



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

**Meeting #:** 23-019  
**Date:** June 14, 2023  
**Time:** 9:30 a.m.  
**Location:** Council Chambers  
Hamilton City Hall  
71 Main Street West

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

---

**1. CEREMONIAL ACTIVITIES**

**2. APPROVAL OF AGENDA**

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

**3. DECLARATIONS OF INTEREST**

**4. APPROVAL OF MINUTES OF PREVIOUS MEETING**

4.1 May 31, 2023

**5. COMMUNICATIONS**

5.1 Correspondence from Lisa Burnside, Chief Administrative Officer, Hamilton Conservation Authority, respecting the Hamilton Conservation Authority - 2022 Audited Financial Statements

Recommendation: Be received.

**6. DELEGATION REQUESTS**

6.1 Delegation Requests respecting Item 9.3 - Commonwealth Games 2030 Update (PED19108(k)) (City Wide), from the following individuals:

a. Louis Frapporti (Pre-Recorded Video)

- b. PJ Mercanti and Greg Maychak, Hamilton 100 (In Person)

## 7. DELEGATIONS

- 7.1 David Braden, respecting recommendations for the City to take a number of specific actions to respond to causes of climate change as far as buildings are concerned (In Person) (Approved May 31, 2023)
- 7.2 Rob MacIsaac, Hamilton Health Sciences, respecting a request for Hamilton Health Sciences and St Joseph's Healthcare Hamilton to present an update regarding Hamilton hospital redevelopment (In Person) (Approved May 31, 2023)

## 8. PRESENTATIONS

- 8.1 Accessibility Award Program (CM23012) (City Wide) (Outstanding Business List Item)
- 8.2 2022 Economic Development Action Plan Update (PED23095) (City Wide)
- 8.3 Hamilton Immigration Partnership Council - Annual Update (PED23096) (City Wide)
- 8.4 Strategic Asset Management Policy and Corporate Asset Management Program Update (PW23044) (City Wide)
- 8.5 Development Charges Exemptions Sustainable Funding Strategy (FCS23064) (City Wide)

## 9. CONSENT ITEMS

- 9.1 Revised Board of Management for the Ancaster Village Business Improvement Area (BIA) (PED23134) (Ward 12)
- 9.2 Revised Board of Management for the Concession Business Improvement Area (BIA) (PED23137) (Ward 7)
- 9.3 Commonwealth Games 2030 Update (PED19108(k)) (City Wide) (Outstanding Business List Item)
- 9.4 Waterfront Lands - Financial Impacts (FCS23065 / PED23152) (City Wide) (Outstanding Business List Item)

***Please refer to Item 14.2 for Private and Confidential Appendix "A" to this report.***

## 10. DISCUSSION ITEMS

- 10.1 Downtown Hamilton Office Report (PED23081) (Ward 2)

- 10.2 2022 Annual Report for Economic Development Division Financial Incentive and Assistance Programs (PED23094) (City Wide)
- 10.3 Secondary Ward Councillor Offices (PW23041 / FCS23076 / PED23138) (City Wide) (Outstanding Business List Item)
- 10.4 Proposed Transfer of Prosecution Duties for Parts 3 and 9 Provincial Offences from the Ministry of the Attorney General to the City (LS23003(a)) (City Wide)

## 11. MOTIONS

## 12. NOTICES OF MOTION

## 13. GENERAL INFORMATION / OTHER BUSINESS

### 13.1 Amendments to the Outstanding Business List:

#### a. Items Considered Complete and Needing to be Removed:

##### Commonwealth Games 2030 Update

OBL Items: X & 2023-Q

Added: May 18, 2022 at GIC & March 22, 2023 at GIC

Completed: June 14, 2023 at GIC (Item 9.3)

##### Financial Impacts of Waterfront Lands

OBL Item: 2023-K

Added: February 15, 2023 at GIC (Item 11.3)

Completed: June 14, 2023 at GIC (Item 9.4)

##### Corporate Strategic Growth Initiatives - Annual Update

OBL Item: B

Added: October 5, 2016 at GIC 16-023 Item 3(b)

Completed: April 5, 2023 at GIC

## b. Items Requiring a New Due Date:

Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors (PED23021)

OBL Item: 2023-F

Current Due Date: July 10, 2023

Proposed New Due Date: August 14, 2023

Strategic Land Acquisition Plan Along the Hamilton Light Rail Transit (LRT) Corridor

OBL Item: W

Current Due Date: June 14, 2023

Proposed New Due Date: July 10, 2023

Opportunities to House a Hamilton Museum; and, Federal and Provincial Funding Opportunities

OBL Item: O

Current Due Date: June 14, 2023

Proposed New Due Date: November 1, 2023

## 14. PRIVATE AND CONFIDENTIAL

### 14.1 May 31, 2023 - Closed Session Minutes

Pursuant to Section 9.3, Sub-sections (b), (c), (f), (h), (i), and (j), (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (c), (f), (h), (i), and (j), (k) 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; a proposed or pending acquisition or disposition of land by the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; 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; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; 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.



14.2 Confidential Appendix "A" to Item 9.4 - Waterfront Lands – Financial Impacts (FCS23065 / PED23152) (City Wide)

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

14.3 Waterdown Gardens Litigation Update (LS21028(a)) (City Wide)

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

15. **ADJOURNMENT**



## GENERAL ISSUES COMMITTEE MINUTES 23-018

9:30 a.m.

May 31, 2023

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

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

**Absent:** Deputy Mayor E. Pauls – Personal

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

1. **Elections Administration Audit (AUD23008) (City Wide) (Outstanding Business List Item) (Item 8.1)**  
**(Beattie/Hwang)**
  - (a) That Report AUD23008, respecting the Elections Administration Audit be received;
  - (b) That the Management Response, as detailed in Appendix “D” to Report AUD23008 be received;
  - (c) That the City Clerk be requested to report back to the Office of the Auditor General by September 2023 with a detailed management action plan, which will then be reported to the General Issues Committee; and,
  - (d) ***That the City Manager’s Office be directed to explore all possibilities to improve future voter turnout and report back to the General Issues Committee.***

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

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

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

**2. Revised Board of Management for the International Village Business Improvement Area (BIA) (PED23100) (Wards 2 and 3) (Item 9.1)**

**(Kroetsch/Hwang)**

That the following individual be appointed to the International Village Business Improvement Area (BIA) Board of Management:

- (a) Suzanne Lanthier – Theatre Aquarius

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

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

**3. City of Hamilton Poet Laureate and Youth Poet Laureate (PED23090) (City Wide) (Outstanding Business List Item) (Item 9.2)**

**(Kroetsch/Nann)**

That Report PED23090, respecting the City of Hamilton Poet Laureate and Youth Poet Laureate, be received.

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

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

**4. Hamilton Water and Wastewater Customer Assistance Programs (FCS23045) (City Wide) (Outstanding Business List Item) (Item 10.1)**

**(M. Wilson/Nann)**

That staff report back in Q3 2023 to the Audit, Finance and Administration Committee regarding a Water and Wastewater Rebate Program for Low Income Persons.

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

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

**5. Next Generation 9-1-1 Messaging Service Delivery Project Update  
(FCS22082(c) / HSC20045(c) / PW22087(a)) (City Wide) - REVISED (Item  
10.3)**

**(Spadafora/Beattie)**

- (a) That the Next Generation 911 (NG911) Facilities Renovation Project be approved with a budget totalling \$6,824,000, including Phase 1 and 2 design, renovations, consoles, furniture, UPS, design fees, permits, tax, fees, infrastructure fit-up, per Appendix "A" to Report FCS20082(c) / HSC20045(c) / PW22087(a) and to be funded from:
- (i) An appropriation of previously approved \$4,325,000 of Tax Supported Capital Levy funding from the Next Generation 9-1-1 technology component (project #3502157101);
  - (ii) A transfer of \$2,499,000 from the Unallocated Capital Levy Reserve (#108020);
- (b) That the \$4,325,000 in Ministry of the Solicitor General transition funding be applied to the Next Generation 9-1-1 technology component (project #3502157101);
- (c) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the Prime Design Consultancy Services for the Facility renovations for NG911 and that the General Manager, Public Works Department be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with AECOM Canada Ltd., in a form satisfactory to the City Solicitor; and,
- (d) That Public Works staff be directed to make any required updates to Service Level Agreements (SLAs) and/or Operating agreements with internal and external parties in order to service, maintain, repair and lifecycle manage ongoing operating costs related to City managed facilities at the Multi-Agency Training Centre (MATC) located at 1227 Stone Church Road East, 729 Upper Sherman, and Central Station located at 155 King William Street.

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

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

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

**6. West Harbour Development Sub-Committee Report 23-002 - May 23, 2023  
(Item 10.4)**

**(Spadafora/Kroetsch)**

**(a) Indigenous-Focused Macassa Bay Public-Space Design Process  
(PED23123) (Ward 2)**

- (i) That staff be directed to develop and initiate an Indigenous-focused conceptual design process, as the first phase of work for the proposed public-space within the Macassa Bay area of the West Harbour waterfront;
- (ii) That the design process should advance the actions of the City's Urban Indigenous Strategy, including identified strategic themes of "Land", "Spirit" and "People";
- (iii) That the key principles outlined in the West Harbour Waterfront Recreation Master Plan (WHWRMP), including providing continuous public access to the water's edge, continue to be used to guide the overall design; and
- (iv) That as part of the process, staff identify next steps and any approvals required for the execution and implementation of the direction, and report back to the West Harbour Sub-Committee.

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

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

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

**7. Equity Related Complaints and Unconscious Bias (Added Item 11.1)**

**(Nann/Kroetsch)**

- (a) That staff be directed to identify options for best practices and standards of procedure that clarifies how equity-related complaints that relate specifically to experiences that are systemic in nature can be acted upon and reported on and report back to General Issues Committee;
- (b) That staff, as part of their report back no later than Q4 2023 respecting an updated Harassment and Discrimination Prevention Policy that staff be directed to include an overview of best practices and standards of procedure that addresses how equity-related complaints involving the public as part of the delivery of City services, that relate specifically to experiences that are systemic in nature, can be acted upon and reported on; and,
- (c) That staff be directed to report back on the feasibility of introducing an independent office of a Hamilton ombudsperson as part of City staff's 2024 workplan and in advance of the 2025 budget.

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

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

**8. City Manager Performance Review Process (HUR23010) (City Wide) (Item 10.2)**

**(Horwath/Kroetsch)**

That staff be directed to engage a third-party consultant to work with the Mayor and Council to facilitate the process of the City Manager Performance Review, with an upset limit of \$25,000 annually.

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

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

**9. Canadian Mortgage and Housing Corporation Housing Accelerator Fund (HSC23017 / FCS23062 / PED23143) (City Wide) (Item 14.2)**

**(McMeekin/Francis)**

- (a) That Report HSC23017/FCS23062/PED23143 and the Housing Action Plan attached as Appendix "A" to Report HSC23017 / FCS23062 / PED23143 be approved, and that the City Manager, or designate, be directed to submit the Housing Accelerator Fund application to CMHC;
- (b) Subject to the approval of Housing Accelerator Fund application by CMHC, the General Manager, Healthy and Safe Communities, or designate, be authorized to retain a consultant to a cost no greater than \$250,000, in order to create a city-wide Housing Needs Assessment for the City of Hamilton and that the costs of said retainer be funded from the City's allocated Housing Accelerator Fund;
- (c) That the General Manager, Finance and Corporate Services be authorized and directed to provide an attestation attached as "Appendix C" to Report HSC23017 / FCS23062 / PED23143 that the initiatives contained in the



Housing Action Plan are viable and that the City has a genuine intent to meet the projected net new residential units through the use of the Housing Accelerator Fund;

- (d) That the Housing Accelerator Fund Surplus Reserve Fund Policy attached as Appendix “B” to Report HSC23017 / FCS23062 / PED23143 be approved and that a reserve fund be established for the Housing Accelerator Fund;
- (e) That staff be directed to allocate any Housing Accelerator Fund surplus funding as follows, and that the General Manager, Healthy and Safe Communities be provided the delegated authority to transfer Housing Accelerator funding from the Reserve for the purposes highlighted below:
  - (i) 15% contingency held to support Housing Accelerator Fund initiatives extending beyond 2026 as required by CMHC;
  - (ii) 45% to Affordable Housing Funding Program Dept ID to support capital investment in the development of new not-for-profit led affordable housing developments;
  - (iii) 40% to be allocated to eligible Growth-Related Infrastructure and Growth Planning projects to support new housing, with specific infrastructure projects to be determined through the annual Budget process;
- (f) That the City Manager, or designate, be authorized and directed to enter into and execute the Housing Accelerator Fund contribution agreement with the Canada Mortgage and Housing Corporation (CMHC) to accept the funding, with content acceptable to the General Manager, Healthy and Safe Communities Department and in a form satisfactory to the City Solicitor;
- (g) That the City Manager, or designate, be authorized to hire staff as determined necessary by the City Manager to support and administer the Housing Accelerator Fund initiatives as outlined in Appendix “A” to Report HSC23017 / FCS23062 / PED23143 provided that the staff will be fully funded through the Housing Accelerator funding allocation;
- (h) That the General Manager, Healthy and Safe Communities Department, or designate, be authorized and directed to administer the Housing Accelerator Fund;
- (i) That the General Manager, Healthy and Safe Communities Department be authorized and directed to enter into and execute all ancillary agreements and documents as may be required to deliver and administer the Housing

Accelerator Fund with terms and content satisfactory to the General Manager, Healthy and Safe Communities Department and in form satisfactory to the City Solicitor;

- (j) That Report HSC23017 / FCS23062 / PED23143 and Appendix “A” attached thereto respecting the Canada Mortgage and Housing Corporation Housing Accelerator Fund remain confidential, as required by CMHC, until the earlier of the City’s Housing Accelerator Fund application has been approved and an announcement has been made by the City the federal Minister of Housing and Diversity and Inclusion, or permission is given by CMHC for their release to the public; and,
- (k) That following Council’s approval of Report HSC23017 / FCS23062 / PED23143 Appendices “B” and “C” attached thereto be released to the public.

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

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

**10. Master Agreement and Downtown Entertainment Precinct Status Update (LS23022 / PED18168(i)) (Ward 2) (Item 14.3)**

**(Kroetsch/Jackson)**

- (a) That the confidential update from staff regarding the public release of the Master Agreement for the Downtown Entertainment Precinct Assets be received and remain confidential;
- (b) That Report LS23022 / PED18168(i), respecting the Master Agreement and Downtown Entertainment Precinct Status Update, along with Appendices “A” and “D”, be received and remain Confidential; and,

- (c) That Appendices “B” and “C” to Report LS23022 / PED18168(i), respecting the Master Agreement and Downtown Entertainment Precinct Status Update be publicly released following approval by Council.

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

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

**FOR INFORMATION:**

**(a) CEREMONIAL ACTIVITIES (Item 1)**

Councillor T. Jackson welcomed teacher Andrew Gocentas and students from the Municipal Affairs Civics Class at Sherwood Secondary School to the General Issues Committee.

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

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

**10. DISCUSSION ITEMS**

- 10.1 Hamilton Water and Wastewater Customer Assistance Programs (FCS23045) (City Wide) (Outstanding Business List Item) – REVISED Appendix A & B
- 10.3 Next Generation 9-1-1 Messaging Service Delivery Project Update (FCS22082(c) / HSC20045(c) / PW22087(a)) (City Wide) - REVISED

**(McMeekin/Cassar)**

That the agenda for the May 31, 2023 General Issues Committee meeting, be approved, as amended.

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

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

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

There were no declarations of interest.

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

**(i) May 17, 2023 (Item 4.1)**

**(Beattie/Spadafora)**

That the Minutes of the May 17, 2023 meeting of the General Issues Committee be approved, as presented.

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

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

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

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

**(i) (M. Wilson/Horwath)**

That the Delegation Requests be approved, as follows:

- (1) David Braden, respecting recommendations for the City to take a number of specific actions to respond to causes of climate change as far as buildings are concerned (In Person) (For a future meeting) (Item 6.1)
- (2) Rob MacIsaac, Hamilton Health Sciences, respecting a request for Hamilton Health Sciences and St Joseph's Healthcare Hamilton to present an update regarding Hamilton hospital redevelopment (In Person) (For the June 14, 2023 Meeting) (Item 6.2)

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

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

- (ii) **Paul Vermaat, White Star Group, respecting matters relating to lands in the West Harbour Stadium Precinct (In Person) (For a future meeting) (Item 6.3)**

**(Jackson/Spadafora)**

That consideration of the delegation request from Paul Vermaat, White Star Group, respecting matters relating to lands in the West Harbour Stadium Precinct be DEFERRED until after the June 14, 2023 General Issues Committee meeting.

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

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

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

- (i) **Hafeez Hussain, respecting more about his experience on Unconscious Bias and EDI and how as a resident it is hard to navigate the city of Hamilton to address these matters to management (Virtually) (Approved May 17, 2023)**

Hafeez Hussain addressed the Committee respecting more about his experience on Unconscious Bias and EDI and how as a resident it is hard to navigate the city of Hamilton to address these matters to management.

**(McMeekin/M. Wilson)**

That the delegate be permitted an additional 5 minutes to complete their delegation.

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

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

**(Hwang/Nann)**

That the delegation from Hafeez Hussain respecting more about his experience on Unconscious Bias and EDI and how as a resident it is hard to navigate the city of Hamilton to address these matters to management, be received.

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

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

**(g) STAFF PRESENTATIONS (Item 8)**

**(i) Elections Administration Audit (AUD23008) (City Wide) (Item 8.1)**

Charles Brown, Auditor General introduced external consultants Aron Feuer, Valenica Risk; Brad Brookman, Valenica Risk; and Dave Kains of Metroline Research Group; who addressed the Committee with a presentation respecting Report AUD23008, Elections Administration Audit.

**(1) (Spadafora/Nann)**

That the staff presentation respecting Report AUD23008, Elections Administration Audit, be received.

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

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

**(2) (Kroetsch/Cassar)**

That the General Issues Committee recess for 30 minutes until 12:40 pm.

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

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



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

**(3) (Beattie/Hwang)**

- (a) That Report AUD23008, respecting the Elections Administration Audit be received;
- (b) That the Management Response, as detailed in Appendix “D” to Report AUD23008 be received;
- (c) That the City Clerk be requested to report back to the Office of the Auditor General by September 2023 with a detailed management action plan, which will then be reported to the General Issues Committee; and,
- (d) That the General Issues Committee Outstanding Business List Item 2023-V, respecting the Audit of the 2022 Municipal Elections in the City of Hamilton, be considered complete and removed.

**(4) (M. Wilson/Kroetsch)**

That Report AUD23008, respecting Elections Administration Audit, **be amended** by adding a new sub-section (e), as follows:

- (e) That the City Manager’s Office be directed to explore all possibilities to improve future voter turnout and report back to the General Issues Committee.**

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

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

**General Issues Committee  
Minutes 23-018**

**May 31, 2023  
Page 17 of 23**

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

**(5)** At the request of Committee, sub-section (d) to Report AUD23008, respecting Elections Administration Audit was voted on separately as follows:

(d) That the General Issues Committee Outstanding Business List Item 2023-V, respecting the Audit of the 2022 Municipal Elections in the City of Hamilton, be considered complete and removed.

**Result: Vote on Sub-Section (d) to Report AUD23008, DEFEATED by a vote of 0 to 15, as follows:**

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

For disposition of this matter, refer to Item 1.

**(h) CONSENT ITEMS (Item 9)**

**(i) Business Improvement Area (BIA) Sub-Committee Minutes - April 11, 2023 (Item 9.3)**

**(Hwang/McMeekin)**

That the April 11, 2023 Business Improvement Area (BIA) Sub-Committee Minutes, be received.

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

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

**(i) DISCUSSION ITEMS (Item 10)**

**(i) City Manager Performance Review Process (HUR23010) (City Wide)  
(Item 10.2)**

**(Hwang/Kroetsch)**

- (a) That the Executive Director of Human Resources continues to assist with the performance review process and collecting performance review feedback from Council;
- (b) That a four-year mandate letter for the City Manager be included at the beginning of the performance review process during the first year of a new term of Council;
- (c) That the Mayor continue to participate in the final performance review meeting between the City Manager and the Executive Director of Human Resources, so that the Mayor can share performance feedback with the City Manager on behalf of Council; and,
- (d) That a new City Manager Performance Review Form be used (attached as Appendix "B" to Report HUR23010), as it more closely matches the City's existing Performance Accountability and Development (PAD) process used for all other employees, and also reflects the unique differences of the City Manager's role.

**(Kroetsch/Spadafora)**

That consideration of Report HUR23010, respecting the City Manager Performance Review Process, be DEFERRED until after Closed Session.

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

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

For disposition of this matter, refer to Item 8.

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

**(i) Amendments to the Outstanding Business List (Item 13.1):**

**(Spadafora/Cassar)**

That the amendments to the Outstanding Business List, be approved, as follows:

**(a) Items Considered Complete and Needing to be Removed (Item 13.1(a)):**

City of Hamilton Poet Laureate and Youth Poet Laureate

OBL Item: KK

Added: September 21, 2022 at GIC (Item 4)

Completed: May 31, 2023 at GIC (Item 9.2)

A Sustainable and Generationally Equitable Funding Formula for the City of Hamilton's Water, Wastewater and Stormwater System

OBL Item: 2023-H

Added: January 25, 2023 at Council

Completed: May 31, 2023 at GIC (Item 10.1)

**(b) Items Requiring a New Due Date (Item 13.1(b)):**

Financial Impacts of Waterfront Lands  
OBL Item: 2023-K  
Added: February 15, 2023 at GIC (Item 11.3)  
Current Due Date: May 2023  
Proposed New Due Date: June 14, 2023

Our City Survey 2022 Results (CM23011) (City Wide)  
OBL Item: 2023-CC  
Added: May 3, 2023 at GIC (Item 8.1)  
Current Due Date: June 14, 2023  
Proposed New Due Date: August 14, 2023

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

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

**(k) PRIVATE & CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – May 17, 2023 (Item 14.1)**

**(Spadafora/Hwang)**

That the General Issues Committee Closed Session Minutes of May 17, 2023, be approved and remain confidential.

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

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

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

**(Cassar/Beattie)**

That Committee move into Closed Session pursuant to Section 9.3, Sub-sections (b), (c), (f), (h), (i), and (j), (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (c), (f), (h), (i), and (j), (k) 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; a proposed or pending acquisition or disposition of land by the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; 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; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; 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 15 to 0, as follows:**

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

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

**(ii) Canadian Mortgage and Housing Corporation Housing Accelerator Fund (HSC23017 / FCS23062 / PED23143) (City Wide) (Item 14.2)**

For disposition of this matter, refer to Item 9.

**(iii) Master Agreement and Downtown Entertainment Precinct Status Update (LS23022 / PED18168(i)) (Ward 2) (Item 14.3)**

For disposition of this matter, refer to Item 10.

**(iv) City Manager Performance Review Process (HUR23010) (City Wide) (Item 10.2)**

For disposition of this matter, refer to Item 8.

**(I) ADJOURNMENT (Item 15)**

**(Francis/Spadafora)**

That there being no further business, the General Issues Committee be adjourned at 6:00 p.m.

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

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

**General Issues Committee  
Minutes 23-018**

**May 31, 2023  
Page 23 of 23**

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

Respectfully submitted,

---

Acting Deputy Mayor Brad Clark  
Chair, General Issues Committee

---

Angela McRae  
Legislative Coordinator  
Office of the City Clerk





A Healthy Watershed for Everyone

May 29, 2023

**Via Email: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)**

Mayor Horwath and Council  
Hamilton City Hall  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

**RE: Hamilton Conservation Authority – 2022 Audited Financial Statements**

Dear Mayor Horwath and Councillors,

In accordance with section 38(3) of the Conservation Authorities Act, enclosed please find the 2022 auditors report for Hamilton Conservation Authority. Per the Act, the report is being circulated to the Ministry of Natural Resources and Forestry and our participating municipalities.

Sincerely,

  
Lisa Burnside  
Chief Administrative Officer

Enclosure



**Hamilton Region Conservation Authority**  
**Financial Statements**  
December 31, 2022

## Contents

	<b><u>Page</u></b>
Independent auditor's report	1-2
Statement of Financial Position	3
Statement of Operations	4
Statement of Cash Flows	5
Statement of Changes in Net Financial Assets	6
Schedule of Tangible Capital Assets	7
Notes to the Financial Statements	8 - 14
Schedules of Business Unit Activity	
Corporate Support	14
Watershed Management Services	15
Land Management Operations	16
Westfield Heritage Village	17

## Independent auditor's report

---

Grant Thornton LLP  
33 Main Street East  
Hamilton, ON  
L8N 4K5  
T +1 905 523 7732  
F +1 905 572 9333

To the Members of  
**Hamilton Region Conservation Authority**

### Opinion

We have audited the financial statements Hamilton Region Conservation Authority, which comprise the statement of financial position as at December 31, 2022, and the statements of operations, changes in net financial assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of Hamilton Region Conservation Authority as at December 31, 2022, and the results of its financial performance and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

### Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of Hamilton Region Conservation Authority in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing Hamilton Region Conservation Authority's ability to continue as a going concern, disclosing, as applicable, matters related to a going concern and using the going concern basis of accounting unless management either intends to liquidate Hamilton Region Conservation Authority or to cease operations, or has no realistic alternative to do so.

Those charged with governance are responsible for overseeing Hamilton Region Conservation Authority's financial reporting process.

### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Hamilton Region Conservation Authority's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on Hamilton Region Conservation Authority's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Hamilton Region Conservation Authority to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

The logo for Grant Thornton LLP, featuring the company name in a stylized, cursive script font.

Hamilton, Canada  
May 4, 2023

Chartered Professional Accountants  
Licensed Public Accountants

## Hamilton Region Conservation Authority Statement of Financial Position

December 31

2022

2021

### Financial assets

Cash and cash equivalents (Note 4)	\$ 14,457,266	\$ 19,142,629
Accounts receivable	718,979	605,965
Total financial assets	<u>\$ 15,176,245</u>	<u>\$ 19,748,594</u>

### Liabilities

Accounts payable and accrued liabilities	\$ 1,681,428	\$ 1,336,561
Due to Confederation Beach Park	448,177	143,112
Due to Hamilton Conservation Foundation	-	1,555
Employee future benefit costs (Note 7)	151,695	177,477
Deferred revenues (Note 8)	928,159	845,492

Total liabilities	<u>\$ 3,209,459</u>	<u>\$ 2,504,197</u>
-------------------	---------------------	---------------------

<b>Net financial assets</b>	<b>\$ 11,966,786</b>	<b>\$ 17,244,397</b>
-----------------------------	----------------------	----------------------

### Non-financial assets

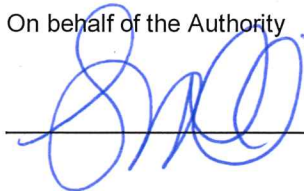
Inventory	155,208	77,948
Prepaid expenses	433,414	296,693
Tangible capital assets (Page 7)	53,212,454	46,469,287

Total non-financial assets	<u>\$ 53,801,076</u>	<u>\$ 46,843,928</u>
----------------------------	----------------------	----------------------

<b>Accumulated surplus (Note 9)</b>	<b><u>\$ 65,767,862</u></b>	<b><u>\$ 64,088,325</u></b>
-------------------------------------	-----------------------------	-----------------------------

Contingent liabilities, contractual obligations and commitments (Notes 13 and 14)

On behalf of the Authority



Chair



Director

## Hamilton Region Conservation Authority

### Statement of Operations

For the Year Ended December 31	2022	2022	2021
	Budget (Note 15)	Actual	Actual
<b>Revenues</b>			
Admissions, product, service & program fees	\$ 6,552,132	\$ 6,795,666	\$ 7,500,657
Municipal levy & special projects	6,740,000	6,748,592	6,678,400
Rentals	887,105	888,197	759,597
Hamilton Conservation Foundation	185,764	738,410	161,542
Management fees	400,000	438,067	202,424
Federal & Provincial grants	201,246	368,378	473,527
Federal grant recovery	-	(892,588)	-
Interest	90,000	360,970	91,524
Regulatory fees	280,250	301,194	303,490
Private and In-Kind donations (Note 10)	1,470	20,441	2,110
Other income	48,750	61,019	111,177
	<u>15,386,717</u>	<u>15,828,346</u>	<u>16,284,448</u>
<b>Expenditures</b>			
Wages & benefits	9,120,320	7,275,492	7,330,403
Staff expenses	200,235	1,216,359	1,252,533
Contractors / consultants	355,670	1,211,987	538,435
Utilities	695,211	787,468	692,010
Professional fees	622,611	743,549	677,673
Materials & supplies	576,875	559,676	442,988
Products for resale	300,303	301,723	309,921
Miscellaneous expense (Note 12)	1,537,257	793,643	704,726
	<u>13,408,483</u>	<u>12,889,897</u>	<u>11,948,688</u>
Amortization	<u>1,050,000</u>	<u>1,258,911</u>	<u>1,152,451</u>
	<u>14,458,483</u>	<u>14,148,808</u>	<u>13,101,139</u>
Annual surplus for the year	<u>\$ 928,234</u>	<u>\$ 1,679,537</u>	<u>\$ 3,183,309</u>
Accumulated surplus, beginning of year	64,088,325	64,088,325	60,905,016
Accumulated surplus, end of year	<u>\$ 65,016,558</u>	<u>\$ 65,767,862</u>	<u>\$ 64,088,325</u>

See accompanying notes and schedules to the financial statements

## Hamilton Region Conservation Authority

### Statement of Cash Flows

December 31	2022	2021
Change in cash and cash equivalents		
<b>Operating</b>		
Annual surplus	\$ 1,679,537	\$ 3,183,309
Items not affecting cash		
Amortization	1,258,911	1,152,451
Loss (gain) on disposal of tangible capital assets	375,952	(25,061)
	<u>3,314,400</u>	<u>4,310,699</u>
Non-cash changes to operations		
Change in accounts receivable	(113,014)	8,787
Change in inventory	(77,260)	(1,623)
Change in prepaid expenses	(136,721)	(48,292)
Change in employee future benefit costs	(25,782)	(24,594)
Change in accounts payable and accrued liabilities	344,867	44,285
Change in Due to Hamilton Conservation Foundation	(1,555)	1,555
Change in Due to Confederation Beach Park	305,065	(69,388)
Change in deferred revenues	82,667	71,643
	<u>3,692,667</u>	<u>4,293,073</u>
<b>Financing</b>		
Repayment of long term debt	-	(179,611)
<b>Capital</b>		
Proceeds on disposal of tangible capital assets	6,000	30,922
Purchase of tangible capital assets	(8,384,030)	(2,098,695)
	<u>(8,378,030)</u>	<u>(2,067,773)</u>
Net change in cash and cash equivalents	(4,685,363)	2,045,689
Cash and cash equivalents		
Beginning of year	<u>19,142,629</u>	<u>17,096,940</u>
End of year	<u>\$ 14,457,266</u>	<u>\$ 19,142,629</u>

See accompanying notes and schedules to the financial statements



## Hamilton Region Conservation Authority Statement of Changes in Net Financial Assets

For the year ended December 31	2022	2022	2021
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>
Annual surplus	\$ 928,234	<b>\$ 1,679,537</b>	\$ 3,183,309
Purchase of tangible capital assets	(2,000,000)	<b>(8,384,031)</b>	(2,098,695)
Proceeds on disposal of tangible capital assets	-	<b>6,000</b>	30,922
Loss (gain) on sale of tangible capital assets	-	<b>375,952</b>	(25,061)
Amortization	1,050,000	<b>1,258,911</b>	1,152,451
Change in inventory	-	<b>(77,260)</b>	(1,623)
Change in prepaid expenses	-	<b>(136,721)</b>	(48,292)
	<u>(950,000)</u>	<u><b>(6,957,149)</b></u>	<u>(990,296)</u>
Change in net financial assets	(21,766)	<b>(5,277,612)</b>	2,193,013
Net financial assets, beginning of year	<u>17,244,398</u>	<u><b>17,244,398</b></u>	<u>15,051,385</u>
Net financial assets, end of year	<u>\$ 17,222,631</u>	<u><b>\$ 11,966,786</b></u>	<u>\$ 17,244,398</u>

See accompanying notes and schedules to the financial statements

### Hamilton Region Conservation Authority Schedule of Tangible Capital Assets

Cost	Land	Land Improvements	Infrastructure	Building & Building Improvements	Machinery & Equipment	Vehicles	Work In Progress (WIP)	December 31 2022	December 31 2021
Beginning of year	\$ 28,707,747	\$ 4,188,913	\$ 21,795,418	\$ 8,134,412	\$ 2,349,965	\$ 2,801,711	\$ 2,800,567	\$ 70,778,733	\$ 68,804,327
Additions	2,500,000	96,541	537,341	-	205,745	461,558	4,582,845	8,384,030	2,098,695
Disposals	-	-	(754,320)	(17,951)	(72,844)	(17,000)	-	(862,115)	(124,289)
Transfer from WIP	504,000	2,186,386	832,731	1,799,759	376,647	-	(5,699,523)	-	-
End of year	31,711,747	6,471,840	22,411,170	9,916,220	2,859,513	3,246,270	1,683,889	78,300,647	70,778,733
<b>Accumulated Amortization</b>									
Beginning of year	-	2,881,839	13,791,559	4,509,475	1,022,762	2,103,810	-	24,309,445	23,275,422
Annual amortization	-	149,794	427,536	208,125	257,470	215,986	-	1,258,911	1,152,451
Disposals	-	-	(447,932)	-	(22,207)	(10,023)	-	(480,162)	(118,427)
End of year	-	3,031,633	13,771,163	4,717,600	1,258,025	2,309,773	-	25,088,193	24,309,446
Net book value	\$ 31,711,747	\$ 3,440,207	\$ 8,640,007	\$ 5,198,620	\$ 1,601,488	\$ 936,497	\$ 1,683,889	\$ 53,212,454	\$ 46,469,287

\*Retirements - Computer hardware and software, once fully amortized, are removed from both assets and accumulated amortization

# Hamilton Region Conservation Authority

## Notes to the Financial Statements

December 31, 2022

---

### 1. Nature of operations

The Hamilton Region Conservation Authority (the "Authority") was established in 1966 under the Conservation Authorities Act of Ontario to manage a designated watershed of approximately 112,000 acres of which the Authority owns over 11,000. The Authority is financed from municipal contributions, government grants, donations, user fees, product sales and services.

---

### 2. Summary of significant accounting policies

#### Basis of accounting and management responsibility

The financial statements of the Hamilton Region Conservation Authority are the responsibility of and prepared by management in accordance with Canadian Public Sector Accounting Standards ("PSAS"). The more significant accounting policies are summarized as follows:

#### Accrual accounting

These statements reflect the incorporation of the full accrual basis of accounting and the reporting of the change in net financial assets and accumulated surplus. The accrual basis of accounting recognizes the effect of transactions and events in the period in which the transactions and events occur, regardless of whether there has been a receipt of payment of cash or its equivalent. Accrual accounting recognizes a liability until the obligation or condition(s) underlying the liability is partially or wholly satisfied. Accrual accounting recognized an asset until the future economic benefit underlying the asset is partially or wholly used or lost.

#### Revenues and expenditures

Revenues are comprised of grants, contributions, user fees, management fees, regulatory fees and revenue from other Authority services. Revenues are recorded in the period in which the transactions or events occurred that gave rise to the revenues. Expenditures are recorded in the period that the goods or services are acquired, whether or not revenues for those expenditures are raised in the current or following periods.

#### Donations

Donations are recorded in income in the period they are received, unless designated for a specific purchase that is to occur in a later period at which time the related revenue will be recognized. Donated tangible capital assets, materials and services are recorded at fair market value when fair value can be reasonably estimated.

#### Cash and cash equivalents

Cash and cash equivalents includes cash on hand and balances held in the bank.

# Hamilton Region Conservation Authority

## Notes to the Financial Statements

December 31, 2022

---

### 2. Summary of significant accounting policies – continued

#### Pension plans

The Authority maintains a defined contribution plan for employees with more than one year service and who were hired subsequent to January 1, 2006.

Under the plan, the Authority matches employee contributions to a maximum of 6% of gross income.

#### Tangible capital assets

Tangible capital assets are comprised of property, plant and equipment and are recognized as assets in the period they are acquired. Tangible capital assets are recorded at cost which includes all amounts directly attributable to acquisition, construction, development or betterment of the asset. Amortization is provided on a straight-line basis, declining balance for vehicles, over the estimated useful life for all assets except land which is not amortized. Work in progress assets are not amortized until the asset is available for productive use.

Service life of tangible capital assets is estimated as follows:

Land improvements	10 - 20 years
Infrastructure	20 - 75 years
Building & building improvements	40 years
Machinery, equipment	3 - 10 years
Vehicles (light and heavy duty)	15 - 35 percent

The Authority has a collection of art and historical buildings which now include a multitude of artifacts and chattels which came with the acquisition of the Westfield Heritage Village. None of these are included as part of the tangible capital assets due to the lack of any objective value comparatives.

#### Government transfers

Government transfers are recognized in the financial statements as revenues in the period in which the events giving rise to the transfer occur, providing the transfers are authorized, any eligibility criteria have been met and reasonable estimates of the amounts can be made.

#### Inventory

Inventories for resale are valued at the lower of cost or net realizable value.

#### Use of estimates

The preparation of financial statements in conformity with PSAS accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities as at the date of the financial statements, and the reported amounts of revenues and expenditures during the period. Actual results could differ from those estimates.

# Hamilton Region Conservation Authority

## Notes to the Financial Statements

December 31, 2022

---

### 2. Summary of significant accounting policies – continued

#### Contaminated sites

Contaminated sites are the result of contamination being introduced in air, soil, water or sediment of a chemical, organic or radioactive material or live organism that exceeds an environmental standard. A liability for remediation of contaminated sites is recognized, net of any expected recoveries, when all of the following criteria are met: a) an environmental standard exists; b) contamination exceeds the environmental standard; c) the Authority is directly responsible or accepts responsibility for the liability; d) future economic benefits will be given up; and e) a reasonable estimate of the liability can be made. Changes in this estimate are recorded in the Authority's statement of operations.

---

### 3. Confederation Beach Park

These statements do not include the operating revenues and expenditures relating to Confederation Beach Park which is a separate and distinct operation owned by the City of Hamilton and managed by the Authority under a formal management agreement with the municipality.

All existing real and personal Confederation Beach Park property as at January 1, 1980, all subsequently acquired properties, and any surpluses or deficits generated during a fiscal year will remain the exclusive property of the City of Hamilton.

Under the terms of the management agreement, the Hamilton Region Conservation Authority has exclusive authority to manage specifically defined areas of Confederation Beach Park for the City of Hamilton. In payment for the management function, the Authority receives a management fee of 15% of operating expenditures. This management fee accrues to the Authority for its own purposes. The newest version of the management agreement has been agreed to and signed by both the City of Hamilton and the Hamilton Region Conservation Authority and runs from January 1<sup>st</sup>, 2017 until December 31<sup>st</sup>, 2026, inclusive.

---

### 4. Restricted cash

Included in cash and cash equivalents is \$207,377 (2021 – \$202,897) that was received as an endowment fund which has been externally restricted by the organization that contributed the amount.

---

### 5. Government remittances payable

Included in accounts payable and accrued liabilities are government remittances payable of \$103,429 (2021 – \$52,527).

---

# Hamilton Region Conservation Authority

## Notes to the Financial Statements

December 31, 2022

### 6. Related party transactions

	<u>2022</u>	<u>2021</u>
Municipal funding recognized as revenue in the current year	\$ 6,748,592	\$ 6,678,400
Funding from the Hamilton Conservation Foundation	738,410	161,542
Management fees from Confederation Beach Park	438,067	202,424
Receivable from (Payable to) the City of Hamilton	(20,380)	27,828
Municipal taxes paid to the City of Hamilton and Township of Puslinch	(141,109)	(115,556)

### 7. Employee future benefit costs

	<u>2022</u>	<u>2021</u>
Accumulated Sick Leave Liability	\$ 22,730	\$ 35,988
Supplemental early retirement package	85,199	93,220
Post-retirement benefits	43,766	48,269
	<u>\$ 151,695</u>	<u>\$ 177,477</u>

Under the Authority's sick leave plan, certain employees hired prior to January 1, 1993 become entitled to a cash payment when they leave the Authority's employment. The liability for these accumulated days, to the extent they are vested and could be taken in cash by employees on termination, is funded by operations.

The Authority committed in October 2002 to pay a former general manager a supplemental early retirement package. At the end of the current year, the cost of an annuity to satisfy this obligation was \$85,199 (2021 - \$93,220) based on competitive quotes received from several insurance companies.

The Authority is committed to provide full health, life and vision coverage for all employees who have retired prior to the age of 65 for the period until they reach 65 years of age. A liability has been set up based on the current benefit rates for those retirees eligible for this coverage. The estimated value of these benefits in the current year is \$43,766 (2021 - \$48,269).

### 8. Deferred revenues

Revenue received but not earned at year-end is as follows:

	<u>2022</u>	<u>2021</u>
Storage fees and deposits	\$ 928,159	\$ 845,492

# Hamilton Region Conservation Authority

## Notes to the Financial Statements

December 31, 2022

### 9. Accumulated surplus

	<u>2022</u>	<u>2021</u>
Reserve Funds		
Acquisitions of provincially significant lands or eligible water related projects	\$ 3,561,449	\$ 6,200,509
Future projects and operating areas	7,257,919	9,293,386
Tangible Capital Assets	53,212,454	46,469,287
Operating surplus	<u>1,736,040</u>	<u>2,125,143</u>
Accumulated surplus	<u>\$ 65,767,862</u>	<u>\$ 64,088,325</u>

### 10. Donations in kind

During the year, in addition to cash donations, the Authority was the beneficiary through donations in kind of tangible capital assets with a total appraised value of \$1,488 (2021 - \$ Nil).

### 11. Defined contribution pension plan

Employer contributions to the Authority's defined contribution pension plan for the year was \$358,227 (2021 - \$313,250). The Plan is designed whereby employee contributions, ranging from 2% to 6% of gross salary, are matched by the employer.

### 12. Miscellaneous expense breakdown

	<u>2022</u>	<u>2021</u>
Computer software, hardware & support	\$ 166,874	\$ 159,707
Mechanical & garage supplies	147,121	116,797
Property taxes	141,109	123,857
Memberships & subscriptions	102,584	100,114
Postage, printed material & supplies	72,012	52,876
Communications & advertising	54,077	50,865
Third party equipment rental	30,993	22,840
Interest & banking	15,088	17,736
All other	<u>63,785</u>	<u>59,934</u>
	<u>\$ 793,643</u>	<u>\$ 704,726</u>

# Hamilton Region Conservation Authority

## Notes to the Financial Statements

December 31, 2022

### 13. Contingent liabilities

The Authority is involved from time to time in litigation, which arises in the normal course of business. In respect of any outstanding claims, the Authority believes that insurance coverages are adequate, and that no material exposure exists on the eventual settlement of such litigation.

### 14. Contractual obligations and commitments

As at December 31, 2022, the Authority is committed to \$11,559 (2021 - \$18,543) with respect to ongoing contracts for equipment in the following years:

2023	\$	5,761
2024		3,278
2025		<u>2,520</u>
	\$	<u>11,559</u>

### 15. Budget figures

The budgeted figures are presented for comparison purposes and were adopted by the Authority on November 4<sup>th</sup>, 2021. The adopted budget conforms to the Canadian Public Sector Accounting Standards except for the effect of the acquisition and amortization of tangible capital assets and principal repayment on debt. A reconciliation of the adopted and reported budgets is as presented below.

#### Adopted budget:

Budgeted annual surplus for the year	\$	450
--------------------------------------	----	-----

#### Adjustments to adopted budget:

Amortization of tangible capital assets	(1,050,000)
Block funding for major maintenance and capital projects	2,000,000
Removal of intercompany and funding from reserves	<u>(22,216)</u>

<b>Restated budgeted surplus</b>	<b><u>\$</u></b>	<b><u>928,234</u></b>
----------------------------------	------------------	-----------------------



## Hamilton Region Conservation Authority Schedule of Corporate Support

For the Year Ended December 31	2022	2022	2021
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>
<b>Revenues</b>			
Municipal levy & special projects	\$ 2,418,085	\$ 2,676,663	\$ 2,908,142
Rentals	488,285	489,858	455,242
Management fees	400,000	438,067	202,424
Interest	90,000	360,970	91,524
Hamilton Conservation Foundation	185,264	152,108	92,263
Admissions, product, service & program fees	74,000	101,875	86,039
Federal grant recovery	-	(892,588)	-
Other income	-	5,324	33,215
	<u>3,655,634</u>	<u>3,332,277</u>	<u>3,868,849</u>
<b>Expenditures</b>			
Wages & benefits	3,565,249	2,449,392	2,602,384
Staff expenses	124,800	636,361	689,056
Utilities	321,750	368,691	328,532
Professional fees	172,913	229,308	188,361
Contractors / consultants	152,500	213,691	85,885
Materials & supplies	101,100	71,544	59,186
Miscellaneous expense (Note 12)	1,215,137	516,444	442,176
	<u>5,653,449</u>	<u>4,485,430</u>	<u>4,395,580</u>
Amortization	<u>200,000</u>	<u>333,340</u>	<u>245,369</u>
	<u>5,853,449</u>	<u>4,818,770</u>	<u>4,640,949</u>
Annual surplus (deficit)	<u>\$ (2,197,815)</u>	<u>\$ (1,486,493)</u>	<u>\$ (772,100)</u>

## Hamilton Region Conservation Authority Schedule of Watershed Management Services

For the Year Ended December 31	2022	2022	2021
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>
<b>Revenues</b>			
Municipal levy & special projects	\$ 1,698,310	<b>\$ 1,448,324</b>	\$ 1,158,883
Regulatory fees	280,250	<b>301,194</b>	303,490
Federal & Provincial grants	201,246	<b>292,378</b>	473,527
Private and In-Kind donations	1,470	<b>5,353</b>	510
Hamilton Conservation Foundation	-	-	1,027
Other income	-	<b>5,409</b>	10,678
	<u>2,181,276</u>	<u><b>2,052,658</b></u>	<u>1,948,115</u>
<b>Expenditures</b>			
Wages & benefits	1,954,496	<b>1,533,944</b>	1,423,770
Contractors / consultants	10,170	<b>239,741</b>	126,881
Staff expenses	27,000	<b>205,624</b>	221,429
Materials & supplies	52,050	<b>54,519</b>	22,503
Professional fees	28,282	<b>45,317</b>	14,697
Utilities	23,500	<b>22,660</b>	16,750
Miscellaneous expense (Note 12)	72,494	<b>58,531</b>	60,930
	<u>2,167,992</u>	<u><b>2,160,335</b></u>	<u>1,886,960</u>
Annual surplus (deficit)	<u>\$ 13,284</u>	<u><b>\$ (107,677)</b></u>	<u>\$ 61,155</u>

## Hamilton Region Conservation Authority Schedule of Land Management Operations

For the Year Ended December 31	2022	2022	2021
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>
<b>Revenues</b>			
Municipal levy & special projects	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000
Admissions, product, service & program fees	6,269,132	6,457,101	7,240,724
Hamilton Conservation Foundation	500	586,302	68,252
Rentals	397,820	385,941	277,890
Other income	48,750	50,286	67,284
	<u>8,716,202</u>	<u>9,479,630</u>	<u>9,654,150</u>
<b>Expenditures</b>			
Wages & benefits	3,013,388	2,784,847	2,824,666
Contractors / consultants	185,000	697,213	304,236
Professional fees	392,973	435,892	457,775
Materials & supplies	388,025	382,081	339,477
Utilities	297,761	336,884	300,600
Staff expenses	47,235	313,008	272,083
Products for resale	298,303	297,108	309,104
Miscellaneous expense (Note 12)	180,751	180,914	177,018
	<u>4,803,437</u>	<u>5,427,947</u>	<u>4,984,960</u>
Amortization	<u>800,000</u>	<u>844,758</u>	<u>828,441</u>
	<u>5,603,437</u>	<u>6,272,705</u>	<u>5,813,401</u>
Annual surplus	<u>\$ 3,112,765</u>	<u>\$ 3,206,925</u>	<u>\$ 3,840,749</u>

## Hamilton Region Conservation Authority Schedule of Westfield Heritage Village

For the Year Ended December 31	2022	2022	2021
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>
<b>Revenues</b>			
Municipal contributions	\$ 623,605	\$ 623,605	\$ 611,375
User fees	207,000	227,697	171,914
Federal and Provincial grants	-	76,000	-
Donations	-	15,088	1,600
Food and novelty	2,000	8,993	1,980
Other Authority generated	1,000	12,398	26,465
	<u>833,605</u>	<u>963,781</u>	<u>813,334</u>
<b>Expenditures</b>			
Wages & benefits	587,187	507,310	479,583
Staff expenses	1,200	61,366	69,965
Contractors / consultants	8,000	61,342	21,433
Utilities	52,200	59,234	46,128
Materials & supplies	35,700	51,533	21,822
Professional fees	28,443	33,032	16,840
Products for resale	2,000	4,615	817
Miscellaneous expense (Note 12)	68,875	37,753	24,602
	<u>783,605</u>	<u>816,184</u>	<u>681,189</u>
Amortization	<u>50,000</u>	<u>80,813</u>	<u>78,641</u>
	<u>833,605</u>	<u>896,997</u>	<u>759,830</u>
Annual surplus	<u>\$ -</u>	<u>\$ 66,784</u>	<u>\$ 53,504</u>

Submitted on Tue, 05/30/2023 - 14:18

Submitted by: Anonymous

Submitted values are:

**Committee Requested**

Committee  
General Issues Committee

Will you be delegating in-person or virtually?  
Virtually

Will you be delegating via a pre-recorded video?  
Yes

**Requestor Information**

Requestor Information  
Louis Frapporti

Preferred Pronoun  
he/him

Reason(s) for delegation request  
Louis Frapporti (via video submission), PJ Mercanti and Greg Maychak (in writing and in person) wish to attend the June 14th General Issues Committee meeting for the purposes of addressing the staff report related to the Hamilton100 Commonwealth Games bid.

I will fill out separate requests for each of PJ Mercanti and Greg Maychak.

Will you be requesting funds from the City?  
No

Will you be submitting a formal presentation?  
Yes

Submitted on Tue, 05/30/2023 - 14:27

Submitted by: Anonymous

Submitted values are:

**Committee Requested**

Committee  
General Issues Committee

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

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

**Requestor Information**

Requestor Information  
PJ Mercanti

Preferred Pronoun  
he/him

Reason(s) for delegation request  
On behalf of Hamilton100, PJ Mercanti and Greg Maychak (in writing and in person) along with Louis Frapporti (via video submission) wish to address the June 14th General Issues Committee meeting for the purposes of addressing the staff report related to the Hamilton100 Commonwealth Games bid?

Louis Frapporti's request has been separately submitted.

Will you be requesting funds from the City?  
No

Will you be submitting a formal presentation?  
Yes

Submitted on Tue, 05/23/2023 - 08:17

Submitted by: Anonymous

Submitted values are:

**Committee Requested**

Committee  
General Issues Committee

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

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

**Requestor Information**

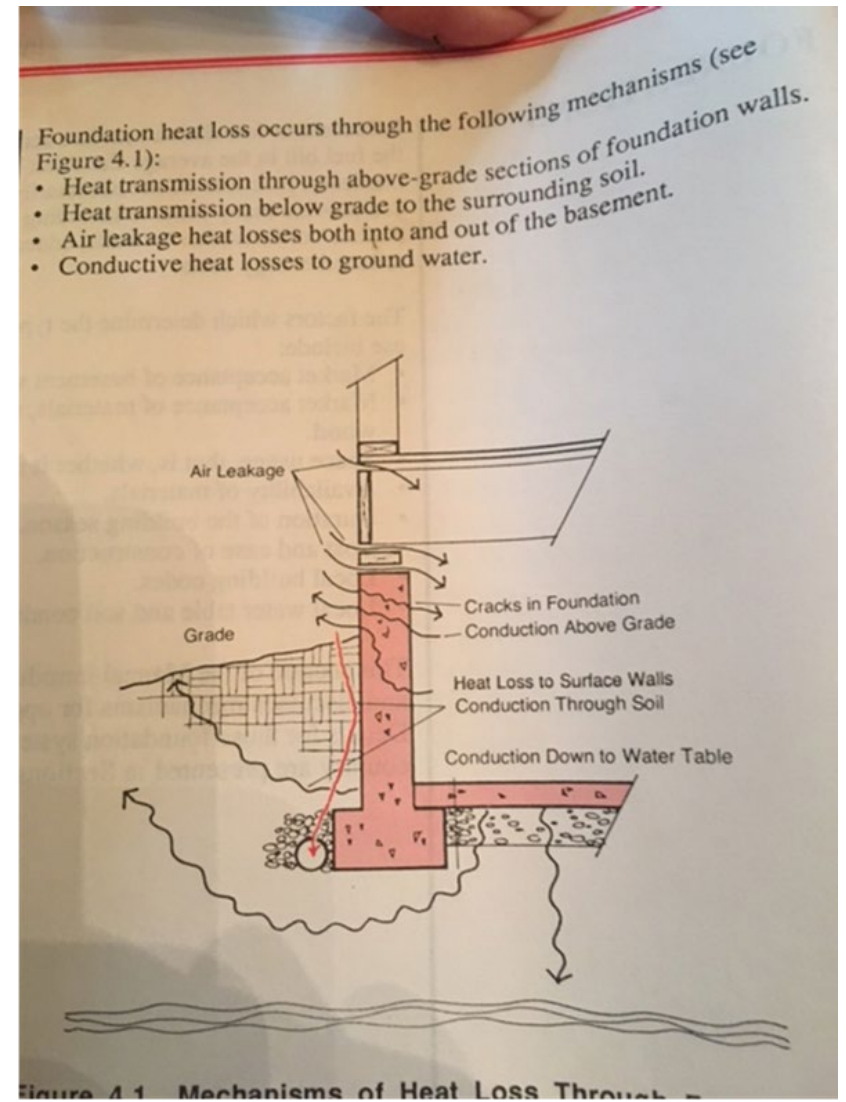
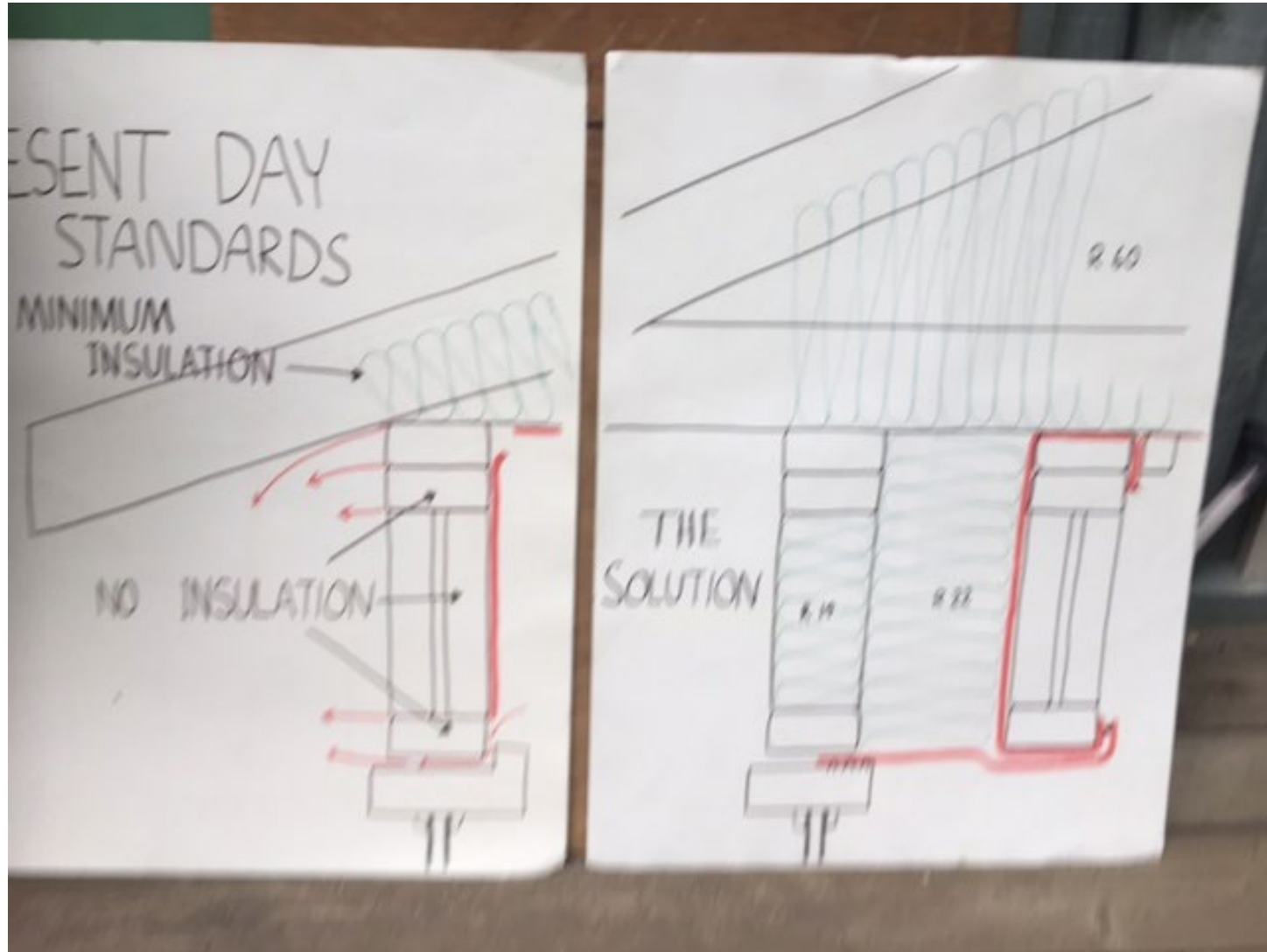
Requestor Information  
David Braden

Preferred Pronoun  
he/him

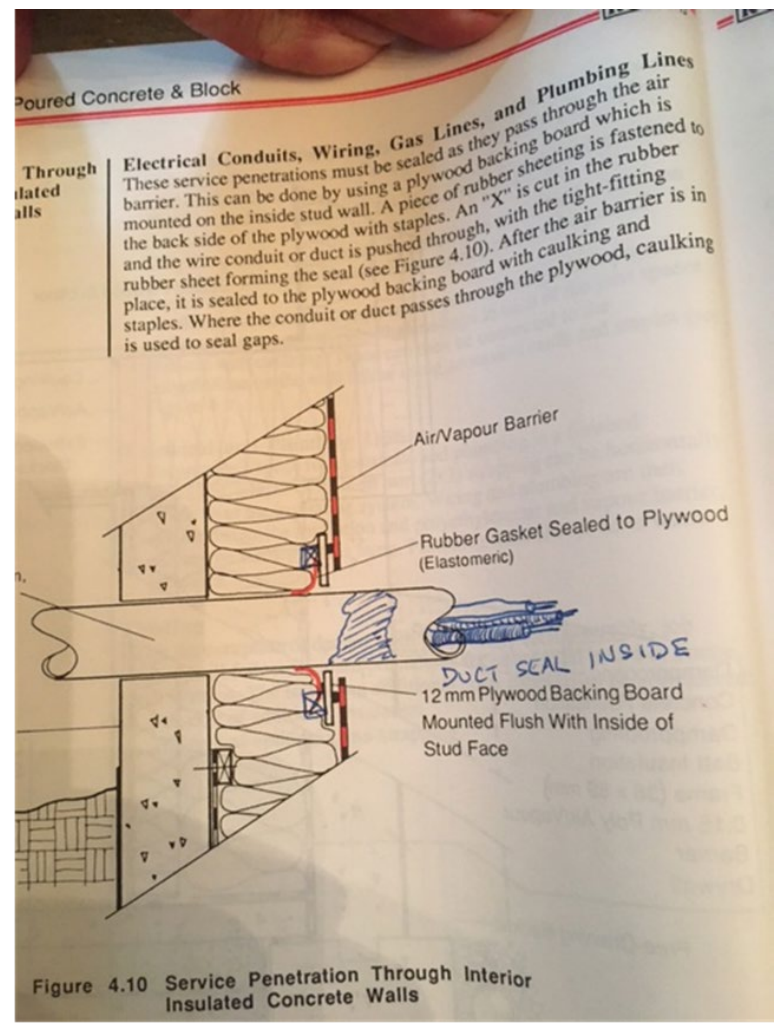
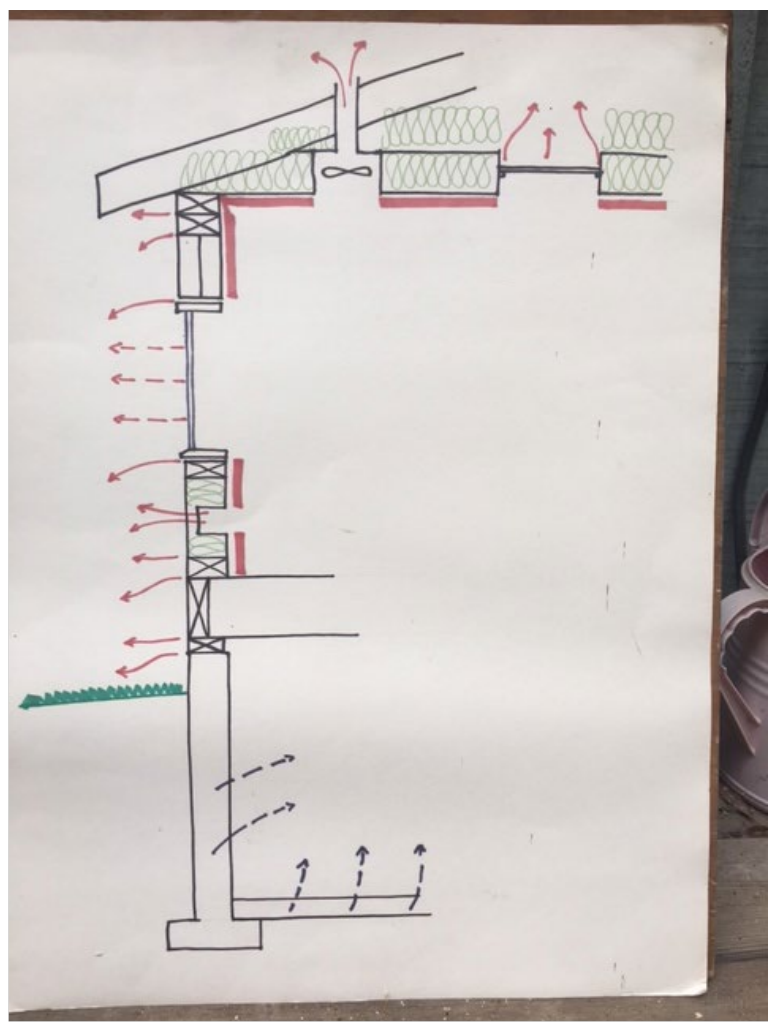
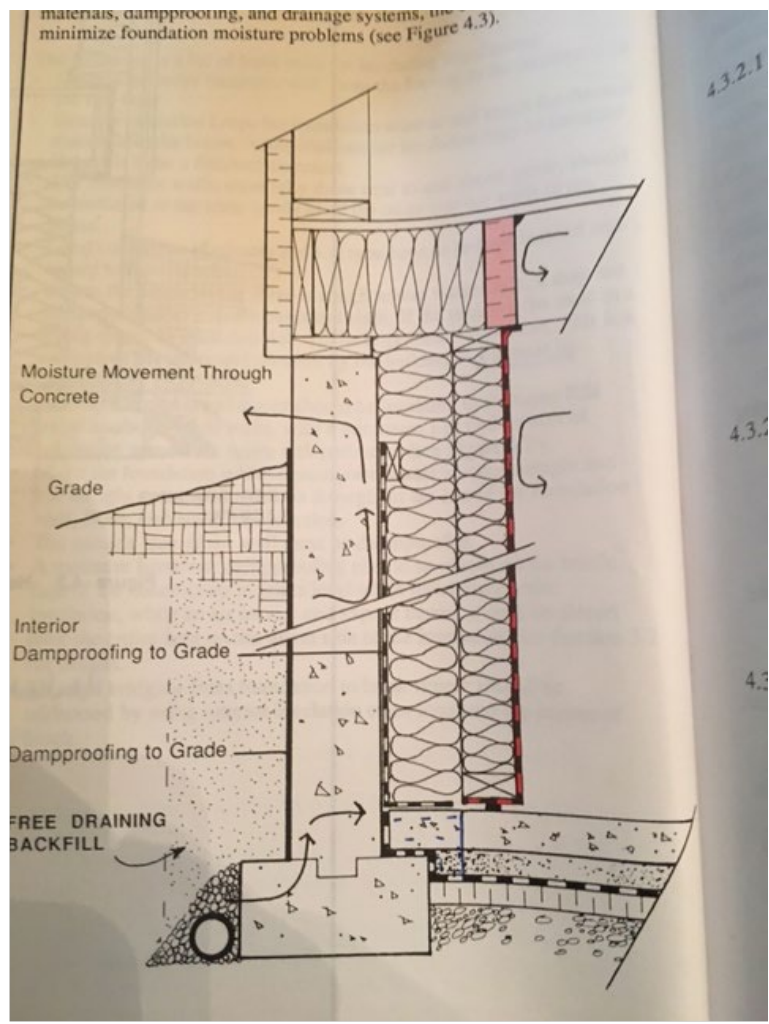
Reason(s) for delegation request  
Based on experience and some success, I will recommend that the City take a number of specific actions to respond to causes of climate change as far as buildings are concerned. In my last appearance, I spoke only about the process of applying for permission. In this presentation I will answer the question, "what should the City do now?"

Will you be requesting funds from the City?  
No

Will you be submitting a formal presentation?  
No







...and conduits, running to the main service box, can be sealed by passing them through a rubber gasket, mounted on a plywood backing board on which the main service box is mounted. Wiring passing through top plates and end studs can be sealed with caulking. Electrical boxes can be placed in site-built or prefabricated, airtight boxes (see Figure 5.14).

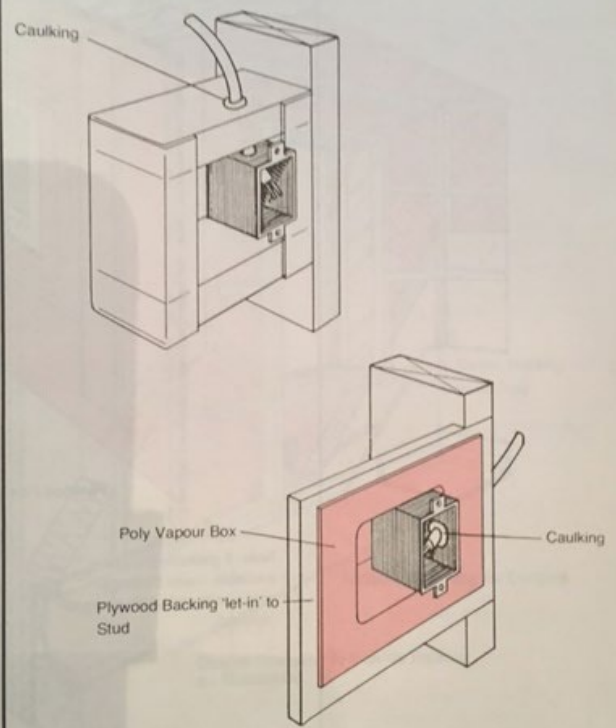


Figure 5.14 Electrical Penetrations

Code... water vapour in those spaces... accomplished by having a continuous soffit ventilation strip along with ridge ventilation. In colder regions of Canada, where fine blowing snow is a problem, local authorities may approve sealed attics with no ventilation.

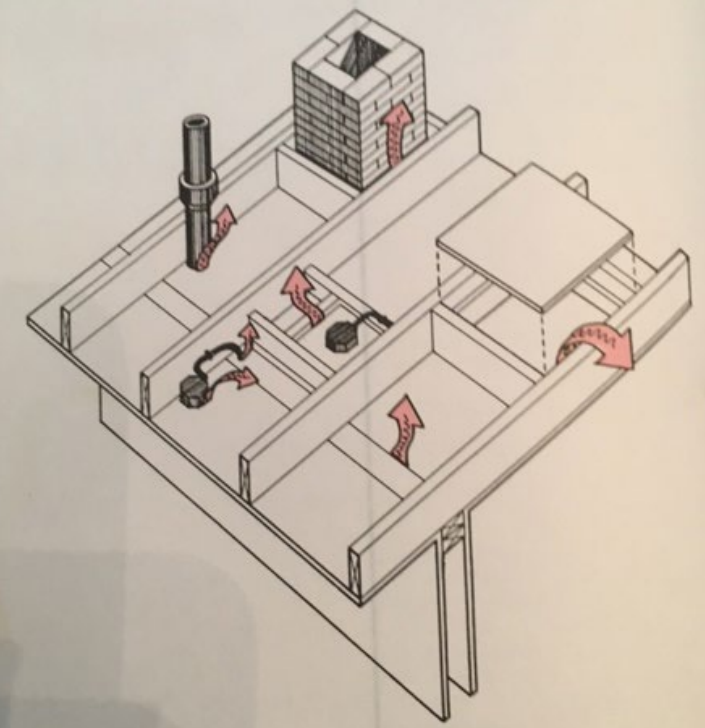


Figure 6.1 Air/Heat Leakage in Conventional Attics

burner, an electric resistance element or with a heating coil from a boiler or furnace. They are certainly the most commonly used. On the other hand, instantaneous heaters, which are usually installed at the point of use, eliminate both tank standby losses and line distribution losses, resulting in a 10 to 20 per cent reduction in energy requirements. The currently available tankless units suitable for R-2000 houses use electricity as an energy source (see Figure 9.10b). The disadvantages of these units are that they have a very high power draw when in use and/or deliver relatively low flow rates. The capital costs can also be high, particularly where more than one unit is required.

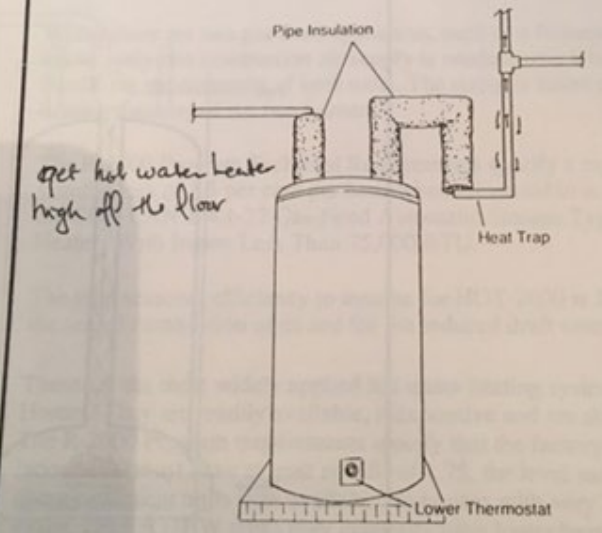


Figure 9.10a Domestic Hot Water Tanks

### **Affordable and Energy Efficient Housing**

The City needs to declare both affordable housing and energy efficient housing as priorities for attention, resources, reduction of fees, one stop service and quick turnaround times.

The City needs to acknowledge that it does not have the means to adequately address these two goals: it must cooperate with others.

Members of Council may need a refresher, in non-technical language, about the concepts of energy efficiency, energy conservation and heat transfer.

City Staff, especially those in the front line, need access to similar but more in depth, technical understanding of energy aspects.

As a starting point, the City should focus on what exists now: existing houses with their surrounding properties and usually owned by independent homeowners.

Since homeowners are generally the sole decision makers in undertaking construction projects, the City needs to engage them as first-time, non-professional builders/developers at their level of understanding and (in)experience.

The City should provide "in house, climate ambassadors" to assist and lead the first 1,000 applicants who want to build affordable or energy efficient housing or both, through the design and application processes.

The City adopts the role of EDUCATION for energy use in buildings given the absence of such leadership by the Federal Government, the Provincial Government, industry and municipal governments.

The City will provide readily available information about energy efficiency, energy conservation and heat transfer (no need to reinvent the wheel - all the information has been around for ages but it must be differentiated from popular misconceptions).

The City should identify known problems/deficiencies with new builds (and the Building Code) and provide proven options. It should also offer information to reduce the risks of flooding and severe wind damage.

Similarly, the City should point out the problems of typical, existing houses and provide effective recommendations (this information exists now).

A number of accompanying slides illustrate some common problems and some uncommon solutions.

The City develops ideas/options for typical house models ( e.g. narrow, 2 storey pre WWII houses, bungalows, raised ranches, split levels, and 2 storey units with double garages out front) to help motivate homeowners to consider making an extra dwelling unit by conversions.

The City to acquire "working drawings", pre-approved by the Building Department, for converting double car garages into a separate dwelling unit.

The City will be guided in its decisions by a balance between existing zoning regulations and societal goals for affordable and energy efficient housing. Staff will be empowered to stray from a rigid interpretation of regulations and apply flexibility providing the principles of safety and longevity are maintained.

The City will determine a "made in Hamilton" definition/description of "energy efficient" (perhaps 50% more efficient than the Building Code) and "affordable" (possibly the maximum of 30% of income standard).

This would be a good start.

Further suggestions related to the above;

The City should highlight the advantage of expanding the building envelope using innovative, green standards in order to create additional housing units.

The City will initiate the planning of a workshop attended for citizens at large focusing on information, practicality, skills development and proven effectiveness.

The City will promote understanding and dependability of harnessing renewable energy including demonstrations at City Hall (south entrance) and other appropriate spots to demonstrate its benefits for electricity and hot water.

Submitted on Wed, 05/24/2023 - 11:40

Submitted by: Anonymous

Submitted values are:

### **Committee Requested**

Committee  
General Issues Committee

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

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

### **Requestor Information**

Requestor Information  
Rob Maclsaac  
Hamilton Health Sciences  
Hamilton Health Sciences - King West  
P.O. Box 2000  
Hamilton, ON. L8N 3Z5  
[president@hhsc.ca](mailto:president@hhsc.ca)  
905 521 2100

Preferred Pronoun  
he/him

Reason(s) for delegation request  
Request for Hamilton Health Sciences and St Joseph's Healthcare Hamilton to present at the June 14, 2023 General Issues Committee meeting. The focus for the presentation will be an update regarding Hamilton hospital redevelopment.

Will you be requesting funds from the City?  
No

Will you be submitting a formal presentation?  
Yes



# Healthcare for Hamilton.

Advancing Hamilton's Healthcare Infrastructure

City of Hamilton: General Issues Committee  
June 14, 2023

# About today's briefing

- ▶ Hamilton is a growing city with significant hospital infrastructure
- ▶ Several major hospital facilities initially constructed in mid1900s need to be redeveloped in the next 25 years
- ▶ Projects of this magnitude require significant partnership from provincial and local government and community donors
- ▶ Hamilton hospitals and the City of Hamilton have a history of strong partnerships and we wish to work collaboratively to develop a coordinated and informed approach to support future planning

## **Focus for today:**

- ▶ Provide overview of major hospital redevelopment projects
- ▶ Seek support to work with City staff to explore local share funding options

# Benefits of Hamilton Hospital Redevelopment

- ▶ Provide care for patients in a modern, safe environment
- ▶ Enhance ability to attract healthcare professionals and other team members to work and live in Hamilton
- ▶ Maintain partnerships with McMaster and Mohawk to engage learners and advance research
- ▶ Improve environmental sustainability; utilize existing transit and other infrastructure
- ▶ Economic benefits of investment in the city
- ▶ **Advance the City's vision "to be best place to raise a child and age successfully."**



# Multiple patient care sites

Hamilton sites include:

- 4 Emergency Depts including
- 2 Urgent Care Centres
- Rehabilitation and Complex Care sites
- Shared transitional care facility



# Factors Driving Redevelopment

- ▶ Accommodating future projected patient care needs associated with population growth and aging
- ▶ Facility age, cost of ongoing infrastructure repair
- ▶ Need to meet modern standards for infection prevention and control, accessibility, and safety
- ▶ Improving the patient and family experience and accommodating leading technology advancements
- ▶ Continuing to attract the best and brightest health care providers to provide care in modern care spaces



# Redevelopment Projects: 2023-2040

## Underway:

- ▶ **Juravinski Site (HHS)**
  - Redevelop patient care facility (phased construction estimated 2028 – 2032)

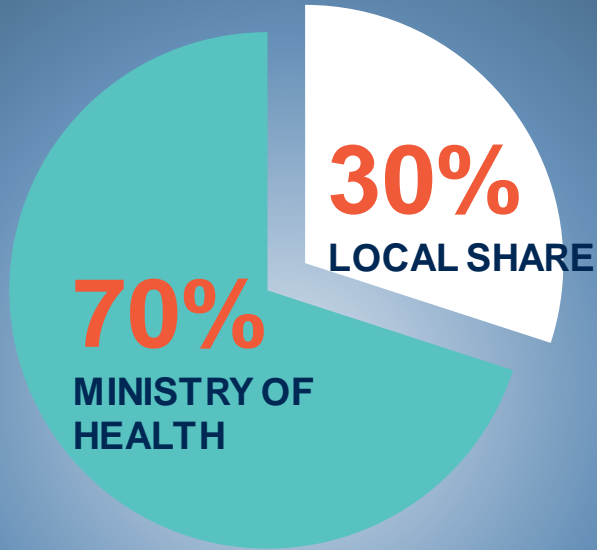
## Future projects:

- ▶ **Hamilton General Site (HHS)**
  - Redevelop Hospital
  - Build Women and Children’s Hospital
- ▶ **St Peter’s (HHS)**
  - Redevelop Hospital
- ▶ **Charlton Site (SJHH)**
  - New Patient Tower/ Redevelop Hospital



# Funding Hospital Redevelopment

- ▶ Provincial government provides significant portion of funds
- ▶ Provincial funding model requires non-Ministry funding for:
  - 10% of total construction cost
  - 100% of equipment, furniture, fixtures and parking costs will be covered by non-Ministry sources
- ▶ Local share commitments are required during project planning phase. **Hospital projects are not approved for construction without identified source(s) for local share funding.**
- ▶ For Ministry approval purposes, the local commitment required is set at 30% of the estimated total project cost; final cost is refined as planning proceeds.



Local Share sources include:

- Philanthropic fundraising
- Municipal contribution



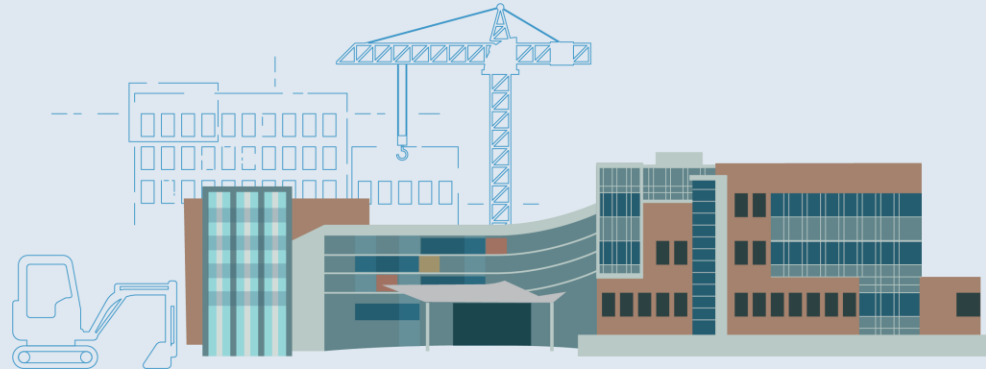
# Municipalities and Local Share Funding

- ▶ Municipalities province-wide are contributing financially to secure hospital infrastructure renewal and major equipment investments for service expansion
- ▶ Recent municipal commitments for \$1-2B projects range from \$45M to \$230M; average municipal commitment as a % of total project cost ranges from 6.8% - 18%
- ▶ Commitments required in the form of Council motion in order to receive government approval and funding to proceed with detailed planning
- ▶ Funds required by substantial completion

# Moving Forward

► Next Step:

- Seek support to engage with City staff to explore local share funding options






[www.hamiltonhealthsciences.ca](http://www.hamiltonhealthsciences.ca)



[www.stjoes.ca](http://www.stjoes.ca)



**CITY OF HAMILTON**  
**CITY MANAGER'S OFFICE**  
**Government and Community Relations**

<b>TO:</b>	Chair and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Accessibility Award Program (CM23012) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jocelyn Strutt (905) 546-2424 Ext. 5702
<b>SUBMITTED BY:</b>	Morgan Stahl Director, Government Relations & Community Engagement City Manager's Office
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the City of Hamilton establish an Accessibility Award Program to recognize individuals, businesses, community organizations and groups that have made a significant contribution towards improving access for persons with disabilities in Hamilton;
- (b) That the 2023 Advisory Committee for Persons with Disabilities budget be increased by an amount up to but not exceeding \$9,000 from the Volunteer Committee Reserve #112212 be approved for estimated costs to support the administration, marketing and promotion of the new Accessibility Award Program;
- (c) That the 2024 Advisory Committee for Persons with Disabilities budget be increased by \$9,000 to support the administration, marketing and promotion of the new Accessibility Award Program; and,
- (d) That the item respecting the Accessibility Award Program be removed from the Outstanding Business List.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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



**SUBJECT: Accessibility Award Program (CM23012) (City Wide) - Page 2 of 7**

---

**EXECUTIVE SUMMARY**

Many municipalities across Ontario and Canada have established an award program that recognizes the achievements that an individual, group or organization has made or is making towards improving access for persons with disabilities. At the March 23, 2022, meeting of the General Issues Committee, in response to the motion from the Advisory Committee for Persons with Disabilities, Council directed staff to review options and criteria for establishing an Accessibility Award Program for the City of Hamilton.

Members of the Advisory Committee for Persons with Disabilities identified in 2022 that an award program would contribute to raising awareness about the importance of accessibility and universal design. This aligns with the Committee's goal "to consider the needs of all in order to make this City a more equitable, diverse and inclusive place to live".

In early 2023, staff worked with members of the Outreach Working Group, a direct working group of the broader Advisory Committee for Persons with Disabilities, to draft an Accessibility Award framework, including:

- Award Statement
- Eligibility Requirements
- Selection Factors
- Award Type and Timing

At the April 2023 Advisory Committee for Persons with Disabilities meeting, the framework was endorsed by the Committee (attached as Appendix "A" to Report CM23012).

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The \$9,000 increase to the annual budget for the Advisory Committee for Persons with Disabilities will be used for the development and implementation of the Accessibility Award Program, beginning in 2024.

**Staffing:** The Staff Liaison for the Advisory Committee for Persons with Disabilities will administer the award process. They will consult with the Talent and Diversity Office to ensure the awards process is in alignment with the City's Multi-Year Accessibility Plan.

**Legal:** There are no legal implications of this report.

**SUBJECT: Accessibility Award Program (CM23012) (City Wide) - Page 3 of 7**

---

**HISTORICAL BACKGROUND**

At the February 8, 2022, meeting of the Advisory Committee for Persons with Disabilities (Advisory Committee for Persons with Disabilities), members discussed the importance of recognizing, promoting and encouraging individuals, businesses and organizations who champion accessibility or make improvements to the inclusion and accessibility of Hamilton. The establishment of an award program would meaningfully demonstrate the nominees' commitment to accessibility and highlight their achievement(s) to the broader Hamilton community. A motion to establish an award program was brought to the General Issues Committee (GIC) by the Advisory Committee for Persons with Disabilities. At the March 23, 2022, GIC meeting, the following direction was provided:

“That staff be directed to review options and criteria for establishing an Accessibility Award Program for City of Hamilton individuals, businesses and organizations that have made significant contribution beyond legislative requirements, towards improving access for persons with disabilities in Hamilton, and report back to the General Issues Committee.

That representation from the Advisory Committee for Persons with Disabilities be included in the development of the eligibility and award criteria as well as the selection process for the Accessibility Award Program”.

In order to inform the development of the Award Program, staff conducted a comprehensive scan of other municipal award programs that champion accessibility, as highlighted in Table 1. In addition to award parameters, a review of budget allotments was also conducted. Budgets for municipal awards ranged from \$3,000 on the lower end to \$25,000 on the higher end. This scan provided a baseline understanding of other municipal approaches to recognizing achievements in accessibility and inclusion.

Using this information, staff met with the Advisory Committee for Persons with Disabilities on February 14, 2023 to initiate the process of establishing an Accessibility Award Program. At that meeting, the item was referred to the Outreach Working Group with the direction to develop an award framework. The Outreach Working Group met on February 21, 2023 and March 6, 2023 to address the key components of the award, including its goal statement, eligibility requirements, selection criteria, award format and timing.

**SUBJECT: Accessibility Award Program (CM23012) (City Wide) - Page 4 of 7****Table 1 – Municipal Accessibility Award Programs**

<b>Municipality</b>	<b>Population (2017)</b>	<b>Award Program</b>
<b>Ontario</b>		
City of Barrie	153,356	✓
City of Brampton	603,346	✓
City of Brantford	102,159	✓
City of Burlington	205,960	✓
City of Hamilton	579,200	
City of Kingston	136,685	✓
City of London	404,699	✓
City of Sarnia	71,594	✓
City of Toronto	2.93 million	✓
City of Windsor	233,763	✓
<b>Out of Province</b>		
City of Calgary	1.336 million	✓
City of Edmonton	981,280	✓
City of Winnipeg	749,534	✓
City of Vancouver	675,218	✓

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Members of the Advisory Committee for Persons with Disabilities recommends to the City of Hamilton policy, procedure and standards that address the needs and concerns of all disabilities. This work is carried out in accordance with the Ontarians with Disabilities Act (ODA) and the Accessibility for Ontarians with Disabilities Act (AODA) in matters of customer service, employment, transportation, design of public spaces and information and communication. There are no policy implications to the establishment of an Accessibility Award Program.

There are no legislated requirements for the establishment of an Accessibility Award Program.

**SUBJECT: Accessibility Award Program (CM23012) (City Wide) - Page 5 of 7**

---

**RELEVANT CONSULTATION****Advisory Committee for Persons with Disabilities**

In February 2023, staff from the Government and Community Relations Division met with Advisory Committee for Persons with Disabilities to introduce the scope of work and seek direction on next steps for the establishment of an Accessibility Award Program. At that meeting, the item was referred to the Outreach Working Group.

The Outreach Working Group, comprised of eight members, met on two occasions (February 21, 2023, and March 6, 2023) to develop the key components of the Accessibility Award Program. The work was then summarized and presented back to the Advisory Committee for Persons with Disabilities committee members at their April 11, 2023, meeting where it was unanimously supported.

**Age-Friendly City, Healthy and Safe Communities Department**

Hamilton's plan for an age-friendly community outlines strategic goals, objectives and recommendations for older adults and seniors living in the City. An important part of Hamilton's age-friendly work includes celebrating seniors who have made an outstanding voluntary contribution to the City through the annual Senior of the Year Awards program. Staff engaged with the Age-Friendly team in December of 2022 to understand the evolution of the Senior of the Year Awards program that has been in place for 28 years. That information was used to inform the Accessibility Award Program recommended in this Report. It is recognized that the Senior of the Year Awards program has evolved and grown over time. It is anticipated that the Accessibility Award program will also start modestly and evolve over time.

**Talent and Diversity Office, Human Resources Department**

The Talent and Diversity Office, embedded within Human Resources, monitors the City's Multi-Year Accessibility Plan. This Plan outlines how the City of Hamilton will maintain compliance with legislative requirements and continue working towards barrier-free programs, services and opportunities. The Accessibility Award has a strong alignment to the work of this team. To ensure that the Award continues to grow, develop, and contribute to the goals of the City's Multi-Year Accessibility Plan, collaboration with this team is encouraged.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The City of Hamilton has a number of awards and recognitions that celebrate and honour those who contribute to making Hamilton the best place to raise a child and age successfully. Examples of current City of Hamilton awards include: Arts Awards, Community in Motion Awards, HMHC Heritage Recognition Awards, Heritage Day Awards, Senior of the Year Awards, Sport Volunteer Awards, Trillium Awards and, Urban Design and Architecture Awards.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Accessibility Award Program (CM23012) (City Wide) - Page 6 of 7**

---

Advisory Committee for Persons with Disabilities members felt strongly that the work of individuals, businesses, organizations, and groups who are working towards improving awareness and understanding of accessibility and inclusion should be recognized and celebrated. This Award may also contribute towards progress in enhancing accessibility and inclusion efforts across the City of Hamilton.

The Outreach Working Group drafted an award statement that outlines the importance of this award for Council and the broader community:

“The award celebrates the outstanding achievements by individuals, businesses, community organizations and groups to improving awareness and understanding of accessibility and inclusion throughout the City of Hamilton. We highlight and recognize the significant contributions in making Hamilton the best place to live, work and play together and encourage others to try new ideas”.

It is proposed that the inaugural Accessibility Award be conferred at the annual Accessibility Fair in early October 2024. It is proposed that the Award ceremony will focus on establishing awareness of the Award Program in the early years of its inception and then work to grow the Award Program over time. Highlights of the proposed Accessibility Award Program include:

- Award Type: Certificate conferred annually at the Accessibility Fair held in October.
- Award Design: Will include a request for proposal to the community for a design that represents the diverse range of disabilities in the City of Hamilton.
- Award Categories: Four categories, including: (1) community members, (2) youth, (3) local businesses, and (4) community organizations and/or groups.
- Award Eligibility: Must be a resident, business or community organization located in Hamilton.
- Award Selection Factors: six categories proposed, with a focus on innovation, environment, awareness, customer service and employment for persons with disabilities.
- Award Budget: \$9,000 annually to support the process of establishing, advertising, selecting and conferring the award to successful nominees. The budget also addresses important accessibility needs, such as American Sign Language (ASL) interpretation, captioning or providing print materials in alternate formats.

Appendix “A” to Report CM23012 provides a detailed outline of the Award Framework.

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


---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Accessibility Award Program (CM23012) (City Wide) - Page 7 of 7**

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

**Healthy and Safe Communities**

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

**Built Environment and Infrastructure**

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

**Culture and Diversity**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report CM23012: City of Hamilton Accessibility Award Program Summary

# Hamilton Accessibility Award Summary

## WHY?

- Not finding progress in accessibility
- Highlight who is making the effort, champions

### **February 2022**

The Advisory Committee for Persons with Disabilities requested Council to consider the establishment of an Accessibility Award Program for City of Hamilton individuals, businesses, community organizations and groups that have made a significant contribution beyond legislative requirements, towards improving access for persons with disabilities in Hamilton.

## WHAT?

### ***Draft Statement***

"This Award celebrates the outstanding achievements by individuals, businesses, community organizations and groups to improving awareness and understanding of accessibility and inclusion throughout the City of Hamilton. We highlight and recognize the significant contributions in making Hamilton the best place to live, work and play together and encourage others to try new ideas".

- Type: Certificate
- Design: RFP to community for design
- Budget: Honorarium to be paid for winning design

## WHO?

### Four Categories:

- ✓ Community Member
- ✓ Youth Community Member (29 years of age or less)
- ✓ Local Business
- ✓ Community Organization and/or group

### Eligibility

Resident, community organization / group, or business based in the City of Hamilton

The achievement should reflect the nominee's positive impact on accessibility in the City of Hamilton

The selection will be based on the information submitted with the nomination form. Additional information, such as testimonials, videos, pictures, list of additional nominators will be considered

The nominee must provide their express consent to the nominator as part nomination submission



## HOW?

### **Selection Criteria (Contributions Made in the Following Areas)**

**The selection committee will consider the degree to which an individual, business or community organization / group:**

- Demonstrates innovation and creativity in preventing, identifying and/or removing barriers to accessibility
- Enhances / improves the quality of life for persons with disabilities
- Develops or delivers effective awareness about disability and accessibility barriers
- Provides exemplary accessible customer or client service or support
- Demonstrates a commitment to ensuring an inclusive and accessible environment for persons with disabilities
- Demonstrates a commitment to supporting, accommodating, and retaining persons with disabilities in employment and volunteer opportunities

## WHEN?

- Award will be presented annual at the Accessibility Fair
- Committee will work towards growing celebration, similar to the annual Seniors Year Award
- Annual Budget: \$9,000
  - Budget will be used to support:
  - design, advertising, promotion of the awards program
  - the award presentation, including food and beverages
  - accessibility needs, which may include American Sign Language, captioning or providing alternate formats of print materials

## NEXT STEPS

- General Issues Committee: June 14, 2023
  - Outreach Working Group will work on presentation to General Issues Committee
  - Draft the Staff Report to bring forward recommendations for Accessibility Award Program, beginning 2024



# ACCESSIBILITY AWARD



Hamilton



Presented by:  
Jocelyn Strutt | SPM, Public Engagement  
Paula Kilburn | ACPD Member  
James Kemp | ACPD Member

June 14, 2023

# HELLO!

## Meet the Advisory Committee for Persons with Disabilities (ACPD)

We are Hamilton residents with a diverse range of disabilities that strive to consider the needs of all in order to make this city a more equitable, diverse and inclusive place to live.





# UNDERSTANDING THE CONTEXT

Population % With  
a Disability

HAMILTON: 27.7%

ONTARIO: 24%

CANADA: 22%



# NEW ACCESSIBILITY AWARD

Why are awards important?

What will the award do for our  
community?

Who else is celebrating accessibility?

What is Hamilton's approach?



# ACCESSIBILITY AWARD

“This Award celebrates the outstanding achievements by individuals, businesses, community organizations and groups to improve awareness and understanding of accessibility and inclusion throughout the City of Hamilton.

We highlight and recognize the significant contributions in making Hamilton the best place to live, work and play together and encourage others to try new ideas”.





# OUR AWARD STRATEGY

## 4 CATEGORIES

 Community Member

 Youth Community Member  
(under 29 years)

 Local Business

 Local Community  
Organization / Group

## ELIGIBILITY

- Must live or operate in Hamilton
- Achievement reflects the nominee's positive impact on accessibility in the City of Hamilton
- Selection is based on information submitted through the nomination process



# AWARD CRITERIA



Demonstrates innovation and creativity in preventing, identifying and/or removing barriers to accessibility



Demonstrates a commitment to ensuring an inclusive and accessible environment for persons with disabilities



Develops or delivers effective awareness about disability and accessibility barriers



Provides exemplary accessible customer or client service or support



Enhances / improves the quality of life for persons with disabilities



Demonstrates a commitment to supporting, accommodating, and retaining persons with disabilities in employment and volunteer opportunities

# ACCESSIBILITY AWARD



## AWARD FORMAT

Community-designed award



## AWARD DELIVERY

Conferred annually at the Accessibility Fair



## AWARD BUDGET

Focused on administration, marketing and promotion

\$9,000





# THANK YOU

We are happy to answer  
any questions

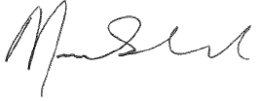



Hamilton





# INFORMATION REPORT

<b>TO:</b>	Mayor and Members City Council
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	2022 Economic Development Action Plan Update (PED23095) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Adam Durrant (905) 546-2424 Ext. 4486
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

N/A

## INFORMATION

### Overview

On October 27, 2021 Hamilton City Council approved the 2021-2025 Economic Development Action Plan (EDAP) (PED21001). This Strategy identified six priority areas of work: facilitating a skilled and adaptable workforce; enhancing digital infrastructure and services; growing business and investments; moving goods and people; revitalizing priority areas and placemaking; building transformational projects. This update serves as a scorecard on each of those priority areas, noting the completed, in development,

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 2 of 13**

---

and not yet started action items from within the EDAP's 77 action items and its 13 stretch targets.

As of the end of 2022, 25 of the EDAP's 77 action items were completed, with 12 awaiting initiation and the remaining 40 in various stages of development.

Table 1. provides a high-level breakdown of these actions grouped by each EDAP priority area. Appendix "A" to Report PED23095 this Report, provides a progress scorecard on each action item. Among the completed action items there are some which represent finite projects (e.g. document production or strategy creation) and others that represent ongoing work. This Report notes the difference in Section 2.

**Table 1: EDAP Action Item Scorecard**

<b>EDAP Priority Area</b>	<b>Completed in 2021</b>	<b>Completed in 2022</b>	<b>In Development in 2022</b>	<b>Awaiting Start as of 2022</b>
<b>Skilled and Adaptable Workforce</b>	3	1	5	2
<b>Enhancing Digital Infrastructure and Services</b>	1	4	2	2
<b>Growing Business and Investment</b>	1	4	10	3
<b>Moving Goods and People</b>	1	3	7	2
<b>Revitalizing Priority Areas and Placemaking</b>	3	2	7	1
<b>Building Transformational Projects</b>	1	1	9	2
<b>All EDAP Actions</b>	<b>10</b>	<b>15</b>	<b>40</b>	<b>12</b>

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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



**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 3 of 13**

Table 2a and 2b provide a high-level summary on the EDAP's stretch targets.

**Table 2a: EDAP Stretch Target Scorecard Part 1**

<b>Stretch Target</b>	<b>2022 Update</b>	<b>Current Status</b>
<b>Add seven million square feet of new Industrial/Commercial space</b>	2021 - 2,683,882 square feet added 2022 - 1,094,860 square feet added <b>Total - 3,778,742 square feet added</b>	Trending Ahead of Target
<b>Generate a total of \$2.5 billion in Industrial/Commercial construction value</b>	2021 - \$717,247,894 generated 2022 - \$326,145,645 generated <b>Total - \$1,043,393,539 generated</b>	On target
<b>Increase new gross commercial/industrial assessment by 1.5 % per year</b>	3.2% increase in assessment in 2021 (\$204 million) <b>3.4% increase in assessment value in 2022 (\$284.5 million)</b>	Trending Ahead of Target
<b>Triple the municipal tax assessment on the Stelco lands</b>	2021 assessment: \$42,270,000 <b>2022 assessment: \$42,270,000</b>	Behind target
<b>Increase Hamilton's shovel-ready land supply by 500 acres</b>	2020 shovel-ready supply: 637.5 Acres <b>2022 shovel-ready supply: 546.85 Acres</b>	Behind target
<b>Increase immigration to Hamilton by 25% by 2025 (2019 Immigration Refugees and Citizenship Canada (IRCC) reported immigration admissions for Hamilton as the baseline)</b>	5,405 immigrants to Hamilton in 2021 – a 52.3% increase on the 2019 benchmark 4,530 immigrations to Hamilton in 2022 – a 25.3% increase on the 2019 benchmark <b>Average increase across 2021 and 2022: 38.8%</b>	Achieved - Ongoing

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 4 of 13**

**Table 2b: EDAP Stretch Target Scorecard Part 2**

<b>Stretch Target</b>	<b>2022 Update</b>	<b>Current Status</b>
<b>Create and maintain a list of 1,000 living wage employers in Hamilton</b>	255 self-identified living wage employers identified in 2021 368 self-identified living wage employers identified in 2022 <b>Working list total: 623 employers</b>	On target
<b>Achieve an average ground-floor commercial storefront occupancy of 90% across the Business Improvement Areas</b>	2021 Average of BIA Occupancy: 93.2% <b>2022 Average of BIA Occupancy: 89.3%</b>	Trending Behind Target
<b>Reduce downtown office vacancy rate to pre-pandemic levels (2019 as benchmark)</b>	2021 Vacancy Rate: 12.9% (1.0% above the 2019 rate) <b>2022 Vacancy Rate: 13.3% (1.4% above the 2019 rate)</b>	Behind Target
<b>Invest a minimum of \$1 million in tourism development from the Municipal Accommodation Tax Program</b>	MAT collection initiated on January 1, 2023.	TBD
<b>Attract five major events that generate a total combined economic impact of at least \$50 million</b>	7 major events attracted within the scope of the 2021-2025 EDAP <b>Realized economic impact from 4 held events 2021-22: \$21,000,000</b>	On Target
<b>Increase transit ridership to pre-pandemic ridership levels by 2023</b>	2021 ridership (revenue rides): 9,972,964 46.0% of 2019 benchmark <b>2022 ridership (revenue rides): 15,216,234 70.3% of 2019 benchmark</b>	Trending to Target
<b>Generate \$1 million in direct city revenue from film production activity within Hamilton</b>	\$957,408 in revenue generated in 2021 \$721,207 in revenue generated in 2022 <b>Total 2021-2022: \$1,678,615</b>	Achieved - Ongoing

OUR Vision: To be the best place to raise a child and age successfully.

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

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



**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 5 of 13**

---

**Update on Action Items Achieved in 2022**

**The completed item under the Facilitation of a Skilled and Adaptable Workforce priority includes:**

Action Item 2 (AI2): Review the CityLAB Program for the purposes of potential continuation and expansion; and,

CityLAB was approved during the 2022 budget cycle (CM21009) and began operating as a permanently funded Program. Activities to refresh CityLAB's Strategic Plan occurred in 2022 with a focus on exploring opportunities to broaden the scope of the Program. CityLAB's recent work on Black Indigenous and People of Colour (BIPOC) Entrepreneurship is aligned to A Just Recovery for Hamilton (2021)'s focus on investing in workforce development opportunities for Black, Indigenous, racialized communities, people with disabilities and 2SLGBTQIA+ communities.

**The completed items under the Enhancing Digital Infrastructure and Services priority include:**

Action item 13 (AI13): Complete a city Digital Strategy;

The request for proposals for Digital Strategy went to market in April of 2022 with work beginning in Q3/Q4 of 2022. The completed Strategy (CM23010) was presented to Council and approved at the February 2023 General Issues Committee;

Action item 16 (AI16): Develop and Implement expanded Public Internet Access initiatives (Ongoing Project);

The Public Spaces and Parks Wi-Fi Project was completed with support from the Canadian Healthy Communities Initiative Grant application that was approved in June 2021 (FCS21020(a)). Digital, Innovation and Strategic Partnerships is engaged in ongoing work to identify additional opportunities for public internet initiatives over the lifespan of the EDAP;

Action item 17 (AI17): Develop and implement Digital Divide/Equity Initiatives (Ongoing Project);

The Public Spaces and Parks Wi-Fi project also helped support Digital Divide/Equity within Hamilton. In addition, the Digital Equity based stream for the Community Enrichment Fund pilot was approved in August 2022 (CM22015/GRA22003) with successful grant applicants to be awarded in 2023. Digital, Innovation and Strategic Partnerships is engaged in ongoing work to identify additional opportunities to support the Digital Divide/Equity initiative over the lifespan of the EDAP;

**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 6 of 13**

---

Action Item 18 (AI18): Expansion of Digital Main Street partnerships to support the growth. (Ongoing Project); and,

The Hamilton Business Centre signed a new, two-year Program commitment with Digital Main Street to deliver version 4.0 of the Program in Hamilton. Current Program goals include disbursement of more than \$2,000,000 by the end of the contract in 2024.

Each of these four action items are closely aligned to A Just Recovery for Hamilton (2021)'s focus on increasing public internet access as a key component to inclusive city building.

**The completed items under the Growing Business and Investment priority include:**

Action Item 26 (AI26): Complete a feasibility study on a food business incubator to provide space, training, resources and distribution assets for entrepreneurs to access wholesale or retail markets;

A final Report and presentation was provided to staff via a project team from the University of Toronto's Masters of Urban Innovation Program, with the recommendation that an incubator was not feasible given the substantial financial and administrative capacities to operate. The Report anticipated that a city-run incubator would experience challenges in financing machinery, equipment, and staff;

Action Item 28 (AI28): Create and implement a Life Sciences Sector Strategy (Ongoing Project);

The Life Sciences Sector Strategy was finalized in December 2021 with a Report received by General Issues Committee (GIC) (PED22033) in February 2022;

Action Item 30 (AI30): Initiate and implement an updated Advanced Manufacturing Sector Strategy - including Aerospace, Electrical and Autonomous vehicle opportunities (Ongoing Project);

The Advanced Manufacturing Sector Strategy was subsequently retitled the Manufacturing Strategy as to be inclusive of existing manufacturing strengths in Hamilton – work commenced in May 2022 with a Report received by GIC (PED23005) in January 2023;

Action Item 34 (AI34): Update the City of Hamilton's Foreign Direct Investment Strategy (Ongoing Project); and,

**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 7 of 13**

---

The Foreign Direct Investment Strategy began work in July 2022 with work completed in December 2022 and a Report received by GIC (PED23033) in April 2023.

**The achieved items under the Moving Goods and People priority include:**

Action Item 40 (AI40): Finalize the Truck Route Master Plan;

The Truck Route Master Plan was approved in April of 2022 (PED19073(c)). This was followed by signage and by-law changes for a March 2023 implementation of the Plan;

Action Item 42 (AI42): Expand micro-mobility travel options such as Bike Share and E-scooters (Ongoing Project);

A partnership was approved in February 2022 between the City of Hamilton and Bike Share (PED20109(d)). A request for proposals for commercial e-scooter operators was issued in Q2 2022 with a Commercial Pilot Program which launched in April 2023;

Action Item 44 (AI44): Continue to investigate the potential for on-demand transit services to provide or supplement regular public transit services to, from and within employment areas and community nodes, using the Flamborough On-Demand Service as a pilot; and,

The On-Demand Transit Pilot Program ran from September 2021 to September 2022. A post pilot period ran from September 2022 to November 2022, when the Program was transitioned to a hybrid service model. An April 3, 2022 Report to Council (PW23023) proposed to continue hybrid service.

**The achieved items under the Revitalizing Priority Areas and Placemaking priority include:**

Action Item 57 (AI57): Conduct analysis and consultations regarding the potential implementation of the Small Business Property Tax Subclass;

A May 2022 Report (FCS22031) to the GIC recommended not to adopt the optional Small Business Property Tax Subclass given challenges of implementation, expected costs, and uncertainty of benefits to the business community;

Action Item 59 (AI59): Transition the operating and capital obligations of the city's Entertainment Assets to Hamilton Urban Precinct Entertainment Group and facilitate the private sector's renovation/redevelopment of the Downtown Entertainment Precinct; and,

**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 8 of 13**

---

In 2022 the City of Hamilton and the Hamilton Urban Precinct Arts and Entertainment Group (HUPEG) successfully executed lease agreements, which include the obligation of HUPEG to assume operating arrangements for entertainment facilities.

**The achieved item under the Building Transformational Projects priority include:**

Action Item 68 (AI68): Implement the Bayfront Strategy (Ongoing Project); and,

The Bayfront Industrial Area Strategy Phase 2 (PED14117(d)) was received by at General Issues Committee on September 21, 2022. Staff in Business Investment and Sector Development have been identified to monitor the implementation of the actions contained within the Strategy.

**Update on Stretch Targets**

**Stretch Target 1: Add seven million square feet of new industrial commercial space**

The City of Hamilton added 119,479 square feet of commercial space and 975,382 square feet of industrial space for a total of 1,094,861 square feet of new combined industrial and commercial space. During the first two years of the 2021-2025 EDAP, Hamilton has added 3,778,742 square feet of combined industrial and commercial space. This figure is approximately 54.0% of the five-year stretch target.

**Stretch Target 2: Generate a total of \$2.5 billion in industrial/commercial construction value**

In 2022 the City of Hamilton achieved \$217,474,115 in industrial construction values and \$108,671,530 in commercial construction values. Adding the combined \$326,145,645 from 2022 with the \$717,247,894 reported in 2021 totals \$1,043,393,539 in construction value, or 41.7% of this five-year stretch target in years one and two.

**Stretch Target 3: Increase new gross commercial/industrial assessment by 1.5 % per year**

In 2022 the gross assessment of the industrial and commercial tax classes increased by \$284.5 million, which is equivalent to 3.4%. This exceeded the 1.5% target and was higher than the 3.2% increase recorded in 2021. The most significant development was the Amazon Fulfillment Centre which is now the property with the third-largest single assessment in the city. Other notable developments include the expansion of the DHL facility, Corbec Ontario, and the Lincoln Electric Facility (formerly Burlington Automation).

**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 9 of 13**

---

**Stretch Target 4: Triple the municipal tax assessment on the Stelco lands**

In 2022 the Municipal Property Assessment Corporation assessed Slate Group's (formerly Stelco's) property at 386 Wilcox St. at \$42,270,000. This is consistent with the assessed value in 2021. An economic impact analysis conducted by Ernst and Young anticipates that the conversion of the 800 acres of industrial land, purchased by Slate Group, to an industrial park has the potential to inject \$3.8 billion into the Ontario economy. This Plan positions Stretch Target 4 as having a feasible – if long term – path to completion.

**Stretch Target 5: Increase Hamilton's shovel ready land supply by 500 acres**

In 2020 Hamilton's business parks housed approximately 637.5 acres of shovel ready lands. A 2022 update ((PED16161(b)) to this inventory reports 546.8 acres of shovel ready land within Hamilton's business parks. A total of 90.7 acres shovel ready lands were absorbed in 2021 and 2022; however, no new lands were added in 2021 and 2022. Table 3. provides a breakdown of shovel ready lands, noting that additional shovel ready lands are not expected to be added to the West Hamilton Innovation District and both Dundas and East Hamilton industrial parks over the duration of the EDAP.

**Table 3: Employment Area Inventory 2020-2022**

<b>Business Park</b>	<b>2020 Acres</b>	<b>2022 Acres</b>
<b>AEGD</b>	29.7	25.9
<b>Ancaster</b>	89.0	85.3
<b>Stelco/Bayfront</b>	98.8	98.8
<b>Flamborough</b>	69.2	54.4
<b>Stoney Creek</b>	106.3	93.4
<b>Redhill North and South</b>	244.6	189.0
<b>Total</b>	<b>637.5</b>	<b>546.8</b>

**Stretch Target 6: Increase immigration to Hamilton by 25% by 2025 (2019 IRCC reported immigration admissions for Hamilton as the baseline)**

Data from Immigration Refugees and Citizenship Canada (IRCC), noted below in Table 4., reflect Hamilton's share of Canada's immigrant population. This data notes a 52.3% increase between 2021 and 2019 and a 25.3% increase between 2022 and 2019. Combined, these years produce an average 38.8% increase in immigration to Hamilton over the 2019 benchmark.

**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 10 of 13**

---

**Table 4: Immigration to Hamilton**

<b>2019 Immigration to Hamilton</b>	<b>2020 Immigration to Hamilton</b>	<b>2021 Immigration to Hamilton</b>	<b>2022 Immigration to Hamilton</b>
3,425	2,185	5,405	4,860

As immigration to Hamilton has increased, so too have the Hamilton Immigration Partnership Council's (HIPC) activities to promote a welcoming and safe community. HIPC's 2022 activities (PED22111) and current 2023 activities (PED23096) reflect key recommendations under A Just Recovery for Hamilton's (2023) calls for tackling systemic racism.

**Stretch Target 7: Create and maintain a list of 1,000 living wage employers in Hamilton**

In 2022 Economic Development Staff delivered the Employer One Survey (Formerly Hamilton Workforce and Business Needs Survey) in partnership with Workforce Planning Hamilton. This survey collected insights from 368 employers who self-identified living wage employers.

Since 2021, a total of 623 employers have now self-identified as living wage employers. 2023 will see this list shared with partner organizations in Hamilton for further verification and validation.

Economic Development's efforts under this stretch target, combined with careful review of investment inquiries where city-held employment lands are concerned, are making efforts toward meeting A Just Recovery for Hamilton (2021)'s recommendations for quality jobs and compensation.

**Stretch Target 8: Achieve an average ground-floor commercial storefront occupancy of 90% across the Business Improvement Areas (BIAs)**

Table 5. provides an update on the ground floor occupancy in Hamilton's BIAs. The average ground floor storefront occupancy across all of Hamilton's BIAs stood at 89.3% in 2022. This is down from the 93.2% reported in 2021.

The current data notes seven of Hamilton's BIAs with ground floor occupancy above 90%. City Staff are leveraging expansions of the My Main Streets Program, participation in vacant storefront activations, and targeted incentives through Community Improvement Project Areas to work to increase occupancy in Hamilton's BIAs.

**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 11 of 13**

---

**Table 5: Average BIA Occupancy**

<b>2021 Average</b>	93.2%
<b>2022 Average</b>	89.3%

**Stretch Target 9: Reduce downtown office vacancy rate to pre-pandemic levels (2019 as benchmark)**

As of Fall 2022, approximately 13.3% of the Downtown Urban Growth Center total office square footage was vacant. Table 6. provides historical context on this figure, which has increased since the 2019 benchmark. Economic Development staff have met with major downtown landlords to review current priorities and rental trends (PED23081) and have recently secured new commercial real estate software that allows for more timely and comprehensive estimates of office vacancy at the city-wide and ward level.

**Table 6: Office Vacancy, Downtown Urban Growth Center**

<b>Year</b>	<b>Vacancy Rate</b>	<b>Total Vacant Sq. Footage</b>	<b>Total Square Footage</b>
<b>2019</b>	11.9%	667,720	5,598,287
<b>2020</b>	12.5%	705,269	5,645,283
<b>2021</b>	12.9%	728,670	5,631,982
<b>2022</b>	<b>13.3%</b>	<b>690,789</b>	<b>5,196,050</b>

**Stretch Target 10: Invest a minimum of \$1 million in tourism development from the Municipal Accommodation Tax Program**

In 2022, Council approved a by-law (PED20009(c)) to initiate collection of the Municipal Accommodation Tax as of Jan 1, 2023. The EDAP update for 2023 will have initial results from this Program.

**Stretch Target 11: Attract five major events that generate a total combined economic impact of at least \$50 million.**

Hamilton has attracted seven major events to be hosted within the lifespan of the 2021-2025 EDAP:

- 2021 Grey Cup;
- 2022 NHL Heritage Classic;
- 2022 ISU World Skating Championships;

**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 12 of 13**

---

- 2022 FIFA Men's World Cup Qualifier;
- 2023 Canadian Country Music Awards (CCMAs);
- 2023 Grey Cup; and,
- 2024 Canadian Open.

The four events hosted in 2021 and 2022 realized an estimated economic impact of \$21,000,000. This figure is below the anticipated economic impact for these events, which is largely due to restrictions on public gathering and international travel that were in place during the COVID-19 pandemic. Future events can be expected to have larger audiences and economic impact in the absence of COVID-19 restrictions, and it is expected that the financial stretch target will be met by 2025.

**Stretch Target 12: Increase transit ridership to pre-pandemic ridership levels by 2023**

Table 7 breaks down the annual number of revenue-generating rides on Hamilton Street Rail (HSR) between 2019 and 2022.

**Table 7: HSR Annual Ridership**

<b>2019 Revenue Ridership</b>	<b>2020 Revenue Ridership</b>	<b>2021 Revenue Ridership</b>	<b>2022 Revenue Ridership</b>
21,659,817	11,782,746	9,972,964	<b>15,216,234</b>

Ridership in 2022 represents a 52.3% increase over 2021's ridership – a figure that was heavily impacted by the COVID-19 pandemic and associated restrictions. The 2022 level is 70.3% of the ridership reported in 2019, the last complete pre-pandemic year.

**Stretch Target 13: Generate \$1 million in direct city revenue from film production activity within Hamilton**

Table 8. captures the 2021 and 2022 direct city revenues from film production activity. In two years, the City of Hamilton has earned \$1,678,615 from film production, exceeding the stretch target with three years remaining in the current EDAP. These results reflect the fact that film production was able to continue during the pandemic, and that film continues to be a growth industry in Hamilton, with record production volumes in 2021 and 2022.



**SUBJECT: 2022 Economic Development Action Plan Update (PED23095) (City Wide) - Page 13 of 13**

---

**Table 8: City Revenue from Film Production**

<b>2021 Direct City Revenues</b>	<b>2022 Direct City Revenues</b>	<b>EDAP 2021-2025 Total</b>
\$957,408	\$721,207	\$1,678,615

**Next Steps**

Economic Development's next Report to Council on the 2021-2025 EDAP is anticipated in late Q2 of 2024. This mid-term Report will focus reviewing action items and stretch goals that have not reached a completed status, noting:

- Those which are expected to be completed within the scope of the 2021-2025 EDAP;
- Those which are, by their nature, beyond the scope of a Five-Year Economic Development Strategy; and,
- Those which are at risk of being not being completed within the 2021-2025 EDAP and will require a mitigation strategy.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23095 – Status Update on all EDAP Action Items

AD/rb



# INFORMATION REPORT

## Appendix "A" to Report PED23095: Status Update on all EDAP Action Items

**Table 1: Action Item Update – Facilitating a Skilled and Adaptable Workforce**

<b>Facilitating a Skilled and Adaptable Workforce Action Items</b>	<b>Status</b>
1 Approve and implement the Hamilton Immigration Partnership Strategy.	Achieved - Ongoing
2 Review the CityLAB Program for the purposes of potential continuation and expansion.	Achieved - Complete
3 Design and deliver an annual Local Economy and Workforce Needs business survey.	Achieved - Ongoing
4 Assign a Workforce Development "lead" within the Economic Development Division.	Achieved - Complete
5 In collaboration with the workforce development community, create and implement a Workforce Attraction, Retention & Development (Talent) Strategy.	In Development
6 Collaborate with local industry to create an integrated jobs portal.	In Development
7 Implement a Future of work series that acts as an experiential conduit between learners/jobseekers and employers to allow local companies to inform future employees of job and career opportunities in Hamilton.	Initiating
8 Explore the development of a Talent pipeline Program.	In Development
9 Implement a Hamilton Collaborative Talent Zone space where industry and local partners focus on teaching and closing any skills gaps in the Hamilton workforce.	In Development
10 Apply to participate in the Municipal Nominee Program.	Initiating
11 Partner with the workforce and business community to identify employment programs, work development opportunities and initiatives in Hamilton focused on equity- seeking groups, groups disadvantaged by discrimination and marginalized communities in order to recommend future strategies to address existing needs and gaps.	In Development

**Table 2: Action Item Update – Enhancing Digital Infrastructure & Services**

<b>Enhancing Digital Infrastructure &amp; Services Action Items</b>	<b>Status</b>
12 Advocate for and promote investment in broadband connectivity speed increase in Hamilton with a target that all rural Hamilton have access to 50/10 Mbps and urban Hamilton average speed be 100/20 Mbps and 1 Gbps options available to residents and business who need that level of service.	In Development
13 Complete a City Digital Strategy.	Achieved - Complete
14 Complete a City of Hamilton Broadband Strategy.	Initiating
15 Develop a Smart/Connected Communications Strategy.	Initiating
16 Develop and implement expanded Public Internet Access initiatives.	Achieved – Ongoing
17 Develop and implement Digital Divide/Equity Initiatives.	Achieved – Ongoing
18 Expansion of Digital Main Street partnerships to support the growth.	Achieved - Ongoing
19 Develop and implement a Virtual Business Investment and Sales Tour Program.	Achieved - Ongoing
20 Increase the number of services that can be accessed digitally/on-line for citizens and businesses.	In Development

## Appendix "A" to Report PED23095

Page 3 of 6

**Table 3: Action Item Update – Growing Business and Investment**

<b>Growing Business and Investment - Action Items</b>	<b>Status</b>
21 Complete and implement a Tourism Strategy 2021-2025.	In Development
22 Identify opportunities to increase "social", "local" and "green" Procurement.	In Development
23 Update the Film By-law.	In Development
24 Create and implement an Economic Development Marketing Strategy.	Achieved - Complete
25 Update and implement the Hamilton Music Strategy.	In Development
26 Complete a feasibility study on a food business incubator to provide space, training, resources and distribution assets for entrepreneurs to access wholesale or retail markets.	Achieved - Complete
27 Create and implement a Business Succession Planning Program.	In Development
28 Create and implement a Life Sciences Sector Strategy.	Achieved - Ongoing
29 Examine the tourism and business attraction potential of e-Gaming.	In Development
30 Initiate and implement an updated Advanced Manufacturing Sector Strategy - including Aerospace, Electrical & Autonomous vehicle opportunities.	Achieved - Ongoing
31 Establish a local Energy Retrofit accelerator providing a one-stop portal for Hamilton businesses and residents to find local retrofit providers, suppliers and experts.	Initiating
32 Encourage environmental sustainability expansion of the LEED CIP.	Initiating
33 Study the feasibility of establishing an agriculture, agri-food and rural Community Improvement Plan.	Initiating
34 Update the City of Hamilton's Foreign Direct Investment Strategy.	Achieved - Ongoing
35 Operationalize the Global Hamilton Council to support Foreign Direct Investment.	In Development
36 Support and pursue potential funding and partnership opportunities for Hamilton industrial manufacturers to invest in emissions reduction technologies.	In Development
37 Implement a Soft-landing Program for international businesses wanting to establish a presence in Hamilton.	In Development
38 Identify the existing and scope of business support and initiatives in Hamilton focused on equity-seeking groups, groups disadvantaged by discrimination and marginalized communities and recommend future strategies to address needs and gaps.	In Development

**Table 4: Action Item Update: Moving Goods and People**

<b>Moving Goods and People - Action Items</b>	<b>Status</b>
39 Develop a comprehensive Curbside Management Strategy.	In Development
40 Finalize the Truck Route Master Plan update.	Achieved - Complete
41 Complete feasibility studies for A-line, S-Line and remaining Higher Order Transit (BLAST) corridors.	In Development
42 Expand micro-mobility travel options such as Bike Share and E-scooters.	Achieved - Ongoing
43 Commence development of an Integrated Active Transportation Master Plan including cycling, walking and trails.	In Development
44 Continue to investigate the potential for On-Demand Transit Services to provide or supplement regular public transit services to, from and within employment areas and community nodes, using the Flamborough On-Demand Service as a pilot.	Achieved - Complete
45 Design and Launch Smart Commute Hamilton Airport (SCHA) Association. The SCHA would create a program to meet the specialized needs associated with Airport-related employers by helping to coordinate individual employers travel demand management programs.	Initiating
46 Update the Goods Movement Sector Strategy.	Initiating
47 Promote and support the Transportation and Connected Vehicle industry with the Centre of Integrated Transportation and Mobility network.	In Development
48 Work with airport partners to attract new international air cargo operators, increase and expand air routes and intensify newer fuel efficient and noise reduction air fleet.	Achieved - Ongoing
49 Engage with transportation associations, MITL and Fluid Intelligence Program to improve goods movement capabilities, technology and improved sustainable alternatives.	In Development
50 Encourage new development within the Airport and AEGD to incorporate District Energy Systems to reduce environmental impacts.	In Development
51 Work with Port partners to introduce environmentally sustainable options for cargo movement through container service and increased rail and intermodal operations.	In Development

## Appendix "A" to Report PED23095

Page 5 of 6

**Table 5: Action Item Update: Revitalizing Priority Areas and Placemaking**

<b>Revitalizing Priority Areas and Placemaking - Action Item</b>	<b>Status</b>
52 Study the short and mid-term pandemic impacts on the Hamilton office market.	In Development
53 Complete a study investigating retail trends in various commercial settings across the City.	In Development
54 Develop and implement a targeted marketing campaign for Hamilton's office market.	In Development
55 Develop and implement a program to retrofit and modernize underutilized storefront and office spaces (e.g. pop-ups).	Achieved - Ongoing
56 Explore the feasibility of a small business accelerator centre.	In Development
57 Conduct analysis and consultations regarding the potential implementation of the Small Business property tax subclass.	Achieved - Complete
58 Support and foster placemaking projects (including the delivery and evaluation of the Placemaking Grant Pilot Program and encouragement of pedestrianization and open street initiatives).	Achieved - Ongoing
59 Transition the operating and capital obligations of the City's Entertainment Assets to Hamilton Urban Precinct Entertainment Group and facilitate the private sector's renovation/redevelopment of the Downtown Entertainment Precinct.	Achieved - Complete
60 Re-envision the existing Hamilton LEEDing the Way Community Improvement Plan to better incentivize environmentally sustainable development and investments.	Initiating
61 Review and update the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan.	In Development
62 Revise incentive programs to support the achievement of climate change targets (i.e. supporting the depaving of parking lots to green space, supporting charging stations).	Achieved - Complete
63 Update all Commercial Market Assessments for individual Business Improvement Areas.	In Development
64 Promote and establish the West Hamilton Innovation District / McMaster Innovation Park as a global leader innovation, commercialization for Life Sciences, Biomanufacturing, and advanced manufacturing.	In Development

**Table 6 Action Item Update: Building Transformational Projects**

<b>Building Transformational Projects - Action Item</b>	<b>Status</b>
65 Complete feasibility study on how to leverage economic potential of waterfalls and adjacent natural amenities with consideration to environmental and neighbourhood impacts.	Initiating
66 Create landmarks and enhance prominent public places and facilities across the City through the use of design competitions and integrated art (e.g. Copps Pier).	Achieved - Ongoing
67 Prepare a strategy to re-develop City-owned assets with the objective of creating shovel-ready projects for the purposes of affordable housing.	In Development
68 Implement the Bayfront Strategy.	Achieved - Ongoing
69 Complete Dickenson Road trunk sewer to the Airport Employment Growth District.	In Development
70 Complete Dartnall Road extension to Dickenson Road.	In Development
71 Prepare and execute a Master Development Agreement for the City-owned Barton-Tiffany Lands, with the intention of creating a film studio hub.	In Development
72 Execute the West Harbour Re-Development Plan on the City-owned lands transforming the area into a recreational, commercial and residential waterfront destination.	In Development
73 Explore and implement decarbonization initiatives with local industry.	In Development
74 Promote Hamilton's District Energy Systems to major construction projects as a climate change benefit and as a low carbon alternative to traditional energy systems.	In Development
75 Encourage new development within the Airport and AEGD to incorporate District Energy Systems to reduce environmental impacts.	In Development
76 Support private and public sector efforts to further start-up business development including attracting and supporting expansion of research facilities.	In Development
77 Collaborate with Metrolinx, the impacted BIAs, and the Hamilton Chamber of Commerce on strategies and tactics to mitigate negative impacts of construction and maximizing the economic uplift benefits of the LRT investment.	Initiating





# 2021-2025 ECONOMIC DEVELOPMENT ACTION PLAN





# Stakeholder Engagement

City of Hamilton  
COVID-19 Business  
Impact Survey (2020)  
– 1000+ respondents



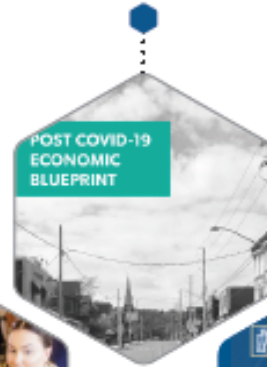
Vital Signs  
2021 Report



2021-2025 EDAP  
Stakeholder  
Engagement (2020)  
– 100+ respondents



Hamilton  
Chamber of  
Commerce  
Policy document



Just Recovery  
Policy Paper



Mayor's  
Taskforce  
for Economic  
Recovery Report



City of Hamilton Business  
Impact & Workforce Needs  
Survey (2021) –  
1500+ respondents



Internal City  
Department  
Engagement



2019 Our Future  
Hamilton Summit  
(Economic Prosperity)  
300+ participants



Hamilton Key Industry  
Sector Outreach  
(2020-2021) –  
100+ participants



Invest Hamilton  
Partnership  
Engagement  
calls

# Six Priorities



- ▶ **FACILITATING A SKILLED AND ADAPTABLE WORKFORCE**
- ▶ **ENHANCING DIGITAL INFRASTRUCTURE AND SERVICES**
- ▶ **GROWING BUSINESS AND INVESTMENTS**
- ▶ **MOVING GOODS AND PEOPLE**
- ▶ **REVITALIZING PRIORITY AREAS AND PLACEMAKING**
- ▶ **BUILDING TRANSFORMATIONAL PROJECTS**

# Scorecard – Action Items

EDAP Priority Area	Action Items Completed in 2021	Action Items Completed in 2022	Action Items in Development as of 2022	Action Items Not Yet Started as of 2022
Skilled and Adaptable Workforce	3	1	6	2
Enhancing Digital Infrastructure & Services	1	4	6	2
Growing Business and Investment	1	4	14	3
Moving Goods and People	1	3	9	3
Revitalizing Priority Areas and Placemaking	3	2	7	3
Building Transformational Projects	1	1	10	2
<b>All EDAP Actions</b>	<b>10</b>	<b>15</b>	<b>40</b>	<b>12</b>

# Select Actions Completed in 2022

- ✓ Review the CityLAB Program for the purposes of potential continuation and expansion
- ✓ Expansion of Digital Main Street partnerships to support the growth
- ✓ Initiate and implement an updated Advanced Manufacturing Sector Strategy - including Aerospace, Electrical and Autonomous vehicle opportunities
- ✓ Finalize the Truck Route Master Plan
- ✓ Conduct analysis and consultations regarding the potential implementation of the Small Business Property Tax Subclass
- ✓ Implement the Bayfront Strategy



# STRETCH TARGET UPDATES

**ST1: Add seven million square feet of new Industrial/Commercial space**

2021 Square Footage 2.683M

**2022 Square Footage 1.094M**

**Square Footage to Date:  
3,778,742**

**Status:**

**Trending Ahead of Target**

## ST2: Generate a total of \$2.5 billion in Industrial/Commercial construction value

2021 Construction Value \$717.2M

**2022 Construction Value \$326.1M**

**Value to date: \$1,043,393,539**

**Status:**  
**On Target**



# ST3: Increase new gross Commercial/Industrial assessment by 1.5 % per year

2021 Assessment: 3.2% increase: \$204 million

**2022 Assessment: 3.4% increase: \$284.5 million**

**Status:**

**Trending Ahead of target**

## ST4: Triple the municipal tax assessment on the Stelco lands

In 2022, Stelco's property at 386 Wilcox St., now under Slate Asset Management's ownership, was assessed at \$42,270,000 – no change from 2021



**Status:**  
**Behind Target**

## ST5: Increase Hamilton's shovel-ready land supply by 500 acres

Approximately 91 acres of shovel ready lands were absorbed in 2021 and 2022.

No new shovel ready lands were added in 2022, however this trend is expected to change in 2023.

**Status:**  
**Behind Target**

# ST6: Increase immigration to Hamilton by 25% by 2025 (2019 IRCC reported immigration admissions for Hamilton as the baseline)

PED 23095/13

2019 Immigration to Hamilton  
3,425

2020 Immigration to Hamilton  
2,185

2021 Immigration to Hamilton  
5,405

**2022 Immigration to Hamilton  
4,860**



**Status:**

**Achieved (Ongoing)**

## ST7: Create and maintain a list of 1,000 living wage employers in Hamilton

623 Employers have self-identified as living wage employers through the Annual Employer One Survey.

Vetting of the employers will commence in 2023 in collaboration with the Hamilton Roundtable for Poverty Reduction will begin in 2023.

**Status:**  
**On target**



# ST8: Achieve an average ground-floor commercial storefront occupancy of 90% across the Business Improvement Areas

PED 23095/15

**2021 Occupancy Avg. 93.2%**

**2022 Occupancy Avg. 89.3%**



**Status:**

**Trending Behind Target**

# ST9: Reduce downtown office vacancy rate to pre-pandemic levels (2019 benchmark)

<b>Year</b>	<b>Vacancy Rate</b>
<b>2019</b>	<b>11.9%</b>
<b>2020</b>	<b>12.5%</b>
<b>2021</b>	<b>12.9%</b>
<b>2022</b>	<b>13.3%</b>

**Status:**  
**Behind Target**

## ST10: Invest a minimum of \$1 million in tourism development from the MAT program

In 2023, Council approved a by-law to initiate collection of the Municipal Accommodation Tax.

The 2023 EDAP Update will provide initial results from this program.



**Status:  
To Be Determined**



# ST11: Attract five major events that generate a total combined economic impact of at least \$50 million

7 major events attracted within the scope of the 2021-2025 EDAP

Realized economic impact from 4 events held in 2021-22:  
**\$21,000,000**



**Status:**  
**On Target**

## ST12: Increase HSR ridership to pre-pandemic ridership levels by 2023

2019 Revenue Generating Rides: 21,659,817

2021 Revenue Generating Rides: 9,972,964  
(46% of benchmark)

**2022 Revenue Generating Rides: 15,216,234**  
**(70% of benchmark)**

**Status:**

**Trending to Target**

# ST13: Generate \$1 million in direct City revenue from film production activity within Hamilton

2021 Revenue: \$957,408

2022 Revenue: \$721,207

**Total Revenue: \$1,678,615**



**Status:**

**Achieved (Ongoing)**

# Scorecard – Stretch Targets

Stretch Target	2022 Update	Current Status
1. Add seven million square feet of new Industrial/Commercial space	3,778,742 square feet added in 2021-22	Trending Ahead of Target
2. Generate a total of \$2.5 billion in Industrial/Commercial construction value	\$1,043,393,539 generated in 2021-22	On target
3. Increase new gross commercial/industrial assessment by 1.5 % per year	3.4% increase in assessment in 2022 (\$284.5 million)	Trending Ahead of Target
4. Triple the municipal tax assessment on the Stelco lands	2022 assessment: \$42,270,000	Behind Target
5. Increase Hamilton’s shovel-ready land supply by 500 acres	2020 shovel-ready supply: 637.5 Acres 2022 shovel-ready supply: 546.85 Acres	Behind Target
6. Increase immigration to Hamilton by 25% by 2025 (2019 IRCC reported immigration admissions for Hamilton as the baseline)	9,935 immigrants to Hamilton in 2021-22 A 38.8% average increase on the 2019 benchmark	Achieved - Ongoing
7. Create and maintain a list of 1,000 living wage employers in Hamilton	623 self-identified living wage employers identified in 2021-22	On target

# Scorecard – Stretch Targets

Stretch Target	2022 Update	Current Status
8. Achieve an average ground-floor commercial storefront occupancy of 90% across the Business Improvement Areas	BIA Occupancy: 89.3%	Behind Target
9. Reduce downtown office vacancy rate to pre-pandemic levels (2019 as benchmark)	2022 Vacancy Rate: 13.3% (1.4% above the 2019 rate)	Trending Behind Target
10. Invest a minimum of \$1 million in tourism development from the Municipal Accommodation Tax program	MAT Collection Initiated on January 1, 2023	TBD
11. Attract five major events that generate a total combined economic impact of at least \$50 million	7 major events attracted Realized economic impact from events in 2021-22: \$21,000,000	On target
12. Increase transit ridership to pre-pandemic ridership levels by 2023	2022 ridership (revenue rides): 15,216,234 – 70.3% of 2019 benchmark	Trending to Target
13. Generate \$1 million in direct City revenue from film production activity within Hamilton	\$1,678,615 in revenue generated in 2021-22	Achieved - Ongoing



# Next Steps



  
Hamilton

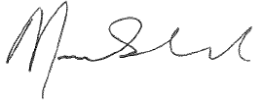
# 2021-2025

ECONOMIC DEVELOPMENT  
**ACTION PLAN**



Hamilton

## INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 31, 2023
<b>SUBJECT/REPORT NO:</b>	Hamilton Immigration Partnership Council - Annual Update (PED23096) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Sarah Wayland (905) 546-2424 Ext. 7565
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

Not Applicable

### INFORMATION

This Report provides an annual update on the Hamilton Immigration Partnership Council (HIPC), covering structure and strategic direction, immigration trends, select recent projects, and highlights for the coming year.

The Hamilton Immigration Partnership Council (HIPC) is a multi-layered community table comprised of a Council, Committees, and Ad Hoc Working Groups supported by a secretariat of three staff. Established in January 2009 under the direction of the City of Hamilton, HIPC is funded by Immigration, Refugees and Citizenship Canada (IRCC) and housed in the Economic Development Division.

The current Partnership Council is comprised of 32 civic leaders reflecting key sectors in the community, including education, business, and social services. More than half of Council members have personal, lived experience of immigration. A complete list of HIPC members is found in Appendix "A" to Report PED23096, HIPC's Annual Report 2022-2023.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Hamilton Immigration Partnership Council - Annual Update  
(PED23096) (City Wide) - Page 2 of 8**

---

At present, HIPC is funded by a five-year grant agreement from IRCC ending March 31, 2025 and totalling \$1,769,000. This funding supports three full-time staff plus event and project expenses that support the work of HIPC's Strategic Plan (theory of change) 2021-2025.

### **IMMIGRATION IS INCREASING**

HIPC's work takes place within a context of increased immigration to Canada. Canada's population grew by just over one million people in 2022, with almost all of this growth stemming from international migration, especially temporary migration. This growth reflects expansive federal government immigration policies to drive the economy and offset an aging population as well as special initiatives to fill labour market gaps through temporary foreign worker programs, and to take in people impacted by crises, namely the war in Ukraine. The number of international students living in Canada also continues to rise.

Locally, Hamilton's population increased by 6% between 2016 and 2021, and data shows that both direct migration and secondary migration to Hamilton are increasing. According to 2021 Census data, more than 20,000 immigrants arrived in Hamilton between 2016 and 2021. Data from Immigration, Refugees and Citizenship Canada (IRCC) shows that Hamilton received 4,870 new immigrants in 2022.

Research commissioned by HIPC for the period 2007 to 2019 suggests a net increase over this period, with more immigrants coming to Hamilton than leaving the city. Moreover, the proportion of immigrants arriving to Hamilton is upward trending while the proportion of those leaving the city has been shrinking.

For the period 2007 to 2014, Hamilton was a net loser of immigrants, many of who left to live in other parts of the Greater Toronto Area (GTA), but since 2015 Hamilton has been a net recipient. Most of these secondary migrants move to Hamilton from other Ontario municipalities, namely Toronto and Peel, and they are increasingly comprised of skilled workers. Among direct immigrants, the share in the refugee and family class has been increasing.

Hamilton is attractive to immigrants for many reasons, including its relative affordability within southern Ontario, employment opportunities, diverse population base, strong post-secondary institutions, and access to healthcare.

### **STRUCTURE AND STRATEGIC DIRECTION**

HIPC's collective impact statement is two-fold, focusing on creating successful settlement experiences and sense of belonging for newcomers. As a collaborative community table, HIPC is in a unique position to focus on the collective impact of efforts



**SUBJECT: Hamilton Immigration Partnership Council - Annual Update  
(PED23096) (City Wide) - Page 3 of 8**

---

to improve local settlement outcomes. HIPC partners are encouraged to see how their own work and that of their organizations can move Hamilton towards these outcomes. Quarterly Council meetings support HIPC's strategic direction, supported by committees that oversee and engage in work focused on three strategic priority areas:

- **Economic Stability** – enhancing the ability of newcomers to acquire skills, find appropriate employment, and build assets;
- **Social Inclusion** – readying Hamilton to be a welcoming community that values newcomer voices and contributions; and,
- **Community Engagement** – building capacity among newcomers to navigate our city, access services, and participate as equal members of society.

In addition, an Evaluation Committee oversees the implementation of HIPC's evaluation framework and is a point of contact for any research projects. The Anti-Racism Committee makes recommendations for steps HIPC can take to:

- Mitigate racism in its own structures and activities, and,
- Communicate these to HIPC members and partners as well as to the broader public.

HIPC has adopted three operational principles to guide its work:

- The basic needs of newcomers are foundational to achieving newcomer settlement and sense of belonging. HIPC's work connects influencers and resources in our community to improve equitable access to, for example, affordable housing, food, employment and healthcare;
- Supporting and advocating for positive outcomes for newcomers in our community must include leadership from those who have been newcomers to Canada themselves. Lived experience and community networks are essential; and,
- HIPC commits to taking practical positive actions that are informed and evaluated by an anti-racism anti-oppression (ARAO) approach. ARAO principles should be embedded in all HIPC work.

HIPC's mandate and projects are integrated into the City of Hamilton's 2021-2025 Economic Development Action Plan (EDAP). Approving and implementing the Hamilton Immigration Partnership Strategy is listed as the first item under EDAP's "Facilitating a Skilled and Adaptable Workforce" priority. HIPC is well-positioned to support opportunities for newcomer workforce engagement and enhancing equity, diversity, and

**SUBJECT: Hamilton Immigration Partnership Council - Annual Update  
(PED23096) (City Wide) - Page 4 of 8**

---

inclusion. This includes monitoring the EDAP stretch target to “Increase immigration to Hamilton by 25% by 2025”, a target which has already been surpassed.

## **THE VALUE OF LOCAL IMMIGRATION PARTNERSHIPS**

One of the first generation of local immigration partnerships funded in 2009, today HIPC is one of approximately 80 local immigration partnerships across Canada.

### **Collaborating and Convening**

As a municipally embedded community table, HIPC fosters the development of working relationships among organizations and individuals across sectors. Through its role as a connector and convenor as well as a producer and disseminator of relevant local research and data, HIPC is a vital component of Hamilton’s ability to welcome diverse newcomers.

The Council and Committees convene organizations and individuals across sectors to plan and work on projects focused on improving settlement outcomes and a sense of belonging among newcomers. For example, over the past year, HIPC has led a Steering Committee of local organizations and individuals to create a broad-based inclusion campaign to launch in 2023. HIPC brings a newcomer lens to various local tables such as No Hate in the Hammer and Skills Development Flagship.

### **Public Education and Knowledge Transfer**

To increase awareness of immigration among the general public as well as knowledge of local needs and immigration trends, HIPC commissions research and creates relevant reports. The HIPC team also monitors immigration data and policies and acts as a local resource for the City of Hamilton, other organizations, and media. Over the past year, HIPC staff have been quoted in articles in The Hamilton Spectator, CBC Hamilton and have been interviewed on CHML900. The HIPC team presents on topics of national and local immigration; experiences of discrimination; and equity, diversity and inclusion.

Alongside HIPC’s extensive research and reports, the team shares and publishes infographic versions of research for general audiences, for example “What you should know about language diversity in Hamilton” and “What you should know about 2021 Census immigration data.”

In alignment with the work above, HIPC actively creates content on several platforms to keep the newcomer and greater Hamilton community engaged and informed on local immigration news, research, events, programming and more. This includes the HIPC website at [www.hamiltonimmigration.ca](http://www.hamiltonimmigration.ca) which contains an overview of HIPC’s work and

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Hamilton Immigration Partnership Council - Annual Update  
(PED23096) (City Wide) - Page 5 of 8**

---

acts as a repository of all HIPC research and reports. It also includes the ImmPress email newsletter which reaches more than 600 highly engaged community members every other week, and HIPC's highly active social media accounts (at HIPC Hamilton on Twitter and Instagram). These platforms reach an audience of more than 3500 newcomers, community partners and residents.

### **Responding to Emerging Needs**

HIPC forms temporary tables to respond to emerging needs. In response to expected significant arrivals of Ukrainians in March 2022, HIPC convened key community stakeholders to discuss a coordinated local response to the arrival of Ukrainian newcomers, eventually leading to the development of the Mayor's Advisory Committee for the Ukrainian Humanitarian Response. When this initiative was integrated into the City of Hamilton's Ukrainian Humanitarian Crisis Response (HUHCR) table, HIPC team members identified individuals and organizations to bring to the table and participated in and supported this ongoing work. The HIPC team and its partners supported several working groups, developed several resources focused on the needs of Ukrainians, and attended several welcome sessions to share resources directly with new arrivals.

Launched in September 2021, the Hamilton Afghan Resettlement Taskforce continues to meet periodically to review the situation of Afghans who have settled in Hamilton. HIPC hosts a dedicated webpage with updates and resources related to Afghan refugees.

### **SELECT RECENT PROJECTS**

HIPC's work plan includes a wide range of projects and accomplishments, some of which are listed here. Please see also Appendix "A" to Report PED23096, HIPC's Annual Report 2022-2023.

#### **Directory of Services for Newcomers**

The directory builds on Hamilton Public Library's Red Book database and features local services and supports available to newcomers. This directory has been "soft launched" at [www.NewcomersInHamilton.ca](http://www.NewcomersInHamilton.ca) and will soon feature multilingual pages. Staff from many local organizations contributed to this project.

#### **Stories of Migration and Belonging Video Exhibit**

Building on the success of the first virtual museum exhibit created in partnership with Hamilton Civic Museums in 2021, six new videos and informative text have been added to the Stories of Migration and Belonging web page. Posters were displayed outside

**SUBJECT: Hamilton Immigration Partnership Council - Annual Update  
(PED23096) (City Wide) - Page 6 of 8**

---

City Council chambers during March 2023 and are available to travel to other municipal sites.

### **Hamilton Employers Hire Immigrants**

This campaign promotes labour market information, testimonials, and resources for employers interested in diversifying their organizations. The campaign website, [wehireimmigrants.ca](http://wehireimmigrants.ca) also features videos by local employers sharing best practices and experiences of employing newcomer talent.

### **Hamilton Newcomer Week 2022**

In May 2022, three online public workshops were offered by HIPC, along with downtown walking tours for newcomers. The tours gave dozens of individuals their first exposure to City Hall and historic downtown buildings as well as opportunities to build new connections.

### **A Guide to Finding Housing in Hamilton**

HIPC worked with community partners to update the 2015 guide, now available in English, French, and Ukrainian.

### **Migration and Mobility in Hamilton, 2007-2019 - Report**

HIPC worked with McMaster University's Economics Department to understand direct and secondary migration trends as well as employment outcomes and incomes of the immigrant population in Hamilton. The Report compiles and describes the most accurate official data on immigration in Hamilton.

## **EVALUATION**

In 2022, HIPC conducted a partner survey targeting individuals and organizations who have been involved in HIPC's Council, Committees, and Working Groups. This multi-purpose survey helped HIPC better understand its perception among members and areas to continue to work towards in the upcoming years.

The portion of HIPC partners surveyed who agreed or strongly agreed that HIPC is doing well in these areas is:

- 100% – Raising awareness about services newcomers can access, supporting research on access to services, facilitating conversations and dialogues to promote community engagement among newcomers and service providers, and supporting the local response to the Ukrainian arrivals;

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Hamilton Immigration Partnership Council - Annual Update  
(PED23096) (City Wide) - Page 7 of 8**

---

- 92% – Holding public-facing events to celebrate diversity, supporting community initiatives promoting anti-racism and anti-oppression, and developing resources focused on promoting the contributions of immigrants;
- 95% – Advocating for the basic needs of newcomers; and,
- 90% – Leveraging immigrant leadership.

**CURRENT WORK PLAN**

Several new projects are in HIPC's work plan for the current year, including:

- **Hamilton for All Campaign – Launching Spring 2023**

With growing concern about rising levels of intolerance and with a desire to act on results of HIPC's 2021 discrimination survey, HIPC has teamed up with City of Hamilton, Hamilton Anti-Racism Resource Centre (HARRC), Hamilton Community Legal Clinic, and No Hate in the Hammer to plan the launch of a new community-based initiative to raise awareness and build capacity against discrimination of all kinds. Building on previous campaigns and grassroots listening sessions, Hamilton for All 2023 aims to reflect the needs of several diverse groups in Hamilton. A campaign steering committee convened by HIPC has been meeting regularly to plan the various elements of this awareness and action campaign. A campaign launch with website, events, and widespread, city wide promotion will take place in 2023;

- **Immigrant Survey – June 2023**

Hamilton's first immigrant survey will seek responses from more than 1000 persons born outside Canada who now live, work or study locally – including permanent residents, Canadian citizens, refugees, temporary residents, refugee claimants, and international students aged 16 and over. Results will be shared to help improve services and living experiences; and,

- **Socio-Demographic Profile of Immigrants in Hamilton – Fall 2023**

Building on Census 2021 immigration data, HIPC will create a Report providing a socio-demographic profile of immigrants in Hamilton, including the number of immigrants and recent immigrants, place of origin, ethnicity, education, employment, and more.

Overall, immigration is a positive story for Hamilton. Newcomers benefit from a diverse economy, a lower cost of living than is found in much of southern Ontario, and the wide array of services and supports available in Hamilton. However, rising rents combined

**SUBJECT: Hamilton Immigration Partnership Council - Annual Update  
(PED23096) (City Wide) - Page 8 of 8**

---

with inflation are creating many affordability challenges for newcomers and others. In an effort to fill labour market needs, the federal government intends to raise immigration levels over the next several years. Canada aims to welcome 465,000 new permanent residents in 2023, 485,000 in 2024 and 500,000 in 2025. The number of temporary residents -- mostly international students and foreign workers -- will be even greater. Coordination among key players at the local level will be essential to ensure successful settlement experiences, as will communication and coordination across orders of government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23096 - HIPC Annual Report 2022-2023

SW/rb



Hamilton Immigration  
Partnership Council



# ANNUAL REPORT

## 2022-2023

[hamiltonimmigration.ca](https://hamiltonimmigration.ca)  
[@HipcHamilton](https://twitter.com/HipcHamilton)



# Hamilton Immigration at a Glance

The new 2021 census shows that Canada has the largest proportion of immigrants in the population since Confederation, with immigration projected to increase.

Nearly one-quarter of Canada's total population is made up of immigrants, with Hamilton's proportion of immigrants remaining higher than the national average.

## FAST FACTS:

**26%** of Hamilton's population are immigrants

**20,000+** immigrants arrived in Hamilton from 2016-2021

**1 in 4** immigrants were international students, temporary foreign workers or refugee claimants before becoming permanent residents



**39%** are economic immigrants

**24%** are family-sponsored immigrants

**35%** are refugees

### Top source countries of recent immigrants:

India, Syria, Philippines, Iraq, Nigeria, Pakistan, USA, and China

The proportion of non-permanent residents has nearly doubled since the 2016 census

**1 in 8** people in Hamilton predominantly speak a language other than English or French at home

Hamilton is a beneficiary of secondary migration from other parts of Canada, and from the Greater Toronto Area in particular

## About

The Hamilton Immigration Partnership Council (HIPC) is a community table that seeks to create a seamless settlement experience for immigrants in Hamilton. With partners from various sectors – including settlement, education, business, health, social services, municipal affairs – and strong representation of persons with lived immigration experience, we work together to create a welcoming community with relevant and accessible services for all;

HIPC was established in 2009 as one of Canada's first local immigration partnerships, a network that has now spread across the country and includes more than 80 similar local tables.

### WORKING TOWARDS COLLECTIVE IMPACT

HIPC approved a strategic plan for the period 2021-2025 and continues to work towards this collective impact goal: By 2025, 80% of newcomers will have a successful settlement experience and feel a sense of belonging in Hamilton.

#### Operating Principles

-  Advocating for the basic needs of newcomers
-  Leveraging immigrant leadership and the inclusion of newcomer voices
-  Working through an anti-racism and anti-oppression lens

#### Strategic Priorities

-  Economic Stability
-  Social Inclusion
-  Community Engagement

All strategic priorities are evaluated and measured by HIPC's Evaluation Committee.


## HIPC MEMBERSHIP

HIPC is comprised of a Council led by a Chair and Vice Chair, four Committees each led by a Chair or Co-Chairs, and ad hoc Working Groups. A Secretariat of three staff supports the implementation of HIPC projects and events.

HIPC's membership includes a diversity of organizations and sectors, each with a vested interest in immigration and settlement in Hamilton.

 **32** Members

 **15+** Sectors

 **28** Organizations

 **50%** of individual members have lived the experience of immigration

 **Several Working Groups** created for multi-layered HIPC projects and events, resettlement response teams and anti-racism

For more in-depth facts and analysis of recent immigration trends, visit:

[www.hamiltonimmigration.ca](http://www.hamiltonimmigration.ca)



# Measuring Results

## HIPC YEARLY EVALUATIONS

In 2022, HIPC conducted a partner survey targeting individuals and organizations who have been involved in HIPC's Council, Committees, and Working Groups. This multi-purpose survey helped HIPC better understand how its work is perceived by its membership and to identify areas of short-term focus.

Portion of HIPC partners surveyed who agreed or strongly agreed that HIPC is doing well in these areas:

**100%**  
raising awareness about services newcomers can access, supporting research on access to services, facilitating conversations and dialogues to promote community engagement among newcomers and service providers, and supporting the local response to the Ukrainian arrivals.

**95%**  
advocating for the basic needs of newcomers.

**92%**  
holding public-facing events to celebrate diversity, supporting community initiatives promoting anti-racism and anti-oppression, and developing resources focused on promoting the contributions of immigrants.

**90%**  
leveraging immigrant leadership.

# Message from the Chair



Every year brings new challenges, but we can always count on immigrants and refugees arriving in search of safety, shelter, and opportunities. HIPC provides a unique table in Hamilton, and the work is important, even if often taking place out of the public eye. Over the past year in particular, HIPC initiatives supported incoming Afghans and Ukrainians by

convening and participating in coordinating tables that included various sectors and ethnocultural associations. In November, HIPC's Program Officer Araf and I co-presented this Hamilton model to the Pathways to Prosperity national immigration conference in Ottawa. This was a highlight of the year, along with meeting the prime minister as part of a Ukrainian welcome event last spring.

As someone with lived experience of immigration, it has been particularly special to hold the position of Chair this year. I am grateful to have been able to grow my connections with so many dedicated people working to help newcomers, and I wish our incoming chair Claudio Ruiz all the best as he takes on this role. The HIPC staff team deserves great thanks and respect for their dedication and enthusiasm.

Rashed Afif  
HIPC Chair

# Responding to the Community

HIPC continues to respond to the ongoing emergency needs of the most vulnerable in our local community. In response to larger-scale arrivals from Afghanistan beginning in 2021 and Ukraine in 2022, the HIPC team convened and continues to work with key stakeholders to organize, strategize and create resources to best support these individuals and communities.

## SUPPORT FOR UKRAINIAN NEWCOMERS

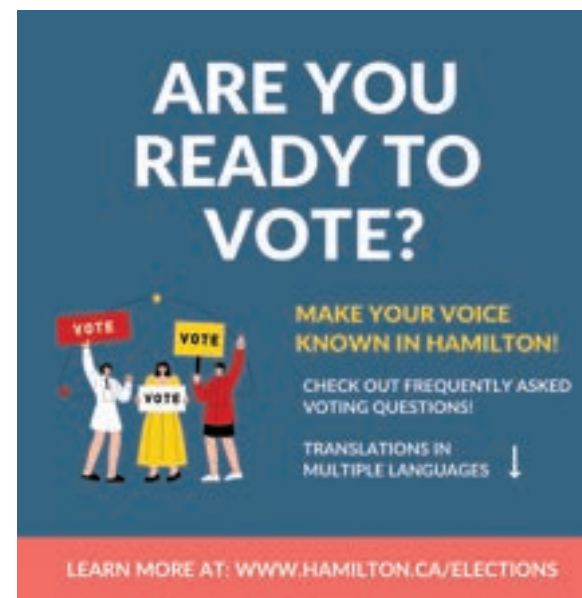
HIPC convened key community stakeholders in March 2022 to discuss a coordinated local response to the arrival of Ukrainian newcomers, eventually leading to the development of the Mayor's Advisory Committee for the Ukrainian Humanitarian Response.

The HIPC team supported the City of Hamilton's emergency response to Ukrainian arrivals, attended several welcome sessions, created and shared resources with important settlement information.



## ELECTION ENGAGEMENT

HIPC promoted multilingual resources ahead of the municipal election on social media (Instagram, Twitter) and in the biweekly ImmPress newsletter to help engage and educate newcomers on the importance of voting.



## WELCOMING AFGHAN REFUGEES

Building off the work started in 2021, Hamilton Afghan (Re) settlement Taskforce (HART) led by HIPC continued to meet regularly in 2022 to exchange information, identify needs and find solutions to best support Afghan arrivals. Dedicated welcome and information guide for Afghans was published, shared and regularly updated based on new local and federal news.

## HOUSING

Building on HIPC's mandate to advocate for the basic needs of newcomers, HIPC offered an opportunity for its members to learn more about the City of Hamilton's role in affordable housing spaces and to dialogue about the current housing needs of newcomers. The discussion led by the City of Hamilton Housing Services staff helped members to create a common base understanding of housing, the role of municipal government, and newcomer housing situations.





# Elevating Local Voices and Experiences

## NEWCOMER WALKING TOURS



As part of the 2022 Newcomer Week line-up, the HIPC team organized several in-person walking tours to introduce newcomers to downtown Hamilton and all its offerings. Attendees came from Afghanistan, Ukraine, Colombia, Venezuela, Syria, Japan, China, Iran, France, Ivory Coast. Some participants had only been in Canada for three weeks!



## WELCOME TO CANADA

For Canada Day 2022, the HIPC staff team was able to bring a group of new immigrants and refugees to their first Hamilton Tiger-Cats game. Along with lots of introductions to Hamilton, Canadian sports, recreation and more, it was an honour to stand alongside newcomers opening up the Canadian flag as an onset to the big game.



## STORIES OF MIGRATION AND BELONGING

After the success of HIPC's first museum exhibition Stories of Migration and Belonging, created in partnership with Hamilton Civic Museums, HIPC is launching a sequel. This exhibition highlights the diverse range of settlement experiences in Hamilton by spotlighting the stories of six Hamilton immigrants through video, photos, and storytelling. From Len who arrived from Italy as a boy in 1947 to Alyna who just arrived in 2022, each person has their own compelling story to share.



## Showcasing Immigration on a Grand Scale



### NATIONAL IMMIGRATION CONFERENCE

The HIPC team represented Hamilton at several key immigration events including Canada's largest immigration conference - Pathways to Prosperity - where the team led a keynote presentation and facilitated two workshops.



Immigration Minister Sean Fraser addresses conference.

## Addressing Hate in Hamilton

### HAMILTON FOR ALL - CAMPAIGN PLANNING

With growing concern for our city's future, HIPC teamed up with Hamilton Anti-Racism Resource Centre (HARRC), Hamilton Community Legal Clinic, No Hate in the Hammer, and City of Hamilton to plan the launch of a new community-based initiative to raise awareness and build capacity against discrimination of all kinds. Building off of previous campaigns, Hamilton for All 2023 aims to reflect the needs of several diverse groups in Hamilton.

In 2022, the planning team...

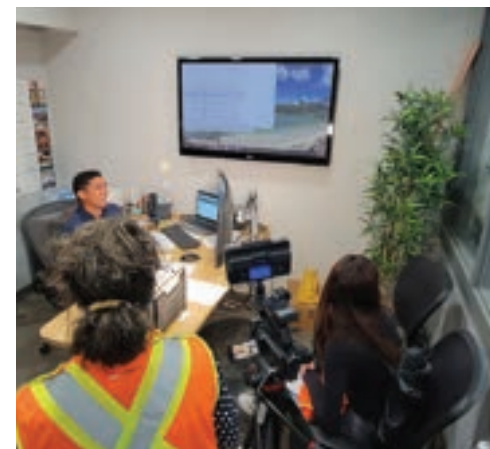
- Facilitated community focus groups with newcomers, Muslims, racialized communities, and others
- Synthesized these findings into a summary report with recommendations to shape the campaign's objectives and methods
- Formed a campaign steering committee with committed members who meet biweekly
- Campaign launch with events, anti-hate resource toolkit, and wide-spread city-wide promotion will take place in 2023.



## Engaging Hamilton Employers

### HAMILTON EMPLOYERS HIRE IMMIGRANTS

Through its Economic Stability Committee, HIPC continues to engage and educate local employers about the opportunities and benefits associated with hiring and retaining newcomer talent. Hamilton Employers Hire Immigrants is a campaign and website created by HIPC that features labour market information, testimonials, and resources for employers interested in diversifying their organizations. As part of an ongoing campaign, HIPC produced several employer champion videos to promote immigrant employment, hosted several employer-facing webinars, and continues to connect Hamilton employers with the resources and connections they need to hire and retain employees.



WEHIREIMMIGRANTS.CA



**HAMILTON NEWCOMER WEEK 2022**  
WED, MAY 25 - FRIDAY, MAY 27

For event details and sign-up, visit: [www.hamiltonnewcomerweek.ca](http://www.hamiltonnewcomerweek.ca)

- 1. CONNECT YOUR BUSINESS TO LOCAL IMMIGRANT TALENT
- 2. GET INVOLVED IN HAMILTON'S UKRAINIAN RESPONSE
- 3. CITIZENSHIP AND BELONGING TALK WITH ELAMIN ABDELMAHMOUD
- 4. NEWCOMER DOWNTOWN WALKING TOURS!

### NEWCOMER WEEK

HIPC's signature public event Newcomer Week marks the annual opportunity to engage and connect newcomers with the broader Hamilton community.

HIPC's 2022 hybrid event line-up included informative sessions for local employers and individuals looking to support Ukrainian arrivals as well as lively discussions with a national best-selling author. For in-person offerings, HIPC conducted its first-ever newcomer downtown walking tours.



## Communications

HIPC stays highly active on several platforms to keep the newcomer and greater Hamilton community informed on all things immigration.

Primary channels include HIPC's email newsletter and HIPC social media marketing channels. Over the past year:

**20+** issues of the ImmPress newsletter were sent out to

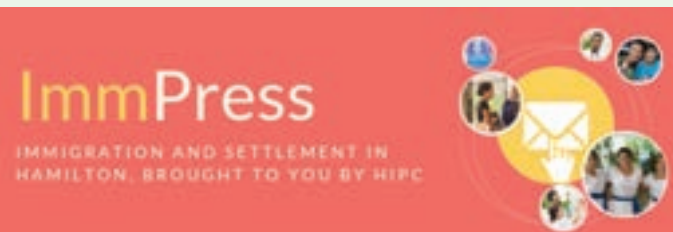
**600+** subscribers with content written and curated by HIPC staff on a biweekly basis

Newsletter subscribers increased by **20%** while maintaining the high average open rate of

**30%**

HIPC upped its social media game in one short year, leading to a **20% increase** in followers and a

**60% increase** in engagement on Instagram.



## Information Sharing and Research

HIPC studies the needs of newcomers every year and continues to publish information related to Hamilton's demographics, labour market, economy, and settlement services.

### 2022 PUBLICATIONS

	Migration and Mobility in Hamilton, 2007-2019 <i>(released February 2023)</i>
	Welcome and Information Guide <i>- in English, Ukrainian, Dari, Pashto</i>
	A Guide to Finding Housing in Hamilton <i>- in English, French, and Ukrainian</i>

**KNOWLEDGE TRANSFER**  
HIPC shares and publishes infographic versions of research for general audiences, for example **What you should know about language diversity in Hamilton** and **What you should know about 2021 census immigration data**. HIPC also curates and disseminates timely resources related to the intersections between immigration and a wide range of following topics: **truth and reconciliation, Black history, gender-based violence, undocumented migrants, and more!**



**IMMIGRANT SURVEY - COMING SOON!**  
Hamilton's first immigrant survey will seek responses from 1000+ persons born outside Canada who now live, work or study locally – including permanent residents, Canadian citizens, refugees, temporary residents, refugee claimants, and international students aged 16+. Results will be shared to help improve services and living experiences. To be launched in 2023.

## Acknowledgments

2022-2023 accomplishments would not have been possible without the continued assistance and dedication of all those involved with the Hamilton Immigration Partnership Council.

Abir Alsaïd	YMCA of Hamilton/Burlington/Brantford	Leo Johnson	Empowerment Squared
Anabelle Ragsag	Filipinas of HamOnt	Lily Lumsden	YMCA of Hamilton/Burlington/Brantford
Anuraj Bajwa	Mohawk College	Lina El Ali	Wesley
Baptiste Alain Bourquardez	Collège Boréal	Luc Bonaventure Ayité Amoussou	Collège Boréal
Bernadette Curtis	Mayor's Office	Maisie Raymond-Brown	YWCA Hamilton
Cheryl Stepan	Hamilton Spectator	Maria Holland	RBC
Claudio Ruiz-Pilarte	Immigrants Working Centre	Morris Hucal	Hamilton-Wentworth Catholic District School Board
David Hennick	Hamilton Police Service	Nabila Sissaoui	Réseau en immigration francophone du CSO
David Quezada	Community Leader	Nilofar Yousof	Halton Multicultural Council
Debora Schweintek	YWCA Hamilton	Noura Afify	Speqtrum Hamilton in partnership with the YWCA
Denise Christopherson	YWCA Hamilton	Olive Wahoush	McMaster University
Don Seymour	Wesley	Paul Szachlewicz	Hamilton Chamber of Commerce
Elena Lazar	Ukrainian-Canadian Congress (Hamilton Chapter)	Paul Takala	Hamilton Public Library
Elizabeth Webb	Hamilton Community Foundation	Rami Safi	Community Leader
Fariha Ali	YMCA of Hamilton/Burlington/Brantford	Rana Aldibs	YWCA Hamilton
Gerry Smith	Hamilton-Wentworth District School Board	Rashed Afif	Wesley
Grace Baldwin	Good Shepherd Family Centre	Rosemary Aswani	Immigrants Working Centre
Grace Maciak	City of Hamilton Ontario Works Division	Sandra Valeri	Hamilton-Wentworth District School Board
James O'Brien	City of Hamilton Housing Division	Stephanie Taylor	Lynwood-Charlton Centre
Jennie Hamilton	Immigrant and Refugee Advisory Committee	Suad Badri	Community leader
Jennifer Patterson	City of Hamilton Economic Development Division	Sue Connell	Hamilton Public Health Service
Khadija Hamidu	Workforce Planning Hamilton	Tehreem Zafar	YWCA Hamilton
Kim Martin	Social Planning and Research Council of Hamilton	Terri Bedminster	Refuge Hamilton Centre for Newcomer Health
Kojo Dampitey	Hamilton Centre for Civic Inclusion	Uzma Qureshi	Immigrants Working Centre
Koubra Haggat	Hamilton Centre for Civic Inclusion	Vinos Haidary	Afghan Association of Hamilton
Larry Huibers	Housing Help Centre for Hamilton and Area	Wasan Mohamad	Immigrants Working Centre
		Yudara Bernard Weerakoon	Community Leader
		Zarema Mammadova	Mohawk College
		Hassan Kiani	HIPC Summer Program Assistant

**FUNDER:** Immigration, Refugees and Citizenship Canada

**SPONSOR:** City of Hamilton





**HIPC SECRETARIAT:** Sarah Wayland, Mohammad Araf, Natasha Hernandez



Hamilton Immigration  
Partnership Council

### Hamilton Immigration Partnership Council

Hamilton City Hall (7th Floor)  
71 Main St. W., Hamilton, ON L8P 4Y5

-  905.546.2424 x7565
-  [immigration.partnership@hamilton.ca](mailto:immigration.partnership@hamilton.ca)
-  @HipcHamilton
-  @HipcHamilton

[hamiltonimmigration.ca](http://hamiltonimmigration.ca)



Funded by:

Financé par :



Immigration, Refugees  
and Citizenship Canada

Immigration, Réfugiés  
et Citoyenneté Canada



# Presentation to Hamilton GLC

**Claudio Ruiz - Chair, Hamilton Immigration Partnership Council  
(HIPC) June 14, 2023**



# The Hamilton Immigration Partnership Council

- Established in 2009, now one of 80 Local Immigration Partnerships across Canada
- Collaborator and convener
- Funded by Federal Government (IRCC) and embedded in Economic Development
- Membership includes a diversity of sectors and organizations
- More than half of Council members have personal, lived experience of immigration



# Hamilton: A City of Immigrants



**26%**

Hamilton's proportion of immigrants remains **higher than the national average**. 26% of Hamilton's population are immigrants



**The top source countries of recent immigrants** in Hamilton are: India, Syria, Philippines, Iraq, Nigeria, Pakistan, USA, China



1 in 8 people in Hamilton predominantly **speak a language other than English or French at home**



**The top non-official languages spoken at home** are Arabic, Italian, Spanish, Chinese languages, Portuguese, Polish, Punjabi, Tagalog, Serbian, and Persian languages



# Immigration is Increasing



## Immigration to Canada:

- 500,000+ persons landed as permanent residents in 2022
- Just over 600,000 arrived as temporary residents –mostly international students and workers



Hamilton

## Immigration to Hamilton:

- 20,000+ immigrants landed 2016-2021
- 4,870 arrived in 2022
- Since 2015, Hamilton as a net beneficiary of secondary immigrants, mostly from Toronto and Peel

# Strategic Plan (2021-2025)



# HIPC Educates the Public about Immigration

## Reports and Infographics



IMMIGRATION NEWS

#### NEW CENSUS LANGUAGE DATA

**FAST FACTS**

More than 98% of Hamiltonians reported having a working knowledge of English, including 5.8% who have knowledge of both English and French.

Less than 2% of persons living in Hamilton do not speak English or French. These proportions have remained unchanged from the last census.

www.hamiltonimmigration.ca



## Social Media + Email Marketing



IMMIGRATION NEWS

#### GOVERNMENT OF CANADA ANNOUNCEMENTS

**WHAT MEASURES EXIST TO PROTECT UKRAINIANS?**

- Launching Canada-Ukraine Authorization for Emergency Travel (CUAET)
- Accepting unlimited number of Ukrainians fleeing the country on temporary visas
- Priority processing applications, including family sponsorship applications
- Specially dedicated resources and service channel

www.hamiltonimmigration.ca



# HIPC elevates Newcomer Voices and Experiences

## NEW Video Exhibition on Immigration

Stories of Migration and Belonging

HAMILTON IMMIGRATION EXHIBITION

Check out the full exhibit online!

Hamilton HIPC



Hamilton HIPC HARRC Hamilton Community Legal Clinic HAMILTON CENTRE FOR CIVIC INCLUSION

HAMILTON FOR ALL 2023

LEARN ABOUT THIS UPCOMING INCLUSION CAMPAIGN FOR HAMILTONIANS!



**Inclusion and Anti-Hate Campaign**  
 focused on supporting those experiencing discrimination



# HIPC Responds to Emerging Needs

- Ukrainian and Afghan response
- Updated Housing Guide for Newcomers
- Community listening sessions on experiences of hate and discrimination





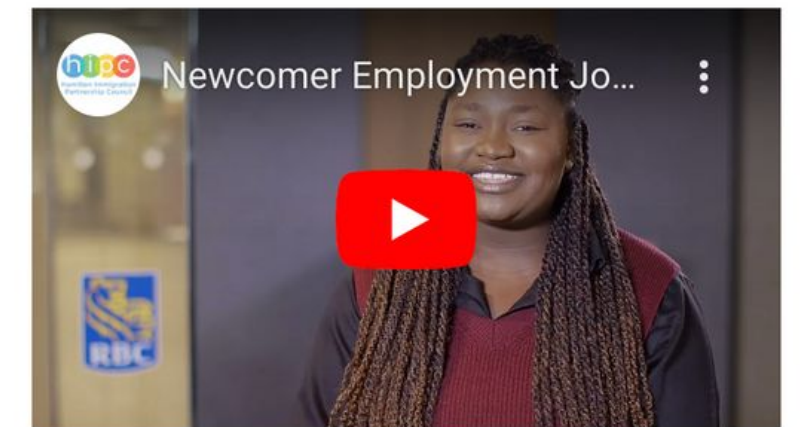
# HIPC Engages Hamilton Employers

**Hamilton Employers Hire Immigrants:** ongoing campaign with resources, testimonials, webinars and more to help Hamilton employers hire and retain newcomer talent



Looking to attract, hire and retain **diverse new talent?**

**CONNECT YOUR BUSINESS TO IMMIGRANT TALENT!**





# HIPC helps Newcomers Connect

## Hamilton Newcomer Day

A city-wide annual event and welcome!



**hipc**  
Hamilton Immigration Partnership Council

**HAMILTON NEWCOMER DAY**  
at City Hall  
71 Main Street West, Hamilton, ON

**May 26, 2023**  
2pm - 7pm

Celebrate diversity and stop by Hamilton City Hall for...

- Live entertainment and performances by newcomer artists
- Local food trucks and outdoor market place
- Information and services fair
- Canadian citizenship ceremony
- Family friendly activities

**FREE AND OPEN TO ALL!**  
[hamiltonimmigration.ca](http://hamiltonimmigration.ca)



## NEW Online Directory of Newcomer Services

**NEW!**  
**DIRECTORY OF IMMIGRANT SERVICES**



### FOR NEWCOMERS TO HAMILTON

Find the services you need in your city.

All in one website!



[www.newcomersinhamilton.ca](http://www.newcomersinhamilton.ca)





# Evaluation: Measuring What Our Community Thinks



The portion of HIPC partners surveyed who agreed or strongly agreed that HIPC is doing well in these areas:

**100%** – Raising awareness about services newcomers can access, supporting research on access to services, facilitating conversations and dialogues to promote community engagement among newcomers and service providers, and supporting the local response to the Ukrainian arrivals

**92%** – Holding public-facing events to celebrate diversity, supporting community initiatives promoting anti-racism and anti-oppression, and developing resources focused on promoting the contributions of immigrants

**95%** – Advocating for the basic needs of newcomers

# Coming Soon!



**Hamilton Immigrant Survey** - Hamilton's largest collection of original data on local immigrants



**Socio-demographic Profile of Immigrants** - new report outlining Hamilton's immigrant population (an update of HIPC's most popular report)



**Hamilton for All 2023** - launch of community-run inclusion campaign for all Hamiltonians

# Connect with HIPC!



## Sarah Wayland

Senior Project Manager  
[Sarah.Wayland@hamilton.ca](mailto:Sarah.Wayland@hamilton.ca)  
Phone: (905) 546 2424 x7565

## Mohammad Araf

Program Officer, Immigration  
[Mohammad.Araf@hamilton.ca](mailto:Mohammad.Araf@hamilton.ca)  
Phone: (905) 546-2424 x4359

## Natasha Hernandez

Communications Associate  
[Natasha.Hernandez@hamilton.ca](mailto:Natasha.Hernandez@hamilton.ca)  
Phone: (905) 546-2424 x4882



@HIPCHamilton



@hipchamilton




@hamiltonimmigration.ca



Hamilton Immigration  
Partnership Council



**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Corporate Asset Management**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Strategic Asset Management Policy and Corporate Asset Management Program Update (PW23044) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jasmine MacDonald (905) 546-2424 Ext. 2461
<b>SUBMITTED BY:</b>	Patricia Leishman Director, Corporate Asset Management
<b>SIGNATURE:</b>	

### RECOMMENDATIONS

- (a) That Appendix "A" attached to Report PW23044 respecting the Strategic Asset Management Policy be approved; and,
- (b) That Appendix "B" attached to Report PW23044 respecting an Update on the Corporate Asset Management Program be received.

### EXECUTIVE SUMMARY

A requirement under O. Reg. 588/17 is that every municipality shall prepare its first Strategic Asset Management Policy by July 1, 2019 and shall review and, if necessary, update it at least every five years. The purpose of this report is to provide Council with the updated Strategic Asset Management Policy recommended for approval.

Updates to the Policy Include:

- Increasing the scope to include all City assets,
- Realigning principles to asset management best practice:
  - Service delivery to customers;
  - Long term sustainability and resilience;
  - Integrated and systematic approach;
  - Fiscal responsibility and asset management decision making;
  - Innovation and continuous improvement; and,
  - Addition of equity framework.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Strategic Asset Management Policy and Corporate Asset Management Program Update (PW23044) (City Wide) – Page 2 of 4**

---

This Policy was previously approved by Council in June 2019 (Strategic Asset Management Policy (PW19053) (City Wide)).

In addition, further to the update that was provided to Council on June 15, 2022 (Core Asset Management Plan (PW22048) (City Wide)), Appendix “B” provides Council with an update on overall progress and development of the Corporate Asset Management Program.

**Alternatives for Consideration – See Page 4**

**HISTORICAL BACKGROUND**

Ontario Regulation 588/17 – Asset Management Planning for Municipal Infrastructure, under the Infrastructure for Jobs and Prosperity Act, 2015, came into force on January 1, 2018. Building on the Province’s 2011 Building Together: Guide for Municipal Asset Management Plans, the Ontario Regulation 588/17 (O.Reg. 588/17) sets out requirements and deadlines for municipal asset management plans and policies.

The key requirements of O.Reg. 588/17 are described in further detail below. They include the preparation of a strategic asset management policy and phased implementation of the asset management plans.

**1. Strategic Asset Management Policy**

The deadline for strategic asset management policy implementation was July 1, 2019. It requires Municipal Council endorsement and shall be reviewed and updated every five (5) years. City Council approved the Corporate Asset Management Policy (PW19053) in June 2019, fulfilling this requirement. Appendix “A” to Report PW23044 Strategic Asset Management Policy has been amended to include all City assets and PW23044

**2. Corporate Asset Management Plan (AM Plan)**

The AM Plan has three implementation deadlines summarized below:

- (a) July 1, 2022 – Preparation of an AM Plan, including current levels of service (LOS) in respect of a municipality’s core municipal infrastructure which is defined as water, wastewater, storm water, roads, bridges and culverts. City Council approved these AM Plans (PW22048) in June 2022, fulfilling this requirement;
- (b) July 1, 2024 – Preparation of an AM Plan with respect to all of its other municipal infrastructure assets; and,
- (c) July 1, 2025 – Preparation of an AM Plan, which will include proposed levels of service, with respect to all its municipal infrastructure assets.

**SUBJECT: Strategic Asset Management Policy and Corporate Asset Management Program Update (PW23044) (City Wide) – Page 3 of 4**

---

The regulation also outlines that a municipality shall review and update its asset management plan at least every five (5) years.

Previous Reports pertinent to this Recommendation:

- (a) Core Asset Management Plan Recommendation Report PW22048 June 15, 2022;
- (b) Corporate Asset Management Information Report PW22037 May 18, 2022;
- (c) Strategic Asset Management Policy PW19053 June 17, 2019; and,
- (d) Public Works Asset Management Plan - Provincial Requirement PW14035 April 7, 2014.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

O.Reg. 588/17 came into effect January 1, 2018. It requires the City to develop a comprehensive Corporate Asset Management Plan based on a phased approach with three (3) deadlines of July 1, 2022, July 1, 2024, and July 1, 2025. The July 1, 2022 and July 1, 2024 deadlines are where 'Core' assets (water, wastewater, stormwater, road, bridges, and culverts) and all other City infrastructure assets, respectively, are required to have an asset management plan documenting current levels of service. The final deadline requires the documentation of proposed levels of service and financial strategies to fund these expenditures.

### **RELEVANT CONSULTATION**

A collaborative staff approach was used to provide the recommended updates to the Policy so that it may become a key guidance document for establishing levels of service and to provide evidence based decision making as it relates to the City's assets and services. The updated Policy has been approved by both the Senior Leadership Team and the Corporate Asset Management Steering Committee.

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

Although the City currently has an approved Strategic Asset Management Policy (PW19053 June 2019), it only included core assets at the time of approval. As such, the updated Policy now applies to all assets across the City. City Staff conducted a full review of the current Policy and made the following additional amendments:

- Increasing the scope to include all City assets; and,
- Realigning principles to asset management best practice:
  - Service delivery to customers;
  - Long term sustainability and resilience;
  - Integrated and systematic approach;



**SUBJECT: Strategic Asset Management Policy and Corporate Asset Management Program Update (PW23044) (City Wide) – Page 4 of 4**

---

- Fiscal responsibility and asset management decision making; and,
- Innovation and continuous improvement.

**ALTERNATIVES FOR CONSIDERATION**

Council could choose not to endorse the updated Strategic Asset Management Policy, attached as Appendix “A” to this report, as required by Ontario Regulation 588/17. This would put the City of Hamilton in a non-compliant state as it relates to Ontario Regulation 588/17.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Economic Prosperity and Growth**

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

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PW23044 – Strategic Asset Management Policy

Appendix “B” to Report PW23044 – Update on Corporate Asset Management Program

<b>Policy</b>		Content Updated: 2023-04-05
Strategic Asset Management		Previous Version Date: 2019-28-05
Policy No: COH-Y-005-001		Revision: 2
Page 1 of 7		Approval:

**STRATEGIC ASSET MANAGEMENT POLICY**

*(in accordance with the Infrastructure for Jobs and Prosperity Act)*

**PURPOSE**

Strategic municipal asset management involves the challenge of planning and investing in municipal infrastructure assets, while ensuring sound stewardship of public resources and delivering valued customer services.

The purpose of this Asset Management Policy is to affirm the City of Hamilton commitments in asset management through defined principles and processes, and to align and integrate asset management into strategic planning processes and long-term financial planning.

This policy will provide a foundation for a strategic Asset Management (AM) Plan. This will help identify and prioritize investments in existing and future infrastructure assets, as the City continues its efforts to maintain assets in a safe, efficient, and effective manner, capable of supporting the quality of life desired in the community.

Strategic Asset Management enables the City to purposefully plan for community sustainability and resilience by:

- Proactively managing assets throughout their life cycle to deliver services sustainably to the community now and into the future;
- Prioritizing infrastructure decisions that balance costs, risks, and services;
- Delivering services more efficiently and effectively;
- Ensuring long-term affordability of services;
- Reducing deficits and debt; and,
- Attracting business and investment.

This Asset Management Policy conforms to prescribed requirements from Ontario Regulation 588/17 (O.Reg.588/17), as amended.

**POLICY STATEMENT**

Pursuant to O.Reg. 588/17, The City of Hamilton makes the following commitments:

<b>Policy</b>		Content Updated: 2023-04-05
Strategic Asset Management		Previous Version Date: 2019-28-05
Policy No: COH-Y-005-001		Revision: 2
Page 2 of 7		Approval:

<b>POLICY STATEMENT</b>	<ol style="list-style-type: none"> <li>1. The City will manage its assets over the entire lifecycle to ensure the long-term sustainability of its services is achieved in the most fiscally responsible manner possible for current and future generations;</li> <li>2. The City is committed to adopting asset management practices to ensure optimal value is achieved by balancing all costs, risks, and asset performance;</li> <li>3. The City is committed to offering opportunities for municipal residents and other interested parties to provide input into asset management planning;</li> <li>4. The City is committed to coordinating asset management planning for infrastructure assets interrelated with neighbouring municipalities, or jointly owned, including inter-connected drinking water distribution assets and road networks; and,</li> <li>5. As part of its asset management planning for municipal infrastructure, the City is committed to considering climate change.  This includes the following:             <ol style="list-style-type: none"> <li>a. Identifying the vulnerabilities of the City's existing and proposed infrastructure assets caused by climate change, and subsequent potential costs;</li> <li>b. Considering the means to address those vulnerabilities, related to operations, levels of service and lifecycle activities;</li> <li>c. Considering adaptation opportunities that may be undertaken to manage the vulnerabilities;</li> <li>d. Considering mitigation approaches to limit the magnitude or rate of long-term climate change (such as greenhouse gas emission reduction objectives); and,</li> <li>e. Considering disaster planning and contingency funding.</li> </ol> </li> </ol>
<b>SCOPE</b>	The scope of this policy applies to all Municipal Infrastructure Assets owned by the City of Hamilton, as defined in O.Reg. 588/17.
<b>PRINCIPLES</b>	The City will consider the following principles in decisions to invest, design, construct, acquire, operate, maintain, renew, replace, or decommission infrastructure assets.

<b>Policy</b>		Content Updated: 2023-04-05
Strategic Asset Management		Previous Version Date: 2019-28-05
Policy No: COH-Y-005-001		Revision: 2
Page 3 of 7		Approval:

<p><b>Service Delivery to Customers</b></p>	<p>Hamilton will clearly define level of service objectives that balance community expectations and regulatory requirements with risk, affordability, and available resources, and will do the following:</p> <ul style="list-style-type: none"> <li>• Manage assets appropriately in order to efficiently and effectively deliver the defined levels of service; and,</li> <li>• Monitor and periodically review level of service objectives to ensure that they meet or support community and council expectations and other strategic objectives.</li> </ul> <p>Hamilton will:</p> <ul style="list-style-type: none"> <li>• Ensure transparency and accountability to the community on service delivery;</li> <li>• Implement a Management system that incorporates risk-based and information-driven decision-making frameworks that appropriately consider the potential impacts of asset failure on ongoing service delivery; and,</li> <li>• Prioritize and direct resources and expenditure in order to deliver levels of service and other community benefits at an acceptable level of risk.</li> </ul>
<p><b>Long-term Sustainability and Resilience</b></p>	<p>Hamilton’s asset management decision-making will:</p> <ul style="list-style-type: none"> <li>• Consider the needs of both current and future generations including changing community demographics and expectations related to service delivery, as well as potential modifications to legislative requirements;</li> <li>• Consider the potential effects of climate change and other environmental changes, and how the increased severity and frequency of climatic events may directly affect levels of service;</li> <li>• Consider socio-cultural, environmental, and economic factors and implications when making and implementing asset management decisions; and,</li> <li>• Apply an equity framework to its activities to identify and remove barriers and to support best practices.</li> </ul>

<b>Policy</b>		Content Updated: 2023-04-05
Strategic Asset Management		Previous Version Date: 2019-28-05
Policy No: COH-Y-005-001		Revision: 2
Page 4 of 7		Approval:

<p><b>Integrated and Systematic Approach</b></p>	<p>Hamilton’s asset management decision-making will:</p> <ul style="list-style-type: none"> <li>• Strive to connect the appropriate departments, functions, and support activities in order to build effective working relationships and encourage information-sharing;</li> <li>• Drive optimum value for the community by focusing on the “big picture”; and,</li> <li>• Ensure that decisions are made collaboratively and consider all life-cycle stages and the inter-relationships between asset performance, operational performance, and overall service performance.</li> </ul>
<p><b>Fiscal Responsibility and Asset Management Decision Making</b></p>	<p>Hamilton will develop and maintain appropriate plans for infrastructure renewal, for the purchase or construction of new infrastructure and for the decommissioning of redundant infrastructure.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• Applying rigorous analysis, including consideration of risk, to identify short and long-term investment needs;</li> <li>• Implementing processes to address the operational budget implications of capital investments;</li> <li>• Exploring efficiency opportunities where appropriate, including new technologies;</li> <li>• Analyzing investment plans and associated funding requirements and putting in place mechanisms to ensure long-term financial sustainability;</li> <li>• Evaluating relevant asset investment decisions based on consideration of the whole-life costs associated with managing those assets through their entire life cycle;</li> <li>• Developing prioritized capital investment plans that reflect community and stakeholder expectations with regard to level of service and other strategic objectives; and,</li> <li>• Evaluating the magnitude, nature and overall balance of investment plans considering intergenerational equity and the aggregate value derived for the community through affordability, willingness to pay and consideration of inclusion, equity, diversity, and accessibility.</li> </ul>

<b>Policy</b>		Content Updated: 2023-04-05
Strategic Asset Management		Previous Version Date: 2019-28-05
Policy No: COH-Y-005-001		Revision: 2
Page 5 of 7		Approval:

<p><b>Innovation and Continuous Improvement</b></p>	<p>Hamilton views continual improvement as a key part of our asset management approach and will focus on driving innovation in the development of tools, techniques, and solutions.</p> <p>Hamilton will:</p> <ul style="list-style-type: none"> <li>• Monitor and periodically review the effectiveness of asset management processes, asset performance, the outcomes of asset decisions and the wider asset management system in supporting the delivery of strategic objectives and will adjust as required.</li> </ul>
<p><b>RESPONSIBILITIES</b></p> <p><b>Council and Committees of Council (herein called “Council”)</b></p>	<ul style="list-style-type: none"> <li>• Approve asset management policy;</li> <li>• Articulate community values and define priorities;</li> <li>• Approve funding and resources to implement the AM policy and associated requirements; and,</li> <li>• Approve asset funding through multi-year and long-range financial plans.</li> </ul>
<p><b>City Manager</b></p>	<ul style="list-style-type: none"> <li>• Responsible for leading the implementation of the AM policy across the municipality.</li> </ul>
<p><b>Senior Leadership Team</b></p>	<ul style="list-style-type: none"> <li>• Responsible for ensuring the Asset Management Policy is relevant, suitable, adequate, reviewed and updated as required;</li> <li>• Responsible for communicating land-use or master plans, forecasts, policies and other planning or financial commitments related to municipal infrastructure assets; and,</li> <li>• Authority to carry out these responsibilities.</li> </ul>
<p><b>General Managers of Public Works and Corporate Services</b></p>	<ul style="list-style-type: none"> <li>• Executive sponsors for Asset Management in Hamilton</li> </ul>
<p><b>Director, Corporate Asset Management</b></p>	<ul style="list-style-type: none"> <li>• Responsible for the implementation of Corporate Asset Management including development of Asset Management strategies, policies, plans and procedures for the Corporation. Responsible for ensuring the City complies to O.Reg. 588/17 including regular reporting to SLT and the Mayor and Council on effectiveness of the Program.</li> </ul>



<b>Policy</b>		Content Updated: 2023-04-05
Strategic Asset Management		Previous Version Date: 2019-28-05
Policy No: COH-Y-005-001		Revision: 2
Page 6 of 7		Approval:

<p><b>OTHER PROVISIONS</b></p> <p><b>Plans, Budgets and Forecasts</b></p>	<p>This Policy and future AM Plans are only effective when fully aligned with City budgeting and forecasting activities. A process will be utilized to coordinate asset management decisions when developing municipal capital and operating budgets, and long-term forecasting related to infrastructure assets. Alignment with financial plans for water assets including any plans related to the Safe Drinking Water Act and Wastewater assets will be ensured.</p>
<p><b>Land-Use Planning Framework</b></p>	<p>A process will be utilized to align asset management planning with land-use planning, including the City of Hamilton Official Plan, Development Charge By-Laws, and other related master plans as they may be applicable.</p>
<p><b>Risk Management</b></p>	<p>Climate change introduces risk and vulnerabilities for municipal infrastructure assets. In order to fulfil climate change commitments in this Policy and stay aware of these risks and vulnerabilities, a Risk Assessment process will be utilized.</p> <p>The Capital Asset threshold is the threshold at or above which a resource is considered an asset. For the City of Hamilton, the capital asset threshold is defined in the Capital Asset Policy.</p> <p>Occasionally an item's value may be less than the defined capital asset threshold, but it has a functional value that introduces risk should the item's inventory, availability, condition or forecast not be considered and planned for. In that case, this item may be added using the Risk Assessment process.</p> <p>Infrastructure priorities are inherently identified by consideration of risk. This process will be utilized as the AM Plans are developed and updated, along with an overview of the risks associated with the strategy and any actions that will be taken in response.</p>
<p><b>Stakeholder Consultation</b></p>	<p>Stakeholder involvement is a commitment in this Policy, and an important factor of successful and relevant AM Plans. It is imperative that opportunities to provide input are consistently offered to residents and interested parties.</p>
<p><b>Availability and Update</b></p>	<p>This policy is posted on the City website and provided to anyone who requests it.</p> <p>It is reviewed and updated as required, no more than 5 years from the last revision date posted.</p>

<b>Policy</b>		Content Updated: 2023-04-05
Strategic Asset Management		Previous Version Date: 2019-28-05
Policy No: COH-Y-005-001		Revision: 2
Page 7 of 7		Approval:

<b>Revisions</b>	<b>History</b>
<b>Rev 1</b>	<ul style="list-style-type: none"> <li>• PW-19053 Strategic Asset Management Plan, 2019-28-05</li> </ul>
<b>Rev 2</b>	<ul style="list-style-type: none"> <li>• Strategic Asset Management Policy COH-Y-005-001, April 2023</li> </ul>



# Corporate Asset Management Program Update May 2023



## TABLE OF CONTENTS

CAM Program Update .....	3
Corporate Asset Management Steering Committee .....	3
CAM Program Development .....	4
Governance Strategy .....	5
Communications Strategy .....	5
Asset Management Training .....	6
Standard Operating Procedures.....	6
Asset Management Readiness Scale.....	8
Asset Management Plans .....	8
Resourcing Plan.....	10
Challenges and Successes .....	10
Continuous Improvement .....	11
Asset Information (Data) .....	11
Asset Condition.....	11
Lifecycle Management .....	12
Levels of Service.....	12
Replacement Cost .....	13
Demand, Climate Change & Risk Management Improvements.....	13
Financial Management Improvements .....	13
Governance .....	13
Summary.....	14

## CAM Program Update

The Corporate Asset Management (CAM) Division strives to provide Council with regular updates on program development. As such, Appendix B provides Council with an update on the following:

- Corporate Asset Management Steering Committee;
- CAM Program Development (CAM Strategy, Governance Strategy & Communications Strategy);
- Asset Management Training;
- Standard Operating Procedures;
- Asset Management Readiness Scale;
- Asset Management Plans – Master Schedule;
- Resourcing Plan;
- Challenges & Successes; and,
- Continuous Improvement.

Previous Reports pertinent to this Appendix:

- (a) Core Asset Management Plan Recommendation Report PW22048 June 15, 2022;
- (b) Corporate Asset Management Information Report PW22037 May 18, 2022;
- (c) Strategic Asset Management Policy PW19053 June 17, 2019; and,
- (d) Public Works Asset Management Plan - Provincial Requirement PW14035 April 7, 2014.

## Corporate Asset Management Steering Committee

The Corporate Asset Management Steering (CAMS) Committee guides development and implementation of each phase of the City’s asset management journey, ensuring that at all times the Asset Management vision, policy and strategy remain in the forefront of planning and decision making. This includes the development and implementation of policies, procedures, systems, and a strategic/operational framework from which appropriate decisions are made and implementation plans executed.

The CAMS Committee consists of the following members:

Position
General Manager, Public Works (Co-chair)
General Manager, Finance and Corporate Services (Co-chair)
Director, Financial Planning Administration and Policy
Director, Corporate Asset Management

Position
Director, Transportation, Operation & Maintenance and Chief Road Official
Director, Hamilton Water
Director & Senior Advisor Strategic Growth
Director, Recreation

To date, the CAMS Committee has met five times with plans for regular monthly meetings at the discretion of the Co-Chairs.

The CAMS Committee reports to the City’s Senior Leadership Team as outlined in the Hamilton Corporate Asset Management Strategy - Governance document.

The Terms of Reference (TOR) for the CAMS Committee was approved by the City’s Senior Leadership Team on November 29, 2022. The TOR provides details on the Committee’s mandate, scope, and responsibilities.

### **CAM Program Development**

#### CAM Strategy

The strategy document is in the process of being developed and will be the high level, long-term action plan for the delivery of the Asset Management Policy. The strategy will document how organizational objectives are converted into asset management objectives and plans.

Elements of the Asset Management Strategy will include:

- Governance (more detail provided below);
- Communication (more detail provided below);
- Risk Management;
- Level of Service;
- Lifecycle Management;
- Finance;
- Data Management; and,
- Integration.



## **Governance Strategy**

In order to implement Corporate Asset Management, the City needs to put in place an appropriate corporate governance strategy. This strategy includes a combination of, systems and structures built upon a strategic/operational framework, which together will ensure that appropriate decisions are made, and actions carried out.

The Governance Strategy defines asset management roles and responsibilities and enables participants to manage assets in an informed manner using reliable and consistent practices. Proper governance of the Corporate Asset Management Program ensures efficiency in asset management practices across the City.

The key objectives for a Corporate Asset Management Governance Strategy can best be described as follows:

- Provide an organization design to ensure successful implementation of all phases of the City’s corporate asset management program;
- Provide an organization design that operationalizes integrated and comprehensive asset management across the City’s Service Areas;
- Provide clear roles and responsibilities for staff to enable changes needed for the program to progress;
- Ensure consistency in asset management concepts and practices at a corporate level but also provide service area flexibility for implementation and management at the tactical and operations levels, and;
- Allow for strategic planning and understanding of future challenges and business drivers that may require changes to existing asset management concepts and practices to ensure effectiveness and sustainability.

The Governance Strategy was approved by the City’s Senior Leadership Team on November 29, 2022.

## **Communications Strategy**

Strong communication is critical for the success of the Corporate Asset Management program. Given the program impacts a sizable and diverse audience, this Communications Strategy will be essential to ensuring key audiences are informed and engaged, are confident in the City’s program and have a good understanding of the different facets of Corporate Asset Management in Hamilton.

The Corporate Asset Management Communication Strategy will be phased in over time, moving from a campaign approach to a way of doing business approach. The plan will help to develop a structure for ongoing communications and updates to key stakeholders that support the immediate business needs and functions of the Corporate Asset Management program.

The Communication Strategy was approved by the CAM Steering Committee in April 2023 and approved by the Senior Leadership Team on May 2023.

### **Asset Management Training**

Since the last CAM Information Report (PW22037) was presented to Council on May 18, 2022, the Corporate Asset Management Office has made great strides in providing City Staff with asset management training including the development of in-house training utilizing the SharePoint platform. SharePoint provides City staff with access to 8 training modules developed by internal Senior Program Analyst staff. The goal of developing this internal training was to provide City staff with a greater understanding of the sections of an Asset Management Plan and to allow them to apply their learnings to their specific service areas.

The modules created include:

- Background and Inventory;
- Lifecycle Management;
- Levels of Service;
- Demand Management;
- Risk Management;
- Climate Change;
- Financial Management; and,
- Continuous Improvement.

In addition, City Staff have made the most of a partnership between the Federation of Canadian Municipalities and National Asset Management System (NAMS) Canada through which they were offering an asset management training program to municipal staff over the past few years at a significantly reduced cost. The course required participants to work on a specific set of asset management competencies and to develop an Asset Management Plan for their selected asset. Upon successful completion, participants were awarded an Institute of Public Works Engineering Australasia (IPWEA) Professional Certification in Asset Management Planning. To date, there have been 24 participants from various service areas across the City including from the Corporate Asset Management Division, Corporate Finance Division, Environmental Services Division, Paramedics Services, Transit Division and Planning and Economic Development Department.

### **Standard Operating Procedures**

A key element of the development of a Corporate Asset Management Program is the development of Standard Operating Procedures (SOP) to ensure consistent asset management methodologies and approaches are applied across the organization.

As such, Corporate Asset Management Division staff completed an analysis of ISO 9001:2015; Quality Management Systems and ISO 55000:2014; Asset Management-Management Systems to determine SOP requirements.

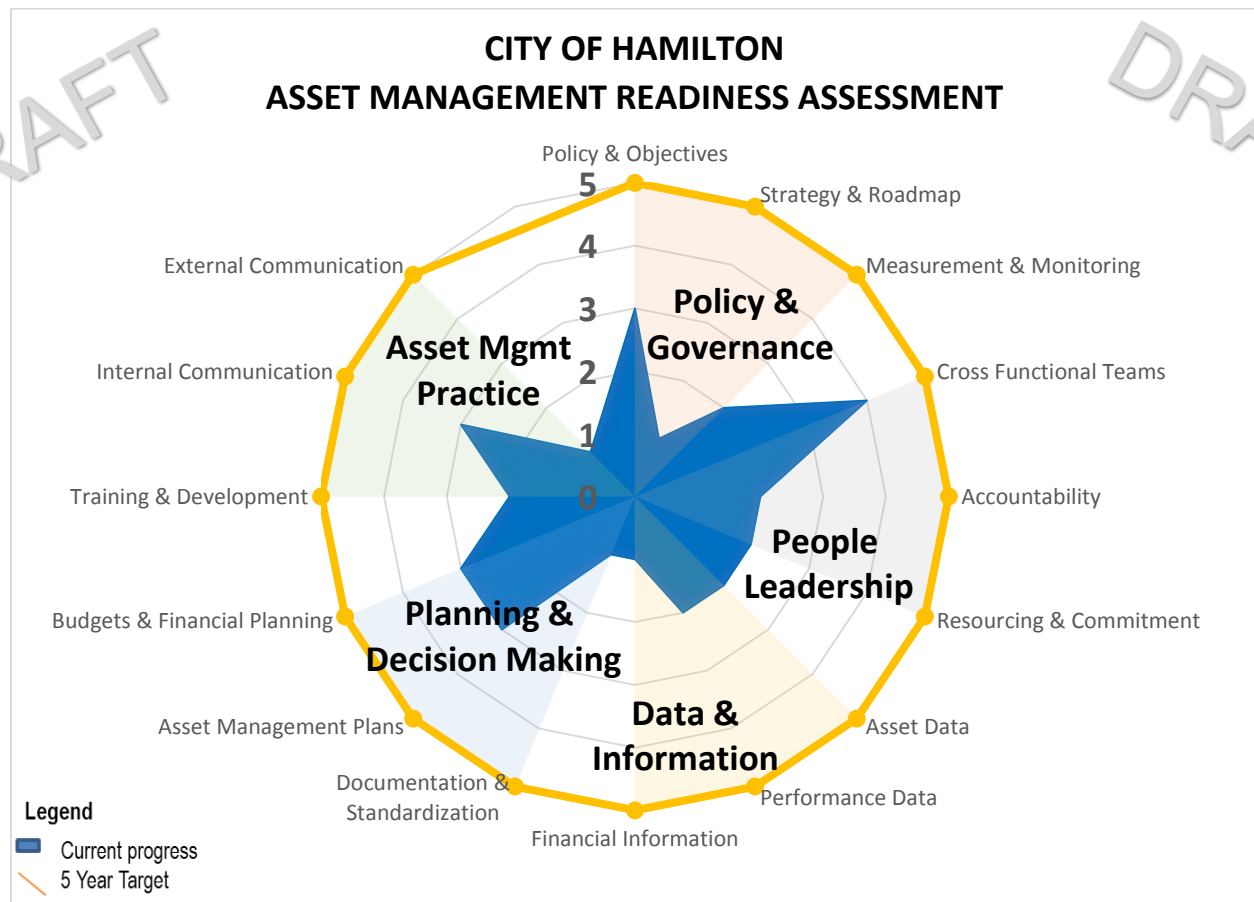
Below is a listing of the required SOP's and their respective expected completion dates:

SOP TITLE	ESTIMATED COMPLETION DATE
Nonconformance SOP Level II (Section 10 - Improvement)	COMPLETE Q3 2022
Levels of Service SOP Level I (Section 9 - Performance)	Q2 2023
Risk Management SOP Level I (Section 6 - Planning)	COMPLETE Q4 2022
Review of the Management System SOP Level II (Section 9 - Performance)	Q3 2023
Communication SOP Level I (Section 7 - Support)	Q3 2023
Condition Assessment and Asset Performance SOP Level I (Predicting for the future) (Section 9 - Performance)	Q1 2024
Capital Planning Process SOP Level I (Section 8 - Operation)	Q4 2023
Capital Prioritization Process SOP Level I (Section 8 - Operation)	Q4 2023
Asset condition SOP Level I (Section 7 - Support)	Q3 2024
Lifecycle Management SOP Level I (Acquisition, Renewal, Operations and Maintenance, Disposal, Decision techniques, operational planning) (Section 8 - Operation)	Q4 2023
Demand Management SOP Level I (Section 8 - Operation)	Q3 2024
Financial Management SOP Level I (Lifecycle costing, Replacement Cost / Asset Valuation, Long Term Financial Forecast) (Section 8 - Operation)	Q3 2024
Change Management SOP Level I (Section 6 - Planning)	Q4 2023
Leadership SOP Level II (Section 5 - Leadership)	Q1 2024
Renewal Forecast SOP Level I (Modelling and development of the plan) (Section 8 - Operation)	Q1 2024
Data Management SOP Level I (Asset Registry) (Section 7 - Support)	Q4 2023
Preventive Action SOP Level I (Section 10 - Improvement)	Q1 2024

## Asset Management Readiness Scale

The Federation of Canadian Municipalities developed this tool to help municipalities assess their current asset management practices, identify opportunities to adopt new practices, formalize asset management activities and to measure and track progress.

This scale is designed for a municipality to use as a framework to guide actions to improve asset management practices across the organization. Below is a draft readiness assessment for the City of Hamilton. The Corporate Asset Management Steering Committee will be completing a full assessment using this tool in 2023.



## Asset Management Plans

Further to the update that was provided to Council during the 2023 Tax Supported Capital Budget Presentation (FCS00281) on November 25, 2022, there are 33 Asset Management Plans that are required to be written to current levels of service and approved by Council by the O.Reg. 588/17 due date of July 1, 2024. The Core Asset Management Plans (Water, Wastewater, Stormwater, Roads and Engineered Structures) were required to be written to current levels of service by July 1, 2022; this requirement was fulfilled on June 15, 2022 (PW22048).

The next requirement of July 1, 2025 under the regulation is to update all Asset Management Plans to include proposed levels of service. Due to the limited time between the two deadlines, the Corporate Asset Management team is striving to include proposed levels of service in the 2024 deadline where appropriate.

As such, Corporate Asset Management staff have developed an implementation plan with the goal of meeting this regulatory requirement. Progress made to date and the full implementation plan is shown below:

AM Plan #	Proposed Start Month	AMP Section	Planned Completion Month
1	Q3 2022	Police	Q3 2023
2	Q1 2023	Fire	Q4 2023
3	Q3 2022	Paramedics	Q4 2023
4	Q4 2022	Parking	Q2 2023
5	Q4 2022	Transit	Q3 2023
6	Q4 2022	Waste Management	Q3 2023
7	Q2 2023	City Housing Hamilton	Q2 2024
8	Q2 2023	Computer Hardware and Software	Q1 2024
9	Q3 2023	Homes for the Aged (Long Term Care)	Q2 2024
10	Q2 2023	Land Banking	Q4 2023
11	Q2 2023	Industrial Business Parks	Q4 2023
12	Q2 2023	Capital Leases	Q4 2023
13	Q2 2023	Airport	Q4 2023
14	Q2 2023	Libraries	Q1 2024
15	Q2 2023	Public Health	Q4 2023
16	Q2 2023	Social & Family Services (Ontario Works)	Q4 2023
17	Q2 2023	Social & Family Services (Children's Services)	Q4 2023
18	Q3 2023	Parks & Trails including Confederation & Waterfront	Q2 2024
19		Confederation Park	Q2 2024
20	Q3 2023	Cemeteries	Q2 2024
21	Q3 2023	Recreation & Community Centres	Q2 2024
22	Q3 2023	Golf Courses	Q2 2024
23	Q3 2023	Corporate Facilities	Q2 2024
24	Q3 2023	Tim Hortons Field	Q2 2024
25	Q3 2023	POA	Q2 2024
26	Q3 2023	Central Fleet	Q2 2024
27	Q3 2023	Museums	Q2 2024
28	Q3 2023	Cultural (Art, Public Art)	Q2 2024
29	Q3 2023	Animal Services	Q1 2024
30	Q3 2023	Bylaw Services	Q1 2024
31	Q3 2023	Forestry	Q2 2024
32	Q3 2023	Horticulture	Q2 2024
33	Q3 2023	Natural Assets	Q2 2024

## Resourcing Plan

The Implementation Plan above and associated completion dates are highly dependent upon the City obtaining the qualified resources needed to develop these Asset Management Plans by the regulatory required dates. When the CAM Office was first formed in July 2021, the resource needs were not fully understood. An in-depth analysis was conducted to allow for data driven decision making as it relates to resource requirements. A Council Referred Item related to making the Corporate Asset Management Office permanent from PW 22048 on June 15, 2022 was presented to Council on February 21, 2023 (Item number 6.2 – 2023 Tax-Operating Budget Deliberations – Council Referred Item #3.1) and was approved. At this time, the following permanent roles support this implementation plan:

Role Title	Number of FTE
Director, Corporate Asset Management	1
Administrative Assistant	1
Senior Project Manager	1
Project Manager	1
Senior Program Analyst	2
Program Analyst	4

Additional temporary FTE are being recruited to support our goal of meeting both the July 1, 2024 regulatory requirement and the July 1, 2025 date.

## Challenges and Successes

The Corporate Asset Management team has made great strides with establishing asset management methodologies, training and education material and overall Asset owner engagement across the organization. Successes include:

- Completion of the CAMS Committee Terms of Reference;
- Approval of the CAM Governance Strategy & Communication Strategy;
- Completed initial engagement with all 33 Asset Owner Groups;
- On track to present 6 Asset Management Plans to Council in 2023, 11 in Q1 2024 and the remaining 16 plans in Q2 2024;
- In house development of 8 SharePoint Training Modules completed;
- Continued work with Core Asset Owners on Continuous Improvement items identified in their Plans;
- SOP and Standard Template Development is well under way;
- 3 Customer Engagement Surveys launched so far in 2023; and,
- Multi-year project plan developed.



Successes never come without some challenges along the way, especially when you are building new processes. Below are some challenges that the CAM Division has experienced:

- Asset Owner availability and capacity to participate;
- Lack of Asset Management knowledge across the organization;
- Recruitment of Asset Management Professionals;
- Conflicting priorities; and,
- Change Management.

Through these challenges the CAM Division has adjusted approach with Asset Owners by developing the training modules, working with Asset owners to define project timelines to ensure they have capacity and continuing to send the message that asset management is a journey.

### **Continuous Improvement**

The CAM Division recognizes the importance of continuous improvement as an essential part of the asset management journey. As the City begins to embrace improved practices, it is important to recognize that the City is early in this journey and will acknowledge findings through the Improvement Plan and future iterations of the AM Plans.

As presented to Council on June 15, 2022 (PW22048 Core Asset Management Plan), there were continuous improvement items identified through the development of these plans. There were 8 key themes associated with these continuous improvement items.

Based on these 8 key themes, the CAM Division is pleased to share with Council some updates on progress made on these 8 key theme areas:

#### **Asset Information (Data)**

- Data found to be missing, old, incomplete, and duplicated.

Updates on progress made:

- Data confidence scale developed to quantify concerns;
- A data standards document is near completion and will assist asset owners with assessing data quality and collection;
- Working with Municipal Assets Initiative (MNAI) to develop a road map for natural asset management; and,
- Improvement to data collection for Water and Wastewater Treatment Plants.

#### **Asset Condition**

- No condition process for many assets or assessments (CA's); and,
- Use of Estimated Service Life (ESL) and age to approximate condition.

Updates on progress made:

- Condition assessment output requirements document is currently under development;
- Condition assessment study for traffic signals and metal poles is underway; expected completion Q3 2023;
- Other Transportation asset condition assessments (traffic signs, sidewalks and bicycle lanes) are planned for 2024; and,
- Utilizing condition assessment data to improve design, planning and budgeting process.

### **Lifecycle Management**

- Not all assets are properly programmed; and,
- Impact of acquired assets not fully understood.

Updates on progress made:

- Standard lifecycle model templates have been developed and workshops are being completed through the AM planning process to train staff on how to apply the model across all asset types;
- Project is currently underway to quantify lifecycle costs for new subdivision corridor assets;
- Lifecycle Management standard operating procedure is under development; and,
- In 2023 Pavement Markings Program has begun utilizing GIS technology to improve data quality and lifecycle management.

### **Levels of Service**

- Owners are learning about and starting to embrace LOS; and,
- Community engagement is paramount and will be ongoing.

Updates on progress made:

- A continuous improvement project is underway to enhance our customer engagement strategies;
- A survey development standard operating procedure (SOP) and Levels of Service SOP are under development;
- Asset Management Training program developed in house to better support asset owners across the organization;
- In Q3 2023 the Transportation Division will be retaining a consultant to determine service level requirements for roadway maintenance assets, expected completion date is Q2 2024; and,
- Route optimization for winter control ongoing project with a target of Q4 2024 completion.

## Replacement Cost

- Variations exist in current data; and,
- Need to apply a robust process across all asset classes.

Updates on progress made:

- Continuous improvement items have been identified across all core assets.

## Demand, Climate Change & Risk Management Improvements

- Extensive requirements not yet identified in O. Reg 588/17; and,
- Plans to be updated by 2025; currently in development.

Updates on progress made:

- Risk SOP approved and released;
- Master Planning Alignment meetings as part of the Development Charges Bylaw coordination process are ongoing with Director and Senior Advisor, Strategic Growth and Director, Financial Planning Administration and Policy;
- Asset Management Climate Change Framework/training module has been developed which builds on existing climate change documentation; and,
- Utilizing PW Climate Lens during project initiation to better understand impacts of climate change.

## Financial Management Improvements

- Planning horizon expanded from 10 to 30 years;
- Infrastructure gap at low-med confidence; and,
- Future Long-Term Financial Plan will connect the budget to AM Plans.

Updates on progress made:

- Continued engagement with Corporate Finance to align AM Plans with the budget process; and,
- Piloting the alignment and combined Long-Term Financial Plan with Finance and Hamilton Water.

## Governance

- Need for standard processes evident; currently in development; and,
- Clearly defined asset ownership apparent yet still some gray areas.

Updates on progress made:

- CAM Governance Strategy has been approved by the City's Senior Leadership Team and released.

## Summary

The CAM Division along with Asset Owners and Stakeholders associated with the City’s Assets across the organization, have begun this Asset Management Journey. 13 plans are currently scheduled to be completed in 2023 and other asset groups beginning in 2023 with completion targeted for 2024.

Asset Management provides Council with the data it needs to make great infrastructure decisions. Therefore, it is critical that staff have the resources and support they need to gather this information. While Council sets direction and allocates resources, it is the role of municipal staff to manage risk and maintain the expected level of service to residents. This goes beyond simply preventing service failures — it is also about managing risks to public health and safety. In order to continue delivering safe and sustainable services in a predictable and cost-effective manner, staff need to be able to provide Council with solid information on our assets. Without this information, we are unlikely to be able to identify possible service disruptions, expected levels of service and risk related to condition and performance of our assets. This is why asset management is a team sport.

Once a desired level of service and the risks associated with an asset have been determined, Council and staff can work together to establish the cost so that residents can receive the full value of the service provided. Data and field data in particular is critical to accurately understanding the performance, risks and costs associated with assets. For example, the Association of Municipalities of Ontario commissioned a study in 2015, that found the condition of roads, culverts and bridges, when calculated using age data alone, was up to 30% poorer than when the condition of the same assets was assessed using field data.

In summary, the Corporate Asset Management Division has made good progress in the finalization of the Core Asset Management Plans, beginning to build the Asset Management Plans for all other asset groups across the organization and the development of the Corporate Asset Management Program. Asset Management is a journey. Some great first steps have been taken in not only meeting the requirements under O.Reg. 588/17 but also in developing a corporate wide asset management program that will support the City in making better informed decisions about our assets and the services that it provides.



Hamilton

# STRATEGIC ASSET MANAGEMENT POLICY AND CORPORATE ASSET MANAGEMENT PROGRAM UPDATE

June 14, 2023

## Recommendation

### 1 . Strategic Asset Management Policy

- That Appendix “A” attached to report PW23044 respecting the Strategic Asset Management Policy be approved

### 2. Corporate Asset Management Program Update

- That Appendix “B” attached to report PW23044 respecting an Update on the Corporate Asset Management Program be received.

## Asset Management Goal

- To meet a required level of service (LOS), in the most cost-effective manner, through the management of assets for present and future customers.

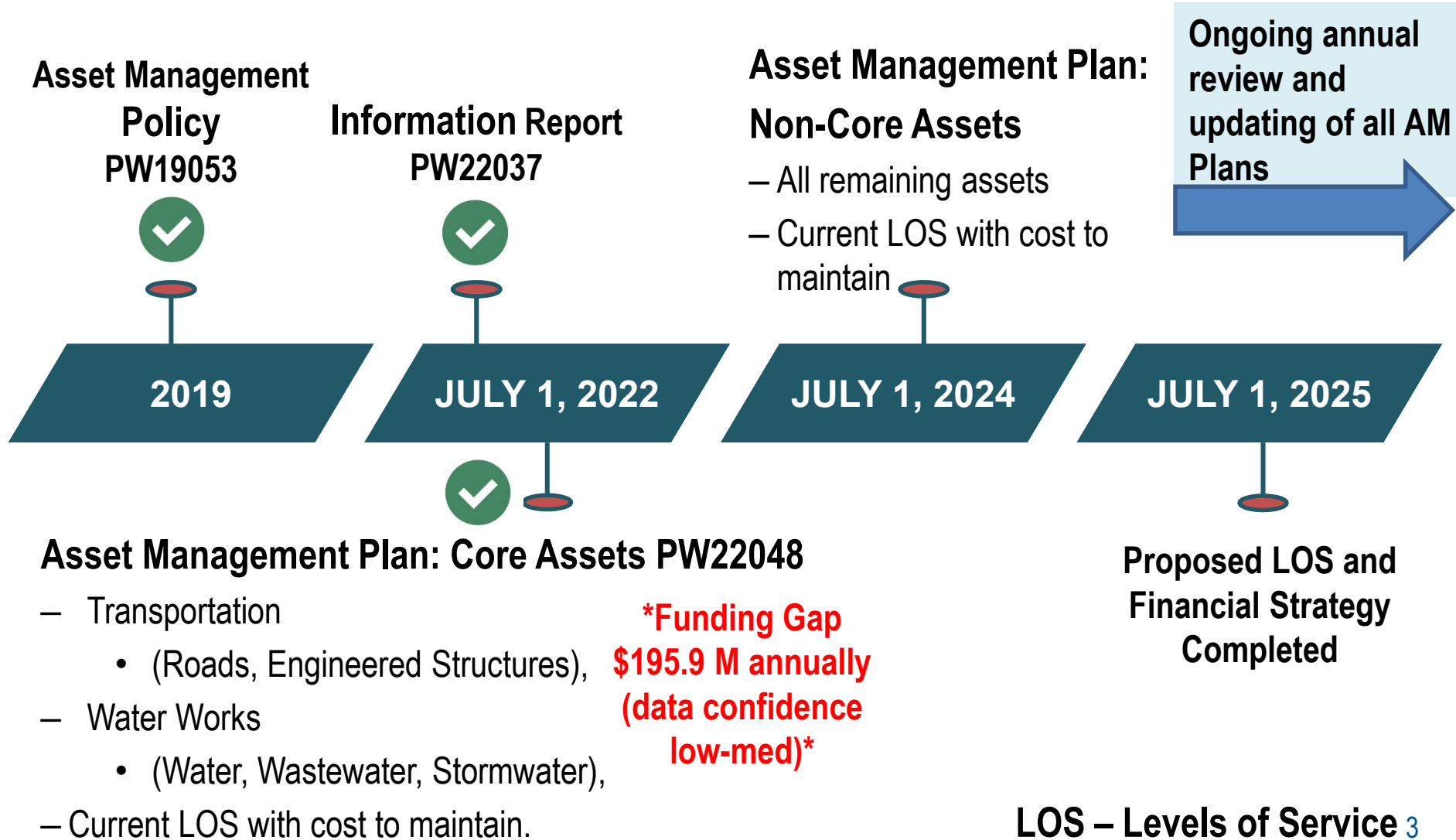
## Benefits

- Governance and accountability,
- Effective and sustainable decisions,
- Enhanced customer service,
- Effective risk management,
- Improved financial efficiency.

Ontario 

O. Reg. 588/17:  
Asset Management  
Planning for  
Municipal Infrastructure





Four different levels of documents contribute to the overall asset management approach, the Asset Management Policy, Strategy, Asset Management Plans and Operational Plans/Programs.

Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure requires that all municipalities prepare a Strategic Asset Management Policy by July 1, 2019, and shall review and, if necessary, update it at least every five years.

In June 2019 Council approved report PW19053 Strategic Asset Management Policy in order to affirm the City's commitments to asset management through defined principles and processes, and to align and integrate asset management into strategic planning processes.

Appendix "A" attached to Report PW23044 reflects the recommended updated Strategic Asset Management Policy.

Appendix “A” attached to Report PW23044 reflects the recommended updated Strategic Asset Management Policy for Council approval.

## Updates Include:

- Increasing the scope to include all non-core assets as well as core
- Realigning principles to asset management best practice:
  - Service delivery to customers,
  - Long term sustainability and resilience,
  - Integrated and systematic approach,
  - Fiscal responsibility and asset management decision making,
  - Innovation and continuous improvement, and,
  - Addition of equity framework.

# Corporate Asset Management Program Update

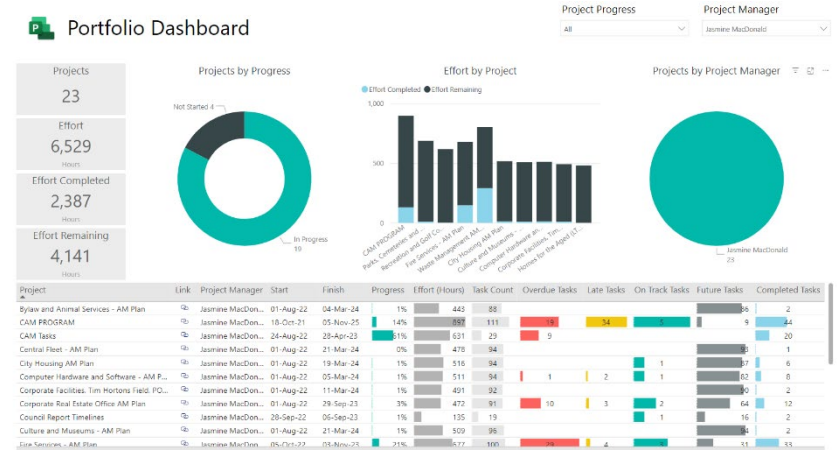
Appendix “B” attached to Report PW23044 reflects a Corporate Asset Management Program Update for Council.

Updates included in Appendix “B”:

- Corporate Asset Management Steering Committee
  - Terms of Reference; Committee Members
  
- Resourcing Plan
  - Approval of permanent Corporate Asset Management Division (10 FTE)
  
- Overall CAM Program Development
  - CAM Strategy being built; Governance and Communications released
  - Standard Operating Procedures (SOPs)
    - 17 SOPs identified; 2 released (Nonconformance and Risk) rest due Q4 2024.
  - Asset Management Training
    - In-house AM training modules built by our AM Professionals using SharePoint
    - 24 Staff completed Certification in Asset Management Planning.

Updates included in Appendix “B”:

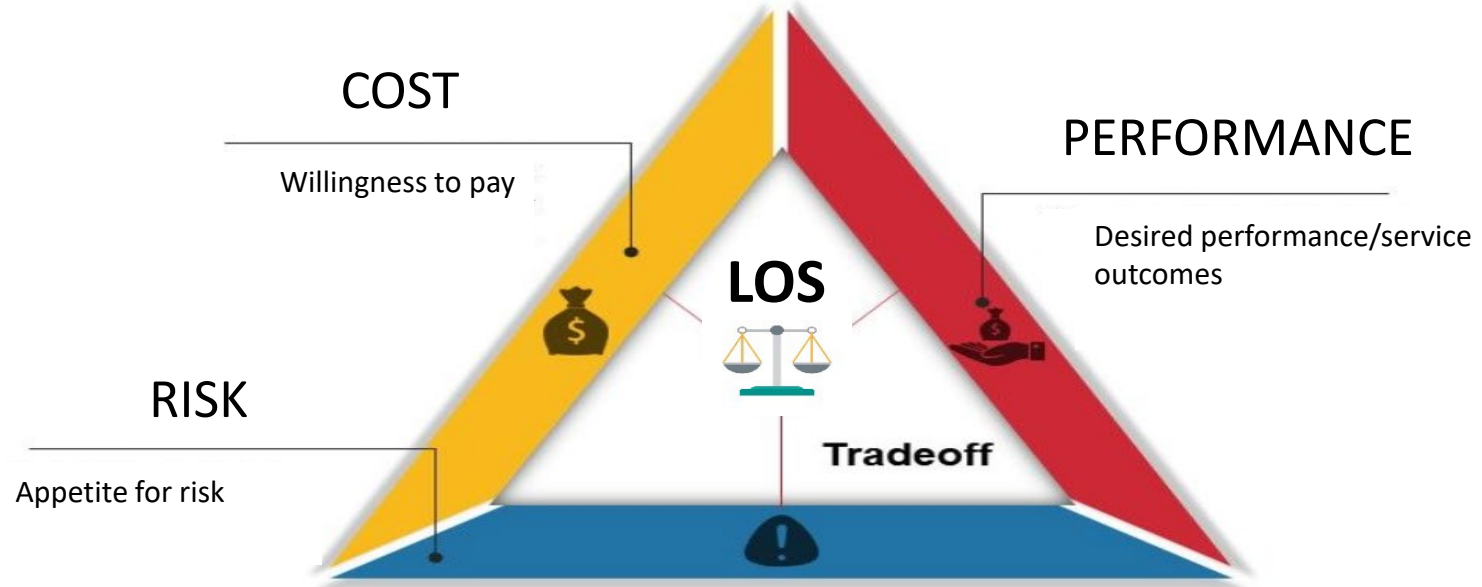
- Asset Management Plans – Master Schedule
  - Implementation Plan and dashboard
  - Plan is highly dependent on obtaining qualified resources
  
- Continuous Improvement
  - As presented to Council on June 15, 2022 (PW22048 Core Asset Management Plan), 8 key themes were identified with the continuous improvement items, some progress made to date includes:
    - Level of Service (LOS): Customer engagement enhancements in progress
    - Lifecycle model templates developed/workshops in progress
    - Climate Change framework/training module created
    - Engagement with Corporate Finance to align AM Plans with budget process
    - Condition assessment studies in progress; standardized approach
    - Financial strategies identified by Corporate Finance



Updates included in Appendix “B”:

- Challenges & Successes
  - Many successes realized over the last year including:
    - establishing asset management methodologies
    - training and education material
    - Asset owner engagement across the organization
  - Some challenges include:
    - Asset Owner availability and capacity to participate;
    - Lack of Asset Management knowledge across the organization;
    - Conflicting priorities






- Proposed levels of service will be achieved through the balance of cost, risk and service/asset performance.
- Prioritization of operating and capital funds becomes critical in order to ensure the best balance is achieved.
- Must find the balance that delivers the greatest value to the City.



QUESTIONS?



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Financial Planning, Administration and Policy Division**

<b>TO:</b>	Chair and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Development Charges Exemptions Sustainable Funding Strategy (FCS23064) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Lindsay Gillies (905) 546-2424 Ext. 5491
<b>SUBMITTED BY:</b>	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That a \$40.59 M (3.69%) Property Tax Levy increase be referred to the 2024 Tax Capital budget process and reviewed annually thereafter for the following pressures:
- i) A \$3.75 M (0.34%) increase to the Tax Supported Capital Budget to replace development charges revenues lost for CityHousing Hamilton projects (\$1.28 M) and Growth Studies (\$2.47 M) due to changes to the *Development Charges Act, 1997* through the *More Homes Built Faster Act, 2022* (Bill 23);
  - iii) A \$17.08 M (1.55%) increase to fund statutory exemptions required due to changes to the *Development Charges Act, 1997* through the *More Homes Built Faster Act, 2022* (Bill 23);
  - iii) A \$10.19 M (0.93%) increase to fund statutory exemptions required under the *Development Charges Act, 1997* prior to the enactment of the *More Homes Built Faster Act, 2022* (Bill 23);
  - iv) A \$9.57 M (0.87%) increase to fund the City's discretionary Development Charge exemptions;

**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 2 of 12**

---

- (b) That a \$27.28 M (9.75%) Water and Wastewater/Stormwater rate increase be referred to the 2024 Rate Budget process and reviewed annually thereafter for the following pressures:
- i) A \$14.08 M (5.03%) increase to fund statutory exemptions required due to changes to the *Development Charges Act, 1997* through the *More Homes Built Faster Act, 2022* (Bill 23);
  - ii) A \$10.30 M (3.68%) increase to fund statutory exemptions required under the *Development Charges Act, 1997* prior to the enactment of the *More Homes Built Faster Act, 2022* (Bill 23);
  - iii) A \$2.90 M (1.04%) increase to fund the City’s discretionary Development Charge exemptions;
- (c) That the Development Charges (DC) Exemptions Reserve Policy, attached as Appendix “D” to Report FCS23064, be approved and a reserve established.

**EXECUTIVE SUMMARY**

Report FCS23064 addresses the statement within Report FCS22042(b) “Tax and Rate Operating Budget Variance Report as at December 31, 2022 – Budget Control Policy Transfers” that staff will incorporate a funding strategy for the remaining development charges (DC) exemption shortfall in the 2024 Tax Supported Capital Budget and Financing Plan.

The City has historically budgeted insufficient funding to cover the discretionary DC exemptions that are provided by Council through the City’s DC By-law. While the City has, over the past decade, increased the budget for discretionary DC exemptions, DC exemptions have not been fully budgeted due to budget guidelines and residential tax affordability concerns.

In addition, the *More Homes Built Faster Act, 2022* (Bill 23) was passed by the Provincial government on November 28, 2022. Bill 23 made several changes to the *Development Charges Act, 1997* (DC Act) which impacts all municipalities’ ability to finance planned growth infrastructure. The planned growth infrastructure is required in order to ensure that there are serviced lands which can be developed, upgraded infrastructure to permit intensification and to provide the community services, such as parks, recreation centres and libraries which ensure complete and vibrant communities.

The purpose of Report FCS23064 is to recommend an overall DC exemption funding strategy including the financial impacts of Bill 23. A 2024 net property tax levy impact of \$40.59 M (3.69%) and a 2024 net rate levy impact of \$27.28 M (9.75%) is being recommended to fund these exemptions.

**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 3 of 12**

---

Appendix “A” to Report FCS23064 illustrates how the total costs of growth were funded pre-Bill 23 and post-Bill 23.

Recommendations (a) i), ii), and (b) i) provide recommended levy and rate increases necessary to ensure that infrastructure to support growth can proceed as a result of the changes to the DC Act from Bill 23. These estimates have been based on several assumptions with the goal of minimizing the impact to existing tax and rate payors. These assumptions are detailed in Appendix “B” to Report FCS23064.

Notably, staff has used the current pace of growth to calculate the estimated impact versus the pace of growth necessary to achieve provincial growth targets. As the pace of growth in the City increases, further tax and rate increases or deferral of planned infrastructure will be necessary in the absence of upper level government funds. Exclusive of sustainable funding for growth related infrastructure projects, the City’s ability to meet provincial growth targets would be in jeopardy, or the City would need to accept lesser service levels and defer investments in the condition of existing infrastructure assets.

Recommendations (a) iii), iv), (b) ii), and iii) provide recommended levy and rate increases related to ensuring adequate funding for the pre-Bill 23 statutory and Council directed discretionary exemptions. These estimates have been adjusted for the statutory Bill 23 impacts that would affect the same forms of development to ensure that there is no double counting of the exemptions.

Recommendation (c) proposes a DC Exemptions Reserve to be established and the associated DC Exemptions Reserve Policy. This recommendation is to establish a process to increase transparency and accountability by moving to a ‘fund-as-you-go’ approach to funding DC Exemptions. It is recommended that starting in 2024, all in-year DC exemptions would be funded from the DC Exemptions Reserve. The existing backlog of unfunded DC exemptions, up to December 31, 2023, would continue to be addressed through the Tax Capital Budget, Rate Budgets and allocations from future year-end tax and rate supported operating budget surpluses.

**Alternatives for Consideration – See Page 10**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Appendix “B” to Report FCS23064 details the financial impacts to statutory DC exemptions required due to changes to the *Development Charges Act, 1997* through the *More Homes Built Faster Act, 2022* (Bill 23), as well as, provides a financing plan for all DC exemptions.

Since the discretionary DC exemptions will be reviewed as part of the 2024 DC By-law process, 50% of the amount calculated in Appendix “B” to Report FCS23064 related to discretionary exemptions is being recommended to stay in line with the goal of minimizing the impact to existing tax and rate payors.

**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 4 of 12**

---

Regardless of any decisions made with the 2024 DC By-law, the exemptions contained within the 2019 DC By-law will continue to be provided for any developments who locked in their DC rates via a site plan or site-specific zoning amendment application.

A 2024 net property tax levy impact of \$40.59 M (3.69%) is being recommended to fund these exemptions.

A 2024 net rate levy impact of \$27.28 M (9.75%) is being recommended to fund these exemptions.

**Staffing:** As identified through Report FCS22085 “Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act*”, additional staffing will be required to support the effective administration, tracking and monitoring of the changes to the DC Act enacted through Bill 23, as well as, the associated affordable and attainable housing agreements. The Province has not yet released details regarding the affordable housing and attainable housing agreements. Once details are known staff will report back and provide recommendations as necessary through the annual budget process.

**Legal:** The DC Act does not allow exemptions or reductions to one type of development to be made up through higher charges to other forms of development (Subsection 5 (6) 3 of the DC Act) and, therefore, the City must find alternate source of funds to cover the costs of exemptions.

Having a financing plan for DC exemptions in place demonstrates that the City is committed to growth enabling infrastructure and has plans to fund the shortfall arising from Council approved discretionary exemptions, as well as, statutory exemptions which may aid in reducing appeals of the 2024 DC By-law.

## **HISTORICAL BACKGROUND**

Since 2019, the Provincial government has advanced a number of initiatives and legislative changes that impacted the DC Act and municipalities’ ability to fund growth related infrastructure projects. Appendix “C” to Report FCS22064 provides a summary of the net changes from the following Acts:

- *More Homes, More Choice Act, 2019* (Bill 108)
- *COVID-19 Economic Recovery Act, 2020* (Bill 197)
  - Note that this Act largely reversed proposals of Bill 108 prior to them coming into effect. Only the net impacts are shown on Appendix “C” to Report FCS23064
- *Better for People, Smarter for Business Act, 2020* (Bill 213)

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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



**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 5 of 12**

---

- *More Homes for Everyone Act, 2022* (Bill 109)
- *More Homes Built Faster Act, 2022* (Bill 23)
- *Helping Homebuyers, Protecting Tenants Act, 2023* (Bill 97)
  - Note that this Bill has not yet been passed

Report FCS22042(b) “Tax and Rate Operating Budget Variance Report as at December 31, 2022 – Budget Control Policy Transfers” presented at the Audit, Finance & Administration Committee meeting of April 20, 2023, indicated that staff will incorporate a funding strategy for the remaining DC exemption shortfall in the 2024 Tax Supported Capital Budget and Financing Plan.

The following historical letters related to Bill 23 are referenced in the “Analysis and Rationale for Recommendation” section of Report FCS23064.

November 30, 2022 The Honourable Steve Clark, Minister of Municipal Affairs and Housing (MMAH) issued a letter to the Association of Municipalities of Ontario in response to municipal feedback regarding the *More Homes Built Faster Act, 2022* (Bill 23). In particular, the suggested impact the legislation could have on the ability of municipalities to fund infrastructure and services that enable housing.

In this letter, the Province announced its plan to launch third-party audits of select municipalities.

December 22, 2022 The Honourable Steve Clark, Minister of MMAH, provided a letter to the City Clerk in response to municipal feedback regarding the *More Homes Built Faster Act*. In particular, the suggested impact the legislation could have on the ability of municipalities to fund infrastructure and services that enable housing.

Council received this letter, as Item 5.5, at its meeting of January 25, 2023.

January 25, 2023 City Manager, Janette Smith, sent a letter to Hamilton Members of Parliament and Members of Provincial Parliament regarding concerns about Bill 23’s impact on specific growth enabling infrastructure and housing projects which will not proceed within the City of Hamilton in response to a motion passed on December 7, 2022.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Report FCS23064 makes recommendations to refer increases to the 2024 budget processes. These increases would impact the City’s financing policy.

**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 6 of 12**

---

Report FCS23064 also recommends the establishment of a DC Exemption Reserve and accompanying Policy which is a change from the City's past practice related to financing of DC Exemptions.

The DC Act does not allow exemptions or reductions to one type of development to be made up through higher charges to other forms of development (Subsection 5 (6) 3 of the DC Act). Therefore, the City must fund the costs of exemptions, namely, from existing tax and rate payors in the absence of upper level funding programs.

**RELEVANT CONSULTATION**

Healthy and Safe Communities Department: Housing Services Division,  
Planning and Economic Development: Planning Division, Economic Development Division  
Corporate Services Department: Legal and Risk Management Services Division,  
Watson and Associates Economists Ltd. (Watson)

**ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

The City has historically budgeted insufficient funding to cover the discretionary DC exemptions that are provided by Council through the City's DC By-law. While the City has, over the past decade, increased the budget for discretionary DC exemptions, DC exemptions have not been fully budgeted due to budget guidelines and residential tax affordability concerns. This practice of under budgeting has led to an accumulated unfunded backlog of discretionary DC exemptions of almost \$60 M (see Report FCS23035 "Development Charges Reserves Status Report and of December 31, 2022"). Since 2017, Council has often approved a transfer from the annual operating budget surplus to cover the in-year discretionary exemptions shortfall. However, the unfunded backlog and persistent under budgeting for DC exemptions has not yet been addressed.

Bill 23 has significantly altered how much "growth pays for growth". Appendix "A" to Report FCS23064 provides a high-level illustration of the impacts that the changes from Bill 23 have on the funding model for growth related infrastructure.

It has been the Province's position that the changes through Bill 23 were necessary. In their December 22, 2022 letter to the City, the Minister of MMAH indicated that "our decision to rein in unsustainable and out-of-control municipal fees on new homebuyers is the right thing to do, and that is why our position on Bill 23 will not waver." The letter also indicated that "There should be no funding shortfall for housing enabling infrastructure as a result of Bill 23, provided municipalities achieve and exceed their housing pledge levels and growth targets." These statements do not align with the methodology required by the DC Act when determining DCs.

**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 7 of 12**

---

In her January 25, 2023 letter to the Hamilton Members of Parliament and Members of Provincial Parliament, City Manager, Janette Smith, reached out for financial support from the Province to offset the lost funding, due to the changes from Bill 23. Concerns were raised, consistent with other municipalities' concerns, about how the change in the funding regime to reduce the amount of growth costs that are paid by that growth would exacerbate the rising cost of housing for existing residents, delay timing of critical infrastructure and ultimately limit the ability to advance housing supply.

Reacting to the municipal response to Bill 23, the Province has launched a "third-party audit of select municipalities to get a factual understanding of their finances, including their reserve funds and development charge administration" as indicated in MMAH's November 30, 2022 letter to the Association of Municipalities of Ontario. Six municipalities have been selected for audit: City of Toronto, Region of Peel, City of Mississauga, Town of Caledon, City of Brampton and the Town of New Market.

The City of Toronto was the first municipality selected and the draft Terms of Reference were adopted by Toronto City Council at its meeting of March 29, 2023. The final report on the two objectives of the audit is anticipated by July 1, 2023 and September 30, 2023.

The engagement's objectives are stated as:

- A. Bill 23 financial impacts: What is the estimated impact of Bill 23, *More Homes Built Faster Act, 2022*, on the City's finances, if provincial housing targets for the City are met / exceeded?
- B. Optimizing growth-related infrastructure investments: Have growth-related capital planning decisions been managed with due regard for economy, efficiency and effectiveness?

Of concern to staff is a statement in the Terms of Reference that the Financial Impacts prong of the audit will "estimate the net increase in municipal revenues (e.g. from property tax ...)". This statement raises concern as property taxes are principally used to fund delivery of municipal services, including the state of existing infrastructure. Should the increase in property taxes be viewed as a funding source for the initial capital cost of growth-related infrastructure, the result is no different than adding a levy on tax payors for the shortfall caused by Bill 23.

Through communications about the challenges of Bill 23, the Province has often mentioned the Federal Government's national Housing Accelerator Fund. As stated in the December 22, 2022 letter from MMAH, "We also expect that all municipalities will make an application to the federal Housing Accelerator Fund for funding that will support housing enabling infrastructure and relieve municipal charges levied on new homebuyers."

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 8 of 12**

---

General Issues Committee at its meeting on May 31, 2023 considered Report HSC23017 / FCS23062 / PED23143, “Canadian Mortgage and Housing Corporation Housing Accelerator Fund”, approving the City making an application to the Housing Accelerator Fund. The intended purpose of the fund is to support municipalities nation-wide in creating 100,000 new residential units using an investment of \$4 B. It does not appear that the Housing Accelerator Fund allows municipalities to access funds to offset the impacts of Bill 23.

Both the impacts of Bill 23 on DCs, as well as, a forecast of statutory and Council directed exemptions has been assessed by staff with the goal minimizing the impact to existing tax and rate payors and staff is recommending budget increases based on that assessment.

Appendix “B” to Report FCS23064 provides the financial impacts related to Bill 23, as well as, addresses increases necessary to support the previous statutory and City discretionary DC exemptions. A list of the assumptions used to minimize the impact on existing tax a rate payors is also included in Appendix “B” to Report FCS23064.

Since a goal of minimizing the impact on existing tax and rate payors was considered in the approach, there is a high probability that additional increases or changes to the City’s capital infrastructure plan (see Alternatives for Consideration section of Report FCS23064) will need to be passed in future years. Staff will monitor and make recommendations through future budget processes.

Staff is recommending moving to a “fund as you go” methodology for DC exemptions which will require the establishment of a DC Exemptions reserve. Currently, the City funds the DC reserves up to the amount budgeted each year and then tracks the unfunded exemptions separately. The amount of exemptions varies year over year and the required five-year phase in of DC rates means that the first five years of a new DC by-law will experience more exemptions than the last five years (assuming a 10-year by-law). Since staff has recommended an increase based on a forward looking 10-year analysis, this means that there are expected funding shortfalls in the first five years which will be caught up in the second five years.

This “fund as you go” approach will provide a clear and transparent view of where the municipality stands in terms of funding its overall DC exemption obligations. Appendix “D” to Report FCS23064 contains the recommended DC Exemptions Reserve Policy.

**Non-DC Financial Impacts of Bill 23**

DCs are not the only growth funding tool that has been impacted by Bill 23. In keeping with the goal of minimizing the impact on existing tax and rate payors, there are no recommendations, at this time, related to the impacts on Parkland Dedication (Sections 42, 51.1 and 53 of the *Planning Act, 1990*) or Community Benefits Charges (CBC) (Section 37 of the *Planning Act, 1990*).

**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 9 of 12**

---

The changes to the Parkland Dedication regime include:

- A requirement to exempt non-profit housing and inclusionary zoning units.
- A requirement to exempt affordable and attainable units (not yet proclaimed into force).
- A requirement to exempt up to two secondary dwelling units, one of which may be detached.
- A requirement to provide credit for existing gross floor area.
- Locking in the land value rate to be used at the date of the related site-plan or zoning specific site plan amendment application date, if applicable, for two years after the approval of that application.
- Reducing the alternative requirement of one hectare (ha) per 300 dwelling units to one ha per 600 dwelling units where land is being conveyed. Where the municipality imposes payment-in-lieu requirements, reducing the amount from one ha per 500 dwelling units to one ha per 1,000 net residential units.
- Capping the alternative requirement at 10% of the land area or land value where the land proposed for development or redevelopment is five ha or less and 15% of the land area or land value where the land proposed for development or redevelopment is greater than five ha.

The updates to the Parkland Dedication regime results in an estimated reduction in parkland revenues (dedicated land value and cash-in-lieu of land) of \$23 M annually. The City has \$71.6 M in available funds (see Report FCS23041) within the Parkland Dedication Reserve (104090) and \$9.0 M in the Parkland Acquisition Reserve (108050) as at December 31, 2022.

The changes to CBC regime include:

- A requirement to provide credit for existing gross floor area.
- A requirement to exempt affordable and attainable units (not yet proclaimed into force).

The update to the CBC regime results in an estimated reduction of CBC revenues of \$120 K annually.

**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 10 of 12**

---

**ALTERNATIVES FOR CONSIDERATION**

**Alternative 1: Alter the assumptions in the framework**

**Table 1: Alternatives related to altering the assumptions in the framework**

	<b>Alternative 1a</b>	<b>Alternative 1b</b>	<b>Alternative 1c</b>
Description	Assume 100% of the discretionary exemptions with 2024 DC by-law	Assume 2,770 single detached equivalents per year (vs 2,000)	Phase in the recommended tax and rate increases over two years
Pros	More likely to be able to cover in year exemptions	Utilizes the growth required to meet Provincial housing targets	Spreads the impact over two years
Cons	Increases the overall levy increase (4.56% versus 3.69%) and rate (10.79% versus 9.75%)	Significant levy (8.65% versus 3.69%) and rate (22.65% versus 9.75%) increase to support growth level that the City is not yet realizing	Staff has made recommendations with the goal of minimizing the impact to existing tax and rate payors. Some exemptions started effective November 28, 2022 without an increase to the 2023 levy. The first five years of a DC by-law will have the highest exemptions due to the required five-year phase in of DC rates. As the City experiences increases in the pace of growth, further levy adjustments will be required which may compound upon any staged phase in of the recommended levy increase.
	<b>Alternative 1a</b>	<b>Alternative 1b</b>	<b>Alternative 1c</b>
Financial	Reduced levy and rate increase	Increased levy and rate increase	Splits the levy increase over two years
Staffing	Same staffing implications as the staff recommendation		
Legal	Same legal implications as the staff recommendation		

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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



**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 11 of 12**

**Alternative 2: Defer Projects**

**Table 2: Alternatives related to deferring projects**

	<b>Alternative 2a</b>	<b>Alternative 2b</b>	<b>Alternative 2c</b>
Description	Defer Critical Growth Infrastructure Projects*	Defer Quality of Life Projects**	Defer State of Good Repair Projects
Pros	Reduce the increase required on the tax and rate levy		
Cons	Without critical infrastructure, the municipality will not be well positioned to meet its housing target or permit development to proceed. Employment opportunities are time sensitive and depend on having service ready lands; development may be lost to other municipalities / Provinces if lands are not available for employment development.	Without quality of life projects, residents will not have access to community services such as parks, recreation centres and libraries. In addition, due to the formula for determining the DC for these services, not keeping up with existing service levels means that if the City wants to catch up to previous service levels, there would be a larger portion that needs to be funded by non-DC sources.	The City is already experiencing a significant infrastructure deficit. Delaying state of good repair projects may require closing of municipal facilities and further exacerbate the City's efforts to clear the infrastructure deficit. In addition, not keeping up with service levels is generally more costly; deferred maintenance can cost up to 30 times that of early intervention.
Financial	The Infrastructure deferrals do not absolve the municipality of the requirement to fund DC exemptions, rather the deferral would be required because sufficient funds do not exist.		
Staffing	Same staffing implications as the staff recommendation		
Legal	The Province has legislated the development and construction of the proposed York Region sewage works project to expedite the improvement, enlargement and extension of the York Durham Sewage System to convey sewage to the Duffin Creek Water Pollution Control Plant (Supporting Growth and Housing in York and Durham Regions Act, 2022). It is not common for the Province to mandate infrastructure projects and their timelines. The possibility exists that the Province could intervene in a similar fashion in the City if it is concerned that the City is deferring infrastructure projects in a manner the Province does not consider appropriate.		

Notes:

- \* Critical Growth Infrastructure projects are growth related capital projects such as underground servicing (water, wastewater, storm), roads, transit, fire, etc.
- \*\* Quality of Life projects are growth related capital projects such as parks, recreation centres and libraries.

**SUBJECT: Development Charges Exemptions Sustainable Funding Strategy  
(FCS23064) (City Wide) – Page 12 of 12**

---

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

**Community Engagement and Participation**

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

**Built Environment and Infrastructure**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report FCS23064 – Financing of Growth Costs Illustrated – Pre and Post Bill 23

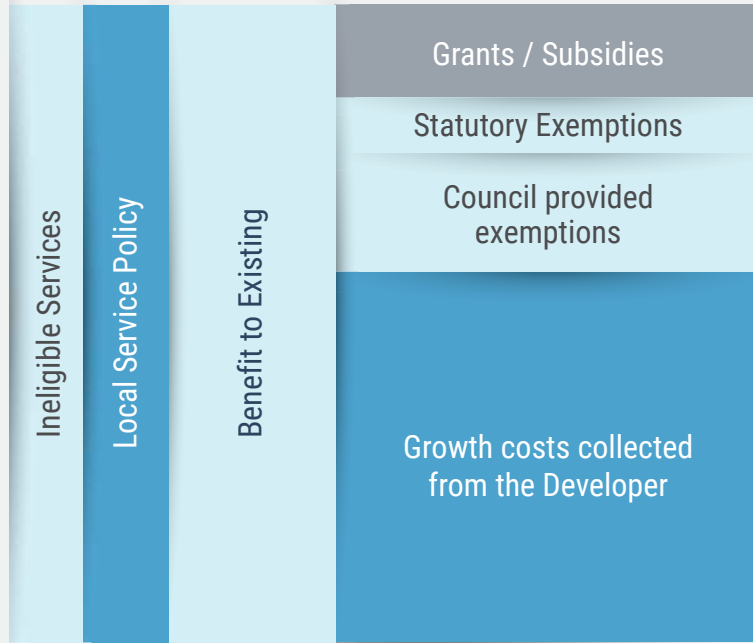
Appendix “B” to Report FCS23064 – Development Charges Financial Impacts related to the *More Homes Built Faster Act, 2022* (Bill 23) and Development Charges Exemption Strategy

Appendix “C” to Report FCS23064 – Summary of Enacted Changes to the *Development Charges Act, 1997* since 2019

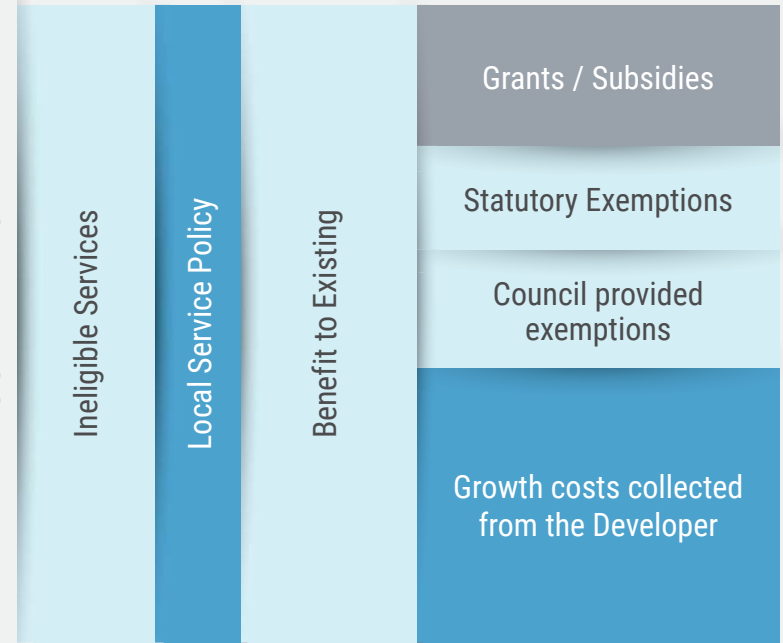
Appendix “D” to Report FCS23064 – Development Charges (DC) Exemptions Reserve Policy

# Financing of Growth Costs Illustrated PRE AND POST BILL 23

PRE BILL 23



POST BILL 23



## notes:

Bill 23 increased the amount of ineligible services. Specifically, municipalities can no longer include costs for Social Housing (CityHousing Hamilton) or Growth Studies in the calculations of the DC rates.

Bill 23 also increased the Statutory exemptions:

- 5 year DC rate phase-in
- non-profit, affordable, inclusionary zoning and attainable units
- required discounts on rental development
- potential for land to be prescribed as ineligible

## Legend:

- City Funded
- Upper levels of government funded
- Developer funded



Development Charges Financial Impacts related to the *More Homes Built Faster Act, 2022* (Bill 23) and Development Charges Exemption Strategy

## SUMMARY TABLE

	Annual Budget			
	Tax		Rate	
	\$ Increase	% Increase	\$ Increase	% Increase
FUNDING BLOCK ADJUSTMENTS - BILL 23	\$ 3,746,173	0.34%	\$ -	0.00%
STATUTORY EXEMPTIONS - BILL 23	\$ 17,083,396	1.55%	\$ 14,081,251	5.03%
<b>SUBTOTAL - BILL 23</b>	<b>\$ 20,829,569</b>	<b>1.89%</b>	<b>\$ 14,081,251</b>	<b>5.03%</b>
STATUTORY EXEMPTIONS - Previous	\$ 10,189,656	0.93%	\$ 10,304,039	3.68%
DISCRETIONARY EXEMPTIONS - Previous	\$ 9,569,319	0.87%	\$ 2,899,670	1.04%
<b>SUBTOTAL - Previous Exemptions</b>	<b>\$ 19,758,975</b>	<b>1.80%</b>	<b>\$ 13,203,710</b>	<b>4.72%</b>
UNFUNDED DISCRETIONARY EXEMPTIONS BACKLOG	N/A		N/A	
<b>TOTAL</b>	<b>\$ 40,588,544</b>	<b>3.69%</b>	<b>\$ 27,284,960</b>	<b>9.75%</b>

## FUNDING BLOCK ADJUSTMENTS - BILL 23

	10 year	Annualized	Annual Budget			
			Tax		Rate	
			\$ Increase	% Increase	\$ Increase	% Increase
Housing Block Adjustment	\$ 26,030,790	\$ 2,603,079				
Adjustment for Existing Reserve Balance	-\$ 13,229,391	-\$ 1,322,939				
Growth Studies Block Adjustment	\$ 13,997,775	\$ 1,399,778				
Adjustment for Existing Reserve Balance	\$ 10,662,551	\$ 1,066,255				
<b>Total Funding Block Adjustments</b>	<b>\$ 37,461,725</b>	<b>\$ 3,746,173</b>	<b>\$ 3,746,173</b>	<b>0.34%</b>	<b>\$ -</b>	<b>0.00%</b>

## STATUTORY EXEMPTIONS - BILL 23

	10 year	Annualized	Annual Budget			
			Tax		Rate	
			\$ Increase	% Increase	\$ Increase	% Increase
5-year Phase-in	\$ 177,198,963	\$ 17,719,896				
Affordable Housing Exemption	\$ 22,045,957	\$ 2,204,596				
Not for Profit Housing Exemption	\$ 45,612,993	\$ 4,561,299				
Additional Residential Unit Exemption	\$ 33,341,594	\$ 3,334,159				
Purpose Built Rental Unit Exemption	\$ 33,446,960	\$ 3,344,696				
<b>Total Statutory Exemptions - Bill 23</b>	<b>\$ 311,646,467</b>	<b>\$ 31,164,647</b>	<b>\$ 17,083,396</b>	<b>1.55%</b>	<b>\$ 14,081,251</b>	<b>5.03%</b>

## Future Statutory Exemptions

Attainable housing  
Removal of land costs for prescribed services

## STATUTORY EXEMPTIONS - Previous

	10 year	Annualized	Annual Budget			
			Tax		Rate	
			\$ Increase	% Increase	\$ Increase	% Increase
Residential Intensification	\$ 92,464,274	\$ 9,246,427				
Industrial Expansion - attached	\$ 58,013,261	\$ 5,801,326				
University	\$ 54,459,420	\$ 5,445,942				
<b>Total Statutory Exemptions - Previous</b>	<b>\$ 204,936,956</b>	<b>\$ 20,493,696</b>	<b>\$ 10,189,656</b>	<b>0.93%</b>	<b>\$ 10,304,039</b>	<b>3.68%</b>
<i>Existing Funding</i> (2023 budget base approved through 2023 Budget Reports FCS22081 & FCS22054)			\$ -	0.00%	\$ -	0.00%
<b>Additional Funding Required</b>			<b>\$ 10,189,656</b>	<b>0.93%</b>	<b>\$ 10,304,039</b>	<b>3.68%</b>

## DISCRETIONARY EXEMPTIONS - Previous

	10 year	Annualized	Annual Budget			
			Tax		Rate	
			\$ Increase	% Increase	\$ Increase	% Increase
Downtown CIPA	\$ 150,927,593	\$ 15,092,759				
Industrial Rate - reduced from max	\$ 234,292,550	\$ 23,429,255				
Industrial Expansion - detached	\$ 3,959,474	\$ 395,947				
Agriculture	\$ 38,664,806	\$ 3,866,481				
Place of Worship	\$ 11,042,327	\$ 1,104,233				
Transition Policy	\$ 27,981,310	\$ 2,798,131				
Other	\$ 2,021,718	\$ 202,172				
<b>Total Statutory Exemptions - Previous</b>	<b>\$ 468,889,778</b>	<b>\$ 46,888,978</b>	<b>\$ 32,089,638</b>	<b>2.92%</b>	<b>\$ 14,799,340</b>	<b>5.29%</b>
<i>Existing Funding</i> (2023 budget base approved through 2023 Budget Reports FCS22081 & FCS22054)			\$ 12,951,000	1.18%	\$ 9,000,000	3.21%
<b>Additional funding required</b>			<b>\$ 19,138,638</b>	<b>1.74%</b>	<b>\$ 5,799,340</b>	<b>2.07%</b>
<b>Reduce to 50% (pending 2024 DC by-law discussions)</b>			<b>\$ 9,569,319</b>	<b>0.87%</b>	<b>\$ 2,899,670</b>	<b>1.04%</b>

## UNFUNDED DISCRETIONARY EXEMPTIONS BACKLOG

The City has a financing strategy to clear the unfunded backlog in DC exemptions via an annual \$6.5 M allocation through to 2030 (FCS22081)

**Assumptions used:**

**Growth Forecast:**

Utilized an annual growth forecast of 2,000 single detached equivalents (3,009 total units) for residential development. This forecast is slightly less than the 2020-2022 actual experience, which included record breaking years. In comparison, an annual growth forecast of 2,770 single detached equivalents (4,168 total units) is needed for the City to achieve its Provincial 2051 growth target.

<b>Average Single Detached Unit Equivalent Construction, City Versus Provincial Forecast</b>			<b>Historical Construction</b>	
	<b>Annual 2024-2033</b>	<b>Total 2024-2033</b>		<b>Single-Detached Unit Equivalents</b>
City (Staff Budget) <sup>[1]</sup>	2,000	20,000	2020	1,874
Provincial	2,770	27,700	2021	2,466
Shortfall	<b>770</b>	<b>7,700</b>	2022	1,996
			3-year Average	2,112
			2023 Projection	2,000
			2024 Projection	2,000
			2025 Projection	2,000

**[1]** Note that staff budget figures may update annually based on available forecast data

This approach was taken in an effort to limit the potential of over burdening taxpayers and ratepayers and may require further tax and rate increases if the pace of growth exceeds 2,000 single detached equivalents annually.

This approach is supported by the CMHC housing outlook for the City of Hamilton which projects 1,800 – 2,400 total units in 2024.

**Non-Profit & Affordable Housing:**

Limited the expected non-profit and affordable housing estimates to 150 units annually. The City’s Housing and Homelessness Plan (Report CS11017(d)) plans for 350 units annually. However, based on historical performance and projects which are anticipated to be financially viable, this amount was reduced to 150 units. This estimate will be reviewed annually with the budget process.

**Attainable Units:**

There has been no estimate for attainable units which have not yet been defined by the Province.

**Inclusionary Zoning Units:**

There has been no estimate for inclusionary zoning units which will be required to be exempted.

**Removal of Land Costs:**

There has been no estimate related to the potential removal of land costs.

Through Bill 23, the Province has provided themselves the ability to prescribe services for which land costs cannot be considered in the calculation of the DC rate. To date, no services have been prescribed. Once a service is prescribed, the costs of land will not be eligible to be paid for through DCs and thus another funding source must be determined; given the limited taxing powers of municipalities, this would be through tax and rate fees.

**No double counting of exemptions:**

The City’s discretionary exemptions have been reduced by the new required statutory exemptions, such as the five-year phase in of DC rates and the discount for rentals, to ensure that there was no double counting of exemptions.

**Industrial Development Forecast:**

The estimate for the discretionary DC exemption related to Industrial Rate – reduced from max (“DISCRETIONARY EXEMPTIONS – Previous” table in Appendix “B” to Report FCS23064) is based on the past three years of industrial development which was strong. As additional lands are serviced and opened for development the pace of industrial development may exceed this estimate and would be captured in a future update to the financing plan for DC exemptions.

**Adaptive Reuse of Heritage Buildings:**

The estimate for the discretionary DC exemptions related to the adaptive reuse of heritage buildings (which is included in the Other category of the “DISCRETIONARY EXEMPTIONS – Previous” table in Appendix “B” to Report FCS23064) has been estimated based on historical uptake.

This estimate does not consider the direction to staff through PED22211(a) “Response to Bill 23, Schedule 6, *More Homes Built Faster Act, 2022*, and its changes to the *Ontario Heritage Act* and its Regulations” to review the high priority properties of cultural heritage value or interest, identified in Appendix “B” attached to Report PED22211(a), and report back to Council with recommendations to designate individual properties under Part IV of the Ontario Heritage Act, and that this work be completed no later than January 1, 2025. This estimate will be reviewed in a future update to the financing plan for DC exemptions.

**Discretionary Exemptions:**

Staff has calculated a required tax levy increase of \$19.1 M (1.74%) and a required rate increase of \$5.8 M (0.53%) to fund the existing discretionary exemptions contained within the 2019 DC By-law.

Through the 2024 DC Background Study and By-law process, Watson and Associated Economists Ltd. will be completing a review of the discretionary DC exemptions and Council will have an opportunity to make changes to the discretionary DC exemptions.

Staff has assumed that the review and Councils direction will lead to a reduction in the discretionary exemptions and therefore is recommending 50% of the calculated required increase. Should the decisions through the 2024 DC By-law process yield a different discretionary exemption portfolio the financing strategy will be updated through a future budget process.

Note that the timing of realizing an exemption can be years after a discretionary exemption is removed from the DC By-law because the DC Act locks in the DC rate and exemptions as of the related planning application (site plan or site-specific zoning amendment) date.

**Future DC Increases:**

It has been assumed that there will be an increase in DC rates with the 2024 DC by-law. This amount cannot yet be substantiated as the work to gather all data needed to calculate the rate is underway. The City relied on its DC Consultant, Watson and Associates Economists Ltd. to make an estimate based on Watson’s experiences with tender price increases vs annual indexing with other municipalities.

It has further been assumed that the City will need to update several service specific DC By-laws in the next couple years to account for the 2051 Masterplans which will not be available by the time the 2024 DC By-law needs to be adopted. Note that when a new By-law for a service is passed, the required five-year phase-in of DC rates restarts; this has been considered in the calculated increase.

**Historical Unfunded Backlog:**

It is assumed that the City will continue with the existing funding plan as presented in the 2023 Tax Capital Budget process for the unfunded DC exemption backlog which assumes \$6.5 M annually until the backlog is cleared (estimated to conclude in 2030).



**Appendix “C” to Report FCS23064  
Page 1 of 6**

**Summary of Enacted Changes to the *Development Charges Act, 1997* since 2019**

<b>Change</b>	<b>Related Legislation and Timing</b>
<p><b>DC Rate Lock-in</b> DC rates are locked in at applicable site plan or zoning By-law amendment application date for up to two years following approval of the related application. Interest can be applied from locked in rate to building permit issuance. A maximum interest rate may be prescribed; no rate was prescribed until the proposal through Bill 23.</p> <p>Previously, the building permit issuance date was the relevant date for establishing the DC rate. Building permit issuance date remains to be the relevant date for permits who do not have a relevant planning application.</p>	<p><i>More Homes, More Choice Act, 2019</i> (Bill 108)</p> <p>Effective January 1, 2020</p>
<p><b>Legislated Instalments</b> Certain forms of development, as defined by regulation, will pay DCs in instalments commencing at occupancy:</p> <ul style="list-style-type: none"> <li>• rental housing (6 instalments)</li> <li>• institutional development (6 instalments)</li> <li>• non-profit housing (21 instalments)</li> </ul> <p>Interest can be applied from building permit issuance to the date of each instalment payment. A maximum interest rate may be prescribed; no rate was prescribed until the proposal through Bill 23.</p> <p>Previously, all DCs were required to be paid at building permit issuance, unless the municipality and developer entered into a deferred payment agreement.</p>	<p><i>More Homes, More Choice Act, 2019</i> (Bill 108)</p> <p>Effective January 1, 2020</p> <p>City adopted an interest policy, effective January 1, 2020, through FCS20028 / PED20105</p>

**Appendix “C” to Report FCS23064**  
**Page 2 of 6**

<b>Change</b>	<b>Related Legislation and Timing</b>
<p><b>Removal of 10% Statutory Deduction</b>            Previously, municipalities were required to take a 10% statutory deduction from the following services which meant that only 90% of the growth-related costs were able to be considered in the calculation of the DC. This change allowed 100% of the growth costs for these services to be considered in the calculation of the DC.</p> <ul style="list-style-type: none"> <li>• Parking</li> <li>• Airport</li> <li>• Parks and Recreation</li> <li>• Library</li> <li>• Growth Studies</li> <li>• Ambulance</li> <li>• Waste Diversion</li> <li>• Public Health</li> <li>• Long-term Care</li> <li>• Child Care and Early Years</li> <li>• Housing</li> <li>• Provincial Offences Act Administration</li> <li>• Public Works (Yards)</li> </ul> <p>Note that the ability to collect for Parking and Airport services was removed effective September 18, 2022.</p>	<p><i>More Homes, More Choice Act, 2019 (Bill 108)</i></p> <p>For DC By-laws enacted after January 1, 2020</p> <p>The City updated DC By-law 19-142 through By-law 21-102 effective July 6, 2021</p>
<p><b>Expanded exemption for Secondary Dwelling Units</b>            The requirement to exempt a secondary dwelling unit was expanded:</p> <ul style="list-style-type: none"> <li>• to allow exemptions of secondary dwellings within new builds vs existing</li> <li>• to allow the secondary units to be in an ancillary structure to the principal residence</li> <li>• to require the greater of one unit or 1% of existing units within apartments to be exempted</li> </ul>	<p><i>More Homes, More Choice Act, 2019 (Bill 108)</i></p> <p>Effective January 1, 2020</p>

**Appendix “C” to Report FCS23064  
Page 3 of 6**

<b>Change</b>	<b>Related Legislation and Timing</b>
<p><b>Restricted list of what services a DC can be charged for</b> A list of what services a DC may be imposed for is defined. Previously the legislation allowed collection for all services unless expressly prescribed as ineligible (i.e. culture, entertainment facilities and tourism, land for parks, hospitals, landfill / waste, general administration). None of the previously ineligible services were added to what a DC can be charged for. In terms of what the City had been collecting for, Parking, Airport and some studies became ineligible.</p>	<p><i>More Homes, More Choice Act, 2019 (Bill 108)</i>  For DC By-laws enacted after January 1, 2020</p>
<p><b>Removal of Services related to Community Benefits Charges (CBC)</b> Parking, Airport and some studies were removed from what the City was able to collect a DC for effective at the earlier of when a CBC By-law came into effect or September 18, 2022.</p>	<p><i>More Homes, More Choice Act, 2019 (Bill 108)</i>  Transition period ended September 18, 2022</p>
<p><b>Statutory Exemption for Post-Secondary Institutions</b> The <i>Ministry of Training, Colleges and Universities Act</i> was amended to exempt DCs on the development of land intended for use by a university that receives operating funds from the government.</p>	<p><i>Better for People, Smarter for Business Act, 2020 (Bill 213)</i>  Effective December 8, 2020</p>
<p><b>Reporting Requirements</b> Added the ability of the Province to prescribe the manner in which the Annual Treasurers’ Statement is to be made available to the public. Nothing prescribed to date.</p>	<p><i>More Homes for Everyone Act, 2022 (Bill 109)</i>  Effective April 14, 2022</p>
<p><b>Removal of Housing and Growth Studies</b> Housing services and growth studies were removed from the list of services for which a DC may be imposed.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i>  Effective November 28, 2022</p>
<p><b>Removal of Land Costs</b> The Province has added the ability to prescribe services that municipalities will not be able to include land as an eligible capital cost for DCs.  To date no services have been prescribed.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i>  Effective November 28, 2022</p>

**Appendix “C” to Report FCS23064**  
**Page 4 of 6**

<b>Change</b>	<b>Related Legislation and Timing</b>
<p><b>Further expanded the exemption for Secondary Dwelling Units</b></p> <p>The statutory exemption was expanded so that every single-family dwelling, semi-detached dwelling and townhouse dwelling can each have up to three dwelling units; one primary and two secondary without paying development charges. The secondary dwelling may be either within the primary building or one may be within and the second may be within an ancillary structure. Previously, only single detached dwellings were required to exempt up to two secondary dwellings.</p> <p>The gross floor area restrictions in order to be eligible for the exemption have been removed.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>Effective November 28, 2022</p>
<p><b>Required Exemption for Affordable and Attainable units</b></p> <p>The Minister will publish a Bulletin to guide municipalities with respect to the dollar threshold for a unit to be considered affordable.</p> <ul style="list-style-type: none"> <li>• Affordable Rental Unit: Where rent is no more than 80% of the average market rent (in the year occupied by a tenant) as defined by a new Bulletin published by the Ministry of Municipal Affairs and Housing</li> <li>• Affordable Owned Unit: Where the [purchase] price of the unit is no more than 80% of the average purchase price (in the year that the unit is sold) as defined by a new Bulletin published by the Ministry of Municipal Affairs and Housing.</li> </ul> <p>An attainable unit has not been defined other than by reference to a prescribed development or class of developments. Nothing has been prescribed.</p> <p>Municipalities may require that affordable units and attainable units enter into an agreement to require that affordability be maintained for 25 years. The Minister may establish a standard form for this agreement. The agreement may be registered on title.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>Not yet enacted, to be proclaimed at a future date</p>

**Appendix “C” to Report FCS23064**  
**Page 5 of 6**

<b>Change</b>	<b>Related Legislation and Timing</b>
<p><b>Required exemption for non-profit housing</b>  Municipalities are required to exempt eligible non-profit housing developments.</p> <p>Previously, eligible non-profit housing developments were eligible to pay DCs in 21 annual instalments commencing at occupancy. Any instalments for non-profit housing development due after November 28, 2022 will also be exempted (no impact to Hamilton). In addition, Bill 23 edited the definition of non-profit housing development which expanded the non-profit developments eligible.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>Effective November 28, 2022</p>
<p><b>Required exemption for Inclusionary Zoning Units</b>  Municipalities are required to exempt housing units required under inclusionary zoning By-laws.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>Effective November 28, 2022</p>
<p><b>Required phase-in of DC Rates</b>  For all DC By-laws passed after January 1, 2022, the charge must be phased-in relative to the maximum charge that could be imposed under the By-law as follows:</p> <ul style="list-style-type: none"> <li>• Year 1 – 80% of the maximum charge;</li> <li>• Year 2 – 85% of the maximum charge;</li> <li>• Year 3 – 90% of the maximum charge;</li> <li>• Year 4 – 95% of the maximum charge; and</li> <li>• Year 5 to expiry – 100% of the maximum charge</li> </ul>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>Retroactive effective date for By-laws passed January 1, 2022 or later</p>
<p><b>Extend the maximum life of a DC By-law from 5 years to 10 years</b>  DC By-laws can now expire 10 years after the day the By-law comes into force. A new By-law can be adopted earlier.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>Effective November 28, 2022</p>
<p><b>Requirement to calculate service standards using 15-year history versus 10-year history</b>  The amount that can be collected through DCs for the increase in need for service is limited by the average historical level of service. Previously, this was calculated over the 10 years preceding the preparation of the DC background study. For By-laws passed after November 28, 2022, this average will be extended to the historical 15-year period.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>Effective November 28, 2022</p>

**Appendix “C” to Report FCS23064**  
**Page 6 of 6**

<b>Change</b>	<b>Related Legislation and Timing</b>
<p><b>Required discount for rental housing</b>            The DCs payable for rental housing developments are reduced based on the number of bedrooms in each unit as follows:</p> <ul style="list-style-type: none"> <li>• Three or more bedrooms – 25% reduction;</li> <li>• Two bedrooms – 20% reduction; and</li> <li>• All other bedroom quantities – 15% reduction</li> </ul>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>Effective November 28, 2022</p>
<p><b>Prescribed a maximum interest rate</b>            No maximum interest rate was previously prescribed for:</p> <ol style="list-style-type: none"> <li>1. The interest that applies to DCs locked in at site plan application date (or zoning By-law amendment application date as applicable), or</li> <li>2. The interest that applies to legislated instalment payments from building permit issuance to the date of instalment payment.</li> </ol> <p>The maximum interest rate is now set at the average prime rate of the five major Canadian Banks for commercial loans plus 1%, updated quarterly.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>Retroactive effective date of June 1, 2022</p>
<p><b>Requirement to spend or allocate 60% of reserve balances for some services</b>            Annually, beginning in 2023, municipalities are required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway. Other services may be prescribed by the Regulation.</p>	<p><i>More Homes Built Faster Act, 2022 (Bill 23)</i></p> <p>2023 calendar year</p>
<p><b>Further expand the exemption for Secondary Dwelling Units</b>            Bill 97 proposes to amend language such that the required exemption for ancillary secondary units would be required in rural areas vs only urban areas.</p>	<p><i>Helping Homebuyers, Protecting Tenants Act, 2023 (Bill 97)</i></p> <p>This Bill has not yet been passed, second reading was completed on April 20, 2023</p>



## Appendix “D” to Report FCS23064 Page 1 of 3

<b><i>Development Charges (DC) Exemptions Reserve Policy</i></b>		<b>Corporate Services Department</b>
Policy No: FPAP-RE-TBD	Hamilton	Approval: 20XX-XX-XX
Page 1 of 3		

<b><i>Development Charges (DC) Exemptions Reserve</i></b>	
<b>POLICY STATEMENT</b>	This Policy sets out the guidelines for the sources and uses of the DC Exemptions Reserve.
<b>SCOPE</b>	This Policy applies to City staff involved with the financing and budgeting of DC exemptions.
<b>PURPOSE</b>	<p>To fund the statutory and discretionary DC exemptions required by the <i>Development Charges Act, 1997</i> and the City’s DC By-law.</p> <p>Funding of DC exemptions is required for the City to be aligned with the <i>Development Charges Act, 1997</i> (see Related Legislation Section of this Policy). A formal method of tracking and funding DC exemptions is required to ensure responsible and effective financial management of the DC Reserves and the eligible growth-related projects which are funded from the DC Reserves.</p> <ul style="list-style-type: none"> <li>• DC exemptions shall be funded in the year in which they are provided which may result in the DC Exemptions Reserve being pushed into a deficit position.</li> <li>• A financing plan shall be established to return the DC Exemptions Reserve to a positive balance within 10 years.</li> <li>• A 10-year timeframe has been selected to match the maximum length of time that a DC By-law can be active for as per subsection 9 (1) of the <i>Development Charges Act, 1997</i>.</li> </ul>
<b>RELATED LEGISLATION</b>	<p>The <i>Development Charges Act, 1997</i>, legislates several statutory DC exemptions. Clause 5 (1) 10 permits that municipalities may provide for full or partial exemptions through their DC By-laws.</p> <p>Subsection 5 (6) 3 of the <i>Development Charges Act, 1997</i> states that if the DC by-law will exempt, phase in, or otherwise provide for a lower DC than is allowed, that shortfall may not be made up through higher DCs to other forms of development.</p>
<b>TRANSPARENCY</b>	<p>An annual summary of DC Exemptions is provided through the annual DC Treasurer’s Statement (The Statement of the Treasurer is required via Section 43 of the <i>Development Charges Act, 1997</i>).</p> <p>The annual balance in the DC Exemptions Reserve, as well as a forecast, will be provided in the City’s Annual Reserve Book.</p>

## Appendix "D" to Report FCS23064 Page 2 of 3

<b>Development Charges (DC) Exemptions Reserve Policy</b>		<b>Corporate Services Department</b>
Policy No: FPAP-RE-TBD	Hamilton	Approval: 20XX-XX-XX
Page 2 of 3		

<b>RESERVE TARGET BALANCE</b>	Reserve inflows are anticipated to equal outflows, targeting a \$0 balance. However, due to the nature of DC exemptions varying year over year, it is anticipated that this reserve will often be in a deficit or surplus position with a plan to return it to a zero balance.
<b>DETAILS: USAGE AND LIMITATIONS</b>	<p><b>Source of Funds</b></p> <p>1. All amounts budgeted or otherwise approved to be used for funding DC exemptions shall be directed into the DC Exemptions Reserve.</p> <p><i>The source of funds that may be transferred to this Reserve include:</i></p> <ul style="list-style-type: none"> <li>• Amounts specifically budgeted to fund DC exemptions through the Tax and Rate Annual Budgets.</li> <li>• A portion of the year-end operating budget surplus, subject to final approval of the Tax and Rate Operating Budget Variance Report by Council.</li> <li>• Investment income earned on the reserve's balance.</li> <li>• Any other amounts approved by Council to be directed to this Reserve.</li> </ul> <p><b>Use of Funds</b></p> <p>2. The General Manager of Finance and Corporate Services shall be provided authority and direction to fund all DC exemptions (statutory and discretionary) provided in a given year, starting in 2024, from the DC Exemptions Reserve.</p> <p><i>Funds may be transferred from this Reserve to:</i></p> <ul style="list-style-type: none"> <li>• Fund in-year statutory and discretionary DC exemptions; starting in 2024.</li> <li>• Clear the unfunded backlog of DC exemptions according to the financing strategy approved through the 2023 and future budget processes.</li> <li>• Fund interest charged on the reserve's balance</li> </ul> <p><b>Other Considerations</b></p> <p>3. The DC Exemptions Reserve is permitted to be in a deficit position.</p> <p>4. Borrowing shall not be permitted from the DC Exemptions Reserve.</p>

## Appendix "D" to Report FCS23064 Page 3 of 3

<b><i>Development Charges (DC) Exemptions Reserve Policy</i></b>		<b>Corporate Services Department</b>
Policy No: FPAP-RE-TBD		
Page 3 of 3	Hamilton	Approval: 20XX-XX-XX

<b>POLICY OWNER</b>	Director of Financial Planning, Administration and Policy
<b>ADMINISTRATION</b>	The DC Exemptions Reserve Policy shall be administered by the Financial, Planning, Administration and Policy Division within the Corporate Services Department.
<b>RELATED POLICIES</b>	FPAP-RE-003 Development Charges Reserves Policy
<b>RELATED STANDARD OPERATING PROCEDURES</b>	FPAP-SOP-DC-010 DC Exemption Tracking
<b>POLICY HISTORY</b>	N/A



# DEVELOPMENT CHARGES EXEMPTIONS SUSTAINABLE FUNDING STRATEGY (FCS23064)

June 14, 2023

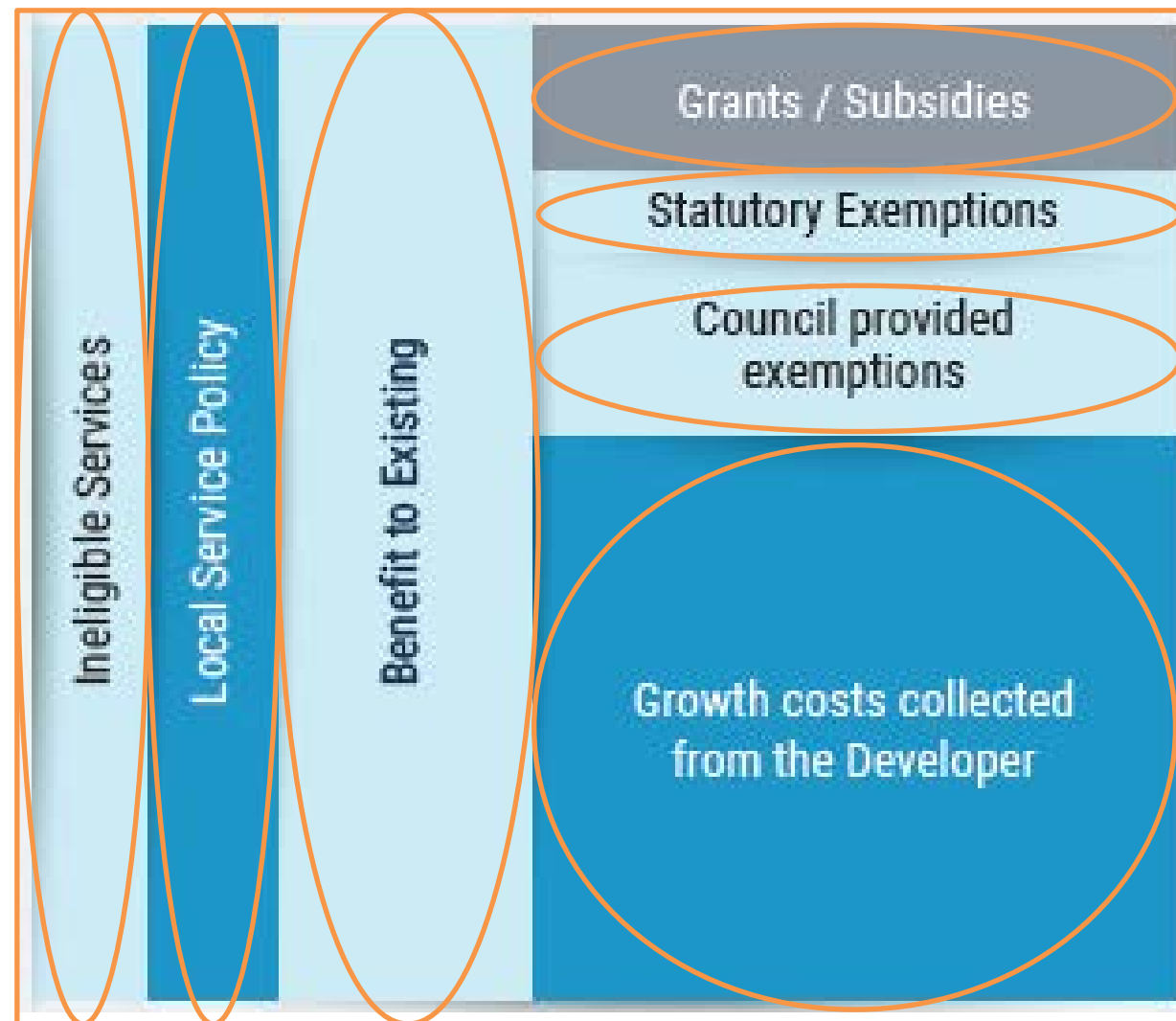
- Introduction
- How Growth is Financed
- Current Approach
- Increase Recommended
  - due to Bill 23
  - for pre-Bill 23 Exemptions
- Scenario analysis
- DC Exemption Reserve
- Recommendations

There have been rapid and significant changes to the *Development Charges Act, 1997* (DC Act) since 2019

- *More Homes, More Choice Act, 2019* (Bill 108)
  - DC Rate lock-ins at related planning application date – includes locking in the exemptions
  - Expanded exemption for secondary dwelling units
  - Reduced list of what a DC can be imposed for (some studies, Airport and Parking removed)
- *Better for People, Smarter for Business Act, 2020* (Bill 213)
  - Required exemption for post-secondary institutions
- *More Homes Built Faster Act, 2022* (Bill 23)



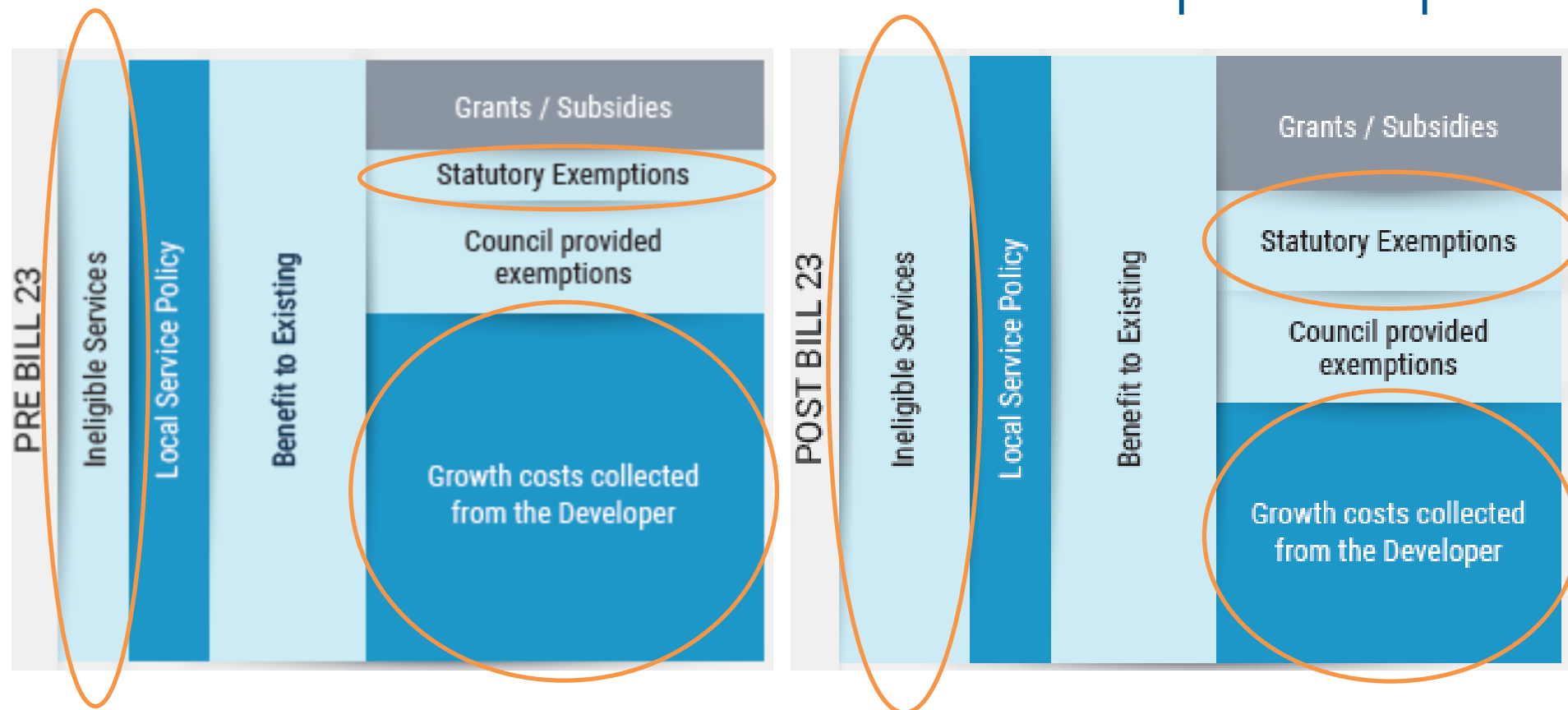
# How Growth is Financed - simplified



# How Growth is Financed – Bill 23 impacts simplified

## *More Homes Built Faster Act, 2022 (Bill 23)*

- Reduced the list of eligible services (studies and housing services removed)
- Increased the amount of statutory exemptions
  - 5-year DC Rate Phase in
  - Exemptions for non-profit, affordable and inclusionary zoning units
  - Expanded secondary dwelling unit exemption
  - Reduction for rental



### Not captured:

- Removal of land costs (nothing prescribed to date)
- Required exemption for Attainable housing units (not defined to date)

- Historically the budgeting of DC exemptions has been short; shortfalls in discretionary exemptions have been addressed through allocations from the annual operating surplus

	<b>2020</b>	<b>2021</b>	<b>2022</b>
DC Exemption Budget	\$ 16,500,000	\$ 17,500,000	\$ 17,500,000
Allocated from annual operating surplus	15,100,000	12,951,576	8,882,418
Total	\$ 31,600,000	\$ 30,451,576	\$ 26,382,418
In year DC Exemptions	\$ 40,307,367	\$ 39,406,901	\$ 50,585,204

- There is an unfunded discretionary DC exemption backlog of approximately \$50 M (\$58.8 M as per Report FCS23035 less \$8.9 M allocated from the 2022 annual operating surplus); \$6.5 M annually through 2030 has been budgeted to clear this backlog

## Increase recommended

## SUMMARY TABLE

	Annual Budget			
	Tax		Rate	
	\$ Increase	% Increase	\$ Increase	% Increase
FUNDING BLOCK ADJUSTMENTS - BILL 23	\$ 3,746,173	0.34%	\$ -	0.00%
STATUTORY EXEMPTIONS - BILL 23	\$ 17,083,396	1.55%	\$ 14,081,251	5.03%
<b>SUBTOTAL - BILL 23</b>	<b>\$ 20,829,569</b>	<b>1.89%</b>	<b>\$ 14,081,251</b>	<b>5.03%</b>
STATUTORY EXEMPTIONS - Previous	\$ 10,189,656	0.93%	\$ 10,304,039	3.68%
DISCRETIONARY EXEMPTIONS - Previous	\$ 9,569,319	0.87%	\$ 2,899,670	1.04%
<b>SUBTOTAL - Previous Exemptions</b>	<b>\$ 19,758,975</b>	<b>1.80%</b>	<b>\$ 13,203,710</b>	<b>4.72%</b>
UNFUNDED DISCRETIONARY EXEMPTIONS BACKLOG	N/A		N/A	
<b>TOTAL</b>	<b>\$ 40,588,544</b>	<b>3.69%</b>	<b>\$ 27,284,960</b>	<b>9.75%</b>

## Increase recommended due to Bill 23

## FUNDING BLOCK ADJUSTMENTS - BILL 23

	10 year	Annualized	Annual Budget			
			Tax		Rate	
			\$ Increase	% Increase	\$ Increase	% Increase
Housing Block Adjustment	\$ 26,030,790	\$ 2,603,079				
<i>Adjustment for Existing Reserve Balance</i>	-\$ 13,229,391	-\$ 1,322,939				
Growth Studies Block Adjustment	\$ 13,997,775	\$ 1,399,778				
<i>Adjustment for Existing Reserve Balance</i>	\$ 10,662,551	\$ 1,066,255				
<b>Total Funding Block Adjustments</b>	<b>\$ 37,461,725</b>	<b>\$ 3,746,173</b>	<b>\$ 3,746,173</b>	<b>0.34%</b>	<b>\$ -</b>	<b>0.00%</b>

## STATUTORY EXEMPTIONS - BILL 23

	10 year	Annualized	Annual Budget			
			Tax		Rate	
			\$ Increase	% Increase	\$ Increase	% Increase
5-year Phase-in	\$ 177,198,963	\$ 17,719,896				
Affordable Housing Exemption	\$ 22,045,957	\$ 2,204,596				
Not for Profit Housing Exemption	\$ 45,612,993	\$ 4,561,299				
Additional Residential Unit Exemption	\$ 33,341,594	\$ 3,334,159				
Purpose Built Rental Unit Exemption	\$ 33,446,960	\$ 3,344,696				
<b>Total Statutory Exemptions - Bill 23</b>	<b>\$ 311,646,467</b>	<b>\$ 31,164,647</b>	<b>\$ 17,083,396</b>	<b>1.55%</b>	<b>\$ 14,081,251</b>	<b>5.03%</b>

## Future Statutory Exemptions

Attainable housing

Removal of land costs for prescribed services

# Increase recommended for Pre-Bill 23 exemptions

## STATUTORY EXEMPTIONS - Previous

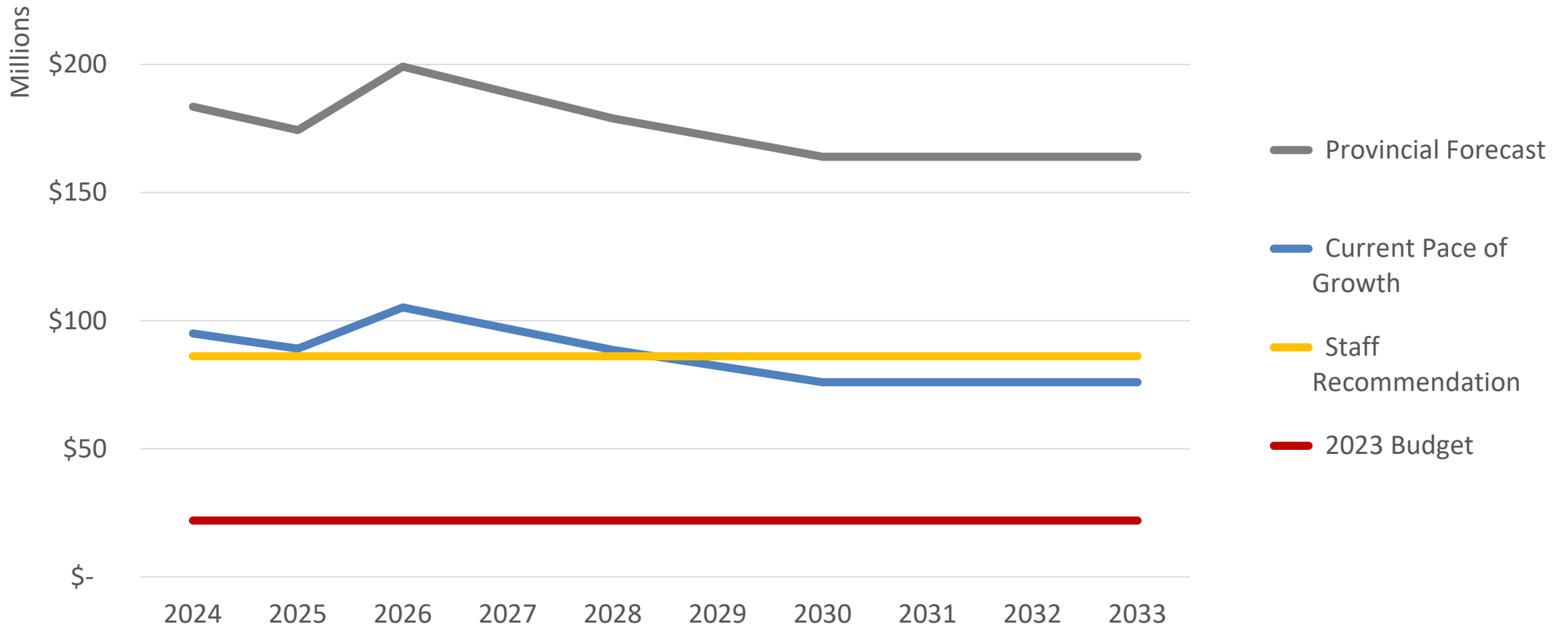
	10 year	Annualized	Annual Budget			
			Tax		Rate	
			\$ Increase	% Increase	\$ Increase	% Increase
Residential Intensification	\$ 92,464,274	\$ 9,246,427				
Industrial Expansion - attached	\$ 58,013,261	\$ 5,801,326				
University	\$ 54,459,420	\$ 5,445,942				
<b>Total Statutory Exemptions - Previous</b>	<b>\$ 204,936,956</b>	<b>\$ 20,493,696</b>	<b>\$ 10,189,656</b>	<b>0.93%</b>	<b>\$ 10,304,039</b>	<b>3.68%</b>

## DISCRETIONARY EXEMPTIONS - Previous

	10 year	Annualized	Annual Budget			
			Tax		Rate	
			\$ Increase	% Increase	\$ Increase	% Increase
Downtown CIPA	\$ 150,927,593	\$ 15,092,759				
Industrial Rate - reduced from max	\$ 234,292,550	\$ 23,429,255				
Industrial Expansion - detached	\$ 3,959,474	\$ 395,947				
Agriculture	\$ 38,664,806	\$ 3,866,481				
Place of Worship	\$ 11,042,327	\$ 1,104,233				
Transition Policy	\$ 27,981,310	\$ 2,798,131				
Other	\$ 2,021,718	\$ 202,172				
<b>Total Statutory Exemptions - Previous</b>	<b>\$ 468,889,778</b>	<b>\$ 46,888,978</b>	<b>\$ 32,089,638</b>	<b>2.92%</b>	<b>\$ 14,799,340</b>	<b>5.29%</b>
<i>Existing Funding</i> <i>(2023 budget base approved through 2023 Budget Reports FCS22081 &amp; FCS22054)</i>			\$ 12,951,000	1.18%	\$ 9,000,000	3.21%
<b>Additional funding required</b>			<b>\$ 19,138,638</b>	<b>1.74%</b>	<b>\$ 5,799,340</b>	<b>2.07%</b>
<b>Reduce to 50% (pending 2024 DC by-law discussions)</b>			<b>\$ 9,569,319</b>	<b>0.87%</b>	<b>\$ 2,899,670</b>	<b>1.04%</b>

# Scenario Analysis

## DC Exemptions





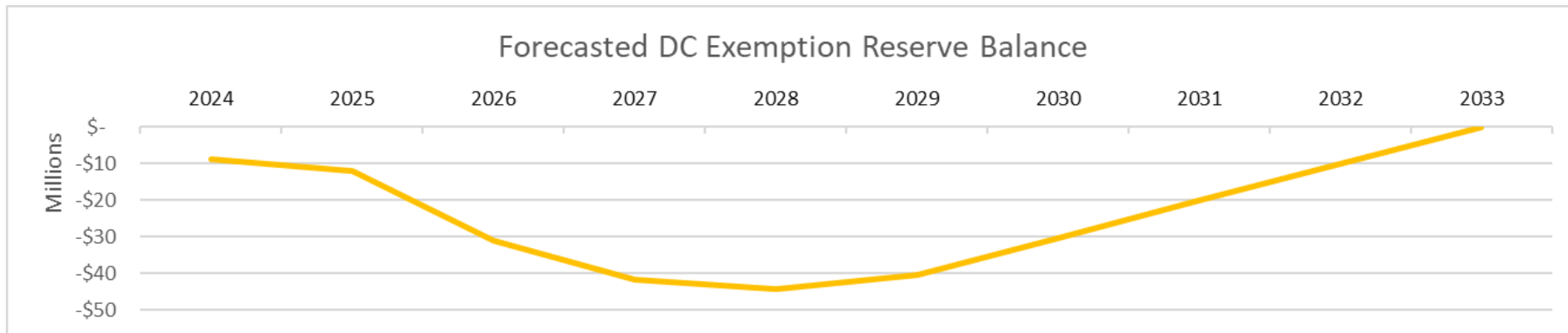
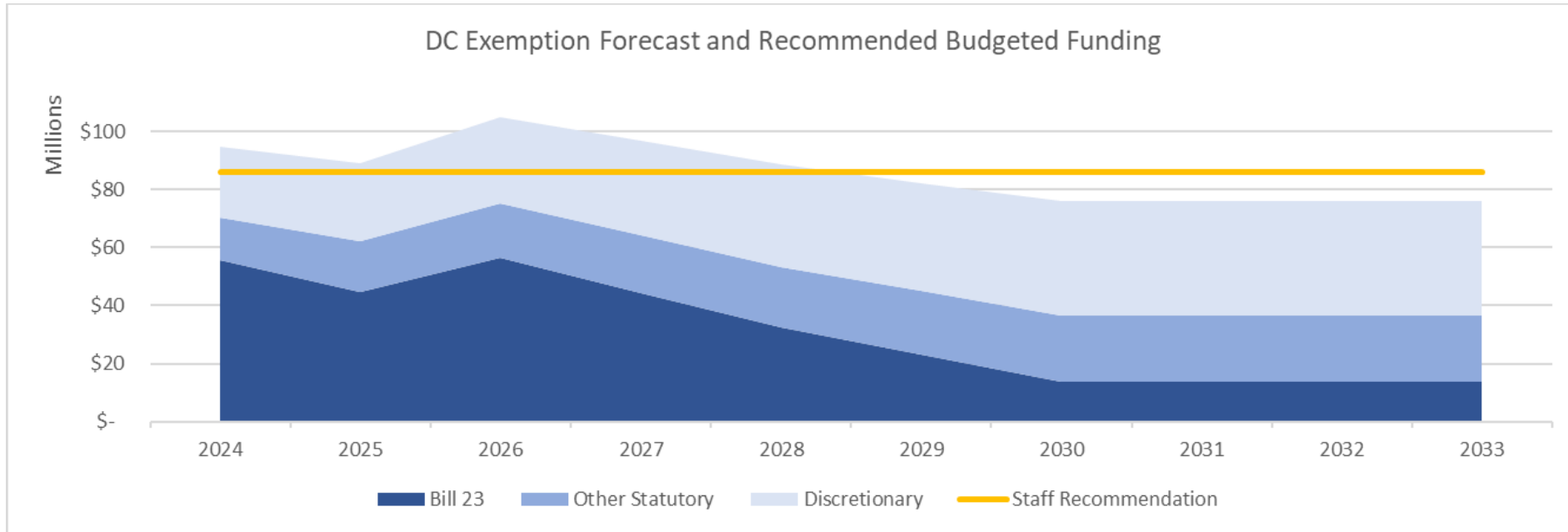
# DC Exemption Reserve

Starting in 2024, Staff is recommending that all in-year DC exemptions will be funded on a “fund-as-you-go” approach

## Rationale

- Balances in DC Reserves will reflect growth from all permits issued to date
- Increased transparency and accountability
- Manage year to year fluctuations in exemptions

# DC Exemption Reserve



# Recommendations (summary)

- (a) That a \$40.59 M (3.69%) Property Tax Levy increase be referred to the 2024 Tax Capital budget process and reviewed annually thereafter ...
- (b) That a \$27.28 M (9.75%) Water and Wastewater/Stormwater rate increase be referred to the 2024 Rate Budget process and reviewed annually thereafter ...
- (c) That the Development Charges (DC) Exemptions Reserve Policy, attached as Appendix “D” to Report FCS23064, be approved and a reserve established.

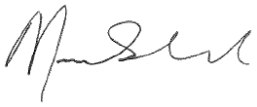


Hamilton

THANK YOU



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

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Revised Board of Management for the Ancaster Village Business Improvement Area (BIA) (PED23134) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Cristina Geissler (905) 546-2424 Ext. 2632
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the following individuals be appointed to the Ancaster Village Business Improvement Area (BIA) Board of Management:

- (i) Chris Markou – Ancaster Legacy;
- (ii) Jennifer Mattern – Community Representative.

### EXECUTIVE SUMMARY

Board Members of the Ancaster Village Business Improvement Area (BIA) Board of Management to include the two appointed individuals.

### Alternatives for Consideration – Not Applicable

### FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

**SUBJECT: Revised Board of Management for the Ancaster Village Business Improvement Area (BIA) (PED23134) (Ward 12) - Page 2 of 3**

---

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

**HISTORICAL BACKGROUND**

A meeting of the Board of Management of the Ancaster Village Business Improvement Area (BIA) took place on April 17, 2023. At this meeting, the membership nominated Chris Markou and Jennifer Mattern to the positions of Director on the Board of Management.

Should Council adopt the recommendation in Report PED23134, the aforementioned nominated BIA members would increase the number of Directors from 10 to 12 on the Board of Management.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

N/A

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

N/A

**ALTERNATIVES FOR CONSIDERATION**

N/A

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

**Community Engagement and Participation**

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

**SUBJECT: Revised Board of Management for the Ancaster Village Business  
Improvement Area (BIA) (PED23134) (Ward 12) - Page 3 of 3**

---

**Economic Prosperity and Growth**

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

**APPENDICES AND SCHEDULES ATTACHED**

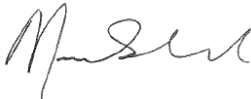
n/a

CG/rb





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

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Revised Board of Management for the Concession Business Improvement Area (BIA) (PED23137) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	Cristina Geissler (905) 546-2424 Ext. 2632
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the following individual be removed from the Concession Street Business Improvement Area Board of Management:
- (i) Darryl Howe – Stage Diner;
  - (ii) Sean Keast – Dirty South;
- (b) That the following individual be appointed to the Concession Street Business Improvement Area Board of Management:
- (i) Joanne Emberson – Crumbuns Bakery.

### EXECUTIVE SUMMARY

Changes to Board Members to the Concession Street Business Improvement Area (BIA) Board of Management that include removal of one Director and their appointed replacement.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Revised Board of Management for the Concession Business Improvement Area (BIA) (PED23137) (Ward 7) - Page 2 of 3**

---

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not Applicable

Staffing: Not Applicable

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

**HISTORICAL BACKGROUND**

A meeting of the Board of Management of the Concession Street Business Improvement Area took place on April 20, 2023. At this meeting, the membership nominated Joanne Emberson to the position of Director on the Board of Management.

Should Council adopt the recommendation in PED23137, the aforementioned nominated BIA member would replace Sean Keast and Darryl Howe as Director who resigned from the Business Improvement Area Board of Management.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

N/A

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

N/A

**ALTERNATIVES FOR CONSIDERATION**

N/A

**SUBJECT: Revised Board of Management for the Concession Business  
Improvement Area (BIA) (PED23137) (Ward 7) - Page 3 of 3**

---

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

**Community Engagement and Participation**

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

**Economic Prosperity and Growth**

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


**APPENDICES AND SCHEDULES ATTACHED**

N/A

CG/rb



## INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Commonwealth Games 2030 Update (PED19108(k)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Carrie Brooks-Joiner (905) 546-2424 Ext. 3967
<b>SUBMITTED BY:</b>	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

On March 29, 2023 Council passed the following motion from the March 22, 2023 General Issues Committee (Item 11.1) "That City staff report back on any investments, monetary, in kind, and in staff time, including any estimates if specifics are not available, that were contributed by the City of Hamilton to the 2026 and 2030 Commonwealth Games bids".

### INFORMATION

This report provides an overview of the City of Hamilton's investment to support the development of proposals by Hamilton100 to host the 2026 and 2030 Commonwealth Games in Hamilton. The City's involvement spans the period of approximately early 2019 to end of February 2023. The first report to General Issues Committee (PED19108) was dated June 5, 2019, and the last report (PED19108(j)) was submitted to the February 15, 2023 GIC but was withdrawn at that meeting.

In summary, there was no approved capital or operating budget for the City's participation in the bid process over the approximately 4.25 years that the City of Hamilton was involved. Minor travel expenses were accommodated within existing

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Commonwealth Games 2030 Update (PED19108(k)) (City Wide) - Page 2 of 3**

---

operating budgets. No dedicated staff were assigned to the file and all contributed staff time was accommodated within the existing staff complement and existing workplans; no hourly time tracking was kept. It is estimated that the total staff time was 800 hours over the four plus years.

Council approved Operating Budget:	\$0
Council approved Capital Budget:	\$0
Expenses related to consultants or external services:	\$0
Expenses related to activities related to the Memorandum of Understanding with Hamilton100:	\$0
Expenses related to contract/temporary staffing	\$0
Travel and related expenses by Mayor: <ul style="list-style-type: none"> <li>• 2022 trip to Commonwealth Games in Birmingham: \$5,608.13</li> <li>• 2022 trip to New York to meet with Birmingham Games staff and Birmingham elected officials: \$1,427.06</li> </ul>	\$7,035.19
Travel and related expenses by staff: <ul style="list-style-type: none"> <li>• 2022 trip to New York to meet with Birmingham Games staff and Birmingham elected officials: \$1,550.91</li> </ul>	\$1,550.91
<b>TOTAL</b>	<b>\$8,586.10</b>

Staff across the Corporation (City Manager's Office, Finance and Corporate Services, Planning and Economic Development, Healthy and Safe Communities and Public Works) participated in the file to varying degrees as required. As directed by Council, staff's tasks and actions included: development, revision, and execution of an MOU with Hamilton100; meeting of MOU requirements; review and analysis of hosting proposals; providing input into Hamilton 100's proposal development for 2026 and 2030 Games; preparation and submission of a response to the Request for Proposals for use of City owned venues for sport hosting; input into safety and security concept planning; and reporting to GIC. Staff also liaised with Hamilton100 and exchanged info with Commonwealth Sport Canada, other levels of government and participating municipalities.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Commonwealth Games 2030 Update (PED19108(k)) (City Wide) - Page  
3 of 3**

---

Staff participated on the following external Committee/Work Groups as required:

Commonwealth Sport Canada led:

- 2030 Games Bid Concept Review Committee (part of 2021)
- Executive Coordinating Committee (part of 2022):
- Games Planning & Delivery Workgroup (part of 2022)
- Bid Safety and Security Workgroup (part of 2022)

Hamilton 100 led:


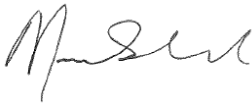
- Community Advisory Committee Ham100 (2021/22)

**APPENDICES AND SCHEDULES ATTACHED**

N/A



## INFORMATION REPORT

<b>TO:</b>	Chair and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Waterfront Lands – Financial Impacts (FCS23065) (PED23152) (Wards 1 to 5) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	Wards 1 to 5
<b>PREPARED BY:</b>	David Janaszek (905) 546-2424 Ext. 4546 Chris Phillips (905) 546-2424 Ext. 5304 David McCullagh (905-546-2424 Ext. 1647)
<b>SUBMITTED BY:</b>	Shelley Hesmer Acting Director, Financial Services & Corporate Controller Corporate Services
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development
<b>SIGNATURE:</b>	

**Discussion of Confidential Appendix “A” to Report (FCS23065) (PED23152) in closed session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-law and the *Ontario Municipal Act, 2001*:**

- A proposed or pending acquisition or disposition of land for City or a local board purpose.

### RATIONALE FOR CONFIDENTIALITY

OUR Vision: To be the best place to raise a child and age successfully.

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

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



**SUBJECT: Waterfront Lands – Financial Impacts (FCS23065) (PED23152) (Wards 1 to 5) (Outstanding Business List Item) - Page 2 of 7 - REVISED**

---

Appendix “A” to Report (FCS23065) (PED23152) proposes potential real estate transactions, and therefore it is appropriate to address in-camera, pursuant to the *Ontario Municipal Act*.

**RATIONALE FOR MAINTAINING CONFIDENTIALITY**

Appendix “A” to Report (FCS23065) (PED23152) is to remain Confidential as real estate transactions involve commercially confidential information and the outcome of negotiations, pending approval of Council.

**COUNCIL DIRECTION**

At the February 15, 2023 General Issues Committee, the following motion was approved:

**(Kroetsch/Francis)**

*That City Staff report back in an Information Report, to a General Issues Committee in May, on the financial impacts (including property taxes, leases, and City fees) to the City of Hamilton with respect to West Harbour and industrial bayfront waterfront lands including lands owned by the Hamilton Oshawa Port Authority, the City of Hamilton, and private owners.*

**INFORMATION**

The purpose of this report is to update Council on the actions taken by staff to address this outstanding item. As a result of this Report, the item representing the financial impacts (including property taxes, leases, and City fees) to the City of Hamilton with respect to West Harbour and industrial bayfront waterfront lands including lands owned by the Hamilton Oshawa Port Authority, the City of Hamilton, and private owners will be considered complete and removed from the General Issues Committee outstanding business list.

**PROPERTY TAXES**

Waterfront lands are taxed like other properties in the City of Hamilton (City), calculated by multiplying the assessed value, as determined by the Municipal Property Assessment Corporation (MPAC), by the applicable property tax rates. Properties may be:

- Taxable - private owners and tenants of government-owned properties
- Payment-in-lieu (PILT) – Municipal, Provincial or Federal properties
- Exempt - Municipal, Provincial or Federal properties

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Waterfront Lands – Financial Impacts (FCS23065) (PED23152) (Wards 1 to 5) (Outstanding Business List Item) - Page 3 of 7 - REVISED**

With respect to the Hamilton-Oshawa Port Authority (HOPA) specifically, their tenants are subject to property taxes, like any other commercial/industrial property, while non-leased areas are subject to Payment-in-lieu of taxes. The taxes levied, whether they are taxable (HOPA tenants) or PILT (non-leased HOPA lands) are calculated the same. For the most part, the only difference is that Municipalities keep the education taxes levied on PILT properties classes, while the education taxes levied on taxable property classes are remitted to the school boards.

Table 1 below highlights the total 2022 property tax and PILT levied for all properties along the waterfront<sup>1</sup>:

**Table 1**

	2022 Final Billing			
	Taxable	PILT	Exempt	Total
Assessment	276,485,500	25,097,600	61,493,900	363,077,000
Municipal Taxes	\$ 8,944,500	\$ 542,800	\$ -	\$ 9,487,300
Education Taxes	\$ 2,398,300	\$ 246,000	\$ -	\$ 2,644,300
Total Taxes	\$ 11,342,800	\$ 788,800	\$ -	\$ 12,131,600

<sup>1</sup> only includes properties directly on the waterfront. Excludes HOPA properties not located on the waterfront

The table above is a snapshot of what was levied on the 2022 Final Property tax bills for properties located directly on the waterfront. These properties are primarily HOPA properties, some City of Hamilton properties and a few Federal and privately-owned properties.

The total assessed value of waterfront lands totals approximately 363.1M, of which 61.5M is tax exempt which does not generate property tax or PILT revenue for the City. The remaining 301.6M assessment equates to approximately \$9.5M in municipal property tax and PILT revenue to the City. In addition, total education taxes of approximately \$2.6M was levied, of which the City remits to the school boards \$2.4M levied on taxable assessments and retains the \$246k applicable to PILT assessment.

Any changes to the makeup of these properties (i.e. tenant changes at the port lands) are subsequently captured through supplementary/omitted tax bills and/or the processing of Municipal Act tax appeals. Any taxable assessment for a Port tenant that leaves is subsequently added to the Port's PILT payment, once the land is no longer leased. Likewise, any assessment changes as a result of an appeal, whether through a Request for Reconsideration (RfR) with MPAC or through a formal assessment appeal

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Waterfront Lands – Financial Impacts (FCS23065) (PED23152) (Wards 1 to 5) (Outstanding Business List Item) - Page 4 of 7 - REVISED**

---

filed with the Assessment Review Board (ARB), are subsequently adjusted following receipt of the applicable notice which details the assessment change.

### **Exempt Properties**

As identified in the table above, some Municipal, Provincial or Federal properties are exempt from taxation, while others are subject to payment-in-lieu of taxes. Although all real property in Ontario is liable to assessment and taxation, pursuant to section 3 of the *Assessment Act*, there are some exemptions from taxation. Examples of exempt Municipal, Provincial or Federal properties include:

- Highways/Roadways
- Cemeteries
- Docks/Piers
- Municipal parkland

### **Payment in Lieu of Taxes properties**

Payment in Lieu of Taxes (PILT), although calculated similar to taxable properties (assessment multiplied by the applicable tax rates), they are in fact voluntary payments by Federal, Provincial and Municipal governments and agencies to compensate Municipalities for services delivered to their properties that would be subject to property tax if they were privately owned. Examples of PILT Municipal, Provincial or Federal properties include:

- Land owned by a Municipality and used for purposes of a Public Utility, such as parking facilities for which a fee is charged, water treatment & pumping stations and active landfills
- Hamilton-Oshawa Port Authority (HOPA) for Hamilton harbour lands not lease to taxable tenants
- Ministry of National Defence lands
- Parks Canada

Provincial PILTs are calculated using the municipal portion of the applicable tax rates only, as provincial agencies are not billed for nor do they pay the education portion of taxes. However Municipal and Federal PILTs are calculated using both applicable municipal and education tax rates. Municipalities retain the education share of PILT remitted by federal bodies and their own municipal properties.

As previously mentioned, it's important to note that PILTs are unlike property taxes in that they are made voluntarily. Federal bodies have discretion in determining property values and property tax rates for calculating PILTs. If the City disagrees with a payment that it has received, a request for review can be made to the Payments in Lieu of Taxes

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Waterfront Lands – Financial Impacts (FCS23065) (PED23152) (Wards 1 to 5) (Outstanding Business List Item) - Page 5 of 7 - REVISED**

---

Dispute Advisory Panel (PILT DAP) which provides advice pertaining to the resolution of PILT disputes. Following a hearing of a dispute, the PILT DAP makes a recommendation to the federal body on the matter however it is not bound by the PILT DAP's recommendation nor is it required to adjust the PILT amount remitted.

**Tenants on Municipal, Provincial or Federal Lands**

Land owned by a Municipality and occupied by a tenant is not eligible for property tax exemption, rather the assessed value for the occupied area is placed in the applicable property tax class as determined by MPAC and subject to taxation. Property taxes are levied and billed to the party responsible for property tax payment as stipulated in the applicable agreement. The Municipality is responsible for providing MPAC with a copy of the agreements in order to ensure that any necessary assessment changes are captured.

If a provincially owned property is occupied by a tenant, the Minister or a provincial agency which owns the property may pay to the Municipality an amount equal to the tax for municipal and school purposes that would be payable if the property or the portion of the property were taxable. The Province may also make a payment to the Municipality if it, or a provincial agency, is a tenant of a property that is not provincially owned.

Pursuant to section 18 of the *Assessment Act*, tenants of federally owned lands are assessed as though they are the owner of the leased lands where rent or any valuable consideration is paid in respect of the lands. As such, tenants are directly subject to assessment by MPAC and billed for property taxes. For assessment purposes, MPAC relies on federal bodies to inform and provide it with lease information for tenancies on federal lands. If MPAC is unaware that a tenancy exists, the tenant would not be assessed by MPAC nor would property taxes be levied and billed to the tenant.

For HOPA lands, HOPA provides listings to MPAC throughout the year summarizing new tenancies, changes to existing tenancies (e.g. addition, reduction or relocation of areas leased) and lease end or terminations. Lease details included on the listings include location, leased areas (land and/or buildings), effective lease start or end dates, tenant name & mailing address.

MPAC also relies on Municipalities to provide information pertaining to municipal building permits issued so that they are apprised of physical changes occurring on properties, which in turn, may result in changes to a property's assessment and property taxes. As of 2010, the City of Hamilton has provided MPAC with electronic listings of building permits on a monthly basis. It's important to note that there is no building permit requirement for development on federal lands, so MPAC is also reliant on the federal bodies to inform and provide it with the necessary information in order to

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Waterfront Lands – Financial Impacts (FCS23065) (PED23152) (Wards 1 to 5) (Outstanding Business List Item) - Page 6 of 7 - REVISED**

---

maintain and capture new assessment that may result from changes taking place on federal lands.

The *Assessment Act* only allows MPAC to assess omissions in the current year and a maximum of two prior years, therefore Municipalities can only levy and bill taxes back to a maximum of the two prior years. As a result, the City would forego property tax revenue for any period beyond the two prior year should tenancies or improvements not be assessed by MPAC.

**CITY-OWNED LANDS – EXISTING REAL ESTATE LEASES AND LICENCES**

Although the City of Hamilton has some waterfront land holdings within the Hamilton Harbour, they are concentrated within the West Harbour, which include the lands abutting the water's edge located from the Canadian National (CN) Railyard on Stuart Street to the west, spanning to the foot of Catharine Street North to the east. These lands primarily contain municipal uses such as parks, open-spaces, the waterfront trail network, surface parking, as well as above and below-grade municipal servicing infrastructure. The City also owns the on the water infrastructure including the breakwater structure as well as the docks, wharf walls and boat slips managed by the Harbour West Marina.

Additionally, the City administers several real estate leases and licences on the West Harbour lands. These agreements range in relation to their respective terms, permitted-uses, defined premises, as well as historical origin. Generally, these leases and licences are directly related to historical tenure, services, waterfront programming and envisioned publicly accessible uses for the West Harbour, more specifically including recreational boating and water uses, as well as food, beverage, programming and special event offerings. The following is a list of the organizations that have an agreement with the City within these lands and Confidential Appendix "A" to Report (FCS23065) (PED23152) indicates the financial terms for each.

- Hamilton Waterfront Trust and Williams Fresh Cafe (Lease)
- Royal Hamilton Yacht Club (RHYC) (Lease)
- Leander Boat Club (Lease)
- Hamilton Bay Sailing Club (Lease)
- Macassa Bay Yacht Club (Lease)
- HPS Marine Unit (civic use)
- Parks Canada (Federal Lease)
- Waterfront Shores Corporation (Lease)
- Pirate Life Theatre (Licence - theatrical programming)

**CITY-OWNED PIER 8 LANDS**

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Waterfront Lands – Financial Impacts (FCS23065) (PED23152) (Wards 1 to 5) (Outstanding Business List Item) - Page 7 of 7 - REVISED**

---

Pier 8 is located on the east-side of the City-owned West Harbour lands and is a 5.24-hectare development site the City has envisioned to become new residential and commercial spaces, phased throughout nine development blocks. As the owner of the site, the City has acted as the land developer by improving the site with roads and municipal services, as well as the completed Copps Pier Park, and the forthcoming Gateway Park, and Greenway.

In July 2018, City Council approved Waterfront Shores Corporation (WSC) as the private-sector development partner to develop and build on the Pier 8 lands. WSC is a development consortium comprised of Cityzen Development Group, Tercot Communities and Greybrook Realty Partners and was selected by the City after an extensive and open public procurement process. The City and WSC executed a Development Agreement (DA) in November 2021 to implement the vision initially established by the West Harbour Setting Sail Secondary Plan, and further expressed by WSC's development proposal. The DA is the contractual agreement between the parties and governs the relationship throughout the development process.

Through the DA, WSC receives the right to purchase and development the development-block lands. Financially, the City receives payment for the lands in three streams including:

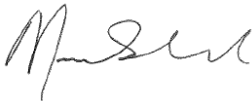
- 1) an upfront payment;
- 2) the fair-market value of each development block, calculated at the time of being drawn down on, valuated through an independent appraisal process; and
- 3) an additional Value-added payment calculated as a percentage of the gross revenue of each development block.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Summary of Leases/Licences – Business Terms – Confidential



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

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Downtown Hamilton Office Report (PED23081) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Karol Murillo (905) 546-2424 Ext. 7859
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATIONS

- (a) That the action based strategies identified in Appendix “A” to Report PED23081 be used to guide the City’s efforts to support the recovery of the office market in Downtown Hamilton;
- (b) That as immediate actions to support the Downtown Hamilton office market, the following be approved:
  - (i) That the Manager of the Commercial Districts and Small Business Section within the Economic Development Division act as the central “liaison” between departments, divisions and the downtown business community to coordinate City efforts to support the Downtown office market;
  - (ii) That staff within the Commercial Districts and Small Business Section of the Economic Development Division be directed to work with local Business Improvement Areas and with the appropriate City departments and divisions to identify opportunities to introduce enhanced service levels within the Downtown Core for critical street level issues such as waste collection, street sweeping, graffiti removal and boulevard maintenance, and that the General Manager of Public Works be authorized to introduce temporary increased service levels where warranted, to be funded from the Economic Development Initiatives Capital Project (3621708900);

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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



**SUBJECT: Downtown Hamilton Office Report (PED23081) (Ward 2) - Page 2 of 10**

- (iii) That staff report back on potential funding enhancements to the City's existing Start-up and Office Tenant Attraction Program for the Downtown Hamilton Community Improvement Area;
- (iv) That staff report back on enhancements to the City's existing Commercial District Revitalization Grant Program with respect to offsetting costs associated with vandalism and graffiti on commercial properties;
- (v) That staff report back with a recommended approach to creating a new incentive program, or modifying an existing incentive program, to support the conversion of vacant office spaces to residential uses within the Downtown Hamilton Community Improvement Area;
- (vi) That staff increase marketing and promotion of the City's office sector, and City programs to support the office sector;
- (vii) That the existing temporary Senior Project Manager position within the Placemaking, Public Art and Projects Section of the Tourism and Culture Division be converted to a permanent FTE, to lead programming and animation initiatives that draw workers, residents and visitors into the Downtown Core, and that the costs be incorporated into the base Tourism and Culture Operating Budget for 2024;
- (viii) That the General Manager of Planning and Economic Development be authorized to approve funding to an upset limit of \$400,000 from the Economic Development Initiatives Capital Project (3621708900) for the development and implementation of placemaking and animation projects and programs in the Downtown Core;
- (ix) That staff in the Transportation Planning and Parking Division be directed to continue efforts to pursue integrated public parking supply opportunities within future private developments in the Downtown Core, as set out in the City's Parking Master Plan;
- (x) That staff in the Transportation Planning and Parking Division be directed to expand the parking flex-pass pilot project to all City-owned parking lots, as a reduced cost option for hybrid workers, and to make more efficient use of the City's parking lots;
- (xi) That staff in Transportation Planning and Parking Division actively link the Smart Commute Hamilton program to downtown businesses during major construction projects.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Downtown Hamilton Office Report (PED23081) (Ward 2) - Page 3 of 10****EXECUTIVE SUMMARY**

This report provides an overview of the findings from the Economic Development Division's review of the Downtown Hamilton office market, as well as recommendations for enhanced City efforts to support the recovery of the Downtown Hamilton office market.

One of the key roles of the Commercial Districts and Small Business (CDSB) Section within the Economic Development Division is to promote the social, cultural, physical, and economic health of Hamilton's downtown areas. As part of that work, the CDSB has been tracking office vacancies for over a decade. Downtown Hamilton is the City's largest employment node, with an estimated 26,305 jobs, including 19,728 working in the office sector. Before the pandemic, the Downtown Hamilton office vacancy rate was beginning to decline. The 2019 vacancy rate was at a low of 11.9%, but after three years of shifting workplace arrangements and protocols, the vacancy rate is up to 13.29%.

To better understand current dynamics within the Downtown Hamilton office market, Economic Development Division staff met with major office landlords over the period from November 2022 to May 2023. This group shared a number of concerns related to the current state of the Downtown Hamilton office market, related to the lack of office workers, reduced pedestrians and foot traffic, and growing safety concerns for tenants and an increase in vandalism. In addition, the group also called attention to shifting work-from-home policies, and traffic and parking concerns, that are also contributing to difficulties in attracting and retaining businesses. They are seeking urgent efforts including tactics and/or programming to bring back workers.

**Alternatives for Consideration – Not applicable****FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The recommendations contained in this report include the following financial commitments:

- (i) The conversion of the existing temporary Senior Project Manager position within the Placemaking, Public Art and Projects Section of the Tourism and Culture Division into a permanent FTE, to lead programming and animation initiatives that draw workers, residents and visitors into the Downtown Core, at an estimated annualized financial impact of \$140,000.
- (ii) An upset limit of \$400,000 from the Economic Development Initiatives Capital Project (3621708900) for placemaking and animation projects and programs in the Downtown Core.

**SUBJECT: Downtown Hamilton Office Report (PED23081) (Ward 2) - Page 4 of 10**

- (iii) Authorization to the General Manager of Public Works to introduce temporary service level enhancements in the Downtown core, to be funded from the Economic Development Initiatives Capital Project (3621708900).

Staffing: The recommendations in this report include the conversion of one existing temporary position into a permanent FTE.

Legal: N/A

**HISTORICAL BACKGROUND**

The Downtown Hamilton Secondary Plan outlines the vision for Downtown Hamilton which remains to be the focus of attraction where all ages, abilities, and incomes can live, work, learn, shop, and play. Located in the heart of the city, the downtown links the surrounding neighbourhoods and is the city's commercial hub. For the City of Hamilton, the last ten years continue to be a transformative time. New residential development, upcoming transit investments and increasing creative and cultural experiences have made the city, specifically downtown Hamilton, one of the best locations to invest in Canada.

The pandemic changed our global economy and how downtowns function. The severe impact on downtowns include increased office vacancies, shifting retail uses and issues surrounding our public spaces. Discussions with major landlords have revealed a dramatic increase in vandalism and safety concerns. For many, the growing uncertainty in the office market and the lack of pedestrian activity have created the urgency to rethink and look for creative revitalization efforts.

This report highlights the impact of the pandemic on Hamilton's office market. Before the pandemic, the vacancy rate was beginning to decline, but after three years of shifting workplace arrangements and protocols, the vacancy rate is up to 13.29%. As organizations slowly started welcoming back workers, the shift to remote and hybrid work has added to the uncertainty of the office market. Many downtowns across North America have focused on placemaking and other interventions to ensure local commercial areas remain active and safe. The City of Hamilton's Mayor's Task Force on Economic Recovery initiated various actions including supports for placemaking and animation projects focused on uplifting the City's commercial corridors.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Downtown Secondary Plan, and associated zoning, permits and supports a wide range of land uses within what is referred to as the "Downtown Urban Growth Centre". The majority of sites within the UGC permit a mix of uses, including retail, office,

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Downtown Hamilton Office Report (PED23081) (Ward 2) - Page 5 of 10**

entertainment while predominately residential-focused areas are generally located to the peripheries of the UGC.

The 2022 Council-adopted Urban Official Plan Amendments (OPA 167) has updated the City's Downtown Urban Growth Centre Density Target to achieve a minimum gross density of 500 persons and jobs per hectare by 2051.

**RELEVANT CONSULTATION**

The following City divisions and external organizations were consulted in preparing this Report:

- (a) Tourism and Culture Division;
- (b) Geographical Information Systems – Planning and Analysis, Planning Division;
- (c) Parking Operations and Initiatives, Transportation Parking and Planning Division;
- (d) Waste Management Division, Public Works Department; and,
- (e) Major Downtown Hamilton office landlords, office tenants, major downtown employers, and Downtown Business Improvement Areas.

Beginning in November 2022 to May 2023, Economic Development Division Staff met with major landlords in the Downtown Hamilton Urban Growth Centre (UGC) that represented over 50% of inventoried space measured in the Downtown Office Vacancy Survey. In addition, ongoing discussions with the Downtown Business Improvement Areas highlighted the current challenges being experienced by downtown workers and employers.

**Downtown Hamilton Urban Growth Centre (UGC)**

The Downtown Hamilton area is identified as an Urban Growth Centre in the Province's Growth Plan for the Greater Golden Horseshoe. The Downtown Hamilton UGC functions as the major employment centre for the City.

**SUBJECT: Downtown Hamilton Office Report (PED23081) (Ward 2) - Page 6 of 10****Study Area****Survey Area****Downtown Employment Survey**

The City of Hamilton annual Employment Inventory Survey began in 2010 and was focused on businesses, buildings and employment within the City's Downtown. It has expanded to cover all of the City's employment, commercial and rural settlement areas. In 2019, the Downtown Hamilton Urban Growth Centre (UGC) density was 209 persons and job per hectare, representing 2,233 businesses and properties canvassed resulting in 26,305 jobs within the UGC boundaries. Before the pandemic, there had been a steady yearly increase of jobs (i.e. 209 persons and jobs per hectare measured in the UGC compared to 207 persons and jobs per hectare in 2018).

Due to the pandemic, the last Employment Survey was conducted in 2019. The Survey was reintroduced in 2023 and will share insights on the office market and provide further data on workforce trends to support the downtown office market. This information will be presented to City Council in late 2023.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION****Downtown Office Vacancy Survey**

The Commercial Districts and Small Business Section tracks vacancies within buildings that have a minimum of 5,000 sq. ft. of office space in the Downtown Hamilton Urban

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Downtown Hamilton Office Report (PED23081) (Ward 2) - Page 7 of 10**

Growth Centre. The Downtown Office Vacancy Survey is conducted annually in December to gather information and analyse trends within the Downtown Hamilton office market.

In Q4 2022 when the survey was completed, there was 5,196,050 sq. ft. of office space available in the UGC, with 690,789 sq. ft. vacant. These results totalled a 13.29% office vacancy rate which is an increase of 0.4% compared with the 2021 Survey results. In addition to this increase, another significant driver of change has been the decrease in available square footage. Most notably, the removal of approximately 265,000 sq. feet of office space at 77 James Street (City Centre) and approximately 72,140 sq. feet at 350 King Street East.

<b>Year</b>	<b>Inventoried Space (sq. ft.)</b>	<b>Vacant Space (sq. ft.)</b>	<b>Vacancy Rate</b>
<b>2011</b>	5,124,900	618,555	12.1%
<b>2012</b>	5,327,345	684,010	12.8%
<b>2013</b>	5,190,095	674,655	13.0%
<b>2014</b>	5,265,516	671,656	12.8%
<b>2015</b>	5,263,295	743,190	14.1%
<b>2016</b>	5,293,291	731,534	13.8%
<b>2017</b>	5,289,012	719,667	13.6%
<b>2018</b>	5,316,916	677,585	12.7%
<b>2019</b>	5,598,287	667,720	11.9%
<b>2020</b>	5,645,283	705,269	12.5%
<b>2021</b>	5,631,982	728,670	12.9%
<b>2022</b>	5,196,050	690,789	13.29%

This increase reflects the continued rise in the office vacancy rate since 2020, which can be attributed to the COVID-19 pandemic and the shift in workforce arrangements as organizations provide their employees with work in-office, remote, and hybrid work arrangements. Provincially, many cities in Ontario are struggling with office vacancies as many employers are formally solidifying their remote and hybrid work models.

Figures in late 2022 indicate many downtown office vacancies in comparable communities are in the 20-25% range (CBRE Research, Q3 2022). Although Hamilton's vacancy is 13.29%, there are other Hamilton-based real estate groups that have this rate substantially higher in the 20-25% range. The City's survey includes office space that is leased by Federal and Provincial bodies which could account for the difference. The City Survey also includes office space 5,000 sq. ft. and larger. According to our discussions with major landlords, a significant number of tenants are coming up for lease renewals with many uncertain whether tenants will renew.

With the recent closure of 77 James Street (City Centre) in December 2022, staff investigated the relocation plans of the remaining tenants. Over one-third of the

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Downtown Hamilton Office Report (PED23081) (Ward 2) - Page 8 of 10**

commercial retail tenants relocated to Jackson Square or a neighboring commercial building. Just under two-thirds closed permanently with several owners retiring and others moving towards home-based businesses. Similarly, various office tenants moved to Jackson Square or a neighbouring commercial office downtown building. Two office tenants moved to other commercial corridors in the city, with the City of Hamilton moving 434 employees to several downtown office locations.

**Major Office Landlord Concerns and Challenges**

In late 2022 and early 2023, Economic Development Division staff met with major landlords in the downtown core. These property owners shared recent challenges including safety issues, work-from-home policies, and traffic and parking concerns.

The most pressing concern for many landlords was the lack of overall downtown activity (i.e. presence of office workers and pedestrian traffic), as well as safety concerns from their tenants. Harassment, panhandling, and increased presence of drug use was cited by workers who felt uncomfortable walking to work. In addition, several landlords mentioned daily break-ins and damage to their property was increasing their security staffing budgets. Several praised the former Action Team, which was focused on downtown and was comprised of officers on foot and bikes. This group generally expressed the view that the Action Team's presence or increased police presence in the core would help stabilize the downtown environment for workers. The overall sentiment expressed by the downtown landlords was that the core requires urgent attention, or it risks a downward spiral of falling commercial values leading to increased crime and further termination of office leases.

The impact of work-from-home policies has also altered Hamilton's office market. For many landlords, the shift to new flexible workplace arrangements in both private and public sector organizations has brought uncertainty and risk. In addition, some tenants are renewing leases for shorter terms and reducing their office footprints.

Another common concern related to traffic and parking. Some landlords noted that the recent traffic measures on Main Street have, in their opinion, improved safety on the roadway, but also increased congestion. The anticipated disruption from upcoming major construction projects such as the Light Rail Transit project and major new developments have also made it challenging to attract and renew tenants. In addition, many downtown parking lots and other sites are being redeveloped which is increasing the lack of parking options for new tenants.

There was a strong consensus that this is a transformational time for Downtown Hamilton. It was acknowledged that there are significant new opportunities and investments on the horizon, but that there is a need for targeted efforts now to bring back workers and visitors, especially during the upcoming period of major new



**SUBJECT: Downtown Hamilton Office Report (PED23081) (Ward 2) - Page 9 of 10**

construction, and that City investment and programming in the core should be a top priority.

**Remote Work and Leasing Trends**

According to Oxford Properties, more than 80% of global office tenants offer their employees hybrid work models (Real Estate New Exchange, March 2023). Various models range from two to three days in the office per week. Robert Half Canada, the global business consulting firm, recently released current human resource trends such as the following (Newswire, February 2023):

- 85% of workers are interested in hybrid or fully remote positions;
- 73% of workers with flexible work arrangements, report higher job satisfaction; and,
- Employees and managers feel the need to ensure all levels of an organization have equal opportunities for career advancement, whether in-office or remote.

Flexibility remains vital for companies of all sizes to attract and retain talent and boost employee satisfaction.

At a recent conference in February 2023, Avison Young shared office challenges as vacancies and sublets continue to increase (Real Estate New Exchange, March 2023). A recent report and analysis from Colliers covering the Hamilton, Burlington and Oakville office markets highlighted fluctuations in vacancy rates over the coming quarters.

From a Hamilton context, with information provided by office landlords, expectations of expiring leasing terms, the rise of remote work, and reduced space requirements, will have a negative impact on the demand for downtown office space.

**Recommended Actions to Address Office Market Concerns**

Based on the results of the Downtown Hamilton office market review outlined above, as well as the analysis and goals highlighted in the 2021-2025 Economic Development Action Plan (EDAP), seven action-based strategies have been identified to help address concerns related to the office market in Downtown Hamilton as seen in Appendix “A” to Report PED23081.

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

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

**SUBJECT: Downtown Hamilton Office Report (PED23081) (Ward 2) - Page 10 of 10**

---

**Economic Prosperity and Growth**

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

**Healthy and Safe Communities**

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

**Clean and Green**

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

**Built Environment and Infrastructure**

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

**Culture and Diversity**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23081 - Action Based Strategies to Guide the City's Efforts to Support the Recovery of the Office Market in Downtown Hamilton

## **Action Based Strategies to Guide the City's Efforts to Support the Recovery of the Office Market in Downtown Hamilton**

### **Action 1: Formalize A Central Staff Liaison Between Downtown Businesses and the Delivery of City Services in Downtown Hamilton**

A number of Downtown office landlords and businesses identified critical street level issues such as waste collection, street sweeping, graffiti removal and boulevard maintenance as significant factors in creating a sense of safety and desirability for office tenants, and for attracting more people to the Downtown core.

Services to address these matters are distributed across several City divisions. A regular point of contact or "liaison" would assist with communicating emerging issues and concerns with the Divisions responsible for delivering these services.

Staff are recommending that the Manager of the Commercial Districts and Small Business Section within the Economic Development Division act as the central "liaison" between departments, divisions and the downtown business community to coordinate City efforts to support the Downtown office market.

Staff are also recommending that staff within the Commercial Districts and Small Business Section of the Economic Development Division be directed to work with local Business Improvement Areas and with the appropriate City departments and divisions to identify opportunities to introduce enhanced service levels within the Downtown Core for critical street level issues such as waste collection, street sweeping, graffiti removal and boulevard maintenance, and that the General Manager of Public Works be authorized to introduce temporary increased service levels where warranted, to be funded from the Economic Development Initiatives Capital Project (3621708900).

At the May 15, 2023 Public Works Committee, staff were directed to conduct a service level review across all division in the Public Works Department that are responsible for proactive and reactive litter collection in the public realm. Through this direction, staff will report back prior to the 2024 budget deliberation on any operational and budgetary changes that may be required to address service levels respecting litter collection. This direction includes the review of the service level within the downtown core as the general condition of the downtown remains a key priority area.

## **Action 2: Increased Municipal Incentives for Tenanting Vacant Office Space**

The City's Start-up and Office Tenant Attraction (SOTA) Program provides low-interest and forgivable loans for eligible leasehold improvements for a minimum of 1,000 square feet of gross leasable office space or 500 square feet for a start-up. In 2021, a new focus on individual start-up businesses was introduced. These businesses are typically emerging from regional, national, and international start-up/business incubators and seeking to establish their first permanent office location.

Staff are recommending that a review be undertaken of potential enhancements (i.e. increasing maximum loan amounts) to the City's existing Start-up and Office Tenant Attraction Program for the Downtown Hamilton Community Improvement Area.

## **Action 3: Increased Municipal Support for Businesses Experiencing Vandalism**

The Commercial District Revitalization Grant (CDRG) Program offers a matching grant to off-set the cost of eligible improvements such as exterior physical improvements, accessibility and environmental sustainability. This grant also includes assisting commercial property owners/authorized tenants to repair damage due to fire and vandalism (not including graffiti).

Staff are recommending that the City's existing Commercial District Revitalization Grant Program be enhanced as it relates to offsetting costs associated with vandalism and graffiti on commercial properties.

## **Action 4: Explore strategies to determine the feasibility of office-to-residential conversions**

Spurred by the pandemic and shifting workplace arrangements, many communities are considering office-to-residential conversions for older Class B or C building stock to increase housing stock. Recent conversions in the City of Hamilton include the conversion of office to housing at 400 King Street East which is currently being transformed into a new men's shelter.

In Calgary, the Downtown Calgary Development Incentive Program was established in April 2021, which included detailed Terms of Reference focused on office-to-residential conversion projects. In two years, Calgary City Council has approved \$153M for the Program, with \$100M spent on eleven projects. These commitments represent nearly 20% of their ten-year goal of removing six million square feet of office space in Downtown Calgary by 2031 (Retrieved January 17, 2023 from <https://www.cbc.ca/news/canada/calgary/office-to-residential-the->

cornerstone-1.6716211). It should be noted that the downtown vacancy in Calgary remains at 34%.

In Ontario, cities such as Toronto, Halifax, and London, are debating these projects' feasibility. In recent discussions with downtown Hamilton landlords, the potential of office building conversions was considered. Many shared that it was not feasible due to the configuration of their existing office space. Toronto-based Altus Group, a commercial real estate advisory and data company has found, "Conversion costs often don't add up to make housing a viable option" and "the building itself and anticipated cost, it might be easier to demolish it and start from scratch" (Retrieved February 6, 2023 from <https://www.cbc.ca/news/business/empty-offices-housing-1.6736171>). Other communities are reviewing their Community Improvement Plans (CIP) to attract new build office developments. In 2021, the Region of Peel adopted a Major Office Incentives Program focused on tax increment equivalent grants and municipally funded parking programs.

Staff are recommending further study to explore strategies for office-to-residential conversions to support downtown commercial areas and redevelopment opportunities. Staff will report back with a recommended approach to creating a new incentive program, or modifying an existing incentive program, to support the conversion of vacant office spaces to residential uses within the Downtown Hamilton Community Improvement Area.

**Action 5: Develop and launch a downtown-focused campaign to get people back downtown, maximizing workers, residents and visitors into downtown Hamilton**

In collaboration with the downtown BIAs, staff will enhance marketing efforts to support economic office recovery in the downtown. For example, the upcoming tech conference, Collision, will provide an opportunity to share new marketing materials focused on the Start-up and Office Tenant Attraction (SOTA) Program.

CDSB created and launched a video marketing campaign in mid 2022 primarily focused on our suite of municipal incentives including the Start-up and Office Tenant Attraction (SOTA) Program. Additional marketing efforts include showcasing Hamilton's office market as a hub and spoke model for companies searching for satellite offices or "spokes" outside the Greater Toronto Area. The coworking offering is another focus area for economic development as it provides soft-landing opportunities for international companies and for local talent to be based closer to home.

Staff will also launch a downtown-focused campaign to get people back downtown, maximize workers, residents and visitors into downtown

Hamilton. The campaign will emphasize cultural programming, sustainable commuting, and special return-to-work events (e.g. Future of Work Forum). These efforts will be funded by existing budgets.

### **Action 6: Further Enhance Downtown Placemaking Initiatives**

The City of Hamilton's Mayor's Task Force on Economic Recovery (MTFER) initiated various actions including enhancement grants for Business Improvement Areas and supports for placemaking and animation projects focused on uplifting the City's commercial corridors. In January 2022, City Council approved \$750,000 over two-years, to be funded from the Economic Development Department Initiatives Capital Project (3621708900), to support the local commercial areas Economic Recovery Program. 2022-2023 Economic Recovery Funding for Placemaking Initiatives included summer concert series, festivals, temporary outdoor patio program fees and several artists inspired public realm installations.

Discussions with property owners indicated additional activities and efforts should continue to animate the downtown core. One interesting area is the expansion of the night-time economy where downtowns focus on activities beyond the nine-to-five crowd. Successful examples of night-time economy activities include night markets, alleyway activations, and public art installations. With the conclusion of the MTFER funding this year, funding for placemaking efforts with a downtown focus will ensure public spaces continue to recover.

Staff are recommending that the City continue to support downtown commercial areas economic recovery efforts through the extension of placemaking initiatives. This would include converting the temporary Senior Project Manager position within the Placemaking, Public Art and Projects Section of the Tourism and Culture Division to a permanent FTE. This role would lead programming and animation initiatives that draw workers, residents and visitors into the Downtown Core.

### **Action 7: Support transportation planning and parking initiatives**

Some downtown property owners and landlords expressed concerns that the recent changes to the road network, perceived congestion, on-going and upcoming construction projects, and available supply of parking are making it challenging to attract and renew tenants.

The City's 2018 Transportation Master Plan is based on a multi-modal approach that seeks to maximize the efficiency of the network by promoting a range of travel options including transit, walking, cycling, as well as vehicle travel. It also recommended a Complete Streets and Vision Zero approach, which are now being operationalized. This includes an emphasis on

enhancing the walking environment through streetscaping measures and addition of amenities such as benches, street trees, public art, wayfinding. Wayfinding and the need for improved communication is essential for upcoming major construction projects. In addition, providing multi-modal options in the downtown core will assist workers access downtown offices and businesses.

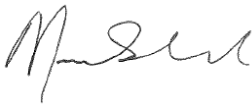
Completed in 2021 during the pandemic, the City's Parking Master Plan anticipated some concerns around the changing nature of the workforce as well as actions to address changes to downtown parking supply. There are several actions in the Parking Master Plan that will guide growth and development and assist with post-COVID-19 recovery efforts. These actions including strategies to better manage curbside parking to support businesses and options to expand the supply of on-street parking. Additional discussions involving partnership opportunities on private lots and underutilized locations is another tool that was identified to increase parking supply for workers. The review of dynamic pricing (i.e. operational pricing plan) will assist and provide efficient parking rates across downtown Hamilton.

Staff are recommending supporting transportation planning and parking initiatives including pursuing joint parking supply opportunities with private development and expanding the parking flex-pass pilot project to all City-owned parking lots, as a reduced cost option for hybrid workers, and to make more efficient use of the City's parking lots. Leveraging and promoting the Smart Commute Hamilton Program to more downtown businesses will help to mitigate the impacts of major construction projects.





# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	2022 Annual Report for Economic Development Division Financial Incentive and Assistance Programs (PED23094) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Carlo Gorni (905) 546-2424 Ext. 2755 Lisa Browett (905) 546-2424 Ext. 7519 Phil Caldwell (905) 546-2424 Ext. 2359
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

N/A

The Economic Development Division is responsible for the administration and annual reporting to City Council of activity and successes achieved in the preceding year respecting the following City Council approved Community Improvement Plans and associated financial incentive and assistance programs:

- The Revitalizing Hamilton's Commercial Districts (RHCD) Community Improvement Plan (CIP) - intended to provide financial incentive programs that will support the revitalization of strategic urban commercial districts by minimizing financial barriers to, and stimulating new private sector investment in, the development of under-utilized properties and/or improve the appearance, functionality, marketability, usability and/or safety of existing buildings;

The RHCD CIP and its programs are intended to apply to properties located within the strategic commercial districts and corridors consisting of the Ancaster, Barton

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: 2022 Annual Report for Economic Development Division Financial Incentive and Assistance Programs (PED23094) (City Wide) - Page 2 of 8**

---

Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale Commercial Districts, the Mount Hope/Airport Gateway and various other urban Strategic Commercial Corridors as collectively defined through the RHCD Community Improvement Project Area (CIPA) By-law;

- The Environmental Remediation and Site Enhancement (ERASE) CIP - intended to provide financial assistance programs and other strategies that will help overcome the physical and financial barriers associated with the remediation and redevelopment of underutilized, derelict or vacant contaminated properties, also known as brownfields;

The ERASE CIP and its programs are intended to apply to contaminated properties located within historically developed areas of the City as collectively defined through the ERASE CIPA By-law; and,

- The Hamilton 'LEED'ing the Way (LEED) CIP – intended to provide an economic catalyst for the construction and or redevelopment of sustainable industrial, commercial, mixed-use and multi-unit residential buildings certified under the LEED rating system by the Canadian Green Building Council (CaGBC);

The LEED CIP and its program are intended to apply to properties located within pre-Official Plan Amendment (OPA) 167 Hamilton Urban Area as defined through the LEED CIPA By-law.

In addition to the above, Economic Development staff also administer financial assistance programs supporting the rehabilitation and adaptive reuse of heritage buildings designated under Part IV or V of the *Ontario Heritage Act* which are authorized under s.39(1) of the *Ontario Heritage Act* and City implementing By-law No. 07-346.

These CIPs and programs collectively support key City Council and community goals and objectives respecting community development and improvement including:

- Increasing assessment and new property tax generation on underutilized, vacant or derelict properties within existing urban areas and commercial districts/corridors;
- Reducing the need for greenfield or agricultural lands to accommodate future growth by assisting/incentivizing development to occur within the existing urbanized areas;

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: 2022 Annual Report for Economic Development Division Financial Incentive and Assistance Programs (PED23094) (City Wide) - Page 3 of 8**

---

- Promoting development that will efficiently utilize existing infrastructure and reducing related costs;
- Supporting the achievement of Provincial/City residential unit/jobs density target;
- Maintaining and growing resident populations to support existing and new commercial businesses;
- Supporting population and employment concentrations that will better utilize existing transit and support new demand and investment in higher-order forms of transit;
- Enabling new economic development opportunities;
- Retaining, rehabilitating, and supporting the adaptive reuse of significant cultural heritage resources; and,
- Encouraging and supporting environmentally sustainable developments.

**INFORMATION**

In 2022, staff continued to see lower than average applications under programs offered, a continuation of a trend that began in 2020 and through 2021. Staff's assessment continues to be that this reduction in applications is as a result of market uncertainty brought by the COVID-19 pandemic and subsequent fluctuations in construction costs and supply chain impacts and market demand which have led property owners to cancel or defer planned property improvements and developments supported by City programs.

In total, 80 program applications were received and processed in 2022. Key highlights from these applications include:

- 27 applications for building façade improvements;
- 12 applications to support the creation of over 1,400 new residential units including over 200 rental units and approximately 13,000 square meters of new commercial floor area;
- 10 applications to investigate 4.63 ha. (11.43 ac.) of land for potential soil contamination; and,

**SUBJECT: 2022 Annual Report for Economic Development Division Financial Incentive and Assistance Programs (PED23094) (City Wide) - Page 4 of 8**

---

- Nine applications for designated heritage building rehabilitation projects.

For further information on the various programs established under the RHCD and those which pertain to buildings designated under either Part IV or V of the *Ontario Heritage Act*, please see Appendix “A” to Report PED23094 - Detailed Application and Financial Statistics (RHCD CIP and Heritage Programs).

For area specific development statistics for downtown Hamilton and the community downtowns of Ancaster, Binbrook, Dundas, Stoney Creek, Waterdown and the Mount Hope/Airport Gateway, see Appendix “B” to Report PED23094 - Downtown Hamilton Development Activity and Appendix “C” to Report PED23094 - Community Downtown Development Activity, respectively.

For mapping showing applications under the Downtown & Barton / Kenilworth Housing Opportunities Program and the Revitalizing Hamilton Tax Increment Grant Program, please see Appendix “D” to Report PED23094 and Appendix “E” to Report PED23094, respectively.

For further information on the ERASE and LEED Programs, please see Appendix “F” to Report PED23094 – Detailed Application and Financial Statistics (ERASE and LEED Programs).

**Economic Benefits and Development Activity Supported through Tax Increment-Based Grant Programs to End of 2022:**

Tax increment grants are a popular tool among municipalities in Canada and the United States as they are self-funded directly from the uplift in municipal taxes generated as a result of a property being redeveloped. As a result, tax increment grant programs do not require an upfront budgeting/funding as grants are only payable once a development is complete and cease after a pre-determined number of annual payments in accordance with the applicable programs terms.

To the City, tax increment grant programs represent a delay in the realization of new tax revenue from a development; revenue that may not have otherwise materialized if not for the tax grant being provided as a means of incentivizing the development to occur or to provide financial assistance to help overcome financial impediments that would have otherwise prevented the development from occurring in the first place. After tax grant payments cease, the City realizes the full increase in new taxes generated by the development for the remainder of the development’s life. This increased revenue becomes part of the City’s general tax revenue and supports tax-supported City services on a go-forward basis.

**SUBJECT: 2022 Annual Report for Economic Development Division Financial Incentive and Assistance Programs (PED23094) (City Wide) - Page 5 of 8**

---

The City currently operates four tax increment-based grant programs; the Revitalizing Hamilton Tax Increment Grant (RHTIG) Program, the Barton/Kenilworth Tax Increment Grant (BKTIG) Program, the ERASE Redevelopment Grant (ERG) Program and the LEED Grant Program (LGP).

Below are key highlights of economic and development successes achieved since each program's inception until the end of 2022:

- For the RHTIG and BKTIG Programs which incentivize and promote/direct new development to key commercial districts and corridors to support revitalization through increased resident populations to support existing and new commercial businesses and mitigate impacts from the reduced office employees working in the core as well as to generate new municipal property tax revenue through increased property assessments:
  - For every dollar rebated under the RHTIG/BKTIG programs, approximately \$27 in private sector investment has been leveraged;
  - Over 2,500 new residential units (of which over 1,700 are rental) and 230,000 sq. ft. (20,000 sq. m.) of new commercial floor area will have been created through intensification and infill of commercial areas; and,
  - Since 2016, new municipal property taxes generated from completed developments cumulatively total over \$25,000,000 and growing.
- For the ERG Program which provides financial assistance to overcome costs required to remediate environmental contamination on brownfield sites which would otherwise impede the reuse/redevelopment of under-utilized or vacant properties in the urban area and leave historical environmental issues unaddressed in the community:
  - For every dollar rebated under the ERG program, approximately \$18 in private sector investment has been leveraged;
  - Over 206 acres (83 hectares) of land will have been cleaned of environmental contamination;
  - Built and under construction projects will result in the creation of over 3,300 new residential units and over 1,900,000 sq. ft (176,000 sq. m.) of Industrial/Commercial/Institutional floor area on brownfield sites; and,

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: 2022 Annual Report for Economic Development Division Financial Incentive and Assistance Programs (PED23094) (City Wide) - Page 6 of 8**

---

- Since 2001, built and under construction projects will result in an estimated \$1B in new property assessment and generate over \$11,000,000/annually in new municipal property tax revenue.
- For the LEED Grant Program which provides financial assistance to mitigate increased construction costs required to achieve LEED certification in more environmentally sustainable developments:
  - Over 530,000 sq. ft. of new industrial floor area certified for environmental sustainability has been built.

**Current and On-Going Direction for City Tax Increment Grant Programs**

**Ensuring Programs Respond to Evolving Market Conditions:**

Tax increment grant programs utilized by the City are primarily focused either on incentivizing/directing development to strategic geographic areas of the City (RHTIG/BKTIG) or to provide financial assistance to overcome systemic impediments/costs to development (ERG/LEED).

While the need for programs that address systemic financial impediments to development largely remain static in terms of need over time, those programs which are primarily intended to incentivize development within geographic areas (RHTIG/BKTIG) have a greater potential to be scaled up/down in response to evolving market conditions in those areas of focus.

With each comprehensive review, staff continually seek opportunities to modify the duration/value/availability of geographically focused incentives where deemed appropriate in response to evolving market conditions. Specifically, in response to increased development activity in strategic commercial districts which are the focus of the RHTIG program, this program has been periodically reduced from its original nine annual grant payments to five annual grant payments with the most recent reduction being in 2021 both in terms of grant duration and value with grant payments reducing from five years to four years and the value of each years' grant payment dropping at an increased rate of 25% versus the original 20%. This is in contrast to the BKTIG program which has remained static in grant duration and value since the program's inception in 2014, as a result of continually depressed market demand along the Barton Street and Kenilworth Avenue North commercial corridors.

**SUBJECT: 2022 Annual Report for Economic Development Division Financial Incentive and Assistance Programs (PED23094) (City Wide) - Page 7 of 8**

---

**2021 Council Direction Respecting Future Program Availability in Downtown Hamilton:**

As part of staff's comprehensive review of the RHCD CIP, Council approved the following direction at the June 23, 2021 Council meeting in relation to a Motion respecting a Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding:

“(d) That the Hamilton Tax Increment Grant Program [now Revitalizing Hamilton TIG Program] be eliminated in downtown Hamilton through the next incentive program review, which is estimated to result in additional estimated savings of \$0.917 million [\$917,000] annually for the City.”

In response, staff amended the RHCD CIP and the associated implementing draft by-law to include the following statement:

“In accordance with Council direction at its June 23, 2021 meeting, as part of the next scheduled review of the RHCD CIP, anticipated to commence in 2025, staff will present for a future Council's consideration a recommendation that the [Revitalizing Hamilton Tax Increment Grant Program and Downtown and Barton/Kenilworth Housing Opportunities Program] cease to be made available within the Downtown Hamilton CIPA taking into consideration progress/timing of the Hamilton Light Rail Transit (LRT) Project.”

Detailed recommendations respecting the availability of the above referenced programs will be brought forward for Council consideration at the next comprehensive review of the RHCD CIP and programs tentatively scheduled to begin in late 2025.

**Aligning Tax Increment Grant Programs to Council Priorities:**

Beginning with staff's review of the RHCD CIP in 2021, staff have sought to update the direction of City tax increment grant programs to better focus City support towards developments which will achieve additional City Council and community priorities, such as affordable housing and climate change, while reducing grants for developments that do not address these priorities.

In 2021 the RHTIG program was updated to provide increased grants to applicants whose projects achieved environmental sustainability certification or incorporated affordable housing, while grants provided to those projects that do not incorporate these priorities were significantly reduced.

In 2022 staff began a comprehensive review of the ERASE CIP with a similar goal of identifying program improvements to better support the achievement of environmental



**SUBJECT: 2022 Annual Report for Economic Development Division Financial Incentive and Assistance Programs (PED23094) (City Wide) - Page 8 of 8**

---

sustainability certification and/or affordable housing in brownfield projects. Proposals arising from this review were presented at the April 19, 2023 General Issues Committee Report PED23076 which included, among others:

- The creation of an ERASE Affordable Housing Grant Program to off-set costs associated with remediation of contamination on sites being developed for not-for-profit housing to be supported by the reallocation of \$1,000,000 in non-affordable housing financial incentive program funds;
- Promotion of more environmentally sustainable remediation practices; and,
- Modifying grant amounts to leverage the achievement of additional community/City Council priorities respecting housing affordability and/or environmental sustainability and climate change goals.

Economic Development anticipate starting a similar review of the existing LEED CIP beginning in Q4 2023.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED23094 – Detailed Application and Financial Statistics (RHCD CIP and Heritage Programs)
- Appendix “B” to Report PED23094 – 2022 Downtown Hamilton Development Activity
- Appendix “C” to Report PED23094 – Community Downtown Development Activity
- Appendix “D” to Report PED23094 – Downtown & Barton/Kenilworth Housing Opportunities Program Developments Map
- Appendix “E” to Report PED23094 – Revitalizing Hamilton Tax Increment Grant Program Map”
- Appendix “F” to Report PED23094 – Detailed Application and Financial Statistics (ERASE and LEED Programs)

**Detailed Application and Financial Statistics (RHCD CIP and Heritage Programs)**

**Financial Incentive Programs Administered by Commercial District and Small Business Section**

The Commercial Districts and Small Business Section administers various financial incentives. The chart below identifies the number of applications received from 2011-2022:

Financial Incentive Program	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Commercial District Revitalization Grant	34	55	84	116	59	75	74	86	48	44	36	30
Commercial District Housing Opportunities Program (pre-application)	14	21	17	22	18	21	17	21	23	5	5	4
Commercial District Housing Opportunities Program (final application)	2	3	2	6	3	5	5	7	3	5	1	2
Downtown & Barton/Kenilworth Housing Opportunities Program	2	4	2	1	3	0	2	1	1	0	1	2
Revitalizing Hamilton Tax Increment Grant Program	2	8	8	10	9	4	4	10	11	4	5	5
Barton/Kenilworth Tax Increment Grant Program						3	4	4	6	2	1	3
Barton/Kenilworth Revitalization Grant Program						4	13	9	13	5	4	5
Barton/Kenilworth Planning and Building Fee Rebates						1	4	3	1	1	1	3

<b>Start-Up and Office Tenant Attraction Program</b>	1	1	1	2	5	1	5	3	0	1	1	0
<b>GORE Building Improvement Grant Program</b>		5	8	15	0	0	0	0	0	5	0	0
<b>Hamilton Community Heritage Fund Loan Program</b>			2	1	1	1	1	2	0	0	0	0
<b>Hamilton Heritage Conservation Grant Program</b>				18	7	9	9	7	7	5	3	5
<b>Hamilton Heritage Property Improvement Grant</b>	2	2	8	4	8	2	13	9	3	12	5	4
<b>ERASE Study Grant</b>	14	14	15	17	12	21	23	18	26	23	12	10
<b>ERASE Redevelopment Grant</b>	3	4	3	4	7	2	4	8	7	8	5	3
<b>Hamilton Downtown/West Harbourfront Remediation Loan Program</b>	0	2	0	1	0	0	0	0	0	0	0	2
<b>Commercial Vacancy Assistance Program (came into effect October 22, 2021)</b>											0	2
<b>TOTALS</b>	<b>74</b>	<b>119</b>	<b>150</b>	<b>217</b>	<b>132</b>	<b>149</b>	<b>178</b>	<b>188</b>	<b>149</b>	<b>120</b>	<b>80</b>	<b>80</b>

In addition to increasing the assessment and resulting property taxes of the specific property that directly receives funding, the redeveloped properties also help increase the value and desirability of surrounding properties that are no longer next to a vacant, derelict, or contaminated property. Surrounding properties might also benefit from new residents, employees, and customers in nearby redevelopment properties.

Although the Commercial District Revitalization Grant Program, the Gore Building Improvement Grant Program and the Hamilton Heritage Conservation Grant Program are 50/50 matching grants, the true value of the work leveraged by the City Grant is more than 50%. Funds under the Programs are advanced only when the work has been completed. The charts below provide an overview of the grants.

Where established in a Program Description, policies established by Council which address tenant displacement were followed. In 2022, there were four applications to a program where tenants were residing at that location. No tenant displacement was identified as resulting from the proposed work prior to the applications being approved.

### **Commercial District Revitalization Grant**

With the approval of Report PED21035(a) following the Five-Year Review of the CIPA in 2021, the Business Improvement Area Commercial Property Improvement Grant Program (BIACPIG) and the Commercial Property Improvement Program (CPIG) were merged into a single program called the Commercial District Revitalization Grant Program (CDRG). No changes were made to the dollar value of the maximum grant for properties that are within a Business Improvement Area or the maximum grant for eligible properties that are not within a Business Improvement Area. With the approval of Report PED21035(a), the Program was amended to further support environmental sustainability by adding de-paving of hard surfaces, tree plantings, rain gardens, green walls, installation of exterior electric charging stations, solar panels, etc. to the list of eligible expenses. To support a post-COVID Economic Recovery, amendments were also made to increase the flexibility regarding the eligibility of new permanent outdoor patios and decks.

The "Total Commercial District Revitalization Grant Program" in the chart below is the summation of the data pertaining to the projects that were associated with the former (BIACPIG) and the projects associated with the former (CPIG).

The CDRG is intended to provide Grants that will support long-lasting and predominantly exterior physical improvements to the appearance, accessibility and environmental sustainability of commercial or mixed-use commercial properties located within strategic commercial districts, including Business Improvement Areas (BIA), whose visibility and long-term success contributes to Hamilton's image for both residents and visitors. Activities supported by this Program include:

- Exterior building façade improvements;
- Exterior/interior improvements that achieve Accessibility for Ontarians with Disabilities Act (AODA) standards;
- Exterior building/property improvements which improve appearance or functionality including those that enhance environmental sustainability of the building/property; and,
- Limited interior mechanical/ventilation improvements for restaurant uses.

This Program is not intended to provide support for temporary or non-permanently affixed improvements.

<b>Commercial District Revitalization Grant 2002 to December 31, 2022</b>					
	<b>Time Period</b>	<b>Number of Projects Paid</b>	<b>Construction Value</b>	<b>Grant Paid</b>	<b>Grant as a percentage of Construction</b>
<b>Total Commercial District Revitalization Grant Program</b>	2022	19	\$ 451,451.42	\$ 194,141.01	43%
	2002-2022	673	\$19,214,658.77	\$7,052,674.76	37%
<b>BIA CPIG</b>	2022	13	\$ 339,081.90	\$ 146,067.64	43%
	2002-2022	543	\$15,760,111.77	\$5,868,515.65	37%
<b>CPIG</b>	2022	6	\$ 112,369.52	\$ 48,073.37	43%
	2012-2022	130	\$ 3,454,547.	\$1,184,159.11	34%



11 Hess Street South, Hamilton (Source: CDSB staff)



294 Ottawa Street North, Hamilton (Source: CDSB Staff)



374 Main Street West, Hamilton (Source: CDSB staff)



66 King Street East, Stoney Creek (Source: Applicant)

### **Commercial District Housing Opportunities Program**

The Commercial District Housing Opportunities Program (the Program) is intended to provide financial assistance in the form of a low-interest loan and grant to promote the improvement or development of dwelling units that will create new/improved housing opportunities support robust local commercial district populations that add vibrancy and support demand for local commercial businesses/services. Activities supported by this Program include:

- Converting existing non-residential spaces into dwelling units where permitted in accordance with the applicable City zoning by-law;
- Undertaking renovations to existing dwelling units;
- Creation of new dwelling units, including accessory Dwelling Units, via building additions or new detached accessory buildings, including laneway housing; and/or,
- Creation of new dwelling units through development of vacant land, surface parking lots or redevelopment of existing building.

This Program will apply within the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale Commercial District CIPAs, the Strategic Commercial Corridor CIPAs and those properties within the municipal boundary designated under Part IV or Part V of the *Ontario Heritage Act* as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area (RHCD CIPA) By-law.

The loan is calculated on the basis of \$20 K per dwelling unit, to a maximum of \$600 K per property. The grant provides up to a \$5 K grant per property for professional fees and some City of Hamilton fees paid.



With the approval of Report PED21035(a) following the Five-Year Review of the CIPA in 2021, the eligibility for loans was expanded to include the creation of new residential accessory units outside the principal building such as laneway housing (where permitted).

<b>Commercial District Housing Opportunity Program</b>				
<b>Inception 2007 - December 31, 2022</b>				
<b>Time Period</b>	<b>Number of Projects Approved</b>	<b>Loan Amount Advanced</b>	<b>Loans Repaid</b>	<b>Grant Paid Out</b>
<b>2022</b>	0	\$0	\$274,325	\$0
<b>2007-2022</b>	12	\$1,058,250	\$997,050	\$47,931

**GORE Building Improvement Grant Program**

The GORE Building Improvement Grant Program (GBIGP) offered a matching grant for building improvements to a maximum of \$50 K per application for properties fronting on King Street between James Street and Catharine Street. It was offered for a three-year period with applications being accepted until December 31, 2014.

The GBIGP ceased at the end of 2014 save for properties which had been granted an extension to utilize the Program by City Council past this date. Currently, the only properties subject to this extension are those municipally known as 18-28 King Street East, Hamilton.

<b>Gore Building Improvement Grant Program</b>				
<b>2012 - December 31, 2022</b>				
<b>Time Period</b>	<b>Number of Projects Paid</b>	<b>Construction Value</b>	<b>Grant Paid</b>	<b>Grant as a percentage of Construction</b>
<b>2022</b>	0	0	0	0
<b>2012-2022</b>	19	\$2,438,229	\$804,511	33%

**Hamilton Heritage Conservation Grant Program**

The Hamilton Heritage Conservation Grant Program (HHCGP) is offered to owners/authorized tenants of properties designated under Parts IV or V of the *Ontario Heritage Act* that are not eligible for the Hamilton Heritage Property Grant Program. The maximum matching grant is \$5 K for the conservation/preservation of heritage features.

Hamilton Heritage Conservation Grant Program					
Since Inception 2014 – December 31, 2022					
Time Period	Number of Grant Commitments	Total Grant Commitments	Grants Advanced	Conservation Value of Projects	Grant as a Percentage of Construction
2022	1	\$5000	\$5,000	\$16,877	30%
2012-2022	60	\$261,416	\$220,881	\$994,182	26%



21 Stone Church Road West, Hamilton (Source: CDSB Staff)

### Hamilton Heritage Property Grant Program

The Hamilton Heritage Property Grant Program (HHPGP) is offered to owners/authorized tenants of properties designated under Parts IV or V of the *Ontario Heritage Act* and located within Downtown Hamilton, a Community Downtown, an active Business Improvement Area, or, located within the lower City between Highway 403 and the Red Hill Valley Parkway and used for commercial, institutional or multi-residential purposes. The Program offers grants to a maximum of \$150 K (50% for the first \$40 K of work and 25% of costs over and above the \$40 K) for conservation or structural/stability work plus an additional \$20 K grant for heritage assessments/reports.

<b>Hamilton Heritage Property Grant Program</b>		
<b>Since Inception 2008 – December 31, 2022</b>		
	<b>2022</b>	<b>2008-2022</b>
<b>Number of Grant Commitments</b>	10	66
<b>Total Grant Commitments</b>	\$266,513.52	\$3,160,586.23
<b>Total Conditional Grant Commitments (for 18-28 King Street East)</b>	\$0	\$850,000*
<b>Grants Advanced</b>	\$ 59,040.71	\$2,349,717.17
<b>Grants Approved to be Advanced (not including 18-28 King Street East)</b>	\$ 276,489.63	\$810,868.52
<b>Conservation Value of Projects (not including 18-28 King Street East)</b>	\$ 886,006.83	\$16,628,205.63
<b>Grants as a Percentage of Construction (not including 18-28 King Street East)</b>	30%	19%

\*Final amount to be determined upon eligible paid invoices based on grant formula



114-116 MacNab Avenue South, Hamilton (Source: CDSB Staff)

### **Start-Up & Office Tenant Attraction Program**

The Start-up and Office Tenant Attraction (SOTA) Program (the Program) is intended to provide low-interest loans or forgivable Loans that will facilitate the undertaking of eligible leasehold improvements to office space by property owners or authorized tenants in order to support the creation of new office space and improve the marketability and attractiveness of existing office space. This Program will serve as a tool to reduce office vacancy rates in Downtown Hamilton and other eligible commercial areas and serve as a means of attracting new and expanding office uses and businesses to Hamilton.

In addition to supporting general office tenancy, this Program will also serve as a means of attracting both start-up/business incubators and individual start-up businesses who are emerging from regional, national and international start-up/business incubators seeking to establish their first permanent office location.

This Program will apply within the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale Commercial District CIPAs, the Mount Hope/Airport Gateway CIPA and the Barton Street and Kenilworth Avenue North Strategic Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area (RHCD CIPA) By-law.

<b>Start-Up and Office Tenant Attraction Program</b>	
<b>2022</b>	
<b>Applications received in 2022</b>	0
<b>Applications approved in 2022</b>	0
<b>Additional loan commitment in 2022</b>	\$0
<b>Loan repayments in 2022</b>	\$100,733.74

<b>Start-Up and Office Tenant Attraction Program</b>	
<b>Since Inception 2010–December 31, 2022</b>	
<b>Number of Loan Commitments</b>	10
<b>Total Loan Commitments</b>	\$1,489,982
<b>Square Feet of New/Expanded Office Space</b>	99,329
<b>Loans Advanced</b>	\$1,489,982
<b>Loan Amount Paid Back</b>	\$1,224,693
<b>Loan amount forgiven</b>	\$488,505
<b>Loans to be Advanced</b>	\$0
<b>Construction Value of Approved Projects</b>	\$7,778,244

### **Hamilton Community Heritage Loan Fund**

The Hamilton Community Heritage Loan Fund (HCHLF) offers a 0% interest loan to a maximum of \$50 K for work that conserves or restores the heritage attributes of a property designated under Part IV or Part V of the *Ontario Heritage Act* within the City of Hamilton.

<b>Hamilton Community Heritage Fund Loan Program</b>	
<b>2022</b>	
<b>Applications received in 2022</b>	\$ -
<b>Applications approved in 2022</b>	\$ -
<b>Additional loan commitment in 2022</b>	\$ -
<b>Loan Repayments in 2022</b>	\$18,289
<b>Interest paid in 2022</b>	\$ 3,910

<b>Hamilton Community Heritage Fund Loan Program</b>	
<b>2009 - Year-End 2022</b>	
<b>Number of Loan Commitments</b>	18
<b>Total Loan Commitments</b>	\$ 594,075
<b>Loans Advanced</b>	\$ 594,075
<b>Loans Paid Back</b>	\$ 494,913
<b>Loans Outstanding</b>	\$ 99,162
<b>Loans to be Advanced</b>	\$ -
<b>Interest Paid</b>	\$ 55,112

**Barton/Kenilworth Revitalization Grant Program**

The Barton / Kenilworth Revitalization Grant Program is intended to support the development of properties as well as the maintenance, functionality, viability, accessibility and aesthetics of existing commercial, mixed use commercial, multi-residential or institutional use buildings within the Barton Street and Kenilworth Avenue North commercial corridors which were the subject of the Barton and Kenilworth Commercial Corridors Study.

This Program is not intended to provide support for temporary or non-permanently affixed improvements.

This Program will apply within the Barton Village Commercial District CIPA, the Barton Street and Kenilworth Avenue North Strategic Commercial Corridor CIPAs and properties within the Downtown Hamilton Commercial District CIPA which front on Barton Street East between James Street North and Victoria Avenue North as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area (RHCD CIPA) By-law.

The Program offers a matching grant to a maximum of \$50 K per deeded property towards the redevelopment of property.

<b>Barton/Kenilworth Revitalization Grant Program</b>		
<b>June 2016 – December 31, 2022</b>		
	<b>2022</b>	<b>2016-2022</b>
<b>Number of Grant Commitments</b>	4	32
<b>Total Actual Payments and Grant Commitments</b>	\$145,813.35	\$1,167,140.01
<b>Grant Paid</b>	\$330,314	\$912,631.31
<b>Grants Approved to be Advanced</b>	\$91,793.05	\$200,488.40
<b>Construction Value of Projects</b>	\$526,078.59	\$2,947,580.70
<b>Grants as a Percentage of Construction</b>	28%	40%



1535 Barton Street East, Hamilton (Source: Google Street View)

### **Barton/Kenilworth Tax Increment Grant Program**

The Barton/Kenilworth Tax Increment Grant Program (the Program) is intended to provide a grant to incentivize property owners located along the Barton Street East and Kenilworth Avenue North commercial corridors to develop, redevelop or otherwise improve properties and/or buildings (including designated heritage buildings) in a manner that will support the broader revitalization of these districts as well as generate new municipal property tax revenue through increased property assessments. As a tax increment-based program, grants are provided relative to the actual increase in municipal property taxes that are generated as a result of an improvement or development undertaken on a property.

Grants are provided over a maximum term of nine annual payments and subject to City Council approval. The grant is at 100% of the Municipal realty tax increase during the

first five years, 80% in year six, 60% in year seven, 40% in year eight and 20% in year nine.

<b>Barton/Kenilworth Tax Increment Grant Program</b>		
<b>Inception 2016 - December 31, 2022</b>		
	<b>2022</b>	<b>2016-2022</b>
<b>Number of Approved Grants*</b>	1	7
<b>Total Estimated Value of Approved Grants</b>	\$1,522	\$1,123,118
<b>Total Construction Value of Approved Grants</b>	\$66,000	\$11,973,000
<b>Ratio of Total Approved Grants to Total Construction Value</b>	1:43	1:11

\*Number of Approved Grants does not include 2 applications where the approval had expired.

### **Barton/Kenilworth Planning and Building Fees Rebate Program**

The Barton/Kenilworth Planning and Building Fees Rebate (BKPBFR) Program is intended to provide grants that will serve as a rebate of specific Planning and Building application fees for approved development-related applications which will support the redevelopment of under-utilized properties as well as further facilitate the undertaking of works that will improve the maintenance, functionality, viability, accessibility and aesthetics of existing commercial, mixed use commercial, multi-residential or institutional use buildings within the Barton Street East and Kenilworth Avenue North commercial corridors which were the subject of the Barton and Kenilworth Commercial Corridors Study.

This Program will apply within the Barton Village Commercial District CIPA, the Barton Street East and Kenilworth Avenue North Strategic Commercial Corridor CIPAs and properties within the Downtown Hamilton Commercial District CIPA which front on Barton Street East between James Street North and Victoria Avenue North as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area (RHCD CIPA) By-law.

### **Applications**

One application was received in 2016 for a Demolition Permit fee and Building Permit fee totalling \$1,951. The rebate for the Demolition Permit fee in the amount of \$228 was approved and paid in July of 2017. The rebate for the Building Permit fee will be issued in accordance with the terms of the Program. Four additional applications were received in 2017. Three applications were received in 2018. Two of the applications received in 2018 were approved and paid out. A total of \$926 in rebates were paid out in 2018. One application was received in 2019. One application was received in 2020 and two grants for a total of \$1,620 were paid out. One application was received in 2021. Two applications were received in 2022. Rebates will be paid in accordance with the terms of the Program.



## **Commercial Vacancy Assistance Program**

With the approval of Report PED21035(a) following the Five-Year Review of the CIPA in 2021, this new temporary two-year Program was created to help mitigate the potential for street-facing commercial vacancies arising from the pandemic. It came into effect on October 22, 2021.

This Program provides a Grant to new permanent or 'pop- up' commercial tenants of a presently vacant at, or below grade, commercial space so as to make permanent interior improvements for the purposes of improving the attractiveness and usability of the space for the intended commercial use.

To be eligible, the intended commercial use must be accessible to the public/customers and may include, but not be limited to, retail uses, artists studios/galleries containing a retail component and/or dine-in or take-out restaurants.

This Program applies to commercial uses within the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale Commercial District CIPAs, the Mount Hope/Airport Gateway CIPA and the Strategic Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area (RHCD CIPA) By-law.

This Program provides grants of \$5 K for leases between 3-6 months and \$10 K for leases of 6 months or longer.

Two applications were received in 2022.

## **Downtown & Barton/Kenilworth Housing Opportunities Program**

The Downtown and Barton/Kenilworth Housing Opportunities Program (the Program) is intended to provide financial assistance in the form of a low-interest loan to promote the development of multiple dwelling units that will create new housing opportunities and support robust local commercial district populations that add vibrancy and support demand for local commercial businesses/services. Activities supported by this Program include:

- The creation of at least 10 new dwelling units through the development of a multiple dwelling on vacant land, surface parking areas or the redevelopment of existing buildings;
- A building addition containing at least 10 new dwelling units; and/or,
- The conversion of existing non-residential space into housing consisting of at least 10 new dwelling units.

This Program will apply within the Barton Village and Downtown Hamilton Commercial District CIPAs, the Barton Street East Strategic Commercial Corridor CIPA (east of the Barton Village Commercial District CIPA) and the Kenilworth Avenue North Strategic Commercial Corridor CIPA as collectively defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area (RHCD CIPA) By-law.

The City has loaned, as at December 31, 2022, approximately \$44 M under the DBKHO supporting the creation/renovation of 1,484 dwelling units at an interest cost to the City of approximately \$4.4 M (\$2,941/dwelling unit). The public cost of the Program has levered approximately \$259 M of private construction value at a ratio of 1:47. As of December 31, 2021, there were 20 loans that had been repaid in full and one loan had been written-off.

Appendix "D" to Report PED22116 identifies the location of the 21 projects within the Downtown Hamilton Commercial Districts Community Improvement Project Area (DHCIPA) that have received funding under the DBKHO.

<b>Downtown &amp; Barton/Kenilworth Housing Opportunities Program</b>	
<b>2022</b>	
<b>Applications approved in 2022</b>	0
<b>Additional loan commitment in 2022</b>	0
<b>Payments in 2022</b>	0
<b>Interest paid in 2022</b>	0
<b>Downtown &amp; Barton/Kenilworth Housing Opportunities Program</b>	
<b>Inception to 2022</b>	
<b>Units Built/Under Construction</b>	1,484
<b>Number of Projects</b>	21
<b>Construction Value</b>	\$259,006,811
<b>Loans Advanced</b>	\$43,996,189
<b>Loans Paid Back</b>	\$42,894,982
<b>Written-off (One Loan)</b>	\$1,101,207
<b>Loans Outstanding</b>	\$0
<b>Interest Paid</b>	\$4,365,156
<b>Ratio of Interest Paid to Construction Value</b>	1:59
<b>Cost (Interest Plus Default)</b>	\$5,466,363
<b>Ratio of Cost to Construction Value</b>	1:47

As of December 31, 2022, no loans were outstanding. Therefore, there is \$35 M in future loan commitments that can be approved by City Council and advanced.

## Revitalizing Hamilton Tax Increment Grant Program

The Revitalizing Hamilton Tax Increment Grant Program (the Program) is intended to provide a Grant to incentivize property owners within strategic commercial districts to develop, redevelop or otherwise improve properties and/or buildings (including designated heritage buildings) in a manner that will support the broader revitalization of the commercial district as well as generate new municipal property tax revenue through increased property assessments.

As a tax increment-based Program, Grants are provided relative to the actual increase in municipal property taxes that are generated as a result of an improvement/development undertaken on a property. Grants are provided over a maximum term of four annual payments and subject to City Council approval.

Grants under the Program may be provided through one of two streams depending on how the project addresses specific City priorities. Projects will be identified as either a Revitalization Project or an Enhanced Revitalization Project. Revitalization Projects are defined as the undertaking of improvements/developments that will generate an increase in municipal taxes while Enhanced Revitalization Projects are defined as the undertaking of improvements/developments that will generate an increase in municipal taxes and which meet one or more of the following requirements in support of City objectives:

- The improvement/development will receive certification for the achievement of environmental sustainability standards from an eligible organization/program and/or will be connected to (or be designed to allow for future connection to) a district energy system; and/or,
- The improvement/development has been approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), federal, provincial or City program for the purposes of creating residential rental housing that address housing affordability within the city.

The maximum Grant amount prescribed for Revitalization Projects and Enhanced Revitalization Projects are identified in the following table:

Year of Grant	Maximum annual Grant amount as a percentage of actual municipal tax increment generated from an improvement or development	
	Revitalization Projects	Enhanced Revitalization Projects
1	100%	100%
2	75%	100%
3	50%	100%
4	25%	100%

In 2022, \$1,233,734.63 was due to be issued to 15 reassessed projects through the Revitalizing Hamilton Tax Increment Grant Program (RHTIG) (formerly known as the Hamilton Tax Increment Grant Program). Since grants were first issued in 2004, \$13 M has been granted through the Program to 49 reassessed projects that had a combined construction value of \$404,243,278.00 which accounts for a 1:27 ratio of public grant leveraging private investment.

**2022 Year End Status of Reassessed Projects**

<b>Grants Due in 2022 (to 15 Projects)</b>	\$1,233,734.63
<b>Grants Issued 2004-2022 (to 49 Projects)</b>	\$12,999,009.44
<b>Estimated Total Grants (for all 49 prior and future payments)</b>	\$14,980,965.59
<b>Construction Value</b>	\$404,243,278.00
<b>Ratio of Total Grants to Construction Value</b>	1:27



16 West Avenue South, Hamilton (Source: CDSB Staff)

The Map, attached as Appendix "E" to Report PED23094, identifies the location of 42 properties within the DHCIPA that have received or are currently eligible to receive grants under the RHTIG. Note that the map does not include seven projects; one located in Ancaster, one in Westdale Village, two in Stoney Creek, and three in Waterdown that have received grants.

**Increase in Municipal Taxes**

The following chart lists projects in the Downtown Hamilton Commercial District and in the Ancaster, Mount Hope/Airport Gateway (CIPA), Westdale Village, Stoney Creek, Waterdown, and Barton/Kenilworth Avenue North Strategic Commercial Corridor Community Improvement Project Areas (CIPA) that have been approved for loans/grants under the DBKHO and/or the RHTIG and/or the Barton/Kenilworth Tax Increment Grant Program and compares their pre-development Municipal taxes to their post-development Municipal taxes. The increase in total Municipal taxes (inclusive of growth, reassessment and budget) equates to approximately \$10.4 M. This increase will be realized annually. Note that the figures with an asterisk (\*) are estimates of the increase in Municipal taxes as the projects have been completed but not reassessed by the Municipal Property Assessment Corporation (MPAC), are under construction, or construction has not commenced to date.

With the approval of Report PED21035(a) following the Five-Year Review of the CIPA in 2021, amendments were made to the RHTIG to better incentivize developers to incorporate housing affordability and environmental sustainability measures into their projects by classifying projects as either a "Revitalization Project" or an "Enhanced Revitalization Project" and varying the level of the grant available in accordance with that classification.

Revitalization Projects are those that will undertake improvements/developments that will generate an increase in municipal taxes. Enhanced Revitalization Projects will not only undertake improvements/developments that will generate an increase in municipal taxes, but also will incorporate housing affordability and/or environmental sustainability measures (enhancements), and therefore would receive a larger grant relative to those developments that will not be incorporating such measures.

<b>Property Address</b>	<b>Base Year</b>	<b>Difference between base year taxes and post development taxes</b>	<b>DBKHO</b>	<b>RHTIG</b>	<b>BKTIG</b>
135 James Street South	2003	\$424,400	✓		
11 Rebecca Street	2004	\$66,800	✓	✓	
155 James Street South	2003	\$100,100	✓		
118 Market Street	2003	\$188,000	✓	✓	

91 Wellington Street North	<b>2003</b>	\$15,800	✓		
4, 8, 12 Forest Avenue	<b>2005</b>	\$35,100	✓	✓	
47 Caroline Street North	<b>2007</b>	\$164,900	✓	✓	
80 King William Street	<b>2003</b>	\$108,800	✓		
267/271 King Street East	<b>2007</b>	\$7,900	✓		
260-280 King Street East	<b>2005</b>	\$105,400	✓	✓	
170-176 Jackson Street West	<b>2007</b>	\$6,600	✓	✓	
289 Hunter Street East	<b>2007</b>	\$1,600	✓		
68 George Street	<b>2010</b>	\$238,400	✓	✓	
275 King Street West	<b>2011</b>	\$101,100	✓	✓	
40 Bay Street South	<b>2012</b>	\$323,400	✓	✓	
150 Main Street West	<b>2013</b>	\$497,100	✓	✓	
137-149 Main Street West	<b>2013</b>	\$118,100	✓	✓	
33 Main Street East	<b>2002</b>	\$18,400		✓	
135 Hunter Street	<b>2002</b>	\$67,300		✓	
100-110 James Street South	<b>2004</b>	\$24,000		✓	
1 Main Street West	<b>2004</b>	\$67,900		✓	
66 Bay Street South	<b>2004</b>	\$223,200		✓	
1 Hunter Street East	<b>2006</b>	\$73,900		✓	
210 Main Street East	<b>2007</b>	\$60,800		✓	
87-89 King Street East	<b>2006</b>	\$18,000		✓	
232 Cannon Street East	<b>2009</b>	\$51,000		✓	
52 Cannon Street West	<b>2008</b>	\$36,300		✓	
193-197 James Street North	<b>2009</b>	\$11,600		✓	
130-134 Wellington Street North	<b>2011</b>	\$10,900		✓	
162 Ferguson Avenue North	<b>2012</b>	\$17,900		✓	
121-123 James Street North	<b>2012</b>	\$84,200		✓	
69 Hughson Street North	<b>2013</b>	\$19,400		✓	
50 Murray Street	<b>2012</b>	\$105,700		✓	
147-159 Walnut Street South	<b>2013</b>	\$18,800		✓	
180-188 Wilson Street	<b>2014</b>	\$17,700		✓	
179-191 James Street North	<b>2017</b>	\$309,800	✓	✓	
125 Wellington Street North	<b>2014</b>	\$59,200		*✓	
140 Main Street West	<b>2014</b>	\$317,700		*✓	
290 Barton Street West	<b>2015</b>	\$115,300		✓	
112 King Street East	<b>2015</b>	\$384,000		✓	
245 James Street North	<b>2015</b>	\$6,300		✓	
193 King Street East	<b>2015</b>	\$17,800		✓	

31-39 King William Street	2015	\$72,200		✓	
220 Cannon Street East	2015	\$186,500	✓	✓	
127 Market Street	2016	\$4,200		✓	
232 Cannon Street East	2016	\$10,100		✓	
20-22 George Street	2017	\$771,300		✓	
73 King Street East	2017	\$2,000		✓	
27 Bold Street	2018	\$40,900		✓	
121-125 King Street East	2019	\$91,800		*✓	
15 Queen Street South	2019	\$608,300		*✓	
144 Wellington Street North	2018	\$11,500		*✓	
1 Jarvis Street	2020	\$1,192,500		*✓	
29 Severn Street	2020	\$18,600		*✓	
81 King Street East	2017	\$13,600		✓	
154 Main Street East	2019	\$403,700		*✓	
155-165 Wellington Street North	2019	\$20,100		*✓	
233-237 King Street East	2019	\$17,100		*✓	
540 King Street East	2019	\$56,600		*✓	
118 King Street East (Phase 2)	2015	\$331,400		✓	
189 King Street East	2014	\$5,500		✓	
191 King Street East	2014	\$4,500		✓	
60 King William, 43-51 King E.	2019	\$1,524,200		*✓	
16 West Avenue South	2021	\$37,000		*✓	
9-11 Robert Street	2021	\$62,300		*✓	
<b>Ancaster Commercial District CIPA</b>					
407 Wilson Street East	2013	\$6,800		✓	
<b>Mount Hope/Airport Gateway CIPA</b>					
8533 Airport Road West	2020	\$16,600		*✓	
<b>Westdale Commercial District CIPA</b>					
1005 King Street West	2016	\$11,300		✓	
<b>Stoney Creek Commercial District CIPA</b>					
22 Jones Street	2014	\$6,700		✓	
40 King Street East	2020	\$9,300		*✓	
7 King Street East	2014	\$5,900		✓	
<b>Waterdown Commercial District CIPA</b>					

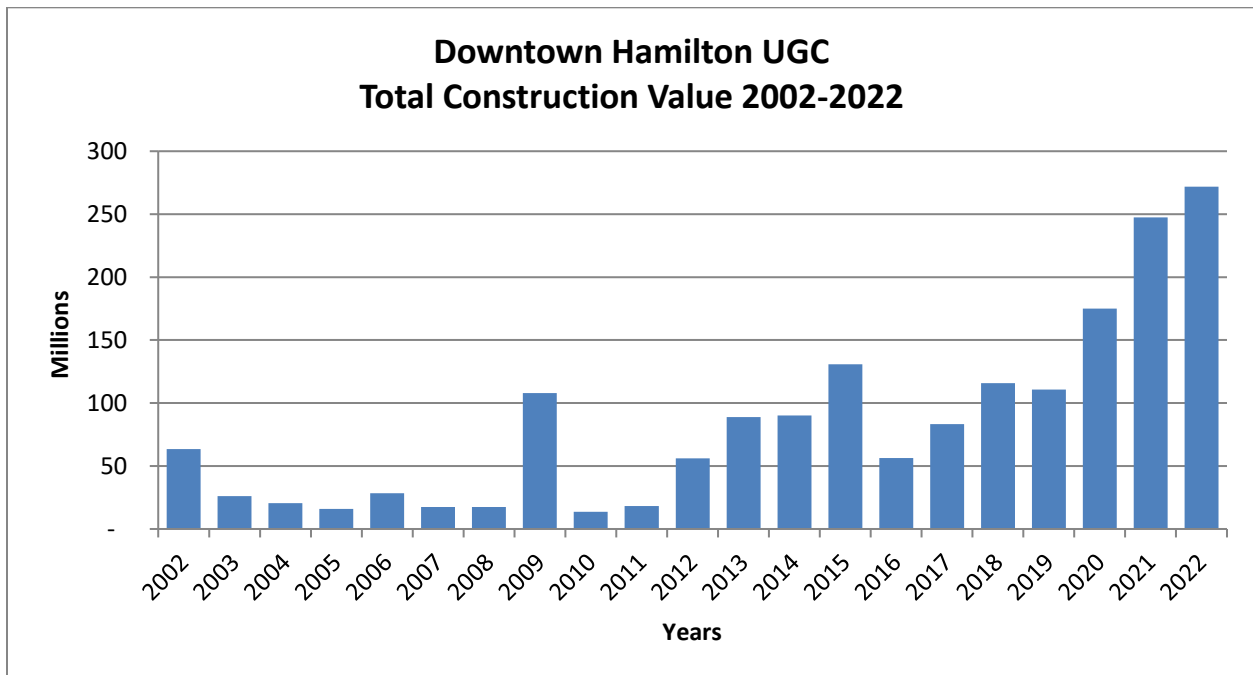


244 Dundas Street East	2018	\$1,800		✓	
493 Dundas Street East	2018	\$25,000		✓	
34 Main Street North	2020	\$1,100		✓	
<b>Dundas Commercial District CIPA</b>					
33 King Street West	2017	\$27,900		*✓	
<b>Barton/Kenilworth Tax Increment Grant Program</b>					
657-659 Barton Street East	2017	\$5,900			✓
431-435 Barton Street East	2017	\$2,400			✓
286 Sanford Avenue North	2018	\$147,300			✓
301-303 Barton Street East	2018	\$2,100			✓
6 Barton Street East/302 James Street North	2018	\$700			✓
635 Barton Street East	2019	\$27,900			*✓
486 Barton Street East	2019	\$3,400			✓
<b>Total</b>		<b>\$10,428,600</b>			

Property Reassessment Status	Difference between base year taxes and post development taxes			
	DBKHO Only	RHTIG	BKTIG	Total
<b>Reassessed</b>	\$658,600	\$5,105,900	\$161,800	\$5,926,300
<b>Not Yet Reassessed</b>		\$4,474,400	\$27,900	\$4,502,300
<b>Total</b>	\$658,600	\$9,580,300	\$189,700	\$10,428,600

### 2022 Downtown Hamilton Development Activity

Development in the Downtown Hamilton Urban Growth Centre (UGC) continued in 2022, with a total of 172 building permits being issued, representing \$271,778,446 in building permit construction value .<sup>1</sup> The UGC area includes properties within and abutting the block bounded by Hunter Street, Queen Street, Cannon Street and Victoria Avenue, and also includes properties abutting James Street North to the West Harbour GO Train Station and southerly to Charlton Avenue (St. Joseph’s Hospital). The construction values from 2002 to 2022 are illustrated in Figure 1.



**Figure 1**

Those developments and improvements valued at \$500 K or greater, and listed below, account for approximately 95.02% of the total building permit construction value in the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area (RHCIPA).

Developments in the RHCIPA, which includes the Downtown Hamilton UGC, are outlined below and total approximately \$312,504,872 in construction value, totalling 268 building permits. Examples of projects which contributed to the building permit Construction value reported for 2022 include the following residential and non-residential development:

<sup>1</sup>Permits issued for demolition, signs and events are excluded from the reported totals for Downtown Hamilton and the Community Downtowns.

- 43 King Street East - To construct a 45,867 sq. m sprinklered 30 storey residential building consisting of two residential towers over a common four-storey podium, ground floor retail, outdoor pool on the third-storey, rooftop amenity areas on the third and fifth floors and four levels of parking;
- 1 Jarvis Street - To construct a sprinklered 15-storey, 30,599 sq. m N, 354-unit apartment building, consisting of three parking levels (one below grade, two above grade), retail shell at west portion of ground floor; 1 Jarvis Street-To install a sprinkler system and a standpipe system to serve the entire building; 1 Jarvis Street-To construct foundations only for a future 15-storey residential building with commercial units on the ground floor;
- 20 East Avenue South - To construct the superstructure of a sprinklered three-storey, 4,661 sq. m elementary school building, St. Patrick's Catholic Elementary School;
- 225 East Avenue North - To construct the superstructure of a sprinklered five-storey, 3,250 sq. m, 52-unit apartment building (with parking garage podium at basement level) - Tower (B);
- 225 East Avenue North - CONDITIONAL PERMIT to construct a sprinklered three-storey, 2,670 sq. m, 43-unit apartment building (with parking garage podium at basement level) - Tower (A);
- 192 Hughson Street North - Alterations works to replace 71 dwelling units with 125 dwelling units in the five-storey townhouse block and 1/F to 6/F of 18-storey apartment tower of the existing residential building;
- 181 John Street North - Alterations works to replace 71 dwelling units with 125 dwelling units in the 5-storey townhouse block and 1/F to 6/F of 18-storey apartment tower of the existing residential building;
- 14 Augusta Street - To construct a six storey, 4,078 sq. m residential building with ground floor commercial and a 635 m, one-storey, below grade parking garage;
- 45 Main Street East - Alterations to John Sopinka Courthouse for security upgrades;
- 55 Bay Street North - Alteration to office building for Federal Government;

- 7 Queen Street North - Permit revised to add two additional floors (1275 sq. m; gross floor area) to the building. To construct a sprinklered 10-storey, 7,979 mu, hotel building (with underground parking area) for Hampton Inn;
- 62 King Street East - Permit revised to include changes related to elevator and elevator shop drawings. Alterations to the four-storey, sprinklered building known as 62 King St E and 64 King St E and addition of mechanical penthouse on the roof;
- 195 Ferguson Avenue North - Alterations to convert second-floor existing office space/common area into 11 one-bedroom units, and convert existing drop in centre space on the main floor to office space;
- 213 Market Street - To construct a 752.15 m (GFA) apartment building with eight units;
- 219 East Avenue North - Alterations and construction of a 118.6 sq. m third-storey addition to former horse stables & storage building to create 13 dwelling units with related amenity and office spaces on the ground floor;
- 350 King Street East - Alterations to existing building to create of 15 residential units including partitions, millwork, plumbing, HVAC, electrical and modification of exterior glazing;
- 130 Bay Street South - To construct a sprinklered one-storey, 163 sq. m addition (with a basement) to St Marks Church and alterations to the existing building as per attached drawings;
- 181 Main Street West - Alteration to the main floor of the existing building to create medical offices;
- 20 East Avenue South - To construct foundation only, for a future third-storey elementary school St. Patrick Catholic Elementary School;
- 35 York Boulevard - Alterations to the roof of the existing building and to replace the existing skylights;
- 95 Hess Street South - Alterations to the existing apartment building to replace the hot water baseboard system;

- 154 Main Street East - To install a sprinkler system and a standpipe system to serve the entire building;
- 121 King Street East - Permit revised to add six residential units to ground floor and keep one retail space new total of 46 residential units. Permit revised for structural reinforcement to renovate existing ground floor retail area and second and fourth floor residential;
- 191 King Street West - This is an application for a shoring permit for McMaster Graduate Student Residence. The shoring will be for a 30-storey building, that will consist of 27 storeys of residences with a two-level podium that will accommodate amenity spaces;
- 15 Queen Street South - To install a sprinkler system and a standpipe system to serve the entire building;
- 16 West Avenue South - Alterations to the existing church to convert into two-storey apartment building;
- 23 Spring Street - Alterations to existing residential building to create six new residential units and fitness room on the first floor;
- 610 King Street East - Alterations to the existing apartment building and add two additional dwelling units on the third floor. (total of 14 Units);
- 95 Hess Street South - Alterations to the existing high-rise building to replace the domestic water riser;
- 100 Main Street East - Alterations to create new elevator openings in existing elevator shaft;
- 36 Grant Avenue - To construct a new 168 mL (GFA 336 mL) two-storey residential building with basement for storage and utilities. Totally six apartment suites, two bachelor suites and one bedroom suite on ground floor and three one bedroom suites) on the second floor;
- 100 Main Street East - To construct a 13 sq. m vestibule addition at the Main Street Entrance and reclad the existing canopy projection;

- 22 John Street North - Alterations to the exterior of the exiting four-storey mixed use building to rebuild the front facade and fire escape; and,
- 252 Catharine Street North - Alteration to the existing two-storey commercial building to create nine new residential units on second floor. This includes but not limited to remove two existing stairs between ground floor and second floor.

Building permits were issued for the construction of 745 new residential units in 2022 in the RHCIPA (616 within the UGC), including:

- 453 units at 191 King Street West (McMaster Graduate Residence);
- 136 units at 165 James Street South (Augusta Phase 2/Rental Residential Units; and,
- 108 units at 415 Main Street West (Westgate on Main Condominiums);

From 2002 – 2022, building permits have been issued for a total of 5,592 dwelling units in the UGC, providing an average growth of 266 units per year. Building permits were issued for 4,453 (79.63%) of these residential units between 2013 and 2022.

### **Residential vs. Non-Residential Construction**

In 2022, residential development values surpassed non-residential development in the Downtown:

UGC Non-residential: 100 permits = \$16,719,612 construction value

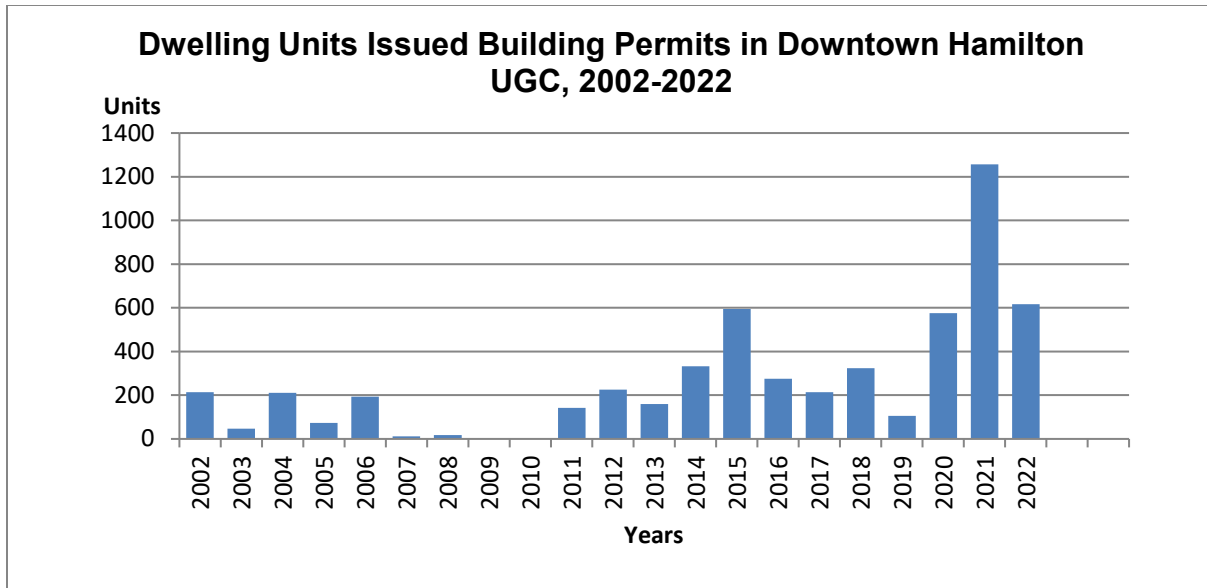
UGC residential: 63 permits = \$253,962,834 construction value

UGC miscellaneous: 9 permits=\$1,096,000 construction value

Downtown CIPA Non-residential: 120 permits = \$20,055,562 construction value

Downtown CIPA residential: 117 permits = \$285,570,894 construction value

Downtown CIPA miscellaneous: 31 permits = \$6,878,416



Notes:

- Dwelling units as per the year a building permit was issued;
- 2004 includes 108 units in the former Staybridge Suites Hotel, which converted to a retirement residence in 2010;
- 2011 includes 127 units in the new Staybridge Suites Hotel;
- 2012 includes 182 units in the new Hilton Homewood Suites Hotel; and,
- Dwelling units at 14 Mary Street are not included since the project did not proceed even though a building permit was issued in 2001 (62 units) and 2009 (59 units).



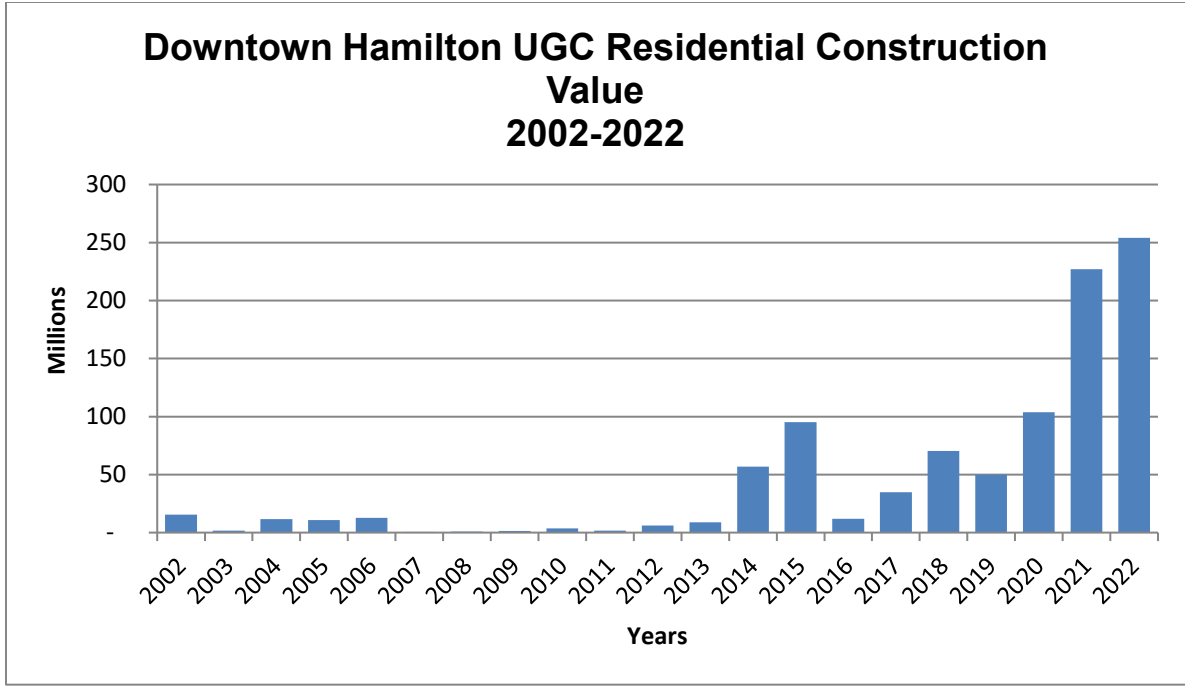


Figure 2

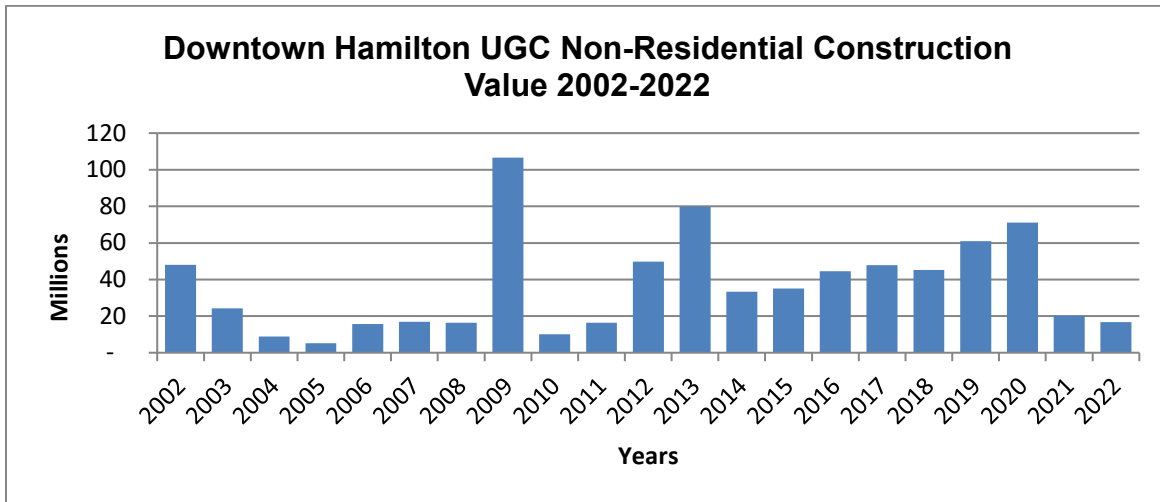


Figure 3

## Community Downtown Development Activity

### 2022 Community Downtown Building Activity

Community Downtowns, including Ancaster, Binbrook, Dundas, Stoney Creek, Waterdown and Mount Hope, collectively, had a total of 59 building permits issued in 2022 within their respective community improvement project areas, representing a building permit construction value of approximately \$3.185 M. Growth in these communities was comprised of 30.38% residential and 69.62% non-residential. Waterdown had the largest growth out of all the Community Downtowns in 2022 totalling approximately 43.72% of the total construction values (see Figure 2).

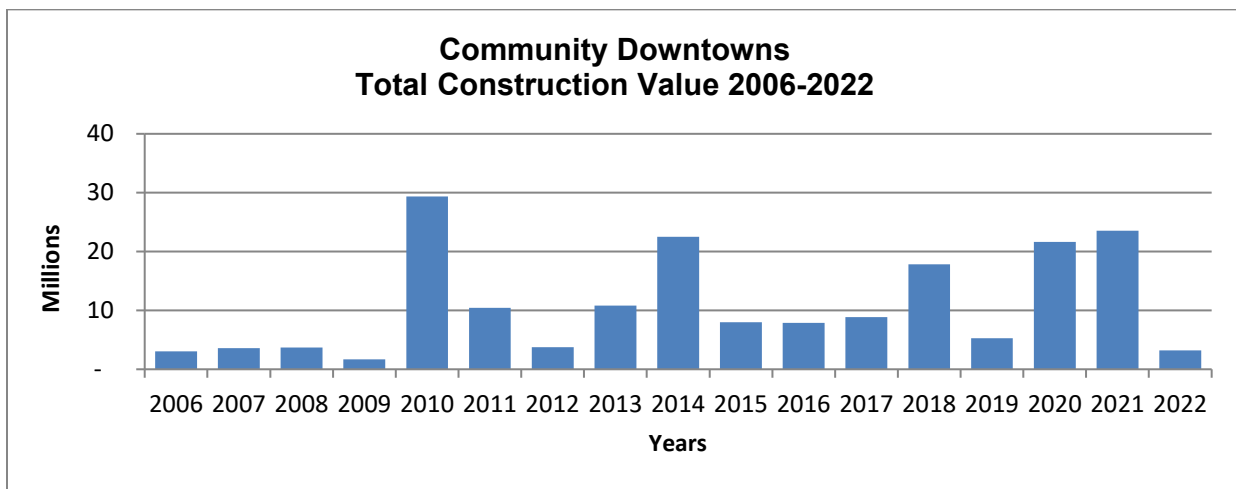
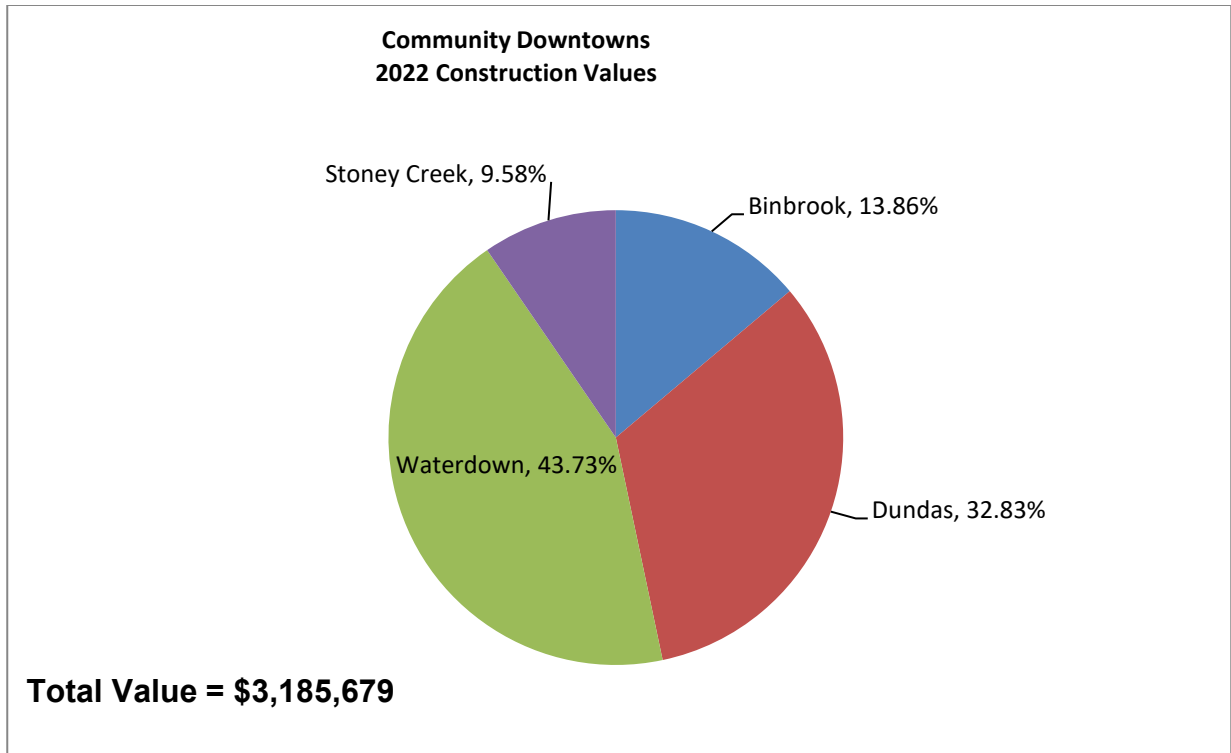


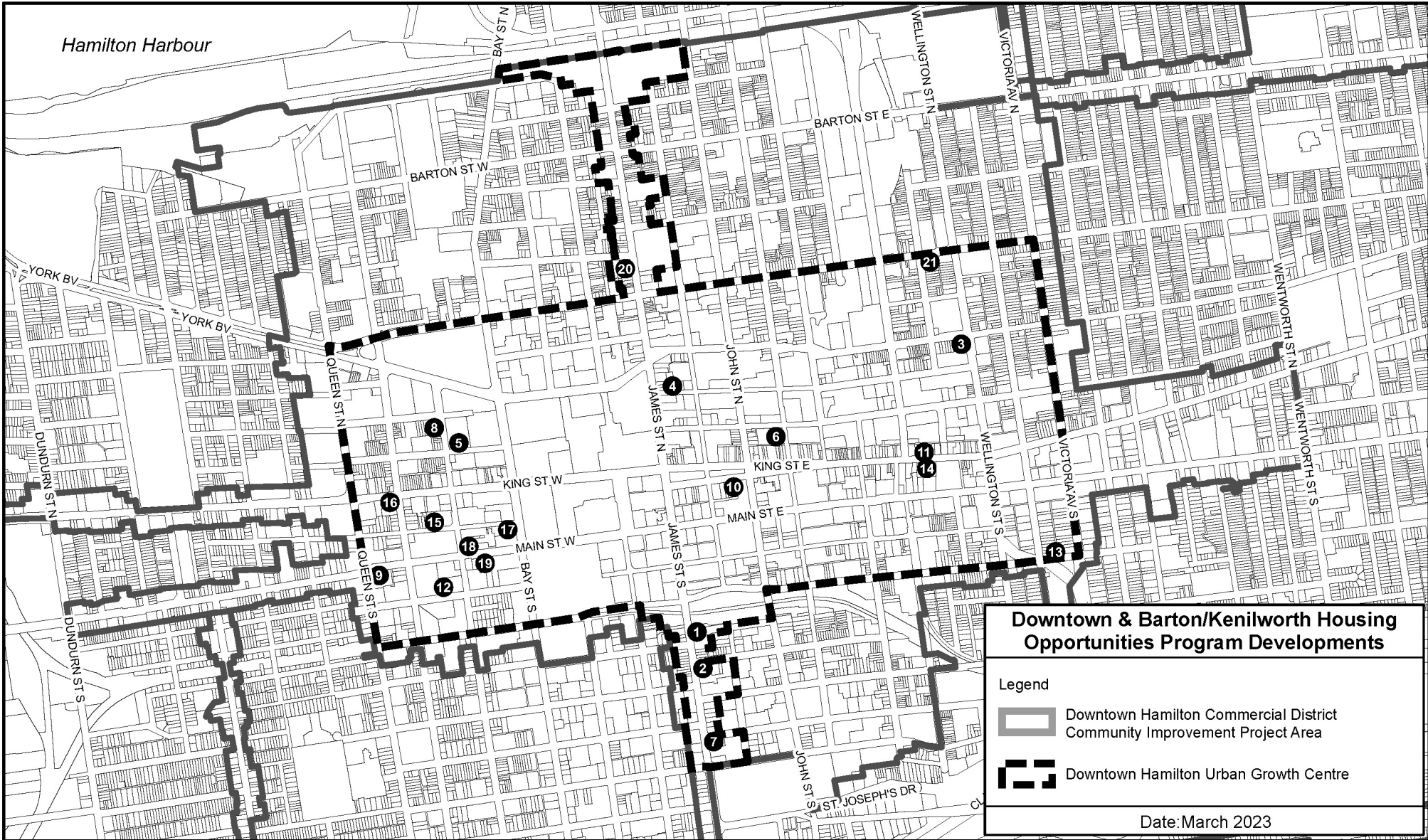
Figure 1



**Figure 2**

What follows are some examples of investments made in 2022 in the Community Downtowns (\$ construction value):

- \$24 K for alterations to the ground floor of a shell building for the interior fit-out to create office space in Binbrook;
- \$500 K for alterations to existing 3-storey commercial/residential building to convert 3 existing commercial units to 3 new residential units and divide one existing residential unit into 2 new residential suites in Dundas;
- \$156 K for replacement of terrace guards of apartment building in Stoney Creek; and,
- \$420 K for tenant improvements to existing bank building to add a universal washroom and two male/two female washrooms.in Waterdown.



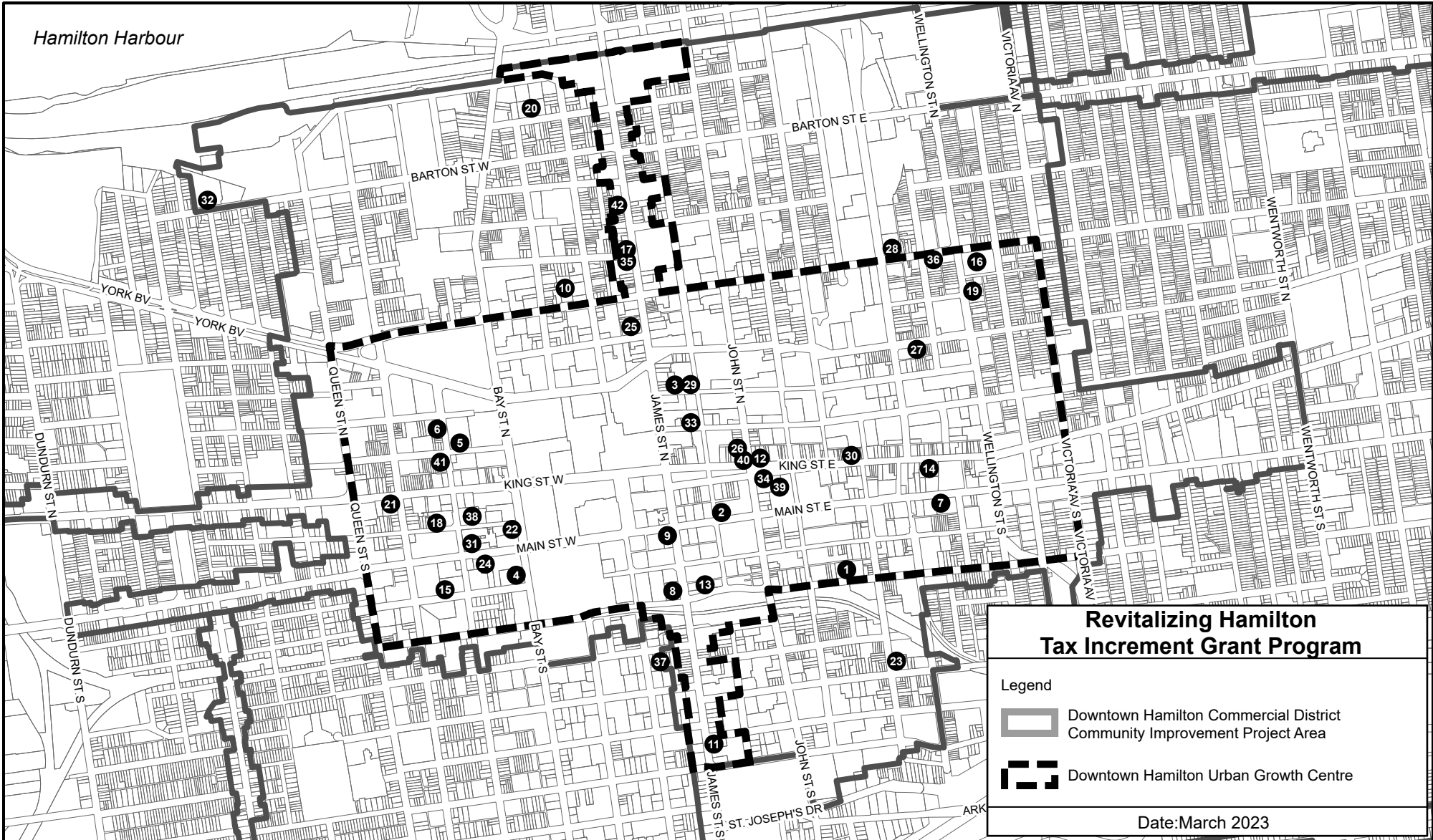
1	135 James St S	7	4 Forest Av	13	289 Hunter St E	19	137 - 149 Main St W
2	155 James St S	8	47 Caroline St	14	260 King St E	20	179 - 191 James St N
3	91 Wellington St N	9	215 - 231 Main St W	15	68 George St	21	220 Cannon St E
4	11 Rebecca St	10	66 -68 King St E	16	275 King St W		
5	118 Market St	11	269 - 271 King St E	17	40 Bay St S		
6	80 King William St	12	170 - 176 Jackson St W	18	150 Main St W		



Hamilton

Planning & Economic  
 Development Department





### Revitalizing Hamilton Tax Increment Grant Program

**Legend**

- Downtown Hamilton Commercial District Community Improvement Project Area
- Downtown Hamilton Urban Growth Centre

Date: March 2023

1 135 Hunter St E	10 52 Cannon St W	19 130-134 Wellington St N	28 181 Cannon St E (162 Ferguson Av N)	37 27 Bold Street
2 33 Main St E	11 207-211 James St S / 4-14 Forest Av	20 50 Murray St W	29 69 Hughson St N	38 20-22 George St
3 11 Rebecca St	12 89 King St E	21 275 King St W	30 193 King St E	39 118 King Street East
4 66 Bay St S	13 1 Hunter St E	22 40 Bay St S	31 150 Main St W	40 81 King Street East
5 118 Market St	14 260-280 King St E	23 147-157 Walnut St S	32 290 Barton St W	41 127 Market Street
6 47 Caroline St N	15 170-176 Jackson St W	24 137-149 Main St W	33 31-39 King William St	42 245 James Street North
7 210 Main St E	16 232 Cannon St E	25 121-123 James St N	34 112 King St E	
8 100-110 James St S	17 193-197 James St N	26 73 King St E	35 179-191 James St N	
9 1 Main St W	18 68 George St	27 180-188 Wilson St	36 220 Cannon St E	



**Detailed Application and Financial Statistics (ERASE and LEED Programs)****ENVIRONMENTAL REMEDIATION AND SITE ENHANCEMENT (ERASE)  
PROGRAMS****ERASE Applications Received 2013-2022**

<b>ERASE Program</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>ERASE Study Grant</b>	15	17	12	21	23	18	26	23	12	10
<b>ERASE Redevelopment Grant</b>	3	4	7	2	4	8	7	9	5	3
<b>Hamilton Downtown/West Harbourfront Remediation Loan Program (RLP)</b>	0	1	0	0	0	0	0	0	0	2

**ERASE Study Grant (ESG) Program**

The ESG Program is intended to support the undertaking of environmental studies on known or suspected brownfield sites to confirm and describe potential on-site contamination or develop a plan to remove, treat, or otherwise manage the contamination in support of site redevelopment/reuse.

The ESG program provides a matching grant of 50% of the cost of an eligible environmental study up to a maximum of \$20,000 per site/project. A maximum of two applications per property/project may be submitted with the combined value of both grants not to exceed \$35,000.

**2022 ESG YEAR END STATUS**

In 2022, staff received a total of 10 applications to the ESG program, nine of which were approved, and one application was withdrawn/cancelled. The combined actual and estimated value of financial assistance for which applications were approved in 2022 is \$96,607.83. Approved applications will result in additional five hectares of land and associated buildings being studied through environmental studies including Phase Two Environmental Site Assessments (ESA), Designated Substances and Hazardous Materials Surveys (DSHM) and Risk Assessments (RA).

<b>ESG Applications</b>	<b>2022</b>	<b>2001-2022</b>
<b>Number of grant applications received</b>	10	260
<b>Number of grant applications approved*</b>	9	241

**Appendix “F” to Report PED23094  
Page 2 of 5**

<b>Total actual and estimated grant value of approved* applications</b>	\$ 96,607.83	\$ 2,538,920.49
<b>Average grant per approved* application</b>	\$ 12,259.46	\$ 10,878.66
<b>Total land area studied through approved* applications</b>	4.63 ha. (11.43 ac.)	232.87 ha. (575.43 ac.)

\*Approved applications include applications which have been approved but not yet paid as well as those approved and since completed/paid.

### **ERASE Redevelopment Grant (ERG) Program**

The ERG Program is intended to provide tax increment-based grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. By providing grants to mitigate these financial impediments, the Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new municipal property tax revenue through increased property assessments.

Grants are provided annually at a rate of 80% of the increase in the municipal portion of property taxes for up to 10 years or until the eligible remediation costs are recovered, whichever comes first. Grant payments commence after remediation and redevelopment are completed, the property has been reassessed by the Municipal Property Assessment Corporation (MPAC) and after one full calendar year of municipal taxes have been paid at the newly assessed rate.

To help mitigate the impacts on project feasibility and cash flow, ERG approved applicants may also have the option to defer the payment of DCs at 0% interest under an ERASE specific DC deferral until such time as ERG payments commence. At this time, ERG program grant payments are directed to fulfilling the property owner/ developers outstanding DC obligation on their behalf, instead of being provided directly to the applicant.

### **2022 ERG YEAR END STATUS**

In 2022, staff received a total of three applications to the ERG program. Staff also made recommendations to Council for the following applications:

- 870 Queenston Road (PED22077);
- 50 Green Mountain Road West (PED22078);
- 405 James Street North (Jamesville) (PED22107-FCS22035);
- 415 Main Street West (PED22136);
- 4 Vickers Road (PED22148); and,



**Appendix “F” to Report PED23094  
Page 3 of 5**

- 488-500 Upper Wellington Street (PED22169).

Note: Projects must have received, at minimum, conditional Site Plan approval before a recommendation report will be brought for Council consideration. As such, applications received in a given year may have been submitted in advance of this approval having been obtained. As such approved applications in 2022 may not necessarily have been received in 2022.

<b>ERG applications received in 2022</b>	3
<b>ERG applications approved by Council in 2022</b>	6
<b>Maximum potential Grants approved in 2022</b>	\$ 16,505,077
<b>Total ERG applications approved by Council (2001-2022)</b>	59 (of which one has been cancelled and eight have lapsed approvals)

In 2022, there were a total of 12 projects which had met the threshold required for grant payment issuance totalling \$1,166,190.34. Total cumulative grant payments issued for these projects to-date have totalled \$4,258,917.57.

**Projects Receiving Grant Payments for 2022**

<b>Address</b>	<b>Base Tax Year/ Reassessed Tax Year</b>	<b>2022 Grant Payment (80% of Tax Increment)</b>	<b>Cumulative Annual Grant Payments (incl. 2022)</b>	<b>ERASE DC Deferral Payment</b>	<b>Maximum Eligible Grant</b>	<b>Year of Grant Payment</b>
<b>685 Queenston Rd.</b>	2011/2013	\$86,035.54	\$789,676.41	\$172,573.59	\$962,250.00	10 of 10
<b>420 Glover Rd.</b>	2011/2014	\$97,008.10	\$871,801.90	\$378,164.31	\$1,280,129.11	9 of 10
<b>275 James St. N.</b>	2012/2014	\$12,925.89	\$115,763.32	n/a	\$416,900.00	9 of 10
<b>186 Ferguson Ave. N.; 190-200 Barton St. E.</b>	2008/2016	\$11,614.00	\$81,298.00	n/a	\$1,908,381.04	7 of 10
<b>1587 &amp; 1599 Upper James St.</b>	2014/2017	\$116,798.79	\$683,050.02	\$265,718.88	\$1,372,725.00	6 of 10
<b>20 Rebecca St.</b>	2016/2018	\$207,973.34	\$831,893.37	n/a	\$2,029,752.00	4 of 10

**Appendix “F” to Report PED23094  
Page 4 of 5**

<b>118 Hatt St., Dundas</b>	2017/2021	\$15,093.31	\$30,186.61	\$38,312.94	\$262,678.56	2 of 10
<b>7-11 Brock St.</b>	2016/2021	\$7,382.40	\$14,764.80	n/a	\$160,500.00	2 of 10
<b>112 King St. W., Dundas</b>	2015/2021	\$16,841.17	\$33,682.33	n/a	\$203,000.00	2 of 10
<b>107 MacNab St N.</b>	2018/2021	\$152,868.16	\$362,208.39	\$141,180.19	\$736,235.47	2 of 10
<b>1165-1167 Cannon St. E.</b>	2017/2021	\$2,942.79	\$5,885.57	n/a	\$38,063.10	2 of 10
<b>455/467/479 Charlton Ave. E.</b>	2015/2022	\$438,706.85	\$438,706.85	n/a	\$3,441,154.00	1 of 10

### **Downtown Hamilton/West Harbourfront Remediation Loan Program (RLP)**

The purpose of the RLP is to provide financial assistance in the form of a low interest loan to help remove financial impediments to the remediation of brownfield properties which are to be redeveloped for a residential or residential/commercial use within the defined areas of Downtown Hamilton and the West Harbourfront.

The RLP provides financial assistance through a low interest loan equal to 80% of the eligible remediation costs to a maximum of \$400,000 per property/project. The loan is to be a 'bridge' until such time as the property owner receives their ERASE Redevelopment Grant or Revitalizing Hamilton Tax Increment Grant.

### **2022 RLP YEAR END STATUS**

In 2022, staff received two applications under the RLP program. At the end of 2022 remediation loans totalling \$733,520.00 for two projects had been issued with a balance of \$26,644.54 outstanding.

<b>RLP applications received (2022)</b>	2
<b>Total RLP applications approved by Council (2010-2022)</b>	3
<b>Value of Council approved loan commitments (2010-2022)</b>	\$ 1,133,520.00
<b>Council approved loan commitments not acted upon and since expired (2010-2022)</b>	\$ 400,000.00
<b>Total value of loans issued (2010-2022)</b>	\$ 733,520.00

**Appendix “F” to Report PED23094  
Page 5 of 5**

<b>Total value of outstanding loans (2010-2022)</b>	\$ 26,644.54
---	--------------

**Outstanding Loans in 2022 Issued under the Remediation Loan Program**

<b>Address</b>	<b>Approved Loan Amount</b>	<b>Loan Amount Issued To-date</b>	<b>Loan Status (to end of 2022)</b>	<b>Outstanding Balance (to end of 2021)</b>
275 James St. N.	\$333,520.00	\$333,520.00	Year 8 of repayment	\$26,644.54
179-191 James St. N.	\$400,000.00 (maximum)	\$400,000.00	Repaid via RHTIG	\$0.00

**LEED GRANT PROGRAM (LGP)**

The purpose of the LGP is to provide an economic catalyst for the construction and or redevelopment of sustainable industrial, commercial, mixed-use and multi-unit residential buildings certified under the LEED rating system by the Canadian Green Building Council (CaGBC).

Grants are provided annually at a rate of 75% of the increase in the municipal portion of property taxes for up to five years or until the maximum eligible reimbursable costs are achieved, whichever comes first. Reimbursable costs under the LGP program include a percentage of incremental building construction costs required to achieve LEED certification the with maximum percentage being determined by LEED certification level achieved as well as 50% of eligible soft costs such as energy modelling, consultant costs and certification fees. Grant payments commence after remediation and redevelopment are completed, the property has been reassessed by the MPAC and one full calendar year of municipal taxes have been paid at the newly assessed rate.

**LEED Grant Program Applications Received 2013-2022**


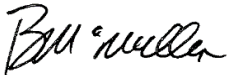

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>LEED Grant Program</b>	0	0	0	0	1	0	0	0	0	1

In 2022, staff received one application to the RLP and no LGP recommendation reports were brought for Council consideration.

There were no annual LGP payments issued in 2022.



**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
 Corporate Facilities and Energy Management Division  
 and  
**CORPORATE SERVICES DEPARTMENT**  
 Financial Planning Administration and Policy Division  
 and  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Economic Development Division

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Secondary Ward Councillor Offices (PW23041 / FCS23076 / PED23138) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Robyn Ellis (905) 546-2424 Ext. 2616 Shaba Shringi (905) 546-2424 Ext. 3142
<b>SUBMITTED BY:</b>	Robyn Ellis Acting Director, Corporate Facilities & Energy Management Public Works Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Brian McMullen Director, Financial Planning, Administration and Policy Finance and Corporate Services Corporate Services Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Raymond Kessler Chief Corporate Real Estate Officer Planning and Economic Development Department
<b>SIGNATURE:</b>	

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Secondary Ward Councillor Offices  
(PW23041/FCS23076/PED23138) (City Wide) – Page 2 of 4**

---

**RECOMMENDATIONS**

- (a) That the Guideline: Secondary Ward Offices for Councillors attached as Appendix “A” to Report PW23041 / FCS23076 / PED23138 be adopted; and
- (b) That the Outstanding Business List item identified as Chedoke Arena - Secondary Ward Office for Ward 14, be considered complete and removed from the Outstanding Business List.

**EXECUTIVE SUMMARY**

The City of Hamilton (City) has developed a Guideline to define a standardized procedure for members of City Council to request secondary offices in their respective Wards. The reference document is attached as Appendix “A” to Report PW23041/FCS23076/PED23138 and is being recommended to be adopted and followed for the current term of Council.

All City Councillors currently have a primary office in Hamilton City Hall located at 71 Main Street West in Hamilton.

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Financial implications of Secondary Ward Councillor Offices will vary according to accommodation type:

Accommodations within existing City facilities:

The budget for the annual operating costs will be transferred to the Legislative General Operating Budget. Actual costs will be recorded in Legislative General. Ward Councillor Office Operating Budgets will not be charged.

Accommodations for private leases:

Actual costs will be charged to the Ward Councillor’s Office Operating budget. The Councillor will accommodate the extra cost within the existing Ward Councillor’s Office Operating budget unless a budget increase or one-time funding, through the Council motion or report, is approved.

Capital costs for renovation/fit-up:

Facilities Project Manager will provide cost information to Financial Planning, Administration and Policy to determine a funding source, which will be submitted for approval through the Council motion or report.

Staff cost recovery:

**SUBJECT: Secondary Ward Councillor Offices  
(PW23041/FCS23076/PED23138) (City Wide) – Page 3 of 4**

---

Project management staff costs will be charged to the Ward Councillor's Operating Budget for Corporate Facilities & Energy Management staff's actual time spent on the secondary ward office project.

Staffing: N/A

Legal: N/A

## **HISTORICAL BACKGROUND**

The City does not currently have a relevant policy defining the roles and responsibilities of City staff and City Councillors when a request for a Secondary Ward Office is created. Historically and pre-amalgamation, select City Councillors in Dundas, Glanbrook, Ancaster, Flamborough and Stoney Creek operated regional offices within their Wards to service local constituents. Post-amalgamation, Councillors in close proximity to Hamilton City Hall have continued to operate their offices from the primary City Hall location, while the historical offices remained in outlying wards. These offices are located at the original pre-amalgamation Town Halls, now Municipal Service Centres.

To-date, the City did not have a standard process to address the request for a new office or process to operate existing Secondary Ward Offices, including clarity of process on budgets to fund these spaces. The Guideline attached as Appendix A provides a standard process going forward.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

- By-law 16-290: Code of Conduct for Members of Council;
- Policy No: HR-01-09: Code of Conduct for Employees;
- Policy and Guidelines for Eligible Expenses for Elected Officials: Budget for the Office of the Mayor, Legislative Budget and Councillor Ward Office Budget, Appendix "B" to Report FCS18083(a);
- Council/Staff Relationship Policy, Appendix "B" to Report FCS21045 / CM21005.

## **RELEVANT CONSULTATION**

- Recreation Division, Healthy & Safe Communities Department
- Legal and Risk Management Services Division, Corporate Services Department
- Office of the Integrity Commissioner
- Human Resources

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

---

OUR Vision: To be the best place to raise a child and age successfully.  
 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.  
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Secondary Ward Councillor Offices  
(PW23041/FCS23076/PED23138) (City Wide) – Page 4 of 4**

---

Following the new Council election in 2022, City staff have received a number of requests for Secondary Ward Offices by City Councillors. The Guideline prepared by City staff is to define a standard process and ensure that services are delivered in a consistent manner.

The Guideline attached as Appendix “A” to Report PW23041 / FCS23076 / PED23138 defines the roles and responsibilities of City staff and Councillors, as well as steps that need to be followed when responding to requests for Secondary Ward Offices. This includes the selection of appropriate locations for offices, associated budgets and funding sources.

The methodology for approvals is also defined to ensure that all budget impacts related to office fit-ups, lease-hold improvements, third-party leases, etc. are presented to Council for approval. City staff have put together a guideline, which captures current practice and provides a structured path forward, based on principals of transparency, cost-effectiveness and risk-mitigation for Council consideration and recommendation.

**ALTERNATIVES FOR CONSIDERATION – N/A**

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

**Community Engagement and Participation**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report (PW23041/FCS23076/PED23138) – Guideline:  
Secondary Ward Offices for  
Councillors





<b>Title: Guideline: Secondary Ward Offices for Councillors</b>	
Document	COH-P-020-003
Document	Level I
Issue #:	1
Issue date	April 2023

## 1 PURPOSE

The purpose of this document is to define a standardized procedure for City Councillors to request and secure space for Secondary Ward Offices within their respective wards, in addition to their primary offices at City Hall, 71 Main Street West. A secondary office located within the respective ward will allow constituents easier access to the Councillor.

The introduction of a standard procedure allows the City of Hamilton to ensure consistent and efficient delivery of processes that adhere to best practices.

## 2 DEFINITIONS

Term	Definition
<b>Secondary Ward Office</b>	An office located within the Councillor's Ward that is in addition to their primary office at Hamilton City Hall is referred to as Ward Office / Satellite Office.
<b>Accommodation Agreements</b>	Accommodation Agreements define the terms and conditions of the space used for City business, including the total square footage (footprint) of space, cost per square foot, duration of term, eligible activities, restrictions on use of space, etc.

## 3 SCOPE

This procedure applies to Members of City Council (City Councillors) seeking to secure Ward office space outside of City Hall. This document is in place to define the responsibilities of the involved parties and provide guidelines and parameters to select the Secondary Ward Office locations. This is specifically for City Councillors looking for exclusive space for Ward Offices and does not apply to spaces available to be reserved through the Facilities Service Centre.

City Councillors who wish to have secondary offices within their respective wards must submit a request for space to Corporate Facilities & Energy Management (CFEM) and obtain the approval of Council for the Secondary Ward Office. This includes City Councillors who have pre-existing space at existing City facilities outside of City Hall. Each City Councillor must submit their request to CFEM.

CFEM will review the details of the request and available space within the respective wards to determine location options (if available) and associated costs. This information will be provided to the requesting City Councillor for their agreement and confirmation of funding source, following which CFEM staff will assist the Councillor's office in preparing a motion for Council / Standing Committee meeting for approval.

**Printed copies (unless noted) are uncontrolled. Do Not Photocopy.**

**Note: Text highlighted in turquoise blue indicate changes made since the last released revision.**



<b>Title: Guideline: Secondary Ward Offices for Councillors</b>			
Document	COH-P-020-003	Document	Level I
Issue #:	1	Issue date	April 2023

Upon receipt of Council approval, CFEM will either prepare an Accommodation Agreement or secure a lease for the approved space and proceed with the work required for fit-ups to meet the Councillor’s needs.

## 4 RESPONSIBILITIES

### 4.1 Members of City Council

#### 4.1.1 City Councillors

- Identify need / business case for a Secondary Ward Office, including budget and funding source.
- Complete and submit the Secondary Ward Office request to CFEM (via email to [facdesign@hamilton.ca](mailto:facdesign@hamilton.ca) or the Changes to Space (New and Existing) request form on eNet), including the following information at a minimum:
  - Ward number;
  - Preferred location(s) – Note: Where applicable due to potential conflict situations, City Councillors are required to check-in with the Integrity Commissioner to confirm there is no Conflict of Interest with respect to location selection;
  - Preference – independent office or shared space within a public building;
  - Hours of operation;
  - Minimum requirements: size, number of staff (shared or separate offices), separate meeting room, etc.;
  - Funding source(s).
- Select preferred option and confirm funding source for associated costs (annual operating costs, capital costs for renovation / fit-up and staff cost recovery).
- Prepare and present motion to Council/Standing Committee for approval.
- Collaborate with CFEM staff.

#### 4.1.2 City Council / Standing Committee Members

Review the motion when received and provide approval for Councillor to proceed with the requested Secondary Ward Office.

### 4.2 Public Works Department

#### 4.2.1 Corporate Facilities and Energy Management Division

- Review the details of the request and ensure it is appropriately addressed.
- Act as communications and engagement liaison with the Councillor’s office.

---

**Printed copies (unless noted) are uncontrolled. Do Not Photocopy.**

**Note: Text highlighted in turquoise blue indicate changes made since the last released revision.**



<b>Title: Guideline: Secondary Ward Offices for Councillors</b>			
Document	COH-P-020-003	Document	Level I
Issue #:	1	Issue date	April 2023

- Investigate available space within the respective ward to determine location options (if available) and estimated associated costs.
- Provide the space options and costs to the requesting City Councillor for their agreement and confirmation of available funding source.
- Provide cost information to Financial Planning, Administration and Policy to determine a funding source.
- Assist the Councillor's office in preparing a motion or report for Council / Standing Committee meeting for approval.
- Upon receipt of Council approval, prepare an Accommodation Agreement for the approved space and proceed with the work required for fit-ups to meet the Councillor's needs.
- Make recommendations for revisions to this procedure where necessary.

## 5 GUIDELINES

The following guidelines are recommended for best practices when investigating Ward Office location option(s).

### 5.1 General Principles

- City Councillors can only request one Secondary Ward Office location.
- City Councillors can choose not to operate a Secondary Ward Office.
- The Ward Office must be used for City business only.
- The Ward Office must not be used for electoral purposes. No election material may be displayed in or on a Ward Office.
- The use of Ward Offices located within the City will be restricted to regular operating hours for the building as well as regular operating season for applicable community buildings.
- An office located within the Councillor's home is not considered a Ward Office.
- All furniture and equipment within Ward Offices must meet City furniture guidelines and be ergonomic, including any personal furniture supplied by the City Councillors themselves.
- All exterior signage is limited to identifying the space as a City of Hamilton facility and / or Ward Office and cannot advertise or brand the space using the Councillor's name.
- CFEM staff will take the lead on the negotiations and administration of the Accommodation Agreements, in consultation with staff in the Corporate Real Estate Office in the Planning and Economic Development Department.
- Annual operating costs for the Primary Councillors' offices are included in the Legislative General Operating Budget.
- Annual operating costs for the Secondary Ward Offices will be included in the Legislative General Operating Budget upon Council approval or in the Ward Councillor's Budget, as per Section 5.4.2.

---

**Printed copies (unless noted) are uncontrolled. Do Not Photocopy.**

**Note: Text highlighted in turquoise blue indicate changes made since the last released revision.**



<b>Title: Guideline: Secondary Ward Offices for Councillors</b>			
Document	COH-P-020-003	Document	Level I
Issue #:	1	Issue date	April 2023

## 5.2 Location Parameters

### Accessibility

- The Ward Office must be reasonably accessible by public transit.
- The Ward Office must be in full compliance with all legislative requirements, including the Building Code, the Fire Code and the *Accessibility for Ontarians with Disability Act (AODA)*.
- The Ward Office location / building should be well maintained and not require any major lifecycle upgrades impacting operations required in the next two years.

### Fiscal Prudence

- CFEM shall provide the most cost-effective option(s) for Ward Office locations.
- The Ward Office size must be limited to a typical City office with an additional desk for administrative support / reception and should not include any dedicated meeting rooms, etc.
- Ward Office location option(s) within preferred City-owned Civic buildings should be exhausted prior to investigation potential use of community facilities. Investigating option(s) for third-party leasing in the private sector should be the last option.

### Operating Impacts on Community Facilities

- Ward Offices must not result in displacement of staff that use existing spaces within Community facilities to conduct their job responsibilities.
- Ward Offices must not disrupt or negatively modify existing community use spaces in buildings to accommodate corporate needs not directly tied to the intended operation of the space.

## 5.3 Accommodation Agreements

CFEM will develop Accommodation Agreements to deliver these assignments and advise Finance and Administration to assign the associated costs to the approved budget accounts.

Where City-owned space is not available, third-party leasing options may be considered subject to Council approval.

The terms of an Accommodation Agreement within a City facility or third-party leased space must be limited to the term of Council only.

---

**Printed copies (unless noted) are uncontrolled. Do Not Photocopy.**

**Note: Text highlighted in turquoise blue indicate changes made since the last released revision.**



<b>Title: Guideline: Secondary Ward Offices for Councillors</b>			
Document	COH-P-020-003	Document	Level I
Issue #:	1	Issue date	April 2023

## 5.4 Associated Costs, Budgets and Funding

### 5.4.1 Associated Costs

The associated costs for Ward Offices include the following:

- Annual operating costs (operating cost allocation):
  - Where the space allocated is City owned, the ongoing monthly operating cost allocation represents the actual cost to operate the building.
  - Where a third-party lease is entered to for the space, the monthly cost will equate to the full amount payable in accordance with the terms of the Lease, as well as, any additional operating costs incurred as a result of the leased space (e.g. security, insurance, cleaning).
- Capital costs for renovation / fit-up: One-time cost to complete all required renovations at the selected location, including supply and delivery of furniture.
- Staff cost recovery: CFEM project management and accommodations design staff are cost recoverable and actual staff time spent on projects / assignments is charged back to the clients for the work being delivered.

### 5.4.2 Budget / Funding

- Accommodations within existing City facilities: The budget for the annual operating costs will be transferred to the Legislative General Operating Budget. Actual costs will be recorded in Legislative General. Ward budgets will not be charged.
- Accommodations for private leases: Actual costs will be charged to the Ward Councillor's Operating budget including all applicable City real estate and legal fees, etc. The Councillor is to accommodate the extra cost within the existing budget unless a budget increase, through the Council motion or report, is approved.
- Staff cost recovery: Project management staff costs will be charged to the Ward Councillor's Operating Budget.
- Capital costs for renovation / fit-up: Facilities Project Manager will provide cost information to Financial Planning, Administration and Policy to determine a funding source, which will be submitted for approval through the Council motion or report.

## 5.5 Exceptions / Notice of Deviation

If a specific scenario requires deviation from the procedures listed in this document, it must be presented at a Council / Standing Committee meeting and approved by a resolution.

Some considerations to be aware of when evaluating exceptions to Ward Office locations include but are not limited to pre-consultation with the following relevant bodies:

---

**Printed copies (unless noted) are uncontrolled. Do Not Photocopy.**

**Note: Text highlighted in turquoise blue indicate changes made since the last released revision.**



<b>Title: Guideline: Secondary Ward Offices for Councillors</b>	
Document COH-P-020-003	Document Level I
Issue #: 1	Issue date April 2023

- Portfolio Management Committee to review use of City spaces
- Corporate Real Estate Office (impact to Portfolio plans and strategies)
- Integrity Commissioner (to assist in avoiding conflicts of interest)
- City Clerks
- Risk Management (i.e., liability insurance)
- Legal Services
- Human Resources (i.e., confidentiality, accessibility, etc.)
- CFEM (i.e., accessibility, ergonomics, Building Condition Assessments, etc.)
- Building department (i.e., Zoning, Fire Code, etc.)
- Program Divisions (impacts to programming and operations, Asset Management Plans, etc.)
- Previous Council decisions and precedents

Recognizing that some members of City Council already operate Secondary Ward Offices independent of the guidelines defined in this procedure, they will be awarded a transition period in order to plan their budgets to align with this procedure by the following calendar year.

## 6 RELATED POLICIES

The following are related policies to this procedure:

- By-law 16-290: Code of Conduct for Members of Council
- Policy and Guidelines for Eligible Expenses for Elected Officials: Budget for the Office of the Mayor, Legislative Budget and Councillor Ward Office Budget, Appendix "B" to Report FCS18083(a)
- Meeting room reservations: [eNet Facilities Meeting Room Management](#)

## 7 APPROVAL

Approved By	Date of Approval
General Manager, Public Works	
General Manager, Corporate Services	
General Manager, Planning & Economic Development	

**Printed copies (unless noted) are uncontrolled. Do Not Photocopy.**

**Note: Text highlighted in turquoise blue indicate changes made since the last released revision.**





**CITY OF HAMILTON**  
**CORPORATE SERVICE**  
**Legal and Risk Management Services**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	June 14, 2023
<b>SUBJECT/REPORT NO:</b>	Proposed Transfer of Prosecution Duties for Parts 3 and 9 Provincial Offences from the Ministry of the Attorney General to the City (LS23003(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Lisa Shields (905) 546-2424 ext. 4636
<b>SUBMITTED BY:</b>	Lisa Shields, City Solicitor Legal and Risk Management Services
<b>SIGNATURE:</b>	

### RECOMMENDATIONS

- (a) That Report LS23003(a), the proposed transfer of prosecution duties for Parts 3 and 9 Provincial Offences from the Ministry of the Attorney General to the City be received; and
- (b) That the Mayor and Clerk be authorized to execute the Interim Transfer Agreement in a form approved by the City Solicitor and substantially in accordance with the Interim Transfer Agreement attached as Appendix "A" to Report LS23003(a).

### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's authorization for the Mayor and Clerk to execute the Interim Transfer Agreement attached as Appendix "A" to Report LS23003(a) between the Ministry of the Attorney General ("MAG") and the City. Under the Interim Transfer Agreement, the Province is seeking to transfer for a period of two years, the prosecution of offences commenced under Parts 3 and 9 of the *Provincial Offences Act* ("POA"), except for certain offences. The commencement date is anticipated to be the fall of 2023.

### Alternatives for Consideration – see page 4

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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



**SUBJECT: Proposed Transfer of Prosecution Duties for Parts 3 and 9 Provincial Offences from the Ministry of the Attorney General to the City (LS23003(a)) (City Wide)**

---

**Page 2 of 5**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The revenues from any fines associated with Parts 3 and 9 matters are already included in revenues received by POA Court Administration. As such there is no additional revenue associated with this transfer. As well, there are no additional costs associated with the transfer.

The transfer will eliminate the hourly fee of \$109/hr for in-court Parts 3 and 9 Provincial prosecution services which is currently paid by the City to the Province.

**Staffing:** The transfer of Parts 3 and 9 matters can be achieved by distributing the work amongst existing staff in the Prosecution office. At this time, it is not anticipated that there will be the need for additional staffing, however, should there be periods of high volume, contract staff will be hired to manage the workload during those periods.

**Legal:** N/A.

## **HISTORICAL BACKGROUND**

The Province historically prosecuted all charges under Parts 1, 3 and 9 of the *POA*. In January 2000, the prosecution of Part 1 charges was transferred from the Province to the City (under the former Regional Municipality of Hamilton-Wentworth). A Memorandum of Understanding was signed on January 11, 2000 between the City and MAG (the “MOU”) and is attached to this report as Appendix “B”.

Part 1 charges proceed by way of an Offence Notice with a set fine (maximum \$1,000) and typically involve *Highway Traffic Act* offences. Part 2 involves parking tickets, which are currently under the Administrative Penalty System (“APS”). Part 3 charges proceed by way of a summons and involve more serious offences.

Other Part 3 charges laid under various other Provincial statutes and regulations are prosecuted by the Ministry responsible for the *Act* and were not included in the transfer (e.g. Ministry of Labour, Ministry of Transportation, and Ministry of the Environment).

Part 9 of the *POA* deals primarily with offences commenced by way of a statement. An example is the *Dog Owner’s Liability Act* (“*DOLA*”) where the prosecution asks for more effective control of the dog or the destruction of the dog.

The City currently prosecutes Part 3 charges under municipal by-laws and some Provincial statutes and regulations including the *Building Code Act*, *Fire Protection and Prevention Act*, and *Smoke Free Ontario Act*.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Proposed Transfer of Prosecution Duties for Parts 3 and 9 Provincial Offences from the Ministry of the Attorney General to the City (LS23003(a)) (City Wide)**

---

**Page 3 of 5**

The City also signed a Local Side Agreement (“LSA”) with MAG to implement the MOU. The LSA deals with matters such as the transfer of accounts receivable at the time of the transfer to the City, the provision of court facilities, access to those facilities, and assets.

The POA was amended in 2017 under Bill 177 (*Stronger, Fairer Ontario Act* (Budget Measures) 2017) to allow the Province to enter into agreements with municipalities to prosecute Parts 3 and 9 charges. These charges relate to offences under the *Highway Traffic Act*, *Compulsory Automobile Insurance Act*, and *DOLA*.

The chart below, which is obtained from the Ontario Courts of Justice website, shows Parts 1 and 3 charges received and disposed of by municipalities that have accepted Part 3 matters as well as numbers for the City.

Part I and Part III Charges Received	2019		2020		2021		2022	
	Part I	Part III	Part I	Part III	Part I	Part III	Part I	Part III
City of Hamilton	80,659	4,660	85,272	3,093	85,148	3,894	84,766	4,207
City of Brampton	54,721	13,823	42,250	6,684	72,114	6,722	60,195	5,226
Region of Durham	44,323	6,631	65,272	5,640	75,257	5,632	96,652	5,533
City of Mississauga	60,901	6,219	42,128	4,028	56,310	4,444	72,094	3,987
Region of York	128,967	11,757	93,025	9,178	97,186	11,570	99,258	12,219

Part I and Part III Charges Disposed	2019		2020		2021		2022	
	Part I	Part III	Part I	Part III	Part I	Part III	Part I	Part III
City of Hamilton	81,257	5,201	59,790	1,033	98,393	1,457	80,920	5,309
City of Brampton	59,416	12,400	28,770	4,439	73,064	5,592	55,123	7,712
Region of Durham	44,840	7,231	39,341	2,329	66,533	3,726	101,591	8,866
City of Mississauga	66,801	5,045	27,765	1,727	27,149	4,587	64,262	4,514
Region of York	63,532	4,107	17,011	1,475	60,182	6,477	165,688	21,129

Parts 3 and 9 prosecutions have already been transferred to the following municipalities:

- Region of Durham - September 2022;
- City of Mississauga - October 2022;
- York Region – January 2023; and,
- City of Brampton - March 2023.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Proposed Transfer of Prosecution Duties for Parts 3 and 9 Provincial Offences from the Ministry of the Attorney General to the City (LS23003(a)) (City Wide)**

---

Page 4 of 5

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

## **RELEVANT CONSULTATION**

Legal staff have had a number of meetings with the Crown Attorney's office in Hamilton to discuss the potential transfer. In addition, Legal staff have consulted with POA Court Administration staff to better understand the efficiencies that might be gained from this transfer.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The transfer of Parts 3 and 9 prosecutions from the Province to the City will create:

- enhanced delivery of court services to the community as there is now the opportunity for both Parts 1 and 3 matters to be scheduled in the same court room, on the same docket and prosecuted by the same prosecutor.
- a more streamlined process for defendants, agents, lawyers and witnesses to deal with one office instead of two for the majority of charges thereby enhancing a customer-focused approach to the delivery of court services. Currently there are two prosecution offices, one for the Provincial prosecutors and one for the Municipal prosecutors.
- streamlining of the disclosure process to make it more of an integrative process with respect to both Parts 1 and 3 matters which will alleviate some of the "pain points" currently experienced by staff and the Police Services.

A steering committee to include stakeholders such as POA Court Administration, the Crown Attorney's office and Police Services will be established to manage the transfer which is anticipated to occur in the fall of 2023.

## **ALTERNATIVES FOR CONSIDERATION**

If the City does not accept the transfer at this time, the City risks having the transfer take place at a future date without effective consultation and co-operation between the parties. The City has been able to negotiate the resolution of a significant backlog of Part 3 matters as a condition of the transfer.

Staff will report back with respect to any final Transfer Agreement or if the Interim Transfer Agreement is extended for a further period.

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**SUBJECT: Proposed Transfer of Prosecution Duties for Parts 3 and 9 Provincial  
Offences from the Ministry of the Attorney General to the City  
(LS23003(a)) (City Wide)**

---

Page 5 of 5

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

### **Community Engagement and Participation**

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report LS23003(a) – Draft Interim Transfer Agreement

Appendix “B” to Report LS23003(a) – Memorandum of Understanding signed on  
January 11, 2000 between the City and MAG

---

OUR Vision: To be the best place to raise a child and age successfully.

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

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

**PARTS III AND IX OF PROVINCIAL OFFENCES ACT  
(ONTARIO)  
INTERIM TRANSFER AGREEMENT**

**- between -**

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO  
as represented by the Attorney General**

**- and -**

**CITY OF HAMILTON**

# Table of Contents

PREAMBLE..... 2

ARTICLE I – INTERPRETATION..... 3

ARTICLE II – INTERIM TRANSFER OF PARTS III AND IX OF THE POA..... 5

ARTICLE III – COSTS..... 6

ARTICLE IV – COVENANTS ..... 7

ARTICLE V – INDEMNITY AND INSURANCE ..... 8

ARTICLE VI – TERMINATION AND EXPIRY ..... 10

ARTICLE VII – NOTICE ..... 12

ARTICLE VIII – MISCELLANEOUS ..... 13

SIGNATURES..... 15

**PARTS III AND IX OF PROVINCIAL OFFENCES ACT (ONTARIO) INTERIM  
TRANSFER AGREEMENT**

**THIS PARTS III AND IX OF PROVINCIAL OFFENCES ACT (ONTARIO) INTERIM  
TRANSFER AGREEMENT ("Agreement")** is made on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_,

**BETWEEN:**

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO  
AS REPRESENTED BY THE ATTORNEY GENERAL**

(the "**Attorney General**")

-and-

**CITY OF HAMILTON**

(the "**Municipal Partner**")

**WHEREAS**, pursuant to the *Streamlining of Administration of Provincial Offences Act*, 1997, S.O. 1998, c.4, (Bill 108), the Attorney General and the Municipalities, as defined below, may enter into an agreement authorizing such municipalities, in general, to conduct court administration and court support functions under the POA, as defined below, and prosecutions of matters commenced under Parts I and II of the POA;

**AND WHEREAS**, the Attorney General and the Municipalities entered into memorandum of understandings and local side agreements whereby the Attorney General transferred to such municipalities, in general, court administration and court support functions under the POA and prosecutions of matters commenced under Parts I and II of the POA;

**AND WHEREAS**, such transfer was documented between the Attorney General and the Municipal Partner in the MOU, as defined below, and the LSA, as defined below;

**AND WHEREAS**, pursuant to the *Stronger, Fair Ontario Act (Budget Measures)*, 2017, S.O. c.34, Sched. 35, s.12, the Attorney General and the Municipalities may enter into an agreement authorizing such municipalities, in general, to conduct prosecutions commenced under the POA;

**AND WHEREAS**, the Attorney General, as part of its transfer project, intends to request amendments to the memorandum of understandings and the local side agreements in accordance with such documents from the Municipalities in order to



transfer certain prosecutions commenced under Parts III and IX of the POA prosecuted by the Criminal Law Division of the Ministry of the Attorney General to such municipalities;

**AND WHEREAS**, the Attorney General, as part of an interim transfer project, would like to transfer the prosecutions commenced under Parts III and IX of the POA prosecuted by the Criminal Law Division of the Ministry of the Attorney General to the Municipal Partner and the Municipal Partner, as a participant in such project, wishes to accept such transfer;

**NOW THEREFORE**, in consideration of the mutual covenants and obligations contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby expressly acknowledged by the parties, the Attorney General and the Municipal Partner covenant and agree as follows:

## ARTICLE I – INTERPRETATION

**1.1 Definitions.** The following terms shall have the meanings ascribed to them below unless there is something in the context inconsistent therewith:

- (a) **“Agreement”** means this agreement, including all of the schedules, attached hereto, and all amendments made hereto in accordance with the provisions hereof as the same may be amended, restated and/or supplemented from time to time;
- (b) **“Attorney General”** means His Majesty the King in right of Ontario as represented by the Attorney General;
- (c) **“Crown”** means His Majesty the King in right of Ontario;
- (d) **“Crown Prosecution Manual”** means the document located at [www.ontario.ca/document/crown-prosecution-manual](http://www.ontario.ca/document/crown-prosecution-manual), as amended from time to time;
- (e) **“Effective Date”** means November 8, 2023;
- (f) **“Expiry Date”** means two (2) years from the Effective Date;
- (g) **“Indemnified Parties”** means each of the following and their directors, officers, advisors, agents, appointees and employees: the Crown and the members of the Executive Council of Ontario;
- (h) **“Losses”** means liabilities, costs, damages, and expenses (including legal, expert, and consulting fees);
- (i) **“LSA”** means a local side agreement between the Attorney General and the Municipal Partner with an effective date of January 26, 2000;
- (j) **“MOU”** means a memorandum of understanding between the Attorney General and the Municipal Partner dated on the execution date by the Attorney General of January 26, 2000;

- (k) **"Municipalities"** means, collectively, all of the municipalities of the Province of Ontario who have entered into a memorandum of understanding and a local side agreement for purposes of the transfer of, in general, court administration and court support functions under the POA and prosecutions of matters commenced under Parts I and II of the POA;
  - (l) **"Municipal Partner"** means **City of Hamilton**;
  - (m) **"POA"** means the *Provincial Offences Act* (Ontario);
  - (n) **"Proceedings"** mean any action, claim, demand, lawsuit, or other proceeding;
  - (o) **"Term"** means the period commencing on the Effective Date and ending on Expiry Date unless the Term is extended or otherwise terminated pursuant to this Agreement;
  - (p) **"Transfer Agreement"** means, collectively, the MOU and the LSA;
  - (q) **"Transferred Property"** means any and all property relating to the Transferred Prosecutions including, but not limited to, systems, records, data, information, and materials in the possession or control of, or owned by, the Municipal Partner unless such property has been purchased by the Municipal Partner and has not been agreed to be transferred to the Attorney General;
  - (r) **"Transferred Prosecutions"** has the meaning ascribed to it in Section 2.2(a) hereof; and
  - (s) **"WSIA"** means the *Workplace Safety and Insurance Act, 1997* (Ontario).
- 1.2 Currency.** Any reference to currency is to Canadian currency and any amount disbursed, paid, or calculated is to be disbursed, paid or calculated in Canadian currency.
- 1.3 Statute and Regulation.** Any reference to a statute is to such statute and to the regulations made pursuant to such statute as such statute and regulations may at any time be amended or modified and in effect and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations.
- 1.4 Singular/Plural and Gender Terms.** Each definition in this Agreement using a singular capitalized term or other word or phrase also shall apply to the plural form and such term, word or phrase and vice versa, and all references to the masculine gender shall include reference to the feminine or neuter gender, and vice versa, in each case as the context may permit or require.
- 1.5 Pronouns.** Each use in this Agreement of neuter pronoun shall be deemed to include the masculine and feminine variations thereof and vice versa and a singular pronoun shall be deemed to include a reference to the plural variation thereof, and vice versa, in each case and the context may permit or require.

- 1.6 Sections and Other Headings.** The section and other headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.
- 1.7 Paramountcy.** The parties hereto agree that this Agreement shall be read, to the extent possible, as an addition to and not to derogate from the Transfer Agreement and shall only supersede the specific terms and conditions of the Transfer Agreement to the extent of a conflict or an inconsistency in the circumstances. All other terms and conditions of the Transfer Agreement shall remain in full force and effect, unaffected and unaltered by this Agreement.

## **ARTICLE II –INTERIM TRANSFER OF PARTS III AND IX OF THE POA**

- 2.1 General.** The parties hereto acknowledge and agree that this Agreement shall only apply to the prosecutions prosecuted by the Criminal Law Division of the Ministry of the Attorney General under Parts III and IX of the POA.
- 2.2 Parts III and IX of the POA Interim Transfer.** On the Effective Date, the Attorney General shall:
- (a) transfer to the Municipal Partner and the Municipal Partner shall accept the following:
    - (i) the prosecutions of matters designated as contraventions under the *Contraventions Act* (Canada) and commenced under Parts III and IX of the POA;
    - (ii) prosecution of proceedings commenced under Parts III and IX of the POA;
    - (iii) the conduct of appeals of proceedings commenced under Parts III and IX of the POA where the Attorney General transferred the prosecution of the proceeding to the Municipal Partner,but such transfer excludes the following:
    - (iv) the prosecution of matters under Parts III and IX of the POA as against a Young Person, as defined under Part VI of the POA;
    - (v) any matter under Parts III and IX of the POA where criminal proceedings have also been commenced arising out of the same circumstances;
    - (vi) any proceeding under *Christopher's Law (Sex Offender Registry), 2000* (Ontario);
    - (vii) any proceeding stated in the Crown Prosecution Manual, as amended from time to time, being retained by the Attorney General;
    - (viii) any and all:

- (A) applications for leave to the Court of Appeal; and
  - (B) appeals to the Court of Appeal,
- for matters with respect to Parts III and IX of the POA, which have been prosecuted by the Attorney General at trial;
- (ix) any and all appeals to the Ontario Court of Justice where:
    - (A) the appeal hearing is scheduled to begin within sixty (60) days after the Effective Date;
    - (B) the appeal hearing began before the Effective Date; or
    - (C) the Attorney General is an appellant in a matter in which it has prosecuted such matter at trial,
- for matters with respect to Parts III and IX of the POA; and
- (x) any and all Part IX of the POA proceedings where:
    - (A) the hearing is scheduled to begin within sixty (60) days after the Effective Date; or
    - (B) the hearing began before the Effective Date; but the order or disposition is not complete,

(collectively, the “**Transferred Prosecutions**”); and

- (b) deliver to the Municipal Partner:
  - (i) a list of the Transferred Prosecutions;
  - (ii) the original records and files of the Transferred Prosecutions; and
  - (iii) a list of all open files that will be retained by the Attorney General.

**2.3 Right to Intervene.** Notwithstanding anything else in this Agreement, the Attorney General maintains the right to intervene in any of the Transferred Prosecutions and shall be responsible for any and all costs from such intervention.

### **ARTICLE III – COSTS**

**3.1 Costs.** The Municipal Partner shall not remit to the Minister of Finance any amount owing pursuant to Section 165(5)(c) of the POA for costs incurred by the Attorney General for matters under Sections 2.2(a)(iv) to (x) hereof; and (b) Sections 173(2)1 and 173(2)2 of the POA.

## ARTICLE IV – COVENANTS

4.1 **The Municipal Partner's Covenants**. The Municipal Partner covenants and agrees, at all times during the Term, that it shall:

- (a) provide full and timely disclosure to defendants in accordance with the law;
- (b) make efforts to advise the family members and other interested parties of significant developments throughout the proceedings in cases that involve a fatality in accordance with the Crown Prosecution Manual;
- (c) only proceed to prosecute a charge where there is a reasonable prospect of conviction and it is in the public interest to do so in accordance with the Crown Prosecution Manual;
- (d) screen all private prosecutions for reasonable prospect of conviction and, when necessary, assume the conduct of the proceedings in order to ensure that they are pursued in the interests of the administration of justice; and
- (e) maintain a reporting protocol to notify the Crown Attorney and the Attorney General of any matter that appears likely to raise a substantive legal issue at trial or appeal, including:
  - (i) an application for judicial review or prerogative writ sought in relation to a prosecution transferred;
  - (ii) any thing that may affect the administration, constitutional validity, or enforceability of a statute or regulation;
  - (iii) any matter where there could be a substantial public interest in its outcome including, but not limited to, where leave to appeal to the Court of Appeal has been granted; and
  - (iv) the anticipated withdrawal or stay of any matter involving a death while using a vehicle, a motorized snow vehicle, or an off-road vehicle under a provincial act;
- (f) as required by the Attorney General, make reasonable efforts to provide workspace for the Attorney General;
- (g) upon request, grant access to its available courtroom technology for such time as required by the Attorney General;
- (h) once informed, adhere to any and all of the Attorney General's intervention policies with respect to the Transferred Prosecutions;
- (i) adhere to all applicable laws;
- (j) provide, at a minimum, the same services and level of service delivery as were provided by the Attorney General with respect to the Transferred Prosecutions; and
- (k) as expeditiously as possible, bring to the attention of the Attorney General any and all matters that may be significant or contentious including, but not limited

to, alleged prosecutorial impropriety, misconduct, and constitutional challenges.

**4.2 The Attorney General's Covenants.** The Attorney General covenants and agrees, at all times during the Term, that it shall:

- (a) as required by the Municipal Partner, make reasonable efforts to provide workspace for the Municipal Partner; and
- (b) upon request, grant access to its available courtroom technology for such time as required by the Municipal Partner.

## **ARTICLE V – INDEMNITY AND INSURANCE**

**5.1 Indemnity from the Municipal Partner.** The Municipal Partner shall indemnify and hold harmless the Indemnified Parties from and against all Losses and Proceedings, by whomever made, sustained, incurred, brought or prosecuted, arising out of, or in connection with anything done or omitted to be done by the Municipal Partner or the Municipal Partner's personnel in the course of the performance of the Municipal Partner's obligations under this Agreement or otherwise in connection with this Agreement.

**5.2 Municipal Partner's Insurance.** The Municipal Partner hereby agrees to put in effect and maintain insurance for the Term, at its own cost and expense, with insurers having a secure A.M. Best rating of B + or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person in the business of the Municipal Partner would maintain including, but not limited to, the following:

- (a) commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than Five Million Dollars (\$5,000,000) per occurrence, Five Million Dollars (\$5,000,000) products and completed operations aggregate. The policy is to include the following:
  - (i) the Indemnified Parties as additional insureds with respect to liability arising in the course of performance of the Municipal Partner's obligations under, or otherwise in connection with, this Agreement;
  - (ii) contractual liability coverage;
  - (iii) cross-liability clause;
  - (iv) employers liability coverage (or compliance with the section below entitled "Proof of WSIA Coverage" is required);

- (v) thirty (30) day written notice of cancellation, termination or material change;
  - (vi) tenants legal liability coverage (if applicable and with applicable sub-limits); and
- (b) errors & omissions liability insurance, insuring liability for errors and omissions in the performance or failure to perform the services contemplated in this Agreement, in the amount of not less than Five Million Dollars (\$5,000,000) per claim and in the annual aggregate.

**5.3 Proof of Insurance.** The Municipal Partner shall provide the Attorney General with certificates of insurance, or other proof as may be requested by the Attorney General, that confirms the insurance coverage as provided for in Section 5.2, hereof and renewal replacements on or before the expiry of any such insurance. Upon the request of the Attorney General, a copy of each insurance policy shall be made available to it. The Municipal Partner shall ensure that each of its subcontractors obtains all the necessary and appropriate insurance that a prudent person in the business of the subcontractor would maintain and that the Indemnified Parties are named as additional insureds with respect to any liability arising in the course of performance of the subcontractor's obligations under the subcontract for the provision of the Transferred Prosecutions.

**5.4 Proof of WSIA Coverage.** If the Municipal Partner is subject to the WSIA, it shall submit a valid clearance certificate of WSIA coverage to the Attorney General prior to the execution of this Agreement by the Attorney General. In addition, the Municipal Partner shall, from time to time at the request of the Attorney General, provide additional WSIA clearance certificates. The Municipal Partner covenants and agrees to pay when due, and to ensure that each of its subcontractors pays when due, all amounts required to be paid by it or its subcontractors, from time to time during the Term, under the WSIA, failing which the Attorney General shall have the right, in addition to and not in substitution for any other right it may have pursuant to this Agreement or otherwise at law or in equity, to pay to the Workplace Safety and Insurance Board any amount due pursuant to the WSIA and unpaid by the Municipal Partner or its subcontractors and to deduct such amount from any amount due and owing from time to time to the Municipal Partner pursuant to this Agreement together with all costs incurred by the Attorney General in connection therewith.

**5.5 Municipal Partner Participation in Proceedings.** The Municipal Partner shall, at its expense, to the extent requested by the Attorney General, participate in or conduct the defence of any Proceeding against any Indemnified Parties referred to in this Article and any negotiations for their settlement. The Attorney General may elect to participate in or conduct the defence of any such Proceeding by notifying the Municipal Partner in writing of such election without prejudice to any other rights or remedies of the Attorney General under this Agreement, Agreement, at law or in equity. Each party participating in the defence shall do so by actively participating



with the other's counsel. The Municipal Partner shall not enter into any settlement unless it has obtained the prior written approval of the Attorney General. If the Municipal Partner is requested by the Attorney General to participate in or conduct the defence of any such Proceeding, the Attorney General agrees to co-operate with and assist the Municipal Partner to the fullest extent possible in the Proceedings and any related settlement negotiations. If the Attorney General conducts the defence of any such Proceedings, the Municipal Partner agrees to co-operate with and assist the Attorney General to the fullest extent possible in the Proceedings and any related settlement negotiations.

- 5.6 Indemnity from the Attorney General.** Save and except for the indemnification by Ontario in favour of the Municipal Partner as provided for in section 15.2 of the MOU, the wording, scope, effect, and consequence of which shall apply, *mutatis mutandis*, to the provisions and obligations within this Agreement, including but not limited to, those in relation to the Transferred Prosecutions as contemplated hereunder, any express or implied reference in any other document (including subcontracts) as related to the Transferred Prosecutions as contemplated hereunder or to the Attorney General providing any other indemnity or other form of indebtedness or contingent liability that would otherwise directly or indirectly increase the indebtedness or contingent liabilities of the Crown, whether at the time of execution of this Agreement or at any time during its Term, shall be void and of no legal effect.

## ARTICLE VI – TERMINATION AND EXPIRY

- 6.1 Termination for Cause.** The Attorney General may immediately terminate this Agreement upon giving notice to the Municipal Partner where there is a breach of this Agreement and such right of termination is in addition to all other rights of termination available at law, or events of termination by operation of law.
- 6.2 Dispute Resolution by Rectification Notice.** Subject to the above section, where the Municipal Partner fails to comply with any of its obligations under this Agreement, the Attorney General may issue a rectification notice to the Municipal Partner setting out the manner and timeframe for rectification. Within seven (7) business days of receipt of that notice, the Municipal Partner shall either: (a) comply with that rectification notice; or (b) provide a rectification plan satisfactory to the Attorney General. If the Municipal Partner fails to either comply with that rectification notice or provide a satisfactory rectification plan, the Attorney General may immediately terminate this Agreement. Where the Municipal Partner has been given a prior rectification notice, the same subsequent type of non-compliance by the Municipal Partner shall allow the Attorney General to immediately terminate this Agreement.
- 6.3 Termination on Notice.** The Attorney General reserves the right to terminate this Agreement, without cause, upon ninety (90) days prior notice to the Municipal Partner.

- 6.4 Municipal Partner's Obligations on Termination.** On termination of this Agreement, the Municipal Partner shall, in addition to its other obligations under this Agreement and the applicable laws:
- (a) at the request of the Attorney General, complete the Transferred Prosecutions that are set for sixty (60) days after the termination of this Agreement;
  - (b) provide access and transfer ownership, to the Attorney General, of the Transferred Property;
  - (c) provide the Attorney General with a report detailing a list of the Transferred Prosecutions that are being transferred to the Attorney General;
  - (d) execute such documentation as may be required by the Attorney General to give effect to the termination of this Agreement;
  - (e) comply with any other instructions provided by the Attorney General, including but not limited to, instructions for facilitating the transfer of its obligations to another person;
  - (f) keep the Attorney General informed of any and all matters that are necessary for the Attorney General to ensure the effective ongoing administration of justice during the termination period; and
  - (g) carry out a financial accounting and shall pay to Attorney General any monies owing to the Attorney General, including the Ministry of Finance.
- 6.5 Termination in Addition to Other Rights.** The express rights of termination in this Agreement are in addition to and shall in no way limit any rights or remedies of the Attorney General under this Agreement, at law or in equity.
- 6.6 Attorney General's Rights and Remedies and Municipal Partner's Obligations Not Limited to Agreement.** The express rights and remedies of the Attorney General and obligations of the Municipal Partner set out in this Agreement are in addition to and shall not limit any other rights and remedies available to the Attorney General, or any other obligations of the Municipal Partner at law or in equity.
- 6.7 Municipal Partner's Rights on Termination.** On termination of this Agreement, the Attorney General shall permit the Municipal Partner access to the Transferred Property including, the right to make and keep copies of documents; provided that, the Municipal Partner is named or otherwise becomes a party to any legal proceedings, or is placed on notice that it will be named as a party to a legal proceedings, arising from or in connection with the performance by the Municipal Partner of the Transferred Prosecutions.
- 6.8 Expiry of Agreement.** This Agreement shall expire on the Expiry Date.
- 6.9 Municipal Partner's Responsibility on Expiry.** On the Expiry Date, the Municipal Partner shall, in addition to its other obligations under this Agreement and the applicable laws:

- (a) at the request of the Attorney General, complete the Transferred Prosecutions that are set for sixty (60) days after the Expiry Date;
- (b) provide access and transfer ownership, to the Attorney General, of the Transferred Property;
- (c) provide the Attorney General with a report detailing a list of the Transferred Prosecutions that are being transferred to the Attorney General;
- (d) execute such documentation as may be required by the Attorney General to give effect to the expiry of this Agreement;
- (e) comply with any other instructions provided by the Attorney General, including but not limited to, instructions for facilitating the transfer of its obligations to another person;
- (f) keep the Attorney General informed of any and all matters that are necessary for the Attorney General to ensure the effective ongoing administration of justice; and
- (g) carry out a financial accounting and shall pay to Attorney General any monies owing to the Attorney General, including the Ministry of Finance.

#### **ARTICLE VII – NOTICE**

**7.1 Notices.** Any demand, approval, consent, notice or communication to be made or given hereunder shall be in writing and may be made or given by personal delivery, courier or mailed by first class registered mail, prepaid postage or by facsimile transmission, or other verifiable electronic means of communication addressed to the respective parties as follows:

- (a) To the Attorney General:

Ministry of Attorney General  
Criminal Law Division  
720 Bay St., 9<sup>th</sup> Floor  
Toronto, ON M7A 2S9

Attention: Tammy Browes-Bugden, Director, Strategic Operations and Management Centre (SOMC)

Telephone No.: 416-305-2916  
E-mail: Tammy.Browes-Bugden@ontario.ca

(b) To the Municipal Partner:

City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

Attention: Ms. Lisa Shields, City Solicitor

Telephone No.: 905-546-2424 ext. 4636  
E-mail: Lisa.Shields@hamilton.ca

or to such other address or facsimile number as any party may from time to time designate in accordance with this Section. Any communication made by personal delivery or by courier shall be conclusively deemed to have been given and received on the day of actual delivery thereof or if such day is not a Business Day, on the first (1<sup>st</sup>) Business Day thereafter. Any communication made or given by facsimile on a Business Day before 4:00 p.m. shall be conclusively deemed to have been given and received on such Business Day and otherwise shall be conclusively deemed to have been given and received on the first (1<sup>st</sup>) Business Day following the transmittal thereof. Any communication that is mailed shall be conclusively deemed to have been given and received on the fifth (5<sup>th</sup>) Business Day following the date of mailing but if, at the time of mailing or within five (5) Business Days thereafter, there is or occurs a labour dispute or other event that might reasonably be expected to disrupt delivery of documents by mail, any communication shall be delivered or transmitted by any other means provided for in this Section.

## ARTICLE VIII – MISCELLANEOUS

- 8.1 Entire Agreement.** This Agreement, including all documents contemplated hereby, constitutes the entire agreement between the parties with respect to the subject matter and supersedes all prior negotiations, undertakings, representations and understandings. No agreement purporting to amend or modify this Agreement or any document or paper relating thereto or connected herewith is valid and binding unless it is in writing and signed and accepted in writing by the Attorney General and the Municipal Partner.
- 8.2 Assignment.** The Municipal Partner may not assign this Agreement or any of the benefits or obligations hereunder to any person, without the prior written consent of the Attorney General. The Attorney General will have the right at any time to assign this Agreement and any of its rights and obligations hereunder to any person.
- 8.3 Waiver.** The failure or delay by a party in exercising any right or privilege with respect to the non-compliance with any provisions of this Agreement, and any

course of action on the part of such party, shall not operate as a waiver of any rights of the party unless made in writing by such party. Any waiver by a party shall be effective only in the specific instance and for the purpose for which it is given and shall not constitute a waiver of any other rights and remedies of such party with respect to any other or future non-compliance.

- 8.4 Severability.** Each provision of this Agreement is intended to be severable. If any provision hereof is illegal or invalid, such illegality or invalidity shall not affect the validity of the remainder hereof.
- 8.5 Further Assurances.** Each party will at any time and from time to time, upon the request of the other party, execute and deliver such further documents and do such further acts and things as the other party may reasonably request in order to evidence, carry out and give full effect to the terms, conditions, intent, and meaning of this Agreement.
- 8.6 Enurement.** This Agreement shall enure to the benefit of and be binding upon the parties and their successors and their permitted assigns.
- 8.7 Survival.** Sections 5.1, 5.5, 6.4, 6.9, and 8.7 shall survive any termination, expiration, or cancellation of this Agreement.
- 8.8 Counterparts and Execution by Facsimile and Electronic Mail.** This Agreement may be executed in one or more counterparts each of which when so executed shall be deemed to be an original and such counterparts together shall constitute but one and the same instrument. Delivery of an executed copy of a signature page to this Agreement by facsimile transmission or electronic mail shall be effective as delivery of a manually executed copy of this Agreement and each party hereto undertakes to provide each other party hereto with a copy of this Agreement bearing original signatures forthwith upon demand.
- 8.9 Non-Agent.** The Municipal Partner shall have no power or authority to bind the Attorney General or to assume or create any obligation or responsibility, express or implied, on behalf of the Attorney General. The Municipal Partner shall not hold itself out as an agent, partner, or employee of the Attorney General. Nothing in this Agreement shall have the effect of creating an employment, partnership or agency relationship between the Attorney General and the Municipal Partner or constitute an appointment under the *Public Service of Ontario Act, 2006*, (Ontario).
- 8.10 Confidentiality.** The parties acknowledge that personal information, as defined under the *Freedom of Information and Protection of Privacy Act* (Ontario) and the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario), will be disclosed and exchanged between the parties hereto and that such disclosure and exchange is authorized under the such acts.
- 8.11 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein.

***[The remainder of this page is intentionally left blank; Signature page to follow.]***

**IN WITNESS HEREOF**, each of the parties hereto has caused this Agreement to be executed as of the date first written above.

**HIS MAJESTY THE KING IN RIGHT OF  
ONTARIO AS REPRESENTED BY THE  
ATTORNEY GENERAL**

\_\_\_\_\_  
Randy Schwartz,  
Assistant Deputy Attorney General,  
Criminal Law Division

**CITY OF HAMILTON**

\_\_\_\_\_  
Name:  
Title

\_\_\_\_\_  
Name:  
Title

I/We have the authority to bind the corporation.



**MEMORANDUM OF UNDERSTANDING**

- between -

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**  
as represented as the Attorney General

- and -

**THE CORPORATION OF THE city, county, etc.**

## TABLE OF CONTENTS

PREAMBLE .....	2
1.0 GENERAL .....	3
2.0 PRINCIPLES OF TRANSFER: INTEGRITY OF THE ADMINISTRATION OF JUSTICE, JUDICIAL INDEPENDENCE AND FAIR HEARING .....	5
3.0 DEFINITIONS .....	7
4.0 INTERPRETATION .....	9
5.0 ROLES AND RESPONSIBILITIES OF THE PARTIES .....	10
6.0 REVENUES AND COSTS .....	13
7.0 ACCESS AND OWNERSHIP .....	14
8.0 ACCOUNTING REQUIREMENTS .....	14
9.0 AUDIT REQUIREMENTS .....	14
10.0 OPERATIONAL REPORTING REQUIREMENTS .....	17
11.0 CONFIDENTIALITY .....	18
12.0 AMENDMENTS TO THE MOU .....	19
13.0 DISPUTE RESOLUTION .....	19
14.0 LIMITATION OF LIABILITY .....	21
15.0 INDEMNIFICATION .....	21
16.0 INSURANCE .....	21
17.0 TERMINATION WITH OR WITHOUT CAUSE .....	23
18.0 RIGHT OF ASSIGNMENT .....	24
19.0 COMMUNICATION BETWEEN THE PARTIES .....	24
20.0 WAIVER OF BREACH .....	25
21.0 SURVIVAL .....	26
22.0 SCHEDULES .....	26

B E T W E E N :

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, as  
represented by the Attorney General

(herein referred to as "the Attorney General")

OF THE FIRST PART

- and -

THE CORPORATION OF THE CITY

(herein referred to as "the Municipal Partner")

OF THE SECOND PART

**WHEREAS** the Attorney General recognizes that under the *Streamlining of Administration of Provincial Offences Act*, 1997, S.O. 1998, c.4, (Bill 108) future improvements in service delivery to the public for local justice matters can best be achieved in partnership with local governments;

**AND WHEREAS** the Attorney General has invited the Municipal Partner into the provincial court system as a justice partner;

**AND WHEREAS** the Municipal Partner has demonstrated its commitment to engage in full partnership with the Attorney General to assume justice responsibilities under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (hereinafter "*the Act*");

**AND WHEREAS** the Attorney General has the power under the *Act* to enter into an agreement authorizing the Municipal Partner to perform all courts administration and court support functions under the *Act* and prosecutions of matters commenced under Parts I and II of the *Act*;

**AND WHEREAS** the Attorney General continues to be responsible for the integrity of the administration of justice, the Attorney General will enter into a Memorandum of Understanding (which shall contain the same terms and conditions as this Memorandum of Understanding) with every Municipal Partner;

**NOW THEREFORE** in consideration of the mutual covenants set forth below, the Attorney General and the Municipal Partner agree as follows:

## 1.0 GENERAL

- Parts of the transfer agreement 1.1 The Memorandum of Understanding and its Schedules (referred to collectively as the "MOU"), the Local Side Agreement (referred to as the "LSA"), and any amendments to any of these executed by the Attorney General and the Municipal Partner shall form a document to be known as the Transfer Agreement.
- Court service area 1.2 The obligations of the Municipal Partner pursuant to the Transfer Agreement relate to the functions transferred under the Transfer Agreement in the court service area described in Schedule 5 of the MOU.
- Transfer components 1.3 The Attorney General transfers, under the Transfer Agreement, the following functions to the Municipal Partner;
- 1.3.1 the courts administration and court support functions, including the functions of the clerk of the court, for proceedings commenced under Parts I, II and III of the *Act* carried out by the Attorney General prior to the transfer, excluding some court administration and all court support functions on appeals of these matters;
  - 1.3.2 the prosecution of proceedings commenced under Part I of the *Act* carried out by the Attorney General prior to the transfer, except those excluded by paragraphs 1.4 and 1.5 of the MOU or by the LSA;
  - 1.3.3 the prosecution of any other proceedings commenced under Part I of the *Act*, subsequently transferred to the Municipal Partner;
  - 1.3.4 the prosecution of proceedings commenced under Part II of the *Act*, carried out by the Attorney General prior to the transfer;
  - 1.3.5 the prosecution of matters designated as contraventions under the *Contraventions Act (Canada)* and commenced under Part I of the *Act*, except those excluded by paragraph 1.4 or 1.5 of the MOU or by the LSA;
  - 1.3.6 the conduct of appeals of proceedings commenced under Parts I and II of the *Act* where the Attorney General transferred the prosecution of the proceeding to the Municipal Partner under the Transfer Agreement; and,

1.3.7 Notwithstanding paragraph 1.3.6, where the Attorney General files an appeal in relation to a matter commenced under Part I of the Act the Attorney General shall conduct the prosecution of the appeal.

Exception court  
administration and  
court support

1.4 Notwithstanding anything else in the Transfer Agreement, court administration and court support functions relating to proceedings commenced under the Act shall not be transferred in respect of proceedings where any of the following conditions exist:

1.4.1 the proceeding is against a young person as defined in Part VI of the Act;

1.4.2 criminal proceedings have also been commenced in relation to the same circumstances; or

1.4.3 the defendant who is charged with a criminal offence pleads guilty to a substituted provincial offence or a substituted offence that has been designated as a contravention under the *Contraventions Act* (Canada).

Exception  
Prosecutions

1.5 Notwithstanding anything else in the Transfer Agreement, the conduct of the prosecution carried out by the Attorney General prior to the transfer for the following matters shall not be transferred to the Municipal Partner:

1.5.1 prosecution of proceedings commenced under Part I of the Act described in paragraph 1.4 of the MOU or as set out in the LSA;

1.5.2 prosecution of proceedings commenced under Part I of the Act where a proceeding has also been commenced under Part III of the Act in relation to the same circumstances;

1.5.3 prosecution of proceedings commenced under Part III of the Act, but the Municipal Partner shall continue to prosecute offences under municipal by-laws, the Fire Code, the Building Code and any other matters for which the Municipal Partner was responsible before the Transfer Agreement comes into effect, including any new requirements under the *Fire Protection and Prevention Act*, 1997, S.O. 1997 c.4;

1.5.4 prosecution of offences designated as contraventions under the *Contraventions Act* (Canada) and that are commenced under Part III of the *Act*, that do not relate to the unlawful standing, stopping or parking of a motor vehicle.

- |  |      |   |
|--|------|---|
| Exception parking contraventions       | 1.6  | Notwithstanding anything else in the Transfer Agreement, offences that relate to the unlawful standing, stopping or parking of a motor vehicle and designated as contraventions under the <i>Contraventions Act</i> (Canada) and commenced under Part II or Part III of the <i>Act</i> shall be administered and prosecuted in accordance with any agreement made under sections 65.2 and 65.3 of the <i>Contraventions Act</i> (Canada).   |
| Other ministry right to intervene      | 1.7  | Notwithstanding anything else in this Transfer Agreement, where the Attorney General transfers to the Municipal Partner the prosecution of proceedings that were, prior to the transfer, carried out by the Attorney General, on behalf of another Ministry other than the Ministry of the Attorney General, the Attorney General shall retain the right to intervene, on behalf of such other Ministry, in a proceeding and conduct the prosecution, and where necessary an appeal, and the cost of any such prosecution and appeal shall be borne by that Ministry. |
| No agency                              | 1.8  | Employees, agents, contractors, members of council and officers of the Municipal Partner shall not be deemed to be employees, agents or officials of Ontario.   |
| Attorney General right to intervene    | 1.9  | Nothing in the Transfer Agreement affects the Attorney General's right to intervene in a proceeding. Where the Attorney General develops an intervention policy with respect to particular proceedings under the <i>Act</i> , the Municipal Partner acknowledges that once it is informed, it will adhere to the policy.  |
| Contents of MOU                        | 1.10 | The MOU sets out standards for the conduct of prosecutions, for the administration of the courts and for the provision of court support services, and sanctions for failure to meet the standards, in accordance with subsections 162(3) and 162(4) of the <i>Act</i> .   |
| Effective date                         | 1.11 | This MOU shall take effect from the date on which the Local Side Agreement is signed by or on behalf of the Attorney General after having been signed by the Municipal Partner and shall remain in effect unless suspended, terminated or revoked, regardless of whether there is a change in the person of the Attorney General or in the council or councils of the Municipal Partner.  |
| Goal: modern, efficient justice system | 1.12 | The Attorney General and the Municipal Partner shall work together to improve services to the public with the goal of putting in place the most modern, efficient and effective justice system attainable.  |

- Municipal partner accountability** 1.13 In fulfilling its responsibilities under the Transfer Agreement, the Municipal Partner is accountable to the public who are receiving court services, its serviced municipalities, other municipal partners, Ontario and the Government of Canada.
- No discrimination** 1.14 In fulfilling its responsibilities under the Transfer Agreement, the Municipal Partner shall ensure that there is no discrimination under the *Human Rights Code*, R.S.O. 1990, c.H.19, and that there is no discrimination in the performance of functions under the Transfer Agreement on the basis of place of residence.
- No impact on powers and duties of judiciary** 1.15 Nothing in the Transfer Agreement shall be taken to affect the powers, duties and appointment of the judiciary, including the powers, duties and appointment of justices of the peace pursuant to the *Justices of the Peace Act*, R.S.O. 1990, c.J.4, the powers and duties of the Associate Chief Judge - Co-ordinator of Justices of the Peace or of the Chief Judge of the Ontario Court (Provincial Division).
- No alteration to enforcement** 1.16 Nothing in the Transfer Agreement shall be construed so as to alter the roles and functions of police services and other law enforcement agencies, as otherwise required by law.
- 2.0 PRINCIPLES OF TRANSFER: INTEGRITY OF THE ADMINISTRATION OF JUSTICE, JUDICIAL INDEPENDENCE AND FAIR HEARING**
- Guiding principles** 2.1 In fulfilling their roles and responsibilities under the Transfer Agreement, the parties recognize and shall respect and adhere to the following guiding principles:
- Judicial Independence** 2.1.1 The independence of the judiciary shall be preserved.
- Public confidence in justice system** 2.1.2 The confidence of the public in the justice system must be maintained through every effort by all parties. To this end, open access to the system and a fair and timely process must be assured.
- Fairness and natural justice** 2.1.3 The fundamental tenets of procedural fairness and natural justice shall be affirmed and upheld.
- Separation of prosecution and police** 2.1.4 The separation of the prosecutorial function and the policing function shall be assured.

Attorney General's  
responsibility

2.1.5 The Attorney General will continue to be responsible for the integrity of the administration of justice in Ontario, pursuant to the *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17.

French language  
services

2.1.6 The officially bilingual court system in Ontario, as prescribed by the *Courts of Justice Act*, R.S.O. 1990, c. C.43, continues, including the provision of a prosecutor who speaks French and English when a bilingual trial is requested on a charge that is covered by the Transfer Agreement. In areas that are or become designated under the *French Language Services Act*, R.S.O. 1990, c. F.32, out-of-court services in French must be provided at the same levels as are provided by the Attorney General.

No political  
intervention

2.1.7 The entire justice process, from the laying of charges through to final disposition of appeals, shall continue to operate independently and free from political intervention.

### 3.0 DEFINITIONS

3.1 In the Transfer Agreement the following terms, words and phrases shall have the following meaning, except where the context clearly indicates otherwise:

Court service area

3.1.1 "Court Service Area" means the geographic area as described in Schedule 5 of the MOU, in which the transferred court services and prosecution services are provided;

Exit audit

3.1.2 "Exit Audit" means an audit conducted by the Attorney General and an independent auditor prior to the date that the Municipal Partner begins performing the functions transferred to it under the Transfer Agreement. The scope of the exit audit shall be determined by the Attorney General in consultation with the Municipal Partner. The results of the audit shall be provided to the Municipal Partner within a reasonable time of its completion.

Fiscal year

3.1.3 "Fiscal Year" means the 12 month period for which the financial statements of the Municipal Partner are prepared in accordance with the *Municipal Act*, R.S.O. 1990, c.M. 45;

Interim Audit

3.1.4 "Interim Audit" refers to the first phase of the Exit Audit conducted by or on behalf of the Attorney General prior to the signing of the Local Side Agreement.



Intermunicipal  
service agreement

3.1.5 "Intermunicipal Service Agreement" means an agreement between the Municipal Partner and one or more serviced municipalities as referred to in paragraph 5.3.5 of the MOU;

Local side  
agreement

3.1.6 "Local Side Agreement" or "LSA" means an agreement executed between the Attorney General and the Municipal Partner dealing with matters specific to the court service area, or that are not provided for in the MOU or in law;

Municipal partner

3.1.7 "Municipal Partner" means the municipality or municipalities or other organizations that have entered into the Transfer Agreement with the Attorney General.

Ontario

3.1.8 "Ontario" includes the Ministry of the Attorney General and other Ministries of the Government of Ontario;

Review committee

3.1.9 "Review Committee" means a provincial committee established pursuant to section 172 of the *Act*, whose composition and functions are determined by regulation made under clause 174 (c) of the *Act*, and as further specified in the MOU;

Serviced  
municipality

3.1.10 "Serviced Municipality" means a municipality or other organization for which court administration, court support or prosecution services transferred under this Transfer Agreement are provided by the Municipal Partner in the court service area as described in Schedule 5 of the MOU;

Streamlining  
phase

3.1.11 "Streamlining Phase" means the period of time beginning on the day after the last day of the Transition Phase; and

Transition phase

3.1.12 "Transition Phase" means the period of time beginning on the date that the first Transfer Agreement pursuant to subsection 162(1) of the *Act* is signed to the date that is six months following the date on which the last Transfer Agreement is signed, thereby completing the transfer of functions in all court service areas.

Notice re: phase  
dates

3.2 For the purpose of the definitions of "Streamlining Phase" and "Transition Phase", the Attorney General shall notify the Municipal Partner of the respective dates once they are ascertained.

#### 4.0 INTERPRETATION

- |  |     |   |
|--|-----|---|
| Interpretation re: principles                  | 4.1 | The Transfer Agreement shall be interpreted in such a way as to give effect to the Principles set out in paragraph 2.0 of the MOU.  |
| Conflicts between LSA and MOU                  | 4.2 | In the event of any conflict between the provisions of the LSA and the provisions of the MOU including its schedules, the provisions of the MOU shall prevail.  |
| Conflict between transfer agreement and law    | 4.3 | The Transfer Agreement shall not affect, modify or interfere with the rights, duties and responsibilities of the Attorney General or the Municipal Partner at law. If there is a conflict between one or more of the provisions of the Transfer Agreement and the laws of Ontario or of Canada, the law shall prevail and the conflicting provision shall be of no force or effect. Where the Transfer Agreement provides for a higher standard than the minimum standard provided by law, this shall not be deemed to be a conflict for the purpose of this provision. |
| Severability of clauses                        | 4.4 | If any one or more of the provisions of the Transfer Agreement is held by a court of competent jurisdiction to be voidable or <i>ultra vires</i> , the provision or provisions shall be severed from the Transfer Agreement. The rest of the Transfer Agreement shall continue in force according to its terms and conditions and, provided that the context allows, its provisions shall be interpreted in the same way as they would have been had the severance not taken place.   |
| Amendments incorporated                        | 4.5 | The Transfer Agreement may be amended at any time during the term of the Agreement, following the process set out in paragraph 12.0. The amendment must be made in writing and executed by both parties. Any such amendment or amendments shall be deemed to be incorporated into and become part of the Transfer Agreement.  |
| Deemed amendment where legislation has changed | 4.6 | The Transfer Agreement shall, if necessary, be deemed to have been amended to accord with any changes to the <i>Act</i> , the regulations made thereunder; the <i>Contraventions Act</i> , (Canada) and the regulations and schedules made thereunder; and any other legislation and regulations that have an impact on the Transfer Agreement.   |
| Marginal notes - no effect                     | 4.7 | Marginal notes beside the paragraphs shall have no legal effect, and shall not be considered in construing the Transfer Agreement.  |

## 5.0 ROLES AND RESPONSIBILITIES OF THE PARTIES

### 5.1 The Attorney General is responsible for:

Policy/legislative reviews

5.1.1 conducting policy and legislative reviews of the *Act* and the regulations made under it;

Advising of legislative and policy changes

5.1.2 advising the Municipal Partner in a timely manner of legislative or government policy changes that have an impact on the Transfer Agreement;

Proposing legislative amendments

5.1.3 proposing amendments to the *Act* before the Legislature or making or amending regulations;

Monitoring

5.1.4 monitoring the performance of the Municipal Partner's responsibilities under the Transfer Agreement, to ensure all standards are met;

Sanctions

5.1.5 imposing sanctions set out in this MOU where the Municipal Partner does not meet the standards referred to in paragraph 5.1.4;

Review committee

5.1.6 establishing a Review Committee prior to the end of the Transition Phase, whose composition and functions shall be determined by regulation made pursuant to the authority in clause 174(c) of the *Act*;

Transition training

5.1.7 determining the training needs to facilitate the transfer of functions under the Transfer Agreement, such training to be provided and funded by Ontario; and,

Exit audit

5.1.8 the performance of an exit audit, such audit to be funded by Ontario.

Delegation by the Attorney General

5.2 The Attorney General may delegate any powers, duties or responsibilities under the Transfer Agreement to any government official or employee except a decision pursuant to section 171 of the *Act*.

### 5.3 The Municipal Partner shall:

Performance of duties under transfer agreement

5.3.1 carry out its duties and obligations in accordance with the terms and conditions of the Transfer Agreement, and in particular the Principles set out in paragraph 2.0 of the MOU, and in accordance with the *Act* and all other relevant legislation and regulations;

Same range and level of service delivery as Attorney General

5.3.2 provide, at minimum, the same services and level of service delivery as were provided by the Attorney General before the transfer. Where there is a variance between the services and the level of service identified in the interim audit and the standards set out in this MOU and its schedules, the manner in which this variance will be addressed will be set out in the LSA.

French language services continue

5.3.3 continue to provide out-of-court services in the French language, where those services were provided by the Attorney General before the transfer, in areas designated under the *French Language Services Act*, R.S.O. 1990, c. F.32, including introducing such services if part or all of the court service area becomes designated under that Act after the effective date of the Transfer Agreement;

Bilingual prosecutor

5.3.4 provide a prosecutor who speaks French and English when a bilingual trial is requested on a charge that is covered by the Transfer Agreement;

Intermunicipal service agreement

5.3.5 maintain an intermunicipal service agreement with all serviced municipalities which includes obligations and arrangements regarding court administration, court support, prosecutions, reporting, revenue-sharing and local dispute resolution;

Perform duties re: serviced municipalities

5.3.6 carry out its duties and obligations to serviced municipalities as specified in the Transfer Agreement and in the intermunicipal service agreement;

Operations process review

5.3.7 participate in a review of the operations process during the streamlining phase;

Consult re: changes in procedure or processes

5.3.8 consult with the Attorney General, and such other interested parties as the Attorney General may direct, with regard to changes in procedural guidelines; prosecutorial, court administration or court support processes; and changes to case management procedures and court master plans, it being understood that any changes to case management procedures and court master plans are subject to the approval of the judiciary;

Establish complaints process

5.3.9 establish and maintain a process for dealing with complaints to ensure expeditious and effective resolution of day-to-day issues by the Municipal Partner at the local level.

Reporting contentious matters

5.3.10 ensure that matters that may be significant or contentious including, but not limited to, alleged prosecutorial impropriety or misconduct or constitutional challenges are brought to the attention of the Attorney General as expeditiously as possible.

Privacy and confidentiality guidelines

5.3.11 if not already established, develop guidelines to be used by elected officials and employees for the protection of privacy and confidentiality of personal information;

Conflict of interest guidelines

5.3.12 if not already established, develop conflict of interest guidelines to be used by elected officials and employees in accordance with the principles, responsibilities and standards set out in the Transfer Agreement; and shall file the conflict of interest guidelines with the Attorney General;

Single source purchase of forms

5.3.13 purchase sequentially numbered charge and service related documents and other court related forms as required from a single source, as approved by the Attorney General, in accordance with paragraph 6.0 of Schedule 2; and

Enforcement

5.3.14 collect and enforce fines authorized under subsections 165(1) and (2) of the Act in accordance with the Act, related regulations and any other enforcement proceedings authorized by law.

Municipal partner agreement with third party

5.4 The Municipal Partner may enter into an agreement with a third party in accordance with paragraph 9.0 of Schedule 2 of the MOU, with the Attorney General's consent.

Third party - same standards as municipal partner

5.5 An agreement between the Municipal Partner and a third party for the performance of any function under the Transfer Agreement shall include a provision which deems the third party to be the Municipal Partner's agent at all times and binds it to the Transfer Agreement's provisions.

Municipal partner to follow general policy

5.6 Where the Municipal Partner enters into an agreement for the acquisition of services relating to its obligations under the Transfer Agreement, the Municipal Partner shall follow generally accepted procedures or its existing policy and procedures relating to the acquisition of services, provided such procedures meet the minimum requirements set out in Schedule 2, paragraph 9.0 of the MOU.

**6.0 REVENUES AND COSTS**

- Authority to collect and enforce fine payments** 6.1 The Municipal Partner has the authority to collect fines, fees, costs and surcharges and enforce their payment, pursuant to subsections 165(1) and (2) of the *Act*. Collection, enforcement and disbursement of revenue are to be carried out as specified in the Transfer Agreement, the Municipal Partner's intermunicipal service agreement and relevant legislation and regulations.
- Monies to be separated and identified** 6.2 All monies received by the Municipal Partner in respect of fines, surcharges and fees pursuant to paragraph 6.1 of the MOU are to be separated and clearly identified in the books of the Municipal Partner and are subject to audit in accordance with paragraph 9.0 of the MOU.
- Separate trust account** 6.3 All monies received by the Municipal Partner in respect of fines, surcharges and fees that are payable to Ontario pursuant to subsection 165(5) of the *Act*, are to be separated and clearly identified in the books of the Municipal Partner and are subject to audit in accordance with paragraph 9.0 of the MOU. All such monies owing shall be remitted to Ontario in a timely manner.
- Payment of Attorney General costs** 6.4 The Municipal Partner shall remit to the Minister of Finance, in a timely manner, any amounts owing pursuant to clause 165(5)(c) of the *Act*, for costs incurred by the Attorney General for adjudication and prosecution and for monitoring and enforcing the Transfer Agreement. The method for calculating the amounts owing to the Minister of Finance shall be specified in the LSA.
- Net revenue division** 6.5 Revenues, net of amounts calculated and remitted in accordance with subsections 165(5) and (6) of the *Act*, shall be retained by the Municipal Partner. The net revenue, including revenue from fines under the Fire Code under the *Fire Protection and Prevention Act*, 1997, S.O. 1997 c.4, may be divided between the Municipal Partner and serviced municipalities in accordance with their intermunicipal service agreement, any relevant legislation, regulation and municipal by-laws. The Municipal Partner shall remit any monies owing to serviced municipalities and to other municipal partners, in a timely manner.
- Fines imposed before transfer** 6.6 In accordance with clauses 166(a) & (b) of the *Act*, the Municipal Partner may collect, enforce and retain fines that were imposed before the Transfer Agreement was executed.

**7.0 ACCESS AND OWNERSHIP**

Access to Information, records, etc.

7.1 Subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, Ontario shall permit the Municipal Partner to have access to such information, data and records, including software data and the relevant information contained therein, as the Municipal Partner may require to carry out its obligations under the Transfer Agreement. Ontario shall at all times retain ownership rights to the data, information, operating systems and software.

No warranty re: information

7.2 Ontario shall use reasonable efforts to ensure that the information to which the Municipal Partner will have access is reliable and accurate, but does not guarantee the accuracy or completeness of such information.

Use of data

7.3 The Municipal Partner shall not sell or otherwise provide to any other person or organization any of the data or information to which it is permitted access pursuant to the Transfer Agreement, or extract from the information or data, or create from the information or data, lists of personal or other information for any purpose other than for the purpose of its obligations under the Transfer Agreement.

Transfer of assets

7.4 The Attorney General may, in accordance with Ontario's policies, transfer to the Municipal Partner such premises, vehicles, furniture and equipment presently owned or used by Ontario in the carrying out of court services, as may be agreed upon by the parties and as specified in the LSA.

Attorney General's efforts re: municipal partner's assumption of contracts

7.5 The Attorney General shall use reasonable efforts to assist the Municipal Partner in assuming contracts and in obtaining rights to licences and leases currently held or entered into by Ontario.

**8.0 ACCOUNTING REQUIREMENTS**

Detailed accounts and records

8.1 The Municipal Partner shall, during the term of the Transfer Agreement and for four years following the termination, expiry or revocation of the Transfer Agreement, maintain detailed and accurate accounts, records, books and data of all financial transactions undertaken by it pursuant to the Transfer Agreement, prepared in accordance with generally accepted accounting principles (GAAP).

Adequate financial controls

8.2 The Municipal Partner shall ensure that there are adequate financial controls in place at the premises of the Municipal Partner, and for greater certainty, shall use its best efforts to

ensure the protection of the accuracy, completeness and auditability of all financial data, the segregation of responsibilities in the accounting function, and shall institute adequate management controls.

Semi-annual reports to Attorney General

8.3 The Municipal Partner shall maintain accurate accounting and reconciliation records for each court location in its court service area, including data on the amount of revenue collected and the amount outstanding and shall, within two months after the end of the preceding 6 month period, or as otherwise directed by the Attorney General, prepare and submit semi-annual reports to the Attorney General.

Annual report

8.4 The Municipal Partner shall on or before March 31 in each year during the term of the Transfer Agreement and in the year following its termination, expiry or revocation, prepare and submit to the Attorney General an Annual Report for the previous fiscal year on the performance of its obligations under the Transfer Agreement.

Form of reports

8.5 Reports prepared by the Municipal Partner may be submitted in electronic or paper form or both, as determined by the Attorney General.

## 9.0 AUDIT REQUIREMENTS

Annual financial audit

9.1 Each year during which the Transfer Agreement is in effect, the Municipal Partner shall, at its own cost, have prepared and submitted to the Attorney General and the Ministry of Finance annual audited financial statements for its fiscal year, together with the requisite supporting schedules, certified by an independent public accounting firm. The certification shall state that the firm has examined the accounts, records, books and data relating to the transactions undertaken by the Municipal Partner pursuant to the Transfer Agreement, in accordance with generally accepted auditing standards and shall express an opinion that they are fairly presented in accordance with the provisions of the Transfer Agreement.

If third party or serviced municipality performs municipal partner function-audit required

9.2 Where the Municipal Partner enters into an agreement with a third party, or a Serviced Municipality, to perform any of its functions pursuant to the Transfer Agreement, the Municipal Partner shall at its own cost have prepared and submitted to the Attorney General and the Ministry of Finance, annual audited financial statements for the Municipal Partner's fiscal year, together with the requisite supporting schedules, certified by an independent public accounting firm. The certification shall state that the firm has examined the accounts, records, books and



data relating to the transactions undertaken by the third party or Serviced Municipality pursuant to its agreement and the Transfer Agreement in accordance with generally accepted auditing standards, and shall express an opinion that they are fairly presented in accordance with the provisions of both agreements.

- Discretionary audit** 9.3 The Attorney General may in its discretion and at any time cause an audit to be made of the Municipal Partner's accounts, records, books and data related to transactions undertaken by the Municipal Partner pursuant to the Transfer Agreement and for this purpose the Attorney General or its agents may enter onto the premises of the Municipal Partner or its assignees, with reasonable notice, and the Municipal Partner and its assignees shall co-operate fully. The Attorney General shall provide the results of the audit to the Municipal Partner within a reasonable time of its completion.
- Management process audit** 9.4 The Attorney General or its agents may at any time undertake or require to be undertaken a management process audit related to the obligations of the Municipal Partner under the Transfer Agreement, and for this purpose the Attorney General or its agents may enter onto the premises of the Municipal Partner or its assignees, with reasonable notice, and the Municipal Partner and its assignees shall co-operate fully. The Attorney General shall provide the results of the audit to the Municipal Partner within a reasonable time of its completion.
- Municipal partner's own audit** 9.5 Where the Municipal Partner carries out any audit in relation to its obligations under the Transfer Agreement, it shall provide the results to the Attorney General within a reasonable time of its completion.
- Business hours access to records, etc. by Attorney General** 9.6 For the purpose of ensuring performance of the terms and conditions of the Transfer Agreement, the Attorney General or its agents shall during regular business hours have direct and unrestricted access to all books, records, files, manuals, systems, and any other pertinent documentation, papers, things and property belonging to, or in use by, and to all persons employed by the Municipal Partner, or its assignees associated with or related to the Transfer Agreement, except such as may be sealed under statute or by order of a court.
- Provincial auditor** 9.7 The accounts, records, books and data related to transactions undertaken by the Municipal Partner pursuant to the Transfer Agreement may be audited by the Provincial Auditor.
- Audit expenses** 9.8 The Municipal Partner shall bear all costs and expenses for audits under paragraphs 9.1, 9.2 and 9.5, and where audits performed under paragraphs 9.3 or 9.4 report a material breach of any standard or requirement under the Transfer Agreement.

## 10.0 OPERATIONAL REPORTING REQUIREMENTS

Reporting  
rationale

10.1 The purpose of the reporting requirements under the Transfer Agreement is to facilitate effective operational planning, performance measurement, early identification and early-stage resolution of issues, and the sharing of best practices.

Accurate  
statistical data

10.2 The Municipal Partner shall use its best efforts to ensure the accuracy and availability of the following data for each court location in its court service area for functions transferred under the Transfer Agreement:

10.2.1 number of charges received, by case number and statute, subdivided into Parts I, II and III of the *Act*;

10.2.2 number of charges disposed and their dispositions;

10.2.3 number of charges sentenced with sentence types;

10.2.4 number of trial requests, including requests for French trials;

10.2.5 courtroom utilization by person type and session type;

10.2.6 average time from service date to trial;

10.2.7 number of appeals and their dispositions;

10.2.8 number of charges pending, with future court date;

10.2.9 incidence of error in data transmission to provincial ministries;

10.2.10 changes to court master plans;

10.2.11 number of charges received with or without completion date; and

10.2.12 any other data necessary to meet the reporting requirements.

Municipal partner  
to ensure that data  
is available

10.3 The Municipal Partner shall ensure that the information referred to in paragraph 10.2 is available as required by the judiciary, the Crown Attorney, the staff of the Ministry of the Attorney General and the staff of the Government of Canada.

- Accurate operational data 10.4 The Municipal Partner shall keep an accurate record of the incidence and manner of resolution of the following:
- 10.4.1 disputes and complaints and their source, including any matter that proceeds through the dispute resolution process set out in paragraph 13.0 of the MOU;
  - 10.4.2 conflicts of interest;
  - 10.4.3 breaches of ethics or law in the performance of functions under the Transfer Agreement; and
  - 10.4.4 financial or administrative irregularities.
- Reports quarterly 10.5 The Municipal Partner shall prepare and submit to the Attorney General quarterly reports in relation to matters referred to in paragraph 10.4 of the MOU.
- Report on significant matter forthwith 10.6 If a matter referred to in paragraph 10.4 of the MOU may affect the proper administration of a statute, or is a matter that can reasonably be expected to attract substantial public interest, the Municipal Partner shall advise the Attorney General forthwith.
- Requested reports 10.7 Notwithstanding anything else in the Transfer Agreement, the Attorney General may at any time request any kind of report from the Municipal Partner, and the Municipal Partner shall use its best efforts to comply with the request in a timely manner.
- Form of reports 10.8 Reports prepared by the Municipal Partner may be submitted in electronic or paper form or both, as determined by the Attorney General.
- 11.0 CONFIDENTIALITY
- Personal information exchange 11.1 The Transfer Agreement requires that personal information be exchanged between Ontario and the Municipal Partner.
- Exchange of information between parties 11.2 An agreement between:
- 11.2.1 a Municipal Partner and a serviced municipality;
  - 11.2.2 a Municipal Partner and a third party;
  - 11.2.3 Ontario and a third party; or
  - 11.2.4 any of the parties
- may require that personal information be exchanged between the parties.

FOIPOP Acts' application 11.3 The disclosure and the exchange of information referred to in paragraphs 11.1 and 11.2 of the MOU are authorized by subsection 42(e) of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, and by subsection 32(e) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

## 12.0 AMENDMENTS TO THE MOU

Request to amend 12.1 Either party may at any time make a written request to amend the terms and conditions of the MOU.

Reason for the request 12.2 Any request to amend shall set out the reasons for the request and shall include any explanatory or supporting documents.

Notice to municipal partners 12.3 Where the Attorney General makes a request to amend the terms and conditions of the MOU or where the Municipal Partner and the Attorney General agree to the Municipal Partner's requested amendment, the Attorney General shall notify all municipal partners in writing of the requested amendment.

Written response 12.4 Any Municipal Partner may respond to the notice of a request for an amendment by providing a written response to the Attorney General within 30 days of receiving a copy of the notice of the request to amend. Where a Municipal Partner fails to respond within the 30 day period, it will be deemed not to oppose the amendment.

Agreement to amend 12.5 Where the Attorney General and all municipal Partners agree to amend the MOU, the amendment shall be made in writing and shall form part of the Transfer Agreement.

Dispute re: amendment 12.6 Where the Attorney General and the Municipal Partner, including any Municipal Partner who receives notice under paragraph 12.3, disagree with the requested amendment and the issue can not be resolved, the Attorney General or any Municipal Partner may invoke the dispute resolution mechanism set out in paragraph 13.0 of the MOU.

## 13.0 DISPUTE RESOLUTION

Principle 13.1 The parties agree to foster and participate in a co-operative approach to the resolution of disputes arising under the Transfer Agreement. The parties also agree that all reasonable efforts will be made to resolve disputes informally and amicably at an early stage at the local level.

- Scope**

13.2

In the event that a dispute arises between the Attorney General and the Municipal Partner with respect to the terms and conditions of the Transfer Agreement, the parties to this Transfer Agreement agree to use the mechanism set out in this paragraph to resolve the dispute.
- Exception - Judiciary**

13.3

The provisions of this paragraph do not apply to issues relating to the judiciary.
- Mediation to be considered**

13.4

Where the parties to this Transfer Agreement are unable to resolve a dispute without the assistance of a neutral third party, the parties shall consider using the services of a mediator to facilitate resolution of the dispute.
- Role of mediator**

13.5

Where the parties to this Transfer Agreement agree to use the services of a mediator, the parties shall jointly select the mediator and the cost of the mediator's services shall be shared equally by the parties. The mediator shall inquire into the issues in dispute and shall attempt to assist the parties in resolving the dispute. All information exchanged during the mediation process shall be for the purpose of resolving the issues in dispute, and therefore shall be treated as confidential.
- Referral to review committee**

13.6

Whether or not a mediation has taken place, if the parties to this Transfer Agreement are unable to resolve the dispute, the matter may be referred by either party, in writing, to the Review Committee for recommendations, with written notice to the other party.
- Review committee - referring party**

13.7

A party referring a dispute to the Review Committee, shall identify the issues in dispute and shall provide the Review Committee with any supporting material upon which the party intends to rely.
- Review committee - responding party**

13.8

The responding party shall provide the Review Committee and the referring party with a written response, and any supporting material upon which it intends to rely, within 30 days of receiving notice that the matter has been referred to the Review Committee.
- Recommendation of review committee**

13.9

The Review Committee may recommend to the parties how the matter ought to be resolved, and shall provide the parties with a reasonable amount of time to implement the recommendations.
- Failure to Implement Recommendations**

13.10

Where the Municipal Partner fails to implement a recommendation of the Review Committee within the time period set by the Review Committee, the Review Committee may invoke the compliance provisions set out in paragraph 1.0 of Schedule 3 of the MOU.

Court remedy preserved

13.11 Nothing in the Transfer Agreement precludes a party to the Transfer Agreement from submitting a dispute to a court of competent jurisdiction.

**14.0 LIMITATION OF LIABILITY**

No liability for municipal partner, employees, etc.

14.1 Ontario shall not be liable or responsible in any way for any injury or damages whether physical or economic, direct or consequential, of any kind (including death) that may be suffered or sustained by the Municipal Partner, or any member of council, officer, employee, agent, contractor, member of the judiciary, accused person, police officer or any other person who may be in, or in the vicinity of, a courtroom or court office administered by the Municipal Partner, or for any loss or theft of, or damage or injury to, any property belonging to the Municipal Partner or members of council, officers, employees, agents, contractors, members of the judiciary, accused persons, police officers or any other person, while such property is in, or in the vicinity of, a courtroom or court facility administered by the Municipal Partner.

**15.0 INDEMNIFICATION**

Municipal partner to indemnify Ontario for its action, etc. re: transfer.

15.1 The Municipal Partner shall indemnify and save harmless Ontario, its officers, employees, agents and contractors, from all manner of claims, losses, costs, expenses, actions or proceedings of any kind or nature whatsoever based on, occasioned by or attributable to anything done or omitted to be done by the Municipal Partner or by its members of council, officers, employees, agents or contractors in connection with the Transfer Agreement, or with the performance of the Municipal Partner's obligations under the Transfer Agreement.

Ontario to indemnify Municipal Partner for its actions, etc. re: transfer

15.2 Ontario shall indemnify and save harmless the Municipal Partner, its members of council, officers, employees, agents and contractors, from all manner of claims, losses, costs, expenses, actions or proceedings of any kind or nature whatsoever based on, occasioned by or attributable to anything done or omitted to be done by Ontario or by its officers, employees, agents or contractors in connection with the Transfer Agreement, or with the performance of Ontario's obligations under the Transfer Agreement.

**16.0 INSURANCE**

Claims against Municipal Partner

16.1 The Municipal Partner shall protect itself from and against all claims that might arise from anything done, purported to be done or omitted to be done under the Transfer Agreement by the

Comprehensive  
general liability  
insurance policy

16.2 For the purpose of paragraph 16.1 of the MOU, and without restricting the generality of that paragraph, the Municipal Partner shall, at its own expense, maintain in full force and effect during the term of the Transfer Agreement, a policy of comprehensive general liability insurance, in form and substance acceptable to Ontario and written by a responsible carrier or carriers acceptable to Ontario, providing coverage for a limit of not less than five million dollars (\$5,000,000.00) per occurrence for any cause of action, demand or claim with respect to personal injury (including death) or property damage, including loss of use thereof, and for any cause of action, demand or claim arising out of or occurring in connection with the obligations of the Municipal Partner under the Transfer Agreement, including, but not limited to, a cause of action, demand or claim with respect to defamation; false arrest, detention, imprisonment; malicious prosecution; contravention of rights guaranteed under the *Canadian Charter of Rights and Freedoms*; and errors and omissions insurance.

Required clauses  
for policy

16.3 The policy of insurance referred to in paragraph 16.2 of the MOU shall include the following terms:

16.3.1 a clause adding Her Majesty the Queen in Right of Ontario as represented by the Attorney General, its officers, employees, agents and contractors as additional named insureds;

16.3.2 a cross-liability insurance clause endorsement acceptable to Ontario;

16.3.3 a clause requiring the insurer to provide 30 days' prior written notice to Ontario in the manner set forth in the policy in the event of the termination, expiry, variation or non-renewal of the policy;

16.3.4 a clause providing that the protection for Ontario under the policy will not be affected in any way by any act or omission of the Municipal Partner, its members of council, officers, employees, agents or contractors; and

16.3.5 a clause including liability arising out of contract or agreement.

Proof of insurance

16.4 The Municipal Partner shall, immediately upon request, provide Ontario with proof of the insurance coverage in the form of a certificate, and a copy of the relevant portion or portions of the policy that incorporate the terms and clauses set out in paragraph 16.3 of the MOU.

## 17.0 TERMINATION WITH OR WITHOUT CAUSE

Termination without cause

17.1 Either party may terminate the Transfer Agreement without cause by giving nine months' express written notice to the other party.

Termination with cause

17.2 Either party may terminate the Transfer Agreement with cause by giving one month's express written notice to the other party.

17.3 Where termination notice is given:

Transfer of intellectual and other property during termination period

17.3.1 the Municipal Partner shall provide to the Attorney General unfettered access to any property requested by the Attorney General including, but not limited to, systems, records, data, information and material in the possession or control of, or owned by, the Municipal Partner as may be required to ensure the continued effective administration of justice;

Property rights on termination

17.3.2 all rights in the property described in paragraph 17.3.1 of the MOU transferred by Ontario to the Municipal Partner, and any records, data, information and material accumulated during the performance of the Transfer Agreement shall vest in and become the property of Ontario, and the Municipal Partner shall immediately transfer such property to the Attorney General; and

Termination plan

17.3.3 the Municipal Partner shall either cease or continue to perform functions under the Transfer Agreement during the notice period in accordance with a termination plan approved by the Attorney General.

Access to transferred property

17.4 Notwithstanding paragraph 17.3.2;

17.4.1 the Municipal Partner shall be entitled to access all transferred property, including the right to make and keep copies of documents, where the Municipal Partner is named or otherwise becomes a party to any legal proceedings, or is put on notice that it will be named as a party in legal proceedings, arising from or in connection with the performance by the Municipal Partner of its functions under the Transfer Agreement; and

17.4.2 property shall not include property purchased by the Municipal Partner from the Attorney General or a third party unless otherwise agreed to by the parties.



Components of termination plan

17.5 The termination plan referred to in paragraph 17.3.3 of the MOU may include provisions for the transfer of any courts administration, court support or prosecution functions from the Municipal Partner to any replacement or alternative Municipal Partner or other entity, named by the Attorney General.

Duty to Inform

17.6 The Municipal Partner shall keep the Attorney General informed of all matters that are necessary for the Attorney General to ensure the effective ongoing administration of justice during the termination period.

Appointment of a manager

17.7 In the event of termination, the Attorney General may appoint a person to manage the termination for the purpose of ensuring the continued effective administration of justice.

Reconciliation of finances

17.8 On termination, the Municipal Partner shall carry out a financial accounting and shall pay to Ontario any monies owing to Ontario including the Ministry of Finance.

Rights of Attorney General

17.9 The rights of the Attorney General under this paragraph are in addition to and do not derogate from any other rights and remedies of the Attorney General under the Act or the Transfer Agreement or otherwise at law.

## 18.0 RIGHT OF ASSIGNMENT

Attorney General's consent required

18.1 The Municipal Partner has no right to assign, sublease, subcontract, transfer, cede, offer for sale, deal or offer to deal in or with the Transfer Agreement, or any rights or obligations hereunder, in whole or in part (the foregoing collectively called an "assignment") unless the Attorney General has given or is deemed to have given consent to such assignment. The Municipal Partner shall ensure that any assignee undertaking any of the Municipal Partner's obligations to Ontario shall be bound by the terms and conditions of the Transfer Agreement. The Municipal Partner shall not be released of its obligations to Ontario by reason of the assignment, and the Municipal Partner shall be deemed to be liable for any breaches of the Transfer Agreement, or of any legislation or regulations, by the assignee.

## 19.0 COMMUNICATION BETWEEN THE PARTIES

Method of service

19.1 Unless otherwise directed by the Attorney General, any written communication shall be given by personal service, by facsimile transmission or electronic mail, or by prepaid first class mail. If personally served or transmitted by facsimile or electronic mail, a communication shall be deemed to be validly given to and received by the addressee on the date of such service or

transmission. A transmission completed after 4:30 p.m. shall be deemed to have been delivered on the next business day. A communication sent by prepaid first class mail shall be deemed to be validly given to and received by the addressee on the fifth business day after the day on which it was mailed in Canada.

Municipal partner's address

19.2 The Municipal Partner's address and facsimile number for communications are:

Attorney General's address

19.3 The Attorney General's address and facsimile number for communications are:

**Ministry of the Attorney General  
720 Bay Street, 2nd Floor  
Toronto, Ontario M5G 2K1  
Attention: Assistant Deputy Attorney General  
Court Services Division  
FAX:**

Change of address

19.4 When either party changes its address, phone or facsimile number, it shall give written notice forthwith to all other parties.

Attorney General contact person

19.5 The Attorney General shall designate a person and an alternate who will be the primary contacts for all issues and communications related to the Transfer Agreement.

Municipal Partner contact person

19.6 The Municipal Partner shall designate a person and an alternate who will be the primary contacts for all issues and communications related to the Transfer Agreement.

Change of contacts

19.7 Each of the parties shall keep the other informed of the names of its contact person and alternate person.

## 20.0 WAIVER OF BREACH

Waiver of breach

20.1 Any breach of any provision of the Transfer Agreement may be waived in whole or in part by a party without prejudice to that party's rights in the event of the breach of any other provision of the Transfer Agreement. A waiver shall be binding on the waiving party only if it is in writing. The waiver of any breach of any provision of the Transfer Agreement shall not be taken or held to be a waiver of any further breach of the same provision or any breach of any other provision.



IN WITNESS WHEREOF the parties hereto have executed this  
Memorandum of Understanding.

DATED AT \_\_\_\_\_ THIS \_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_.

THE CORPORATION OF THE ... OF...

\_\_\_\_\_  
Name  
Position

DATED AT \_\_\_\_\_ THIS \_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_.

HER MAJESTY THE QUEEN IN  
RIGHT OF ONTARIO, represented  
by the Attorney General

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
Name: James M. Flaherty  
Position: Attorney General

# SCHEDULE 1

# PROSECUTORIAL STANDARDS

## SCHEDULE I STANDARDS FOR PROSECUTIONS BY MUNICIPALITIES

- 1.0 Scope**
- Adherence to standards**      1.1    Where the Municipal Partner conducts prosecutions transferred to the Municipal Partner by the Attorney General under the Transfer Agreement, the Municipal Partner shall adhere to the standards set out in this schedule.
- 2.0 Standards**
- Principles**            2.1    The Municipal Partner shall ensure that prosecutions transferred in accordance with the Transfer Agreement are conducted in a manner consistent with the following principles:

  - 2.1.1    prosecutorial independence;
  - 2.1.2    fairness and impartiality;
  - 2.1.3    competence and integrity; and
  - 2.1.4    timeliness of prosecutions.
- Prosecutorial Independence**      2.2    The Municipal Partner shall ensure that any of its prosecutors acting under the Transfer Agreement who are not lawyers are supervised by or report to the city solicitor or another lawyer designated for this purpose and that its reporting relationships are structured so that the prosecutors' exercise of discretion is not influenced by any person or body, including:

  - 2.2.1    members of council;
  - 2.2.2    policing and other enforcement agencies; and
  - 2.2.3    municipal financial officers.
- 2.3    The Municipal Partner shall be responsible for:

  - 2.3.1    ensuring that any prosecution policies are applied impartially;
  - 2.3.2    ensuring that a fair and reasonable appeals policy is in place and is applied consistently;
- Impartial prosecution**
- Fair appeals policy**

- Notification of witnesses 2.3.3 notifying prosecution witnesses of dates and times of hearings in accordance with legislative requirements;
- Prosecutorial discretion 2.3.4 permitting prosecutors to exercise their discretion in a fair and impartial manner, free from influence or bias;
- Municipal partner to educate its prosecutors 2.3.5 taking appropriate steps to educate and inform its prosecutors of any policies set out by the Municipal Partner, Ontario or the Government of Canada which apply to the prosecution of proceedings commenced under the Act; and
- Disclosure to defendants 2.3.6 ensuring provision of full and timely disclosure to defendants upon request.
- Prosecutors' oath 2.4 All municipal prosecutors engaging in prosecutions under the Transfer Agreement shall swear the following oath or affirmation before the Regional Senior Judge, or, where the Regional Senior Judge is unavailable, a judge of the Ontario Court (Provincial Division), and the oath or affirmation shall be a term of employment:
- Oath:**
- I swear (or affirm) that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of a prosecutor, as an officer of the Court, without favour or affection to any party, so help me God (omit last four words in an affirmation).*
- I also swear (or affirm) that I will faithfully discharge my duties as a prosecutor, and will comply with the laws of Canada and Ontario, and except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a prosecutor, so help me God (omit last four words in an affirmation).*
- Conflict of interest rules 2.5 In addition to the conflict of interest rules set out in paragraph 8.0 of Schedule 2.0, and any conflict of interest rules that may be imposed by the Municipal Partner, the Municipal Partner shall also ensure that the following apply to prosecutors acting under the terms of the Transfer Agreement:

- Not an enforcement officer 2.5.1 A person employed as a prosecutor shall not also be employed as an enforcement officer.
- Not a Municipal politician within past 12 months 2.5.2 A prosecutor shall not hold or have held a municipal political office within the preceding 12 months.
- Avoid conflict 2.5.3 A prosecutor shall not be placed or place him or herself in a position where the integrity of the administration of justice could be compromised.
- Disclosure of conflict 2.5.4 A prosecutor shall disclose any actual or reasonably perceived conflict as soon as possible to the Municipal Partner.
- Not to act for defendants 2.5.5 A prosecutor shall not, personally or through any partner in the practice of law, act or be directly or indirectly involved as counsel or solicitor for any person, in respect of any offence charged against the person under the laws in force in Ontario, unless it relates to his/her own case, except where the LSA provides otherwise.
- Disclosure of charges 2.5.6 Where a prosecutor is charged with an offence under the *Criminal Code* of Canada or any other federal statute or regulation that is dealt with under the *Criminal Code* of Canada, such charge shall be disclosed forthwith to the Municipal Partner by the prosecutor. Where a prosecutor is charged with an offence under other federal statutes or regulations thereunder or a provincial statute or regulation thereunder and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the Municipal Partner by the prosecutor. The Municipal Partner shall determine if any actual or perceived conflict exists and, if so, the Municipal Partner shall take appropriate action to address the conflict.
- Municipal partner responsible to set procedure 2.6 The Municipal Partner shall establish and follow a procedure that ensures a prosecutor does not act in any matter where a conflict of interest has been identified, until the conflict no longer exists.



- Municipal partner to ensure competent prosecutions 2.7 The Municipal Partner shall ensure that its prosecutors are competent in relation to the following factors;
- Knowledge of the law 2.7.1 knowledge of the current law, including the *Act*, related statutes and regulations, the *Canadian Charter of Rights and Freedoms* and any common law relevant to the conduct of prosecutions;
- Knowledge of the procedure 2.7.2 knowledge of the rules of court and legal procedures, as amended from time to time;
- Professionalism 2.7.3 ability to treat members of the judiciary and other persons involved in the court process with professional courtesy; and
- Addressing complaints 2.7.4 ability to address complaints promptly and effectively.
- Municipal partner to train and educate prosecutors 2.8 To ensure that municipal prosecutors' knowledge and skills are adequate and current, the Municipal Partner shall be responsible for and bear the cost of the ongoing training and education of its prosecutors.
- Direction not to appear 2.9 The Director of Crown Operations, on the advice of the Crown Attorney and after consulting with the supervising solicitor, may direct that the prosecutor not appear in court where, in the opinion of the Director of Crown Operations, public confidence in the administration of justice is or may be eroded through the continued appearance of the prosecutor in the courts.
- Prosecutorial policies 2.10 The Municipal Partner shall ensure cooperation with local Crown Attorneys and shall ensure compliance with provincial directives and policies that are made known by Ontario. The Municipal Partner may establish its own prosecutorial policies, provided that its policies are consistent with provincial policies and not contrary to law.
- Reporting protocol for significant cases 2.11 In addition to any legislative requirements and any provincial prosecutorial directive or policy made known to the Municipal Partner, the Municipal Partner shall maintain a reporting protocol

to notify the local Crown Attorney and the Attorney General of any matter that appears likely to raise a substantive legal issue at trial or appeal, including;

Judicial review

2.11.1 an application for judicial review or prerogative writ sought in relation to a prosecution transferred under paragraph 1.3 of this MOU;

Constitutional issue

2.11.2 anything that may affect the administration, constitutional validity, or enforceability of a statute or regulation; and

Substantial public interest

2.11.3 any matter where there could be a substantial public interest in its outcome.

Report to federal prosecutor

2.12 The reporting protocol referred to in paragraph 2.11 of this Schedule shall also include a provision that the regional federal prosecutor shall be notified with respect to offences designated as contraventions under the *Contraventions Act* (Canada).

Report to other provincial ministries

2.13 The reporting protocol referred to in paragraph 2.11 of this Schedule shall also include a provision that where the matter relates to a statute or regulation for which a provincial Ministry other than the Ministry of the Attorney General is responsible, the Legal Services Branch of that Ministry shall be notified.

# SCHEDULE 2

# OPERATIONAL STANDARDS

---

## SCHEDULE 2 OPERATIONAL STANDARDS

- |   |   |
|---|---|
| Municipal partner's obligations           | <p>1.0    <b>Scope</b></p> <p>1.1    Where the Municipal Partner performs court administration and court support functions transferred to the Municipal Partner under the <i>Transfer Agreement</i>, the Municipal Partner shall maintain the standards set out in this schedule and shall meet all legislative and regulatory requirements with respect to proceedings under the <i>Act</i>.</p>   |
| Efficiency of proceedings                 | <p>2.0    <b>Processes &amp; Proceedings</b></p> <p>2.1    The Municipal Partner shall provide for and accommodate the efficient processing of all court proceedings.</p>   |
| Service to enforcement agencies continues | <p>2.2    The Municipal Partner shall continue to provide the existing services and level of service to enforcement agencies, including:</p> <ul style="list-style-type: none"><li>2.2.1   consulting enforcement agencies about witness availability before scheduling trials;</li><li>2.2.2   distributing ticket sets and other forms to enforcement agencies; and</li><li>2.2.3   providing copies of First Attendance Notices, Notices of Intention to Appear, Certificates of Offence, Fail to Respond (FTR) lists, Notices of Appeal, and other documents containing disposition information, as required.</li></ul> |
| Effective service                         | <p>2.3    The Municipal Partner shall respond effectively to all enquiries and shall provide prompt and efficient service in person and by phone.</p>   |
| Proceedings open to public                | <p>2.4    Subject to any statutory limitations, all proceedings under the <i>Act</i> shall be open to the public, unless otherwise ordered by the judiciary in a particular proceeding.</p>   |
| Language services                         | <p>2.5    The Municipal Partner shall continue to provide the language services required by the <i>Courts of Justice Act</i>, R.S.O. 1990, c. C.43, including the following services:</p>   |

- Qualified interpreters 2.5.1 The Municipal Partner shall supply and pay for qualified interpreters for witnesses and defendants upon their request.
- Document translation 2.5.2 The Municipal Partner shall ensure that documents are translated, upon request by the defendants, or if necessary for administrative purposes.
- Witness fees 2.6 The Municipal Partner shall ensure that witnesses are paid the amounts to which they are entitled as prescribed by regulation.
- Clerical court support services 2.7 The Municipal Partner shall ensure that clerical court support services are provided to the judiciary at least at the level provided by the Attorney General prior to the transfer.
- Accuracy of court record 2.8 The Municipal Partner shall ensure the accuracy of the court record for all matters transferred under the Transfer Agreement, including:
- 2.8.1 the recording of all proceedings taken before the judiciary;
  - 2.8.2 the preparation and certification of transcripts of proceedings; and
  - 2.8.3 the maintenance, retention and release of records and information relevant to the court proceedings, including tapes, transcripts, files, documents and exhibits or any other data in paper or electronic form in accordance with the record retention schedules contained in paragraph 2.10 of this Schedule and with legislative requirements.
- Preparation and delivery of court documents 2.9 The Municipal Partner shall ensure the accurate and timely preparation and delivery of court-related documents required to carry out a judicial order relating to:
- 2.9.1 the attendance of a person at a hearing;
  - 2.9.2 the arrest, detention or release of a person;

2.9.3 the commencement, processing and disposition of a proceeding; and

2.9.4 the imposition of a sentence, or other consequence of conviction.

Record retention periods

2.10 The following mandatory record retention periods shall apply once a matter has been completed:

2.10.1 for all proceedings commenced under Parts I and III of the Act, the calendar year of the date of judgment plus 2 additional years, except where there has been an accident or a charge of careless driving, the calendar year of the judgment plus 7 additional years;

2.10.2 for all proceedings commenced under Part II of the Act, the calendar year of the date of judgment plus 2 additional years; and

2.10.3 any other record retention requirements prescribed by law.

Universal access to fine payment

2.11 The Municipal Partner shall continue to permit the public to pay fines imposed on convictions for offences covered by this Transfer Agreement in any court service area.

Secure collection of fines

2.12 Fine revenues shall be collected in a secure manner, in accordance with generally accepted accounting principles, to ensure proper accountability and to meet the audit requirements set out in paragraph 9.0 of the MOU.

Ongoing training and education

2.13 The Municipal Partner shall be responsible for and bear the cost of ongoing training and education of persons performing functions under the Transfer Agreement.

- 3.0 Records & Information**
- Secure storage of records and information**
- 3.1 To preserve the integrity of court records and data for all processes and proceedings under the *Act*, all files, tapes, transcripts, papers, documents, exhibits and any other court process information, whether in electronic, mechanical, physical or other form, shall be stored in a secure manner.
- Accurate and secure exchange of information**
- 3.2 The Municipal Partner shall ensure that the exchange or sharing of information, electronically or otherwise, is done in a secure manner to preserve the accuracy and security of the data.
- Continued access to information**
- 3.3 The Municipal Partner shall continue the current practice of providing information and access to information relating to the disposition of cases, fine payments and defaults, and other court related matters to all relevant provincial Ministries, enforcement agencies and others who have access on the effective date of transfer.
- Accuracy of provincial offences database**
- 3.4 The Municipal Partner shall ensure the accuracy of the provincial offences database by entering the following information in a timely and accurate manner:
- 3.4.1 the charges received;
  - 3.4.2 the status of the charge;
  - 3.4.3 the charge dispositions;
  - 3.4.4 the fine payments; and
  - 3.4.5 the imposition and removal of sanctions.
- Charges for court services**
- 3.5 The Municipal Partner may charge a fee for photocopies, certification of copies, transcripts and any other service provided and charged for by the Ministry of the Attorney General, in accordance with the *Administration of Justice Act*, R.S.O. 1990, c.A.6.
- 4.0 Technology**
- Common Integrated technology system**
- 4.1 The Attorney General and the Municipal Partner acknowledge that the use of a common integrated technology system is necessary to ensure accurate and timely access to information

and will facilitate the sharing of information among justice partners.

Use of ICON and replacement of ICON

4.2 The Municipal Partner shall use the ICON system or its replacement during the Transition Phase. A system to replace ICON will be developed by the Integrated Justice Project of the Ministry of the Attorney General and the Ministry of the Solicitor General and Correctional Services. This system will take into account the requirements of the Municipal Partner in carrying out its obligations under the Transfer Agreement, and of Ontario. This system will be offered to the municipal partners for a fee.

Must meet technology standards

4.3 Where a Municipal Partner chooses to use a system other than that provided by the Attorney General after the Transition Phase, the system will meet the requirements of paragraph 4.4 of this Schedule.

Technology standards

4.4 Any system used by the Municipal Partner must meet the technology standards, case flow management and information sharing requirements as directed by the Attorney General, including the development of a common application environment, and the system must be "Year 2000" compliant.

#### 5.0 Ministry of Transportation Protocols

Information to be transmitted to MTO

5.1 The Municipal Partner shall transmit to the Ministry of Transportation (MTO) information relating to the following:

5.1.1 orders and directions to suspend or reinstate drivers' licenses;

5.1.2 orders and directions to deny or reinstate plate permits; and

5.1.3 convictions, in accordance with subsection 210(1) of the *Highway Traffic Act*, R.S.O. 1990, c.H.8.



- Electronic transmissions 5.2 Orders transmitted to MTO shall be transmitted electronically, in a standardized format prescribed by MTO and in the consolidated "one window" template that is provided for by ICON and the Defaulted Fines Control Center, or by any other agent doing similar work as directed by the Attorney General.
- Complete and accurate data 5.3 The information referred to in paragraph 5.1 of this Schedule must be complete and accurate, and submitted to MTO in a timely manner, in accordance with all statutory and regulatory requirements, including the *Highway Traffic Act*, R.S.O. 1990, c. H.8.
- Access to information by MTO 5.4 The Municipal Partner shall ensure that MTO will continue to have access to information relating to the status and disposition of cases.
- Municipal partner's representative 5.5 The Municipal Partner shall designate a representative to work with MTO to resolve data transmission issues.
- 6.0 **Tickets and Other Court Forms**
- Sequentially numbered tickets 6.1 The Municipal Partner shall purchase all provincial offences tickets from a single source as approved by the Attorney General. Provincial offences tickets must be sequentially numbered with an ICON, or its replacement system, location number.
- Purchase of court forms from a single source 6.2 The Municipal Partner shall purchase all charging and service related documents, and other court forms and documents prescribed by regulation, and other standard forms used by the Attorney General prior to the transfer, from a single source as approved by the Attorney General.
- 7.0 **Facilities**
- Court facilities easily accessible 7.1 The court facilities shall be easily accessible to the public and all other interested parties and, without limiting the generality of the foregoing, shall:
- Transit 7.1.1 be accessible by public transit or private vehicle;

- Parking 7.1.2 where parking is available, provide sufficient parking areas to accommodate the court's caseload;
- Signage 7.1.3 be clearly identified as a court facility and shall have signs to identify the location of court offices and courtrooms; and
- Barrier free access 7.1.4 provide barrier-free access into and within the court facilities, including courtrooms, meeting rooms, washrooms, and parking areas.
- Facilities standards 7.2 The Municipal Partner shall maintain the following minimum standards for court facilities:
- Separate Areas 7.2.1 Public areas shall be separate from the court administration offices and the prosecutors' offices, all of which shall be separate from the areas designated for the judiciary.
- Offices for the judiciary 7.2.2 The judiciary shall continue to have chambers which are private and secure and sufficiently equipped to permit the performance of their judicial responsibilities. The judiciary shall also continue to have separate and secure access to parking areas, to the court building, and to the courtroom(s) and other rooms in which proceedings take place.
- Court staff offices 7.2.3 Courts administration and court support staff shall have secure office areas that contain the furniture, equipment, technology and supplies necessary for them to be able to perform their responsibilities under the Transfer Agreement.
- Prosecutor's offices 7.2.4 Prosecutorial staff shall have secure office areas that contain the furniture, equipment, technology, and supplies necessary for them to be able to perform their responsibilities under the Transfer Agreement.
- First - Attendance meeting rooms 7.2.5 If the facility is used for a first attendance process, the meeting room(s) shall be separate from the room(s) in which the court proceedings take place.
- Secure areas for persons in custody 7.2.6 A secure area shall be available for persons in custody.

Consultation  
before renovation

7.2.7 Before making substantial renovations to an existing court facility, or when preparing plans for a new facility, the Municipal Partner shall consult with all groups that may be affected by the change, including the judiciary, enforcement agencies, prosecution agencies, the Ontario Realty Corporation, the Ministry of the Attorney General's Court Services Division and its Facilities Branch.

Variations from  
facilities standards

7.3 Notwithstanding paragraphs 7.1 and 7.2 of this Schedule, and subject to paragraph 7.4 of this Schedule, where the Interim Audit reveals that a particular standard is not met, the variance may be permitted where:

7.3.2 the Municipal Partner occupies facilities used by the Ministry of the Attorney General that do not meet the standards; or

7.3.3 the costs required of the Municipal Partner to modify the existing facilities are more reasonably spread over one or more fiscal years.

Manner to address  
variances

7.4 Where the Interim Audit reveals that the minimum standards for court facilities are not being met, the parties shall identify, in the LSA, any variance and the manner in which such variance shall be addressed.

## 8.0 Conflict of Interest

8.1 The Municipal Partner shall ensure that all employees and other persons performing duties under the Transfer Agreement shall, in addition to any of the Municipal Partner's guidelines, abide by the following rules:

Report improper  
influence

8.1.1 An employee or other person performing duties under the Transfer Agreement shall report any attempt at improper influence or interference, financial, political or otherwise, to the Municipal Partner and to the local Crown Attorney. No action shall be taken against the employee or other person for making any such report in good faith.

Employee must report charge

8.1.2 Where an employee or other person performing duties under the Transfer Agreement has been charged with an offence created under a federal statute or regulation or a provincial statute or regulation, and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the Municipal Partner by the employee or other person. Upon notification, the Municipal Partner shall determine if any actual or perceived conflict of interest exists, and if so, shall take appropriate action to address the conflict.

8.1.3 All persons performing functions under the Transfer Agreement, except Municipal Prosecutors who shall swear the oath set out in paragraph 2.4 of Schedule 1, shall swear the following oath or affirmation before a Commissioner for Taking Affidavits, and the oath or affirmation shall be a term of employment:

*I swear (or affirm) that I will faithfully discharge my duties, and will observe and comply with the laws of Canada and Ontario, and except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my employment, so help me God (omit last four words in an affirmation).*

## 9.0 Contracting Out

9.1 Where the Municipal Partner proposes the contracting out of services relating to the performance of its obligations under the Transfer Agreement the following conditions shall be satisfied:

Existing municipal policy

9.1.1 The Municipal Partner shall follow generally accepted procedures or its existing policy and procedures relating to the acquisition of services.

Attorney General's right to withdraw consent

9.1.2 The Municipal Partner shall ensure that the documents provide that where it is alleged that the Municipal Partner or its contractor has breached any term, condition or standard in the Transfer Agreement, the Attorney General has the right to withhold or withdraw its consent.

- Conflict of interest 9.1.3 Documents shall include a provision requiring the prospective contractor to disclose any real or perceived conflict of interest.
- Performance standards 9.1.4 The contract shall provide that the person or organization performing the contract will perform the work to the same standard as required of the Municipal Partner under the Transfer Agreement and the Municipal Partner shall take whatever steps are necessary to ensure that applicable standards are met.
- Definite term of contract 9.1.5 The contract shall be for a definite term and may be subject to renewal as long as the applicable standards under the Transfer Agreement are being met.
- Process for complaints 9.1.6 The Municipal Partner shall ensure that there is an effective process in place to deal with complaints against the contractor and the Municipal Partner shall respond to such complaints directly.
- Confidentiality standards 9.1.7 The contract shall contain a provision requiring the contractor to adhere to the same confidentiality standards as those required of the Municipal Partner.
- Perform all aspects of contract 9.1.8 Persons providing services pursuant to such a contract must perform all aspects of the contract to ensure consistency and continuity in the administration of justice.
- Contingency plan 9.1.9 The Municipal Partner shall ensure that an effective contingency plan is in place to address any situation where the contractor or its employees fail to comply with any term, condition or standard of the Transfer Agreement.
- Attorney General's deemed consent 9.2 The consent of the Attorney General required for the contracting out of services under the Transfer Agreement shall be deemed to have been given where the process followed by the Municipal Partner has met the conditions set out in paragraph 9.1 of this Schedule and, where a regulation has been made pursuant to section 174 of the Act, the criteria prescribed by the regulations have also been met.

# SCHEDULE 3

## COMPLIANCE AND PERFORMANCE MEASURES

### SCHEDULE 3 COMPLIANCE AND PERFORMANCE MEASURES

- 1.0 Compliance**
- Principle** 1.1 The provisions set out in this schedule are intended to provide the Attorney General with an effective means to ensure compliance with the Transfer Agreement to preserve the integrity of the administration of justice.
- Sanctions for Non-compliance** 1.2 Where the Review Committee determines that there has been a breach of a term or condition of the Transfer Agreement following the dispute resolution process set out in paragraph 13.0 of the MOU, the Review Committee shall advise the parties of the nature of the breach, and may take one or more of the following measures:
- 1.2.1 The Review Committee may order that the parties continue to work together to achieve compliance or resolution of the issue.
  - 1.2.2 The Review Committee may issue a written caution against continued non-compliance with the Transfer Agreement.
  - 1.2.3 Where previous attempts have failed to result in compliance by the Municipal Partner, the Review Committee may recommend to the Attorney General that an audit, pursuant to paragraph 9.0 of the MOU, be undertaken.
  - 1.2.4 Where previous attempts have failed to result in compliance by the Municipal Partner, the Review Committee may recommend to the Attorney General that a person be appointed to superintend the Municipal Partner's performance. Where the Attorney General accepts such recommendation, the Attorney General shall provide written notice to the Municipal Partner, advising of the following:
    - 1.2.4.1 the identity of the appointee;
    - 1.2.4.2 the purpose and duration of the appointment; and
    - 1.2.4.3 whether the Municipal Partner will be responsible for the costs of the appointment.

- 1.2.5 Where previous attempts have failed to result in compliance by the Municipal Partner, the Review Committee may recommend to the Attorney General that financial penalties be assessed against the Municipal Partner.
- 1.2.6 Where previous attempts have failed to result in compliance by the Municipal Partner, the Review Committee may recommend to the Attorney General that an order be issued, pursuant to subsection 171(1) of the Act, directing the Municipal Partner to comply within a specified time.
- 1.2.7 Where previous attempts have failed to result in compliance by the Municipal Partner, the Review Committee may recommend to the Attorney General that the performance of a specific function or functions under the Transfer Agreement be assumed by or reassigned to someone other than the Municipal Partner, at the Municipal Partner's own expense.
- 1.2.8 Where the Municipal Partner fails to comply with the order issued pursuant to paragraph 1.2.6 of this Schedule, the Review Committee may recommend to the Attorney General that the Transfer Agreement be suspended or revoked, pursuant to subsection 171(2) of the Act.

**2.0 Performance Measures**

Rationale for performance measures

- 2.1 The parties acknowledge that performance measures will assist the parties in meeting the standards set out in the Transfer Agreement and will provide the Attorney General with a management tool to assess the Municipal Partner's progress towards achieving stated goals and promote accountability.

Best practices

- 2.2 The Municipal Partner and the Attorney General agree to exchange best practices with other Municipal Partners to promote efficiency, consistency and compliance with the Transfer Agreement, and to assist in identifying and developing methods of improving service delivery.



# SCHEDULE 4

# EXISTING CONTRACTS

## SCHEDULE 4

### EXISTING CONTRACTS

- Purpose 1.1 The purpose of this Schedule is to set out current contracted obligations relating to functions under the Transfer Agreement that are managed by Ontario.
- Central contracts 2.1 Ontario currently has two such contracts.
- Forms and ticket contracts 2.1.1 Management Board Secretariat has a sub-contract with its Vendor of Record for the purchase of sequentially numbered charging and service documents. The current sub-contract commenced in 1996 and is for a period of 7 years (5 years and 2 one year renewals).
- Printing and mailing of notices contract 2.1.2 Xebec Imaging Services is a centrally managed contract for the printing and mailing of Notices of Fine and Due Date. Costs are based on the number of pieces produced per year. The contract, which expired on December 31, 1998, was renewed, and, unless sooner terminated or extended under its provisions, expires December 31, 2000. The term of the contract may be extended for two separate one-year periods to December 31, 2002, on the same terms and conditions by mutual agreement. The Municipal Partner shall reimburse the Ministry in relation to functions governed by the Transfer Agreement, from the effective date of transfer through December 31, 2000 and the Municipal Partner may at its option negotiate any further renewals.
- 3.1 In addition to the contracts referred to in paragraph 2.1, Management Board Secretariat has contracts with private collection agencies for the collection of outstanding fines imposed before January 1, 1998, which contracts are due to expire on September 30, 2000. The Municipal Partner will not assume these contracts, but will be bound by them in that it will not be permitted to enter into separate contracts with these or other collection agencies in respect of outstanding fines imposed before January 1, 1998, until on or after October 1, 2000.

However, the Municipal Partner may use any method authorized by relevant legislation or regulation for the collection of fines imposed on or after January 1, 1998.

*Other contracts*

3.2

Various contracts are held by local court offices for the purposes of data input, technology maintenance, and courier and armored car services. These contracts cover services for the Ontario Court (Provincial Division) and the Ontario Court (General Division). The Municipal Partner may assume these contracts as they relate to functions under the Transfer Agreement, as of the effective date of transfer.

# SCHEDULE 5

# COURT SERVICE AREA

## SCHEDULE 5 COURT SERVICE AREA

The boundaries of the Court Service Area, which are set out in the attached map, include the following municipalities:

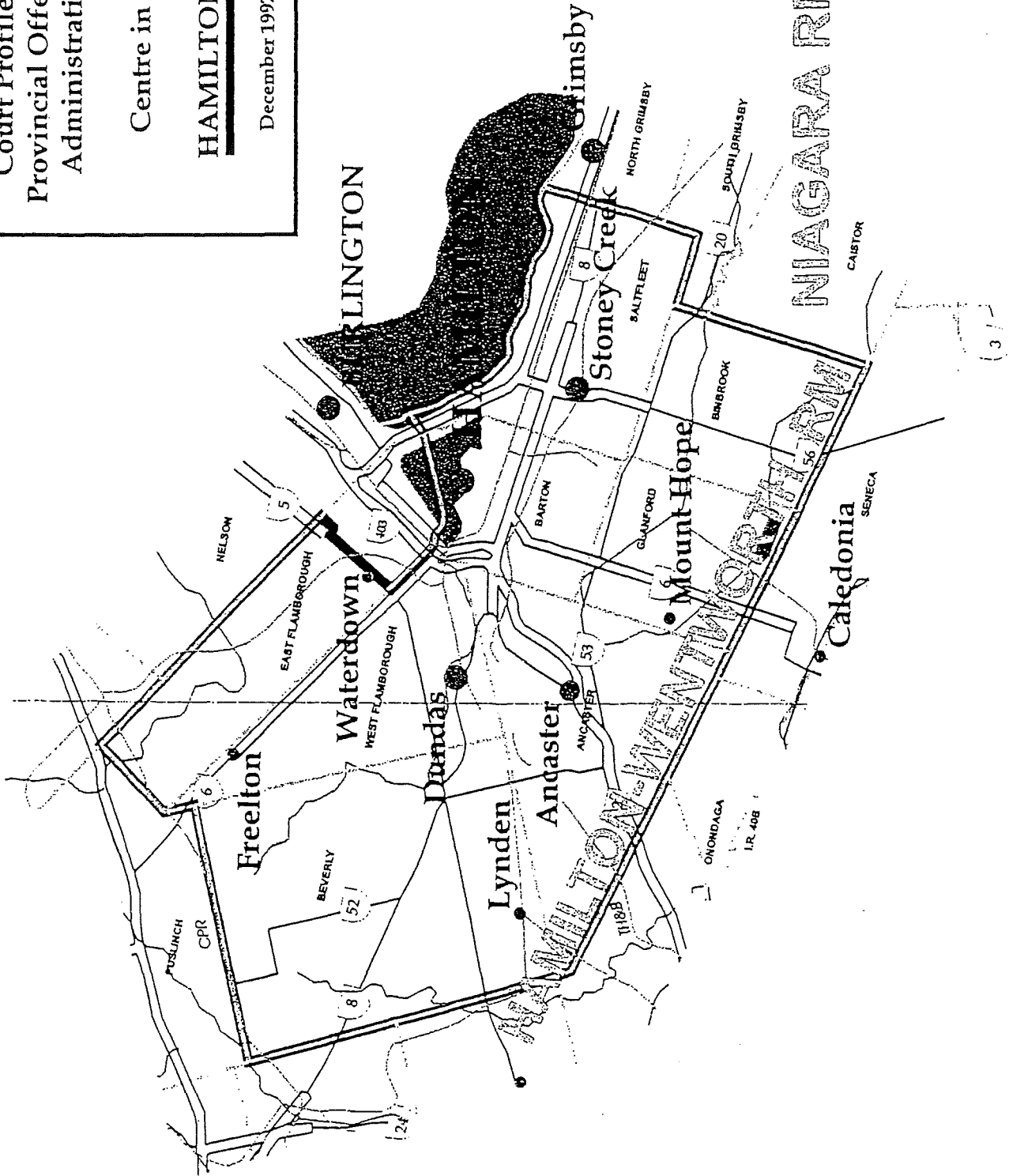
Town of Ancaster  
Corporation of the Town of Dundas  
Town of Flamborough  
The Corporation of the Township of Glanbrook  
The City of Hamilton  
The City of Stoney Creek

Court Profile of  
Provincial Offences  
Administration

Centre in

**HAMILTON**

December 1997



Map of Hamilton Metropolitan Area and Surrounding Municipalities. Copyright © 1997 by the Province of Ontario, Ministry of Municipal Affairs and Housing. All Rights Reserved.

## Conflict of Interest Guidelines

### Overview

Attached as a Schedule hereto are Conflict of Interest Guidelines. The Guidelines will form a Schedule to the Intermunicipal Agreement to be executed by each of the Municipal Partners in Hamilton-Wentworth Region.

The Guidelines incorporate and supplement the obligations of the Municipal Partners in relation to Standards for Prosecutions, which are set out in Schedule I of the Memorandum of Understanding. Presumably, the Guidelines might form a Schedule to the Local Side Agreement relating to the Hamilton-Wentworth Region Municipal Partners.

### Implementation

There are both internal and external implementation mechanisms for the Guideline principles.

Internal mechanisms in relation to members of staff; whether they are directly engaged in prosecution and administration functions for the Court or whether they are staff employed by a Municipal Partner for some other purpose, will occur as part of the incorporation of the Guidelines into the administrative structures and personnel responsibilities of the municipalities involved.

Internal mechanisms in relation to elected representatives are principally a result of each individual's voluntary adoption of the Guidelines as a code of conduct. Such codes of conduct, in diverse formats have already been adopted by several of the Municipal Partners to highlight and give specificity to various types of obligations, including those arising in relation to pecuniary interests under the Municipal Conflict of Interest Act. It is intended that execution of the Intermunicipal Agreement will establish this Guideline among other codes of conduct adopted by the Municipal Partners and will form part of the orientation process provided for elected representatives after each municipal election.

External mechanisms apply equally to staff and to elected officials and arise in connection with penal legislation, such as the Criminal Code, and potentially in connection with civil proceedings by persons affected by the alleged improper conduct.

**CONFLICT OF INTEREST GUIDELINES**  
**ADOPTED IN RELATION TO ADMINISTRATION**  
**OF THE PROVINCIAL OFFENCES COURT**

**Preamble**

Whereas administration of the Provincial Offences Court by the Municipal Partner pursuant to agreement with the Attorney General must be conducted in accordance with the fundamental principles of justice, which include prosecutorial independence, fairness, impartiality, competence and integrity;

Therefore, the Municipal Partner, on behalf of their elected representatives and staff, agree to implement and adhere to these Guidelines in all matters relating to the administration of the Provincial Offences Court.

**General Principles**

- 1.1 These Guidelines apply to elected representatives, officials and members of the staff of the Municipal Partner.
- 1.2 No person shall attempt to improperly influence or interfere, financially, politically or otherwise, with the administration or prosecution functions of the Provincial Offences Court or with persons performing duties in relation to the Provincial Offences Court.
- 1.3 Every person involved with the administration and prosecution functions of the Provincial Offences Court shall endeavour to carry out such duties in a manner which upholds the integrity of the administration of justice.

**Obligation to Report**

- 2.1 Members of staff of the Municipal Partner involved in administration of the Provincial Offences Court, including the prosecution function, shall immediately disclose to the Director of Legal Services any attempt at improper influence or interference in relation to matters before the Provincial Offences Court made by any elected representative, official or member of the staff of the Municipal Partners. If the Director is unable to resolve the matter and deems it to be improper influence or interference, the Director of Legal Services shall advise the Crown Attorney.



- 2.2 Every member of staff of a Serviced Municipality, other than the Region, performing any duties with respect to the Provincial Offences Court, including prosecution, shall immediately disclose to the person designated by the Municipal Partner for such purposes any attempt at improper influence or interference in relation to matters before the Provincial Offences Court made by any elected representative, official or member of the staff of the Municipal Partner. If the matter is deemed to be improper influence or interference, the designated person shall advise the Crown Attorney. When the Municipal Partner employs a member or members of the Law Society of Upper Canada in positions relevant to the administration of justice, the Municipal Partner shall endeavour to so designate one of such members.
- 2.3 No action may be taken against a person making such disclosure in good faith.

### **Administrative Structure**

- 3.1 Members of staff of the Municipal Partner who are engaged in prosecution functions shall not directly report to or be supervised by persons who are municipal finance officers or who are employed by police or other enforcement agencies.
- 3.2 Where a member of staff of a Municipal Partner who is engaged in administration or prosecution functions has been charged with an offence created under a federal or provincial statute or regulation and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the Director of Legal Services. Upon notification, the Director of Legal Services shall determine if any actual or perceived conflict of interest exists and, if so shall take appropriate action to address the conflict.
- 3.3 Members of staff of the Municipal Partner who are engaged in the prosecution function shall adhere to the following:
- (a) a prosecutor shall not place himself or herself in a position where the integrity of the administration of justice could be compromised;
  - (b) a prosecutor shall disclose any actual or reasonably perceived conflict as soon as possible to the Director of Legal Services. Upon notification, the Director of Legal Services shall determine if any actual or perceived conflict of interest exists and, if so, shall take appropriate action to address the conflict;
  - (c) a prosecutor may not also be engaged in a law enforcement function;

- (d) each prosecutor must be a member in good standing of the Law Society of Upper Canada or report to or be supervised by a member in good standing of the Law Society of Upper Canada;
- (e) a prosecutor must not hold an elected office in the Municipal Partner or a Serviced Municipality or have held office within the period of twelve (12) months prior to engaging in any prosecution function and each prosecutor shall take such oath of office as may be required from time to time;
- (f) a prosecutor who is employed by the Municipal Partner shall not, personally or through any partner in the practice of law, act or be directly or indirectly involved as counsel or solicitor for any person in respect of any offence charged against the person under the laws in force in Ontario, unless it relates to his or her own case; and
- (g) a prosecutor who is charged with an offence under the federal or provincial statute or regulation, shall disclose such charge in the same manner as provided in paragraphs 2.1 and 2.2. Where continuing to perform his or her duties may erode public confidence in the administration of justice, the Director of Legal Services shall determine if any actual or perceived conflict of interest exists and, if so, shall take appropriate action to address the conflict.

### **Implementation**

- 4.1 Each elected representative of the Municipal Partners shall be provided with a copy of these Guidelines as part of the orientation process following each municipal election.
- 4.2 The Guidelines shall form part of the corporate policy of the Municipal Partner in relation to administrative reporting structures and in relation to the standards expected of municipal staff and, for this purpose, shall be drawn to the attention of municipal staff.
- 4.3 The attention of all persons affected by these Guidelines is drawn to the possibility of civil litigation by persons harmed by certain breaches of this Guideline and to the possibility of penal sanction under applicable federal and provincial legislation and regulations thereto, including applicable provisions of the Criminal Code.

## COMPLAINTS FROM PUBLIC

### Administration Complaints

All complaints relating to courts administration and support (i.e., court scheduling, document processing, fine payment, etc.) will be directed to the Court Administrator. The Court Administrator will review the complaint in the context of the parameters of service delivery and make a decision as to the appropriate action to be taken to resolve the complaint.

If the issue cannot be resolved through informal discussions, and the complainant wishes to initiate a formal complaint, the complainant will be required to put the complaint, in writing, and direct it to the Municipal Clerk.

On receipt of the written complaint, the Municipal Clerk or his or her designate, will arrange to meet with the relevant employee(s). At the end of the meeting, the Municipal Clerk will make notes of the meeting, will make a copy of the notes, will review the notes with the employee(s), and both the Municipal Clerk or designate and the employee will sign the notes. Each person shall retain a copy.

The Municipal Clerk or designate will investigate the complaint, including any necessary consultation with the complainant, other employees and any witnesses. Where appropriate, the General Manager or designate of Human Resources will be consulted, and will provide advice and assistance. The Municipal Clerk or designate will provide the complainant with a written response within fifteen days from receipt of the complaint, or in such further time period as may be agreed with the complainant.

If the complaint cannot be resolved and the complainant wishes to pursue the complaint, the complainant will be required to submit a written request to the General Manager of Corporate Services that a further review is requested. The General Manager of Corporate Services shall investigate the complaint and shall provide a response to the complainant within ten days from receipt of the complainant's request for a review. The decision of the General Manager of Corporate Services will be the final step in the process.

Any resolution that impacts on Regional human resource, purchasing or facilities management policy or procedures will be reported and implemented through the Region's administrative framework.

### Prosecutorial Complaints

All complaints relating to prosecutorial matters will be forwarded to the Director of Legal Services. Where the complaint involves the conduct of a prosecutor employed by the Region, the Director of Legal Services will take such steps as are necessary to substantiate the claims being made. Where a complaint has

been substantiated and does not involve the proper exercise of prosecutorial discretion, the Director of Legal Services will review the complaint for the appropriate action, which may involve the removal of a prosecutor from prosecuting one or more matters.

If the issue cannot be resolved through informal discussion, and the complainant wishes to initiate a formal complaint, the complainant will be required to put the complaint, in writing, and direct it to the Director of Legal Services. The Director of Legal Services will review the complaint and shall provide a response to the complainant within fifteen days from receipt of the complainant's request for a review.

If the complaint cannot be resolved and the complainant wishes to pursue the complaint, the complainant will be required to submit a written request to the General Manager of Corporate Services that a further review is requested. The General Manager of Corporate Services shall investigate the complaint and shall provide a response to the complainant within ten days from receipt of the complainant's request for a review. The decision of the General Manager of Corporate Services will be the final step in the process.

BN/cj  
July 23/99

## LOCAL SIDE AGREEMENT

- b e t w e e n -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
as represented by the Attorney General

- a n d -

THE REGIONAL MUNICIPALITY OF  
HAMILTON-WENTWORTH

## LOCAL SIDE AGREEMENT

B E T W E E N:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,  
as represented by the Attorney General

(herein referred to as the "Attorney General")

### OF THE FIRST PART

- and -

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

(herein referred to as the "Municipal Partner")

### OF THE SECOND PART

**WHEREAS** the Attorney General has entered into a Memorandum of Understanding (the "MOU") pursuant to the *Streamlining of Administration of Provincial Offences Act, 1998*, S.O. 1998, c.4, (Bill 108) (the "Act"), with respect to the transfer of *Provincial Offences Act* ("POA") functions to the Municipal Partner;

**AND WHEREAS** the MOU contains terms and conditions that apply to every Municipal Partner;

**AND WHEREAS** the Attorney General and the Municipal Partner recognize that there are certain terms and conditions that are specific to a Court Service Area;

**AND WHEREAS** the MOU contemplates that the Attorney General and the Municipal Partner will execute a Local Side Agreement (the "LSA") setting out those terms and conditions;

**NOW THEREFORE** in consideration of mutual covenants set forth below, the Attorney General and the Municipal Partner agree as follows:

## 1.0 DEFINITIONS

1.1 In this LSA,

- (a) "Court Service Area" means the Court Service Area as defined in Schedule 5 of the MOU;
- (b) "Effective Date" means the date on which this LSA is signed by or on behalf of the Attorney General after having been signed by the Municipal Partner;
- (c) "Implementation Date" means the date on which the responsibility for POA functions is assumed by the Municipal Partner;
- (d) "Exit Audit" means the Exit Audit as defined in the MOU;
- (e) "Transition Phase" means the Transition Phase as defined in the MOU; and
- (f) "Transfer Agreement" means the MOU, the LSA, their respective schedules and any amendments.

## 2.0 GENERAL

- 2.1 The obligations of the Municipal Partner pursuant to this LSA relate to the functions transferred to the Municipal Partner in the Court Service Area described in Schedule 5 of the MOU.
- 2.2 This LSA shall take effect on the Effective Date and shall remain in effect unless suspended, terminated or revoked, regardless of whether there is a change in the person of the Attorney General or in the council or councils of the Municipal Partner.
- 2.3 Schedule 1 attached is incorporated into and shall form part of the LSA.
- 2.4 If any one or more of the provisions of the LSA is held by a court of competent jurisdiction to be voidable or *ultra vires*, the provision or provisions shall be severed and the LSA shall continue in full force and effect according to its terms and conditions and, provided that the context allows, its provisions shall be interpreted in the same way as they would have been had the severance not taken place.
- 2.5 The LSA may be amended at any time during the term of the Transfer Agreement, in accordance with the process set out in paragraph 12.0 herein. The amendment shall be made in writing and executed by all parties. Any such amendment or amendments shall be deemed to be incorporated into and become part of the LSA.

2.6 In the event of any conflict between the provisions of the LSA and the provisions of the MOU, the provisions of the MOU shall prevail.

### 3.0 FACILITY ARRANGEMENTS

3.1 The parties acknowledge that, as of the date of execution of the LSA, the Ontario Realty Corporation ("ORC") leases space at 45 Main Street East, Hamilton (the "Premises") and that the Attorney General has an agreement with ORC for the use of the Premises.

3.2 Notwithstanding paragraph 3.1 of this LSA and notwithstanding the agreement between the Attorney General and ORC, for the purposes of the Municipal Partner's obligations under the Transfer Agreement, the Municipal Partner shall enter into an agreement with ORC for the use of a portion of the Premises as follows:

- (a) two courtrooms, with adjoining interview rooms, to be used exclusively by the Municipal Partner for the period of time and at such rents as are set out in the agreement between the Municipal Partner and ORC;
- (b) one retiring office for the exclusive use of the Justice of the Peace for the period of time and at such rents as are set out in the agreement between the Municipal Partner and ORC;
- (c) one courtroom to be used by the Municipal Partner on a *per diem* basis for the period of time and at such rents as are set out in the agreement between the Municipal Partner and ORC;
- (d) one intake courtroom to be used by the Municipal Partner on a *per diem* basis for the period of time and at such rents as are set out in the agreement between the Municipal Partner and ORC;
- (e) adequate space for court administrative functions, other than the administrative space used by the Attorney General.

### 4.0 REVENUE AND FINANCIAL ARRANGEMENTS

4.1 Schedule 1, which contains a summary of 1998 revenues, deductions, expenses and advances, is attached to this LSA and forms part thereof.

4.2 After completion of the Exit Audit, the Municipal Partner shall receive approximately \$1,438,389, which sum is an estimate only of the revenue collected for the period from January 1, 1998 through December 31, 1998



inclusive, less eligible deductions, expenses and advances. The estimated sum is subject to adjustment based on the results of the Exit Audit.

- 4.3 The Municipal Partner shall receive, after the Implementation Date, the fine revenue collected from January 1, 1999 to the Implementation Date, less eligible deductions and expenses, which sum is subject to adjustment to take into account the results of the Exit Audit and a final reconciliation. The Attorney General shall request the delivery of such fine revenue as expeditiously as possible.
- 4.4 If the Municipal Partner or a Serviced Municipality is charged, convicted and fined under the POA, the Municipal Partner shall forthwith disclose the fine to the Attorney General and shall forthwith pay the fine to the Minister of Finance.
- 4.5 The Attorney General shall submit to the Municipal Partner, in a timely manner, invoices for services rendered in accordance with clause 165 (5)(c) of the POA.
- 4.6 Adjudication expenditures shall be paid by the Municipal Partner at the rate of \$160.00 per hour (which calculation is based on the total cost of providing adjudication) multiplied by the number of scheduled court hours spent on POA matters, as recorded on the ICON system. The parties acknowledge that the hourly rate for adjudication is subject to any increase in costs paid by the Attorney General for the provision of adjudication, on a cost recovery basis.
- 4.7 Part III prosecution expenditures incurred by the Ministry of the Attorney General, shall be paid by the Municipal Partner at the rate of \$90.00 per court hour (which calculation is based on the total cost for providing such services).
- 4.8 The Attorney General shall recover from the Municipal Partner, on a cost recovery basis relating only to the Court Service Area covered by this LSA, all ICON expenditures for POA transaction charges and programming requirements and all expenditures for postage and distribution of fine notices related to POA matters.
- 4.9 The parties acknowledge that the Attorney General is entitled, pursuant to clause 165 (5)(c) of the POA, and in accordance with the terms and conditions of the Transfer Agreement, to recover costs incurred in monitoring and enforcing the performance of the Transfer Agreement, but as of the Effective Date, these costs have yet to be ascertained.
- 4.10 The rates for recoverable adjudication, prosecution and monitoring expenditures shall be subject to annual review by the Attorney General and may be adjusted at the sole discretion of the Attorney General, on a cost recovery basis.

- 4.11 The Attorney General shall transfer to the Municipal Partner, on the Implementation Date, all outstanding accounts receivable for the Court Service Area covered by this LSA to the Implementation Date. The accounts receivable up to October 31, 1999 are estimated at \$26,618,117.63 and are subject to any necessary adjustments. The amount of the accounts November 1, 1999 to the Implementation Date will be provided to the Municipal Partner after the Implementation Date.
- 4.12 Notwithstanding paragraph 4.11 of this LSA, the parties acknowledge that the transfer of these accounts receivable is subject to paragraph 3.1 of Schedule 4 of the MOU.

## 5.0 RECORDS TRANSFER

- 5.1 The Attorney General shall provide the Municipal Partner, on the Implementation Date, with the following:
- (a) a list of all files and records to be transferred to the Municipal Partner, together with the actual files and records;
  - (b) a list of all 1998 charges with fines paid and a list of all 1999 charges with fines paid to the Implementation Date;
  - (c) a list of cases purged after January 1, 1998 to the Implementation Date, after the purge on ICON is complete;
  - (d) a list of charges with unpaid fines at Central Collection Services (CCS) as of the Implementation Date;
  - (e) a list of charges with a completion date 90 days prior to the Implementation Date that have been converted to the transfer court ID number; and
  - (f) a list of all charges with a future court date.
- 5.2 The Attorney General shall provide to the Municipal Partner all available manuals necessary for the proper administration of the courts, including the Municipal Manager's Manual, the Prosecutor Training Manual and the ICON Operations Manual.
- 5.3 The Attorney General shall provide to the Municipal Partner a list, current as of the Implementation Date, showing the names of court translators.

## 6.0 PART I PROSECUTIONS EXEMPT FROM TRANSFER

6.1 In accordance with paragraph 1.3.2 of the MOU, the prosecutions commenced under Part I of the POA conducted prior to the Implementation Date by a ministry, other than the Ministry of the Attorney General, or agency responsible for the offence creating statute, regulation or other enactment, shall continue to be conducted by the responsible ministry or agency, at its own expense.

## 7.0 CONTRACT PROSECUTORIAL EMPLOYEES

7.1 Pursuant to Schedule 1, paragraph 2.5.5 of the MOU, where prosecutorial services are contracted out, the Prosecutor shall not, personally or through any partner in the practice of law, act or be directly or indirectly involved as agent, counsel or solicitor for any person, in respect of any offence charged against the person under the laws in force in Ontario, within the court service area covered by this LSA.

7.2 Notwithstanding paragraph 7.1 of this LSA, where the prosecutorial services are contracted out and where the proceeding is being conducted as a bilingual proceeding, the bilingual prosecutor shall not address any matter for which he or she appears as agent, counsel or solicitor, on the same day that he or she appears as prosecutor.

## 8.0 TECHNOLOGY ARRANGEMENTS

8.1 The Municipal Partner shall bear the costs of acquiring and using the Government of Ontario network data telecommunication services required by the Municipal Partner to implement the transfer and more particularly to enable the Municipal Partner to access the ICON system. Such services shall be acquired by the Municipal Partner through the Attorney General and the costs for such services shall be a one-time installation charge and applicable monthly fees.

8.2 The Attorney General shall not be liable for any injury or damages, whether physical or economic, attributable to the installation or use by the Municipal Partner of any hardware or software used by the Municipal Partner in accordance with paragraph 8.1 above.

## 9.0 YEAR 2000 READINESS

9.1 For the purposes of paragraph 4.0 of Schedule 2 of the MOU, the Attorney General states that the ICON system has been converted to comply with the Ontario government's definition of Year 2000 readiness.

The Ontario government's definition of Year 2000 readiness contains the following requirements:

- no value of current date will cause any interruption in the operation of or change in the functionality of the system or any misrepresentation of the information;
- date-based processing must behave consistently for dates prior to, during and after the Year 2000;
- the century in any date must be specified explicitly or by unambiguous algorithms or reference rules; and
- Year 2000 is recognized as a leap year.

## **10.0 ASSET ARRANGEMENTS**

10.1 The assets listed below shall be transferred by the Attorney General to the Municipal partner, at no cost to the Municipal Partner, on the Implementation Date.

- 1 - 6 drawer file cabinet #13A
- 1 - 9 drawer file cabinet #13B
- forms shelf unit #72ATop and #72A Bottom

## **11.0 AUDIT**

11.1 The Exit Audit to be conducted on behalf of the Attorney General as required by the MOU, may not be completed as of the Effective Date. If incomplete, the Exit Audit shall be completed as expeditiously as possible and the Attorney General shall present the Municipal Partner with a copy of the audit report within one week of its receipt by the Attorney General.

## **12.0 AMENDMENTS TO THE LSA**

12.1 Either party may at any time make a written request to the other to amend the terms and conditions of the LSA.

12.2 Any request to amend the LSA shall set out the reason or reasons for the request and shall include any explanatory or supporting documents.

12.3 The recipient of the notice of a request to amend shall respond to the notice in writing within thirty (30) days.

12.4 Where the Attorney General and the Municipal Partner agree to amend the LSA, the amendment shall be made in writing and shall be incorporated into and form part of the Transfer Agreement.

12.5 Where the Attorney General and the Municipal Partner are unable to agree on the requested amendment, either party may invoke the dispute resolution provisions set out in paragraph 13.0 of the MOU.

13 TERMINATION OF THE LSA

13.2 The term of this agreement shall be concurrent with the term of the MOU and in the event that the MOU is terminated in accordance with the provisions of the MOU or is revoked in accordance with subsection 171(2) of the Act, this LSA shall immediately terminate.

IN WITNESS WHEREOF the parties hereto have executed this Local Side Agreement.

DATED AT \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)

{Corporate Seal}

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk

DATED AT \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,  
as represented by the Attorney General

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Attorney General

**SCHEDULE 1  
 HAMILTON  
 NET REVENUE CALCULATION  
 (To be confirmed by Exit Audit)**

Gross POA Revenue (January 1, 1998 to December 31, 1998)	<b>\$ 5,589,944</b>
---	---------------------

**Deductions:**

Victim Fine Surcharge	(746,678)
Dedicated Fines	<u>(1,125)</u>
Subtotal	(747,803)

Gross Revenue – net of deductions	<b>4,842,141</b>
-----------------------------------	------------------

**Expenses:**

Prosecutions under Part 1 Adjudication and Part 3	(67,721)
Prosecutions	(305,774)
Administration	(408,338)
Facilities	<u>(28,319)</u>
	(810,152)

Net Revenue	<b>4,031,989</b>
-------------	------------------

Less: Advances	<b>2,593,600</b>
----------------	------------------

Total Owing	<b><u>1,438,389</u></b>
-------------	-------------------------

PROVINCIAL OFFENCES ACT

INTERMUNICIPAL SERVICE AGREEMENT

THIS AGREEMENT DATED this 6<sup>TH</sup> day of DECEMBER, 1999

B E T W E E N:

**THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH**

(Hereinafter referred to as the "Region")

-and-

**THE CORPORATION OF THE TOWN OF ANCASTER**

(Hereinafter referred to as "the Serviced Municipality")

**WHEREAS** the Province of Ontario requires an Intermunicipal Service Agreement to be made as a condition for the transfer to a Municipal Partner of service delivery for all Court administration and court support functions under the Provincial Offences Act and the prosecution of matters commenced under Parts I and II of the Act;

**AND WHEREAS** the parties have agreed to The Regional Municipality of Hamilton-Wentworth being the Municipal Partner to effect a transfer of court administration and prosecution responsibilities as set out in the Streamlining of Administration of Provincial Offences Act, 1998; for the Hamilton Court Service Area;

**AND WHEREAS** the Serviced Municipality acknowledge and agree that the Region will be responsible for the obligations set out in a Memorandum of Understanding and a Local Side Agreement to be entered into with the Province of Ontario, to provide the functions set out in such agreements within the said court service area;

**NOW THEREFORE** the parties to this Agreement agree as follows:

1. The Region shall assume and undertake the responsibilities under the Provincial Offences Act, which the Province of Ontario is prepared to transfer to a Municipal Partner.
2. The Region shall use its best efforts to obtain a transfer of the said responsibilities as soon as reasonably possible.



3. All revenues for fines or otherwise, except amounts payable to the Serviced Municipality under section 165(7) of the Streamlining of Administration of Provincial Offences Act, 1998, S.O. 1998, c. 4, shall be paid to the Region.
4. All expenses of providing the said responsibilities shall be paid for by the Region in accordance with the agreements entered into with the Province of Ontario.
5. All revenues in excess of the expenses of providing such responsibilities shall be credited to the Region's General Revenue Fund.
6. This Agreement shall come into force and effect on February 7<sup>th</sup>, 2000
7. The parties shall meet at least once in each calendar year to review the management and performance of responsibilities under this Agreement and to determine if there is need for modification or amendment with respect to the responsibilities under this Agreement.
8. Dispute Resolution
  - (a) In the event of any disagreement or dispute between the Region and one or more of the Serviced Municipality concerning the interpretation or application of this Agreement, the parties shall use the services of a mediator to facilitate resolution of disagreement or dispute.
  - (b) The parties shall jointly select the mediator and the cost of the mediator's services shall be shared equally by all the parties who are involved in the disagreement or dispute.
  - (c) In the event the parties are unable to resolve a disagreement or dispute through mediation, such matter will be submitted to arbitration.
  - (d) The provisions of the Arbitration Act, R.S.O. 1990, c. A. 24, as amended, shall apply.
  - (e) No person shall be appointed to act as arbitrator who has a pecuniary interest in or business relationship with the Region or any of the Serviced Municipality.
  - (f) The costs of the arbitration shall be shared equally by the parties who are involved in the disagreement or dispute, but each party shall be responsible for the costs of its own advisors and experts if any.

9. The term of this Agreement shall be concurrent with the Memorandum of Understanding between the Region and the Province of Ontario, in the event the said Memorandum is terminated, or shall cease to be in force and effect, this Agreement shall be deemed to be terminated.
10. In the event of a breach of any term or condition of this Agreement, by the Region, a Serviced Municipality may terminate this Agreement upon giving six months written notice to the Region.
11. This Agreement may be amended at any time with the consent of all parties.
12. Where a document is to be served, the service shall be made on the Region or a Serviced Municipality, by leaving a copy of the document with the Clerk or by facsimile transmission at the address or telephone number set out below. A transmission completed after 4:30 p.m. shall be deemed to have been delivered on the next business day.

**IN WITNESS WHEREOF** the parties hereto have signed and sealed this Agreement with their proper signing officers.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

A | Chairman

Clerk

THE CORPORATION OF THE TOWN OF ANCASTER

Mayor

Clerk

NOV 24/1999  
5-99  
PS  
4 COW  
2000-012

PROVINCIAL OFFENCES ACT

INTERMUNICIPAL SERVICE AGREEMENT

THIS AGREEMENT DATED this 11<sup>th</sup> day of January, 2000, 1999

BETWEEN:

**THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH**

(Hereinafter referred to as the "Region")

-and-

**THE CORPORATION OF THE TOWN OF DUNDAS**

(Hereinafter referred to as "the Serviced Municipality")

**WHEREAS** the Province of Ontario requires an Intermunicipal Service Agreement to be made as a condition for the transfer to a Municipal Partner of service delivery for all Court administration and court support functions under the Provincial Offences Act and the prosecution of matters commenced under Parts I and II of the Act;

**AND WHEREAS** the parties have agreed to The Regional Municipality of Hamilton-Wentworth being the Municipal Partner to effect a transfer of court administration and prosecution responsibilities as set out in the Streamlining of Administration of Provincial Offences Act, 1998; for the Hamilton Court Service Area;

**AND WHEREAS** the Serviced Municipality acknowledge and agree that the Region will be responsible for the obligations set out in a Memorandum of Understanding and a Local Side Agreement to be entered into with the Province of Ontario, to provide the functions set out in such agreements within the said court service area;

**NOW THEREFORE** the parties to this Agreement agree as follows:

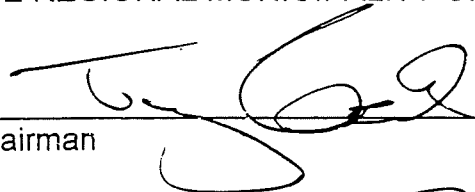
1. The Region shall assume and undertake the responsibilities under the Provincial Offences Act, which the Province of Ontario is prepared to transfer to a Municipal Partner.
2. The Region shall use its best efforts to obtain a transfer of the said responsibilities as soon as reasonably possible.


3. All revenues for fines or otherwise, except amounts payable to the Serviced Municipality under section 165(7) of the Streamlining of Administration of Provincial Offences Act, 1998, S.O. 1998, c. 4, shall be paid to the Region.
4. All expenses of providing the said responsibilities shall be paid for by the Region in accordance with the agreements entered into with the Province of Ontario.
5. All revenues in excess of the expenses of providing such responsibilities shall be credited to the Region's General Revenue Fund.
6. This Agreement shall come into force and effect on February 7<sup>th</sup>, 2000
7. The parties shall meet at least once in each calendar year to review the management and performance of responsibilities under this Agreement and to determine if there is need for modification or amendment with respect to the responsibilities under this Agreement.
8. Dispute Resolution
  - (a) In the event of any disagreement or dispute between the Region and one or more of the Serviced Municipality concerning the interpretation or application of this Agreement, the parties shall use the services of a mediator to facilitate resolution of disagreement or dispute.
  - (b) The parties shall jointly select the mediator and the cost of the mediator's services shall be shared equally by all the parties who are involved in the disagreement or dispute.
  - (c) In the event the parties are unable to resolve a disagreement or dispute through mediation, such matter will be submitted to arbitration.
  - (d) The provisions of the Arbitration Act, R.S.O. 1990, c. A. 24, as amended, shall apply.
  - (e) No person shall be appointed to act as arbitrator who has a pecuniary interest in or business relationship with the Region or any of the Serviced Municipality.
  - (f) The costs of the arbitration shall be shared equally by the parties who are involved in the disagreement or dispute, but each party shall be responsible for the costs of its own advisors and experts if any.

- 9. The term of this Agreement shall be concurrent with the Memorandum of Understanding between the Region and the Province of Ontario, in the event the said Memorandum is terminated, or shall cease to be in force and effect, this Agreement shall be deemed to be terminated.
- 10. In the event of a breach of any term or condition of this Agreement, by the Region, a Serviced Municipality may terminate this Agreement upon giving six months written notice to the Region.
- 11. This Agreement may be amended at any time with the consent of all parties.
- 12. Where a document is to be served, the service shall be made on the Region or a Serviced Municipality, by leaving a copy of the document with the Clerk or by facsimile transmission at the address or telephone number set out below. A transmission completed after 4:30 p.m. shall be deemed to have been delivered on the next business day.

**IN WITNESS WHEREOF** the parties hereto have signed and sealed this Agreement with their proper signing officers.

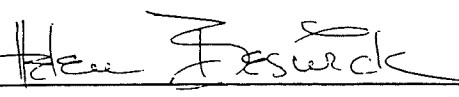
THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH


  
 \_\_\_\_\_  
 Chairman

  
 \_\_\_\_\_  
 Clerk

NOV 24/99  
 REPORT 5-99 COW #4  
 p.3 2000-05

THE CORPORATION OF THE TOWN OF DUNDAS

*Acting*   
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Clerk

## COMPLAINTS FROM PUBLIC

### Administration Complaints

All complaints relating to courts administration and support (i.e., court scheduling, document processing, fine payment, etc.) will be directed to the Court Administrator. The Court Administrator will review the complaint in the context of the parameters of service delivery and make a decision as to the appropriate action to be taken to resolve the complaint.

If the issue cannot be resolved through informal discussions, and the complainant wishes to initiate a formal complaint, the complainant will be required to put the complaint, in writing, and direct it to the Municipal Clerk.

On receipt of the written complaint, the Municipal Clerk or his or her designate, will arrange to meet with the relevant employee(s). At the end of the meeting, the Municipal Clerk will make notes of the meeting, will make a copy of the notes, will review the notes with the employee(s), and both the Municipal Clerk or designate and the employee will sign the notes. Each person shall retain a copy.

The Municipal Clerk or designate will investigate the complaint, including any necessary consultation with the complainant, other employees and any witnesses. Where appropriate, the General Manager or designate of Human Resources will be consulted, and will provide advice and assistance. The Municipal Clerk or designate will provide the complainant with a written response within fifteen days from receipt of the complaint, or in such further time period as may be agreed with the complainant.

If the complaint cannot be resolved and the complainant wishes to pursue the complaint, the complainant will be required to submit a written request to the General Manager of Corporate Services that a further review is requested. The General Manager of Corporate Services shall investigate the complaint and shall provide a response to the complainant within ten days from receipt of the complainant's request for a review. The decision of the General Manager of Corporate Services will be the final step in the process.

Any resolution that impacts on Regional human resource, purchasing or facilities management policy or procedures will be reported and implemented through the Region's administrative framework.

### Prosecutorial Complaints

All complaints relating to prosecutorial matters will be forwarded to the Director of Legal Services. Where the complaint involves the conduct of a prosecutor employed by the Region, the Director of Legal Services will take such steps as are necessary to substantiate the claims being made. Where a complaint has

been substantiated and does not involve the proper exercise of prosecutorial discretion, the Director of Legal Services will review the complaint for the appropriate action, which may involve the removal of a prosecutor from prosecuting one or more matters.

If the issue cannot be resolved through informal discussion, and the complainant wishes to initiate a formal complaint, the complainant will be required to put the complaint, in writing, and direct it to the Director of Legal Services. The Director of Legal Services will review the complaint and shall provide a response to the complainant within fifteen days from receipt of the complainant's request for a review.

If the complaint cannot be resolved and the complainant wishes to pursue the complaint, the complainant will be required to submit a written request to the General Manager of Corporate Services that a further review is requested. The General Manager of Corporate Services shall investigate the complaint and shall provide a response to the complainant within ten days from receipt of the complainant's request for a review. The decision of the General Manager of Corporate Services will be the final step in the process.

BN/cj  
July 23/99

PROVINCIAL OFFENCES ACT

INTERMUNICIPAL SERVICE AGREEMENT

THIS AGREEMENT DATED this 7<sup>th</sup> day of January, 2000, 1999

BETWEEN:

**THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH**

(Hereinafter referred to as the "Region")

-and-

**THE CORPORATION OF THE TOWN OF FLAMBOROUGH**

(Hereinafter referred to as "the Serviced Municipality")

**WHEREAS** the Province of Ontario requires an Intermunicipal Service Agreement to be made as a condition for the transfer to a Municipal Partner of service delivery for all Court administration and court support functions under the Provincial Offences Act and the prosecution of matters commenced under Parts I and II of the Act;

**AND WHEREAS** the parties have agreed to The Regional Municipality of Hamilton-Wentworth being the Municipal Partner to effect a transfer of court administration and prosecution responsibilities as set out in the Streamlining of Administration of Provincial Offences Act, 1998; for the Hamilton Court Service Area;

**AND WHEREAS** the Serviced Municipality acknowledge and agree that the Region will be responsible for the obligations set out in a Memorandum of Understanding and a Local Side Agreement to be entered into with the Province of Ontario, to provide the functions set out in such agreements within the said court service area;

**NOW THEREFORE** the parties to this Agreement agree as follows:

1. The Region shall assume and undertake the responsibilities under the Provincial Offences Act, which the Province of Ontario is prepared to transfer to a Municipal Partner.
2. The Region shall use its best efforts to obtain a transfer of the said responsibilities as soon as reasonably possible.

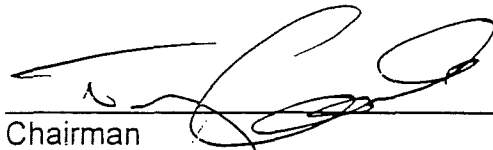


3. All revenues for fines or otherwise, except amounts payable to the Serviced Municipality under section 165(7) of the Streamlining of Administration of Provincial Offences Act, 1998, S.O. 1998, c. 4, shall be paid to the Region.
4. All expenses of providing the said responsibilities shall be paid for by the Region in accordance with the agreements entered into with the Province of Ontario.
5. All revenues in excess of the expenses of providing such responsibilities shall be credited to the Region's General Revenue Fund.
6. This Agreement shall come into force and effect on February 7<sup>th</sup>, 2000
7. The parties shall meet at least once in each calendar year to review the management and performance of responsibilities under this Agreement and to determine if there is need for modification or amendment with respect to the responsibilities under this Agreement.
8. Dispute Resolution
  - (a) In the event of any disagreement or dispute between the Region and one or more of the Serviced Municipality concerning the interpretation or application of this Agreement, the parties shall use the services of a mediator to facilitate resolution of disagreement or dispute.
  - (b) The parties shall jointly select the mediator and the cost of the mediator's services shall be shared equally by all the parties who are involved in the disagreement or dispute.
  - (c) In the event the parties are unable to resolve a disagreement or dispute through mediation, such matter will be submitted to arbitration.
  - (d) The provisions of the Arbitration Act, R.S.O. 1990, c. A. 24, as amended, shall apply.
  - (e) No person shall be appointed to act as arbitrator who has a pecuniary interest in or business relationship with the Region or any of the Serviced Municipality.
  - (f) The costs of the arbitration shall be shared equally by the parties who are involved in the disagreement or dispute, but each party shall be responsible for the costs of its own advisors and experts if any.

- 9. The term of this Agreement shall be concurrent with the Memorandum of Understanding between the Region and the Province of Ontario, in the event the said Memorandum is terminated, or shall cease to be in force and effect, this Agreement shall be deemed to be terminated.
- 10. In the event of a breach of any term or condition of this Agreement, by the Region, a Serviced Municipality may terminate this Agreement upon giving six months written notice to the Region.
- 11. This Agreement may be amended at any time with the consent of all parties.
- 12. Where a document is to be served, the service shall be made on the Region or a Serviced Municipality, by leaving a copy of the document with the Clerk or by facsimile transmission at the address or telephone number set out below. A transmission completed after 4:30 p.m. shall be deemed to have been delivered on the next business day.

**IN WITNESS WHEREOF** the parties hereto have signed and sealed this Agreement with their proper signing officers.

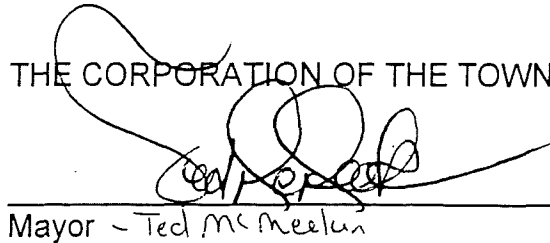
THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

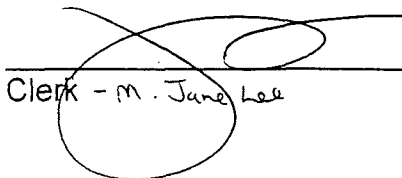
  
 \_\_\_\_\_  
 Chairman

  
 \_\_\_\_\_  
 Clerk

DATE Nov 24/99  
 FROM S-99-4CCW  
 p. 3 2000-03

THE CORPORATION OF THE TOWN OF FLAMBOROUGH

  
 \_\_\_\_\_  
 Mayor - Ted McMeelun

  
 \_\_\_\_\_  
 Clerk - M. June Lee

## COMPLAINTS FROM PUBLIC

### Administration Complaints

All complaints relating to courts administration and support (i.e., court scheduling, document processing, fine payment, etc.) will be directed to the Court Administrator. The Court Administrator will review the complaint in the context of the parameters of service delivery and make a decision as to the appropriate action to be taken to resolve the complaint.

If the issue cannot be resolved through informal discussions, and the complainant wishes to initiate a formal complaint, the complainant will be required to put the complaint, in writing, and direct it to the Municipal Clerk.

On receipt of the written complaint, the Municipal Clerk or his or her designate, will arrange to meet with the relevant employee(s). At the end of the meeting, the Municipal Clerk will make notes of the meeting, will make a copy of the notes, will review the notes with the employee(s), and both the Municipal Clerk or designate and the employee will sign the notes. Each person shall retain a copy.

The Municipal Clerk or designate will investigate the complaint, including any necessary consultation with the complainant, other employees and any witnesses. Where appropriate, the General Manager or designate of Human Resources will be consulted, and will provide advice and assistance. The Municipal Clerk or designate will provide the complainant with a written response within fifteen days from receipt of the complaint, or in such further time period as may be agreed with the complainant.

If the complaint cannot be resolved and the complainant wishes to pursue the complaint, the complainant will be required to submit a written request to the General Manager of Corporate Services that a further review is requested. The General Manager of Corporate Services shall investigate the complaint and shall provide a response to the complainant within ten days from receipt of the complainant's request for a review. The decision of the General Manager of Corporate Services will be the final step in the process.

Any resolution that impacts on Regional human resource, purchasing or facilities management policy or procedures will be reported and implemented through the Region's administrative framework.

### Prosecutorial Complaints

All complaints relating to prosecutorial matters will be forwarded to the Director of Legal Services. Where the complaint involves the conduct of a prosecutor employed by the Region, the Director of Legal Services will take such steps as are necessary to substantiate the claims being made. Where a complaint has

been substantiated and does not involve the proper exercise of prosecutorial discretion, the Director of Legal Services will review the complaint for the appropriate action, which may involve the removal of a prosecutor from prosecuting one or more matters.

If the issue cannot be resolved through informal discussion, and the complainant wishes to initiate a formal complaint, the complainant will be required to put the complaint, in writing, and direct it to the Director of Legal Services. The Director of Legal Services will review the complaint and shall provide a response to the complainant within fifteen days from receipt of the complainant's request for a review.

If the complaint cannot be resolved and the complainant wishes to pursue the complaint, the complainant will be required to submit a written request to the General Manager of Corporate Services that a further review is requested. The General Manager of Corporate Services shall investigate the complaint and shall provide a response to the complainant within ten days from receipt of the complainant's request for a review. The decision of the General Manager of Corporate Services will be the final step in the process.

BN/cj  
July 23/99

PROVINCIAL OFFENCES ACT

INTERMUNICIPAL SERVICE AGREEMENT

THIS AGREEMENT DATED this 11<sup>th</sup> day of January, 2000~~1999~~

BETWEEN:

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

(Hereinafter referred to as the "Region")

-and-

THE CORPORATION OF THE CITY OF HAMILTON

(Hereinafter referred to as "the Serviced Municipality")

**WHEREAS** the Province of Ontario requires an Intermunicipal Service Agreement to be made as a condition for the transfer to a Municipal Partner of service delivery for all Court administration and court support functions under the Provincial Offences Act and the prosecution of matters commenced under Parts I and II of the Act;

**AND WHEREAS** the parties have agreed to The Regional Municipality of Hamilton-Wentworth being the Municipal Partner to effect a transfer of court administration and prosecution responsibilities as set out in the Streamlining of Administration of Provincial Offences Act, 1998; for the Hamilton Court Service Area;

**AND WHEREAS** the Serviced Municipality acknowledge and agree that the Region will be responsible for the obligations set out in a Memorandum of Understanding and a Local Side Agreement to be entered into with the Province of Ontario, to provide the functions set out in such agreements within the said court service area;

**NOW THEREFORE** the parties to this Agreement agree as follows:


1. The Region shall assume and undertake the responsibilities under the Provincial Offences Act, which the Province of Ontario is prepared to transfer to a Municipal Partner.
2. The Region shall use its best efforts to obtain a transfer of the said responsibilities as soon as reasonably possible.

3. All revenues for fines or otherwise, except amounts payable to the Serviced Municipality under section 165(7) of the Streamlining of Administration of Provincial Offences Act, 1998, S.O. 1998, c. 4, shall be paid to the Region.
4. All expenses of providing the said responsibilities shall be paid for by the Region in accordance with the agreements entered into with the Province of Ontario.
5. All revenues in excess of the expenses of providing such responsibilities shall be credited to the Region's General Revenue Fund.
6. This Agreement shall come into force and effect on February 7<sup>th</sup>, 2000
7. The parties shall meet at least once in each calendar year to review the management and performance of responsibilities under this Agreement and to determine if there is need for modification or amendment with respect to the responsibilities under this Agreement.
8. Dispute Resolution
  - (a) In the event of any disagreement or dispute between the Region and one or more of the Serviced Municipality concerning the interpretation or application of this Agreement, the parties shall use the services of a mediator to facilitate resolution of disagreement or dispute.
  - (b) The parties shall jointly select the mediator and the cost of the mediator's services shall be shared equally by all the parties who are involved in the disagreement or dispute.
  - (c) In the event the parties are unable to resolve a disagreement or dispute through mediation, such matter will be submitted to arbitration.
  - (d) The provisions of the Arbitration Act, R.S.O. 1990, c. A. 24, as amended, shall apply.
  - (e) No person shall be appointed to act as arbitrator who has a pecuniary interest in or business relationship with the Region or any of the Serviced Municipality.
  - (f) The costs of the arbitration shall be shared equally by the parties who are involved in the disagreement or dispute, but each party shall be responsible for the costs of its own advisors and experts if any.

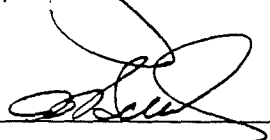
- 9. The term of this Agreement shall be concurrent with the Memorandum of Understanding between the Region and the Province of Ontario, in the event the said Memorandum is terminated, or shall cease to be in force and effect, this Agreement shall be deemed to be terminated.
- 10. In the event of a breach of any term or condition of this Agreement, by the Region, a Serviced Municipality may terminate this Agreement upon giving six months written notice to the Region.
- 11. This Agreement may be amended at any time with the consent of all parties.
- 12. Where a document is to be served, the service shall be made on the Region or a Serviced Municipality, by leaving a copy of the document with the Clerk or by facsimile transmission at the address or telephone number set out below. A transmission completed after 4:30 p.m. shall be deemed to have been delivered on the next business day.

**IN WITNESS WHEREOF** the parties hereto have signed and sealed this Agreement with their proper signing officers.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

  
\_\_\_\_\_

Chairman

  
\_\_\_\_\_


Clerk

RECEIVED BY CLERK  
 DATE: NOV 24/99  
 REPORT: 5-99 ITEM: 4COW  
 p3 YEAR/FILE: 2000-06

THE CORPORATION OF THE CITY OF HAMILTON

  
\_\_\_\_\_

Mayor

  
\_\_\_\_\_

Clerk

PROVINCIAL OFFENCES ACT

INTERMUNICIPAL SERVICE AGREEMENT

THIS AGREEMENT DATED this 16th day of November, 1999

BETWEEN:

**THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH**

(Hereinafter referred to as the "Region")

-and-

**THE CORPORATION OF THE TOWNSHIP OF GLANBROOK**

(Hereinafter referred to as "the Serviced Municipality")

**WHEREAS** the Province of Ontario requires an Intermunicipal Service Agreement to be made as a condition for the transfer to a Municipal Partner of service delivery for all Court administration and court support functions under the Provincial Offences Act and the prosecution of matters commenced under Parts I and II of the Act;

**AND WHEREAS** the parties have agreed to The Regional Municipality of Hamilton-Wentworth being the Municipal Partner to effect a transfer of court administration and prosecution responsibilities as set out in the Streamlining of Administration of Provincial Offences Act, 1998; for the Hamilton Court Service Area;

**AND WHEREAS** the Serviced Municipality acknowledge and agree that the Region will be responsible for the obligations set out in a Memorandum of Understanding and a Local Side Agreement to be entered into with the Province of Ontario, to provide the functions set out in such agreements within the said court service area;

**NOW THEREFORE** the parties to this Agreement agree as follows:

1. The Region shall assume and undertake the responsibilities under the Provincial Offences Act, which the Province of Ontario is prepared to transfer to a Municipal Partner.
2. The Region shall use its best efforts to obtain a transfer of the said responsibilities as soon as reasonably possible.



3. All revenues for fines or otherwise, except amounts payable to the Serviced Municipality under section 165(7) of the Streamlining of Administration of Provincial Offences Act, 1998, S.O. 1998, c. 4, shall be paid to the Region.
4. All expenses of providing the said responsibilities shall be paid for by the Region in accordance with the agreements entered into with the Province of Ontario.
5. All revenues in excess of the expenses of providing such responsibilities shall be credited to the Region's General Revenue Fund.
6. This Agreement shall come into force and effect on February 7<sup>th</sup>, 2000
7. The parties shall meet at least once in each calendar year to review the management and performance of responsibilities under this Agreement and to determine if there is need for modification or amendment with respect to the responsibilities under this Agreement.
8. Dispute Resolution
  - (a) In the event of any disagreement or dispute between the Region and one or more of the Serviced Municipality concerning the interpretation or application of this Agreement, the parties shall use the services of a mediator to facilitate resolution of disagreement or dispute.
  - (b) The parties shall jointly select the mediator and the cost of the mediator's services shall be shared equally by all the parties who are involved in the disagreement or dispute.
  - (c) In the event the parties are unable to resolve a disagreement or dispute through mediation, such matter will be submitted to arbitration.
  - (d) The provisions of the Arbitration Act, R.S.O. 1990, c. A. 24, as amended, shall apply.
  - (e) No person shall be appointed to act as arbitrator who has a pecuniary interest in or business relationship with the Region or any of the Serviced Municipality.
  - (f) The costs of the arbitration shall be shared equally by the parties who are involved in the disagreement or dispute, but each party shall be responsible for the costs of its own advisors and experts if any.

9. The term of this Agreement shall be concurrent with the Memorandum of Understanding between the Region and the Province of Ontario, in the event the said Memorandum is terminated, or shall cease to be in force and effect, this Agreement shall be deemed to be terminated.
10. In the event of a breach of any term or condition of this Agreement, by the Region, a Serviced Municipality may terminate this Agreement upon giving six months written notice to the Region.
11. This Agreement may be amended at any time with the consent of all parties.
12. Where a document is to be served, the service shall be made on the Region or a Serviced Municipality, by leaving a copy of the document with the Clerk or by facsimile transmission at the address or telephone number set out below. A transmission completed after 4:30 p.m. shall be deemed to have been delivered on the next business day.

**IN WITNESS WHEREOF** the parties hereto have signed and sealed this Agreement with their proper signing officers.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

  
\_\_\_\_\_

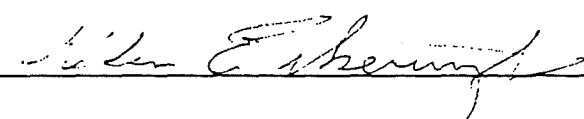
Chairman

  
\_\_\_\_\_

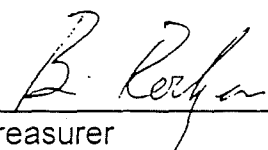
Clerk

Nov 24/99  
5-99 4.C.O.W  
P 99-248

THE CORPORATION OF THE TOWNSHIP OF GLANBROOK

  
\_\_\_\_\_

Mayor

  
\_\_\_\_\_

Clerk-Treasurer

PROVINCIAL OFFENCES ACT

INTERMUNICIPAL SERVICE AGREEMENT

THIS AGREEMENT DATED this 9<sup>th</sup> day of November, 1999

BETWEEN:

**THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH**

(Hereinafter referred to as the "Region")

-and-

**THE CORPORATION OF THE CITY OF STONEY CREEK**

(Hereinafter referred to as "the Serviced Municipality")

**WHEREAS** the Province of Ontario requires an Intermunicipal Service Agreement to be made as a condition for the transfer to a Municipal Partner of service delivery for all Court administration and court support functions under the Provincial Offences Act and the prosecution of matters commenced under Parts I and II of the Act;

**AND WHEREAS** the parties have agreed to The Regional Municipality of Hamilton-Wentworth being the Municipal Partner to effect a transfer of court administration and prosecution responsibilities as set out in the Streamlining of Administration of Provincial Offences Act, 1998; for the Hamilton Court Service Area;

**AND WHEREAS** the Serviced Municipality acknowledge and agree that the Region will be responsible for the obligations set out in a Memorandum of Understanding and a Local Side Agreement to be entered into with the Province of Ontario, to provide the functions set out in such agreements within the said court service area;

**NOW THEREFORE** the parties to this Agreement agree as follows:

1. The Region shall assume and undertake the responsibilities under the Provincial Offences Act, which the Province of Ontario is prepared to transfer to a Municipal Partner.
2. The Region shall use its best efforts to obtain a transfer of the said responsibilities as soon as reasonably possible.

3. All revenues for fines or otherwise, except amounts payable to the Serviced Municipality under section 165(7) of the Streamlining of Administration of Provincial Offences Act, 1998, S.O. 1998, c. 4, shall be paid to the Region.
4. All expenses of providing the said responsibilities shall be paid for by the Region in accordance with the agreements entered into with the Province of Ontario.
5. All revenues in excess of the expenses of providing such responsibilities shall be credited to the Region's General Revenue Fund.
6. This Agreement shall come into force and effect on February 7<sup>th</sup>, 2000
7. The parties shall meet at least once in each calendar year to review the management and performance of responsibilities under this Agreement and to determine if there is need for modification or amendment with respect to the responsibilities under this Agreement.
8. Dispute Resolution
  - (a) In the event of any disagreement or dispute between the Region and one or more of the Serviced Municipality concerning the interpretation or application of this Agreement, the parties shall use the services of a mediator to facilitate resolution of disagreement or dispute.
  - (b) The parties shall jointly select the mediator and the cost of the mediator's services shall be shared equally by all the parties who are involved in the disagreement or dispute.
  - (c) In the event the parties are unable to resolve a disagreement or dispute through mediation, such matter will be submitted to arbitration.
  - (d) The provisions of the Arbitration Act, R.S.O. 1990, c. A. 24, as amended, shall apply.
  - (e) No person shall be appointed to act as arbitrator who has a pecuniary interest in or business relationship with the Region or any of the Serviced Municipality.
  - (f) The costs of the arbitration shall be shared equally by the parties who are involved in the disagreement or dispute, but each party shall be responsible for the costs of its own advisors and experts if any.

- 9. The term of this Agreement shall be concurrent with the Memorandum of Understanding between the Region and the Province of Ontario, in the event the said Memorandum is terminated, or shall cease to be in force and effect, this Agreement shall be deemed to be terminated.
- 10. In the event of a breach of any term or condition of this Agreement, by the Region, a Serviced Municipality may terminate this Agreement upon giving six months written notice to the Region.
- 11. This Agreement may be amended at any time with the consent of all parties.
- 12. Where a document is to be served, the service shall be made on the Region or a Serviced Municipality, by leaving a copy of the document with the Clerk or by facsimile transmission at the address or telephone number set out below. A transmission completed after 4:30 p.m. shall be deemed to have been delivered on the next business day.

**IN WITNESS WHEREOF** the parties hereto have signed and sealed this Agreement with their proper signing officers.

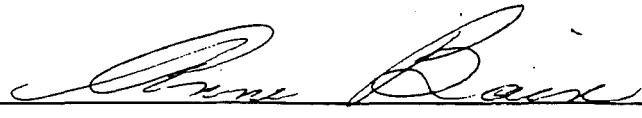
THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

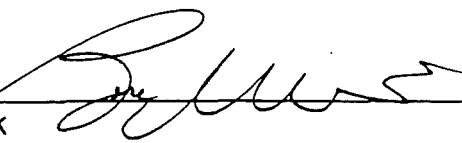
  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Clerk

NOV 24/99  
599 4COW  
3 99-247

THE CORPORATION OF THE CITY OF STONEY CREEK

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk