
- (c) the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- (d) the deposit of refuse on public or private property;
- (e) damage to or destruction of public or private property;
- (f) pedestrian traffic, vehicular traffic, or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
- (g) unreasonable noise, including loud music or shouting that is of such a volume or nature that it is likely to disturb the inhabitants of the City;
- (h) unlawful open burning or fireworks;
- (i) public disturbances, including public brawls or public fights;
- (j) outdoor public urination or defecation;
- (k) use of or entry upon a roof not intended for such occupancy;

“**Officer**” means a police officer or a Municipal Law Enforcement Officer appointed under any federal or provincial statute or regulation or City by-law or any other person assigned or appointed by Council of the City to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law;

“Owner” means the registered owner of a property and includes a property manager, occupant, tenant, or any Person who otherwise has rightful possession of or possessory control of any property;

“Penalty Notice” means a notice given pursuant to By-law 17-225 of the Corporation of the City of Hamilton, being a By-law to Establish a System of Administrative Penalties;

“Person” shall mean an individual, firm, corporation, association or partnership and includes an Owner; *and*

“Premises” means any public or private place in the city of Hamilton, including but not limited to Highways, parks, parking lots, yards appurtenant to a building or dwelling or vacant lands.

Application

2. This By-law applies to all Persons, lands and properties in the City of Hamilton.

Interpretation

3. This By-law shall not be interpreted as exempting any Person from the requirement to comply with any other City by-law. In the event of a conflict between the provisions of this by-law and any other City by-law, the provisions which are more protective of the public assets of the City, the economic, social and environmental well-being of the City, the health, safety and well-being of persons in the City, and persons and property in the City, shall apply.

PART II - RESTRICTIONS

Nuisance Parties

4. No Person shall sponsor, conduct, continue, host, create, allow, cause or permit a Nuisance Party.
5. No Person shall attend a Nuisance Party.
6. No Person who, individually or jointly with others, is an Owner, occupant, tenant or otherwise has rightful possession of or is in possessory control of any Premises, shall allow, cause or permit a Nuisance Party on said Premises.
7. Every Person who sponsors, conducts, continues, hosts, creates, allows, causes or permits a Nuisance Party shall take all reasonable and lawful actions to end a Nuisance Party.

PART III - ENFORCEMENT

Closure of Roads

8. A police officer may temporarily close any Highway or portion thereof to public travel where a Nuisance Party is occurring on or adjacent to the Highway, by placing a notice on the Highway to be closed in accordance with the *Municipal Act, 2001*.
9. Where a Highway or portion of a Highway has been closed under this By-law, the common law right of passage by the public and the common law right of access by an owner of land abutting the Highway or portion of the Highway are restricted.
10. No Person shall use a Highway, or portion of a Highway that has been temporarily closed under this By-law except with lawful authority or in accordance with the direction of an Officer.
11. No Person shall, without lawful authority, remove or deface any barricade, device, detour sign or notice placed on a Highway pursuant to this By-law.

Orders

12. Upon the order of an Officer, every Person who is sponsoring, conducting, continuing, hosting, creating, causing, permitting or attending a Nuisance Party on specified Premises shall cease immediately.
13. Every Person not residing on such Premises shall leave such Premises after having been directed to leave by an order pursuant to this By-law.
14. An order under this By-law shall identify:
 - a) The location of the Premises on which the contravention is occurring;
 - b) The reasonable particulars of the contravention of this By-law; and
 - c) The date and time by which there must be compliance with the order.
15. An order under this section may be served personally on the Person to whom it is directed. If the order is given by regular mail to the last known address of that Person, and if given by registered mail, it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

Remedial Costs

16. Where anything required to be done in accordance with this By-law is not done, the City may do such thing at the expense of the Person required to do it, and such expense may be recovered by action or by adding the costs to the tax roll

and collecting them in the same manner as property taxes. For the purposes of this section, the City may enter upon land at any reasonable time.

Enforcement

17. The provisions of this By-law may be enforced by an Officer.
18. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with.
19. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the inspection; and
 - d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
20. Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person.
21. No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

Offence and Penalty

22. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
23. Any person other than a corporation who contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a minimum fine of \$500 and a maximum fine of \$10,000 for a first offence, and a maximum fine of \$25,000 for a subsequent offence.

Same re Corporations

24. Any corporation which contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

Other Remedies

25. If a person or corporation is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

Continuing Offence

26. Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

Administrative Penalties

27. In the alternative to a charge for the offences described in this By-law every Person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice in accordance with By-law 17-225, be liable to pay to the City an Administrative Penalty in accordance with Schedule A of By-law 17-225 for each day on which the contravention occurs.

28. If a person is required by the City to pay an administrative penalty under this by-law in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention.

PART IV – MISCELLANEOUS

Severability

29. Where a court of competent jurisdiction declares any provision of this By-law invalid, or to be of no force or effect, the provision shall be deemed conclusively to be severable from the By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

Short Title

30. The short title of this By-law is the “Nuisance Party By-law”.

Enactment

31. This By-law comes into force and effect on the day it is passed.

PASSED this 14th day of September, 2022

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 6, Planning Committee
 Report 22-014 (PED22156)
 CM: September 14, 2022
 Ward: City Wide
Bill No. 236

**CITY OF HAMILTON
 BY-LAW NO. 22-**

**To Amend By-law No. 17-225, a By-law to Establish a System of
 Administrative Penalties**

WHEREAS; Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225.

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That the following table, Table 29 titled By-law No. 22-235 Nuisance Party By-law, be added to Schedule A of By-law No.17-225:

Table 29: BY-LAW NO. 22-235 NUISANCE PARTY BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1.	22-235	4	Sponsoring, conducting, continuing, hosting, creating, causing, allowing or permitting a Nuisance Party	\$500.00
2.	22-235	5	Attending a Nuisance Party	\$300.00
3.	22-235	6	Owner/occupant allowing, causing or permitting a Nuisance Party	\$300.00
4.	22-235	10	Using a Highway that has been closed without authority	\$300.00
5.	22-235	11	Removing or defacing any barricade or Highway sign without authority	\$300.00
6.	22-235	12	Failing to comply with order to cease Nuisance Party	\$400.00
7.	22-235	13	Failing to comply with order to leave Premise	\$300.00
8.	22-235	21	Obstructing an Officer	\$400.00

3. That in all other respects, By-law No. 17-225 is confirmed; and
4. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this 14th day of September, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 11

Bill No. 237

CITY OF HAMILTON

BY-LAW NO. 22- Respecting Removal of Part Lot Control from Part of Lot 10, Registered Plan No. 62M-1142

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating lots, shown as Parts 1 & 2, inclusive, on deposited Reference Plan 62R - 21950 and enable the conveyance of Part 2 on deposited Reference Plan 62R-21950 to 2544 Regional Road 56, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Part of Lot 10, Registered Plan No. 62M-1142, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 14th day of September, 2024.

PASSED this day of September 14th 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CITY OF HAMILTON

BY-LAW NO. 22-

To Confirm the Proceedings of City Council at its meeting held on September 14, 2022.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 14th day of September 2022, in respect of each recommendation contained in

CityHousing Hamilton Shareholder Report 22-003 – August 15, 2022,
Planning Committee Report 22-014 – September 6, 2022,
General Issues Committee Report 22-017 – September 7, 2022,
Audit, Finance & Administration Committee Report 22-017 – September 8, 2022,
and
Public Works Committee Report 22-013 – September 9, 2022,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 14th day of September, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk