



City of Hamilton
EMERGENCY & COMMUNITY SERVICES COMMITTEE
AGENDA

Meeting #: 23-010
Date: August 17, 2023
Time: 1:30 p.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Loren Kolar, Legislative Coordinator (905) 546-2424 ext. 2604

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 July 13, 2023

5. COMMUNICATIONS

5.1 Correspondence from Kevin Gonci, Hamilton ParticipACTION Team, respecting the ParticipACTION Community Challenge

Recommendation: Be received

6. DELEGATION REQUESTS

6.1 Delegations respecting Renovictions, Tenant Displacement and Supports in the City of Hamilton

- a. Christine Neale, ACORN (In-Person)

6.2 Delegations respecting the state of emergency taking place within the emergency food system within Hamilton (for a future meeting)

7. DELEGATIONS

7.1 Delegations respecting the City of Hamilton's Advocacy Regarding Housing with Supports

- a. Jeff Neven, Indwell Community Homes (approved at the July 13, 2023 meeting) WITHDRAWN
- b. Graham Cubitt, Hamilton is Home (approved at the July 13, 2023 meeting)

8. STAFF PRESENTATIONS

8.1 REVISED Hamilton Tenant Support Program (HSC23023(b)) (City Wide)

8.2 REVISED Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide)

9. CONSENT ITEMS

9.1 Update on City's Advocacy Regarding Housing with Supports (HSC23054) (City Wide)

9.2 Hamilton Paramedic Service Resident Survey 2023 Findings (HSC23049) (City Wide)

9.3 Advisory Committee Minutes

- a. Seniors Advisory Committee Minutes - June 2, 2023
- b. LGBTQ Advisory Committee Notes - May 16, 2023
- c. LGBTQ Advisory Committee Notes - July 18, 2023

10. DISCUSSION ITEMS

10.1 Transfer of Taras Shevchenko Non-profit Housing Inc.'s Project at 194 Gage Avenue South (HSC23047) (Ward 3)

10.2 Service Manager Consent for Stoney Creek Community Homes Inc. to Encumber 110 Stoneybrook Drive (HSC23051) (Ward 10)

- 10.3 Procurement of All-Electric North American Style Fire Pumper for Trial (HSC23037)
(City Wide)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

- 14.1 Legal Advice Regarding Renoviction By-laws (LS23020(a)) (City Wide)

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

15. ADJOURNMENT



EMERGENCY & COMMUNITY SERVICES COMMITTEE MINUTES 23-009

1:30 p.m.

Thursday, July 13, 2023

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Clark (Chair), T. Jackson, C. Kroetsch, T. Hwang (Vice Chair), N. Nann, A. Wilson and M. Wilson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Youth Strategy Annual Update (CES15056(e)) (City Wide)

(A. Wilson/Nann)

That Report CES15056(e), respecting a Youth Strategy Annual Update, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES	- Clark, Brad	Ward 9
YES	- Hwang, Tammy	Ward 4
YES	- Kroetsch, Cameron	Ward 2
YES	- Jackson, Tom	Ward 6
YES	- Nann, Nrinder	Ward 3
YES	- Wilson, Alex	Ward 13
YES	- Wilson, Maureen	Ward 1

2. Delegated Authority for Service Manager Decisions (HCS23040) (City Wide) (Item 10.1)

(Hwang/Nann)

(a) That City Council, in its capacity as Service Manager under the Housing Services Act, 2011 (the Housing Service Act or the "Act") and pursuant to Section 17 of the Act, delegate to the General Manager of the Healthy and Safe Communities Department or designate, the authority to provide consent pursuant to section 161 of the Housing Services Act, 2011 for housing projects designated under the Housing Services Act to mortgage

or develop a designated housing project or the land when the following circumstances are met:

- (i) The encumbrance does not relate to additional debt for the project in question, with the exception of debt owed to the City of Hamilton through a loan or grant; and
 - (ii) For any proposed development of the property it does not temporarily or permanently reduce the overall number of units in the project.
- (b) That City Council, in its capacity as Service Manager under the Housing Services Act, 2011 (the Housing Services Act or the "Act") and pursuant to Section 17 of the Act, delegate to the General Manager of the Healthy and Safe Communities Department or designate, the authority to provide consent pursuant to section 162 of the Housing Services Act, 2011 for housing projects designated under the Housing Services Act to mortgage a designated housing project or the land when the mortgage does not relate to additional debt for the project in question, with the exception of debt owed to the City of Hamilton through a loan or grant.
- (c) That City Council, in its capacity as Service Manager under the Housing Services Act, 2011 (the Housing Services Act or the "Act") and pursuant to Section 17 of the Act, delegate to the General Manager of the Health and Safe Communities Department or designate, the authority to:
- (i) Determine rent for a unit under the Housing Services Act, 2011, pursuant to section 50 of the Housing Services Act or any other authority under the Housing Services Act.
 - (ii) Modify the targets for the number of rent geared to income units and modified units for Part VII Housing Services Act, 2011 housing projects, pursuant to section 77 of the Housing Services Act, so long as overall service level standard targets for the City of Hamilton are not negatively impacted by modification; and
 - (iii) Determine remedies for projects in difficulty, pursuant to sections 85 and 86 of the Housing Services Act, for Part VII housing projects under the Housing Services Act, 2011, so long as the remedies do not incur any additional cost to the City.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES	- Clark, Brad	Ward 9
YES	- Hwang, Tammy	Ward 4
YES	- Kroetsch, Cameron	Ward 2
YES	- Jackson, Tom	Ward 6
YES	- Nann, Nrinder	Ward 3
YES	- Wilson, Alex	Ward 13
YES	- Wilson, Maureen	Ward 1

3. Rosedale Tennis Club Inc. Loan Request (FCS23075/ HSC23039) (City Wide) (Item 10.2)**(Nann/Hwang)**

- (a) That the City of Hamilton increase the principal amount of the existing interest free loan to Rosedale Tennis Club Inc., originally approved pursuant to Item 34, Audit Finance and Administration Committee Report No. 13-011 and adopted by Council on December 11, 2013 in the amount of \$180,000 ("Original Principal"), by an amount not to exceed \$1,150,000 (the "Additional Principal") so that the total consolidated principal amount of the loan not exceed \$1,330,000 (the "Total Consolidated Principal") pursuant to the City's External Loan Guidelines on the following terms and conditions:
- (i) the outstanding balance owing on the Original Principal, being \$72,000 as at January 1, 2023 (the "Outstanding Original Principal") be consolidated with the Additional Principal (collectively the "Consolidated Outstanding Principal") and be repaid in annual payments pursuant to the repayment schedule attached as Appendix "A" to Report FCS23075 / HSC23039 so that the Consolidated Outstanding Principal be repaid in full within 15 years from the Additional Principal advance;
 - (ii) the Additional Principal bear no interest and be used only for the purposes of construction of a new dome and related infrastructure over four existing tennis courts at the property municipally known as 42 Lawrence Road, Hamilton;
 - (iii) the Loan Agreement dated January 31, 2014 between the City of Hamilton and Rosedale Tennis Club Inc. (the "Loan Agreement") be amended to reflect the Additional Principal and include the terms and conditions contained in Report FCS23075 / HSC23039;
 - (iv) the additional terms and conditions attached as Appendix "B" to Report FCS23075 / HSC23039;
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute an amendment to the Loan Agreement and an amendment to the General Security Agreement dated January 31, 2014 between the City of Hamilton and Rosedale Tennis Club Inc. (the "General Security Agreement") together with any ancillary documentation, in a form satisfactory to the City Solicitor and with content satisfactory to the General Manager, Finance and Corporate Services, to give effect to Recommendation (a) of Report FCS23075 / HSC23039; and
- (c) That a loan receivable from Rosedale Tennis Club Inc. on the City of Hamilton's balance sheet, be increased by an amount not to exceed \$1,150,000.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES	- Clark, Brad	Ward 9
YES	- Hwang, Tammy	Ward 4
YES	- Kroetsch, Cameron	Ward 2
YES	- Jackson, Tom	Ward 6
YES	- Nann, Nrinder	Ward 3
YES	- Wilson, Alex	Ward 13
YES	- Wilson, Maureen	Ward 1

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Graham Cubitt, Hamilton is Home respecting the Continued Commitment for Partnering with the City of Hamilton on Affordable Housing Options (for a future meeting)
- 6.2 Jeff Neven, Indwell Community Homes, respecting the Positive Impacts of Supportive Housing (for a future meeting)

13. GENERAL INFORMATION/OTHER BUSINESS

13.1 Amendments to the Outstanding Business List

- (a) The following Items to be referred to the Planning Committee were withdrawn, as the matters will be considered at the August 17, 2023 Emergency and Community Services Committee meeting:

23:K Renovictions Stakeholder Consultation (HSC23023)
(City Wide) (Part Two)

23:K Renovictions Stakeholder Consultation (HSC23023)
(City Wide) (Part Three)
ECS 23-005, April 20, 2023

(Nann/Jackson)

That the agenda for the July 13, 2023 Emergency and Community Services Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

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YES	-	Clark, Brad	Ward 9
ABSENT	-	Hwang, Tammy	Ward 4
YES	-	Kroetsch, Cameron	Ward 2
YES	-	Jackson, Tom	Ward 6
YES	-	Nann, Nrinder	Ward 3
YES	-	Wilson, Alex	Ward 13
YES	-	Wilson, Maureen	Ward 1

(b) DECLARATIONS OF INTEREST (Item 3)

There were no Declarations of Interest

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) June 15, 2023 (Item 4.1)

(Kroetsch/A. Wilson)

That the Minutes of the June 15, 2023 meeting of the Emergency and Community Services Committee, be approved, as presented.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES	-	Clark, Brad	Ward 9
ABSENT	-	Hwang, Tammy	Ward 4
YES	-	Kroetsch, Cameron	Ward 2
YES	-	Jackson, Tom	Ward 6
YES	-	Nann, Nrinder	Ward 3
YES	-	Wilson, Alex	Ward 13
YES	-	Wilson, Maureen	Ward 1

(d) DELEGATION REQUESTS (Item 6)

(Nann/M. Wilson)

That the following Delegation Requests be approved, for a future meeting:

- (i) Graham Cubitt, Hamilton is Home respecting the Continued Commitment for Partnering with the City of Hamilton on Affordable Housing (Added Item 6.1)
- (ii) Jeff Neven, Indwell Community Homes, respecting the Positive Impacts of Supportive Housing (Added Item 6.2)

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**July 13, 2023
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Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES	- Clark, Brad	Ward 9
ABSENT	- Hwang, Tammy	Ward 4
YES	- Kroetsch, Cameron	Ward 2
YES	- Jackson, Tom	Ward 6
YES	- Nann, Nrinder	Ward 3
YES	- Wilson, Alex	Ward 13
YES	- Wilson, Maureen	Ward 1

(e) CONSENT ITEMS (Item 9)

(i) Advisory Committee Minutes (Item 9.1)

(Jackson/A. Wilson)

That the following items, be received:

- (a) Seniors Advisory Committee - May 5, 2023
- (b) Hamilton Veteran's Committee Minutes - April 25, 2023
- (c) Hamilton Veteran's Committee Minutes - May 30, 2023

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES	- Clark, Brad	Ward 9
ABSENT	- Hwang, Tammy	Ward 4
YES	- Kroetsch, Cameron	Ward 2
YES	- Jackson, Tom	Ward 6
YES	- Nann, Nrinder	Ward 3
YES	- Wilson, Alex	Ward 13
YES	- Wilson, Maureen	Ward 1

(f) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – June 15, 2023 (Item 14.1)

(Hwang/A. Wilson)

That the Closed Session Minutes of June 15, 2023 be approved and remain confidential.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES	- Clark, Brad	Ward 9
YES	- Hwang, Tammy	Ward 4
YES	- Kroetsch, Cameron	Ward 2
YES	- Jackson, Tom	Ward 6

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YES - Nann, Nrinder Ward 3
YES - Wilson, Alex Ward 13
YES - Wilson, Maureen Ward 1

(g) ADJOURNMENT (Item 16)

(Hwang/Jackson)

That there being no further business, the Emergency and Community Services Committee be adjourned at 1:44 p.m.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Clark, Brad Ward 9
YES - Hwang, Tammy Ward 4
YES - Kroetsch, Cameron Ward 2
YES - Jackson, Tom Ward 6
YES - Nann, Nrinder Ward 3
YES - Wilson, Alex Ward 13
YES - Wilson, Maureen Ward 1

Respectfully submitted,

Councillor B. Clark
Chair, Emergency and Community Services
Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



August 7, 2023

ParticipACTION Community Challenge

ParticipACTION is a national non-profit organization, originally launched as a Canadian government program in the 1970s, to promote healthy living and physical fitness and currently delivers several programs, including the annual ParticipACTION Community Challenge.

We are pleased to report that the City of Hamilton placed 4th in the Province of Ontario behind Toronto, Ottawa and the eventual National Champion, North Grenville, Ontario and our sincere thanks to those organizations and groups (List 'A') who took the time to submit their group physical activity minutes which contributed to our high standing.

As a result of a \$50,000 Community Challenge Grant, our team was also in a position to support several area events (List 'B') involving equity deserving groups who received direct funding support in the way of event sponsorship and individual entry fee waivers and transportation assistance.

We would like to acknowledge the active support of over a dozen community volunteers who served as **ParticipACTION Ambassadors** and appeared throughout our community at various events to promote the Community Challenge and the ParticipACTION movement.

Finally, our sincerest thanks to members of Hamilton City Council for supporting our efforts during the 2023 ParticipACTION Community Challenge and in particular, Ward 7 Councillor Esther Pauls who served as our Honorary Head Coach along with Mayor Andrea Horwath and her staff who expressed an active interest in this initiative.

Kevin Gonci

Kevin Gonci
Hamilton ParticipACTION Team



List 'A'

Hamilton – Group Physical Activity Minutes

1. 91 Highlanders Athletic Association.
2. Athletiques International.
3. Catholic Youth Organization.
4. City of Hamilton.
5. Cycling Without Age.
6. École secondaire Georges-P.-Vanier.
7. Fit Active Beautiful Foundation.
8. Golden Horseshoe Cycling Hub.
9. Golden Horseshoe Track & Field Council.
10. Good Shepherd Steps to Health.
11. Halam Park Co-op.
12. Hamilton Bike Share Inc.
13. Hamilton Challenger Baseball Association.
14. Hamilton East Kiwanis Boys and Girls Club Inc.
15. Hamilton Gymnastic Academy.
16. Hamilton Olympic Club.
17. Hamilton Special Olympics.
18. Hamilton Sports Group.
19. Hamilton-Wentworth District School Board.
20. Monte Cristo Track Club.
21. Mount Hamilton Youth Soccer Club.
22. PACK Running Club.
23. Pickleball Hamilton.
24. Rising Stars Athletics & Education.
25. Stoney Creek Athletics.
26. Westdale Fencing Club.



List 'B'

Hamilton – ParticipACTION Community Events/Activities

1. Mark Graham Memorial Track & Field Meet.
2. Golden Horseshoe Track & Field Meet.
3. Golden Horseshoe Athletic Council – Track & Field Championships.
4. 91st Highlanders Elementary School Track & Field Meet.
5. Hamilton Accessible Sports Council/Challenger Baseball Event.
6. Hamilton Special Olympics Event.
7. Catholic Youth Organization – Elementary School Track & Field Championships.
8. Fit Active Beautiful 5km Race.
9. Hamilton-Wentworth District School Board – Secondary School Track & Field Championships.
10. Hamilton-Wentworth District School Board - Elementary School Track & Field Championships
11. Royal Canadian Legion (District B) Track & Field Championships.
12. City of Hamilton Linear Streets Event.
13. Soaring Spirit Powwow Festival.
14. Hamilton Cricket Association Match.

From: clerk@hamilton.ca
To: [Salamone, Salvatore](#); [Kolar, Loren](#)
Subject: FW: Webform submission from: Request to Speak to a Committee of Council
Date: Wednesday, August 9, 2023 8:34:44 AM

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services
City of Hamilton
magda.green@hamilton.ca

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

From: City of Hamilton <hello@hamilton.ca>
Sent: August 8, 2023 4:34 PM
To: clerk@hamilton.ca
Subject: Webform submission from: Request to Speak to a Committee of Council

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Submitted on Tue, 08/08/2023 - 16:33

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Emergency & Community Services 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

Christine Neale

ACORN

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Preferred Pronoun

she/her

Reason(s) for delegation request

Delegate at the August 17th E&CS committee on the renoviction, tenant defence fund and rentsafe report.

Will you be requesting funds from the City?

No

Will you be submitting a formal presentation?

No

The sender designated this message as non-commercial mandatory content with the following note:

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71 Main Street West
Hamilton, ON, L8P 4Y5
Canada



Hamilton Tenant Support Program (HSC23023(b)) (City Wide)

Emergency and Community Services Committee

August 17, 2023

Transition to New Program

- Continue existing Tenant Defense Fund
- Support tenants until new program is in place
- \$150 K from reserves

- Broader range of notices covered
- More comprehensive legal representation
- Capacity building for tenants
- Education and outreach for landlords and tenants
- Proactive identification of issues and solutions
- Increased capacity for City staff to support tenants

- Contracting with Hamilton Community Legal Clinic
- Expand notices covered to include N12's, N13's, T5's, T6's and Above Guideline Rent Increases
- Create a more streamlined process for tenants
- \$290 K

Tenant Capacity Building

- Help tenants understand their rights
- Support them to take action
- ACORN will organize and educate tenants
- Housing Help Centre will help tenants exercise their rights to return to units after renovations
- \$135 K

Education and Communication

- Review tenant information resources
- Develop comprehensive common information
- Direct information to tenants
- Create a grants process for community led initiatives
- \$100 K

Community Research Table

- Evaluate program
- Identify local trends
- Review solutions nationally and internationally
- Broad membership with a tenant focus
- \$25K

Increased Staff Capacity

- Support program and policy development
- Coordination of program elements
- Administration of agreements
- Increased enforcement
- 5 FTE Housing Services - \$647 K
- 1 FTE By-law Enforcement Officer - \$108 K plus expenses



Hamilton

THANK YOU



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	August 17, 2023
SUBJECT/REPORT NO:	REVISED Hamilton Tenant Support Program (HSC23023(b)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James O'Brien (905) 546-2424 Ext. 3728
SUBMITTED BY:	Michelle Baird, Director Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That Council approve transferring \$150 K from the Social Housing Transition Reserve #112244 to fund the current Tenant Defence Fund Project ID 6731841801 to provide immediate increased support to tenants for Landlord Tenant Board expenses through Housing Services Division staff current process of supporting tenants with finding adequate legal services;
- (b) That Council approve the creation of a Hamilton Tenant Support Program to be delivered in combination with community organizations and the Housing Services Division at an annualized cost of up to \$1.197 M be referred to the Housing Services Division's 2024 Tax Operating Budget, which is broken down as follows;
- (i) To fund the Hamilton Community Legal Clinic pursuant to Procurement Policy By-Law (20-205) Policy 11 in the amount of \$290 K to expand legal support for tenants through the Landlord Tenant Board to cover N12's, N13's, T5's, T6's, and Above Guideline Rent Increases;
- (ii) To fund designated agencies pursuant to Procurement Policy By-Law (2-205) Policy 11 for community capacity building up to \$135 K for the following staff positions:

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

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

SUBJECT: REVISED Hamilton Tenant Support Program (HSC23023(b)) (City Wide) - Page 2 of 12

- (1) Housing Help Centre Hamilton Property Rehab Tenant Liaison Coordinator up to \$80 K;
- (2) The Association of Community Organizations for Reform Now (ACORN) for 2 staff positions as follows:
 - 1 FTE Tenant Defence Fund Organizer and
 - 0.25 FTE for a Project Manager position up to \$55 K
- (iii) To fund up to \$100 K for promotional materials and advertisement campaigns to educate landlords and tenants on their rights and responsibilities, available community supports, and local legislation;
- (iv) To fund up to \$25 K for resourcing the Community Research Table to pay guest speakers and other items to inform future work;
- (v) To increase Housing Services Division 2024 budget complement by five (5) full-time permanent FTEs for the administration of the Hamilton Tenant Support Program Staff at an estimated cost of \$647,000, broken down as follows:
 - (1) Manager, Tenant Support Program, \$188,000;
 - (2) Project Manager, \$143,000;
 - (3) Two (2) Contract Analysts, \$236,000;
 - (4) Program Secretary, \$80,000;
- (c) That Council approve an increase to the Planning and Economic Development Department by \$116,900 to be referred to the 2024 Tax Operating budget to assist the Tenant Support Program through:
 - (i) An increase to the Planning and Economic Development Department 2024 budgeted complement by one (1) full-time, permanent FTE for a Municipal Law Enforcement Officer, at an annual cost of approximately \$108,000 for salary, benefits, and ancillary charges to respond to tenant concerns,
 - (ii) \$8,900 in annual vehicle maintenance costs such as insurance and gas, on condition that recommendation (d) is approved.
- (d) That Council approve the addition of 1 vehicle for use in the Planning and Economic Development Department at a cost of \$50 K to be referred to the 2024 Tax Capital Budget to assist the Tenant Support Program;

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SUBJECT: REVISED Hamilton Tenant Support Program (HSC23023(b)) (City Wide) - Page 3 of 12

- (e) That the General Manager, Healthy and Safe Communities Department, or their designate be authorized and directed to execute and administer all agreements with any ancillary documentation and amendments in a form satisfactory to the City Solicitor; and,
- (f) That item 21-A respecting the Tenant Defence Fund, be removed from the outstanding business item list.

EXECUTIVE SUMMARY

In April 2023, City staff brought forward Report HSC23023 – Renovictions Stakeholder Consultation to Emergency and Community Services Committee regarding enhancements to the existing Tenant Defence Fund to address the issue of renovictions. City Council directed staff to return to the August meeting of Emergency and Community Services with a more comprehensive program styled after the Toronto Tenant Defence Program along with expanded bylaw protections focused on preventing renovictions. This Housing Services Division report is provided in tandem with report PED23072 that addresses the City’s Property Standards and Vital Services Bylaws and creates a a new Renovation License and Relocation Listing Bylaw. Housing Services Division staff reviewed the Toronto program and looked at other Canadian and international jurisdictions. Based on this analysis, an expanded program called the Hamilton Tenant Support Program is recommended which will have four key program areas:

Tenant Defence Program

The proposed Tenant Defence Program represents a new model to provide legal assistance to tenants. Currently, Hamilton’s Tenant Defence Fund provides financial support to tenants who must find their own legal representation which can be a barrier to some tenants. This new comprehensive program will fund Hamilton Community Legal Clinic to increase its capacity to support tenants beyond their provincially-funded service levels. Expanding the Tenant Defence Program in both scope and funding will support approximately 200 tenant cases annually through the adjudication process. To date, the Tenant Defence Fund has supported four successful Above Guideline Increase applications representing approximately 400 units, and 68 renoviction cases with 22 resolved and the remaining are ongoing. This expanded program will support tenants through the Landlord Tenant Board tribunal process and will cover N-13 renovation or demolition displacement issues, N-12 eviction for personal use, Above Guideline Increases, and T-6’s which are tenant applications for maintenance on their units.

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SUBJECT: REVISED Hamilton Tenant Support Program (HSC23023(b)) (City Wide) - Page 4 of 12

Tenant Organization and Capacity Building

A new program that supports and expands the capacity of community organizations to create community-driven tenant support programs will ensure direct outreach to multi-unit residential buildings through ACORN and engagement of the Housing Help Centre to support tenants who are displaced through renovations but plan to move back into the unit upon completion of work. This direct approach will be supported by broader education campaigns focusing on the rights and responsibilities for tenants and landlords. The education work will be focused on creating new comprehensive materials and working to consolidate current tenant support information available in the community.

Tenant Education

With the goal of broader education and awareness for landlord and tenant rights and responsibilities and available supports, education materials will be created by the City of Hamilton and distributed through dedicated campaigns and the community capacity building work. The education and outreach work will be supported and guided by the input of a Community Research Table that will identify gaps in the support system for tenants, and also support additional efforts and campaigns that ensure that the direct voice of tenants and those with lived experience continue to have input on the Hamilton Tenant Support Program implementation.

Community Research Table

The Community Research Table will provide a vehicle for communication between the City of Hamilton, tenant advocacy organizations, tenant support service providers, and tenant support-related stakeholders. This table will be co-led by Housing Services Division staff and community partners and provide a vehicle that will allow The City of Hamilton and community to develop proposals for the creation of greater coordination and integration of tenant supports. This table will also plan and implement direct tenant engagement activities to ensure tenants can have input on future program changes. The Community Research table will also explore the need to track tenants who are receiving homecare and are also being subject to eviction notices. Eviction issues are not something currently being tracked through the homecare system and eviction of homecare recipients has not been identified as a systemic challenge.

This report is a companion report to PED23072. If the Hamilton Tenant Support Program is approved by Council it will generate a workload increase in Licensing and Bylaw Services which will be addressed by report PED23072. The work generated by this report will result in increased officer investigations and enforcement both proactively and reactively in rental units, and will require tracking and responding to tenant property

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SUBJECT: REVISED Hamilton Tenant Support Program (HSC23023(b)) (City Wide) - Page 5 of 12

standards complaints. These workload impacts can be absorbed by the staffing ask in Report PED23072 but if that report is not approved, Licensing and Bylaw Services will not have the appropriate staffing resources without approving recommendations (c) and (d).

Alternatives for Consideration – Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: To ensure support is provided to tenants in 2023 and 2024, Recommendation (a) is requesting that \$150,000 be transferred from the Social Housing Transition Reserve #112244 to the Tenant Defence Fund Project ID# 6731841801. Funds in this reserve are for one-time administrative costs. Housing Services is recommending these funds be used to support the legal costs incurred by tenants.

The proposed tenant support program, through recommendation (b) and (c), would require a levy budget enhancement in 2024 of approximately \$1.314 M which includes support for tenants' legal costs, promotional and education materials and the costs for 6 full-time permanent FTEs to deliver the program. The costs outlined in the recommendations are 2024 annualized costs to be referred to the 2024 Tax Operating Budget process. In addition to the annualized costs, there is a one-time vehicle purchase of \$50,000, to be referred to the 2024 Tax Capital Budget. Funding will be determined through Council deliberations of the 2024 Tax Capital Budget

Staffing: Administration of the Hamilton Tenant Support Program will require an increase of five (5) full-time permanent FTEs in Housing Services Division 2024 budgeted complement and increase of one (1) FTE in the Planning and Economic Development Division 2024 budgeted complement for a 2024 cost of \$755,000

- 1.00 FTE Manager \$188,000
- 1.00 FTE Project Manager \$143,000
- 2.00 FTE Contract Analysts \$236,000
- 1.00 FTE Program Secretary \$80,000
- 1.00 FTE Municipal Law Enforcement Officer \$108,000;

In addition, 2.25 FTEs in community positions will be funded to third parties to support the delivery of the program at a total annual cost of \$135 K

- 1.00 FTE (Housing Help Centre) Property Rehab Tenant Liaison Coordinator \$80,000
- 1.00 FTE ACORN Tenant Defence Fund Organizer, and 0.25 FTE of a project manager for a combined cost of up to \$55,000

SUBJECT: REVISED Hamilton Tenant Support Program (HSC23023(b)) (City Wide) - Page 6 of 12

Legal: Legal support will be required to draft and execute all relevant agreements.

HISTORICAL BACKGROUND

In April 2023, Report HSC230233 – Renovictions Stakeholder Consultation went to the Emergency and Community Services Committee. This report included a \$50,000 enhancement to the existing Tenant Defence Fund to continue the program. The previous funding of \$50,000 for the pilot project was exhausted. City Council approved the additional funding and directed City Staff to report back to the August meeting of the Emergency and Community Services Committee with a report on the following:

- (c) That staff be directed to report back on the expansion of the Tenant Defence Fund program scope and flexibility to allow the City to support eligible tenants to preserve affordable rental housing in the private market, through the following components:
 - (i) Increase the annual overall fund amount;
 - (ii) Streamline access to professional services
 - (iii) Tenant information services;
 - (iv) Tenant organizing and capacity building; and
 - (v) Research and policy development

- (g) That staff be requested to assess the feasibility of coordinating with health care partners to track tenants who are receiving homecare are also being subject to eviction notices.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

This review keeps in mind that the *Residential Tenancies Act, 2006* limits the City's authority in terms of landlord and tenant disputes. The *Residential Tenancies Act* gives residential landlords and tenants rights and responsibilities and sets out a process for enforcing them.

RELEVANT CONSULTATION

Housing Services Division staff consulted with staff from Municipal Licensing and Enforcement as they prepared their companion report in response to Council direction related to renoviction related bylaws. Additionally, Legal Services was included in these broader discussions about the Hamilton Tenant Support Program and the related bylaws.

SUBJECT: REVISED Hamilton Tenant Support Program (HSC23023(b)) (City Wide) - Page 7 of 12

ACORN and the Housing Help Centre were engaged in the development of the tenant organization, community capacity building, and education and outreach elements of the Hamilton Tenant Support Program. Discussions with the Hamilton Community Legal Clinic informed the resource ask for the tenant defence fund enhancement.

Director, Patient Services Home and Community Care support services of Hamilton Niagara Haldimand Brant was consulted around Home Care eviction issues.

Additionally, this report was informed by delegation at the April 20, 2023 Emergency and Community Services meeting and material provided by the delegates, as well as the Enterprise Canada Consultant report received prior to the April 2023 Emergency and Community Services meeting. Particular focus was on feedback received from individuals with lived experience who delegated to Emergency and Community Services Committee in the development of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton is experiencing an affordable housing crisis with average market rents having far outpaced inflation over the last number of years. This has created a significant impact on long term tenants whose annual rental increase will be below the market increase in Hamilton, creating an economic incentive for landlords to displace tenants. In addition, Hamilton has an aging physical housing infrastructure creating a significant challenge to ensure safe adequate and suitable housing for the approximately 72,000 rental households Hamilton. The Hamilton Tenant Support Program is focused on allowing urban renewal to occur while maintaining an environment that does not displace tenants for profits.

Hamilton has approximately 40,000 rental units in the form of single detached, townhouse/row housing, or duplex situations. These 40,000 units are difficult to connect with as they are dispersed throughout the City and come in various forms including through secondary dwelling units and are integrated into neighbourhoods across Hamilton. These units are also the units most easily lost to the rental market through the private sale of the landlord to a new owner who could utilize these forms of housing for personal use.

Hamilton's existing Tenant Defence Fund supports tenants with financial support to find legal services to defend against renovations, above guideline rent increases, and recently added N-12's which are for evictions related to the personal use of the landlord. In its current format, tenants apply for funding through Housing Services. Once their application is approved, the tenant(s) must find legal representation and submit a quote for approval. Once the legal process has reached its conclusion, the legal representative's invoice is paid. This program was originally created in March 2019 and

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expanded in spring 2021 through report HSC19011(a) to cover renovictions, and in April 2023 through Report HSC23023 to cover N-12s. It should be noted that many other Hamilton organizations provide various forms of tenant support but are not funded by the City of Hamilton.

The Toronto Tenant Support Program was created in April 2022 as an expansion of their Tenant Defence Fund program that was similar to the current program in Hamilton. The newly created Toronto program focused on four program areas: legal support for tenants through existing adjudication bodies, supporting tenant groups in building organizational capacity, increased education on rights and responsibilities, and a community research granting process. In addition to the Toronto program, other tenant support programs from other jurisdictions were reviewed. Examples of supports include a tenant support portal from New York City, in Montreal an online community rent registry that allows tenants to post their rent so future renters can know what they paid for the unit, and a community run 24/7 inquiry line for tenants.

The recommendations are based on review of the current organization of tenant supports in Hamilton, learnings from Toronto's development of their program and consultation with a tenant advocate, who provided consultation and whose services were secured through the City of Hamilton's relationship with the Canadian Housing Evidence Collaborative. It was determined that an expansion of Hamilton's existing services should first focus on expanding the legal support for tenants for applications to the Landlord Tenant Board, increasing community organizational capacity for tenant groups, and developing a comprehensive educational campaign to support tenants. Establishing a new Community Research Table would then provide a place to continue to review our efforts, consider other ideas and initiatives and prioritize how to implement future enhancements to programs and supports.

The newly-created Hamilton Tenant Support Program will support tenants in four ways:

- Resourcing the Hamilton Community Legal Clinic to support tenants through the adjudication process of the Landlord and Tenant Board. The current program covers Above Guideline Increases, N-13 renovation or demolition displacement issues and was expanded in April 2023 to include N-12 eviction for personal use and future expansion will cover T5's which are tenant applications about bad faith evictions and T6's which are applications for tenant maintenance. Tenant organization work will provide direct outreach to multi-unit residential buildings through The Association. The Housing Help Centre will be a resource for tenants who are displaced through renovations but plan to move back into the unit upon completion of work.

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- Education campaigns on rights and responsibilities of the landlord and tenants. This includes the development of materials and the review of current supports throughout the community.
- Creating a community research table that will include tenants' voices on identifying gaps in the system for tenant supports.

The Hamilton Tenant Support Program will resource the Hamilton Community Legal Clinic for a staff lawyer and staff paralegal to support tenants through the Landlord Tenant Board tribunal process. This builds on the current Tenant Defence Fund that the City of Hamilton has operated for the past three years and provides a significant increase to resourcing with the expectation of the Hamilton Community Legal Clinic to support approximately 200 files per year. An initial allocation of \$50,000 has supported the Tenant Defence Fund since 2020 for nearly 3 years of operation, but due to high number of applications, these funds were exhausted in 2023 by April. Similarly, the recent enhancement of \$50,000 in April 2023 has been exhausted at the time of writing this report. Increased resourcing of this work will ensure tenants are provided the opportunity to adequately exercise their rights through the established legal process by the province of Ontario. As seen by the current Tenant Defence Fund this support for tenants significantly increases their chances of maintaining their affordable housing. To date the tenant defence fund has been extremely successful supporting tenants to fight above guideline increase applications and renovictions. Expansion of the program to include T6 and N-12 will now ensure coverage for tenant maintenance applications and evictions for personal use. This expansion is expected to significantly increase the volume of applicants and will require increased staffing for Hamilton Legal Aid Clinic who will take this work on as part of the City program.

Through engagement and delegations, we heard the importance of providing tenant rights education and creating supports for tenants to exercise their rights. The community organization and community capacity building item includes the direct funding of The Association for one staff position whose role will be proactive community outreach and engagement with a focus on buildings at risk for renovictions, demovictions, and Above Guideline Increases. This role will include direct outreach through door knocking, sharing housing rights literature as well as direct tenant support with organizing tenant meetings and liaising with paralegal support. The Association is the main tenant support organization currently operating in Hamilton and is already established in this work. The Association is the only established group in Hamilton with the current capacity and experience in this work.

The new Hamilton Tenant Support Program will include a staff position with the Hamilton Housing Help Centre whose role will focus on education and helping keep tenants informed of their rights related to N13 evictions. The staff person will also work with landlords to make sure they understand the scope of their responsibilities and

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requirements before issuing N13s, including the existing protections against renoventions found under section 53.3 of the *Residential Tenancies Act, 2006*. A website specifically related to increasing awareness of tenant rights and landlord responsibilities around N13 evictions will be created as part of this project. This site will be linked through the Housing Help Centre's existing site and provide clear information related to renoventions. The Housing Help has an established history working with Hamilton landlords and tenants to mediate disputes, increase housing stock, find alternative housing and prevent eviction. Historically delivered through the Landlord Engagement program, this program has been consistently successful and become an integral element of Housing Help Centre service delivery model and this unique role will engage landlords about their responsibilities and support tenants with exercising their rights.

To support community capacity building it is important that the Tenant Support Program has significant resource for the development of education materials and educational outreach. These materials will include information about the various tenant support programs available in Hamilton, the rights of the tenant should they be issued any notices from the Landlord Tenant Board, and the general responsibilities of the landlord. Creating these documents will aid our partners already engaged in the community and these materials will be used to create targeted educational outreach to tenants as well as connect with 40,000 single detached, townhouse/row house, duplex rental units that are less obvious and harder to connect with.

The last piece of the Hamilton Tenant Support Program will establish a Community Research Table that will gather community input and identify gaps in the system and how they could be addressed in future years based on the current resource of the program. The Community Research Table will also coordinate events to engage tenants on a wide scale so to ensure that individual tenants are also having their voices heard and not just tenant organizations who are represented at this table. Co-led by Housing Services Division Project Manager included in the staffing request for this report, and community partners, and with representation of tenant organizations, and individual tenants, this cooperative outreach process will ensure that tenants from all building forms are actively engaged throughout the process of discussion of how best to help serve and support tenants throughout the housing continuum.

The Hamilton Tenant Support program will increase the amount of resources focused on outreach and education for tenants. As an outcome of increasing the community organizational resources in ACORN and the Hamilton Housing Help Centre it is expect that there will be significant work generated for the Licensing and Bylaw Services division of the City. As more tenants are engaged and understand their rights it is expected that it will result in increased requests for officer investigations and the need to respond to tenant property standards. In order to support tenants and create a healthy housing continuum it is important that if the companion report PED23072 is not also

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approved that recommendation (c) and (d) of this report are approved to provide resources for the additional work that will be generated. If companion report PED23072 is approved it will provide adequate resources to address work generated from the Hamilton Tenant Support Program as there is significant resources included in that report to address the enhanced Bylaws enforcement.

The issue of evictions for those receiving home care is an important research piece for this table to discuss. In meeting with the Director, Patient Services Home and Community Care Support services for Hamilton Niagara Haldimand and Brant this was not currently a systemic issue they are seeing. This is an important item to monitor as those receiving home health care services would generally be classified as hard to house individuals if displaced in the private market. Currently in the home health care industry they are seeing some disruption and displacement due to the sale of senior's homes and long term care facilities. Both of these items require different approaches that the Community Research Table will work to create a collaborative approach that includes information sharing and a shared approach to connecting individuals with services if they are facing displacement.

ALTERNATIVES FOR CONSIDERATION

That Council approve the commencement of this program on October 1, 2023 and 2023 estimated costs of \$338,004 to deliver on the program in recommendation (b) beginning October 1, 2023 funded first from the Social Housing Transition Reserve #112244, then by any 2023 Housing Services Division Surplus, 2023 Corporate Surplus or through any source deemed appropriate by the General Manager of Corporate Services. This alternative would still include approving recommendation (a) to provide gap funding for the current level of service provided by the Tenant Defence Fund, and the Tenant Defence Fund would be operated until the Hamilton Community Legal Clinic was able to start providing legal support to tenants through the new Hamilton Tenant Support Program.

Financial Implications

The pro-rated program cost of \$338,004 would include the following:

- \$67,500 to Hamilton Community Legal Clinic for 1 staff lawyer and 1 staff paralegal;
- \$45,000 to ACORN and Housing Help Centre for staff support tenant engagement, outreach and support
- \$190,504 in City staff costs detailed below;
- \$35,000 one-time cost for a car for the Municipal Law Enforcement Officer.

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- Pro-rated funding amounts for tenant education and the community research table

Funding for this would derive first from any unspent funds in the Social Housing Transition Reserve #112244, then from any Housing Services Division Surplus and ultimately by any source deemed appropriate by the General Manager of Corporate Services.

Staffing Implications

The following permanent FTE and associated costs would be required to undertake the proposed Hamilton Tenant Support Program.

- 1 FTE Manager, Tenant Support Program \$188,000;
- 1 FTE Project Manager \$143,000
- 2 FTE Contract Analysts \$236,000;
- Program Secretary \$80,000; and,
- Municipal Law Enforcement Officer \$108,000 plus \$50,000 for a vehicle and \$8,900 for annual maintenance costs.

Legal Implications

Legal Services' support would be required to draft and execute all necessary agreements.

Analysis

The program as described in recommendation (b) to this report would not start until the 2024 budget process had been finalized which would likely be April, 2024. This would allow Council to weigh the cost of this program in relation to other asks in the budget. This course of action would leave the resources available to tenants unchanged until that time.

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	August 17, 2023
SUBJECT/REPORT NO:	REVISED: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Gillian Barkovich (905) 546-2424 Ext. 2348
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to prepare a Safe Apartment Buildings By-law to regulate apartment building property standards and registration of apartment buildings city-wide in a form satisfactory to the City Solicitor, as per Appendix "A" to Report PED23072 (the "Safe Apartment Buildings By-law"), following the 2024 budget process, subject to the approval of the staffing and resourcing outlined in Recommendation (d) as part of the 2024 Budget;
- (b) That City of Hamilton User Fees and Charges By-law No. 23-112 be amended to reflect the new Fee Schedule developed at 65% cost recovery for the Safe Apartment Buildings By-law, attached as Appendix "B" to Report PED23072;
- (c) That, subject to the adoption of the Safe Apartment Buildings By-law, the Transition Plan as detailed in Appendix "C" to Report PED23072 to develop, implement and administer the By-law be approved;

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- (d) That the appropriate General Managers be directed to refer the following to the 2024 Budget for the implementation of the Safe Apartment Buildings By-law:
- (i) One full time (1.0 FTE) Manager in the Licensing and By-law Services Division at an estimated total cost of \$192,000 annually (\$67,200 net levy);
 - (ii) One Full-time (1.0 FTE) Project Manager in the Licensing and By-law Services Division at an estimated total cost of \$147,000 annually (\$51,450 net levy);
 - (iii) Two full-time (2.0 FTE) Supervisors of Operations and Enforcement in the Licensing and By-law Services Division at an estimated total cost of \$289,000 annually (\$101,150 net levy);
 - (iv) Thirteen full-time (13.0 FTE) Municipal Law Enforcement Officers in the Licensing and By-law Services Division at an estimated total cost of \$1,416,000 annually (\$495,600 net levy);
 - (v) One full-time (1.0 FTE) Program Analyst in the Licensing and By-law Services Division to provide applications support, analyse data and provide program support, at an estimated total cost of \$114,000 annually (\$39,900 net levy);
 - (vi) One full-time (1.0 FTE) Licensing Administrator in the Licensing and By-law Services Division to administer registration applications, at an estimated total cost of \$96,000 annually (\$33,600 net levy);
 - (vii) Two full-time (2.0 FTE) By-law Clerks in the Licensing and By-law Services Division to enter files and provide support to enforcement staff, at an estimated total cost of \$176,000 annually (\$61,600 net levy);
 - (viii) One full-time (1.0 FTE) Administrative Secretary in the Licensing and By-law Services Division at an estimated total cost of \$83,000 annually (\$29,050 net levy);
 - (ix) One full-time (1.0 FTE) Outreach Coordinator in the Licensing and By-law Services Division at an estimated total cost of \$109,000 annually (\$38,150 net levy);

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- (x) One full-time (1.0 FTE) Solicitor in Legal Services to provide dedicated legal support, at an estimated total cost of \$212,000 annually (\$74,200 net levy);
 - (xi) One full-time (1.0 FTE) Screening Officer at an estimated total cost of \$124,000 annually (\$43,400 net levy);
 - (xii) The purchase of thirteen (13) vehicles at an estimated initial cost of \$708,825 and an annual operating cost of \$116,350 (\$40,723 net levy);
 - (xiii) An outreach, education and communications budget of \$20,000 annually (\$7,000 net levy); and
 - (xiv) A one-time cost of \$2,003,441 to fund the 18-month transition period for the implementation of the By-law).
- (e) That staff be directed to prepare a Renovations Licence and Relocation Listing By-law to regulate repairs and renovations to rental units, in a form satisfactory to the City Solicitor, as per Appendix "D" to Report PED23072, following the 2024 budget process, subject to the approval of the staffing and resourcing outlined in Recommendation (h) as part of the 2024 Budget;
- (f) That City of Hamilton User Fees and Charges By-law No. 23-112 be amended to reflect the new Renovation Licence and Relocation Listing Fee Schedule developed at 10% cost recovery attached as Appendix "E" to Report PED23072;
- (g) That, subject to the adoption of the Renovation Licence and Relocation Listing By-law, the Transition Plan as detailed in Appendix "F" to Report PED23072 to develop, implement and administer the By-law be approved;
- (h) That the appropriate General Managers be directed to refer the following to the 2024 Budget for the implementation of the Renovation Licence and Relocation Listing By-law:
- (i) Three full-time (3.0 FTE) Licensing Administrators in the Licensing and By-law Services Division to administer licence applications, enter investigation files and respond to inquiries, at an estimated total cost of \$287,000 annually (\$258,300 net levy);
 - (ii) Three full-time (3.0 FTE) Licensing Compliance Officer in the Licensing and By-law Services Division to enforce the By-law, at an estimated total cost of \$327,000 annually (\$294,300 net levy);

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- (iii) One full-time (1.0 FTE) Solicitor in Legal Services to respond to legal challenges and increased Property Standards Committee hearings, at an estimated total cost of \$212,000 annually (\$190,800 net levy);
 - (iv) One full-time (1.0 FTE) Housing Clerk in the Housing Services Division to facilitate tenant support/education, at an estimated total cost of \$80,000 annually (\$72,000 net levy);
 - (v) The purchase of three (3) vehicles at an estimated initial cost of \$163,575 and an annual operating cost of \$26,850 (\$24,165 net levy);
 - (vi) An outreach, education and communications budget of \$10,000 annually (\$9,000 net levy); and
 - (vii) A one-time cost of \$150,000 to fund the transition period for the implementation of the By-law.
- (i) That By-law No. 09-190 (the “Vital Services By-law”) be repealed and replaced with the draft By-law attached as Appendix “G” to Report PED23072, which has been prepared in a form satisfactory to the City Solicitor, to incorporate language and clarifying amendments to facilitate enforcement;
 - (j) That By-law No. 10-221 (the “Property Standards By-law”) be repealed and replaced with the draft By-law outlined in Appendix “H” to Report PED23072, which has been prepared in a form satisfactory to the City Solicitor;
 - (k) That the draft By-law to amend Schedule 31, Rental Housing, of the Business Licensing By-law No. 07-170, attached as Appendix “I” to Report PED23072, which has been prepared in a form satisfactory to the City Solicitor, be approved, to extend the rental housing licensing pilot project to include rental properties of 5 units or less;
 - (l) That the Administrative Penalties By-law No. 17-225 be amended to incorporate charges under the Safe Apartment Buildings By-law, Renovation Licence and Relocation Listing By-law, Vital Services By-law and Property Standards By-law attached as Appendix “J” to Report PED23072;
 - (m) That Licensing and By-law Services staff be directed to work with Legal Services to obtain approval for set fines with the Ministry of the Attorney General;
 - (n) That staff be directed to report back to Council with respect to the amount of fine revenues collected under the Safe Apartment Buildings By-law and Renovation Licence and Relocation Listing By-law after they have been in force and effect for

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12 months, including options for how fine revenues could be utilized to advance the strategies of the Housing and Sustainability Investment Roadmap;

- (o) That Outstanding Business List item 5.10, dated February 22, 2023 relating to correspondence at 1083 Main Street East, and item 1.0, dated April 20, 2023 relating to addressing renovictions, be removed;

EXECUTIVE SUMMARY

The purpose of this report is to respond to the motion passed at the April 20, 2023 meeting of the Emergency and Community Services Committee which directed:

“That staff be directed to report back to the Emergency and Community Services Committee in August 2023, with recommendations on the full suite of options to halt renovictions in the City of Hamilton including RentSafeTO, the City of Toronto Tenant Support Program and amendments to various City By-laws, the use of building permits, and a city-wide Licensing By-law and a New Westminster style Renovictions By-law as well as any potential By-law associated with the review of the RentSafeTO program; and that staff report back on the ability for the Municipality to track sale notices for multi-unit buildings, to monitor trends in this area and create process to inform tenants of their right in case of ownership change.”

Specifically, this report addresses the aspects of the April 20, 2023 motion dealing with a RentSafeTO-style initiative, as well as By-law amendments and licensing approaches to address renovictions. The component of the motion dealing with the creation of a new Tenant Support Program will be addressed through a separate report brought forward by Housing Services Division in Report HSC23023(b). In addition, staff are currently preparing a rental housing replacement By-law, which will be presented to Council in Q4 2023.

This report proposes the creation of a Hamilton Apartment Rental Program, which would comprise four separate, but interconnected, new initiatives to address renovictions, tenant displacement and property standards in apartment buildings in the City of Hamilton:

- A new “Safe Apartment Buildings By-law” to regulate apartment building property standards and registration of apartment buildings.
- A new, first-of-its-kind in Canada, “Renovation Licence and Relocation Listing By-law” to regulate repairs and renovations to rental units.

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- Updates to the City's Vital Services and Property Standards By-laws to better regulate the supply of vital services and to prescribe clearer standards for the maintenance and occupancy of rental properties.
- Amendments to Schedule 31, Rental Housing, of the Business Licensing By-law No. 07-170 to extend the current rental housing licensing pilot project to include rental properties of 5 units or less (rather than the current 4 units or less), within the same geographic areas of the pilot project.

The new By-laws and By-law amendments proposed in this report are further complemented and supported by other existing and pending City of Hamilton initiatives which seek to protect rental housing and rental housing tenants:

- The Tenant Support Program that will include legal support for tenants through the Landlord Tenant Board, organizing and capacity building for tenant organizations, and broader education for the tenants and landlords on their rights and responsibilities under the Residential Tenancies Act.
- A new Rental Housing Replacement By-law, which will be brought forward for Council's consideration in Q4 2023.
- A new Short-Term Rental Licensing By-law that seeks to protect existing rental housing stock through the licensing and regulation of short-term rentals, which was approved by Council in 2023 and is set for implementation in Q4 2023.
- The ongoing Rental Housing Licensing pilot project that licenses rental units and regulates property standards in rental units in Wards 1, 8 and parts of 14.

As directed by Council, staff have also prepared a draft By-law, modelled directly on Part 6 of the Municipality of New Westminster's *Business Regulations and Licensing (Rental Units) By-law*, which is attached as Appendix "K" to Report PED23072, and which is discussed under the Alternatives for Consideration section of this report.

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Alternatives for Consideration – See Page 29

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

Safe Apartment Building By-law

Based on a review of best practices, the Safe Apartment Buildings By-law is proposed as a 65% cost recovery program.

The total estimated annual cost for this By-law once it is fully up-and-running is \$3,094,350 (\$1,083,023 net levy) broken down as follows:

- \$2,958,000 annually for staffing (\$1,035,300 net levy)
- \$116,350 operating costs (\$40,723 net levy) for thirteen (13) vehicles
- \$20,000 annually (\$7,000 net levy) for outreach, education and communications

In addition to the operating costs, there is a one-time capital cost of \$708,825 for the purchase of 13 vehicles and shared cost of charging station installation.

It is anticipated that the timing of registration revenues will lag behind the implementation of the program. Therefore, staff are recommending the approval of one-time funding to cover program costs during the start-up / transition period. Staff anticipate that the staffing resource needs can be phased over the first 12-18 months of the program, which would be expected to result in cost savings. Therefore, staff are recommending, based on the proposed Transition Plan, that up to \$2,003,441 in one-time costs be referred to the 2024 Budget process.

Renovation Licence and Relocation Listing By-law

The Renovation Licence and Relocation Listing By-law is not proposed as a cost recovery-based program. Given that staff are only aware of the data provided by Housing Services that reflects the number of applications made to the Landlord and Tenant Board related to N-13 notices (132 in 2022), a full cost recovery fee structure would result in significant license costs for property owners which could create a disincentive for property owners to work through the Residential Tenancies Act altogether, thereby further disadvantaging tenants and preventing staff from connecting tenants with essential supports. Based on the recommended Fee Structure attached as Appendix “E” to Report PED23072, it is estimated that annual revenues for the program will be approximately \$94,285, or approximately 10% of program costs.

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The total estimated annual cost of administering the Renovation Licence and Relocation Listing By-law once it is fully up-and-running is \$942,850 broken down as follows:

- \$906,000 for staffing (\$815,400 net levy)
- \$26,850 operating costs for three (3) vehicles (\$24,165 net levy)
- \$10,000 annually for outreach, education and communications (\$9,000 net levy)

In addition to the operating costs, there is a one-time capital cost of \$163,575 for the purchase of 3 vehicles and shared cost of installation of charging stations.

It is anticipated that the timing of the registration revenues will lag behind the implementation of the program. Therefore, staff are recommending the approval of one-time funding to cover program costs during the start-up / transition period. Staff anticipate that the staffing resource needs can be phased over the first 12-18 months of the program, which would be expected to result in cost savings. Therefore, staff are recommending, based on the proposed Transition Plan, that up to \$150,000 in one-time costs be referred to the 2024 Budget process.

Property Standards and Vital Services By-laws

No financial implications, provided that, service levels are maintained at current levels.

Rental Housing Licensing Pilot Project

No financial impacts, provided that, service levels, scope and implementation timeline are maintained at current levels.

Staffing:

Safe Apartment Buildings By-law

Implementation of the Safe Apartment Buildings By-law would require an additional 25.0 Full-time Equivalents (FTEs) in the Licensing and By-law Services, Parking Services and Legal Services Divisions, consisting of:

- One full-time (1.0 FTE) Licensing and By-law Services Manager to oversee program operations.
- One full-time (1.0 FTE) Project Manager to coordinate the program, track measurables and report to Council.
- Two full-time (2.0 FTE) Supervisors of Operations and Enforcement.
- Thirteen full-time (13.0 FTE) Municipal Law Enforcement Officers.

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- One full-time (1.0 FTE) Outreach Coordinator to facilitate on-site tenant education and provide program support.
- One full-time (1.0 FTE) Program Analyst to provide applications support, analyse data and provide program support.
- One full-time (1.0 FTE) Licensing Administrator to administer registration applications.
- Two full-time (2.0 FTE) By-law Clerks to enter files and provide support to enforcement staff.
- One full-time (1.0 FTE) Administrative Secretary to support the administration of management.
- One full-time (1.0 FTE) Solicitor in Legal Services to provide dedicated legal support.
- One full-time (1.0 FTE) Screening Officer in Parking Services to screen Administrative Penalties.

Staffing projections are based on several factors, including extrapolation of staffing numbers utilized in the Mississauga Apartment Rental Compliance and RentSafeTO programs, annual volume of property standards complaints received for purpose-built apartment buildings, and overall age of applicable housing stock in the City of Hamilton.

Staff anticipate that the staffing resource needs can be phased over the first 12-18 months of the program, which would be expected to result in cost savings.

Renovation Licence and Relocation Listing By-law

Implementation of the Renovation Licence and Relocation Listing By-law would require an additional 8.0 Full-time Equivalents (FTEs) in the Licensing and By-law Services, Housing Services and Legal Services Divisions, consisting of:

- Three full-time (3.0 FTE) Licensing Administrators to administer licence applications, enter investigation files and respond to inquiries
- Three full-time (3.0 FTE) Licensing Compliance Officer to enforce the By-law
- One full-time (1.0 FTE) Solicitor in Legal Services to respond to legal challenges and increased Property Standards Committee hearings
- One full-time (1.0 FTE) Housing Clerk in Housing Services to facilitate tenant support/education

Property Standards and Vital Services By-laws

No staffing implications, provided that, service levels are maintained at current levels.

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Rental Housing Licensing Pilot Project

No staffing implications, provided that, service levels, scope and implementation timeline are maintained at current levels.

Legal:

Legal Services assisted with the preparation of the appended draft By-laws. It is worth noting that the proposed Renovation Licence and Relocation Listing By-law attached as Appendix “D” to Report PED23072 is the first program of its kind in Canada.

HISTORICAL BACKGROUND

On December 9, 2021, through Report HSC20020(d) – Adaptation and Transformation of Services for People Experiencing Homelessness, approval was granted for up to \$100,000 for Housing Services to hire and retain a consultant to evaluate the feasibility of implementing a By-law in the City of Hamilton, similar to the renovictions By-law previously enacted and currently repealed in the City of New Westminster, British Columbia.

On April 20, 2023, through Report HSC23023 – Renovictions Stakeholder Consultation, Housing Services presented updates to Council on previous directions regarding the issue of Landlord and Tenant renovictions and provided recommendations for next steps by the Municipality.

On April 20, 2023, the Emergency & Community Services Committee passed a motion for staff to report back to the Committee in August 2023, with recommendations on a full suite of options to halt renovictions in the City of Hamilton, including; a RentSafeTO style Tenant Support Program, amendments to various City By-laws, the use of building permits and a city-wide Licensing By-law and a standalone Renovictions By-law, in addition to any potential By-law associated with the review of a Tenant Support Program; and that staff report back on the ability for the Municipality to track sale notices for multi-unit buildings, to monitor trends in this area and create process to inform tenants of their right in case of ownership change.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Staff’s review considered the following applicable Municipal, Provincial and Federal Legislation:

- *City of New Westminster Business Regulations and Licensing (Rental Units) By-law No. 6926, 2004*

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- *Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023*
- *Municipal Act, 2001, S.O. 2001, c.25*
- *Community Charter, SBC 2003, c. 26*
- *Ontario Building Code Act, 1992, S.O. 1992, c.23*
- *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*
- *Residential Tenancies Act, 2006, S.O. 2006, c. 17*

In developing the proposed By-laws, staff considered the scope of Municipal authorities as set out in the *Municipal Act, 2001* which authorizes Municipalities to pass By-laws with respect to the well-being of the Municipality and its inhabitants, as well as the scope and authorities of the *Residential Tenancies Act, 2006, S.O. 2006, c.17*. The Residential Tenancies Act states in section 1 that the purposes of this Act are to provide protection for residential tenants from unlawful rent increases and unlawful evictions, to establish a framework for the regulation of residential rents, to balance the rights and responsibilities of residential landlords and tenants and to provide for the adjudication of disputes and for other processes to informally resolve disputes. In essence, it seeks to regulate the relationship between landlords and tenants. Staff are of the view that the proposed By-laws represent an innovative and first-of-its-kind approach to addressing renovictions, tenant displacement and property standards within the authority of Municipalities.

Public notice of the various By-laws and By-law amendments has been provided in accordance with the City of Hamilton Public Notice Policy By-law 07-351.

RELEVANT CONSULTATION

In preparing the draft By-laws appended to this report and crafting the recommendations and alternatives highlighted herein, the following external parties were consulted:

- ACORN Hamilton
- Hamilton District Apartment Association
- City of Mississauga
- City of Toronto
- City of New Westminster

Internal consultation was also undertaken with the following City of Hamilton divisions and service areas:

- Communications
- Finance & Administration

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- Fire Prevention Services
- Housing Services
- Legal Services
- Planning & Economic Development
 - Building
 - Licensing & By-law Services
 - Zoning

Thorough review of the renovictions related feedback provided throughout the Emergency and Community Services Committee meeting on April 20th, 2023 was also undertaken. In particular, staff considered both the Enterprise Report detailed in Appendix “A” to Report HSC23023 and the feedback provided by delegates to the meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In April 2023, Licensing and By-law Services staff were directed by Council to report back in August 2023, with a full suite of options to halt renovictions in Hamilton. In researching the best approaches to respond to Council’s direction, it is clear that a “made in Hamilton” approach must help support tenants experiencing renovictions and close gaps in applicable provincial legislation in the short term, while ensuring that building standards are maintained and substandard building conditions are improved in an effort to reduce the likelihood of a renoviction occurring in the long term. Through this report, such an approach is detailed, including a full suite of options that fall within the scope of the Municipality to address renovictions, tenant displacement and property standards in apartment buildings.

The City of Hamilton is experiencing an affordable housing crisis with average market rents having far outpaced inflation over the last number of years. This has created a significant impact on long term tenants in rent-controlled units whose rents remain below current market rent levels in Hamilton, as there is now significant economic incentive for landlords to have tenants move out so that they are able to increase the rents on the vacated units to market rent levels. Further, Hamilton has an aging housing infrastructure, which creates significant barriers to ensuring safe, adequate and suitable housing for the approximately 72,000 rental households in Hamilton and contributes to tenants’ vulnerability to renoviction.

A renoviction is most often defined as a situation where a tenant is formally evicted (through the legal process prescribed in the Residential Tenancies Act, which is initiated when a landlord issues a tenant an N-13 notice of eviction) or informally evicted (without going through the proper legal process) because the landlord needs to make repairs or renovations to the rental unit or rental property that cannot be completed while the

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tenant is continuing to live in the unit. Situations where a tenant is driven out of their home because the repairs and renovations are making their home uninhabitable, and situations where a tenant is driven out of their home as a result of severe disrepair that makes their home uninhabitable (failure of landlord to adequately maintain the rental unit and/or rental property) are not technically renovictions because they are not being driven by an N-13 notice, but they have the same result, that being displacement of the tenant. This report addresses all three forms of renoviction.

The Residential Tenancies Act allows for eviction in situations where a landlord proposes repairs or renovations to the rental unit that are so extensive that they require a building permit and vacant possession of the rental unit. The Residential Tenancies Act protects tenants from “permanent renoviction” by giving tenants a right of first refusal: the option of moving back into the rental unit once the repairs or renovations are complete, at a rate that is no more than what the landlord could have charged if there had been no interruptions to the tenant’s tenancy, but makes no provision for any short-term accommodation for tenants who exercise their right of first refusal. Under the Residential Tenancies Act, when the repairs and renovations proposed by the Landlord are “voluntary”, tenants who do not wish to return to the rental unit are entitled to compensation or an alternative rental unit, meaning that the landlord can increase the rental price by re-renting the unit to another tenant at a higher rent at the completion of the repairs or renovations. This legal justification for eviction (repairs or renovations) creates a legal opportunity for those landlords who, in bad-faith, wish to increase their rent by evicting a tenant in a rent-controlled unit with the hope that such tenant does not return.

As this situation exists in provincial legislation affecting tenancies across the Province, the issue of renovictions is not a Hamilton-only problem; not only is it an issue in every Ontario Municipality where there are long-time tenants that are paying significantly lower rents than the current market rent levels in a community, but research indicates that it is a problem in many other Canadian provinces and American states with similar residential tenancy legislation. Importantly, no Municipal jurisdiction has found a “silver bullet” to solve what is effectively a problem born out of the real estate market and gaps in provincial or state legislation. Instead, Municipalities that aim to address renoviction generally employ multiple methods simultaneously, involving a variety of policies and programs across a number of Municipal divisions and the participation of civil society organizations that provide tenant support.

The Housing Sustainability and Investment Roadmap was passed by City Council in April 2023 (Report HSC23028). The Roadmap was developed as a “whole-of-Hamilton” approach focused on tangible actions and Municipal strategies to respond to affordable housing issues. The Roadmap identified four pillars of activity: 1) new construction; 2) acquisition of existing affordable housing, land, or under-utilized buildings; 3)

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preservation of existing affordable rental housing (and community housing); and 4) increasing housing with supports. This report is focussed on addressing the third pillar.

One of the key findings of the Roadmap's background research was that over the past decade, Hamilton is losing 23 affordable rental units for every new affordable unit that has been built. In fact, over the past decade, the City of Hamilton has lost almost 16,000 rental units that had rent below \$750/month (affordable for a household with an income of \$30,000/year). Many of these units still exist, but rents have increased due to inflation, vacancy decontrol, or renovation and above-guideline rent increases/evictions – or 'renovictions'.

The third pillar of the Roadmap focuses on preservation of existing affordable rental housing through a number of strategies and actions, including developing policies to protect rental housing and discouraging renovictions. Specifically, the Roadmap states: "one of the best strategies to maintain affordable rental units is to enable and encourage tenants in stay in place". A priority action for Year 1 of the Roadmap is to "work with community organizations to develop a city-wide response to addressing tenant concerns and issues (including responses to 'renovictions') and designing a city-wide campaign to ensure tenants know their rights to stay in their homes".

Data provided by Housing Services suggests that, of the N-13 notices (notices to evict for demolition, conversion, repair or renovation of the rental unit) served by landlords on their tenants in the City of Hamilton in 2022, approximately 132 resulted in L2 applications, being applications made by the landlord to the Landlord and Tenant Board to end a tenancy and evict a tenant. The outcome at the Landlord Tenant Board for these applications is unknown to City Staff. This number reflects a significant overall increase in applications received in 2021.

In addition to rental units found in purpose-built apartment buildings, Hamilton has approximately 40,000 rental units located in single detached, townhouse/row housing, or duplexes. These units are difficult to connect with, as they exist in various forms (including secondary dwelling units) and are integrated into neighbourhoods across Hamilton. These units are also at highest risk of being lost to the rental market through private sale to new owners who may utilize the property for personal use – a situation that is difficult to address at the Municipal level.

It is important to note that not all instances of tenant displacement due to renovation are completed in bad faith. In some cases, vacant possession is required to maintain the quality of residential units. However, in all cases, tenants have the right to return to the unit once repair or renovation are completed at the same rent as they had been paying prior to eviction, yet many barriers exist that prevent tenants from being able to do so. It remains true that in all cases, tenants must be aware of their rights, that displacement

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(especially permanent displacement) must only occur as a last resort, and that tenant disruption and harm be minimized.

To address these issues, this report is proposing a Hamilton Apartment Rental Program that comprises four separate, but interconnected new initiatives to address renovictions, tenant displacement and property standards in apartment buildings in the City of Hamilton:

- a new “Safe Apartment Buildings By-law” to regulate apartment building property standards and registration of apartment buildings.
- a new, first-of-its-kind in Canada, “Renovation Licence and Relocation Listing By-law” to regulate repairs and renovations to rental units.
- updates to the City’s Vital Services and Property Standards By-laws to better regulate the supply of vital services and to prescribe standards for the maintenance and occupancy of rental properties.
- amendments to Schedule 31, Rental Housing, of the Business Licensing By-law No. 07-170 to extend the current rental housing licensing pilot project to include rental properties of 5 units or less (rather than the current 4 units or less), within the same geographic areas of the pilot project.

The Hamilton Apartment Rental Program also relies heavily on the proposed Tenant Support Program. Under the Residential Tenancies Act, the burden of preventing eviction is placed on the tenant. Given that the tenants most vulnerable to renoviction are often the city’s most vulnerable residents, with the least financial means, physical and technological capacity and literacy, tenant education and support are paramount in any and all efforts to address renoviction.

The Hamilton Apartment Rental Program (combined with the proposed Tenant Support Program) represent the City’s best effort to utilize all available levers to address renoviction (thereby improving housing security for tenants and preventing homelessness, preserving existing rental housing stock and rental housing affordability, and ensuring the City’s rental housing stock is and remains in a state of good repair).

The Hamilton Apartment Rental Program is best understood as a homelessness prevention and affordable housing preservation program, as it is anticipated that this program will have the most significant impact on people who are currently most vulnerable to renoviction: low-income people who are at high risk of homelessness and who currently occupy affordable and deeply affordable rental units – often in a poor state of repair – that will be lost upon vacancy when the rent is raised to current market rent levels.

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The program aims to keep tenants from moving out unnecessarily when landlords need to make repairs or renovations that can't be completed with the tenant continuing to occupy the unit. Although under the Residential Tenancies Act, tenants in these situations have the right to return to the unit once renovations are complete, once a tenant moves out, there are many potential obstacles to the tenant moving back in. Therefore, the most effective way to prevent homelessness and preserve housing affordability is to prevent tenants from moving out at all. The Hamilton Apartment Rental Program works to prevent tenants from needing to move out unnecessarily for renovations and repairs, but also as a result of informal eviction attempts and unit uninhabitability by:

- discouraging the unnecessary use of N-13 eviction notices by imposing fees, requirements, and potential penalties related to the renovation works;
- ensuring that tenants who receive N-13 eviction notices understand their rights and know how to and are able to access information, documentation, resources and support to prevent eviction when repairs and renovations can be completed while they continue to occupy their unit;
- strengthening the City of Hamilton's ability to enforce property standards so that tenants are less likely to need to vacate their units as a result of disrepair or lack of vital services;
- ensuring that tenants understand their rights and are able to successfully secure remedies for disrepair and lack of vital services; and
- discouraging building neglect that results in building conditions that could lead to future renoviction.

Where renovations and repairs cannot be completed while the tenant continues to occupy the unit, the Hamilton Apartment Rental Program aims to support tenants in ensuring they can access a comparable alternative rental unit that they can afford, so that they aren't rendered homeless while their unit undergoes repairs or renovations, and in ensuring tenants are able to move back into their unit once repairs and renovations are complete by:

- requiring landlords to provide tenants with a list of available units that are comparable in location, size and rent;
- ensuring tenants understand their right of first refusal and that tenants who wish to return to their unit once repairs are complete give their landlord the necessary written notice (as per the Residential Tenancies Act) that permits them to exercise their legal right to reoccupy the unit; and
- ensuring tenants understand their rights and know how to and are able to access support in legally moving out of their temporary accommodation and returning to their original rental unit.

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While investment in this program is significant, the financial costs the City of Hamilton may incur as a result of tenant displacement, increased homelessness, lost affordable rental housing, and worsening housing unaffordability would likely be significantly higher. For example, research demonstrates that it is significantly more expensive to provide a person with homelessness supports than it is to support a person in maintaining their tenancy, and it is significantly more expensive to create new affordable housing than it is to preserve existing affordable housing. In addition, there are considerable non-financial costs associated with both increasing homelessness and loss of affordable rental housing affordability that are difficult to quantify. This is a situation where upstream investment will prevent much larger downstream impacts that have proportionately larger societal and financial implications.

1. Safe Apartment Buildings By-law

Staff were directed by Council to report back with recommendations that include the creation of a RentSafeTO style program and any required associated By-laws. As such, staff completed a jurisdictional Municipal scan and determined that similar programs operate in both the City of Toronto (RentSafeTO) and Mississauga (Mississauga Apartment Rental Compliance Program). Consultation with both Municipalities took place, with discussions around program scope, costing, staffing, operations and enforcement, strengths and areas of opportunity, etc. Based on this best practice review, staff have proposed a Safe Apartment Buildings By-law that has been modelled after features drawn from the aforementioned programs.

The proposed Safe Apartment Buildings By-law will help maintain existing building standards and improve substandard building conditions City wide, which is expected to contribute to reducing renovictions as a long-term outcome, as buildings would be required to be kept in a state of good repair and the likelihood of requiring a renovation with vacant possession would be reduced. Property owners would be required to develop a State of Good Repair Plan for capital elements requiring renovation and post the updated document on the Tenant Notification Board located in common areas. As such, tenants will also be better informed regarding pending major repairs to their buildings that may be required and better equipped to engage tenant supports in those situations. The proposed program will ensure that building conditions are sustained/improved, thereby preventing the frequency of N-13 notices being issued for unexpected major repairs in the future. Property owners would also be required to develop a pest management plan for the apartment building. This new requirement would present an opportunity for By-law enforcement to better respond to pest matters, and also to transition lead enforcement for pest control from Public Health to the Licensing and By-law Services Division as part of the expanded By-law enforcement team. Finally, the proposed program will help to improve communication between the

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City of Hamilton, tenants and property owners and ensure that issues are resolved in a more timely and effective manner.

The general approach of the proposed By-law is to put in place a program for regularly evaluating and inspecting purpose-built rental apartments, and educating tenants, so that property standards concerns can be identified early and on a regular, proactive basis. The main elements of the proposed By-law can be summarized as follows:

- Requirement for all purpose-built apartment buildings 2 storeys or greater and 6 units or more to obtain a licence to operate, with a mandatory annual fee based on number of units (details provided in the Fee Schedule attached as Appendix “B” to Report PED23072).
- Apartment building owners must submit an application along with required supporting documentation, including but not limited to;
 - (i) Integrated Pest Management Plan
 - (ii) Waste Management Plan
 - (iii) Cleaning Plan
 - (iv) State of Good Repair Plan
 - (v) Electrical Maintenance Plan
 - (vi) Vital Service Disruption Plan
- a registration certificate will be issued upon submission of a complete application and fee payment.
- registered buildings will be evaluated within 18 months after the application intake deadline and will be scored based on weighted evaluation criteria.
- evaluations will score property standards (exterior and common areas) and compliance with program standards identified in the Safe Apartment Buildings By-law.
- evaluation scores define when subsequent evaluations will take place (i.e. as shown in “*Table One*” below, all buildings will be evaluated at least every three years, with lower scoring buildings being evaluated more frequently).
- scoring details will be posted on Tenant Notification Boards in common areas of buildings and available to the public online .
- during the evaluation process, City staff will conduct on-site engagement of tenants regarding program details, applicable By-law education, processes for how to submit complaints to the City of Hamilton around interior property standards concerns, etc.
- for buildings that score 50% or lower, a comprehensive audit inspection will take place at the property, and engagement with tenants will occur via “door knocking”

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at all stages of the program, any property standards violations that are identified would be subject to fines and Orders.

Table One: Safe Apartment Building By-law Scoring System

Score (/100)	Audit Required (Yes/No)	Door Knocking (Yes/No)	Subsequent Evaluation
85% or higher	No	No	3 years from evaluation date
51%-84%	No	Yes	2 years from evaluation date
50% or lower	Yes	Yes	Audit triggered. 1 year from evaluation date

In part, the program scope was developed in consideration of the scope utilized by comparator programs in other Municipalities (RentSafeTO and Mississauga Apartment Rental Compliance Program). Specifically, the RentSafeTO program utilizes a program scope of purpose-built apartment buildings with 3 storeys and 10 units or more compared to the Mississauga Apartment Rental Compliance Program, which utilizes a program scope of purpose-built apartment buildings with 2 storeys and 6 units or more. Staff opted to recommend a broader program scope to ensure that the greatest volume of units fall within scope of the program, and in consideration of the anecdotal evidence provided that reflects that renovictions are largely occurring in smaller buildings and dwellings.

Based on data provided by internal staff, there are an estimated 858 buildings in Hamilton with at least 2 storeys and 6 units or more. Approximately 47,816 units are represented by that number of buildings.

Licensed lodging houses, residential care facilities, long-term care homes, licensed retirement homes, and housing co-operatives are out of scope for the program as they are regulated under separate By-laws and licensing schedules. Condominium buildings are also outside the scope for the program given their ownership structure.

Transition

As with the introduction of any new By-law, there is an initial period of preparation, education, and consultation regarding operational regulations, internal administrative organization, including hiring and system modifications. The Transition Plan and timelines are attached as Appendix "C" to Report PED23072.

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The Transition Plan will begin with hiring and training staff to administer the program. Once the required staff are in place, a public awareness and engagement campaign will be launched that will explain the regulations to landlords and tenants and impose a deadline to make application. Staff will work with Communications to establish a presence on the City of Hamilton website to provide information and guidelines for applications, develop a dashboard and evaluation application for internal use and reporting, and develop evaluation/weighting criteria.

Staff are recommending that the By-law be adopted following the 2024 Budget process. Based on a By-law adoption date of May 1, 2024, staff anticipate that the registration deadline would be September 2025, with building evaluations beginning at that time. Staff anticipate that all apartment buildings would be inspected and evaluated by February 2027 at least one time.

Enforcement

The proposed program will utilize a proactive enforcement approach in terms of inspecting and evaluating registered properties. A reactive enforcement approach will be utilized to respond to complaints submitted relating to interior property standards issues. Outside of the evaluation process, officers may attend proactively at their discretion.

Officers may issue orders upon observation of a violation of the City's By-laws. If a property owner fails to ensure that compliance with an Order is achieved, subsequent enforcement and addition of fees may take place. Where a contractor is required to attend to bring a property into compliance with an Order, fees will be added to the property tax roll as appropriate.

Costs to Landlords

The overall cost of the program to landlords is limited to the cost of an annual registration fee, which is based on the number of units at a given property as described in Appendix "B" to Report PED23072. For example:

- an apartment building of 10 units would pay a registration fee of \$420.60 (plus HST).
- an apartment building of 50 units would pay a registration fee of \$2,103 (plus HST).
- an apartment building of 100 units would pay a registration fee of \$4,206 (plus HST).

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It is important to note that costs may vary based on evaluation results that may trigger an audit, and subsequent enforcement that may arise as a result of any Orders that are issued where compliance is not achieved.

Risks and Challenges

It is important to highlight that there are potential risks and challenges associated with adopting a Safe Apartment Buildings By-law. Due to time constraints in drafting the report to come back to Committee in August 2023, no consultation with the community has taken place outside of limited meetings with the Hamilton District Apartment Association and ACORN Hamilton. This limited consultation may create potential concerns for residents and other community stakeholders who may have desired an opportunity to participate in the process.

Further, the introduction of programs and fees that are associated with the By-law may result in unintended consequences, including:

- Increased frequency of Above Guideline Increase applications at the Landlord and Tenant Board and overall increases to rent, although staff have attempted to combat this by proposing a 65% cost recovery program; or
- Short- or long-term loss of rental stock related to additional regulations and fees.

Finally, it is important to note that a program of this scope will require significant hiring and training of staff and demands on internal staff across the City. The timelines that are highlighted in the Transition Plan attached as Appendix “C” to Report PED23072 are based on both staff’s ability to fill the required positions within the identified timeframes and prioritization of the required work across the corporation.

2. Renovation Licence and Relocation Listing By-law

Staff were directed by Council to report back on a City-wide Licensing By-law and a New Westminster, B.C. style standalone Renovictions By-law. Staff are recommending that the City of Hamilton adopt the Renovation Licence and Relocation Listing By-law attached as Appendix “D” to Report PED23072. In drafting the By-law, consideration was given to the differences between provincial legislation in British Columbia and Ontario. The proposed regulations take a reasonable and complimentary approach to the Residential Tenancies Act and draw on applicable provisions from the New Westminster By-law, while ensuring that regulations are within the scope of Municipal authority. Appendix “L” to Report PED23072 compares the staff recommended Renovation Licence and Relocation Listing By-law with the now-repealed Part 6 New Westminster By-law.

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Ontario Municipalities do not have the same express statutory authority as New Westminister or other British Columbia Municipalities. Not only must the approach taken by an Ontario Municipality be sourced in the authority of the *Municipal Act, 2001*, it must also not conflict with provincial law, including the *Residential Tenancies Act, 2006*.

Should Council wish to adopt substantially the same regulations as Part 6 of the By-law in New Westminister, namely that a landlord be required to either provide a tenant with a comparable unit within the same building on the same or better terms, or arrange for temporary accommodation during the renovation and honour the original tenancy agreement, it may result in a conflict with the termination provisions of the *Residential Tenancies Act, 2006*.

The proposed Renovation Licence and Relocation Listing By-law adopts a number of the aspects of the New Westminister By-law in a form that is enforceable under Ontario law. Overall, the proposed approach is to require landlords to obtain a license from the City of Hamilton for renovation works that will require an N-13 notice to a tenant. While not prohibiting the issuance of the N-13 notice, the proposed By-law would create a mechanism wherein the City would be informed of an N-13 notice, triggering the ability to provide information to tenants regarding their rights.

The major aspects of the By-law can be summarized as follows:

- The By-law would apply to all rental units in the City of Hamilton.
- Upon issuance of an N-13 notice to a tenant, property owners would have to apply a Renovation Licence for the intended renovation works from the Municipality within seven days.
- A complete application with supporting documentation and fee payment must be made prior to issuance of the Renovation Licence.
- The application for a Renovation Licence must include supporting documentation such as a Building Permit, report from a qualified person (engineer) that states that vacant possession is required to complete the renovation, and N13.
- A landlord or operator may be subject to enforcement where an application for a licence is not made within the required timeframe, or a licence holder fails to meet the terms and conditions of the licence.
- If an N13 is issued, tenant must be provided three (3) comparable listings.

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Transition

As with the introduction of any new By-law, there is an initial period of preparation, education, and consultation regarding operational regulations, internal administrative organization, and system modifications. The Transition Plan and timelines are attached as Appendix “F” to Report PED23072.

The Transition Plan will begin with hiring and training staff to administer the program. Once required staff are in place, educational materials will be developed, and a public awareness campaign will be launched that will explain the regulations. Staff will work with Communications to establish a presence on the City of Hamilton website to provide information and guidelines for licence applications, as well as developing the administration process.

Staff are recommending that the By-law be adopted following the 2024 Budget process. Based on a By-law adoption date of May 1, 2024, staff anticipate that the program will be able to begin accepting and requiring applications for Renovation Licenses by January 2025.

Enforcement

Enforcement of the proposed program will be based on a predominantly reactive approach, as staff must receive either a formal complaint from a tenant who has been/may be issued an N-13 notice or be in receipt of an application for a Renovation Licence. Officers will use their discretion to issue Orders to obtain compliance, and fines may follow for non-compliance.

Through enforcement of the By-law, officers may investigate whether compliance has been achieved in situations where: an application for a renovation licence may not have been made within the appropriate time frame, where supporting documentation has not been submitted or is incomplete, and/or where an officer determines that a licence holder has not complied with the terms of the licence. However, an officer cannot evaluate an expert report indicating that vacant possession is required. Assuming that the report is submitted by a qualified person per the By-law, the requirement will be deemed to have been met by the applicant.

The proposed By-law does not prevent the issuance of an N-13 notice or intervene in areas which fall under the scope of the Landlord and Tenant Board, including situations where the processes around issuance of an N-13 notice were not followed. However, should tenant inquiries fall outside of the scope of the program, staff will connect residents with Housing Services to educate and advise of their rights under the *Residential Tenancies Act*.

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Costs to Landlords

The recommended cost to landlords for an application for a Renovation Licence is \$715. An application is required for each unit where an N-13 notice has been issued to a tenant. The cost of the application was developed on a 10% cost recovery model. Utilizing a model with increased cost recovery may result in detrimental impacts to tenants, including downloading of costs to tenants by way of applications for Above Guideline Increases to rent, circumvention of the established process for obtaining vacant possession of a unit (i.e. failure to issue N-13 notice altogether), and decreased availability of rental housing stock as property owners opt to sell properties that may be utilized for personal use.

Staff are recommending a lower cost recovery ratio for this By-law, in order to mitigate against potential unintended consequences, such as:

- Incentivizing the issuance of N13 notices during the transition period, in order to avoid the costs of complying with the City's By-law.
- Loss of rental stock as property owners opt to sell properties due to high costs of compliance, with the possibility that buyers will convert properties back to owner-occupied dwellings.
- Influx of applications to the Landlord Tenant Board for above guideline increases.
- Discouraging investment in new rental properties.

Risks/Challenges

It is important to highlight that there are potential risks and challenges associated with approving the Renovation and Relocation Listing By-law. Due to time constraints in drafting the report, no consultation with the community has taken place outside of limited meetings with the Hamilton District Apartment Association and ACORN Hamilton. This limited consultation may create potential concerns for residents and other community stakeholders who may have desired an opportunity to participate in the process.

The proposed By-law is a first-of-its-kind in Canada. As such, the program may be subject to legal challenge. It is also possible that City staff could be subpoenaed to the Landlord and Tenant Board to speak to the requirements of the By-law and the information that led to the issuance or denial of a Renovation Licence. Both the landlord and the tenant will likely rely on the prescribed qualifications report, that requires vacant possession, at the Landlord and Tenant Board.

Staff anticipate that Bill 97 will likely be proclaimed by the provincial government in the Fall of 2023, and this may have a direct impact on the proposed By-law. At this time,

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staff have relied on language about “prescribed qualifications” that are undefined in Bill 97 but have been defined in our By-law as being an Engineer, pending the creation of a definition by the Province. At that time, this By-law can be amended to reflect the definition adopted by the province. Staff cannot anticipate how the province will define a qualified person. The proposed By-law defines a qualified individual and requires that someone with professional qualifications provide a report in order to issue a Renovation Licence. Should the Province define the qualified person differently than the Municipality, the By-law will need to be amended or will be challenged as Municipal and provincial pathways cannot yield two opposing results.

It is also important to note that a Renovation Licence will be required whether the renovation is being done voluntarily by the landlord, or in response to a City Order. As staff will be conducting inspections of buildings, to ensure there are minimum maintenance standards, there is a higher likelihood that property owners will be obliged to undertake repairs as a result of Orders issued by the City. As a result, tenant protection offered under Section 54 of the *Residential Tenancies Act, 2006* with respect to compensation or another accommodation would not be triggered. The Residential Tenancies Act only provides compensation or the possibility of alternate accommodation when the repairs or renovations are voluntary. Property Standards Orders requiring work to be performed would not constitute voluntary repairs and accordingly would not attract the statutory “benefits” (compensation or the possibility of another accommodation) found in section 54 of the Residential Tenancies Act.

Lastly, staff anticipate that this By-law could raise expectations with respect to the role of the City in resolving landlord / tenant disputes. For example, City staff cannot arrange housing solutions or oblige a property owner to arrange alternate accommodations beyond providing active comparable rental listings. A requirement of the Renovation Licence and Relocation Listing By-law will stipulate that a landlord must provide comparable active listings to a tenant in certain situations. Given the current rental market in Hamilton, situations may arise where there are either insufficient or no listings to meet this requirement of the By-law. Furthermore, City staff cannot mediate or evaluate landlord / tenant disputes. The City’s role is limited to ensuring that the conditions of the By-law have been met.

3. Rental Housing Licensing Pilot Project

Through staff’s review of the options available to address renovictions, tenant displacement, and property standards in apartment buildings, areas of opportunity for improvement in the existing Rental Housing Licensing pilot program were identified. As such, minor amendments to Schedule 31, Rental Housing of the City of Hamilton Business Licensing By-law No. 07-170 have been proposed, including:

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- Change to the scope of the program to capture buildings of 5 units or less, instead of the current requirement of buildings of 4 units or less, in order to ensure all rental housing units are captured either through the Rental Housing Licensing pilot program (5 units or less) or the new Safe Apartment Buildings By-law (6 units or more); and
- Adding a requirement for property owners to communicate change in ownership information to City staff within 7 days.

4. Property Standards and Vital Services By-laws

As part of the research and analysis for this report, staff also reviewed and considered potential enhancements to the City's existing Property Standards and Vital Services By-laws to better protect tenants. In part, this review responds to concerns that were raised and experienced as a result of recent circumstances at 1083 Main Street East.

On December 28, 2022, due to exposure to freezing temperatures, the plumbing system located at 1083 Main Street East experienced significant damage that resulted in the building's water being shut off to avoid further damage. During this time, Hamilton Water began providing potable water to residents. On January 5, 2023, a Property Standards Order pursuant to the *Building Code Act, 1992* was issued to the property owner to repair or replace the plumbing system with a set compliance date of January 24, 2023. The Order was appealed by the property owner requesting more time to complete the work. Ultimately, the City of Hamilton Property Standards Committee convened and confirmed the Property Standards Order.

The City's Property Standards By-law was the most effective means to have water services restored to tenanted units. However, the Property Standards By-law, being passed pursuant to *Ontario's Building Code Act, 1992*, provides a 14-day appeal period. An appeal was delivered by the Property Owner requesting more time, delaying potential enforcement action until the appeal could be heard by the Property Standards Committee.

Staff conducted a jurisdictional scan of comparable Ontario Municipalities to identify any potential By-law improvements that could prevent prolonged cessation of a vital service from re-occurring. Numerous Municipalities had similar Vital Services By-laws, and all were passed on the basis of the powers set out in the Residential Tenancies Act; however, some Municipalities have expanded upon definitions and provisions to allow for better enforcement actions.

In response to this review, staff are recommending a number of changes to the City's Vital Services By-law:

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- Enhanced definitions and provisions to facilitate enforcement, including expanded definitions for what is adequate/suitable provision of each vital service type and property owner vs. operator;
- Introduction of electronic service as a means of serving an Order. In the situation that transpired at 1083 Main St E, electronic service may have allowed staff to save crucial time vs. serving an Order by other available options. Additionally, if the Safe Apartment Buildings By-law is approved, it is likely that electronic service will be an even better option as applicants/licence holders will be required to provide an email where available.
- Expansion of the provision for recovery of costs where the City is responsible for providing a vital service on behalf of the property owner, such as was the case with the provision of water at 1083 Main Street.

Staff also undertook a review of City of Hamilton By-law No. 10-221 (the “Property Standards” By-law). This By-law prescribes the standards for the maintenance and occupancy of property in the City of Hamilton and authorizes it to charge fees for services and activities as pursuant to the *Building Code Act, 1992*. A holistic review of the City of Hamilton Property Standards By-law No. 10-221 was undertaken, including evaluation with Municipal comparators. While no substantive changes are being proposed, the By-law attached as Appendix “H” to Report PED23072 has been restructured to improve ease of flow and “readability” for users.

5. Other Matters

Tracking Sale for Multi-unit Buildings

Through the recommendations detailed in Report PED23072, staff have ensured that sale of multi-unit buildings that fall under the scope of either the Safe Apartment Buildings By-law or the Rental Housing Licensing Pilot Program will be communicated to the City within seven days of sale. Within 48 business hours of receiving notification of a building sale, Licensing and By-law Services staff would then be able to share the notification information with the Tenant Support Program in the Housing Services Division.

Building Permits

In consultation with the Building Division regarding the use of Building Permits to halt renovictions, they advised that prior to issuance of a permit, an applicant must comply with “applicable law” which is defined in Div. A 1.4.1.3. of the *Building Code*, to which

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there is no applicable law outlined that would justify withholding a Building Permit due to an instance of renoviction.

Due to this, the Building Division would not require eviction as a condition of a permit; however, if the proposed scope of work is a renovation, there may be occasions where the building may remain occupied (or partially occupied), and in those cases, if it is known, they may require a phasing plan or other considerations to ensure the building is safe for occupancy during construction.

6. New Westminster By-law

As directed by Council, staff have also prepared a draft By-law, modelled directly on the Municipality of New Westminster's renovictions By-law, which is attached as Appendix "K" to Report PED23072, and which is discussed under the Alternatives for Consideration section of this report.

7. Other Related City Initiatives

The new By-laws and By-law amendments proposed in this report are further complemented and supported by a number of existing and pending City initiatives which seek to protect rental housing and rental tenants:

- Tenant Support Program – which will include legal support for tenants through the Landlord Tenant Board, organizing and capacity building for tenant organizations, and broader education for the tenants and landlords on their rights and responsibilities under the Residential Tenancies Act.
- Rental Housing Replacement By-law – will be brought forward for Council's consideration in Q4 2023.
- Short Term Rental Licensing By-law – which seeks to protect existing rental housing stock through the licensing and regulation of short-term rentals, which was approved by Council in 2023 and is set for implementation in Q4 2023.
- Rental Housing Licensing pilot project – which licenses rental units and regulates property standards in rental units in Wards 1, 8 and parts of 14.

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ALTERNATIVES FOR CONSIDERATION

Alternative One: New Westminster By-law

Rather than adopting the recommended “Renovation Licence and Relocation Listing By-law”, Council could consider adopting the draft By-law attached as Appendix “K” to Report PED23072, “Repairs and Renovations By-law” which encompasses the complete provisions drawn from Part 6 of the *Business Regulations and Licensing (Rental Units) By-law* from New Westminster, British Columbia. It is the opinion of staff that this By-law would not withstand legal challenge in Ontario and would also present challenges with respect to its operation and enforcement.

Should Council consider adopting the draft By-law attached as Appendix “K” to Report PED23072, implementation of the “Repairs and Renovations By-law” would require the following staffing:

- (i) Three full-time (3.0 FTE) Licensing Administrators in the Licensing and By-law Services Division to administer licence applications, enter investigation files and respond to inquiries, at an estimated total cost of \$287,000 annually (\$258,300 net levy);
- (ii) Three full-time (3.0 FTE) Licensing Compliance Officer in the Licensing and By-law Services Division to enforce the By-law, at an estimated total cost of \$327,000 annually (\$294,300 net levy);
- (iii) One full-time (1.0 FTE) Solicitor in Legal Services to respond to legal challenges and increased Property Standards Committee hearings, at an estimated total cost of \$212,000 annually (\$190,800 net levy);
- (iv) One full-time (1.0 FTE) Housing Clerk in the Housing Services Division to facilitate tenant support/education, at an estimated total cost of \$80,000 annually (\$72,000 net levy);
- (v) The purchase of three (3) vehicles at an estimated initial cost of \$163,575 and an annual operating cost of \$26,850 (\$24,165 net levy);
- (vi) An outreach, education and communications budget of \$10,000 annually (\$9,000 net levy); and
- (vii) A one-time cost of \$150,000 to fund the transition period for the implementation of the By-law.

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Alternative Two: Immediate Adoption of “Safe Apartment Buildings By-law” and “Renovation Licence and Relocation Listing By-law”

Given the significant cost and staffing impact associated with these two By-laws, staff are recommending that they be referred to the 2024 Budget process so that they can be considered alongside other Council priorities. Should Council wish to consider immediate implementation, Council would need to direct that all of the costs and staffing implications be reflected in the 2024 Budget, and the costs for the program between now and the start of the 2024 Budget would need to be covered through an appropriate Reserve. Should Council opt to initiate the By-laws immediately, implementation of the Transition Plans attached as Appendixes “C” and “F” to Report PED23072 would be modified to commence immediately, with the timeframes referenced in the Transition Plan still applying.

Immediate initiation of the program would result in a significant impact to other work being undertaken by the Licensing and By-law Services Division, including but not limited to Short-Term Rental Licensing implementation, Digital Sign By-law, etc.

Alternative Three: Expansion of Rental Housing Licensing Pilot Program

The current Rental Housing Licensing Pilot Program addresses rental properties of four units or less. Through this report, staff are recommending that this be modified to properties of five units or less. Staff are not recommending changes to the geographic scope of the pilot program at this time. The current Rental Housing Licensing Pilot Program is targeted to end on December 31, 2025. An update to Council on the status of the Rental Housing Licensing Pilot Program was most recently provided through Report PED21097(d) at Planning Committee on June 13, 2023.

Council could consider immediate city-wide expansion of the Rental Housing Licensing Pilot Program. Should Council wish to pursue this alternative, staff would need to report back to Planning Committee in Q4 2023 detailing the staffing, financial and implementation requirements. Immediate expansion of the program would result in a significant impact to other work being undertaken by the Licensing and By-law Services Division, including but not limited to Short-Term Rental Licensing implementation, Digital Sign By-law, etc.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23072 – Draft Safe Apartment Buildings By-law

Appendix “B” to Report PED23072 – Safe Apartment Buildings By-law – Fee Schedule

Appendix “C” to Report PED23072 – HARP Safe Apartment Standards Program
Transition Plan

Appendix “D” to Report PED23072 – Draft Renovation Licence and Relocation Listing
By-law

Appendix “E” to Report PED23072 – Renovation Licence and Relocation Listing By-law
– Fee Schedule

Appendix “F” to Report PED23072 – Renovation Licence and Relocation Listing By-
law- Transition Plan

Appendix “G” to Report PED23072 – Draft Vital Services By-law

Appendix “H” to Report PED23072 – Draft Property Standards By-law

Appendix “I” to Report PED23072 – Draft Amending By-law to amend Licensing By-law
No. 07-170, Schedule 31, Rental Housing

Appendix “J” to Report PED23072 – Draft Amending By-law to amend Administrative
Penalties By-law No. 17-225

Appendix “K” to Report PED23072 – Draft Repairs and Renovations By-law

Appendix “L” to Report PED23072 – New Westminster vs City of Hamilton
Recommendation Alignment Table

GB:ch

**Appendix "A" to Report PED23072
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Authority: Item ,
Report PED23072
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.****Safe Apartment Buildings By-law**

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and enhance the municipality's ability to respond to municipal issues;

WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides a single-tier municipality with the broad authority to pass by-laws respecting the economic, social, environmental well-being of the municipality, the health, safety and well-being of persons, the protection of persons and property and business licensing;

WHEREAS subsection 391(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may impose fees and charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control;

WHEREAS subsections 425(1) and 429(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

WHEREAS section 434.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may require a person, subject to such considerations as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c.25.;

Appendix “A” to Report PED23072**Page 2 of 20**

WHEREAS section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may pass a by-law providing that the municipality may enter on land at any

reasonable time for the purpose of carrying out an inspection to determine whether a by-law of a municipality has been complied with; and

WHEREAS sections 444 and 445 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and do work to correct the contravention.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

PART 1 – TITLE AND INTERPRETATION**Short Title**

1. This By-law may be referred to as the “Safe Apartment Buildings By-law”.

Definitions

2. In this By-law:

“**Administrative Penalty**” means any administrative fee pursuant to the City of Hamilton’s Administrative Penalties By-law 17-225;

“**Apartment Building**” means a purpose-built building, or related group of buildings, with two (2) or more storeys and six (6) or more Rental Units which share at least one (1) Common Area and includes the lands and premises on which the building is located on, but does not include a condominium, a long-term care home, a licensed residential care facility, a licensed retirement home, a lodging home or a housing co-operative;

“**Audit**” means an Inspection and assessment of the physical condition of an Apartment Building, its systems and site components, subsequent to a failed Evaluation, to determine compliance with applicable laws;

“**By-law**” means this By-law;

“**City**” means the municipality of the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

“**Common Area**” means a shared area or areas inside or outside of an Apartment Building available for the use of its Tenants including, but not limited to, vestibules, lobbies, hallways, stairs, elevators, underground parking, outdoor areas on the premises, meeting rooms, exercise and recreational facilities and garbage storage areas;

Appendix “A” to Report PED23072

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“**Council**” means the Council of the City of Hamilton;

“**Director**” means the City’s Director of Licensing and By-law Services and their designate or successor;

“**Domesticated Mouse or Rat**” means a mouse or rat:

- (a) kept as a pet by the occupiers of a Rental Unit, building or structure, normally in an enclosed cage or container within the Rental Unit, building or structure;
- (b) cared for and fed by the occupiers, which care includes clean up and removal of mouse or rat waste and soiled rodent bedding from the Building or Structure and cage or container; and
- (c) kept in compliance with any applicable animal control laws or by-laws;

“**Evaluation**” means an Inspection performed by an Officer on an Apartment Building to assign a score for maintenance practices and standards using criteria developed by the City;

“**Infestation**” includes, but is not limited to:

- (a) in the case of mice, rats, bed bugs, fleas, cockroaches or Fire/European ants, evidence of an active infestation including, but not limited to burrows, feces, eggs, nests or other indications of an infestation;
- b) in the case of ants, but not including Fire/European ants, the presence of any occupied nest in the interior of a building; or
- (c) in the case of wasps or hornets, the presence of any occupied nest attached to the interior or exterior of a building or structure;

“**Inspection**” means an inspection performed by an Officer in accordance with this By-law and includes an Evaluation and Audit;

“**Licensing By-law**” means the City’s By-law to License and Regulate Various Businesses 07-170;

“**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c.25;

“**Officer**” means a provincial offences officer, or a person appointed under the authority of a municipal by-law or by Council to enforce City by-laws;

“**Operator**” means the superintendent or property manager or any other person who may take on some or all of the roles relating to permitting occupancy, but does not include an Owner;

“**Owner**” means any person or persons who have any legal right, title, estate or interest in an Apartment Building and shall include, but is not limited to, a landlord, lessor, sublessor or other person permitting the occupation of a Rental Unit, their agents, heirs, assigns, personal representatives and successors in title;

Appendix "A" to Report PED23072

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"Penalty Notice" means a penalty notice given to a person pursuant to the Administrative Penalties By-law No. 17-225.

"Pest" includes, but is not limited to, any mouse, rat, ant, bed bug, flea, wasp, hornet, cockroach or any other rodent, insect or otherwise that the City considers to be a pest, but does not include any Domesticated Mouse or Rat;

"Person" includes an individual, sole proprietorship, partnership, limited partnership, trust, party or body corporate, and the personal or other legal representatives of a person to whom the context can apply according to the law;

"Plan" means a written procedure required by the City, and includes but is not limited to, a cleaning plan, electrical maintenance plan, state of good repair plan, integrated pest management plan, waste management plan and vital services disruption plan;

"Property Standards By-law" means the City's Property Standards By-law 23-XXX;

"Rental Unit" means any living accommodation used or intended for use as a rented residential premises;

"Tenant" includes a person who pays rent in return for the right to occupy the Rental Unit and includes their heirs, assigns and personal representatives, but does not include a person who has the right to occupy a Rental Unit by virtue of being an Owner of the Apartment Building in which the Rental Unit is located or a shareholder of a corporation that owns the Apartment Building;

"Tenant Service Request" means any communication from a Tenant to an Owner for the purpose of identifying and rectifying concerns regarding their Rental Unit or the Apartment Building;

"User Fee By-law" means the City's User Fees and Charges By-law No. 23-112;

"Vital Service" means hot or cold water, fuel, electricity, gas or, during the part of each year prescribed by the regulations, heat;

"Vital Services By-law" means the City's Vital Services By-law No. 23-XXX.

3. A term not defined in section 2 of this By-law shall have the same meaning as the term in the Building Code Act, 1992, S.O. 1992, c.23 or the City's Property Standards By-law.
4. In this By-law,
 - (a) a word importing the masculine, feminine or neutral gender only includes members of the other genders;
 - (b) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;

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- (c) a reference to any Act, bylaw, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, bylaw, rule or regulation or provision enacted in substitution therefor or amendment thereof;
- (d) the headings to each section are inserted for convenience of reference only and do not form part of the By-law;
- (e) words and abbreviations which have well-known technical or trade meanings are used in the By-law in accordance with those recognized meanings; and
- (f) where an officer of the City is named, or a reference is made to an office of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.

Application of the By-law

- 5. This By-law applies to all Apartment Buildings and all Rental Units in Apartment Building in the City.

PART 2 – REGISTRATION REQUIREMENTS**Registration Required**

- 6. No Owner shall operate or allow the operation of an Apartment Building that is not registered in accordance with this By-law.
- 7. An Owner shall at all times ensure that an Apartment Building complies with all applicable laws, including, but not limited to, applicable public health regulations, the Ontario Building Code, the Ontario Fire Code, and the City’s Property Standards By-law.
- 8. Upon completing the application for registration required pursuant to section 10 of this By-law, the application shall be reviewed by the Director and, if the Director is satisfied with the contents of the application, the Director shall issue a registration certificate to the Owner.
- 9. A registration certificate issued under this By-law is non-transferable.

Application for Registration

- 10. The application for registration shall be signed by the applicant and shall contain the following information relating to each Apartment Building for which application is made:
 - (a) the Owner’s name and contact information, including a mailing address, email address and telephone number;

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- (b) the name of a secondary contact and his/her contact information, including a mailing address, email address and telephone number;
 - (c) if there is an Operator of the Apartment Building, the Operator's name and contact information, including a mailing address, email address and telephone number;
 - (d) a full description of the Apartment Building and the Rental Units in the Apartment Building, including street address, number of rooms and any other information about the Apartment Building and Rental Units in the Apartment Building as required by the Director;
 - (e) proof of general liability insurance for the Apartment Building, with a minimum per occurrence limit of \$2,000,000.00;
 - (f) security features existing at the Apartment Building including, but not limited to, locking systems, cameras and security services;
 - (g) a copy of each Plan as required pursuant to this By-law; and
 - (h) other information or documentation as may be required by the Director.
11. An Owner shall notify the Director, within seven (7) days, of any change to any information relating to the registration issued to the Owner pursuant to this By-law, including:
- (a) the name, mailing address, email address and/or phone number of the Owner, the primary contact and/or secondary contact listed on the most recent application for registration;
 - (b) the name, mailing address, email address and/or phone number of the Operator listed on the most recent application for registration; and
 - (c) the ownership of the Apartment Building.

Term of Registration

12. The registration of an Apartment Building expires on the anniversary of the date of its registration.
13. An Owner shall apply for registration in a form and manner satisfactory to the Director for each Apartment Building owned by that Owner every twelve (12) months and shall pay the fee specified in the City's User Fees By-law;

Posting of Registration

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14. Every Owner that is registered under this By-law shall prominently display their registration in an inside Common Area at the Apartment Building which is visible to Tenants, prospective Tenants and visitors of the Apartment Building at all times.

False, Inaccurate and Misleading Information

15. No Owner shall provide inaccurate, misleading or otherwise incorrect information to the City.
16. Where the Director determines subsequent to the issuance of a registration that any or all of the information provided in section 10 of this By-law is inaccurate, misleading or otherwise incorrect, the Director shall notify the Owner in writing of such inaccurate, misleading or otherwise incorrect information.
17. Should the Owner fail to correct the registration within fourteen (14) calendar days of receipt of the notice provided pursuant to section 16 of this By-law, the Director shall revoke the Owner's registration without further notice to the Owner.

PART 4 – OWNER AND OPERATOR OBLIGATIONS**Application**

18. This Part applies to all Apartment Buildings and Rental Units in an Apartment Building in the City.

Owner's Duties and Obligations

19. Every Owner and Operator of an Apartment Building is responsible for complying with this By-law and shall not use, permit the use of, rent or offer to rent any Rental Unit in an Apartment Building that does not conform to the minimum maintenance standards prescribed under the City's Property Standards By-law.

Tenant Service Requests Process

20. An Owner or Operator shall have a process for managing Tenant Service Requests.
21. The process for managing Tenant Service Requests shall include, at a minimum, the following:
- (a) a means of receiving Tenant Service Requests;
 - (b) a means of maintaining a record of all Tenant Service Requests, which incorporates:
 - (i) the date and time the request was made;
 - (ii) the address and Rental Unit number to which the request relates;
 - (iii) the contact information provided by the Tenant;

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- (iv) a description of the issue, as reported by the Tenant;
 - (v) an evaluation of the urgency of the request, as set out in section 22 of this By-law;
 - (vi) a record of actions taken to address the request; and
 - (vii) the date and method by which the Tenant was notified of the resolution of the request;
- (c) a prioritization of incoming Tenant Service Requests to identify the urgency as set out in section 22 of this By-law; and
- (d) a verification if the Tenant has registered to be on the contact list of Tenants who have voluntarily chosen to self-identify as requiring assistance as set out in sections 31 and 32 of this By-law.

Urgent Tenant Service Request

22. For the purpose of subsection 21(c) of this By-law, an urgent Tenant Service Request is any such request made by a Tenant regarding their Rental Unit or the Apartment Building in relation to:
- (a) a loss or interruption to Vital Services;
 - (b) a breach of security of a Rental Unit or the Apartment Building.

Response to Tenant Service Request Required

23. An Owner or Operator who is in receipt of an urgent Tenant Service Request shall respond to the Tenant making the request within twenty-four (24) hours of the request being made.
24. An Owner or Operator in receipt of a Tenant Service Request that is not urgent shall respond to the Tenant making the request within five (5) days of the request being made.
25. An Owner or Operator shall maintain any information and records necessary to demonstrate compliance with the Tenant Service Request process as required by section 20 of this By-law.

Tenant Notification Procedures

26. An Owner or Operator shall erect or install a notification board in a central and prominent location inside a Common Area within the Apartment Building.
27. The most recent information relating to the following shall be posted on the Tenant notification board:

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- (a) Planned or unplanned service disruptions to Vital Services involving more than one (1) Rental Unit in an Apartment Building or a disruption to elevator(s), including, but not limited to, information relating to the:
 - (i) nature of the disruption;
 - (ii) expected duration of the disruptions; and
 - (iii) Rental Unit numbers, if any, impacted by the disruption.
- (b) Major capital projects and all information relating to:
 - (i) the nature of the project;
 - (ii) duration of the project; and
 - (iii) Rental Units, if any, impacted by the project.
- (c) The name and telephone number of the emergency building contact that is available on a 24-hour basis;
- (d) Evaluation completed by an Officer for the Apartment Building;
- (e) Instructions for Tenants on how to:
 - (i) submit and follow up on a previously submitted Tenant Service Request;
 - (ii) report unresolved issues to the City; and
 - (iii) obtain a copy of a Plan required pursuant to this By-law.
- (f) Notice of any scheduled Audit by the City, posted at least thirty (30) days prior to the Audit date, which notice contains information for Tenants allowing them to provide their concerns about the Apartment Building or their Rental Unit to the Owner and the City;
- (g) Any orders or notices issued by the City that apply to a Common Area, including:
 - (i) an order issued in accordance with the City’s Property Standards By-law;
 - (ii) a notice issued in accordance with the City’s Vital Service’s By-law.
- (h) Any notice of any appeal to an order made pursuant to an Inspection in relation to a Common Area of an Apartment Building;
- (i) Information in relation to any violation of the Ontario Fire Code as identified by Hamilton Fire;
- (j) Information on the voluntary list of Tenants requiring additional information referred to in section 30 of this By-law, including:

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- (i). the existence and purpose of the voluntary list of Tenants;
 - (ii). that the Tenant may request to be placed on the voluntary list of Tenants requiring assistance; and
 - (iii). the manner in which a Tenant who wishes to self-identify as requiring assistance.
- (k) information on the Safe Apartment Buildings By-law; and
- (l) any other information or document required by the Director.
28. The Owner or Operator shall provide information to Tenants and prospective Tenants on the Safe Apartment Buildings By-law, including but not limited to, informing Tenants of the rating of the Apartment Building and the basis on which that rating was determined prior to the Tenant signing a lease agreement and on an annual basis thereafter.
29. The Owner or Operator shall provide a copy of the most recent Evaluation result document received by the Owner or Operator from the Director to any person who requests this document.

Voluntary List of Tenants Requiring Additional Assistance

30. An Owner or Operator shall have and maintain a list of Tenants who may require additional assistance during periods of evacuation, elevator disruption or temporary discontinuance of Vital Services.
31. The list of Tenants required in section 30 of this By-law shall be comprised of Tenants who choose to voluntarily self-identify to the Owner or Operator of the Apartment Building as needing assistance.

PART 5 – MINIMUM MAINTENANCE STANDARDS

32. This Part applies to all Apartment Buildings and Rental Units in Apartment Buildings in the City.

Use of Certified Tradespersons

33. An Owner or Operator shall demonstrate that they have retained or used the services of a certified tradesperson where required by law for activities including, but not limited to, servicing heat, ventilation, air conditioning and plumbing systems.

Integrated Pest Management Plan

34. Every Owner shall have an integrated pest management plan for an Apartment Building in accordance with this By-law.

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35. The integrated pest management plan required pursuant to section 34 of this By-law shall include:
- (a) include a schedule of preventative inspections that are performed on a quarterly basis of each calendar year to inspect the age and condition of each Apartment Building;
 - (b) require an Owner or Operator to inspect the Apartment Building for Pests in any area of the Apartment Building within seventy-two (72) hours of receiving a Tenant Service Request relating to suspected Infestations in any part of the Apartment Building;
 - (c) standing treatment plans to be applied in the event of an Infestation of:
 - (i) mice;
 - (ii) rats;
 - (iii) ants;
 - (iv) bed bugs;
 - (v) fleas;
 - (vi) wasps;
 - (vii) hornets;
 - (viii) cockroaches; and
 - (ix) any Pest that has re-occurred at the Apartment Building.
36. An Owner or Operator who is aware of the presence of Pests at the Apartment Building or a Rental Unit in an Apartment Building shall take adequate measures to:
- (a) prevent the spread of the Pests into other Rental Units and/or other areas of the Apartment Building;
 - (b) eliminate or exterminate the Pests in all areas where the presence of the Pests is detected; and
 - (c) ensure that the integrated pest management plan and any other educational information about pest infestation prevention is made available to Tenants.
37. The Owner and Operator shall maintain any information or records necessary to demonstrate compliance with the integrated pest management plan required by section 34 of this By-law.
38. The Owner or Operator shall retain a pest management operator or exterminator licensed by the Ministry of Environment to conduct all pest extermination or elimination activity.
39. No Owner or Operator shall take any action which is likely to:
- (a) cause the spread of the Pests into other portions of the Apartment Building or Rental Units in the Apartment Building; or

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- (b) prevent the control or extermination of Pests.
40. No Owner or Operator shall take any action or permit any person to take any action intended to obstruct or hide the presence of Pests in any part of an Apartment Building or Rental Unit in an Apartment Building.
41. No Owner or Operator shall fail to provide Tenants with a copy of an integrated pest management plan prior to treating an Infestation within their Rental Unit.
42. No Owner or Operator shall fail to post an integrated pest management plan in the lobby of an Apartment Building prior to treating an Infestation within a Common Area of that Apartment Building.
43. No Owner or Operator shall fail to have an area that has been previously treated for Pests re-inspected between 15 and 30 days from the date of completion of the initial treatment.
44. No Tenant shall fail to submit a Tenant Service Request to report an Infestation, suspected Infestation, or conditions likely to cause an Infestation.
45. No Tenant shall knowingly cause conditions which may attract or harbour Pests.
46. No Tenant shall fail to treat an Infestation of fleas, lice or ticks on an animal under their care.
47. No Tenant shall fail to abide by an integrated pest management plan developed pursuant to this By-law.

Waste Management Plan

48. Every Owner shall have a waste management plan for an Apartment Building in accordance with this By-law.
49. The waste management plan required pursuant to section 48 of this By-law shall include information on:
- (a) the dates and times of garbage, recycling and, if applicable, organic material collection for the Apartment Building;
 - (b) the location and storage of garbage, recycling and, if applicable, organics material bins, or receptacles in or around the Apartment Building;
 - (c) a process for dealing with bulk waste, debris, excess garbage, recycling or other waste between collections.

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50. An Owner or Operator shall clearly identify with posters in Common Areas of the Apartment Building the location and the proper receptacles for the deposit of garbage, bulk waste, debris, recycling and, if applicable, organic material.
51. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the waste management plan required by section 48 of this By-law.

Cleaning Plan

52. Every Owner shall have a cleaning plan for the Apartment Building in accordance with this By-law, which includes, but is not limited to:
- (a) an inspection schedule setting out the nature and frequency of inspections to be performed for the purposes of ensuring the cleanliness of the Common Areas and the Apartment Building;
 - (b) a cleaning schedule setting out the nature and frequency of the cleaning services to be provided for all Common Areas in and around the Apartment Building; and
 - (c) a process to address any unexpected health or safety hazards that require the cleaning of all or part of any Common Area.
53. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the cleaning plan required by section 52 of this By-law.

State of Good Repair Plan

54. Every Owner shall have a state of good repair plan for an Apartment Building in a form and manner satisfactory to the Director that includes a comprehensive five (5) year forecast of capital element and common element repairs and improvements necessary to:
- (a) protect or restore the physical integrity of any part of the Apartment Building;
 - (b) maintain the provision of Vital Services;
 - (c) maintain or improve the security of any part of the Apartment Building; or
 - (d) maintain the safe movement of persons.
55. A state of good repair plan referred to in section 54 of this By-law shall include a list of the capital and common elements of the Apartment Building and a date upon which any of the capital and common elements of the Apartment Building will be scheduled to be replaced, repaired or updated.

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56. For the purposes of section 55 of this By-law, capital and common elements shall include:

- (a) roofs;
- (b) elevators;
- (c) building facades;
- (d) windows;
- (e) major mechanical and air treatment systems;
- (f) garages;
- (g) interior flooring and wall finishes;
- (h) balconies;
- (i) guardrails;
- (j) stairwells and stairwell handrails; and
- (k) building access and emergency exit doors.

57. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the state of good repair plan required by section 54 of this By-law.

58. An Owner or Operator shall provide a copy of the state of good repair plan to any Tenant or prospective Tenant within five (5) business days of receiving a request.

Electrical Maintenance Plan

59. Every Owner shall have and maintain an electrical maintenance plan for an Apartment Building in accordance with this By-law.

60. An Owner and Operator shall maintain an electrical maintenance plan in collaboration with an electrical contractor holding a valid ECRA/ESA Electrical Contractor licence issued by the Electrical Safety Authority.

61. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the electrical maintenance plan required by section 59 of this By-law.

Vital Service Disruption Plan

62. Every Owner shall have a vital services disruption plan for an Apartment Building in accordance with this By-law.

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63. An Owner or Operator shall maintain a vital services disruption plan for the Apartment Building and such vital services disruption plan shall include preventative measures and processes to address any potential disruptions to Vital Services.
64. Any document required to be posted to the Tenant notification board with respect to any disruption to Vital Services in an Apartment Building pursuant to subsection 27(a) of this By-law shall be posted:
- (a) within twenty-four (24) hours of the occurrence of any unplanned Vital Service disruption;
 - (b) a minimum of twenty-four (24) hours prior to any planned service disruption.
65. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the vital services disruption plan required by section 62 of this By-law.
66. An Owner or Operator who does not implement the vital services disruption plan in accordance with this By-law during a time of prolonged Vital Service disruption is guilty of an offence.

PART 6 – RECORD KEEPING REQUIREMENTS

67. An Owner or Operator shall create, maintain and retain records necessary to demonstrate compliance with this By-law.
68. The records referred to in section 67 of this By-law shall include, but are not limited to:
- (a) Tenant Service Requests referred to in section 20 of this By-law;
 - (b) logs of all scheduled or unscheduled cleaning activities including, but not limited to, the nature of the cleaning activity and the and the date and location on which it occurred;
 - (c) logs of all scheduled or unscheduled activities relating to the waste management plan including, but not limited to, the nature of the activity and the date and location on which it occurred;
 - (d) logs of all scheduled or unscheduled pest inspections including, but not limited to:
 - (i). the date and location of all proactive and reactive pest inspections;

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- (ii). the name of the pest management operator or exterminator licensed by the Ministry of Environment retained to conduct inspections; and
 - (iii). the results of the inspection, including the recommended treatment, if any;
- (e) logs of all pest treatment activities including, but not limited to:
- (i) the date and location of the treatment;
 - (ii) the name of the pest management operator or exterminator licensed by the Ministry of Environment undertaking the treatment; and
 - (iii) the nature of the treatment.
- (f) logs of service and maintenance conducted on fuel burning appliances, heating systems, cooling systems, electrical systems, ventilation systems and plumbing systems including, but not limited to:
- (i) the date and nature of the service; and
 - (ii) the name of the certified tradesperson who carried out the service or maintenance, if applicable.

69. Any Plan required pursuant to this By-law shall be available for review by the Director forthwith upon receiving an initial registration certificate pursuant to section 8 of this By-law with respect to the Apartment Building and any renewal of the registration certificate thereafter.

70. An Owner or Operator shall provide a copy of a Plan required pursuant to this By-law to any Tenant forthwith after receiving a written request for same.

71. An Owner or Operator shall provide a copy of the most recent Evaluation completed by the City for the Apartment Building to any Tenant forthwith after receiving a written request for same.

72. All records created in accordance with section 68 of this By-law shall be maintained by the Owner or Operator and stored in a secure and accessible manner for a period of no less than thirty (30) months from the date that the record was created.

PART 7 – INSPECTIONS

73. An Officer is authorized to conduct Inspections of an Apartment Building to determine compliance with this By-law and the Owner shall be responsible for the fees associated with such Inspections as set out in the City's User Fees By-law.

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74. An Owner or Operator shall, upon receiving notification of an Inspection, make arrangements for a representative of the Owner or Operator to be in attendance for the entire duration of the Inspection, when required by an Officer.
75. Upon request by an Officer, an Owner or Operator shall provide access to conduct Inspections any room of an Apartment Building not actively being occupied or used as a Rental Unit at any reasonable time to confirm compliance with this By-law.
76. An Officer is authorized to conduct an Audit of any Apartment Building that requires further investigation and is further authorized to re-inspect such Apartment Building to determine whether the Owners or Operators are complying with any issued orders and is further authorized to take any other action necessary and authorized by law.

PART 8 – PROHIBITION ON RENTING NON-COMPLIANT RENTAL UNITS**Prohibition on Rental of Vacant Rental Units in an Apartment Building**

77. No Owner or Operator shall rent out a Rental Unit in an Apartment Building to a new Tenant if there is a property standards order issued by the City pursuant to the City's Property Standards By-law against that Rental Unit.
78. No Owner or Operator shall rent out a Rental Unit in an Apartment Building to a new Tenant during a period of time where there is a discontinuance of any Vital Services in the Rental Unit.
79. No Owner or Operator shall rent out a Rental Unit in an Apartment Building to a new Tenant if the Owner or Operator knows of the presence of Pests in the Rental Unit.

PART 9 – ADMINISTRATION AND ENFORCEMENT**Fees**

80. All fees referred to in this By-law and all fees for services, including applicable Audit, Evaluation and Inspection fees, shall be as set out in the City's User Fees By-law, or as otherwise set and approved by Council from time to time.

Administration and Enforcement

81. The administration and enforcement of this By-law is assigned to the Director who shall perform all of the functions conferred upon them by this By-law.
82. The Director may delegate any responsibilities conferred upon the Director under this By-law to an employee of the City.

Power of Entry

83. An Officer may enter upon land at any time in accordance with section 436 of the *Municipal Act, 2001* for the purpose of carrying out an Inspection to determine whether or not the following are being complied with:
- (a) this By-law;
 - (b) a notice or order issued pursuant to this By-law.
84. For the purpose of an inspection carried out under this By-law, an Officer may:
- (a) require the production of documents or things relevant to the Inspection;
 - (b) review and remove documents or things relevant to the Inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the Inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the Inspection.

Orders and Remedial Action

85. An Officer who finds a contravention of this By-law may issue one (1) or more notices or orders against the Owner or Operator directing that the contravening activity be discontinued or that work be done to correct the contravention.
86. If an Owner or Operator fails to comply with a notice or order issued under section 85 of this By-law, an Officer may enter upon lands at any reasonable time for the purposes of doing the corrective actions described in the notice or order at the Owner's expense.

Notices

87. Unless otherwise specified in this By-law, a notice or order served in accordance with this By-law may be served personally, by regular mail or by email to the last known mailing address or email address on record for the person to whom it is directed.
88. If the City is unable to effect service under section 87 of this By-law, or the delay necessary to serve a notice or order would result in an immediate danger to the health or safety of any person, a placard stating the terms of the notice and placed in a conspicuous place upon land on or near the Apartment Building shall be deemed to be notice to the person to whom the notice is directed.

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89. The City may recover the costs of doing the matter or thing as directed pursuant to the notice or order issued under section 85 of this By-law by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Penalties and Offences

90. No person shall:

- (a) fail to comply with a notice or order issued under section 85 of this By-law;
- (b) hinder or obstruct or attempt to hinder or obstruct any person exercising a power or performing a duty under this By-law;
- (c) neglect or refuse to produce or provide any information or thing to any person acting pursuant to an order made under section 438 of the *Municipal Act, 2001*; and
- (d) make, participate in, assent to or acquiesce in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this By-law.

91. Every person who contravenes any provision of this By-law is liable to pay to the City an Administrative Penalty in the amount specified in the Administrative Penalties By-law No. 17-225, and shall follow the procedures for payment, screening reviews and hearing reviews as outlined in the Licensing Administrative Penalty By-law. If a person is required to pay an Administrative Penalty, the person shall not be charged with an offence in respect of the same contravention.

92. Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, as each may be amended from time to time.

93. In addition to Section 92, every person who is charged with an offence for a contravention of any provision of this By-law, by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, is guilty of an offence and on conviction is liable to a minimum fine of \$500 and a maximum fine of \$100,000.

General

94. In this By-law, a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or replaced from time to time.

95. Should any part of this By-law be determined by a Court of competent jurisdiction to be invalid or of no force, it is the stated intention of Council that such invalid part of the By-law shall be severable and that the remainder of this By-law shall continue to operate and to be in force.

96. This By-law shall come into force on May 1, 2024.

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
City Clerk

Appendix "B" to Report PED23072

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FEE SCHEDULE
Safe Apartment Buildings By-law

Registration Fee

Registration fee per residential unit	\$42.06 (plus HST)	annual
Renewal fee per residential unit	\$42.06 (plus HST)	annual

Audit Fee

Audit administration fee*	\$2123 (plus HST)	per audit
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*Fees to increase yearly under the User Fees and Charges Bylaw.

**Audit fees applicable only to buildings requiring an audit as a result of substandard evaluation scores (evaluation scores of 50% or less).

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Authority: Item ,
Report PED23072
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

Renovation Licence and Relocation Listing By-law

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides a single-tier municipality with the broad authority to pass by-laws respecting (i) the economic, social and environmental well-being of the municipality, (ii) the health, safety and well-being of persons, (iii) the protection of persons and property and (iv) business licensing;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a
- (b) licence; refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;

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- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 applies with necessary modifications to a system of licences with respect to any activity, matter or thing for which by-law may be passed under section 9, 10 and 11 of the Act as if it were a system of licences with respect to a business;

AND WHEREAS, in accordance with subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c.25, Council for the City of Hamilton is of the opinion that the delegation of the legislative powers under this by-law to the Director including, without limitation, the power to issue and impose conditions on a licence are powers of a minor nature having regard to the number of people, the size of the geographic area and the time period affected by the exercise of the power;

AND WHEREAS subsection 39(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may impose fees and charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control;

AND WHEREAS subsections 425(1) and 429(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

AND WHEREAS section 434.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may require a person, subject to such considerations as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c.25;

AND WHEREAS section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may pass a by-law providing that the municipality may enter

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on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of a municipality has been complied with;

AND WHEREAS sections 444 and 445 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and do work to correct the contravention;

AND WHEREAS the Province of Ontario has enacted the *Residential Tenancies Act, 2006* and such *Act* states that:

“The purposes of this Act are to provide protection for residential tenants from unlawful rent increases and unlawful evictions, to establish a framework for the regulation of residential rents, to balance the rights and responsibilities of residential landlords and tenants and to provide for the adjudication of disputes and for other processes to informally resolve disputes.”

AND WHEREAS the City seeks to regulate by way of licensing, any Landlord who intends to perform repairs and renovations and serves a notice of termination pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006* in order to assist the Tenant of such Landlord in making an informed decision as to whether or not the Tenant should deliver a notice of its wish to occupy the Rental Housing Unit after the repairs and renovations are complete prior to such Tenant vacating the premises;

AND WHEREAS pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, a Landlord shall serve a Tenant with a notice of termination of tenancy if the Landlord requires vacant possession of the Rental Housing Unit for the purpose of performing repairs or renovations;

AND WHEREAS the City seeks to require that a Landlord take certain steps, including, but not limited to, obtaining a licence to perform repairs or renovations to a Rental Housing Unit for which a notice of termination has been given under subsection 50(1)(c) of the *Residential Tenancies Act, 2006*;

AND WHEREAS subsection 50(3) of the *Residential Tenancies Act, 2006*, requires that the notice of termination served pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, inform the Tenant that if they wish a right of first refusal to occupy the premises as a Tenant after the repairs or renovations are complete, they must give the Landlord notice of this fact before vacating the rental unit;

AND WHEREAS pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006*, a Tenant who wishes to have a right of first refusal shall provide the Landlord notice in writing before vacating the rental unit;

AND WHEREAS, pursuant to subsections 54(1) and 54(3) of the *Residential Tenancies Act, 2006*, where a Landlord has served a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* on a Tenant of a Rental Housing Unit as the Landlord has voluntarily chosen to perform repairs or renovations requiring vacant possession of a Residential Complex or a Rental Housing Unit, that

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Landlord shall compensate that Tenant in an amount equal to three (3) months' rent or shall offer the Tenant another rental unit acceptable to the Tenant if that Tenant does not serve notice of its wish to have a right of first refusal pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006*;

AND WHEREAS the *Residential Tenancies Act, 2006* provides no other mechanism for the Landlord to provide any information to the Tenant about alternate Rental Housing Units which may be acceptable and/or available to the Tenant where a Landlord has served a notice of termination pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006*;

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

General

1. In this By-law;
 - (a) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
 - (b) a reference to any Act, by-law, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, by-law, rule or regulation or provision enacted in substitution therefor or amendment thereof;
 - (c) the headings to each section are inserted for convenience of reference only and do not form part of the By-law;
 - (d) words and abbreviations which have well-known technical or trade meanings are used in the By-law in accordance with those recognized meanings; and
 - (e) where an officer of the City is named, or a reference is made to an officer of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.

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2. This By-law shall apply to all Rental Housing Units within the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires.

3. This By-law shall not apply to:
 - (a) a licensed hotel, motel, inn or bed and breakfast, tourist home, licensed lodging house, licensed short-term rental or licensed residential care facilities; and

 - (b) any building to which any of the following statutes, or their regulations, apply;
 - (i) the *Homes for Special Care Act*, R.S.O. 1990, c. H.12, as amended;

 - (ii) the *Innkeepers Act*, R.S.O. 1990, C. 17, as amended;

 - (iii) the *Long-Term, Care Homes Act*, 2007, S.O. 2007, c. 8, as amended;

 - (iv) the *Retirement Homes Act*, 2010, S.O. 2010, c.11, as amended;

 - (v) the *Social Housing Reform Act*, 2000, S.O. 2000, c. 27, as amended and

 - (vi) social housing or affordable housing that is not subject to *Social Housing Reform Act*, 2000, S.O. 2000, c. 27, as amended, but which is subject to an agreement with the City and which has been approved for exemption by the Director.

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4. All licence fees and inspection fees related to this By-law shall be paid in accordance with the City’s User Fees and Charges By-law No. 19-160, and such licence fees and inspection fees paid shall be non-refundable.

Definitions

5. In this By-law:

“**By-law**” means this By-law;

“**Chief Building Official**” means the Chief Building Official as appointed by Council pursuant to the *Building Code Act*, or their designate, and may include building inspectors for the purpose of doing inspections as contemplated under this By-law;

“**City**” means the municipality of the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

“**Council**” means the Council of the City of Hamilton;

“**Director**” means the City’s Director of Licensing and By-law Services;

“**Fire Chief**” means the City of Hamilton Chief of the Hamilton Fire Department;

“**Landlord**” includes (i) the owner of a Residential Complex or any other person who permits occupancy of a Rental Housing Unit, other than a Tenant who occupies a Rental Housing Unit in a Residential Complex and who permits another person to occupy the Rental Housing Unit or any part thereof, (ii) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (i), and (iii) a person, other than a Tenant occupying a Rental Housing Unit in a Residential Complex, who is entitled to possession of the Residential Complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or the *Residential Tenancies Act 2006*, including the right to collect rent;

“**Licensee**” means any person, corporation or partnership licensed under this By-law;

“**Medical Officer of Health**” means the Medical Officer of Health for the Hamilton Health Unit and includes public health inspectors;

“**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c.25;

“**Municipal Law Enforcement Officer**” means an employee of the Licensing and By-law Services Division of the City of Hamilton who is appointed by Council to enforce the provisions of this By-law;

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“**Officer**” shall include a Municipal Law Enforcement Officer, Medical Officer of Health, Fire Chief, Chief Building Official, a Hamilton Police Services police officer, or any other person appointed under the authority of a municipal by-law or by Council to enforce City by-laws;

“**Operator**” means the superintendent or property manager or any other person who may take on some or all of the roles relating to permitting occupancy in a Rental Housing Unit, but does not include an Owner;

“**Owner**” means any person or persons who have any legal right, title, estate or interest in a Rental Housing Unit and shall include, but is not limited to, a landlord, lessors, sublessor or other person permitting the occupation of a Rental Housing Unit, their agents, heirs, personal representatives and successors in title;

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, party or body corporate, and the personal or other legal representatives of a person to whom the context can apply according to the law;

“**Rental Housing Unit**” means a building or part of a building: (i) consisting of one or more rooms; (ii) containing toilet and cooking facilities; (iii) designed for use as a single housekeeping establishment; and (iv) used or intended for use as a rented residential premise;

“**Residential Complex**” means a building or related group of buildings in which one or more Rental Housing Units are located and includes all common areas and services and facilities available for the use of its residents;

“**Residential Tenancies Act, 2006**” means *the Residential Tenancies Act, 2006*, S.O. 2006 c.17; and

“**Tenant**” includes a person who pays rent in return for the right to occupy the Rental Housing Unit and includes their heirs, assigns and personal representatives, but does not include a person who has the right to occupy a rental unit by virtue of being an Owner of the Residential Complex in which the Rental Housing Unit is located or a shareholder of a corporation that owns the Residential Complex.

6. A term not defined in section 5 of this By-law shall have the same meaning as the term in the *Building Code Act, 1992*, S.O. 1992, c.23 or the City’s Property Standards By-law.

**PART I- REPAIRS AND RENOVATIONS
TO RENTAL HOUSING UNITS**

Licence Required

7. A Landlord or Operator who has delivered a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* to a Tenant in order to perform repairs or renovations which require vacant possession of a Rental Housing Unit shall, within seven (7) days of serving the notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, submit an application for a licence issued by the Director in accordance with the provisions of this By-law.
8. A Landlord or Operator who fails to obtain a licence pursuant to section 7 of this By-law is guilty of an offence and is subject to a penalty in the amount prescribed in this By-law for each day that the Landlord or Operator fails to comply with section 7 of this By-law.

Prohibitions

9. No Landlord or Operator shall be issued a licence as required pursuant to section 7 of this By-law without first being issued all permits required to carry out the repairs or renovations requiring vacant possession of the Rental Housing Unit pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*.
10. No Landlord or Operator shall hold themselves out to be licensed under this By-law if they are not licensed.
11. No Landlord or Operator shall contravene or fail to comply with any of the terms and conditions of their licence issued under this By-law.
12. No Landlord or Operator shall transfer or assign a licence issued under this By-law.

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13. No Person shall provide false or misleading information to the Director when applying for or renewing a licence under this By-law.
14. No Person shall hinder or obstruct an Officer or attempt to hinder or obstruct an Officer who is performing a duty under this By-law.
15. Any Person who provides false information to the Director shall be deemed to have hindered or obstructed an Officer in the execution of their duties.

Application for and Renewal of Licence

16. The application for a licence shall be signed and submitted to the Director by the Landlord or Operator no later than seven (7) days after service of any notice given pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*.
17. Every Landlord or Operator applying for a licence pursuant to section 16 of this By-law shall provide the following information and materials in support of the application:
 - (a) a copy of the building permit issued by the Chief Building Official and any other permit required to carry out the repairs or renovations, issued to the Landlord or Operator;
 - (b) a copy of the notice of termination delivered to the Tenant by the Landlord or Operator pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006*; and
 - (c) a copy of a report prepared by a professionally designated engineer or other person with the requisite qualification stating that the repairs or renovations are so extensive that they require vacant possession of the Rental Housing Unit.

Issuance of Licence

18. A licence issued under this By-law shall only be valid for the repairs or renovations of the Rental Housing Unit as provided for on the application form.
19. A licence issued under this By-law shall be valid for either the period of one (1) year or the estimated date by which the Rental Housing Unit is expected to be ready for occupancy following the repairs or renovations, whichever is sooner.
20. A licence, in accordance with the provisions of this By-law, shall be required for each Rental Housing Unit and/or each Residential Complex for which a building permit is issued.

**PART II- PROVISION OF LISTING TO TENANTS
FOR ALTERNATE HOUSING****Purpose**

21. The purpose of this part of the By-law is to require a Landlord or Operator of a Residential Complex who has obtained a licence to repair or renovate a Rental Housing Unit pursuant to this By-law to provide, or cause to be provided, a listing of Rental Housing Units which are comparable to the Tenant's present Rental Housing Unit so that the Tenant can make an informed choice about whether or not to deliver a Notice to Re-Occupy the Rental Housing Unit at the end of the renovations or repairs.

Requirement to Provide Listing

22. Where a Landlord has served a notice of termination on a Tenant pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* for the purpose of performing repairs or renovations on the Rental Housing Unit that require vacant possession of same, the Landlord or Operator shall obtain a listing of alternative Rental Housing Units which are comparable to the Tenant's present Rental Housing Unit and shall serve the said listing on the Tenant no later than two (2) months before the expiry of the one hundred and twenty (120) days' notice period pursuant to subsection 50(2) of the *Residential Tenancies Act, 2006*. To be comparable, the alternative Rental Housing Units must be within a one-mile radius

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of the Rental Housing Unit that requires vacant possession, have the same or a greater number of bedrooms, comply with the maintenance standards of the City's Property Standards By-law and the rent for each of the alternative Rental Housing Units is no greater than Fifteen Per Cent (15%) of the rent for the Rental Housing Unit that is being renovated or repaired.

23. For the purpose of section 22 of this By-law, the number of alternative Rental Housing Units provided on the listing to the Tenant shall be no less than the number of Tenants in the Residential Complex who have been served with a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* and, in no case shall there be less than three (3) Rental Housing Units set out on the listing for the purpose of allowing the Tenant to determine whether to exercise its right to first refusal pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006* as a result of being served with a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*.

24. In the event that the Landlord or Operator is unable to provide a listing to the Tenant with the number of alternative Rental Housing Units as required pursuant to section 22 of this By-law due to an inadequate supply of available and comparable Rental Housing Units:
 - (a) where the Landlord or Operator is still able to provide a listing to the Tenant with a lesser number of alternative Rental Housing Units than required by section 22 of this By-law, the Landlord or Operator shall provide the listing to the Tenant with a lesser number of alternative Rental Housing Units listed on the listing than what is required by section 22 of the By-law and the Landlord or Operator shall provide a certification to the Director, signed by the Landlord or Operator, certifying that the Landlord or Operator is unable to comply with section 22 and that the reason for such non-compliance is due to an inadequate supply of available and comparable Rental Housing Units, or

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- (b) where the Landlord or Operator is unable to provide any listing to the Tenant as required by section 22 of the By-law, then the Landlord or Operator shall provide a certification to the Director, signed by the Landlord or Operator, certifying that the Landlord or Operator is unable to comply with section 22 and that the reason for such non-compliance is due to there being no available comparable Rental Housing Units.
25. The following information shall be included on the listing provided to each Tenant:
- (a) the name of the proposed Landlord or Operator of each proposed alternative Rental Housing Unit;
 - (b) the address of each proposed alternative Rental Housing Unit;
 - (c) the quantum of rent per month for each proposed alternative Rental Housing Unit;
 - (d) the minimum rental term required by the Landlord or Operator for each proposed alternative Rental Housing Unit; and
 - (e) any other information that may assist the Tenant in making an informed decision about whether to give notice of its intention pursuant to subsection 53(2) *Residential Tenancies Act, 2006* to have a right of first refusal to occupy the Rental Housing Unit as a Tenant when the repairs or renovations are completed.
26. The Landlord or Operator shall ensure that each of the proposed alternative Rental Housing Units set out on the listing served upon the Tenant shall be available for rent by the Tenant at the time of service of the listing on the Tenant.
27. After the service of the initial listing referred to in section 22, the Landlord or Operator may provide the Tenant with further listings to assist the Tenant in making an informed decision when considering whether to give notice of its intention to have a right of first refusal to occupy the Rental Housing Unit as a

Appendix “D” to Report PED23072**Page 13 of 14**

Tenant pursuant to the option provided to the Tenant under subsection 53(1) of the *Residential Tenancies Act, 2006*.

28. Where the Landlord or Operator does not provide the Tenant with the listing as required in section 22 of this By-law, the Landlord or Operator shall be in breach of this By-law.

PART III-ADMINISTRATION AND ENFORCEMENT**Powers of the Director**

29. Notwithstanding any other provision in this By-law, the power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to revoke a licence, and to impose terms and conditions, including special conditions on a licence are delegated to the Director.
30. The Director shall issue a licence or renew a licence where the requirements or conditions of the By-law have been met.
31. The Director may refuse to issue, refuse to renew, or revoke a licence, or impose a term or condition on a licence on the following grounds:
- (a) there are reasonable grounds to believe that an application or other documents provided to the Director by the Landlord or Operator contains a false statement;
 - (b) the Residential Complex of the Owner and/or any Rental Housing Unit in the Residential Complex is subject to an order, or orders, made pursuant to any governmental authority;
 - (c) a Landlord or Operator does not meet all the requirements of this By-law.
32. The Director may reject an application or its renewal where any of the documents required by this By-law are incomplete or have not been filed.

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33. Notwithstanding any other provision in this By-law, the Director may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the Director to give effect to this By-law.

Offences

34. Every Person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and other such penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*.
35. In addition to section 34 of this By-law, every Person who contravenes any provision of this By-law and was charged with an offence for a contravention of any provision of this By-law by the laying of an information of Part III of the *Provincial Offences Act*, is guilty of an offence and on conviction is liable to a minimum fine of \$1,000.00 and a maximum fine of \$50,000.00

PASSED this _____ day of _____, 2023	
_____ Mayor: Andrea Horwath	_____ City Clerk:

**Appendix "E" to Report PED23072
Page 1 of 1****FEE SCHEDULE
Renovation Licence and Relocation Listing By-law****Licence Fee**

Licence fee per unit	\$715	one time
Renewal fee per unit	\$125	annual

*Fees to increase yearly under the User Fees and Charges Bylaw.

**Renovation Licence and Relocation Listing By-law –
Transition Plan for Implementation**

	2024								2025
	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.
Initial staff recruitment and training									
Development of Website, Resources and Brochures									
Outreach to Community, Stakeholders, Property Owners, Tenants									
AMANDA, payment portal, application documentation and checklist									
Accept Renovation Licence Applications									

Authority: Item ,
Report (PED23072)
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**Vital Services By-law
Being a By-law to Regulate the Supply of Vital Services
Consolidation**

This By-law is a consolidated version and includes amendments made by those amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.

Being a By-law to Repeal By-law 09-190 and Requiring the Supply of Vital Services

WHEREAS City Council deems it necessary to require the supply of water, gas, fuel oil, or electricity by landlords and the suppliers of such vital services and to prohibit the cancellation of such vital services to rental units;

WHEREAS City Council deems it to repeal and replace By-law No. 05- 322 respecting vital services;

WHEREAS Part XIII, Sections 215 through 223 of the Residential Tenancies Act, 2006, S.O. 2006 Chapter 17, provides for the enactment and enforcement of a vital services by-law, lien and rent collection rights, and related matters;

WHEREAS Section 23.5 of the Municipal Act, 2001 S.O. 2001, Chapter 25 allows City Council to delegate hearings or the opportunity for a hearing to its committees;

WHEREAS Section 284.1 of the Municipal Act, 2001 S.O. 2001, Chapter 25 authorizes a municipality to provide for a review or appeal of a decision made by a person or body in the exercise or the intended exercise of a power of the performance or intended performance of a duty delegated to him, her or it by the municipality, including but not limited to, the power to designate the person or body to conduct the review or the appeal, and the power to establish procedures with respect to the review or appeal; and,

WHEREAS Section 446 of the Municipal Act, 2001 provides that a by-law passed under any Act directing or requiring a person to do a matter or thing, allows the municipality to provide that in default of the thing or matter being done by the person directed or required to do it, the matter or thing may be done by the City, at the person’s expense, and allowing the municipality may for that purpose enter upon lands at any reasonable time.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

PART I – SHORT TITLE, INTERPRETATION AND SEVERABILITY

1. This By-law may be referred to as the “Vital Services By-law”.
2. In this By-law,
 - (a) a word importing the masculine, feminine or neutral gender only includes members of the other genders;
 - (b) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
 - (c) a reference to any Act, bylaw, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, bylaw, rule or regulation or provision enacted in substitution therefor or amendment thereof;
 - (d) the headings to each section are inserted for convenience of reference only and do not form part of the By-law;

- (e) words and abbreviations which have well-known technical or trade meanings are used in the By-law in accordance with those recognized meanings; and
 - (f) where an officer of the City is named, or a reference is made to an office of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.
3. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART II – APPLICATION OF BY-LAW

4. This By-law shall not apply to a Landlord with respect to a Rental Unit to the extent that the Tenant has expressly agreed to obtain and maintain a Vital Service.
5. This By-law applies to all Rental Units within the City.
6. This By-law applies to Rental Units referred to and described in section 5 of this By-law whether or not notice of a shut-off or discontinuance of a Vital Service is required in accordance with section 20 of this By-law.
7. This By-law only applies to Vital Services.

PART III – DEFINITIONS

8. In this By-law:
- (a) **"Adequate and Suitable Supply of Vital Services"** means fuel, electricity, gas, adequate and suitable heat, adequate and suitable supply of hot water and an adequate and suitable supply of water that are supplied and available to the Rental Unit and shall include the provision of such Vital Service to an appliance which is serving the Rental Unit.
 - (b) **"Adequate and Suitable Heat"** means that the minimum temperature of the air in the Rental Unit which is available to the Tenant is at least twenty (20) degrees Celsius at one and one-half (1.5) metres above floor level and one (1) metre from exterior walls in all habitable space and in any area intended for normal use by Tenants, including but not limited to, recreational rooms and laundry rooms, but specifically excluding locker rooms and garages;
 - (c) **"Adequate and Suitable Supply of Hot Water"** means a supply of hot water at the ordinary temperature of at least forty-three (43) degrees Celsius of at least one hundred sixty-five (165) litres for fifteen (15) minutes with a minimum recovery rate for the temperature of forty-five

(45) litres per hour;

- (d) **"Adequate and Suitable Supply of Water"** means a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities;
- (e) **"APS By-law"** shall mean the City's Administrative Penalties By-law No.17-225
- (f) **"By-Law"** means this By-law;
- (g) **"City"** means the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires;
- (h) **"Director"** means the Director of the Licensing and By-law Services Division of the City or the Director's designate;
- (i) **"Planning Committee"** means the City's Planning Committee delegated by City Council to conduct a hearing of an appeal of an interim certificate in accordance with this By-law;
- (j) **"Landlord"** includes:
 - (i) The owner of a Rental Unit or any other person who permits occupancy of a Rental Unit, other than a Tenant who occupies a Rental Unit in a Residential Complex and who permits another person to also occupy the unit or any part of the unit;
 - (ii) The heirs, assigns, personal representatives and successors in title of a person referred to in clause (i); and
 - (iii) A person other than a Tenant occupying a Rental Unit in a Residential Complex who is entitled to possession of the Residential Complex and who attempts to enforce any rights of a landlord under a Tenancy Agreement or the Residential Tenancies Act, 2006, including the right to collect rent.
- (k) **"Municipal Act, 2001"** means the Municipal Act, 2001, S.O., c.25, and amendments thereto;
- (l) **"Officer"** means, in relation to a person carrying out duties of administration or enforcement under this By-law on behalf of the Director, a person appointed under this or any City by-law as a municipal law enforcement officer or inspector, or any other person assigned administrative duties by the Director for purposes under this By-law;
- (m) **"Operator"** means the superintendent or property manager or any other person who may take on some of the roles relating to permitting occupancy of a Rental Unit, if any, but does not include a Landlord.
- (n) **"Owner"** includes:
 - (i) The person registered on title to the real property as the owner in

fee simple;

- (ii) The person for the time being, managing or receiving the rent of the property in connection with which the word is used whether on the person’s own account, or as agent or trustee of any person, or who would receive the rent if the property were let;
 - (iii) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- (o) **“Person”** includes an individual, sole proprietorship, partnership, limited partnership, trust, body corporate or party, and the personal or other legal representatives of a person to whom the context can apply according to law;
- (p) **“Provincial Offences Act”** means the Provincial Offences Act, R.S.O 1990, c.P33.
- (q) **“Rental Unit”** means any living accommodation used or intended for the use as a rented residential premises and Rental Unit includes:
- (i) a site on which there is a land lease home used or intended for use as a rented residential premise; and
 - (ii) a room in a boarding house, rooming house or lodging house and a unit in a care home.
- (r) **“Residential Complex”** means:
- (i) a building or related group of buildings in which one or more Rental Units are located;
 - (ii) a land lease community;
 - (iii) a site that is a rental unit;
 - (iv) a care home, and
- includes all common areas and services and facilities available for the use of its residents.
- (s) **“Residential Tenancies Act, 2006”** means the Residential Tenancies Act, 2006, S. O. 2006, Chapter 17;
- (t) **“Tenancy Agreement”** means a written, oral or implied agreement between a Tenant and a Landlord for occupancy of a Rental Unit and includes a licence to occupy a Rental Unit.
- (u) **“Tenant”** includes a person who pays rent in return for the right to occupy a Rental Unit and includes that person’s heirs, assigns and personal representatives, but does not include a person who has the right to occupy a Rental Unit by virtue of being:

- (i) a co-owner of the Rental Unit; or
 - (ii) a shareholder of a corporation that owns the Rental Unit.
- (v) "**Vital Service**" means hot or cold water, fuel, electricity, gas or, during the part of each year prescribed by the regulations, heat.

PART IV – REQUIREMENT OF LANDLORDS

Adequate and Suitable Supply of Vital Services

9. Every Landlord shall provide an Adequate and Suitable Supply of Vital Services for Rental Units, as provided for in this By-law.
10. Every Landlord shall ensure that:
- (a) each Rental Unit is provided with Adequate and Suitable Heat between the 15th day of September in each year and the 15th day of May of the following year;
 - (b) there is heating equipment or a heating system capable of maintaining Adequate and Suitable Heat that supplies each Rental Unit;
 - (c) each Rental Unit is not equipped with auxiliary heating equipment as the primary source of heat.

Notice Required by Landlord for a Vital Service Shut off

11. The Landlord or Operator shall notify the Tenant(s) of a Rental Unit if a Vital Service will be shut off for any period of time, in accordance with the requirements under this By-law.
- (a) The notice from the Landlord or Operator to the affected Tenant(s) shall be in writing and shall be given to the Tenant(s) at least twenty-four (24) hours in advance of the Vital Service being shut off, or as soon as practicable under the circumstances. Any notice to the Tenant(s) may be sent by e-mail, mail, or by way of posting a notice in a conspicuous place in the common area(s) outside the Rental Unit where it is most likely to come to the attention of the Tenant(s).
 - (b) The notice shall indicate the reason for the Vital Service being shut off, the expected time it will be turned back on and provide any information on temporary access to the Rental Unit up to the restoration of the Adequate and Suitable Supply of Vital Services.

Cessation of Vital Services by Landlord

12. No Landlord shall cause or allow the cessation of a Vital Service to a Rental Unit except when it is necessary to safely make repairs or alterations to the Rental Unit and then only for the minimum period of time necessary to effect the repair or alteration.

13. For the purposes of this By-law, a Landlord shall be deemed to have caused the cessation of a Vital Service for a Rental Unit if the Landlord is obligated by the Tenancy Agreement to pay for the Vital Service and fails to do so and, as a result of the non-payment, the Vital Service is no longer provided to the Rental Unit.
14. For the purposes of this By-law, an Adequate and Suitable Supply of Vital Services is not provided where the electrical supply is restricted by a load limiter added by a supplier as a result of non-payment by the Landlord for the electrical supply.
15. A Landlord, for the purpose of restoring an Adequate and Suitable Supply of Vital Services under this By-law, shall:
 - (a) provide the City, its agents or contractors and the suppliers or public authorities concerned with the safe restoration of the Adequate and Suitable Supply of Vital Services with any information, building plans and assistance as may be required to safely restore the Adequate and Suitable Supply of Vital Services to Rental Units, including, but not limited to, arranging for and communicating reasonable times to enter the common or other areas and Rental Units, and providing information on whether Rental Units are occupied or not;
 - (b) arrange for access to the Rental Units during the time of restoring the Adequate and Suitable Supply of Vital Services to ensure that same is safely restored;
 - (c) communicate with the City and the supplier or public authority providing the Vital Service when the Rental Units have been checked to allow safe restoration of the Vital Service and provide appropriate written confirmation to the City from the supplier or public authority providing the Vital Service;
 - (d) carry out repairs or alterations, including restoring or replacing any connection, equipment or part of the system involved in the supply of a Vital Service to a Rental Unit as may be required to:
 - (i) safely restore the supply of a Vital Service, and to do such things in the minimum period necessary to effect the repair or alterations; and
 - (ii) allow a supplier or public authority providing the Vital Service to inspect, replace or repair their own equipment installed at the building or any connection to or part of their system of supply needed for safe restoration of the supply of Vital Services;
 - (e) provide access to common or other areas of the building needed for the City, its agents and contractors, and the suppliers or public authorities providing the Vital Service, for inspection of connections, equipment and systems involved in the supply of a Vital Service, as may be necessary for the safe restoration of an Adequate and Suitable Supply of Vital Services; and

- (f) not attempt to or actually interfere with, hinder or obstruct the City, its agents or contractors and the suppliers or public authorities providing the Vital Service involved in the restoration of the Adequate and Suitable Supply of Vital Services or related matters under this By-law, where the Landlord has failed to carry out the required safe restoration of the Adequate and Suitable Supply of Vital Services themselves.
16. No Landlord shall advise a supplier of a Vital Service to bill a Tenant directly except where such Tenant has, in writing, expressly assumed the obligation to pay for that Vital Service in a Tenancy Agreement.

Director's Notice or Warning

17. The Director may give notice or warning to a Landlord responsible for the cessation of the supply of a Vital Service, or to other Persons with an interest in the Rental Unit who may be affected by the City's authority under this By-law (including Tenants), of the City's intention to take action under this By-law in the event a Vital Service is discontinued, but the failure of such notice to be given or of it coming to the attention of the Landlord or others does not prevent or limit the taking of any action herein.
18. Notices or warnings under section 17 of this By-law may be personally delivered, posted on the property in a prominent place, e-mailed or mailed via registered mail to the last known address of Persons which address may include the address supplied by Tenants used to supply rent payments or to contact the Landlord for the purposes of the Tenancy Agreements or rental of the Rental Unit.

PART V – SUPPLIER'S RESPONSIBILITIES

Notice of Discontinuance

19. Subject to section 20 of this By-law, no supplier of a Vital Service shall cease to provide the Vital Service to a building to which this By-law applies until written notice of the intended discontinuance has been delivered to the City in compliance with this By-law at least thirty (30) days before the supplier ceases to provide the Vital Service.
20. A Vital Service supplier is required to give notice to the City only if the Vital Service is to be discontinued for a Rental Unit because the Landlord or such other Person acting on behalf of the Landlord has breached a contract with the supplier for the supply of the Vital Service.
21. The notice of discontinuance shall include the following:
- (a) name, telephone number, and e-mail address of the contact person at the supplier who is responsible for the disconnection and of the person who may be contacted to receive directions to arrange reconnection;

- (b) the municipal address of the Rental Units affected by the discontinuance of Vital Services (where known), and the type of Vital Service being discontinued;
 - (c) the name, address and telephone number of the Person responsible for payment for the Vital Service;
 - (d) a statement that the reason for the discontinuance of the Vital Service is for non-payment, or alternatively indicating without particulars that the Vital Service is being discontinued for some other breach of the supply contract;
 - (e) the date and approximate time proposed for discontinuance of the supply of the Vital Service; and
 - (f) a reference to this By-law by name.
22. A supplier shall deliver the notice of discontinuance required pursuant to section 19 of this By-law marked as "URGENT, Notice of Shut-off of Vital Service" and shall be to the attention of the Director.
23. The notice of discontinuance shall be delivered to the Director by e-mail to MLE@hamilton.ca,
24. In the event the supplier receives written notice from the Director regarding a change in the contact information or methods of delivery of notices to the Director in sections 22 and 23 of this By-law, then the supplier shall use such new methods of delivery until the By-law is further amended.
25. A supplier shall deliver additional written notice to the Director where the contact details of the supplier mentioned in subsection 21(a) of this By-law have changed.
26. If the disconnection of a Vital Service is cancelled or rescheduled after the delivery of the notice of discontinuance pursuant to section 19 of this By-law, by reason of payment of the supplier's account or otherwise, the supplier shall immediately deliver an additional notice, in writing, to the Director indicating that the disconnection of the Vital Service has been cancelled or rescheduled. If the disconnection has been rescheduled, the supplier shall provide the rescheduled date and approximate time of discontinuance of the Vital Service.

Restoration of Vital Service

27. Upon the direction of the Director, a supplier shall promptly restore or supply a Vital Service to a Rental Unit.
28. Upon the request of the Director, a supplier shall provide such written details, invoices or updates as the Director deems necessary to implement the provisions of this By-law, including amounts owing for a Vital Service supplied to a Rental Unit.

PART VI – ADMINISTRATION AND ENFORCEMENT

General

29. Administration and enforcement of this By-law shall be performed by the Director and by any Officer who is appointed or assigned by the Director, except where duties are specified for the City Clerk, and the Director or the City Clerk may assign such duties or retain such agents or assistance as required, in particular including for the purpose of registering liens and collecting of rents in accordance with this By-law.
30. No Person shall hinder, obstruct, or interfere with, or attempt to hinder, obstruct or interfere with the Director or any Officer while acting on the City's behalf in exercising a power or performing a duty under this By-law or relevant to this By-law.
31. The Director is authorized to issue or cause to be issued notices or warning under this By-law and to give directions to restore supplies of Vital Services.

Inspections

32. The Director or Officer acting under this By-law may, at all reasonable times, enter and inspect a building or part of a building with respect to which this By-law applies for the purpose of determining compliance with this By-law;
33. Despite section 32 of this By-law, the Director or Officer acting under this By-law shall not enter a Rental Unit:
 - (a) unless the Director or Officer has obtained the consent of the Tenant of the Rental Unit after informing the Tenant that he or she may refuse permission to enter the Rental Unit; or
 - (b) unless the Director or Officer is authorized to do so under the authority of a warrant duly issued under Provincial Offences Act for authority to enter a place occupied or used as a Rental Unit.
34. A Director or Officer authorized to act under this By-law may undertake an inspection pursuant to an order issued by a provincial court judge or justice of the peace pursuant to section 438 of the Municipal Act, 2001, where he or she has been prevented or is likely to be prevented from carrying out an inspection under section 32 of this By-law.

Collection of Information

35. For the purposes of an inspection under section 32 of this By-law, the Director or an Officer authorized under this By-law may:
 - (a) require the production for inspection or documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information in writing or otherwise from any Person concerning a matter related to the inspection;
 - (d) Make examinations or take tests, samples or photographs necessary, alone or in conjunction with a person possessing special or expert knowledge, for the purposes of the inspection.
36. Any costs incurred by the City in exercising its authority to inspect under section 32 of this By-law, including but not limited to, the costs of any examination, tests, sample or photograph necessary for the purposes of the inspection, shall be paid by the Landlord.

Contravention of By-law

37. If the Director or Officer authorized to act under this By-law is satisfied that a contravention of this By-law has occurred, he or she may make an order pursuant to section 445 of the Municipal Act, 2001, requiring the person who contravened the By-law and/or who caused or permitted the contravention and/or the Landlord to:
- (a) discontinue the contravening activity; and
 - (b) do the work to correct the contravention.
38. An Order under section 37 of this By-law shall include, without limitation, the following:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the Rental Unit where the contravention occurred;
 - (b) the work to be completed; and
 - (c) the time frame, date, or dates by which the work must be completed.
39. An Order pursuant to section 37 of this By-law shall be served personally, by registered mail or by email to the last known address or email address of the Landlord and may be served in a like manner on any other Person affected by the Order as the Director or Officer making the Order determines.
40. Service by registered mail shall be deemed to have taken place five (5) business days after the date of mailing.
41. In addition to service given in accordance with section 39 of this By-law, an Order made under section 37 of this By-law may be served by the Director or Officer by placing a placard containing the order in a conspicuous place on the property where the contravention occurred.

42. Where service cannot be affected by section 39 of this By-law, sufficient service is deemed to have taken place when given in accordance with section 41 of this By-law.

Remedial Actions

43. The Director, any Officer or any person acting under the direction of either the Director or any Officer may, where the Landlord has failed to do a matter or thing required of the Landlord under this By-law, do or carry out such matter or thing pursuant to section 446 of the Municipal Act, 2001, including but not limited to making necessary access to the Rental Unit at reasonable times to carry out such matter or thing.
44. Where the City incurs costs under section 43 of this By-law as the result of the Landlord's failure to do a matter or thing required under this By-law (other than costs for the supply of Vital Services, reconnection fees charged by a supplier or the City's own administrative costs) those additional incurred costs may be collected by action or in a like manner as taxes pursuant to section 446 of the Municipal Act, 2001, together with interest at the rate of 15% per year, calculated from the time the City incurs the cost until the amount is paid.
45. For greater certainty, costs intended to be recoverable under section 44 of this By-law include those costs invoiced to and incurred by the City as a result of attempted or actual obstruction, interference or hindrance of the City, its contractors or agents, and suppliers or other public authorities involved in the safe restoration of an Adequate and Suitable Supply of Vital Services, and any locksmith costs in obtaining access to an area of the property under control of the Landlord or the Landlord's contractor or agent for which the Landlord has not given reasonable access considering the vital aspect of the service and obligations of the Landlord to Tenants.

Agreements

46. The Director is authorized to:
- (a) arrange for a Vital Service to be provided at a Rental Unit if a Landlord does not provide an Adequate and Suitable Supply of Vital Services at the Residential Complex or Rental Unit in accordance with this By-law;
 - (b) negotiate and enter into agreements on behalf of the City with suppliers of a Vital Service to ensure that Adequate and Suitable Supply of Vital Services are provided at a Rental Unit to which this By-law applies.
47. The Director shall maintain copies of any agreements entered into on behalf of the City with service suppliers in respect of subsection 46(b) of this By-law, and shall account for the amounts spent under such agreements and the amounts collected by the City through voluntary payment, rent collection, lien or otherwise under this By-law.

Liens

48. Pursuant to subsection 219(1) and 219(2) of the Residential Tenancies Act, 2006, the Director is authorized to register or cause to be registered a lien in favour of the City against the property on which the Rental Unit is located where a Landlord does not provide a Vital Service in accordance with this By-law for an amount spent by the City to restore or provide the Vital Service, plus an administrative fee of 10% of the amount spent.
49. On behalf of the City Clerk, the Director has the authority to issue and send the interim certificates and certificates by registered mail with respect to a lien under section 48 of this By-law pursuant to subsections 219(4) and 219(5) of the Residential Tenancies Act, 2006.
50. The interim certificates and certificates referred to in section 49 of this By-law shall be deemed to have been delivered five (5) business days after the date of mailing.

Appeal of Lien Certificate

51. The registered owner of the Rental Unit and Persons having registered mortgages or other encumbrances on the title to the property who are sent an interim certificate pursuant to sections 48 and 49 of this By-law may appeal the interim certificate to the City within fifteen (15) business days of the date of mailing the interim certificate, pursuant to section 220 of the Residential Tenancies Act, 2006.
52. Where more than one (1) person appeals the same interim certificate, the appeals shall be heard together, unless the Planning Committee directs otherwise.
53. City Council delegates the Planning Committee to conduct a hearing of an appeal of an interim certificate in accordance with this By-law. The Planning Committee shall afford an appellant who files an appeal request in accordance with the requirements and time limits in this By-law an opportunity for a hearing of the appeal and shall allow for City staff involved to respond to the appeal.
54. At the conclusion of the hearing on an appeal of an interim certificate, the Planning Committee shall supply a written report to City Council summarizing the evidence and arguments presented by the parties, the findings of fact made by the Committee and its recommendations, if any, with reasons on the merits of the appeal and the decision of the appeal shall rest with City Council. Upon receipt of the report, City Council may make a decision in the appeal without holding a further hearing or opportunity for hearing.
55. The Person appealing the interim certificate shall request an appeal by

completing and signing an appeal request form available at the City Clerk's Office and shall deliver same in person, by email or by registered mail to the attention of Planning Committee Clerk in the City Clerk's Office at the following address:

71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5
clerk@hamilton.ca

56. The appellant in their appeal request shall:
- (a) indicate the grounds for appeal of the amount of the interim certificate in accordance with the section 220 of the Residential Tenancies Act, 2006;
 - (b) provide copies of any documents to be relied upon at the appeal hearing, or alternatively, provide such documents no less than ten (10) days prior to the scheduled appeal hearing; and
 - (c) include an email address and mailing address for service where notices or documents can be served upon the appellant in accordance with the provision of this By-law.
57. Where an appeal of an interim certificate is received in compliance with this By-law, the Committee Clerk for the Planning Committee shall:
- (a) set the hearing date of the appeal and arrange a hearing before the Planning Committee;
 - (b) mail notice of the date, time and place of the appeal hearing to the appellant at the address provided in the appeal request and to the Director, a minimum of three (3) weeks prior to the date of the appeal; and
 - (c) after the hearing of an appeal, send a copy of the Committee's report to the parties and to City Council.
58. The decision of City Council in an appeal of an interim certificate is final.
59. The City Clerk may sign and issue a final certificate:
- (a) when an interim certificate is not appealed in accordance with this By-law; or
 - (b) as required by the decision of City Council of an appeal of an interim certificate.

Rents

60. Pursuant to section 221 of the Residential Tenancies Act, 2006, where the City is supplying a Vital Service pursuant to this By-law, the Director may cause to be issued orders or notices to the Tenant of a Rental Unit for the payment of any or all rents to the City for the purpose of reducing the amount that the City spent to provide the Vital Service to the Rental Unit and the related administrative fee.
61. Where the City has been repaid in full for the monies spent on supplying Vital Services to a Rental Unit, the City shall issue to the Tenant a cancellation of its direction to pay rent to the City.
62. Pursuant to section 222 of the Residential Tenancies Act, 2006, the Director shall cause an accounting of rent payments or other collections under this By-law to be provided to the Landlord or other Person entitled to collect rents, and shall pay to that Person any amount remaining after the rent is applied in accordance with sections 61 and 62 of this By-law.

PART VII – OFFENCES AND PENALTIES

63. Every Person who contravenes a provision of this By-law is guilty of an offence for each day or part of a day on which the offence occurs or continues and, upon conviction, is liable to the penalties provided for in section 61 of the Provincial Offences Act.
64. Every director or officer of a corporation convicted of an offence under this By-law who knowingly concurs in the commission of the offence by the corporation is also guilty of an offence, and upon conviction is liable to the penalties provided for in section 61 of the Provincial Offences Act.
65. Sections 431 and 440 of the Municipal Act, 2001, apply to this By-law providing for a court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the municipality, for a court to make orders to restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-law.
- (a) Without limiting the above, every Person who contravenes this By-law may also be liable, upon issuance of a penalty notice, to pay an administrative penalty in an amount specified in the APS By-law.
 - (b) An administrative penalty imposed by the City on a Person under section 434.1 of the Municipal Act, 2001, constitutes a debt of the Person to the municipality. If an administrative penalty is not paid within fifteen (15) days after the day that it becomes due and payable, the City may add the administrative penalty to the tax roll for any property in the City for which all of the owners are responsible for paying the administrative penalty and collect it in the same manner as municipal taxes.

PART VIII – TRANSITION AND ENACTMENT

66. Any contract entered into for the supply of Vital Services at the time of enactment of this By-law, and any step taken, notice, lien or certificate issued by the City, or any appeal commenced all under By-law No. 09-190, shall be deemed to be validly done under this By-law, and this By-law shall apply so far as practicable to such contract, step taken, notice, lien, certificate or appeal.
67. Amounts spent by the City under By-law No. 09-190 to restore or provide a Vital Service including an administrative fee of 10% of the amount spent are continued as debts that may be enforced and recovered under this By-law.
68. Any reference to By-law No. 09-190 shall be deemed to be a reference to this By-law.
69. If a court declares any provision of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force and effect.
70. By-law No. 09-190 is hereby repealed.
71. This By-law comes into force on the date it is passed.

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
City Clerk

**Appendix “H” to Report PED23072
Page 1 of 36**

Authority: Item ,
Report (PED23072)
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**Property Standards By-law
Being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property**

CONSOLIDATION

This By-law is a consolidated version and includes amendments made by those amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.

Appendix “H” to Report PED23072
Page 2 of 36

Incorporating amendments made by:

<u>By-law No.</u>	<u>Effective Date</u>	
11-057	February 9, 2011	Amend Subsection 24(3) – Waste Chutes
11-111	April 13, 2011	Replace Subsection 9(1)(a); Delete Subsection 22(d) – Visual Barriers
13-127	May 8, 2013	Amend subsections 18(1) and 21(1)
16-093	March 30, 2016	Amend Section 25 - Elevators
16-161	June 8, 2016	Amend 1(a) and 26(3) to include ants
16-262	October 12, 2016	Add Subsections 25(4)(a) and (b) – Elevator Signs
17-126	June 28, 2017	Replace Subsection 6(2), 6(3) and 7(3) – Vacant/Damaged Buildings
19-100	May 9, 2019	Replace Subsection 20(2) – dead, decayed, damaged trees
19-138	June 12, 2019	Replace Subsection 18(1) – grading plan
20-018	February 12, 2020	Include Incomplete and Unrepairable Buildings
20-173	August 21, 2020	Include standards for the construction and maintenance of water supply lines
21-144	August 10, 2021	Retitling sections and adding sub-sections

Being a by-law to prescribe standards for the maintenance and occupancy of property and to repeal By-law No. 10-221.

WHEREAS Council of the City of Hamilton deems it desirable to establish standards for the maintenance and occupancy of certain properties, so that owners and occupants provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of the properties;

WHEREAS section 15.1(3) of the *Building Code Act, 1992* authorizes the City of Hamilton to pass a by-law prescribing standards for the maintenance and occupancy of property;

WHEREAS section 15.6(1) of the *Building Code Act, 1992* provides for the establishment of a Property Standards Committee; and

WHEREAS Part XII of the *Municipal Act, 2001* and section 15.5 of the *Building Code Act, 1992* authorize the City of Hamilton to charge fees for services and activities carried out under this By-law.

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This By-law may be referred to as the "Property Standards By-law" or the "Hamilton Property Standards By-law".

DEFINITIONS AND INTERPRETATION

2(1) In this By-law:

"appliances" means, but is not limited to, a stove, refrigerator, clothes washer, clothes dryer, dishwasher, air conditioner or a hot water tank;

"basement" means that portion of a building from a floor to the underside of a ceiling that is located partially or entirely below the adjacent finished ground level;

"building" means any structure used or intended to be used for supporting or sheltering any use or occupancy;

"Building Code" means the Building Code Act, 1992 and any regulations made under that Act;

"City" means the municipality the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

"Commissioner" means the Commissioner of the Transportation and Works Department for the City or his/her designate;

"Committee" means the Property Standards Committee established under this By- law;

"debris" means the remains of anything broken or discarded;

"Direct Lighting" means light emitted directly from the lamp of the reflector or luminaire onto the ground, or into or onto a building or structure;

"Director" means the City's Director of Licensing and By-law Services and their designate or successor;

"domesticated mouse or rat" means a mouse or rat:

- (a) kept as a pet by an occupant of a dwelling or dwelling unit, normally in an enclosed cage or container within the dwelling or dwelling unit;
- (b) cared for and fed by the occupant, which care includes clean up and removal of mouse or rat waste and soiled rodent bedding from the dwelling or dwelling unit and cage or container; and
- (c) kept in compliance with any applicable animal-control laws or bylaws;

"dwelling", except in subsection 32(4) where it has the ordinary meaning given to the term, means a lodging house or residential care facility both as defined in the City's zoning by-laws;

"dwelling unit" means a room or a suite of rooms used or intended to be used by one or more persons for the purposes of human habitation and to which an independent entrance is provided from outside the building or from a common interior hallway vestibule or stairway but does not include a room or a suite of rooms in a lodging house, long-term care facility, hospital, hotel or residential care facility all as defined in the City's zoning by-laws;

"farm" means an agricultural operation as defined in the Farming and Food Production Protection Act, 1998 and includes such an operation that is not carried on with the expectation of gain but otherwise meets the definition in that Act;

"glare" means light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, or to produce sensation of discomfort;

"guard" means a protective barrier, with or without openings through it, that is around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another;

"habitable room" means a bedroom, living room, dining room, kitchen, family room, recreation room, basement, bath or shower room, toilet room, laundry room and any other room or space in a dwelling or dwelling unit used for living, eating or sleeping;

"heritage attribute" means, in relation to real property, and to buildings and structures on real property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined or described:

- (a) in a by-law designating a property passed under section 29, Part IV of the Ontario Heritage Act and identified as a heritage attribute, reason for designation or otherwise;
- (b) in a Minister's order made under section 34.5, Part IV of the Ontario Heritage Act and identified as a heritage attribute or otherwise;
- (c) in a by-law designating a heritage conservation district passed under section 41, Part V of the Ontario Heritage Act and identified as a heritage attribute or otherwise;
- (d) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as a heritage attribute or otherwise;

"Indirect Lighting" means light that has been reflected or has scattered off other surfaces;

"Light Trespass" means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located;

"Luminaire" means a complete lighting system, including a lamp or lamps enclosed in a housing complete with reflectors, refractors, etc.;

"Medical Officer of Health" means the City's Medical Officer of Health or their designate;

"Nuisance" means anything that is injurious to health, indecent, offensive to any of the Senses, or results in the loss of enjoyment of normal use of property;

"occupant" means any person or persons over the age of 18 years in possession of a property;

"occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

"officer" means a person appointed by the City of Hamilton or assigned by the Director to enforce this By-law and may include a Public Health Inspector or any other person assigned or appointed by the Medical Officer of Health to enforce that section;

"owner" includes:

- (a) the person registered on title to the real property as the owner in fee simple;
- (b) the person for the time being, managing or receiving the rent of the property in connection with which the word is used whether on the person's own account, or as agent or trustee of any other person, or who would receive the rent if the property were let;
- (c) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

"Part IV heritage property" means real property, including all buildings and structures thereon, which has been designated by the City of Hamilton or any of its former municipalities under section 29 of the Ontario Heritage Act, or which has been designated by the Minister under section 34.5 of the Ontario Heritage Act;

"Part V heritage property" means real property, including all buildings and structures thereon, located within a heritage conservation district, which has been designated by the City of Hamilton or any of its former municipalities under section 41 of the Ontario Heritage Act;

"person" includes an individual, sole proprietorship, partnership, limited partnership, trust, party or body corporate, and the personal or other legal representatives of a person to whom the context can apply according to the law;

"pest" means any mouse, rat, bed bug, flea, wasp, hornet, ant or cockroach, but does not include any domesticated mouse or rat;

"property" means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected, and also includes vacant property, a Part IV heritage property and a Part V heritage property;

"property standards order" means an order made under subsection 29(1) of this By-law;

"protective device" means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner;

"repair" includes the provision of such facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-law;

"retaining wall" means a wall that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where a change in ground elevation occurs;

"sanitary sewage" means liquid or water borne waste:

- (a) of industrial or commercial origin; or
- (b) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste;

"Senses" means a faculty by which the human body perceives an external stimulus and includes one or more of the faculties of sight, smell, hearing, taste and touch;

"sewage system" means:

- (a) the City's system of storm sewers, sanitary sewers and combined sewers; or
- (b) a private sewage disposal system approved by the City's Chief Building Official or other responsible authority;

"Special Event" includes festivals, carnivals, entertainment or advertising, which includes, but is not limited to that which may require City approval for specific event components, such as compliance with zoning regulations as well as related road access restrictions or congestion supervision;

"storm water" means water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation;

"visual barrier" means a barrier that acts as a screen consisting of:

- (a) a wall or fence;
- (b) a continuous planting of suitable and healthy trees or shrubs;
- (c) an earth berm; or
- (d) any combination of the above;

"waste" means a substance or material that is unusable or unwanted;

"water supply line" means the supply line or lines located on private lands which connect the plumbing system of a building to the municipal water system but does not include a water meter owned by the City; and

"yard" means the land within the boundary lines of a property and not occupied by any principal building.

2(2) All measurements in this By-law are given the metric short form.

SCOPE

- 3(1) The applicable standards for maintenance and occupancy of property set forth in this By-law are hereby prescribed as the minimum standards for all property in the City of Hamilton.
- 3(2) No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
- 3(3) The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures or debris and shall leave the property in a graded and levelled condition, provided that no building or structure on a Part IV heritage property or a Part V heritage property shall be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the Ontario Heritage Act.
- 3(4) This By-law does not apply so as to prevent a farm from carrying out a normal farm practice as provided for and defined under the Farming and Food Production Protection Act, 1998.

GENERAL STANDARDS FOR ALL PROPERTIES

- 4(1) Except as may otherwise be specified in the sections, the standards, obligations and requirements in sections 4(3) through 26 both inclusive apply to all property.
- 4(2) Every building shall be kept free of any condition which constitutes a health or safety hazard.
- 4(3) Where, in the opinion of an officer, there has been no substantial progress on the construction or demolition of a building, structure or portion thereof for a period of more than one year, such building, structure, or portion thereof shall be:
- (a) demolished in accordance with all applicable statutes, regulations and by-

laws; or,

(b) completed within a reasonable time as specified by the officer, in accordance with all applicable statutes, regulations and by-laws, including this By-law.

4(4) A statement certified by the Chief Building Official or an officer that a permit issued under the *Building Code Act, 1992* was revoked under clause 8(10)(c) of the *Building Code Act, 1992* is receivable in evidence as proof, in the absence of evidence to the contrary, that there has been no substantial progress on the construction or demolition of the building, structure, or portion thereof that was the subject of the permit for a period of more than one year.

VACANT AND/OR DAMAGED BUILDINGS

5(1) In addition to complying with all other applicable provisions of this By-law, the owner of any building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall comply with this section.

5(2) Where any building is vacant or is damaged by accident, storm, fire, neglect or otherwise, the owner may be required to protect such building and adjoining properties against damage arising from the entry of unauthorized persons by closing and securing openings to the building.

5(3) For the purposes of subsection 5(2), doors, windows, hatches and other openings through which entry may be obtained are required to be maintained so as to properly perform their intended function and secured from unauthorized entry, or entry shall be prevented by closing and securing an opening with:

(a) wood sheathing of at least 12.7 mm plywood which is weather resistant, completely covers the opening, is securely fastened to the building, and is painted in a manner conforming with subsections 28(3)(b), (c) or (d);

(b) metal sheathing which is weather resistant, completely covers the opening, is, where possible, installed within the reveal of the exterior cladding, is securely fastened to the building and, is painted in a manner conforming with subsections 28(3)(b), (c) or (d); or,

(c) brick or concrete block and mortar which completely covers the opening, is securely fastened to the building, and is painted in a manner conforming with subsections 28(3)(b), (c) or (d).

5(4) The options available in 5(3) shall be considered progressively more secure with (c) being the most secure, and the minimum standard imposed by subsection 5(3) shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry.

- 5(5) At any time where there are circumstances to support a more secure option, including an option that is more secure than those listed in subsection 5(3), the owner shall supply such more secure option as may be required by a property standards order.
- 5(6) The exterior walls and other surfaces of a building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall be maintained so as to properly perform their intended function.
- 5(7) Where a building remains vacant for a period of more than 90 days, the owner shall ensure that all utilities serving the building, which are not required for safety or security are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjoining property.
- 5(8) Where any building is vacant or is damaged by accident, storm, fire, neglect or otherwise, and in the opinion of an officer or the Chief Building Official or an inspector appointed under the *Building Code Act, 1992* it is not feasible to repair the building to the standards prescribed by this By-law without first demolishing the building or a portion of it, the owner shall demolish the building or portion of it that it is not feasible to repair within one year of it becoming so.

LANDSCAPING, ETC.

- 6(1) Where features, including but not limited to building design and placement, site access and servicing, waste storage, parking, loading, landscaping, grading, drainage and storm water management, have been required by the City as a condition of development or redevelopment approval or, in the case of grading or drainage, by an approved grading plan, such features shall be repaired or maintained so as to ensure continuous compliance with the City development or redevelopment approval requirements or the approved grading plan.

SWIMMING POOLS. TREES. WALKWAYS. PARKING LOTS. ETC.

Swimming Pools

- 7(1) The water in a privately owned swimming pool shall be kept clean and in a sanitary condition free from obnoxious odours.

Trees

- 7(2) A tree that is dead, or part of a tree that is dead, or in a decayed or damaged condition and that may be hazardous to persons or property, shall be removed.

Walkways. Parking Lots. Etc.

- 7(3) The principal entrance of a building shall be accessed by a walkway leading to a road allowance or another hard-surfaced area, such as a driveway, leading to a road allowance.
- 7(4) Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and adjoining properties from damage.
- 7(5) An area used for vehicle traffic or parking shall be paved with bituminous, concrete or equivalent surfacing or surfaced with crushed stone or other suitable and reasonably dust-free substance, and shall be maintained so as to properly perform its intended function.
- 7(6) The surfaces of walkways, driveways, parking lots and similar areas of a yard shall be maintained so as to afford safe passage under their normal use.
- 7(7) Crushed stone surfaces shall be maintained free of dust and spillover onto sidewalks or grass surfaces.

GARAGES

- 8(1) A garage shall be so maintained as to prevent gas fumes and carbon monoxide from entering a dwelling or a dwelling unit.

EXTERIOR LIGHTING

- 9(1) Lighting, including flood lighting, required as a condition of site development or redevelopment, shall be maintained so as to properly perform its intended function and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (2000) as amended or replaced from time to time.
- 9(2) Subject to subsection 9(3), outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have a barrier placed and maintained, so as to prevent or block direct illumination of the interior of a dwelling or dwelling unit on adjoining property or any property in close proximity regardless of whether such dwelling or dwelling unit has or may have shades, drapes or other interior window coverings.
- 9(3) Subsection 9(2) does not:
 - (a) apply to lighting located by a road authority;
 - (b) apply to property owned or occupied by a municipal, provincial or federal government or authority;
 - (c) require lighting used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any

time when the use is actually occurring, but may require the re-direction re-location or the placing of a barrier to comply with subsection 9(2); and

- (d) require lighting used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for those purposes, but may require the re-direction, re-location or the placing of a barrier to comply with subsection 9(2).

Light Nuisance

9(4) No person shall cause a Light Nuisance within the City without limiting the generality of the foregoing:

- (a) The use of laser source light, signal beacons, flood lights, spot lights, flashing lights or any other similar high intensity Luminaire that projects light onto adjacent private property is prohibited, notwithstanding the exemptions set out in subsections 9(5) to 9(11), below.
- (b) The use of strobe, twinkling or chasing lights for private purposes or for advertising or entertainment purposes on private property is prohibited, notwithstanding the exemptions set out in subsections 9(5) to 9(11), below.
- (c) No Direct Lighting or Indirect Lighting shall be used so that the unusual quantity or type of light creates a Glare or Light Trespass upon the land of others so as to be or to cause a Nuisance to the public generally or to others residing or carrying on a business or trade in the vicinity.

Temporary Exemptions

9(5) Any Person may submit a written request on a form prepared by the City for a temporary exemption to the requirements imposed by this By-law by way of an application to the Commissioner.

9(6) The request for a lighting exemption for temporary events shall contain the following information:

- (a) Specific exemption requested;
- (b) Type and use of exterior light involved;
- (c) Date(s) of the event;
- (d) Duration of time for requested exemption;
- (e) Proposed location of exterior light;
- (f) Physical size of exterior light;

- (g) Wattage of exterior light;
 - (h) Height of exterior light; and
 - (i) Proof of publication for two consecutive days within the preceding ten (10) days in a newspaper of general circulation within the City, of a Notice of Intention to apply for any exemption to this By-law, received or by the distribution of a flyer as prescribed by the City to all residences and businesses within a 100 metre radius of the subject property containing the information required by subsections (a) through (h) hereof, stating the date upon which objections may be submitted to City staff.
- 9(7) The owner of lands upon which it is intended to place and use prohibited light(s) for the purposes of a Special Event or other activity, shall apply to the Commissioner for a temporary exemption to the requirements imposed by this By-law certifying approval of the light(s). Plans for the location and fixture specifications for such light(s) shall be submitted with the application and application fee, and temporary exemption shall not be issued unless the light(s) shown on such plans comply with the provisions of all applicable bylaws of the City.
- 9(8) The Commissioner may grant an exemption, in whole or in part, with terms and conditions, subject to the provisions of this By-law.
- 9(9) In considering the completed application for any exemption, the Commissioner shall take into account the following:
- (a) If an exemption is granted, a time limit shall be specified, and an exemption shall not exceed six months;
 - (b) The Commissioner shall consult with the affected Ward Councillor on an application for an exemption and the consultation shall include any terms and conditions that may be attached to an exemption;
 - (c) Any correspondence received regarding the application as a result of the distribution of the notice or newspaper advertisement referred to in subsection 9.6(i);
 - (d) The proximity of the light to a residential area and the likelihood that the light for which an exemption is requested may negatively affect persons in a residential area;
 - (e) Whether any negative impacts under subsection (c) or (d) can be reduced with the use of mitigation measures including limiting the light to certain days or times or times of the day.
- 9(10) A breach by the applicant of any of the terms or conditions imposed by the

Commissioner in granting an exemption shall immediately render the exemption null and void.

- 9(11) Notwithstanding that the authority to grant an exemption is delegated to the Commissioner, and that he or she may have already exercised the delegated power, Council shall retain the right to exercise the authority to grant or deny an exemption in accordance with the conditions set out in subsection 9(9) of this By-law.

STORM WATER, ETC.

- 10(1) Storm water, including storm water discharged from a roof, shall be drained so as to prevent recurrent standing water, erosion or other damage on the property or on an adjoining property.
- 10(2) Discharge from a sump pump or an air conditioner shall not be permitted to discharge on adjoining property, a sidewalk, road allowance or stairway.
- 10(3) An eavestrough or downspout shall be maintained:
- (a) watertight and free from leaks;
 - (b) free from any obstructions;
 - (c) in a stable condition, securely fastened to the building or structure it drains; and
 - (d) so as to properly perform its intended function.

FENCES, BARRIERS AND RETAINING WALLS

- 11(1) A fence, barrier, including a visual barrier, or retaining wall shall be maintained so as to properly perform its intended function.
- 11(2) (a) The owner of a property with a building containing three (3) or more dwelling units, used as a dwelling or used for commercial, institutional or industrial purposes shall install and maintain a visual barrier between their property and an adjoining property where their property is used for:
- (i) the parking, access or egress of vehicles by tenants, employees or customers;
 - (ii) the operation of equipment;
 - (iii) the storage of goods; or
 - (iv) an exterior bulk or roll-off container disposal system.
- (b) A visual barrier under subsections 11(2)(a) shall be:
- (i) required for the uses listed in subsections 11(2)(a)(i), (ii), (iii) and (iv) to the extent that the uses can be seen from the finished ground level

- of the adjoining property;
 - (ii) not less than 1.2 m in height for the uses listed in subsection 11(2)(a)(i), (ii) and (iii);
 - (iii) not less than 2 m in height for the use listed in subsection 11(2)(a)(iv).
- (c) For the purposes of this subsection "adjoining property" means a property that:
- (i) contains at least one dwelling unit; and
 - (ii) is not used for a commercial, institutional or industrial purpose, except if such purpose is a home business as defined in the City's zoning by-laws.
- (d) No visual barrier under subsection 11(2)(a) shall be required within 3 m of a front property line or in contravention of any other applicable by-law.
- 11(3) Where a zoning by-law, site plan or subdivision agreement entered into under the Planning Act requires a visual barrier, the requirement in such zoning by-law, site plan or subdivision agreement prevails in the event of a conflict with subsection 11(2).

EXTERIOR OF BUILDINGS, STRUCTURES, FENCES AND RETAINING WALLS

All Exteriors

- 12(1) All exterior surfaces of a building, structure, fence or retaining wall, including a mobile structure or building, shall be of materials which resist deterioration by the weather or have resistant coatings applied to them, except that a farm building may have unprotected wood surfaces.
- 12(2) An exterior wall, chimney, roof or other parts of a building, structure, fence or retaining wall, including a mobile structure or building, shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects and such material and objects shall be removed, repaired or replaced.

Exterior of a Building

- 12(3) The exterior of a building shall be:
- (a) maintained to prevent the entry of vermin and birds; and
 - (b) when opened or replaced during the course of alterations or renovations, shall be insulated in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with the Building Code.

Exterior Wall

- 12(4) An exterior wall and its components and attachments shall be:
- (a) maintained to prevent their deterioration by painting, restoring or repairing the walls, coping or flashing or by waterproofing the wall itself;
 - (b) repaired of vandalism or other damage including but not limited to broken windows.
- 12(5) A roof and its components and attachments including the fascia board, soffit, cornice and flashing shall be maintained to properly perform their intended functions including but not limited to being in a weather-tight condition able to prevent the leakage of water into the building;

STRUCTURES, FOUNDATIONS AND BASEMENTS

Structures

- 13(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal or permitted use, and having a factor of safety as required by the Building Code.

Foundations and Basements

- 13(2) A foundation wall or a basement or crawl space floor shall be maintained so as to properly perform its intended function.

Foundations

- 13(3) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable for construction under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.

Basements

- 13(4) A basement or crawl space shall be maintained in a watertight condition so as to prevent the leakage of water into the building.

DOORS, WINDOWS, SECURITY SYSTEMS AND LOCKING ETC.

All Doors, Windows, Etc.

- 14(1) (a) A door, window, hatch or other opening and its frame and any additional features relating to accessibility shall be maintained to properly perform its intended functions and repaired or replaced if damaged including but not limited to an exterior door, window, hatch or other opening and its frame being constructed to minimize drafts and heat loss through the infiltration of outside cold air.
- (b) For the purposes of subsection 14(1)(a) "damaged" includes but is not limited to:
- (i) rotted or missing weather-stripping, caulking or hardware; or
 - (ii) broken or missing glass.
- 14(2) A lock on a door, window, hatch or other opening that is designed to be unlocked with a key or combination shall be maintained so as to properly perform its intended function and repaired or replaced if damaged.

Doors

- 14(3) An exterior door or an entrance door to a dwelling, dwelling unit or a building containing more than three (3) dwelling units shall have hardware so as to be capable of being locked from the outside and locked or otherwise secured from the inside.

Windows

- 14(4) An opening window shall have hardware so as to be capable of being locked or otherwise secured from the inside
- 14(5) A window in a dwelling or a dwelling unit designed to be open shall be fitted with screens so as to prevent the entrance of insects and rodents and such screens shall be maintained so as to properly perform their intended function.
- 14(6) (a) Upon the written request of an occupant of a dwelling unit in which children under the age of 10 years are occupants, the owner of the dwelling unit shall subject to subsection 14(6)(b), provide and install a protective device on any window that:
- (i) has a moveable sash; and
 - (ii) is more than 1.8 m above the adjacent finished ground level.
- (b) The protective device under subsection 14(6)(a) shall be installed within seven (7) days of the delivery of the written request to the owner, the owner's agent or the building's manager or superintendent, provided that such person and the occupant giving notice may agree that the protective device is not required on every such window that meets the

requirements of subsection 14(6)(a).

- (c) The protective device under subsection 14(6)(a) shall be installed and secured in such a manner as to prevent opening of a window to any amount greater than 100 mm.
- (d) Where protective devices have not been installed on all of the windows of a dwelling unit that:
 - (i) have a moveable sash; and
 - (ii) are more than 1.8 m above the adjacent finished ground level,

the owner of the dwelling unit, if the owner is not an occupant of the dwelling unit, shall post or display a legible and clearly printed copy of subsection 14(6), conspicuously placed in the dwelling unit or the building containing the dwelling unit so as to be clearly visible to the occupants of the dwelling unit.

Intercoms and Security Locking

- 14(7) In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and a security locking and release facilities for the entrance have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair.

STAIRWAYS, LANDINGS, BALCONIES, PORCHES, COMMON AREAS ETC.

Means of Access or Egress

- 15(1) An exterior or interior stairway, landing, balcony, porch, ramp or other means of access or egress shall be maintained so as to be free of holes, cracks and other defects which may constitute a possible safety hazard.

All Exterior Stairways, Landings, Balconies and Porches

- 15(2) An exterior stairway, landing, balcony, porch or ramp shall be kept free of furniture or appliances, except for outdoor furniture on an exterior balcony or porch.

Treads and Risers

- 15(3) A tread or riser of an exterior or interior stairway that shows excessive wear or is broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

Guards, Handrails and Partial or Short Walls

- 15(4) (a) An exterior stairway with more than three (3) risers and less than seven (7) risers or an interior stairway in a dwelling or dwelling unit with more than two (2) risers shall have at least one handrail sufficient to prevent an accidental fall and such handrail shall be repaired or replaced if damaged.
- (b) Despite subsection 15(4)(a), an exterior stairway with more than three (3) risers and less than seven (7) risers may have a partial or short wall, on either side sufficient to prevent an accidental fall off the side of the exterior stairway and such partial or short walls shall be repaired or replaced if damaged.
- (c) Where access is provided for other than maintenance purposes:
- (i) an exterior stairway with more than six (6) risers; or
 - (ii) a landing, porch, balcony, mezzanine, gallery, raised walkway, roof or deck,

with a difference in elevation at any point from the adjacent finished ground or a floor of more than 600 mm shall be protected by Building Code compliant guards on all open sides sufficient to prevent an accidental fall.

Common Areas

- 15(5) All interior common areas and exterior common areas shall be kept clean and free of hazards.
- 15(6) For the purpose of subsection (5), "interior common areas" includes, but is not limited to, laundry rooms, garbage rooms, corridors, lobbies, vestibules, boiler rooms, parking garages, storage areas, stairways, mail collection areas, and recreation rooms.

INTERIOR STRUCTURAL COMPONENTS, FLOORS, CEILINGS AND WALLS

Structural Components

- 16(1) In every building all structural components including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

Floors, Ceilings and Walls

- 16(2) A floor, ceiling or wall shall be:
- (a) kept free from water penetration and from dampness arising from the entrance of moisture through an exterior wall or roof or through a

basement or crawl space; and

- (b) maintained in a condition free from mould or from conditions that may cause mould to accumulate.

Floors

- 16(3) A basement shall have a floor of concrete, or other material acceptable under the Building Code, to ensure water drainage and to guard against the entry of vermin.
- 16(4) A floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface.
- 16(5) Where a floor has been covered with a sheet or vinyl floor covering or other flooring that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet or vinyl flooring or other floor covering shall be repaired or replaced comparable in design and colour with adjoining decorative finishing materials.
- 16(6) A bathroom, kitchen, laundry or shower room shall have a floor covering of water- resistant material.

Ceilings and Walls

- 16(7) A wall or ceiling shall be maintained in a condition free from holes, open cracks, loose coverings or other substantial defects.
- 16(8) Any repair or replacement to a wall or ceiling shall have a similar finish to that of the original covering and comparable to the surrounding finishes.

INTERIOR LIGHTING

- 17(1) A stairway, exterior exit and entrance doorway, bath or shower room, toilet room, kitchen, corridor, basement, laundry room and utility room in a building shall have permanently installed working lighting that shall be maintained so as to properly perform its intended function.
- 17(2) A hallway, stairway, common area and underground parking area shall be illuminated so as to provide safe passage.

VENTILATION

- 18(1) Natural or mechanical ventilation of a room or space in a building shall be Building Code compliant, regularly cleaned, and maintained so as to properly perform its intended function.

- 18(2) A vent shall be designed and maintained to prevent the entry of rain, snow and vermin.

HEATING SYSTEMS

Heating Systems

- 19(1) A heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 20° C measured at 1.5 m above floor level and 1 m from exterior walls in all habitable rooms not including a habitable room not used frequently or for extended periods for living, eating or sleeping.
- 19(2) A heating system shall be operated and maintained:
- (a) so as to properly perform its intended function;
 - (b) free from unsafe conditions.
- 19(3) No furnace or boiler shall be located in a hallway or other means of access or egress.
- 19(4) Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.
- 19(5) A heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed and located receptacle for fuel storage or a place for fuel storage so as to be free from fire or accident hazard.

Chimneys, Flues and Vent Pipes

- 19(6) A chimney, flue or vent pipe shall be maintained so as to prevent gases from leaking into a building and maintenance shall include cleaning obstructions, filling open joints and repairing masonry.
- 19(7) Fuel burning appliances or equipment used in a building shall be properly vented to the outside air by means of a Canadian Standards Association approved or Building Code or Gas Utilization Code compliant chimney, flue or vent pipe.

ELECTRICAL SERVICES

- 20(1) An electrical service shall comply with the Ontario Electrical Safety Code as enforced by the Electrical Safety Authority.

PLUMBING SYSTEMS

Plumbing Systems and Fixtures

- 21(1) The plumbing system and every plumbing fixture in a building shall be

maintained so as to properly perform its intended function and free from leaks and defects.

- 21(2) All piping used to supply or drain water and all appurtenances thereto shall be protected from freezing.
- 21(3) A plumbing fixture connected to the sewage system shall be connected through a water seal trap.
- 21(4) Sanitary sewage shall be discharged into the City sanitary sewer system where such a system exists, and elsewhere sanitary sewage shall be disposed of in a manner in accordance with the Building Code requirements for on-site sewage systems.

Hot and Cold Water

- 21(5) A building to which water is available under pressure through piping shall be provided with:
 - (a) piping for hot water, at a temperature of not less than 43° C, and cold water connected to every kitchen, bath or shower room, or laundry room plumbing fixture; and
 - (b) piping for cold water connected to every toilet and hose bib.

Dwellings and Dwelling Units

- 21(6) (a) A dwelling or dwelling unit shall be provided with an approved supply of potable water from at least one of the following sources:
 - (a) the City water system;
 - (b) a communal water system; or
 - (c) a private source.
- 21(7) (a) A lodging house shall contain at least the following working plumbing fixtures:
 - (i) a hand wash basin;
 - (ii) a toilet; and
 - (iii) a bathtub or shower.
- (b) A residential care facility or a dwelling unit shall contain at least the following working plumbing fixtures:
 - (i) a kitchen sink;
 - (ii) a toilet;

- (iii) a hand wash basin; and
- (iv) a bathtub or shower.

- 21(8) In addition to any other requirements of this By-law, when a building is connected to the City water system, the following standards shall apply:
- (a) The water supply line shall be maintained so as to properly perform its intended function and free from leaks and defects;
 - (b) The water supply line shall not include any materials that contain lead; and,
 - (c) Subsection (b) shall not apply if the water supply line connects to a portion of the City water system that itself is constructed of materials that contain lead.

KITCHENS AND BATH OR SHOWER ROOMS AND TOILET ROOMS

Kitchens

- 22(1) A kitchen shall contain:
- (a) a sink serviced with potable running water and a splash back which are water and grease resistant;
 - (b) a work surface of at least $.74 \text{ m}^2$, which is impervious to grease and water;
 - (c) storage facilities for food, dishes and cooking utensils having an interior capacity of at least $.8 \text{ m}^3$, of sufficient strength that they will not collapse, tip or, if fastened to a wall, become detached when filled;
 - (d) space sufficient to accommodate a cooking range or countertop cooking unit and refrigerator without placing such cooking range, countertop cooking unit or refrigerator in a location that provides access to or egress from the kitchen; and
 - (e) every cupboard, kitchen fixture and fitting shall be maintained in a state of good repair and working order.

Bath or Shower Rooms and Toilet Rooms

- 22(2) The floor and the walls to a minimum height of 0.9 m above the floor or bathtub of every bath or shower room and toilet room shall be water-resistant and readily cleaned.
- 22(3) Every bath or shower room and toilet room shall:

- (a) be located within and accessible from the interior of the building;
 - (b) be fully enclosed, having a door capable of being closed so as to provide privacy for the occupant;
 - (c) have a permanently installed working artificial lighting fixture; and
 - (d) be maintained so as to properly perform its intended function.
- 22(4) A hand wash basin shall be located in the same room as each toilet or in an adjoining bath or shower room, provided that no sink in a kitchen shall be considered a hand wash basin for the purposes of this subsection.
- 22(5) No toilet or urinal shall be located within a habitable room except a bath or shower room, toilet room or other habitable room not used frequently or for extended periods for living, eating or sleeping.

Dwellings and Dwelling Units

- 22(6) (a) A lodging house shall contain a bath or shower room and a toilet room.
- (b) A residential care facility or a dwelling unit shall contain a kitchen, bath or shower room and a toilet room.

APPLIANCES

- 22(7) Appliances supplied by the landlord of a rental unit shall be maintained in a good state of repair and in a safe operable condition.

WASTE DISPOSAL

- 23(1) A waste storage area, including a waste chute, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean and odour free.
- 23(2) Subject to subsection 23(3), a waste chute in a building containing 3 or more dwelling units shall be maintained in operation at all times.
- 23(3) A waste chute in a building containing three (3) or more dwelling units shall not be closed to use except when:
- (a) such action is necessary in order to safely make repairs, replacements or alterations, and then only during the reasonable minimum time that such action is necessary; or
 - (b) (i) the owner provides a waste storage area on each floor of the building and daily collection of waste from such waste storage areas; and
 - (ii) the occupants are not required to deliver waste to the ground

floor, basement or parking lot of the building; or

- (c) the owner has a current and valid permit to close a waste chute issued by the Director.

ELEVATORS

24(1) An elevator shall comply with the Technical Standards and Safety Act, 2000 and its regulations as enforced by the Technical Standards and Safety Authority.

24(2) (a) Subsection 24 (2) (b):

- (i) applies to elevators in a building that contains one or more dwelling units; and
- (ii) does not apply to firefighters' elevators under the Fire Code.

(b) Elevators shall be maintained in operation at all times except for such reasonable time as may be required for repair or replacement as follows:

- (i) elevator, where one elevator is provided and there is no firefighters' elevator;
- (ii) one elevator where two or more elevators are provided and there is a firefighters' elevator;
- (iii) two elevators where two or more elevators are provided and there is no firefighters' elevator.

(c) Where elevators are intended to operate only on certain floors – for example, if a 30 floor building has one elevator operating on floors 1 to 10, a second on floors 11 to 20 and a third on floors 21 to 30 – subsection 24(2) (b) applies only to maintaining their operation on those floors

24(3) All elevators, where provided and when in operation, shall:

- (i) be kept clean and free of dirt and defacements; and
- (ii) have working lighting, elevator buttons, floor indicators and ventilation

24(4) (a) where an owner fails to maintain one or more elevators in a building in accordance with subsection 24(1) or subsection 24(2) and then fails to do so again within six months, the owner shall install permanent signs as may be required by a property standards order.

(b) a permanent sign required under subsection 24(4)(a) shall, at a minimum:

- (i) set out the telephone numbers for the building owner and City of

Hamilton Municipal Law Enforcement Section to be called when an elevator is inoperative;

- (ii) be installed:
 - 1. at each exterior elevator button panel on the main floor of the building and at each elevator button panel within each elevator;
 - 2. in a position where the sign may readily be seen and read;
 - 3. with the center line of one sign between 1475 mm and 1525 mm (58 in. and 60 in.) above the finished floor;
 - 4. a second sign with the center line of the sign between 1170 mm and 1220 mm (46 in and 48 in,) above the finished floor; and
- (iii) be in large print (Arial 24 or Verdana 24 font, or more), in black type on a white background and in Uncontracted Braille (formally known as Grade 1 Braille)

PESTS

25(1) A dwelling or a dwelling unit shall be kept free of infestation by pests.

25(2) The owner of a property located within the urban boundary of the City as defined in the Official Plan or Official Plans for the City shall keep the property free of infestation by pests.

25(3) For the purposes of subsections 25(1) and 25(2), an "infestation" includes the presence of one rat or mouse, and in the case of bed bugs, fleas, wasps, hornets, ants or cockroaches means the presence of more than one such insect, and in the case of wasps or hornets includes the presence of any occupied nest inside or attached to the exterior of a building, structure or other erection.

OCCUPANCY STANDARDS

26(1) No room or space within a building shall be used for a purpose that is not compliant with the Building Code and applicable zoning by-laws.

26(2) A living room, dining room, kitchen, and bedroom shall have a minimum room height of not less than;

- (a) 1.9 m over the required floor area and in any location that would normally be used as a means of egress; or

(b) 2 meters over at least 50% of the required floor area,

provided that any part of the floor having a clear height of less than 1.4 m shall not be considered in computing the required floor area.

26(3) A bedroom for one person shall have a floor area of at least 5.6 m² and a bedroom for two or more persons shall have a floor area of at least 3.3 m² per person, calculated by the measurement of such bedroom from the inside faces of its walls, exclusive of the floor area of any closet or other storage space and subject to subsection 27(4) below.

26(4) A bedroom shall have a minimum width of 1.8 m.

GENERAL STANDARDS FOR ALL DESIGNATED HERITAGE PROPERTIES

27(1) In addition to the standards, obligations and requirements that apply to all property under sections 4 through 26 both inclusive, all heritage attributes of Part IV heritage properties, including both interior and exterior heritage attributes, and all heritage attributes of Part V heritage properties shall be:

- (a) maintained so as to prevent deterioration; and
- (b) repaired of any damage.

27(2) Subject to any applicable provisions of the Ontario Heritage Act:

- (a) where subsection 27(1) can be complied with by means of repair, despite any other provision to the contrary, the heritage attribute shall not be replaced and the repair shall be undertaken in a manner that minimizes damage to the heritage attribute;
- (b) where subsection 27(1) cannot be complied with by means of repair, despite any other provision to the contrary, the heritage attribute shall be replaced with material of the same type as the original material and in keeping with the design, colour, texture and any other distinctive feature as the original material or in such a manner as to replicate the design, colour, texture and any other distinctive feature of the original material.

27(3) (a) In addition to the standards, obligations and requirements that apply to all property under sections 4 through 26 both inclusive, a part of a Part IV heritage property or a Part V heritage property, including but not limited to a roof, wall, floor, retaining wall or foundation, that supports or protects a heritage attribute and without which the heritage attribute may be at risk of deteriorating or being damaged shall be structurally sound and maintained so as to properly perform its intended function.

- 27(3) (b) Subsection 27(3)(a) shall be complied with in a manner that minimizes damage to the heritage attribute.

VACANT AND/OR DAMAGED DESIGNATED HERITAGE PROPERTIES

- 28(1) In addition to complying with all other applicable provisions of this By-law, the owner of building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall comply with this section.
- 28(2) Despite subsection 5(7), where a building on a Part IV heritage property or a Part V heritage property remains vacant for a period of more than ninety (90) days, the owner shall ensure that appropriate utilities serving the building are connected as required to provide, maintain and monitor proper heating and ventilation to prevent damage caused to the building by fluctuating temperatures and humidity.
- 28(3) Despite subsections 5(3) and 5(4), where a building on a Part IV heritage property or a Part V heritage property is vacant or damaged by accident, storm, fire, neglect or otherwise, the owner may be required to protect the building against the risks described in subsection 5(2) and shall effectively prevent the entrance of all unauthorized person by closing and securing openings to the building with boarding:
- (a) which completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
 - (b) on the window openings, which is painted a matte black to resemble window glass;
 - (c) on door openings, which is painted a colour that matches the colour of the original door;
 - (d) on an opening other than a window or door opening, which is painted or otherwise treated so that the colour matches the colour of the surrounding exterior of the building; and
 - (e) which is fastened securely with screws at least 50 mm in length and installed at appropriate intervals on centre.
- 28(4) Subject to any applicable provisions of the Ontario Heritage Act, the options available in 28(3) shall be considered progressively more secure with (e) being the most secure, and the minimum standard imposed by subsection 28(3) shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry.

- 28(5) At any time where there are circumstances to support a more secure option, including an option beyond that is more secure than those listed in subsection 28(3), the owner shall supply such more secure option as may be required by a property standards order.
- 28(6) No window, door or other opening shall be closed or secured in accordance with subsection 28(3) with brick, concrete blocking or any other masonry units and mortar, except where required by a property standards order under subsection 28(4).

PROPERTY STANDARDS ORDER

- 29(1) If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards prescribed in this By-law, he or she may issue an order and such order shall be served on the owner of the property and may be served on such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
- 29(2) The order referred to in subsection 29(1) shall:
- (a) state the municipal address or the legal description of the property;
 - (b) give reasonable particulars of the repairs to be made or state that the property is to be cleared of all buildings, structures or debris and left in a graded and levelled condition, provided that no order in respect of a Part IV heritage property or a Part V heritage property shall state that any building or structure is to be altered or cleared, including but not limited to removed, demolished or relocated;
 - (c) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense;
 - (d) indicate the final date for giving notice of appeal from the order; and
 - (e) be served or caused to be served:
 - (i) by personal service;
 - (ii) electronic service; or
 - (iii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

- 29(3) For the purposes of subsection 29(2)(e)(ii), "last known address" of the owner includes but is not limited to the address provided to the City for the payment of property taxes for the property or the address for service on the title document for the property.

APPEAL OF A PROPERTY STANDARDS ORDER

- 30(1) An owner or occupant who has been served with a property standards order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal, including grounds for the appeal and the applicable fee as set out in the User Fees and Charges By-law, by registered mail to the secretary of the Committee within fourteen (14) days after being served with the order.

- 30(2) A property standards order that is not appealed within the time referred to in subsection 30(1) is deemed to be confirmed.

- 30(3) If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer who made the property standards order and may,

- (a) confirm, modify or rescind the order to demolish or repair;
- (b) extend the time for complying with the order,

if, in the Committee's opinion, the general intent and purpose of this By-law are maintained.

- 30(4) (a) For the purposes of this By-law, where any portion of a fence or retaining wall:

- (i) does not conform to the standards under this By-law; and
- (ii) is located touching or on the property line between adjoining properties at the adjacent finished ground level,

that portion of the fence or retaining wall is deemed to be owned in equal shares by the owners of the adjoining properties.

- (b) Where available, the most recent survey obtained under subsection 32(5) in accordance with the Surveys Act showing a fence or retaining wall shall be deemed to be conclusive evidence of the location of the fence or retaining wall.
- (c) Despite subsections 30(4)(a) and (b), where provision is made for ownership of or responsibility for a fence or retaining wall that touches

or is on the property line between adjoining properties under a City by-law other than this By-law or under any other City Council approved document, then that provision applies for the purposes of this By-law.

- (d) In this subsection, "for the purposes of this By-law" includes but is not limited to for the purposes of a hearing before and decision of the Committee under section 30 and for the purposes of a determination of the amount of a lien under subsection 31(8).

30(5) The City or an owner or occupant or person affected by a decision under subsection 30(3) may appeal to a Judge of the Superior Court of Justice, who has the same powers and functions as the Committee, by notifying the City Clerk in writing and by applying to the Superior Court of Justice for an appointment within fourteen (14) days after the sending of a copy of the decision.

30(6) A property standards order that is deemed to be confirmed or modified by the Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

COMPLIANCE

31(1) An owner or occupant of a property shall:

- (a) comply with all standards prescribed in this By-law;
- (b) comply with a property standards order or any other order made under this By-law;
- (c) ensure that compliance with this By-law is carried out in a manner that avoids conditions dangerous to the owner, occupants or visitors to the property or that adequate warning is given where such dangerous conditions are unavoidable.

Offences and Fines

31(2) Every person who fails to comply with a final and binding order issued under this by-law is guilty of an offence, and on conviction is liable to the penalty or penalties as set out in the Building Code Act, 1992.

Power of City to Repair or Demolish

31(3) No person shall hinder or obstruct an Officer or attempt to hinder or obstruct and Officer who is performing a duty under this By-law.

- 31(4) If the owner or occupant of a property fails to comply with a final and binding property standards order, the City may cause the property to be repaired or demolished in accordance with such order.
- 31(5) The City or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection 31(4).
- 31(6) Despite subsection 31(4), no building or structure on a Part IV heritage property or a Part V heritage property may be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the Ontario Heritage Act.
- 31(7) Where the cost of doing the work necessary for compliance with the property standards order under subsection 31(4):
- (a) does not exceed \$20,000.00, the Director is authorized to carry out the work;
 - (b) does exceed \$20,000.00, the Director shall seek authorization from City Council to carry out the work.
- 31(8) Upon completion of the work necessary for compliance with the property standards order under subsection 31(4), the City shall have a lien on the property for the amount spent on the repair or demolition and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001 which, amongst other things, means the amount may be added to the tax roll for the property and collected in the same manner as property taxes.

Certificate of Compliance

- 31(9) When, after an inspection, an officer is of an opinion that a property is in compliance with this By-law:
- (a) an owner of the property shall; or
 - (b) any other person may,
- be issued a certificate of compliance upon submitting a completed application form and paying the applicable fee as set out in the User Fees and Charges By-law.

Registration of Property Standards Order

- 31(10) A final and binding property standards order may be registered in the land registry office on title to the property to which it applies and, upon such registration, any person acquiring any interest in the property subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 29.

31(11) Where an officer determines there is compliance under this By-law with a property standards order issued and registered on the title to a property, the Director on behalf of the City Clerk shall forthwith register in the land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

31(12) An owner or occupant may apply for a discharge of a property standards order issued and registered on title to a property by submitting a completed application form and paying the applicable fee as set out in the User Fees and Charges By-law and where, upon inspection of the property by an officer, compliance with the order is found, the discharge shall be registered by the Director on behalf of the City Clerk.

ADMINISTRATION AND ENFORCEMENT

Director and Officers

32(1) The Director is assigned the responsibility of administering and enforcing this By-law and the applicable provisions of the Building Code and may assign duties to such persons as necessary to carry out administration and enforcement of this By-law and the applicable provisions of the Building Code.

32(2) Persons appointed or assigned the responsibility of administering or enforcing this By-law and the applicable provisions of the Building Code are officers, and have the authority to carry out such responsibilities.

Rights To Enter And To Inspect

32(3) An officer acting under this By-law may, at any reasonable time and upon producing proper identification, enter upon a property without a warrant for the purpose of inspecting the property to determine:

(a) whether the property conforms with the standards prescribed in this By-law,
or

(b) whether a property standards order has been complied with.

32(4) Despite subsections 32(3), an officer shall not enter or remain in any room or place actually used as a dwelling unless:

(a) the consent of the occupant is obtained, the occupant first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code;

(b) a warrant issued under the Building Code is obtained;

(c) the delay necessary to obtain the consent of the occupant or a warrant

would result in immediate danger to the health or safety of any person;

- (d) the entry is necessary to terminate a danger under subsection 15.7(3) of the Building Code; or
- (e) the entry is necessary to repair or demolish under subsection 31(4) and, within a reasonable time before entering the room or place to be repaired or demolished, the officer serves the occupant with notice of his or her intention to enter it.

32(5) For the purposes of an inspection under subsection 32(3), an officer may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a property or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

32(6) Any cost incurred by the City in exercising its authority to inspect under subsection 32(5) including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner or occupant of the property where the inspection takes place.

32(7) An employee or agent of the City may enter property at any reasonable time without a warrant for the purposes of causing the property to be repaired or demolished pursuant to section 31(4) in accordance with a final and binding property standards order.

Property Standards Committee

- 32(8) A Committee to be known as the Property Standards Committee of the City of Hamilton is established.
- 32(9) The Committee shall consist of five (5) residents of, or property owners in the City, to be appointed by Council with a four (4) year term, or such shorter term as may be determined by Council.
- 32(10) Despite subsection 32(9), a member of the Committee shall hold office until his or her successor has been appointed.
- 32(11) Any vacancy on the Committee shall be filled forthwith.

SEVERANCE AND CONFLICT

- 33(1) If a court of competent jurisdiction declares any provision or provisions of this By-law invalid, such provision or provisions are deemed to be severable and it is the intention of Council that the remainder of the By-law shall continue to be in force
- 33(2) Where a provision of this By-law conflicts with the provision of another by-law, Act or regulation in force within the City, the provision that establishes the higher standard to protect the health and safety of persons prevails.

ORDERS, PROCEEDINGS AND OTHER ACTIONS CONTINUED

- 34(1) Any order issued, proceeding being conducted or other action being carried out under By-law No. 10-221 shall be deemed to continue under this By-law, and any reference to By-law No. 10-221 in such order, proceeding or other action shall be deemed to refer to this By-law.

REPEAL AND COMING INTO FORCE

- 35(1) By-law No. 10-221 is repealed as of the day on which this By-law comes into force.
- 35(2) This By-law comes into force on the date of its passing.

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
City Clerk

Appendix "I" to Report PED23072
Page 1 of 2

Authority: Item ,
Report (REPORT PED23072)
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON
BY-LAW NO.

To Amend By-law 07-170, a By-law to License and Regulate Various Businesses

WHEREAS this By-law amends Schedule 31 of By-law No. 07-170: Rental Housing Units.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That By-law 07-170 be amended by repealing the definition of "Multiple Dwelling" in Schedule 31 and replacing it with the following:

"Multiple Dwelling" means a building or part thereof containing six or more self-contained Dwelling Units;

3. That By-law 07-170 be amended by repealing section 5.5 in Schedule 31 and replacing it with the following:
 - 5.5 Notwithstanding any other provision in this By-law, the Licensee shall notify the Director, within seven (7) days, of any change to any information relating to the licence issued to the Licensee pursuant to this By-law, including, but not limited to:
 - a) the name, mailing address, e-mail address and/or phone number of the Licensee, the primary contact and/or secondary contact listed on the most recent licence application;
 - b) the name, mailing address, e-mail address and/or phone number of the operator listed on the most recent application for registration, if applicable;
 - c) the ownership of the Rental Housing Unit and shall surrender his, her or its licence to the Director upon the completion of such change.

4. That in all other respects, By-law 07-170 is confirmed; and

Appendix "I" to Report PED23072

Page 2 of 2

8. That the provisions of this By-law shall become effective on the date approved by City Council.

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
City Clerk

Appendix “J” to Report PED23072**Page 1 of 8**

Authority: Item ,
Report (PED23072)
CM:
Ward: City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO.**

To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS; Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That By-law 17-225 be amended by adding the following table to Schedule A:

TABLE XX: BY-LAW 23-XXX Renovation Licence and Relocation By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	23-XXX	7	Landlord fail to submit an application for a licence within 7 days of serving notice of termination	\$400.00
2	23-XXX	7	Operator fail to submit an application for a licence within 7 days of serving notice of termination	\$400.00
3	23-XXX	8	Landlord fail to obtain a licence	\$400.00
4	23-XXX	8	Operator fail to obtain a licence	\$400.00
5	23-XXX	10	Landlord perform or cause to perform repairs or renovations after licence expired or suspended	\$400.00
6	23-XXX	10	Operator perform or cause to perform repairs or renovations after licence expired or suspended	\$400.00
7	23-XXX	11	Landlord hold themselves out to be licensed when they are not licensed	\$400.00
8	23-XXX	11	Operator hold themselves out to be licensed when they are not licensed	\$400.00
9	23-XXX	12	Landlord fail to comply with terms and conditions of their licence	\$400.00
10	23-XXX	12	Operator fail to comply with terms and conditions of their licence	\$400.00
11	23-XXX	13	Landlord transferred or assigned their licence	\$400.00

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TABLE XX: BY-LAW 23-XXX Renovation Licence and Relocation By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
	12	23-XXX		
13	23-XXX	15	Person hindered or obstructed or attempted to hinder or obstruct Officer	\$400.00

3. That By-law 17-225 be amended by adding the following table to Schedule A:

TABLE XX: BY-LAW 23-XXX Safe Apartment Buildings By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
	1	23-XXX		
2	23-XXX	11	Owner fail to notify Director within 7 days of change in information	\$400
3	23-XXX	14	Owner fail to display registration in Common Area visible to tenants	\$400
4	23-XXX	26	Owner fail to erect or install a notification board in prominent location inside Common Area	\$400
5	23-XXX	26	Operator fail to erect or install a notification board in prominent location inside Common Area	\$400
6	23-XXX	29	Owner fail to provide a copy of Evaluation upon request	\$400
7	23-XXX	29	Operator fail to provide a copy of Evaluation upon request	\$400
8	23-XXX	41	Owner fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400
9	23-XXX	41	Operator fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400
10	23-XXX	42	Owner fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400
11	23-XXX	42	Operator fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400
12	23-XXX	43	Owner fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400
13	23-XXX	43	Operator fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400
14	23-XXX	70	Owner fail to provide a copy of a Plan to a Tenant upon written request	\$400
15	23-XXX	70	Owner fail to provide a copy of a Plan to a Tenant upon written request	\$400
16	23-XXX	77	Owner rent out Rental Unit when active property standards order against that Rental Unit	\$400
17	23-XXX	77	Operator rent out Rental Unit when active property standards order against that Rental Unit	\$400

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TABLE XX: BY-LAW 23-XXX Safe Apartment Buildings By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
	18	23-XXX		
19	23-XXX	78	Operator rent out Rental Unit to where there is a discontinuance of Vital Service in the Rental Unit	\$400

4. That By-law 17-225 be amended by repealing Table 28 in Schedule A and replacing it with the following Table:

TABLE 28: BY-LAW 23-XXX Vital Services By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
	1	23-XXX		
2	23-XXX	11	Landlord fail to provide Tenant proper notice re shut-off of Vital Service	\$400.00
3	23-XXX	11	Operator fail to provide Tenant proper notice re shut-off of Vital Service	\$400.00

5. That By-law 17-225 be amended by repealing Table 14 in Schedule A and replacing it with the following Table:

TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
	1	23-XXX		
2	23-XXX	7(1)	Owner fail to keep water in private swimming pool clean and in a sanitary condition	\$150
3	23-XXX	7(1)	Occupant fail to keep water in private swimming pool clean and in a sanitary condition	\$150
4	23-XXX	7(3)	Owner - principal entrance of building not have a walkway/driveway/hard surface leading to road	\$150
5	23-XXX	7(4)	Owner fail to have concrete wheel stops at parking spaces	\$200
6	23-XXX	7(5)	Owner - area used for vehicular traffic/parking not surfaced with suitable dust free material and maintained	\$200
7	23-XXX	7(6)	Owner - surface of walkways/driveways/parking lots not maintained safe	\$200
8	23-XXX	7(7)	Owner - crushed stone surface not maintained free of dust	\$200
9	23-XXX	7(7)	Occupant - crushed stone surface spillover onto sidewalk/grass	\$150

Appendix "J" to Report PED23072

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TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
10	23-XXX	7(7)	Owner - crushed stone surface spillover onto sidewalk/grass	\$150
11	23-XXX	8(1)	Owner fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200
12	23-XXX	8(1)	Occupant fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200
13	23-XXX	10 (1)	Owner - storm water discharge creating standing water	\$150
14	23-XXX	10 (1)	Occupant - storm water discharge creating standing water	\$150
15	23-XXX	10 (1)	Owner - storm water discharge creating erosion/damage to property	\$150
16	23-XXX	10 (1)	Occupant - storm water discharge creating erosion/damage to property	\$150
17	23-XXX	10 (1)	Owner - storm water discharge directed/draining onto adjoining property	\$150
18	23-XXX	10 (1)	Occupant - storm water discharge directed/draining onto adjoining property	\$150
19	23-XXX	10 (2)	Owner - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150
20	23-XXX	10 (2)	Occupant - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150
21	23-XXX	10 (3) (a)	Owner - eavestrough/downspout not watertight/free from leaks	\$150
22	23-XXX	10 (3) (b)	Owner - eavestrough/downspout not free from obstruction	\$150
23	23-XXX	10 (3) (c)	Owner - eavestrough/downspout not stable/securely fastened	\$150
24	23-XXX	10 (3) (d)	Owner - eavestrough/downspout not perform its intended function	\$150
25	23-XXX	11 (1)	Owner - fence/barrier/retaining wall not maintained to perform intended function	\$150
26	23-XXX	12 (1)	Owner - exterior surfaces not from resistant materials/coatings to protect deterioration by weather	\$150
27	23-XXX	12 (2)	Owner - fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200
28	23-XXX	12 (2)	Occupant- fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200
29	23-XXX	12 (3) (a)	Owner - exterior of building not maintained to prevent the entry of vermin/birds	\$200
30	23-XXX	12 (4) (a)	Owner - fail to maintain/prevent deterioration of exterior wall by painting/restoring or repairing wall/coping/flushing or waterproofing	\$200

Appendix "J" to Report PED23072

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TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
31	23-XXX	12 (4) (b)	Owner - fail to repair vandalism/damage of exterior wall	\$150
32	23-XXX	12 (5)	Owner - fail to maintain/repair roof/all components to properly perform intended function, water-tight condition	\$200
33	23-XXX	13(4)	Owner - fail to maintain basement/crawl space in a watertight condition	\$200
34	23-XXX	14 (1) (a)	Owner - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200
35	23-XXX	14 (1) (a)	Occupant - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200
36	23-XXX	14 (1) (a)	Owner - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150
37	23-XXX	14 (1) (a)	Occupant - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150
38	23-XXX	14 (2)	Owner - fail to ensure lock on opening properly performs intended function	\$200
39	23-XXX	14 (3)	Owner - door/entrance to dwelling/dwelling unit without lock capable from securing from outside and inside	\$200
40	23-XXX	14 (4)	Owner - window not able to be locked/secured from inside	\$200
41	23-XXX	14 (5)	Owner - fail to have/maintain appropriate window screens	\$200
42	23-XXX	14 (5)	Occupant - fail to have/maintain appropriate window screens	\$200
43	23-XXX	14 (7)	Owner - voice communication system not maintained in good repair	\$150
44	23-XXX	15 (1)	Owner - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks other defects	\$200
45	23-XXX	15 (1)	Occupant - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks other defects	\$200
46	23-XXX	15 (2)	Owner - exterior stairway/landing/balcony/porch/ramp free of furniture/appliance	\$200
47	23-XXX	15 (2)	Occupant- exterior stairway/landing/balcony/porch/ramp free of furniture/appliance	\$200
48	23-XXX	15 (3)	Owner - fail to repair/replace treads and risers of exterior/interior stairway	\$200
49	23-XXX	15 (4) (a)	Owner - fail to have handrail for exterior/interior stairway	\$200
50	23-XXX	15 (4) (a)	Owner - fail to replace/repair exterior/interior handrail	\$200

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TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
51	23-XXX	15 (4) (b)	Owner - fail to have short wall at exterior stairway	\$200
52	23-XXX	15 (4) (b)	Owner - fail to repair/replace short wall at exterior stairway	\$200
53	23-XXX	15 (5)	Owner - fail to keep common areas clean and free of hazards	\$200
54	23-XXX	16 (4)	Owner - floor not smooth/level that may create unsafe condition/surface	\$200
55	23-XXX	16 (5)	Owner - floor covering worn/torn not repaired/replaced	\$200
56	23-XXX	16 (6)	Owner - fail to have water resistant floor covering in bathroom/kitchen/laundry or shower	\$200
57	23-XXX	16 (7)	Owner - wall/ceiling not maintained in a condition free from holes/open cracks/loose coverings other defects	\$200
58	23-XXX	16 (8)	Owner - fail to repair wall or ceiling to have a similar finish to that of the original and comparable to surrounding finishes	\$200
59	23-XXX	17 (1)	Owner - fail to have working lighting in stairway/exterior exit and entrance doorway, bath or shower room/toilet room/kitchen/ corridor/ basement/ laundry room and utility room	\$200
60	23-XXX	17 (2)	Owner - fail to have lighting in hallway/stairway/common area and underground parking	\$200
61	23-XXX	18 (2)	Owner - fail to maintain vent to prevent entry of rain, snow and vermin	\$200
62	23-XXX	19 (1)	Owner - heating system not capable of maintaining a temperature of 20 degrees C	\$400
63	23-XXX	19 (2) (a)	Owner - heating system not operating/maintained to properly perform intended function	\$400
64	23-XXX	19 (2) (b)	Owner - heating system not free from unsafe condition	\$400
65	23-XXX	19 (3)	Owner - furnace/boiler located in hallway or access/egress	\$200
66	23-XXX	19 (4)	Owner - portable heating equipment used as primary source of heat	\$400
67	23-XXX	21 (1)	Owner -plumbing system/fixture not maintained to perform its intended function	\$400
68	23-XXX	21 (1)	Owner - plumbing system/fixture not maintained and free from leaks/defects	\$400
69	23-XXX	21 (2)	Owner piping for suppling/draining water not protected from freezing	\$200
70	23-XXX	21 (3)	Owner plumbing fixture not connected by water seal trap to sewage system	\$400
71	23-XXX	21 (5) (a)	Owner fail to provide hot water at 43 degrees C	\$200
72	23-XXX	21 (5) (a)	Owner fail to provide cold water to kitchen/bath/shower/laundry room	\$200

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TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
73	23-XXX	21 (5) (b)	Owner fail to have cold water connected to toilet/hose bib	\$200
74	23-XXX	21 (6)	Owner fail to provide potable water to dwelling/dwelling unit from approved source	\$400
75	23-XXX	21 (7) (a) (i)	Owner fail to provide a hand wash basin in lodging house	\$200
76	23-XXX	21 (7) (a) (ii)	Owner fail to provide a toilet in a lodging house	\$200
77	23-XXX	21 (7) (a) (iii)	Owner fail to provide a bathtub or shower in lodging house	\$200
78	23-XXX	21 (7) (b) (i)	Owner fail to provide a kitchen sink in a residential care facility/dwelling unit	\$200
79	23-XXX	21 (7) (b) (ii)	Owner fail to provide a toilet in a residential care facility/dwelling unit	\$200
80	23-XXX	21 (7) (b) (iii)	Owner fail to provide a hand wash basin in a residential care facility/dwelling unit	\$200
81	23-XXX	21 (7) (b) (iv)	Owner fail to provide a bathtub or shower in a residential care facility/dwelling unit	\$200
82	23-XXX	22 (1) (a)	Owner fail to provide sink serviced with potable running water and splash back in kitchen	\$400
83	23-XXX	22 (1) (b)	Owner fail to provide work surface at least .74 m ² impervious to grease/water in kitchen	\$150
84	23-XXX	22 (1) (c)	Owner fail to provide storage facilities of at least .8 m ³ in kitchen	\$150
85	23-XXX	22 (1) (d)	Owner fail to provide cooking range/countertop range/refrigerator in kitchen	\$150
86	23-XXX	22 (1) (e)	Owner fail to maintain cupboard/kitchen fixture/fitting in good repair and working order	\$150
87	23-XXX	22 (2)	Owner bath/shower/toilet room not minimum height of 0.9m, water-resistant and cleaned	\$200
88	23-XXX	22 (3) (a)	Owner bath/shower/toilet room not accessible from interior of building	\$200
89	23-XXX	22 (3) (b)	Owner bath/shower/toilet room not fully enclosed with door for privacy	\$200
90	23-XXX	22 (3) (c)	Owner bath/shower/toilet room with no working artificial lighting fixture	\$200
91	23-XXX	22 (3) (d)	Owner bath/shower/toilet room not maintained to perform intended function	\$200
92	23-XXX	22 (4)	Owner fail to provide handwash basin in same room as toilet or adjoining bath or shower room	\$200
93	23-XXX	22 (5)	Owner - toilet or urinal located in habitable room used for living, eating and sleeping	\$200
94	23-XXX	22 (7)	Landlord fail to maintain appliance in good state of repair/safe operable condition in rental unit	\$200
95	23-XXX	23 (1)	Owner - waste storage area/waste chute not kept clean/sanitary free from obnoxious odour	\$200
96	23-XXX	23 (1)	Occupant - waste storage area/waste chute not kept clean/sanitary free from obnoxious odour	\$200

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TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
97	23-XXX	23 (2)	Owner - waste chute not operational at all times	\$200
98	23-XXX	24 (3) (i)	Owner - fail to keep elevator clean and free of dirt and defacements	\$200
99	23-XXX	24 (3) (ii)	Owner - fail to have working lights/elevator buttons/floor indicators and ventilation in elevator	\$200
100	23-XXX	25 (1)	Owner - fail to keep dwelling or dwelling unit free of infestation of pests	\$400
101	23-XXX	25 (1)	Occupant - fail to keep dwelling or dwelling unit free of infestation of pests	\$400
102	23-XXX	25 (2)	Owner fail to keep urban property free of infestation of pests	\$400
103	23-XXX	26 (3)	Owner – one-person bedroom not having floor area of 5.6 m ²	\$200
104	23-XXX	26 (3)	Owner - two or more-person bedroom not having floor area of 3.3 m ² per person	\$200
105	23-XXX	26 (4)	Owner - bedroom fail to be 1.8m in width	\$200
106	23-XXX	27 (1) (a)	Owner - interior and exterior heritage attributes not maintained to prevent deterioration	\$375
107	23-XXX	27 (1) (a)	Occupant - interior and exterior heritage attributes not maintained to prevent deterioration	\$375
108	23-XXX	27 (1) (b)	Owner - interior and exterior heritage attributes not repaired from damage	\$375
109	23-XXX	28 (2)	Owner - vacant heritage property (more than 90 days) – fail to ensure appropriate utilities are connected	\$375
110	23-XXX	31(1) (b)	Owner - fail to comply with an order	\$400
111	23-XXX	31 (1) (b)	Occupant – fail to comply with an order	\$400

6. That in all other respects, By-law 17-225 is confirmed; and

7. That the provisions of this By-law shall become effective on the date approved by City Council.

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
City Clerk

**Appendix “K” to Report PED23072
Page 1 of 6**

Authority: Item ,
Report (PED23072)
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

Repairs and Renovations By-law

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides a single-tier municipality with the broad authority to pass by-laws respecting (i) the economic, social and environmental well-being of the municipality, (ii) the health, safety and well-being of persons, (iii) the protection of persons and property and (iv) business licensing;

WHEREAS, in accordance with subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c.25, Council for the City of Hamilton is of the opinion that the delegation of the legislative powers under this by-law to the Director including, without limitation, the power to issue and impose conditions on a licence are powers of a minor nature having regard to the number of people, the size of the geographic area and the time period affected by the exercise of the power; and

WHEREAS the Province of Ontario has enacted the *Residential Tenancies Act, 2006* and such *Act* states that:

“The purposes of this Act are to provide protection for residential tenants from unlawful rent increases and unlawful evictions, to establish a framework for the regulation of residential rents, to balance the rights and responsibilities of residential landlords and tenants and to provide for the adjudication of disputes and for other processes to informally resolve disputes.

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

REPAIRS AND RENOVATIONS BY-LAW

Definitions

In this By-law:

“**By-law**” means this By-law;

“**City**” means the municipality of the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

“**Council**” means the Council of the City of Hamilton;

“**Director**” means the City’s Director of Licensing and By-law Services;

“**Manager**” means the City’s Manager of Licensing;

“**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c.25;

“**Municipal Law Enforcement Officer**” means an employee of the Licensing and By-law services Division of the City of Hamilton who is appointed by Council to enforce the provisions of this By-law;

“**Officer**” shall include a Municipal Law Enforcement Officer, Medical Officer of Health, Fire Chief, Chief Building Official, a Hamilton Police Services police officer, or any other person appointed under the authority of a municipal by-law or by Council to enforce City by-laws;

“**Owner**” means any person or persons who have any legal right, title, estate or interest in a Rental Housing Unit and shall include, but is not limited to, a landlord, lessors, sublessor or other person permitting the occupation of a Rental Housing Unit, their agents, heirs, personal representatives and successors in title;

“**Rental Unit**” means a building or part of a building: (i) consisting of one or more rooms; (ii) containing toilet and cooking facilities; (iii) designed for use as a single housekeeping establishment; and (iv) used or intended for use as a rented residential premise;

“**Residential Complex**”

“**Residential Tenancies Act, 2006**” means the *Residential Tenancies Act, 2006*, S.O. 2006 c.17; and

“**Tenant**” includes a person who pays rent in return for the right to occupy the Rental Housing Unit and includes their heirs, assigns and personal representatives, but does not include a person who has the right to occupy a rental unit by virtue of being an Owner of the Residential Complex in which the Rental Housing Unit is located or a shareholder of a corporation that owns the Residential Complex.

1.0 Application

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Page 3 of 6

This By-law does not apply to:

- (a) any Rental Unit in a building that has been determined by an architect or professional engineer or any governmental authority having jurisdiction, including the local assistant to the fire commissioner, to have been damaged by natural disaster, fire, water, smoke, insect infestation or structural failure to the point that it is unsafe for any person to occupy the building, if the determination of the architect, engineer or governmental authority is made in writing and a copy has been delivered to the City’s Manager; or
- (b) any Rental Unit in a building in respect of which the Council has authorized an exemption under section 3.

2.0 Restriction on Evictions

(a) No Owner shall deliver to any Tenant a notice of termination of their tenancy of a Rental Unit in order to renovate or repair the Rental Unit, or having delivered such a notice prior to the enactment of this section 2.0(a), require the Tenant to vacate their Rental Unit pursuant to the notice, unless the Owner has obtained every building permit, plumbing permit, development permit, special development permit or heritage alteration permit required by any City bylaw and any other permit or approval required to authorize the renovation or repair, and has either:

- (i) entered into a new tenancy agreement with the Tenant on the same terms as the tenancy agreement pertaining to the Rental Unit being renovated or repaired, or terms that are more favourable to the Tenant, in respect of a comparable Rental Unit in the same Residential Complex, and provided a copy of the agreement to the Manager; or

- (ii) made other arrangements in writing for the Tenant’s temporary accommodation during the renovation or repair, and for their return to their original Rental Unit under the terms of the existing tenancy agreement following completion of the renovation or repair, and provided to the Manager satisfactory documentation of the arrangements including evidence of the Tenant’s consent to the arrangements.

(b) No Owner shall, having failed to comply with section 2.0(a), continue to fail to enter into a new tenancy agreement as described in section 2.0(a)(i) or make other arrangements for the tenant’s temporary accommodation and return to their original Rental Unit as described in subsection 2.0(a)(ii).

(c) For the purposes of subsection (a)(i),

- (i) a Rental Unit in another building that is located on the same parcel as the building that is being renovated or repaired and owned by the same owner is deemed to be a Rental Unit in the same Residential Complex,

- (ii) a Rental Unit is comparable to a Rental Unit that is being renovated or repaired if it has the same or a greater number of bedrooms and complies with the maintenance standards, and the rent for the unit is equal to or less than the rent for the Rental Unit that is being renovated or repaired; and

Appendix “K” to Report PED23072**Page 4 of 6**

(iii) the new tenancy agreement may either transfer the Tenant’s tenancy permanently to the other Rental Unit, or entitle the Tenant to occupy the other Rental Unit temporarily during the course of the renovation or repair and return to their original rental unit following completion of the renovation or repair.

(d) No Owner shall, having renovated or repaired a Rental Unit as permitted by subsection (a)(ii), increase the rent payable by the Tenant upon their return to their rental unit, except as an “additional rent increase” approved under the Residential Tenancies Act.

(e) The Manager may require any Owner to provide, prior to obtaining a business licence or business licence renewal under this bylaw, a statutory declaration that states the rent payable in respect of any rental unit prior to and following renovation or repair work that required the Tenant of the rental unit to vacate the unit. If the rent was increased, the declaration must include a copy of the Director’s approval of the rent increase under the Residential Tenancies Act.

(f) The Manager may issue or renew a business licence under this bylaw to an Owner who has applied for an additional rent increase related to renovation or repair under the Residential Tenancies Act if the director has not yet decided the rent increase application. In doing so, the Manager may indicate on the licence that a surcharge may become payable under subsection (g) if the additional rent increase is not allowed but the rent for the rental unit in question exceeds the rent that is allowed without the additional rent increase.

(g) The Manager may levy a monthly business licence surcharge on any Owner who contravenes subsection (d), in the amount that is the difference between the rent permitted by that subsection and the rent that the Owner’s Tenant is paying in respect of the Rental Unit that has been renovated or repaired, and may refuse to renew the business licence of any owner who, being subject to such a surcharge, has not paid the surcharge by the date on which the licence renewal is required.

3.0 Application for Exemption

(a) An Owner who is subject to section 2.0 may apply to the Council for an exemption from that section in respect of the Owner’s building or one or more portions of the building, on the grounds that the Owner’s renovation or repair plans cannot be safely implemented unless the building or portion is vacated.

(b) An application under subsection (a) must be accompanied by a certification by an architect, professional engineer or qualified building code consultant that certifies that, after due consideration of all practical alternative approaches to the work, the implementation of the Owner’s renovation or repair plans requires that the owner’s building be vacated in whole or in part.

(c) The Council may require an Owner who has provided a certification under subsection (b) to pay the City’s cost in obtaining a second opinion from an architect, professional engineer or qualified building code consultant, as the case may be, on whether the implementation of the owner’s plans requires that the owner’s building or portion of the building be vacated.

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(d) The Council may, in approving an application for exemption, impose conditions pertaining to the relocation of Tenants, including conditions related to the accommodation of Tenants being displaced during and following the renovation or repair period and the rent that may be charged for the rental units following the completion of the renovations or repairs.

(e) The Council may not refuse an application under this section if the certification mentioned in subsection (b) is provided and the repairs proposed by the Owner are required by any other enactment respecting health or safety.

4.0 Offences

(a) Every Person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and other such penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*.

(b) Every Person who contravenes any provision of this By-law and was charged with an offence for a contravention of any provision of this By-law by the laying of an information of Part III of the *Provincial Offences Act*, is guilty of an offence and on conviction is liable to a minimum fine of \$1,000.00 and a maximum fine of \$50,000.00

Miscellaneous

5.0 Should any part of this By-law be determined by a Court of competent jurisdiction to be invalid or of no force, it is the stated intention of Council that such invalid part of the By-law shall be severable and that the remainder of this By-law shall continue to operate and to be in force.

6.0 This By-law may be referred to as the “Repairs and Renovations By-law”.

7.0 This By-law shall come into force on May 1, 2024.

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
City Clerk

**New Westminster vs City of Hamilton
Recommendation Alignment Table**

New Westminster	City of Hamilton
<p>1. Prior to terminating tenancy, the landlord was required to obtain a building or development permit</p>	<p>1. Renovation Licence and Relocation Listing By-law will require a Renovation Licence be issued with the City prior to any work being completed on the unit. Requirements for the Renovation Licence include; 1) confirmation of building permit and 2) submission of a report by a qualified person prior to commencing renovations</p>
<p>2. Provided tenants with a comparable unit within the building on the same or better terms</p>	<p>2. Ontario's Residential Tenancy Act permits a landlord a right to give notice of termination (N-13) and provides that an evicted tenant is entitled to either right of first refusal to return to the unit or compensation</p> <p>Under the Renovation Licence and Relocation Listing By-law, if an N-13 is issued, City staff will be aware and will be able to provide assistance through the Tenant Defence Fund for the tenant to know their rights.</p>
<p>3. Arranged for temporary accommodations for the duration of the renovation and that the original tenancy agreement be honoured upon completion of the renovation licence</p>	<p>3. The Renovation Licence and Relocation Listing By-law will require the landlord to provide a list of alternative units available during the duration of the renovation. If a list is not provided, it would be a breach of the By-law</p>



ADDRESSING RENOVITIONS, TENANT DISPLACEMENT AND PROPERTY STANDARDS IN APARTMENT BUILDINGS IN THE CITY OF HAMILTON

Emergency and Community Services Committee

August 17th, 2023

Council motion passed at the April 20th, 2023 meeting of the Emergency and Community Services Committee, directed:

“That staff be directed to report back to the Emergency and Community Services Committee in August 2023, with recommendations on the full suite of options to halt renovictions in the City of Hamilton including RentSafeTO, the City of Toronto Tenant Support Program and amendments to various City by-laws, the use of building permits, and a city-wide Licensing by-law and a New Westminster style Renovictions by-law as well as any potential by-law associated with the review of the RentSafeTO program; and that staff report back on the ability for the municipality to track sale notices for multi-unit buildings, to monitor trends in this area and create process to inform tenants of their right in case of ownership change.”

Delegate Feedback (April 20th ECS meeting):

- Some landlords are circumventing the law around evictions
- tenants may not know their rights and/or are not able to exercise rights
- bad landlords may allow deteriorating conditions to drive out existing tenants

Data:

- growing issue of evictions in Hamilton
- N13's in 2017 – 12 vs N13's in 2022 – 130

Rental Housing Landscape:

- increase of rents creating an economic incentive for landlords to evict tenants
- 2017 – Average Market Rent for all units \$944
2022 – Average Market Rent for all units \$1,242

Historical Approaches to Addressing Tenant Displacement:

- combined effort between Housing Services and Licensing and By-law Services Divisions
- Rental Housing Pilot Program, Property Standards and Vital Services investigations, Pro-active Blitzes and Short-Term Rental Licensing

- HSIR was passed by City Council in April 2023 (Report HSC23028).
- “Whole of Hamilton” approach focussed on tangible actions and municipal strategies to respond to affordable housing issues
- Identified four pillars of activity;
 1. new Construction
 2. acquisition of existing affordable housing, land, or under-utilized buildings
 - 3. preservation of existing affordable rental housing (and community housing)**
 4. increasing housing with supports
- The third pillar focuses on preservation of existing affordable rental housing through a number of strategies and actions, including developing policies to protect rental housing and discouraging renovictions.

Hamilton Apartment Rental Program (HARP)

- four separate, but interconnected initiatives
 1. new “Safe Apartment Buildings By-law”
 2. new “Renovation Licence and Relocation Listing By-law”
 3. updates to the Vital Services and Property Standards By-law
 4. amendments to Schedule 31 (Rental Housing), Business Licensing By-law 07-170
- tenant education and support provided by Housing Services Division underscores the HARP program

Program Objective

- maintain existing building standards and improve substandard building conditions
- contribute to reducing renovictions as a long-term outcome, by;
 - ensuring that the likelihood of requiring vacant possession to renovate is decreased i.e. fewer N-13 notices will be issued
 - ensuring that tenants are better informed re: pending major repairs to properties and better equipping tenants to engage supports
 - improving communication between the City, tenants and property owners

Safe Apartment Buildings By-law – Program Summary

- Applies to 2 storeys and 6 unit or more, purpose-built buildings
- Unit-based registration fee \$42.06/unit
- Supporting documentation submitted to City, includes;
 - i) Integrated Pest Management Plan
 - ii) Cleaning Plan
 - iii) Waste Management Plan
 - iv) State of Good Repair Plan
 - v) Electrical Maintenance Plan
 - vi) Vital Services Disruption Plan
- Tenant Notification Board, Document Retention and Tenant Service Request requirements
- All buildings evaluated within first 18 months of program
- Evaluations and scoring
- On-site tenant engagement and education

Table 1.0 – Safe Apartment Building Scoring System

Score (/100)	Audit Required (Yes/No)	Door Knocking (Yes/No)	Subsequent Evaluation
85% or higher	No	No	3 years from evaluation date
51%-84%	No	Yes	2 years from evaluation date
50% or lower	Yes	Yes	Audit triggered. 1 year from evaluation date

*On-site tenant engagement at all buildings on date of evaluation
(Engagement Coordinator)

Safe Apartment Buildings By-law – Buildings by Ward

Table 1.0 – Apartment Buildings by Ward

WARD	NUMBER OF BUILDINGS	NUMBER OF UNITS
1	101	5434
2	206	14248
3	159	4851
4	77	2641
5	101	7473
6	38	1870
7	77	4063
8	21	1259
9	3	410
10	5	749
11	7	176
12	3	112
13	36	1712
14	9	1356
15	15	1462

**Buildings with 2 storeys and 6 units or more

Renovation Licence and Relocation Listing By-law – Introduction and Program Objectives

- First in Canada, reasonable and complimentary approach that falls within the scope of municipal authority
- Two requirements – (1) renovation licence and (2) relocation listing

Program Objectives

- Adopts a number of aspects of the New Westminster By-law in a form that is enforceable under Ontario law
- Within the scope of Municipality to address renovictions, and tenant displacement
- Engage tenant supports in a more efficient way
- Track data on N-13 notices to better understand Renovictions in Hamilton

Program Summary

- cost \$715/licence (10% cost recovery)
- applies to all rental units City-wide
- requires landlords to obtain a licence for renovation work where an N-13 Notice has been issued to a tenant
- supporting documentation:
 1. Building Permit
 2. Report confirming vacant possession from Qualified Person and
 3. Comparable relocation listings
- exemption and enforcement

Amendments to City Bylaws

Background research and jurisdictional scan

Vital Services

- Enhanced definitions
- E-service
- Cost recovery

Property Standards

- Improved flow and readability



QUESTIONS?



INFORMATION REPORT

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	August 17, 2023
SUBJECT/REPORT NO:	Update on City's Advocacy Regarding Housing with Supports (HSC23054) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jeff Wingard (905) 546-2424 Ext. 4026
SUBMITTED BY:	Justin Lewis Director, Housing Secretariat Division Healthy and Safe Communities Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

Executive Summary:

In late 2021, the City of Hamilton, in partnership with Hamilton anchor institutions, met together to begin development of a request to the Province for \$5 million annually to provide intensive social and health supports to a group of 100 high acuity individuals experiencing homelessness. These individuals were identified to have needs that surpassed current service offerings in Hamilton. After emerging from the COVID19 pandemic, Hamilton's leaders reached a consensus that an investment of this type was required to address growing homelessness in Hamilton and resultant pressures on health and social service systems. There was also recognition that the proposal did not reflect the extent of need in Hamilton for supportive housing; instead, it was focused on providing intensive supports for the highest acuity individuals, thus "freeing up" existing services that were more appropriately focused on people with low-mid acuity needs.

The Mayor hosted a roundtable discussion in January 2022 with senior leaders of Hamilton's anchor institutions as well as the Honourable Michael Tibollo, Associate

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SUBJECT: Update on City's Advocacy Regarding Housing with Supports (HSC23054) (City Wide) - Page 2 of 7

Minister of Mental Health and Addictions, Ontario and MPP Donna Skelly. The City has engaged with ministers, associate ministers, and held engagement sessions with staff from various minister's offices, and also presented at the Association of Municipalities of Ontario in 2022. However, no formal response to Hamilton's proposal has been forthcoming. With conditions of homelessness worsening, this report describes an evolved priority brought forward through the Housing Sustainability and Investment Roadmap (the Roadmap) to senior levels of government focused on sharing costs to create at least 200 new units of permanent supportive housing within the next three years. Hamilton is Home has identified 418 supportive housing units that are in various phases of development that, should funding be obtained, could be built in the next 36 months.

Supportive housing was described in the Housing Sustainability and Investment Roadmap as the singular investment that will have the most impact on improving the lives of individuals living unsheltered in Hamilton. It provides a path to permanent housing for individuals, who without appropriate services and supports, will otherwise struggle to maintain successful tenancies. Extensive engagement was conducted with the community and individuals with lived experience through a variety of consultation processes, (e.g., Hamilton Alliance for Tiny Shelters, Housing and Homelessness Action Plan, and the recent public input for the encampment protocol and sanctioned sites), as well as research and best practice in other jurisdictions point to additional supportive housing as the most critical and urgent investment in Hamilton's homeless serving sector.

Through the Roadmap and the Housing Secretariat Division, Government Relations and Financing strategies are in development to engage, secure, and support this initiative however, upper levels of government must partner with the City to realize at least 200 supportive housing units. The City's Housing Secretariat Division is working closely with community partners to approach this need collectively with predictable sequencing rather than the more traditional individual project approach that requires a reactive "one-off" investment from Council. As described in Report HSC23041, an advance, multi-year municipal capital commitment is requested in order to strengthen our provincial and federal conversations to leverage funding from upper levels of government. It will also allow our community partners to make stronger applications for federal and provincial funds. This request for an advance multi-year municipal commitment has been made through Report HSC23021 in response to growing homelessness and the crisis of encampments.

Background:

It has been well established that homelessness, and especially chronic homelessness, has a profound impact on our communities. For the individuals or families who experience homelessness, these impacts include an increased likelihood of

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experiencing violence, social isolation and stigma, poor health (physical and mental), vastly decreased life expectancy; along with a decreased ability to meet one's basic needs, let alone plan for longer term goals like employment or income support. For the broader community, chronic homelessness requires disproportionate amounts of resources and services, including paramedics, police, emergency room and hospital usage, emergency shelters, outreach services, and a vast array of community organizations and supportive housing operators, often without successful long term outcomes for the people who are chronically homeless.

This issue was poignantly articulated in "Million Dollar Murray" – an article in the New Yorker in 2006 about Murray Bane, a chronically homeless man who lived in Reno, Nevada. His service usage was tracked for one year across police and emergency response, hospital visits, and social service usage, and added up to over \$1 million. The analysis of the article demonstrated would be much cheaper to find Murray a place to live with support than to spend \$1 million annually on one person and have such poor outcomes. The story of Million Dollar Murray is instructive about how chronic homelessness is not only expensive to institutions and communities, but also an incredibly inefficient use of resources.

Developing a Proposal to the Province to Address High Acuity Homelessness

In Hamilton, in 2020, a network of anchor institutions (Hamilton Health Sciences, St. Joseph's Health Care, Hamilton Police Services, the Chamber of Commerce, the City of Hamilton, Public Health Services, the Hamilton Community Foundation, Mohawk College and McMaster University) came together with the leadership of the Greater Hamilton Health Team to develop a collective response to growing chronic homelessness and encampments that were affecting their organizations. In particular, there was a recognition that there was a population of 100 – 140 people who had needs that were very complex and beyond any supportive housing or emergency shelters' ability to support. Many individuals had a combination of severe mental illness, addictions, experiences of trauma, and extreme poverty, and as a result were regular users of the hospital emergency rooms, police and emergency shelter responses. Based on the best practice evidence, the solution was determined to be a housing first approach with permanent supportive housing with intense and specialized support teams. The central tenet was that by housing the highest acuity individuals in the community, the existing social service system could focus on the individuals with lower to mid acuity needs. The initial proposal that began in 2020 was revisited in late 2021 as a result of growing needs that emerged during the pandemic.

After consulting with the City's Housing Services Division and confirming the ability to identify these individuals as part of the By-Name Priority List system for addressing homelessness, the anchor institutions worked with the senior leadership of the City and the Mayor's Office in late 2021/early 2022 to refine the original proposal to create a

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model of housing that could support these very high acuity individuals. This refined proposal centred on creating a set of specialized staff supports along with an Assertive Community Treatment team from St. Joseph's Health Care that could provide emergency and daily psychiatric support when needed. The proposal also specified that the Housing Services Division would contribute deeply affordable housing units where people could live and receive services. The proposal to the Province requested funding only for the supports component: \$50,000 per person per year; or for 100 people, \$5 million annually, which is consistent with supportive housing costs for similar projects in other jurisdictions and reflects comprehensive care for individuals with some of the highest needs. The funding request was for permanent operating funding, as it was anticipated that these individuals would need support over the long term. Capital costs to build the units were not included, nor were monthly rent subsidies, as the Housing Services Division agreed to identify vacant units in suitable locations throughout the City to provide this supportive housing.

Mayor's Office Hosts Roundtable Discussion

In January 2022, the Mayor's Office coordinated a roundtable discussion with MPP Michael Tibollo, Associate Minister of Mental Health and Addictions, Ontario. The Roundtable was attended by Mayor Fred Eisenberger, Chief of Police Frank Bergen, St. Joseph's Health Care CEO Melissa Farrell, Chamber of Commerce CEO Keanin Loomis, McMaster University Professor Jim Dunn, Hamilton Community Foundation CEO Terry Cooke, Greater Hamilton Health Network Director Jeff Wingard and senior City Leadership—Janette Smith, Angie Burden, Edward John, and Morgan Stahl. In addition to Minister Tibollo, MPP Donna Skelly was in attendance. The proposal was reviewed, with each community leader describing the benefits of addressing chronic homelessness to their respective institution. There was a general discussion of the proposal, recognition of the need for supportive housing and agreement to continue dialogue.

Following this Roundtable discussion, the City of Hamilton's Government Relations team have been involved in numerous discussions and presentations regarding the proposal. To date, the proposal has received no formal response from the Province.

The anchor institutions have continued to monitor the proposal to the Province, and with no formal response, have agreed that a revised approach is necessary.

The Housing Sustainability and Investment Roadmap and an Evolving Request to Senior Levels of Government for Supportive Housing

In the short time since the Roundtable with Minister Tibollo, conditions of chronic homelessness and encampments have worsened, as explained in Report HSC3021 and needs have grown. In April 2023, the City declared a state of emergency regarding

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SUBJECT: Update on City's Advocacy Regarding Housing with Supports (HSC23054) (City Wide) - Page 5 of 7

homelessness, mental health and opioid addictions. Post-pandemic pressures have continued to mount for anchor institutions – especially hospitals. In response to the rising conditions of homelessness, quickly rising rents and challenges along the entire housing continuum, the City developed the Housing Sustainability and Investment Roadmap (Report HSC23028/FCS23055/PED23099) – a whole of community set of tactics and actions available to the municipality focusing on the four pillars of new construction, acquisition, maintain/preserve, and housing with supports. The Roadmap complemented the City's March 2023 report on Ending Chronic Homelessness by describing a range of solutions, one of which was creating 200 additional units of permanent supportive housing. Both the Roadmap and the Ending Chronic Homelessness report recognize that 200 units is a significant start, and the longer-term need may be substantially higher.

There are recent local examples of this kind of permanent supportive housing being developed through cooperation between municipal, provincial and federal levels of government. Dorothy Day Place and Wesley Community Homes have both opened supportive housing units within the last year. Absent an operating funding commitment from upper levels of government and given the pressing need for permanent supportive housing, along with having committed capital funding to the Dorothy Day Place through the Rapid Housing Initiative, the City agreed to cover the first year of operating funding for Dorothy Day Place (\$3.6 million annually) in order to ensure occupancy in spring 2023. As operating costs for supportive housing have generally been funded through the provincial government, City staff continue to work with Good Shepherd Centre's leadership to request ongoing funding for operating costs from upper levels of government. To date, no commitment has been received. In addition to these recently opened 72 units, and in consultation with the City's Housing Services Division, the Housing Sustainability and Investment Roadmap identified the immediate need for at least 200 additional supportive housing units which will decrease encampments in Hamilton. Leadership to develop and implement a plan to build and secure funding for these units rests with the Housing Secretariat Division.

During the development of the Roadmap and since its approval in April 2023, city staff have been working with Hamilton is Home – a network of non-profit and supportive housing providers who are interested in providing additional units of housing in Hamilton. In response to the Roadmap's commitment to add 200 permanent supportive housing units and the mounting attention on encampments and overwhelmed emergency shelters, Hamilton is Home circulated a "postcard" detailing 12 projects with a total of 418 supportive housing units that could be built and in operation within 36 months if funding could be found (approximately \$193 million capital, \$24 million operating, to be cost shared between all levels of government). Their proposals focused on sites where land is already owned by the organization or by the City. Several of the projects have potential to start construction within one to two months

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SUBJECT: Update on City's Advocacy Regarding Housing with Supports (HSC23054) (City Wide) - Page 6 of 7

City staff have begun an in-depth assessment of these potential supportive housing projects, and have made an initial judgment that there is a high degree of overlap between the type of permanent supportive housing the community needs and the type of supportive housing being proposed by the Hamilton is Home group.

The Housing Secretariat Division has been given the mandate of providing coordinated leadership across City divisions to develop a plan to realize the 200 initial units identified in the Roadmap as one of the eleven priorities in the first year, as well as a financing and government relations strategy, which will have a primary focus on supportive housing. As an early activity, the Housing Secretariat Division hosted a roundtable presentation with the anchor institutions in early June 2023 to discuss the evolving request to senior levels of government regarding permanent supportive housing and supports for people experiencing chronic homelessness. The Housing Secretariat Division presented three primary groups of activities: 1) pursue funding from all levels of government to begin constructing new units of permanent supportive housing; 2) continue to advocate for more intensive case supports (e.g. mental health and addictions) that can be provided with any new units of housing being built; and 3) modernize the Residential Care Facilities Subsidy Program (Report HSC19064(a)) – where differing levels of daily living supports are provided in combination with a housing unit. These three areas of activity received strong support.

Led by the Housing Secretariat Division, in partnership with affordable housing providers, community leaders, health and social service providers, this more comprehensive request to senior levels of government will include:

- A shared contribution of capital and operating funding to create at least 200 additional units of permanent supportive housing within the next three years (cost-sharing proportions between levels of government to be determined); and
- Continued discussion with the Ministry of Health and Ministry of Municipal Affairs and Housing to bring new mental health and addictions supports for very high acuity individuals in Hamilton. These supports can be linked to new units being built, or to support higher acuity individuals.

The Municipality as a Leader-Catalyst

Construction and operation of supportive housing requires active investments from municipal, provincial, and federal governments. Traditionally, municipal governments are one of the last funders to the table – covering the construction shortfall (or over-run), making grants (capital or operating) to a particular project, donating property, waiving fees, etc. Contained in the Healthy and Safe Communities, August 17 report: Addressing Needs of Unsheltered Individuals and those relying on Hamilton's Emergency Shelter System (Report HSC23041) are recommendations that will enable

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the City to be the first funder at the table – to pro-actively create a reserve fund to be used only for leveraging permanent supportive housing projects. Staff anticipate the requested amount (approximately \$10 million per year for three years) will enable the Housing Secretariat Division to achieve the 200 units proposed in the Roadmap, and possibly more. Work is underway within the Housing Secretariat Division to identify potential funding sources and options to enable this advance, multi-year commitment, as well as define the parameters by which Council would delegate decision-making authority to the Housing Secretariat Division to enable best possible outcomes. As described in Report HSC23041, staff have identified funding options to make this advance, multi-year commitment as an in-year investment, rather than referring the item to the budget process. The Housing Secretariat Division is additionally defining parameters that will be used in determining project priorities, including: 1) maximizing investments from provincial and federal governments, 2) ability for projects to support people with mid-high acuity needs, 3) projects that will provide units for people experiencing homelessness in shelters or encampments and who are on the City's By-Name Priority list, and 4) consistency with the Calls to Action of the Truth and Reconciliation Commission.

The timing of this investment is important. Hamilton is Home and other affordable housing proponents are already in the process of developing competitive proposals to secure limited federal and provincial funding for the 2023-2024 and 2024-2025 project year. Creating a targeted reserve fund for supportive housing gives Hamilton projects a competitive advantage. Allocations for many of the larger “first come, first serve” federal/provincial housing grants (which usually hinge on a “guaranteed” municipal contribution) can be greatly reduced by the time a specific request can be approved through the municipal budget process and/or committee and council cycles. We anticipate higher amounts of federal and provincial supportive housing funding will come to Hamilton as a result of allocating through this type of proactive and strategic approach. This commitment will considerably strengthen the position of the City and community partners' work on government relations, fundraising, and advocacy regarding the need for additional units of supportive housing to respond to homelessness and encampments

For a detailed discussion of the full investment strategy regarding supportive housing and homelessness, please refer to Report HSC23041.

APPENDICES AND SCHEDULES ATTACHED

None



INFORMATION REPORT

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	August 17, 2023
SUBJECT/REPORT NO:	Hamilton Paramedic Service Resident Survey 2023 Findings (HSC23049) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Linda Button (905) 546-2424 Ext. 3104
SUBMITTED BY:	Michael Sanderson Chief, Hamilton Paramedic Service Healthy and Safe Communities Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

BACKGROUND

In March 2023, the Hamilton Paramedic Service conducted a resident survey as a follow up to the 2018 survey that informed the development of the 10-year Master Plan. Similar to the survey conducted in 2018, the most recent iteration sought to collect residents' opinions, expectations and priorities related to services, programs, and performance.

Results from the Hamilton Paramedic Service Resident survey 2023 (attached as Appendix "A") will be utilized to update the Hamilton Paramedic Service Master Plan (2022-2031) and for ongoing continuous improvement activities. In addition, this survey's findings will contribute to the development of the Asset Management Plan led by Corporate Asset Management.

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**SUBJECT: Hamilton Paramedic Service Resident Survey 2023 Findings
(HSC23049) (City Wide) – Page 2 of 5**

METHODOLOGY

Randomized telephone surveys carried out by a third-party vendor collected 550 responses. The phone surveys were conducted to ensure all wards in Hamilton were fairly represented by the survey sample.

To supplement the telephone data, an online version of the survey posted on Engage Hamilton garnered 200 responses.

The findings of the statistically representative sample of Hamilton's population collected from the phone survey should not be compared to the online survey findings which are subject to self-selection bias and one respondent can submit multiple surveys.

KEY FINDINGS

The findings highlighted below focus solely on the telephone survey responses as they most accurately represent Hamilton's population.

- 93% of respondents rate services provided by Hamilton Paramedic Service as good, very good or excellent
 - The proportion of respondents who rate services as excellent, significantly increased from 25% in 2018 to 36% in 2023
- For life-threatening emergencies, the majority of respondents feel that paramedics should arrive in less than five minutes (33%) or between five to seven minutes (33%)
- Over half (55%) of respondents have not heard of any of the community paramedic programs and services provided by the Hamilton Paramedic Service's Mobile Integrated Health
- The majority (73%) of respondents feel it is very important to allocate tax dollars to increase the number of ambulances and paramedics for a timelier response
- 35% of respondents would not feel comfortable using a public Automatic External Defibrillator (AED) to assist someone in cardiac arrest
- The majority (78%) of respondents indicated that it is very or moderately important that the cultural beliefs and values of patients/clients are considered when paramedics deliver patient care

ACTIONS

Some of the survey's findings have confirmed work that is currently underway or is planned in the short term as identified in the Hamilton Paramedic Service Master Plan. Other actions will be added to Master Plan as it is updated.

**SUBJECT: Hamilton Paramedic Service Resident Survey 2023 Findings
(HSC23049) (City Wide) – Page 3 of 5**

- Response Times and Resources

Hamilton residents responding to the survey indicated they wanted a timelier paramedic response supported by the allocation of tax dollars to increase resources. Similarly, a recent Abacus Data survey conducted in April 2023 (attached as Appendix “B”) of over 3,000 Canadians, reported that 36% believed paramedic response times are a major problem, this is an increase of 15% from 2021.

The Master Plan describes reducing offload delays and adding ambulances during peak demand hours to ensure more ambulances are available to respond to emergencies in a timely manner.

Collaborative efforts with the hospitals have resulted in a significant decrease in the time paramedics spend in offload delay in 2023. In the first 20 weeks of 2022, 13,365 hours were spent in offload delay, compared to only 9,274 hours for the same period in 2023. This equates to an additional 4,091 hours that ambulances are available for emergency response over last year.

In March 2023, Council approved the operating budget with the addition of seven 12-hour shifts, including vehicles, staffing, and equipment. Staffing of these additional ambulances is progressing through the summer and into the fall as our recruitment and retention activities develop.

- Mobile Integrated Health Program

Hamilton Paramedic Service’s community paramedicine program, or Mobile Integrated Health is a transformative healthcare initiative designed to bring comprehensive medical services directly to individuals in their homes and communities. This program aims to improve health outcomes, reduce hospital readmissions, and enhance the overall well-being of residents.

Mobile Integrated Health has expanded in recent years and includes the Community Paramedic Program, the Social Navigator Program, the Remote Patient Monitoring Program, CP@Clinic, and the Mobile Immunization and Testing Team. It has gained increased recognition and demand for its services among community organizations as is evident by over 2,100 referrals of clients to the program in 2022.

However, results of the recent resident survey show that there is very little awareness about Mobile Integrated Health among Hamilton’s residents. Those who were aware of the program rated it highly. When Canadian respondents of the Abacus Data survey were given a description of community paramedicine,

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**SUBJECT: Hamilton Paramedic Service Resident Survey 2023 Findings
(HSC23049) (City Wide) – Page 4 of 5**

most either strongly (44%) or somewhat (39%) supported the model. The Hamilton Paramedic Service Resident Survey results clearly illustrate there is work to be done in Hamilton to better promote the Mobile Integrated Health program and its benefits to the community. This will be added as an objective to the updated Master Plan.

- Use of Public AEDs

More than one in three survey respondents reported not feeling comfortable using the public AED to help someone in cardiac arrest. Medical evidence shows that when an AED and CPR are administered immediately, often by a bystander, the chance of survival from sudden cardiac arrest is substantially improved by up to 75%.

The Hamilton Paramedic Service Master Plan identifies the establishment of a Cardiac Safe City program in 2025 with a full-time dedicated resource to lead the program. The focus of the program is to increase the number of AED in public spaces; promote awareness; provide education and training to the public on the use of AEDs, performing CPR and first aid; and monitor and report on outcomes. Work will be underway in 2024 to develop this program and plan for implementation in 2025.

- Culturally Competent Care

Most survey respondents felt it was important for paramedics to provide culturally appropriate care. This aligns with the findings of the Royal Roads University research paper completed in 2022 that examined cultural competency in paramedicine at the provincial and local levels. The majority (89%) of Hamilton paramedics who responded to the survey agreed or strongly agreed that a patient's cultural beliefs and values should be considered when delivering care. Moreover, 87% sometimes or always look for ways to adapt care to the patient's cultural preferences.

Focusing efforts on equity, diversity and inclusion and increasing cultural competency throughout the service is identified as an objective of the Master Plan with a range of activities already underway and many more planned in the coming years. Such work will be further developed and is ongoing as it becomes embedded in the everyday business of all aspects of the service.

The Hamilton Paramedic Service Resident Survey 2023 shows that residents of Hamilton value paramedic services and trust paramedics to provide healthcare treatment (77%). They believe it is important that paramedics provide outreach care to

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**SUBJECT: Hamilton Paramedic Service Resident Survey 2023 Findings
(HSC23049) (City Wide) – Page 5 of 5**

the vulnerable population (88%). Residents also feel that paramedics have an important role to play in providing the public with information and education about health and safety (87%) matters. They indicated that response times can be improved, and it is very important to allocate tax dollars for more ambulances (73%) and to update technology and medical equipment (81%).

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC23049: Hamilton Paramedic Service Resident Survey 2023 – Summary Report

Appendix “B” to Report HSC23049: Abacus Data Survey Report June 2023



Hamilton Paramedic Service (HPS) Resident Survey 2023

~ Summary Report

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SURVEY SUMMARY

Purpose and Background

In 2018, the Hamilton Paramedic Service (HPS) conducted its first resident survey to collect residents' expectations and satisfaction with services provided by HPS. The findings from the 2018 survey were used to inform the development of the Hamilton Paramedic Service Master Plan 2022-2031.

As part of HPS's continuous improvement work, a second iteration of the HPS Resident Survey was conducted in 2023. The 2023 survey incorporates some of the same questions from 2018 and also includes new questions to help inform current HPS initiatives. The 2023 survey collected information from residents about:

- rating of HPS overall
- response and service expectations
- priorities and ratings of HPS programs and services
- the HPS Public Access Defibrillator program
- cultural diversity at HPS

The HPS Resident Survey 2023 questions can be found in Appendix A.

Methods and Administration

A third-party vendor, Forum Research Inc. was contracted using a competitive procurement process to conduct the survey using Computer Assisted Telephone Interviews (CATI). Hamilton based residential and cellular phone lines were randomly called and people were invited to participate in the phone survey. To qualify for participation in the survey, the respondent had to be age 16 years or over residing in Hamilton. The phone surveys were conducted between March 1, 2023 and March 31, 2023.

To supplement the phone surveys and allow more residents to participate in the survey, an online version of the survey was made available on the Engage Hamilton website. The online survey was active between March 1, 2023 and March 31, 2023.

Both the phone and online versions of the survey were available in English and French.

The phone and online survey was promoted on the Frontline which aired on March 16, 2023 on Cable 14. Social media (i.e. Instagram, Twitter) was used to raise awareness about the online survey and encourage participation from residents.

Survey Response

The phone survey conducted by Forum Research Inc. called 24,472 randomly selected Hamilton based phone numbers and collected 550 completed responses. The phone surveys were conducted to ensure all Wards in Hamilton were fairly represented by the survey sample. This was achieved by aligning the respondent sample proportions by Ward with the 2016 city of Hamilton population proportions by Ward.

The results of the 550 phone survey are accurate to +/-4.2%, 19 out of 20 times (95% confidence interval) for the 2021 population of city of Hamilton residents. Data for subgroups of the total respondent universe or by Ward would have larger margins of error. The larger margins of error means it would be difficult to draw accurate conclusions of the data at the Ward level or for some subgroups.

The online survey collected 200 surveys where a response was provided for at least one (1) survey question.

Report Notes

- This report primarily focuses on the findings from the statistically representative sample of the city of Hamilton population collected through the phone survey.
- The results of the online survey are provided as a supplementary source of information. While the online survey expanded the opportunity for residents to participate in the survey, this survey methodology may be subject to self-selection bias. Multiple survey responses may also be submitted online by the same respondent. Hence, the online surveys cannot be determined to be a statistically representative sample of the population. The results from the phone survey and the online survey should not be compared due to the differences in survey methodologies.

- For both the phone and online survey, respondents did not always provide a response to every question or may have responded “don’t know”. The universe of respondents (n) is provided.
- Data shown may not add up to 100% due to rounding. For some questions, respondents were allowed to select multiple responses in which case the totals would exceed 100%.

Key Summary of Phone Survey Results

- Over one in three respondents rated the Hamilton Paramedic Service (HPS) as excellent in 2023, which is a significant increase from the one in four respondents who rated HPS as excellent in 2018.
- For life-threatening emergencies, the majority of respondents feel that paramedics should arrive in less than five (5) minutes (33%) or between five to seven minutes (33%).
- For non-life threatening emergencies, the proportion of respondents who feel paramedics should arrive within five (5) minutes has significantly decreased from 8% in 2018 to 2% in 2023.
- An overwhelming 87% majority of respondents indicated it would be acceptable for paramedics to settle them in the emergency room and then leave to prepare to respond to another 911 emergency call.
- Over half (55%) of respondents have not heard of any of the services provided by the HPS Mobile Integrated Health Program. Only 3% of phone survey respondents have used at least one (1) service provided by the HPS Mobile Integrated Health Program.
- The majority of respondents feel it is very important to allocate tax dollars to increase the number of ambulances and paramedics for a more timely response (73%) and to update technology and medical equipment to optimize service delivery (81%).
- Just over half (51%) of respondents indicated the City should maintain municipal taxes to maintain current paramedic service levels while 46% feel the City should increase municipal taxes to improve or deliver more paramedic services.
- The majority of respondents (73%) indicated being aware of or having seen public Automatic External Defibrillators (AEDs).

- Over one in three respondents would not feel comfortable using a public AED to assist someone in cardiac arrest and the most common reason given was not having training or knowing how to use the device.
- The majority of respondents (78%) indicated that it is very or moderately important that the cultural beliefs and values of patients/clients are considered when delivering patient care and 73% indicated it is very or moderately important that the HPS workforce reflects the diversity of residents they serve.

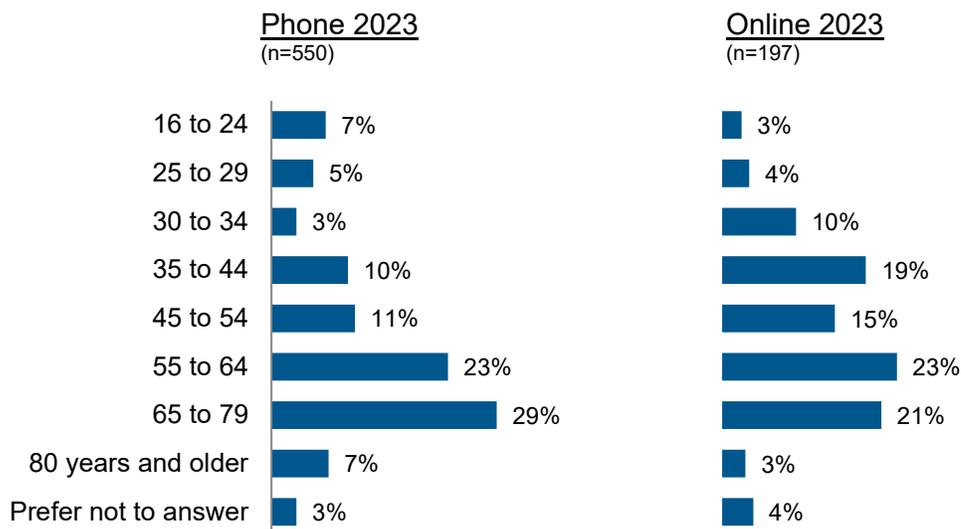
Detailed Survey Results

This section provides the detailed results of each survey question. The universe of respondents (n) is provided in brackets for each question.

The Respondents

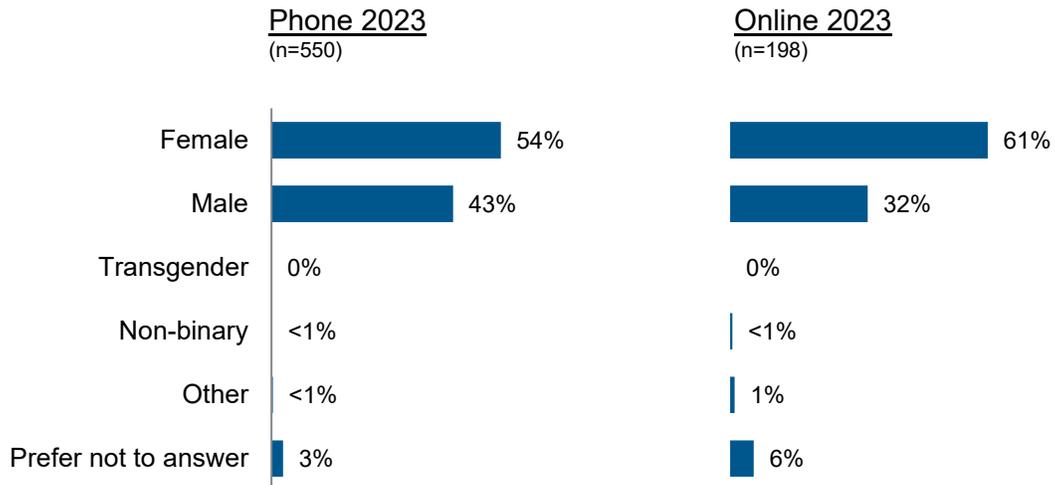
The majority (59%) of phone survey respondents were age 55 or older.

Age



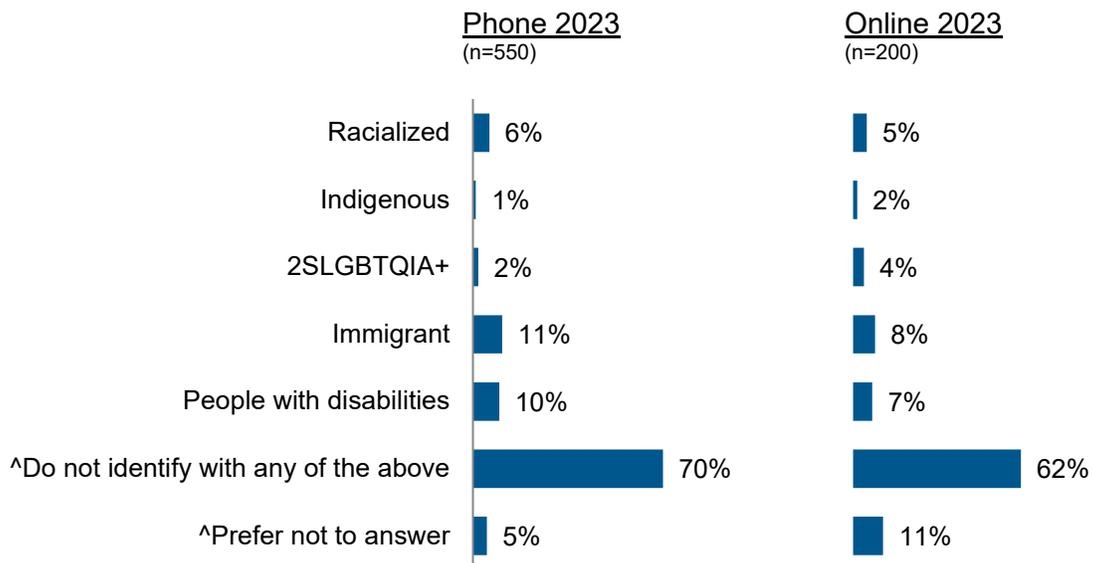
There were more female than male phone survey respondents.

Gender



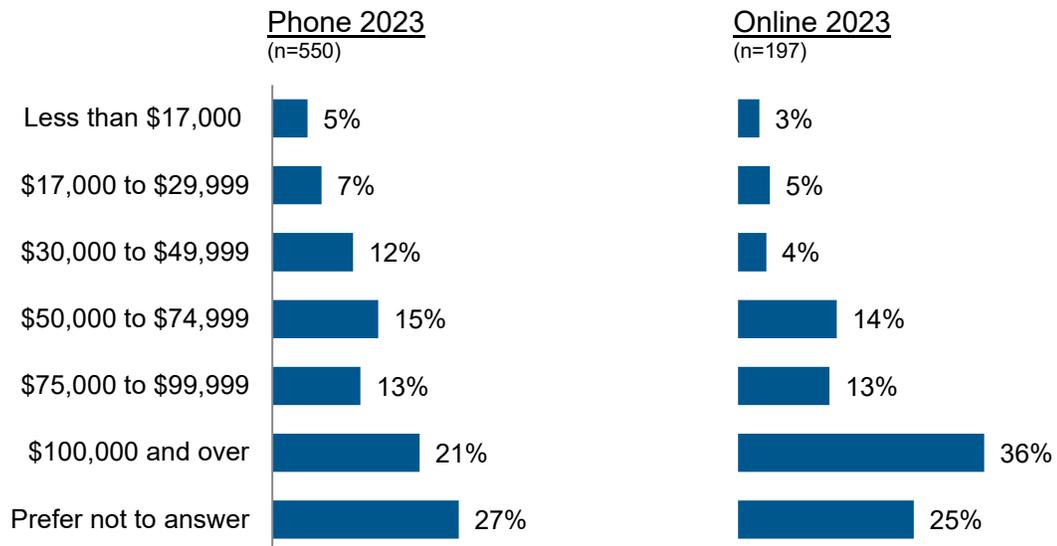
The survey respondent sample included a range of different individuals that identify as either as racialized, Indigenous, 2SLGBTQIA+, immigrants or a person with disabilities.

Groups

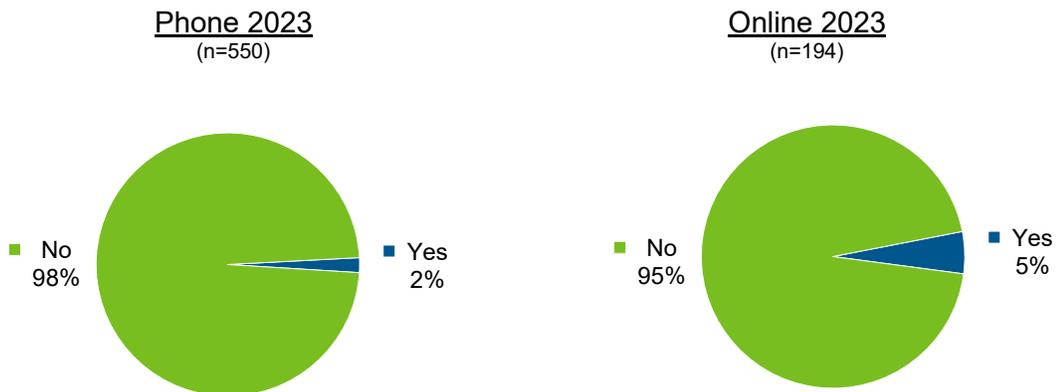


There were fewer survey respondents in the lower income groups than in the higher groups.

Household Income



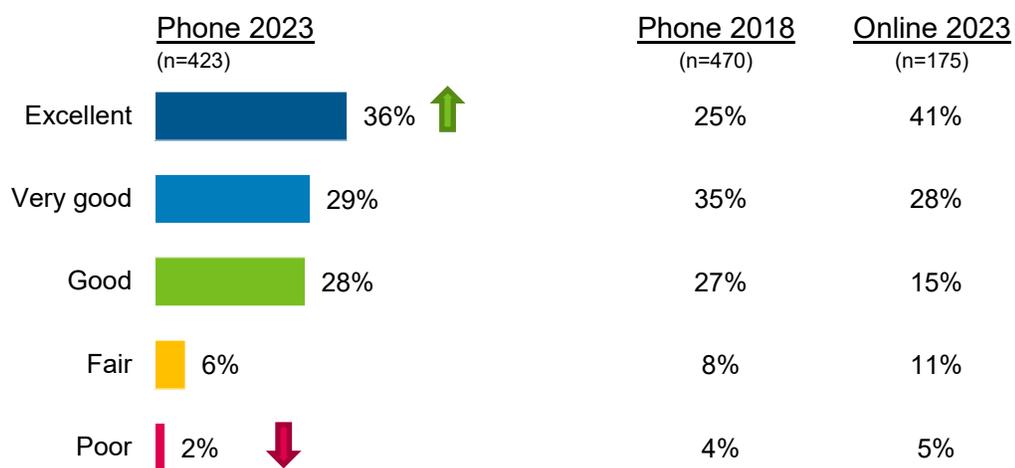
Do you, or any member of your household, currently work for paramedic services?



Overall Service Rating

Almost two-thirds (65%) of phone survey respondents rate the Hamilton Paramedic Service as excellent or very good. The proportion of respondents who rate services provided by HPS as excellent has significantly increased from 25% in 2018 to 36% in 2023.

Based on your experience or knowledge, overall, how would you rate the services provided by the Hamilton Paramedic Service?



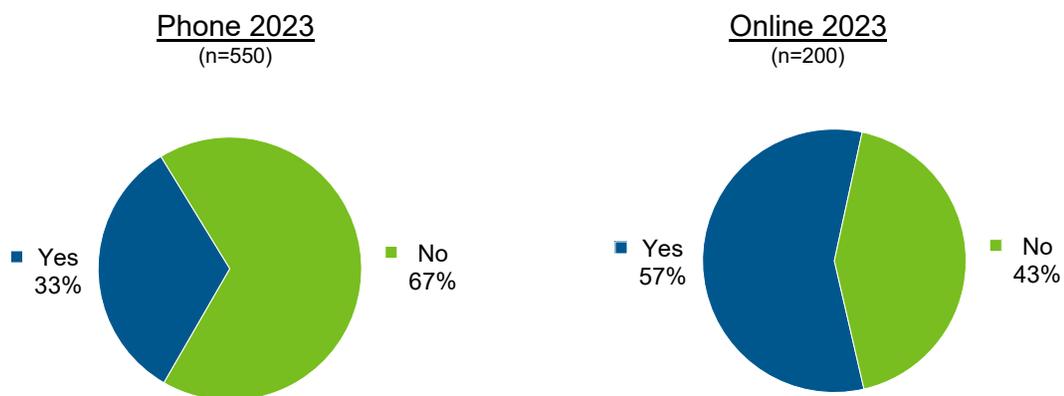
 indicates significant increase from 2018
 indicates significant decrease from 2018

Respondents who rated the Hamilton Paramedic Service as poor were asked to explain their rating. The most common reasons for a poor rating given by respondents from both the phone and online survey were related to incidences or experiences respondents had with HPS and references to slow response times.

Response Expectations

Approximately one in three phone survey respondents indicated having called 911 for an ambulance in the past 2 years either for themselves or someone they know.

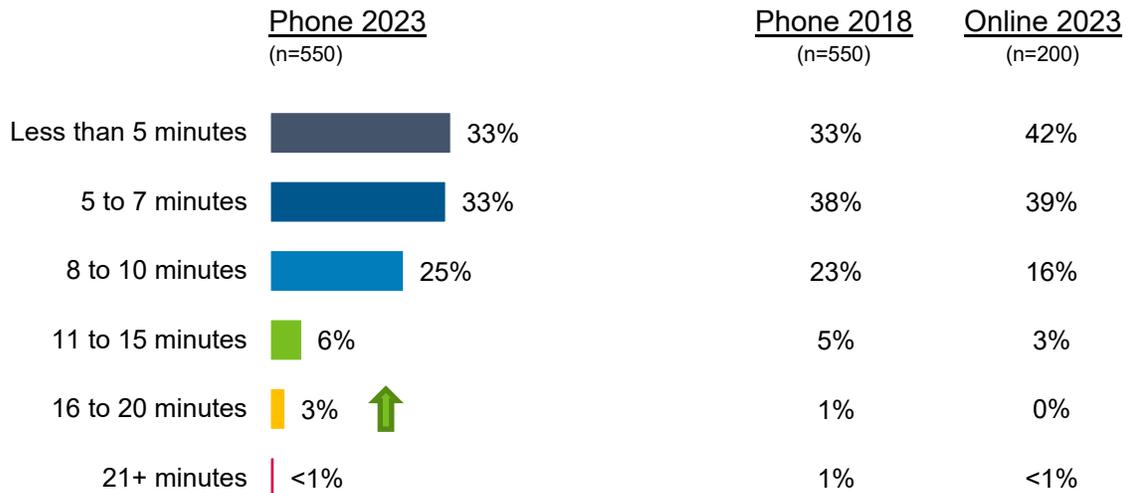
Have you called 911 for an ambulance in the past 2 years, either for yourself or someone you know?



For life-threatening emergencies, the majority of phone survey respondents feel that paramedics should arrive in less than 5 minutes (33%) or between 5 to 7 minutes (33%).

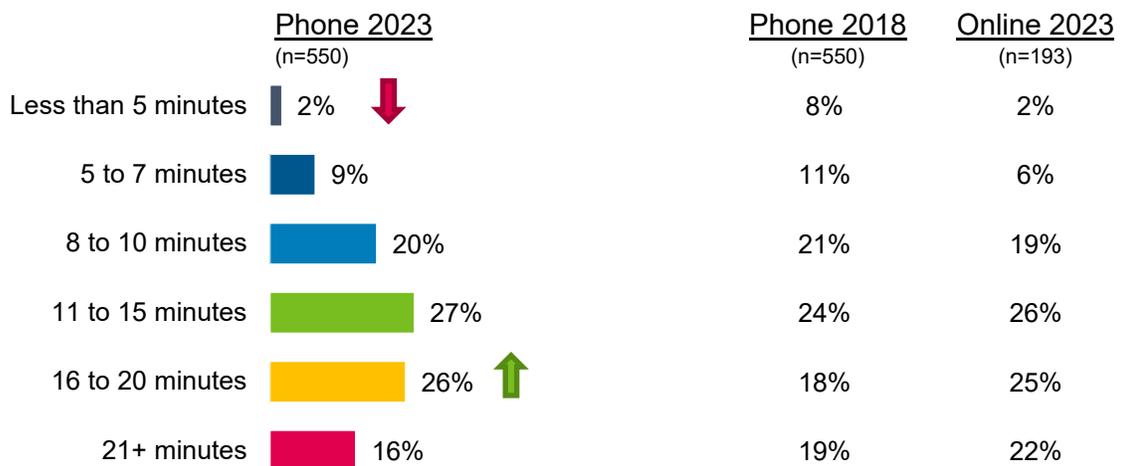
For non-life-threatening emergencies the majority of phone survey respondents feel that paramedics should arrive between 11 to 15 minutes (27%) or between 16 to 20 minutes (26%). The proportion of respondents who feel paramedics should arrive within 5 minutes has significantly decreased from 8% in 2018 to 2% in 2023.

Considering driving time and traffic, how many minutes do you think is acceptable for paramedics to arrive for a life-threatening emergency?



↑ indicates significant increase from 2018

Considering driving time and traffic, how many minutes do you think is acceptable for paramedics to arrive for a non-life-threatening emergency?

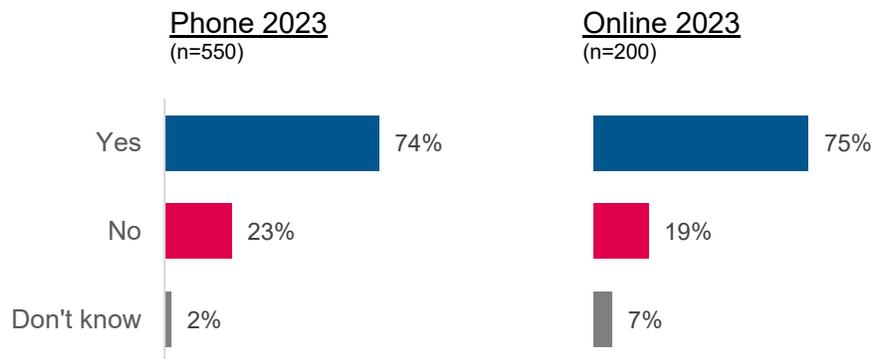


↑ indicates significant increase from 2018
 ↓ indicates significant decrease from 2018

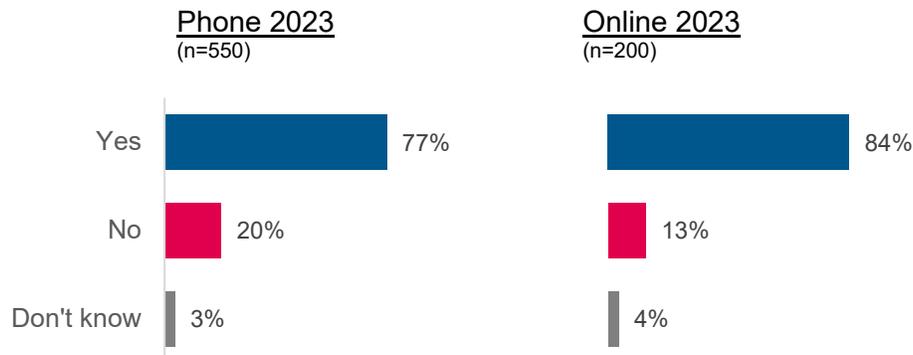
In a scenario where they have called an ambulance for a minor injury or illness, the majority of respondents feel it is acceptable:

- to receive care instructions over the phone from the paramedic dispatcher, including referrals to a medical professional to assist them, rather than sending an ambulance.
- for the paramedics who arrive on scene to provide treatment, then refer them to another medical professional, rather than taking them to the hospital.
- for the paramedics to settle them in the emergency waiting room and then leave so they can prepare to respond to another 911 emergency call.

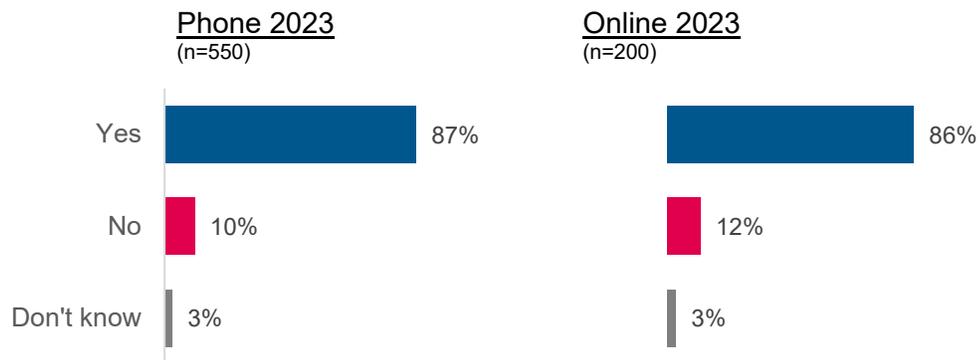
Do you feel it is acceptable to receive care instructions over the phone from the paramedic dispatcher, including referrals to a medical professional to assist you, rather than sending an ambulance?



Do you feel it is acceptable for the paramedics who arrive on scene to provide treatment, then refer you to another medical professional, rather than taking you to the hospital?



If you are taken to the hospital, do you feel it is acceptable for the paramedics to settle you in the emergency waiting room and then leave so they can prepare to respond to another 911 emergency call?

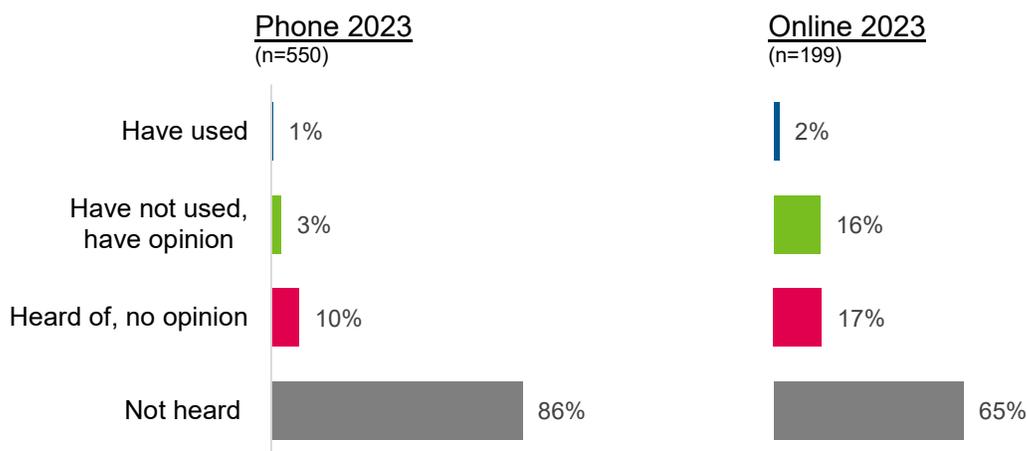


HPS Mobile Integrated Health Program

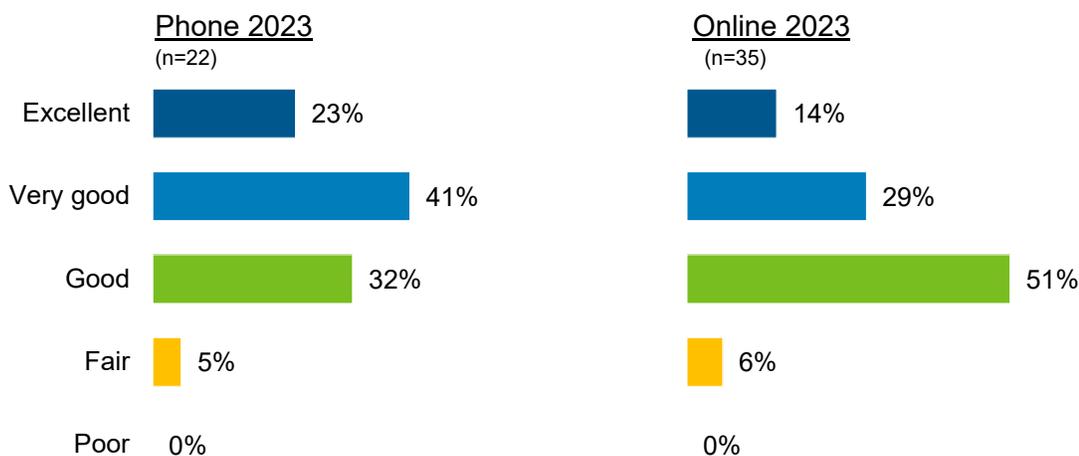
Overall, very few phone survey respondents have used or have an opinion about the services provided by the HPS Mobile Integrated Health Program.

Less than 1% of respondents have used the Community Paramedic @ Clinic Seniors Program. For respondents who have used or have an opinion about the Community Paramedic @ Clinic Seniors Program, the majority (64%) felt the program was excellent or very good.

Community Paramedic @ Clinic Seniors Program – familiarity with service

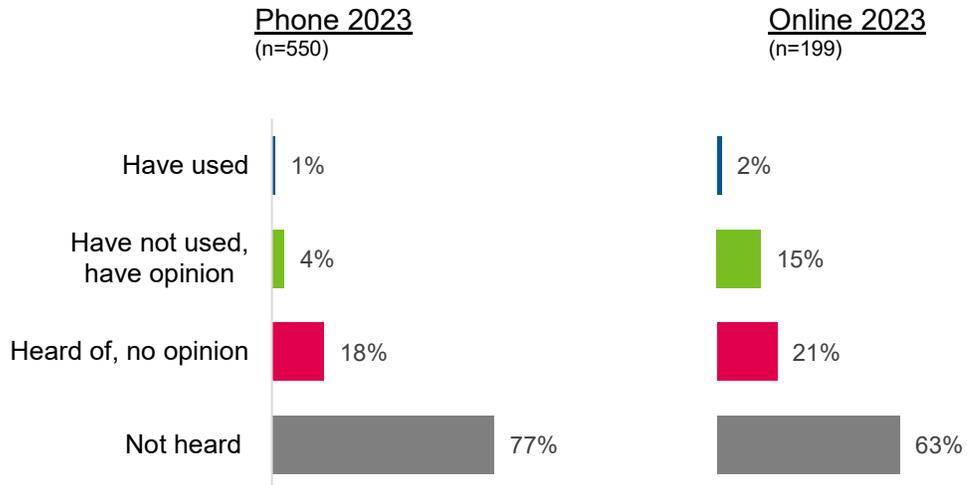


Community Paramedic @ Clinic Seniors Program - rating of service

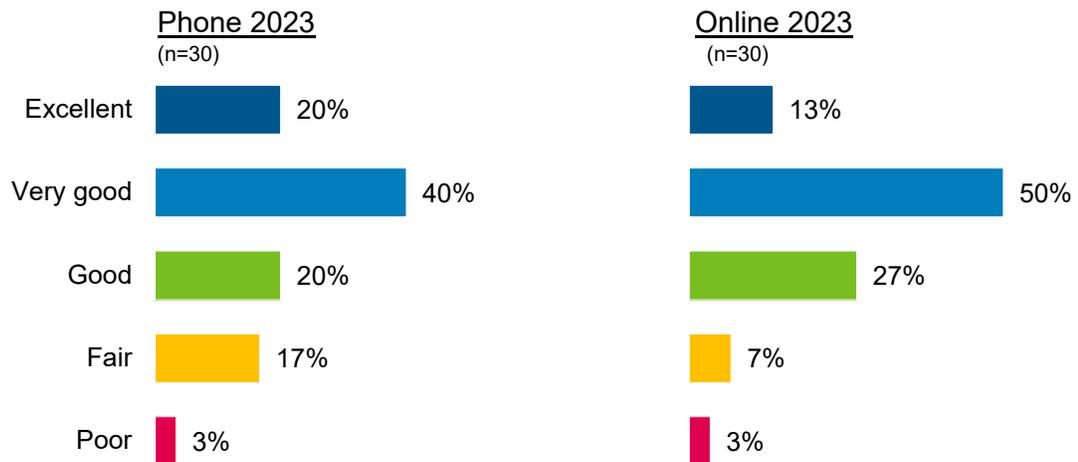


Less than 1% of respondents have used the Remote Patient Monitoring service. For respondents who have used or have an opinion about the Remote Patient Monitoring service, the majority (60%) felt the program was excellent or very good.

Remote Patient Monitoring - familiarity with service

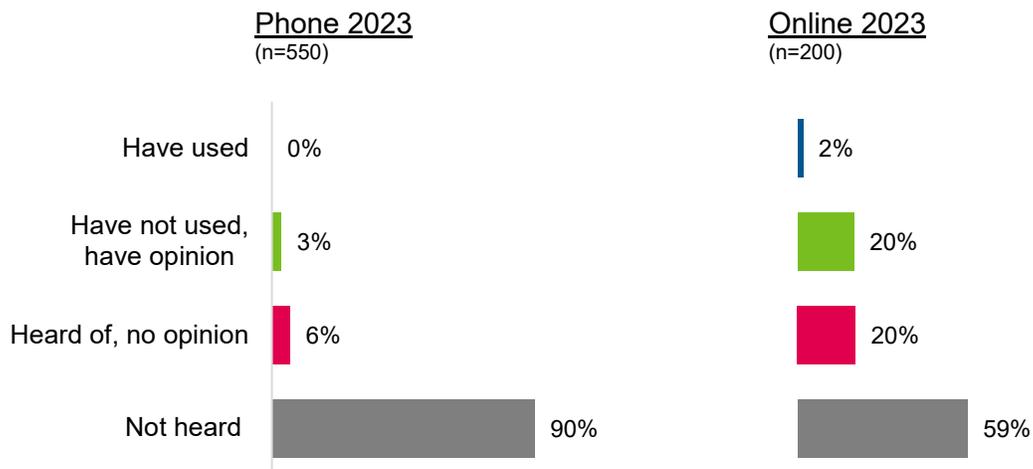


Remote Patient Monitoring - rating of service

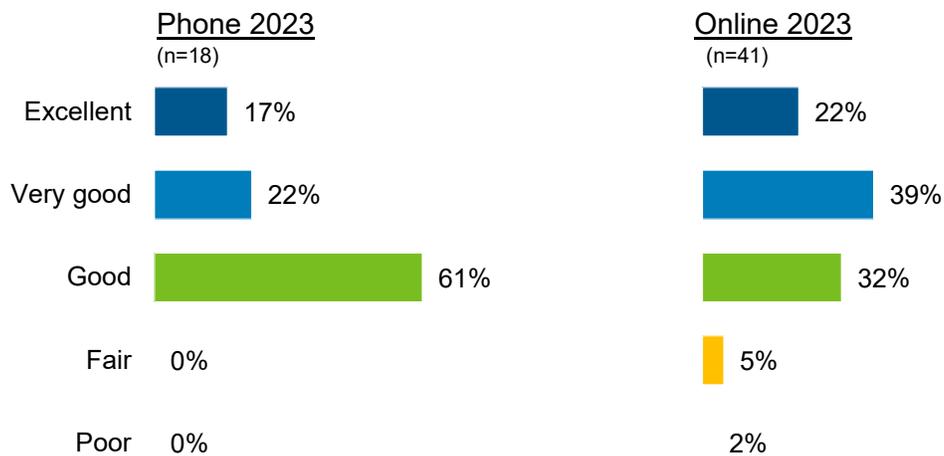


No phone survey respondents indicated having used the Social Navigator Program. For respondents who have not used but have an opinion about the Social Navigator Program, the majority (61%) felt the program was good.

Social Navigator Program - familiarity with service

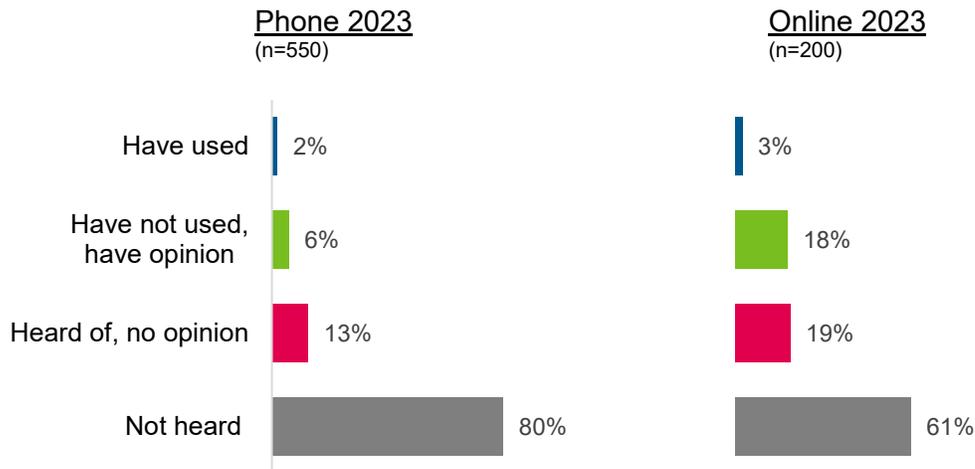


Social Navigator Program - rating of service

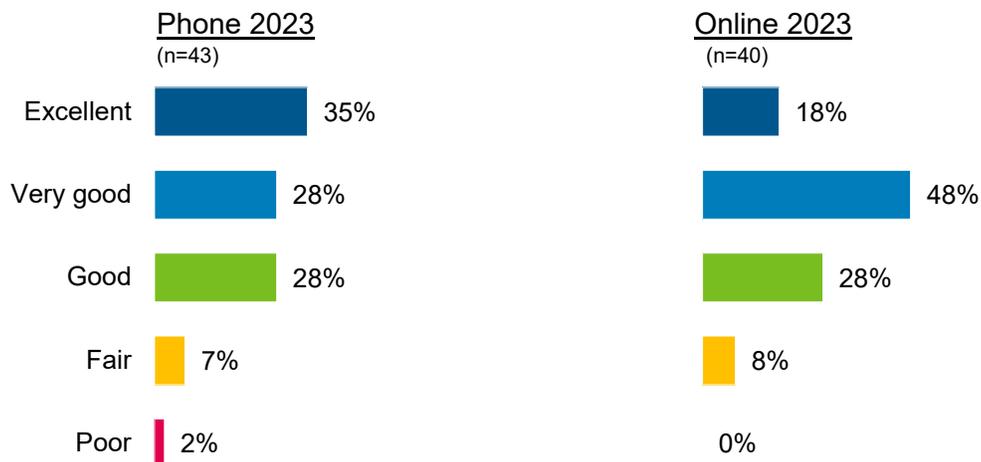


Approximately 2% of phone survey respondents have used the Community Paramedic @ Home Visiting Program. For respondents who have used or have an opinion about the Community Paramedic @ Home Visiting Program, the majority (63%) felt the program was excellent or very good.

Community Paramedic @ Home Visiting Program – familiarity with service



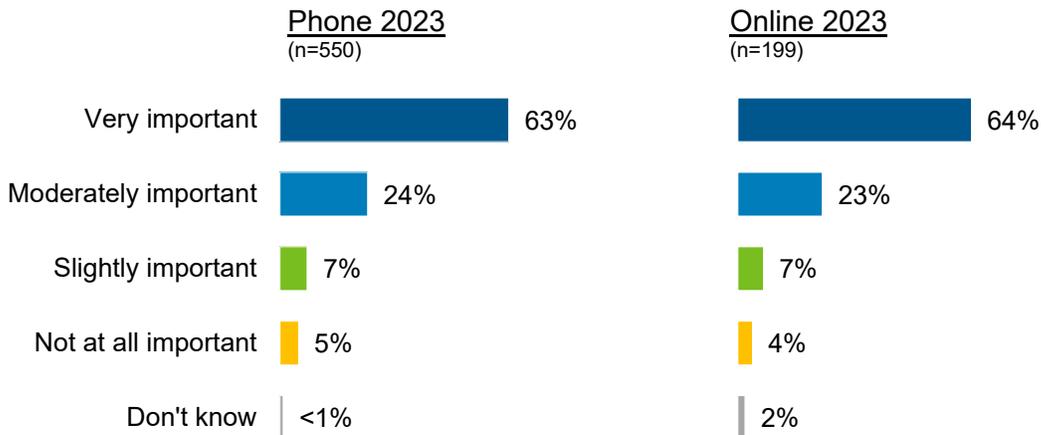
Community Paramedic @ Home Visiting Program - rating of service



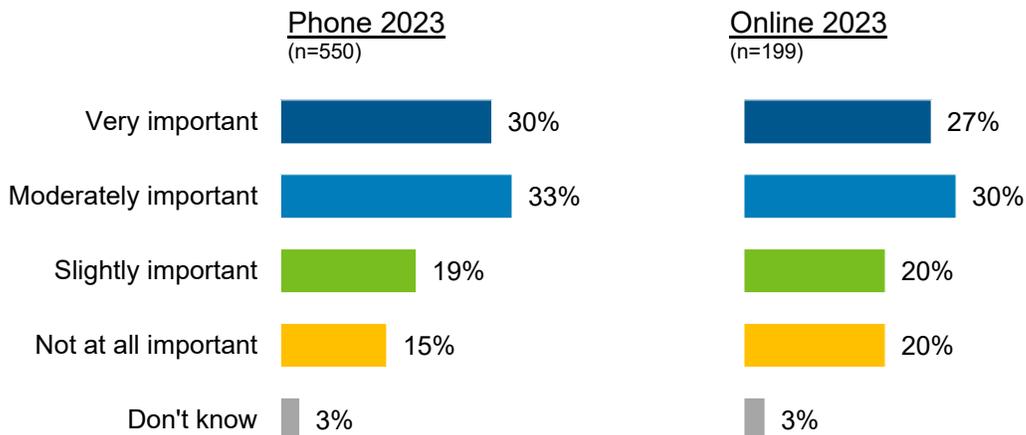
HPS Services

A significantly higher proportion of phone survey respondents feel that it is very or moderately important for HPS to provide information and education to promote health and safety of residents (87%) and provide outreach care to vulnerable residents (88%) compared to supporting the community by organizing/participating in charitable events, fundraisers, food and toy drives (63%).

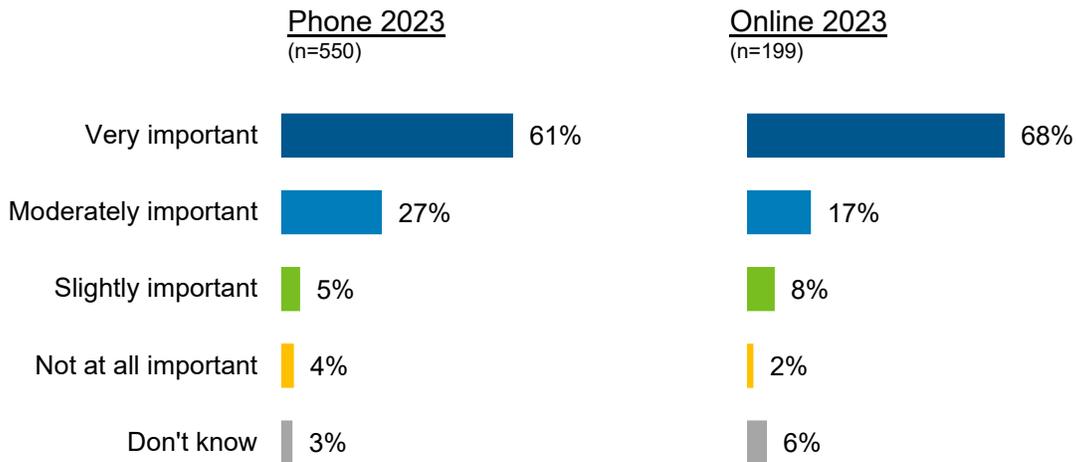
How important is it for the Hamilton Paramedic Service to provide information and education to promote health and safety of residents e.g., stroke awareness campaign (Face Arm Speech Time), opioid overdose prevention education, tips and advice on social media?



How important is it for the Hamilton Paramedic Service to support the community by organizing/participating in charitable events, fundraisers, food and toy drives



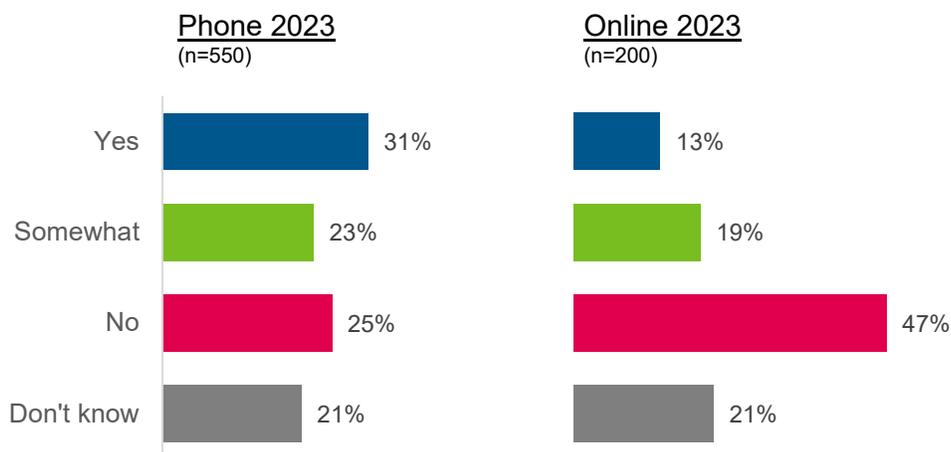
How important is it for the Hamilton Paramedic Service to provide outreach care to vulnerable residents?



Service Quality

One in four phone survey respondents (25%) do not feel that HPS has adequate resources to provide reliable, timely, quality care to residents.

Do you think the Hamilton Paramedic Service has adequate resources (vehicles, equipment, trained staff, etc.) to provide reliable, timely, quality care to residents?

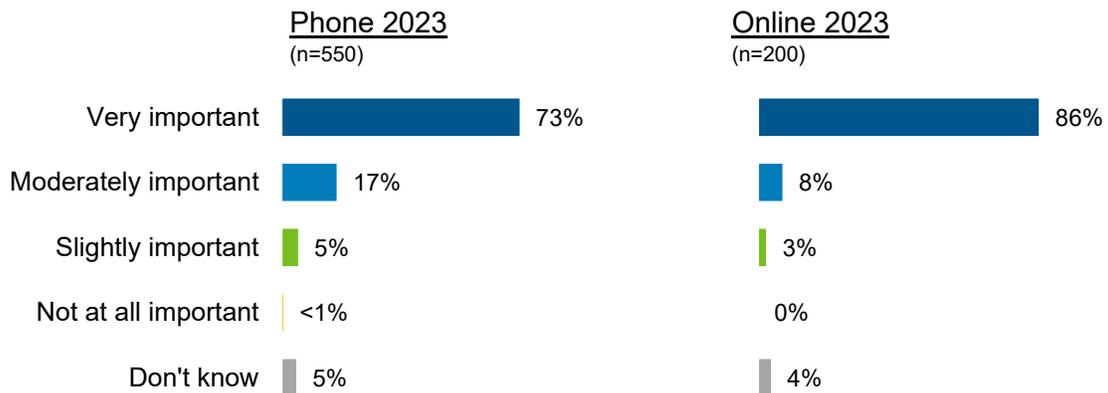


Respondents who felt HPS somewhat has or does not have adequate resources to provide reliable, timely, quality care to residents were asked to explain their response. The most common responses provided included references to offload delays, issues with response times, lack of funding and incidences of code zero.

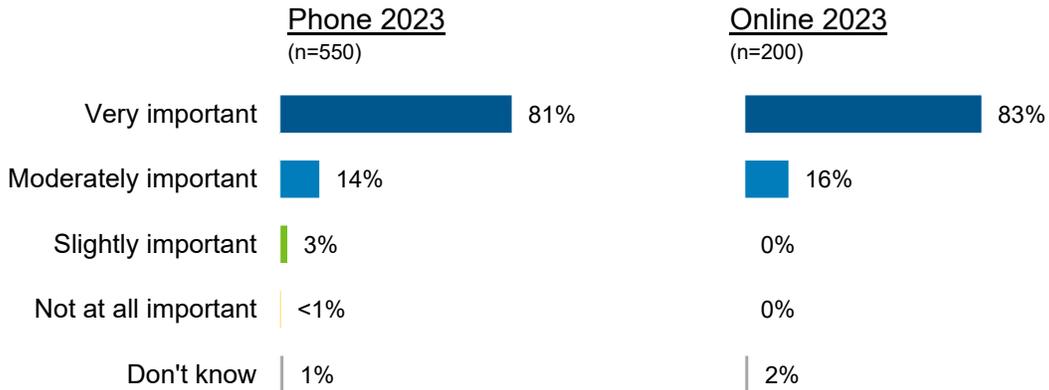
Willingness to Pay

Significantly more phone survey respondents feel it is very important for the City to allocate tax dollars to update technology and medical equipment to optimize service delivery (81%) or to increase the number of ambulances (73%) than to improve comfort of the ride in ambulances for patients (32%) or reduce HPS’s environmental footprint (28%)

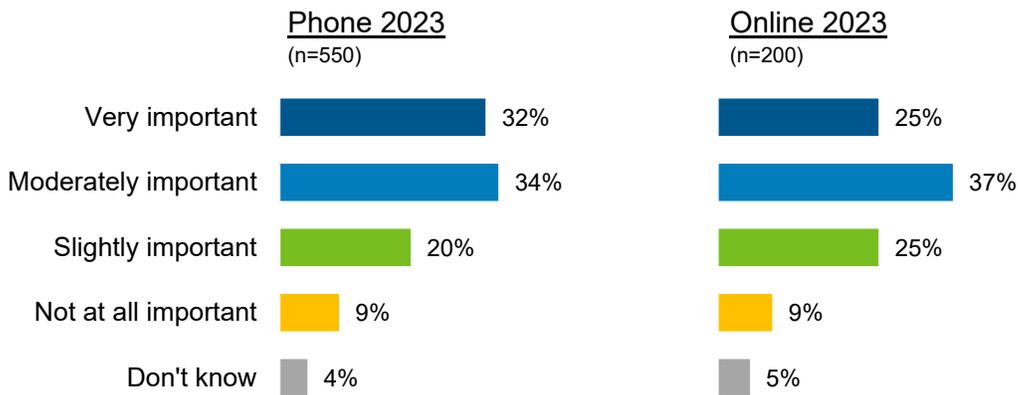
How important do you feel it is for the City to allocate tax dollars to increase the number of ambulances and paramedics for a more timely response?



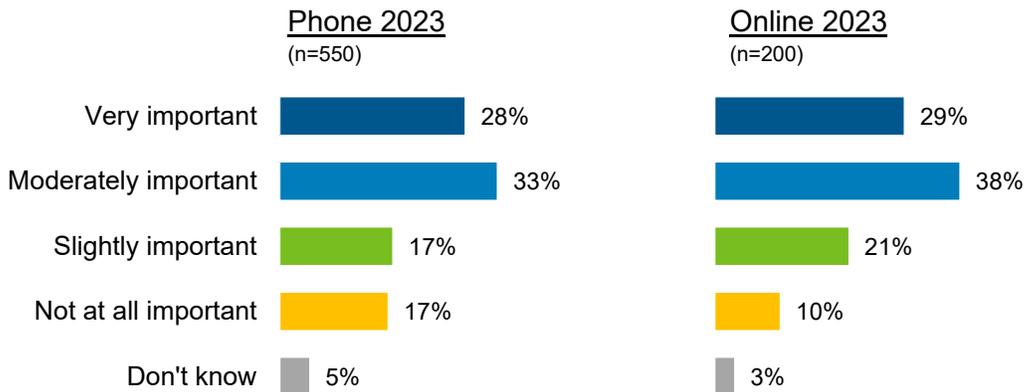
How important do you feel it is for the City to allocate tax dollars to update technology and medical equipment to optimize service delivery?



How important do you feel it is for the City to allocate tax dollars to improve the comfort of the ride in an ambulance for patients?

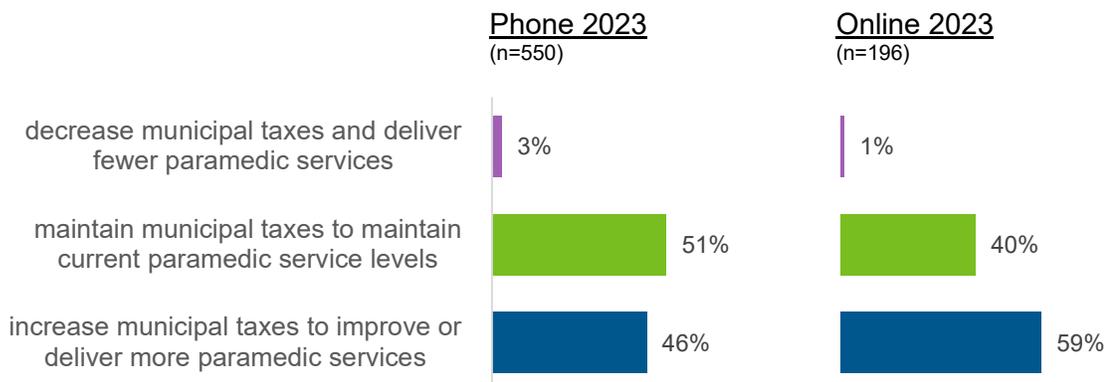


How important do you feel it is for the City to allocate tax dollars reduce Hamilton Paramedic Service’s environmental footprint?



Just over half (51%) of phone survey respondents indicated the City should maintain municipal taxes to maintain current paramedic service levels while 46% feel the City should increase municipal taxes to improve or deliver more paramedic services.

Which of the following 3 options comes closest to your opinion. The City should...

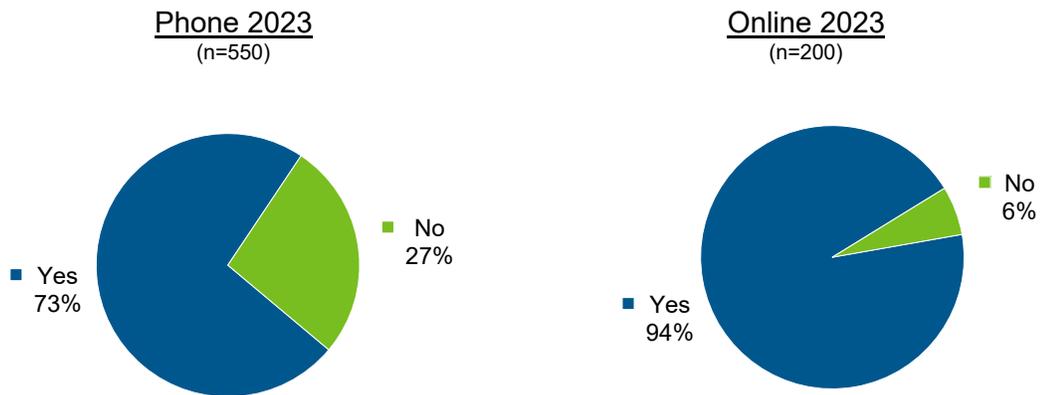


Automatic External Defibrillators (AEDs)

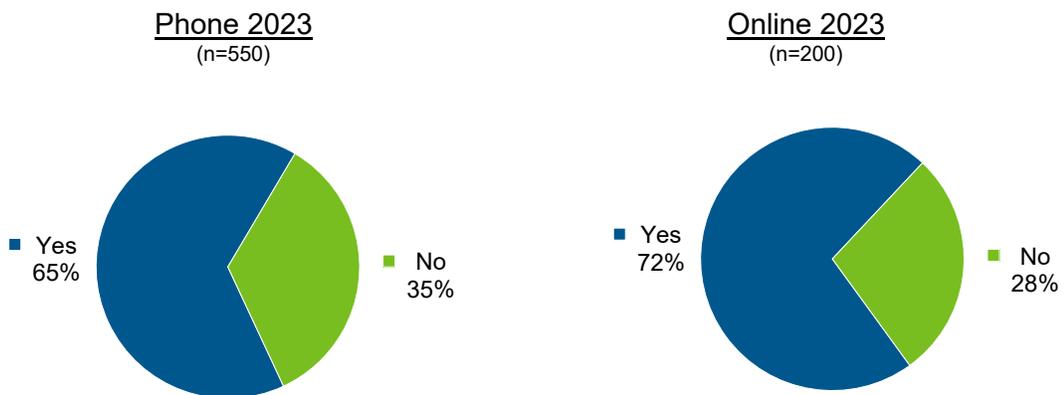
Approximately 73% of phone survey respondents indicated being aware of or having seen public AEDs and 65% would feel comfortable using a public AED to assist someone in cardiac arrest.

Automatic External Defibrillators (AEDs) are medical devices that help people experiencing sudden cardiac arrest. The Hamilton Paramedic Service Public Access Defibrillator program provides AEDs for public use in places such as shopping malls, recreation centres, senior centres, schools and libraries.

Before this moment, were you aware of or have you seen public AEDs?



Would you feel comfortable using a public AED to assist someone in cardiac arrest?



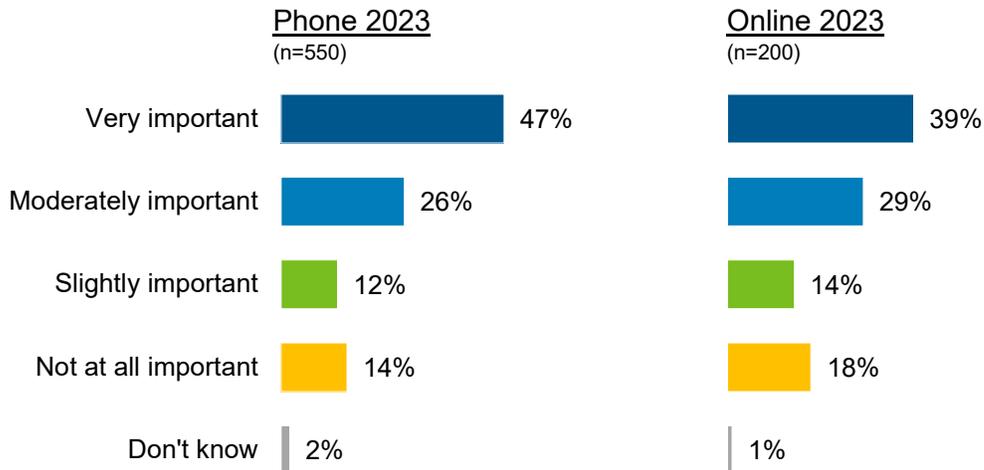
The most common reasons respondents provided for not feeling comfortable using a public AED to assist someone in cardiac arrest include:

- not being trained or not knowing how to use, never used
- concerns of making a mistake, causing harm

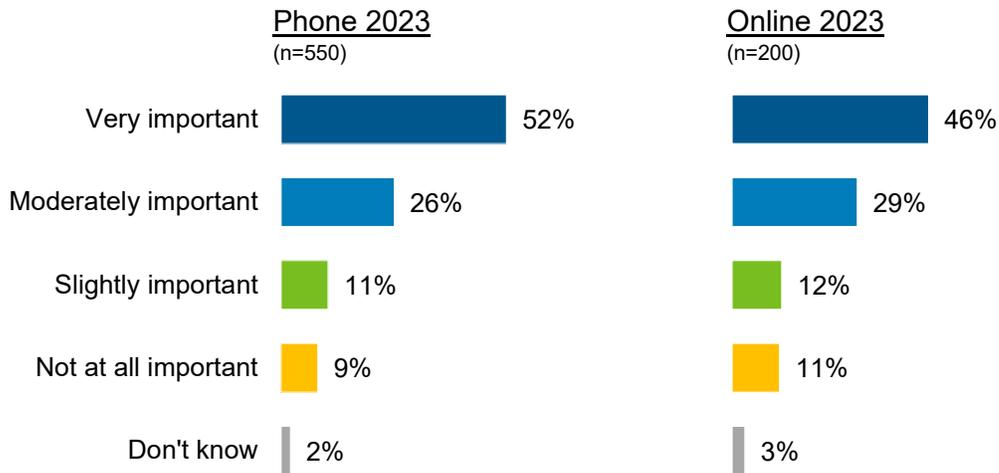
Cultural Diversity

The majority of phone survey respondents indicated it is very or moderately important that the HPS workforce reflects the diversity of the residents they serve (73%) and the cultural beliefs and values of patients/clients should be considered when delivering paramedic care (78%).

How important is it that the Hamilton Paramedic Service workforce reflects the diversity of the residents they serve?

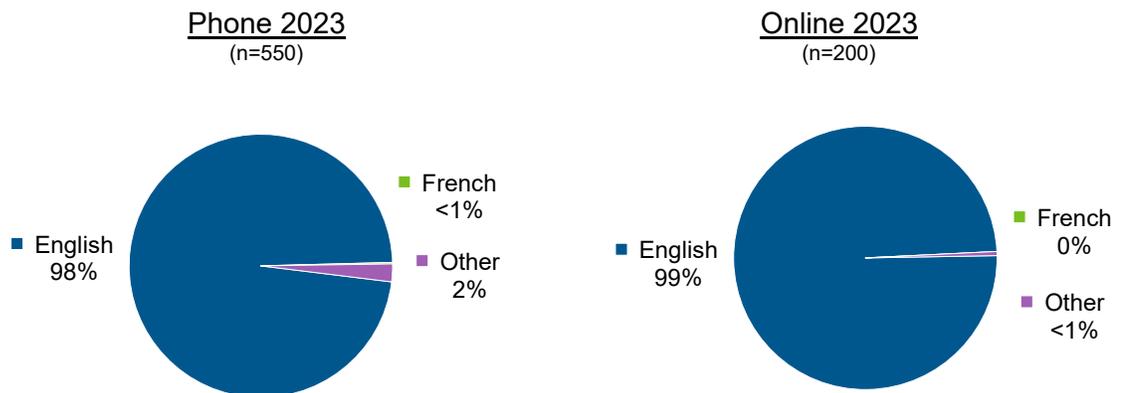


How important is it that the cultural beliefs and values of patients/clients are considered when delivering paramedic care?



Almost all respondents indicated preferring or feeling most comfortable using English to communicate needs and concerns to paramedics.

What language would you prefer or feel most comfortable using to communicate your needs and concerns to paramedics?



APPENDIX A: SURVEY TOOL

Hamilton Paramedic Service Resident Survey 2023

OVERALL SERVICE RATING

Q01 Based on your experience or knowledge, overall, how would you rate the services provided by the Hamilton Paramedic Service?

- Poor
- Fair
- Good
- Very good
- Excellent
- Don't Know

➤ If response = poor proceed to Q2, otherwise, skip to Q3

Q02 Please explain why you rated the services as "poor".

RESPONSE EXPECTATIONS

Q03 Have you called 911 for an ambulance in the past 2 years, either for yourself or someone you know?

- Yes
- No

Hamilton Paramedic Service Resident Survey 2023

Considering driving time and traffic, how many minutes do you think is acceptable for paramedics to arrive for ...

Q04 a **life-threatening** emergency such as cardiac arrest or seizures?

- Less than 5 minutes
- 5 to 7 minutes
- 8 to 10 minutes
- 11 to 15 minutes
- 16 to 20 minutes
- 21+ minutes

Q05 a **non-life-threatening** emergency such as a broken bone?

- Less than 5 minutes
- 5 to 7 minutes
- 8 to 10 minutes
- 11 to 15 minutes
- 16 to 20 minutes
- 21+ minutes

Consider the scenario where you have called for an ambulance for a minor injury or illness.

Q06 Do you feel it is acceptable to receive care instructions over the phone from the paramedic dispatcher including referrals to a medical professional to assist you, rather than sending an ambulance?

- Yes
- No
- Don't Know

Q07 Do you feel it is acceptable for the paramedics who arrive on scene to provide treatment then refer you to another medical professional rather than taking you to the hospital?

- Yes
- No
- Don't Know

Hamilton Paramedic Service Resident Survey 2023

Q08 If you are taken to the hospital, do you feel it is acceptable for the paramedics to settle you in the emergency waiting room and then leave so they can prepare to respond to another 911 emergency call?

- Yes
- No
- Don't Know

HPS PROGRAMS AND SERVICES

Please indicate your familiarity with each of the following services provided by the Hamilton Paramedic Service's Mobile Integrated Health program.

Q09a Community Paramedic@ Clinic Seniors Program

- Have used the program
 - Have not used but know enough about it to have an opinion
 - Have heard of program but do not know enough about it to have an opinion
 - Have not heard of program
- If response = "have used the program" OR "have not used but know enough about it to have an opinion", include Q10a

Q09b Remote Patient Monitoring

- Have used the program
 - Have not used but know enough about it to have an opinion
 - Have heard of program but do not know enough about it to have an opinion
 - Have not heard of program
- If response = "have used the program" OR "have not used but know enough about it to have an opinion", include Q10b

Hamilton Paramedic Service Resident Survey 2023

Q09c Social Navigator Program

- Have used the program
- Have not used but know enough about it to have an opinion
- Have heard of program but do not know enough about it to have an opinion
- Have not heard of program

► If response = "have used the program" OR "have not used but know enough about it to have an opinion", include Q10c

Q09d Community Paramedic @ Home Visiting Program

- Have used the program
- Have not used but know enough about it to have an opinion
- Have heard of program but do not know enough about it to have an opinion
- Have not heard of program

► If response = "have used the program" OR "have not used but know enough about it to have an opinion", include Q10d

Q10a How would you rate Community Paramedic @ Clinic Seniors Program?

- Poor
- Fair
- Good
- Very good
- Excellent

Hamilton Paramedic Service Resident Survey 2023

Q10b How would you rate Remote Patient Monitoring ?

- Poor
- Fair
- Good
- Very good
- Excellent

Q10c How would you rate the Social Navigator Program?

- Poor
- Fair
- Good
- Very good
- Excellent

Q10d How would you rate the Community Paramedic @ Home Visiting Program

- Poor
- Fair
- Good
- Very good
- Excellent

How important is it for the Hamilton Paramedic Service to ...

Q11 provide information and education to promote health and safety of residents e.g., stroke awareness campaign (Face Arm Speech Time), opioid overdose prevention education, tips and advice on social media

- Very important
- Moderately important
- Slightly important
- Not at all important

Hamilton Paramedic Service Resident Survey 2023

Q12 support the community by organizing/participating in charitable events, fundraisers, food and toy drives

- Very important
- Moderately important
- Slightly important
- Not at all important

Q13 provide outreach care to vulnerable residents

- Very important
- Moderately important
- Slightly important
- Not at all important

SERVICE QUALITY

Q14 Do you think the Hamilton Paramedic Service has adequate resources (vehicles, equipment, trained staff, etc.) to provide reliable, timely, quality care to residents?

- Yes
- Somewhat
- No

► If response = "Somewhat" or "No" proceed to Q15, otherwise, skip to Q16

Q15 Please explain why you believe the Hamilton Paramedic Service does not have adequate resources to provide reliable, timely, quality care to residents.

Hamilton Paramedic Service Resident Survey 2023

WILLINGNESS TO PAY

In delivering paramedic services to you and the community, the City typically pays for resources through both provincial and municipal taxes.

How important do you feel it is for the City to allocate tax dollars to...

Q16 increase the number of ambulances and paramedics for a more timely response

- Very important
- Moderately important
- Slightly important
- Not at all important

Q17 update technology and medical equipment to optimize service delivery

- Very important
- Moderately important
- Slightly important
- Not at all important

Q18 improve the comfort of the ride in an ambulance for patients

- Very important
- Moderately important
- Slightly important
- Not at all important

Q19 implement green technologies to reduce Hamilton Paramedic Service's environmental footprint

- Very important
- Moderately important
- Slightly important
- Not at all important

Hamilton Paramedic Service Resident Survey 2023

Q20 Do you think the City should:

- decrease municipal taxes and deliver fewer paramedic services
- maintain municipal taxes to maintain current paramedic service levels
- increase municipal taxes to improve or deliver more paramedic services

Automatic External Defibrillators (AEDs)

Automatic External Defibrillators (AEDs) are medical devices that help people experiencing sudden cardiac arrest. The Hamilton Paramedic Service Public Access Defibrillator program provides Automatic External Defibrillators (AEDs) for public use in places such as shopping malls, recreation centres, senior centres, schools and libraries.

Q21 Are you aware of or have you seen public AEDs?

- Yes
- No

Q22 Would you feel comfortable using a public AED to assist someone in cardiac arrest?

- Yes
- No

- ▶ If response = "No" go to question Q23
- = "Yes" skip to Q24

Q23 Please explain why you would not feel comfortable using a public AED to assist someone in cardiac arrest

Hamilton Paramedic Service Resident Survey 2023

CULTURAL DIVERSITY

Hamilton is a very diverse city with residents from many ethnic and cultural groups.

Q24 How important is it that the Hamilton Paramedic Service workforce reflects the diversity of the residents they serve?

- Very important
- Moderately important
- Neutral
- Slightly important
- Not at all important

Q25 How important is it that the cultural beliefs and values of patients/clients are considered when delivering paramedic care?

- Very important
- Moderately important
- Neutral
- Slightly important
- Not at all important

Q26 What language would you prefer or feel most comfortable using to communicate your needs and concerns to paramedics?

RESPONDENT DESCRIPTORS

If you're comfortable, please tell us a little about you and your household.

Q27 What is your postal code? _____

Hamilton Paramedic Service Resident Survey 2023

Q28 How would you describe yourself?

- Male
- Female
- Transgender
- Nonbinary
- Other
- Prefer not to answer

Q29 Do you identify as a member of the following groups

Select all that apply

- Racialized (i.e., Black, people of colour)
- Indigenous
- 2SLGBTQIA+
- Immigrant
 - year arrived in Canada _____
- People with disabilities
- I do not identify with any of the above groups
- Prefer not to answer

Q30 What is your age?

- 18 to 24
- 25 to 29
- 30 to 34
- 35 to 44
- 45 to 54
- 55 to 64
- 65 to 79
- 80 years and older
- Prefer not to answer

Hamilton Paramedic Service Resident Survey 2023

Q31 What is your household's total income before taxes?

- Less than \$17,000
- \$17,000 to \$29,999
- \$30,000 to \$49,999
- \$50,000 to \$74,999
- \$75,000 to \$99,999
- \$100,000 and over
- Prefer not to answer



Canadians Are Ready for Paramedics to Do More in Healthcare:

David Coletto

June 8, 2023

On behalf of the Paramedic Association of Canada, Abacus Data conducted an extensive online nationwide survey of Canadians' views of healthcare and the role of paramedics. The sample size was 3,150 adult Canadians and the survey was conducted from April 24 to 28, 2023.

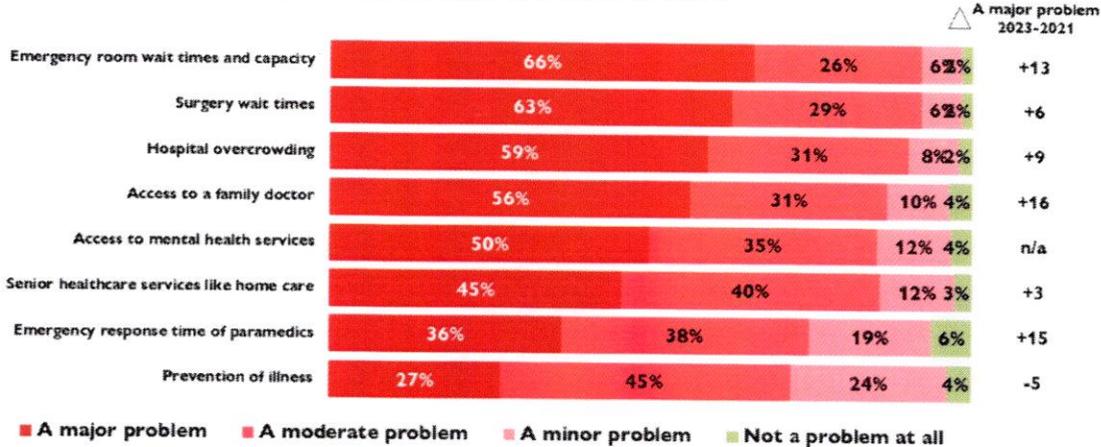
Many More Canadians Think Emergency Room Wait Times, Access to a Family Doctor, and Paramedic Response Times are a Major Problem in Canada.

Since 2021, concerns about several aspects of Canada's healthcare system have increased. Today, half or more Canadians believe that

emergency room wait times and capacity (66%), surgery wait times (63%), hospital overcrowding (59%), access to a family doctor (56%), and access to mental health services (50%) are a **major problem in Canada**. Those who believe emergency room wait times are a major problem increased by 13 points since 2021 while those who think access to a family doctor is a major problem is up by 16 points.

Thinking specifically about health care, below are a number of problems some have raised about health care in Canada. For each one, please tell us whether you think it is a major problem, a moderate problem, a minor problem, or not a problem at all.

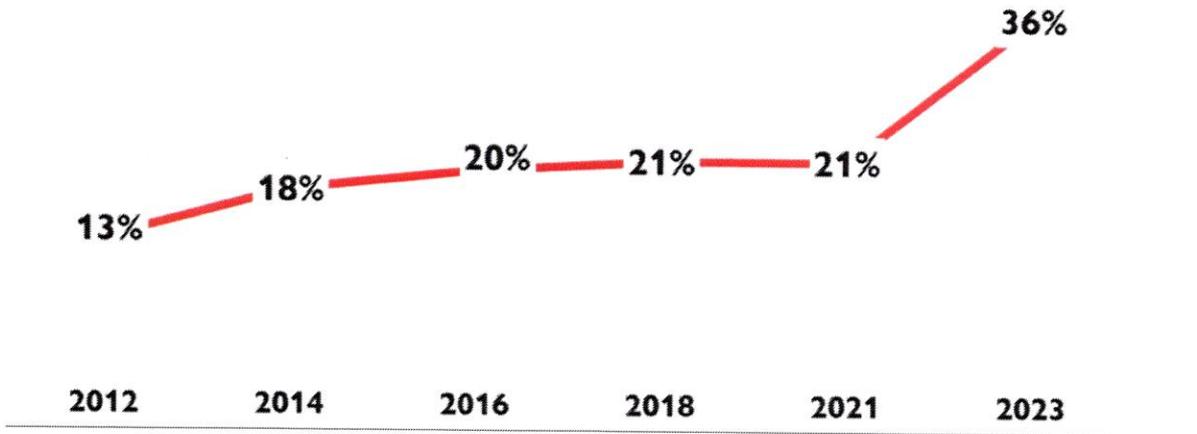
ISSUES WITHIN HEALTHCARE IN CANADA



When it comes to response times of paramedics, 36% believe it is a major problem, a 15-point increase since 2021 and a 23-point increase since 2012. Back in 2012, only 13% of Canadians considered paramedic response times are a major problem.

Thinking specifically about health care, below are a number of problems some have raised about health care in Canada. For each one, please tell us whether you think it is a major problem, a moderate problem, a minor problem, or not a problem at all.

**MAJOR PROBLEM:
EMERGENCY RESPONSE TIME OF PARAMEDICS**



A major problem.



Regionally, views about paramedic response times are fairly consistent although those in BC (46%) and Alberta (39%) are more likely to consider it a major problem than those in other provinces.

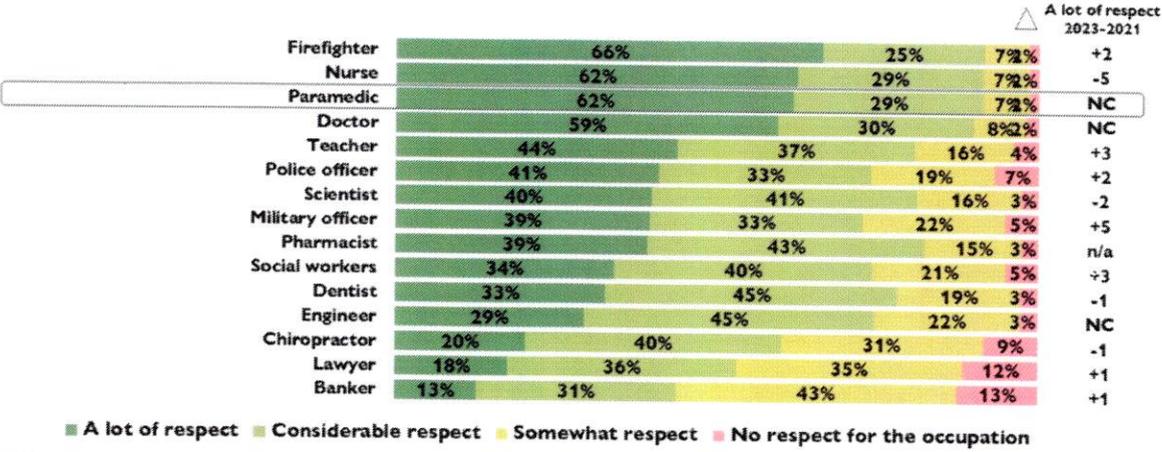
The survey also found that older Canadians are more likely to think the health care issues identified were serious problems in Canada. In particular, 66% of those aged 60 and over believed that surgery wait times were a major problem, 25 points higher than those aged 18 to 29.

Paramedics are Deeply Respected and Most Believe they are Central to the Healthcare System.

89% of Canadians say they have a lot of respect or considerable respect for paramedics. This view is held across the country and demographic groups.

Below is a list of different professions. For each, please tell me if you have a lot of respect, considerable respect, somewhat respect, or no respect for the occupation

RESPECT FOR PROFESSIONS

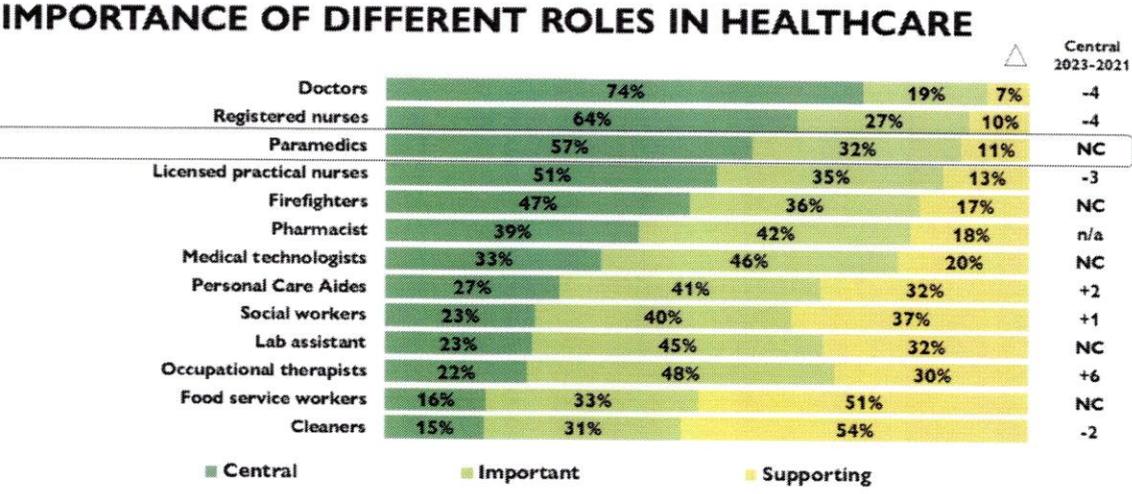


When asked to classify whether several professions played a central role, an important role, or a supporting role in the healthcare system, 57% think paramedics play a central role while another 32% say an important role. This is unchanged from last year.

Overall, 74% of Canadians believed that doctors play a central role followed by registered nurses (64%) and paramedics (57%).

The views about paramedics are consistent across the country although older Canadians and those who have been treated by a paramedic were more likely to consider paramedics central to the healthcare system.

Think about the health care system overall and the role and importance of different people within the system. We are going to show you a number of different professions within the health care system and ask you to classify their role into one of three groups.



Central: They play a central role in the delivery of health care in your community. Important: They play an important but not essential role in the system. Supporting: They play a supporting role in making the entire system work.

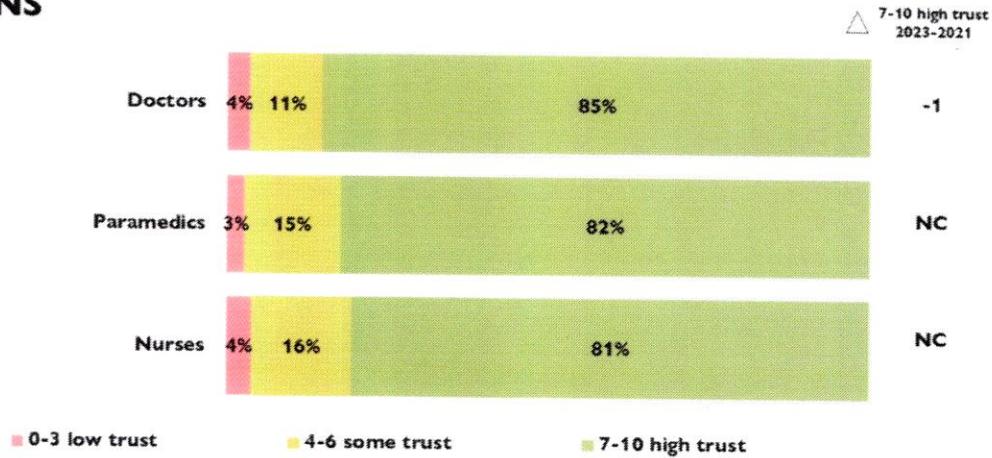
Paramedics are as trusted as doctors or nurses to make on-the-spot medical decisions.

When asked to what extent they trust doctors, nurses, and paramedics to make on-the-spot medical decisions about their personal health, eight in ten (82%) Canadians said they had high trust in paramedics compared with 81% for nurses and 85% for doctors.

Trust in paramedics was consistent right across the country and across demographics. 87% of those who have personally been treated or transported to a hospital by a paramedic say they have high trust in their ability to make on-the-spot medical decisions.

② To what extent do you trust each of the following health professionals to make on-the-spot medical decisions about your personal health?

COMPARATIVE TRUST FOR ON-THE-SPOT MEDICAL DECISIONS



83% of Canadians support the idea of Community Paramedicine.

Respondents were shown the following description of community paramedicine and asked whether they support or oppose the idea of community paramedicine:

Traditionally, paramedics are trained to respond to emergency 911 calls, treat patients who are ill and/or injured, and transport patients to emergency departments. However, not all patients require transportation to an emergency department. Many simply need a basic health assessment, minor treatment, and referral to an appropriate community, or other health care service.

Community Paramedicine is about engaging paramedics in non-traditional roles to assist in delivering health care to urgent and non-urgent, but not life threatening situations. By expanding the role of paramedics, and working collaboratively with other health care professionals and community agencies, paramedics can manage patients who do not require immediate treatment and transportation to an emergency department.

Under a Community Paramedicine model, paramedics will continue to respond to medical emergencies and provide non-urgent medical care within the community and at patients' homes.

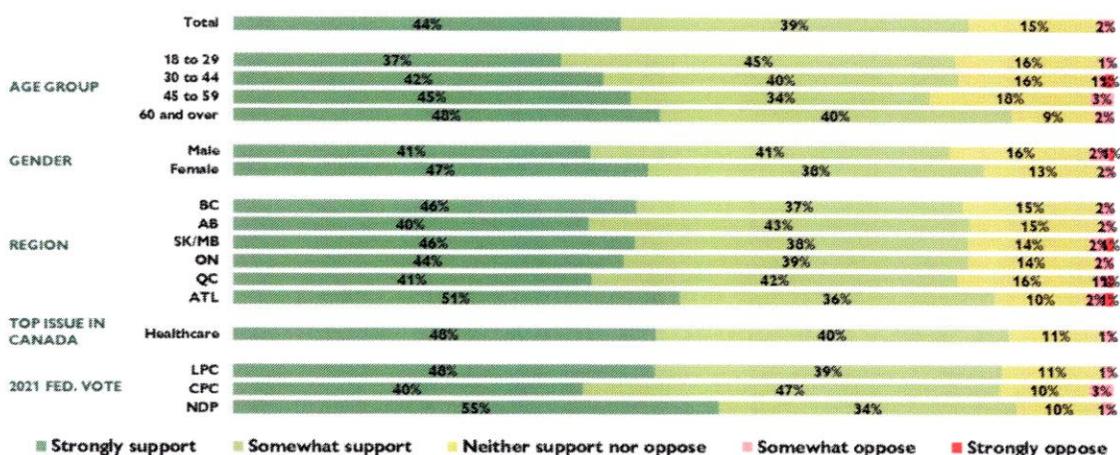
Overall, 83% of Canadians we surveyed either strongly support (44%) or somewhat support (39%) the idea of community paramedicine as presented in the survey. Only 2% are opposed to it and the remaining 15% said they neither support nor oppose it.

Support for the idea is consistent across the country and is particularly popular among women – 47% of whom strongly support the idea of community paramedicine.

There is also cross partisan support for the idea – Liberal, Conservative, and NDP supporters overwhelmingly support it.

? In principle, do you support or oppose the idea of Community Paramedicine?

OUTLOOK ON THE IDEA OF COMMUNITY PARAMEDICINE



Why is there such high support for community paramedics?

Almost all Canadians are comfortable with the idea of paramedics playing a greater role in the delivery of healthcare services in their community. 93% say they are either completely or mostly comfortable with the idea including massive majorities across age, gender, and regional subgroups.

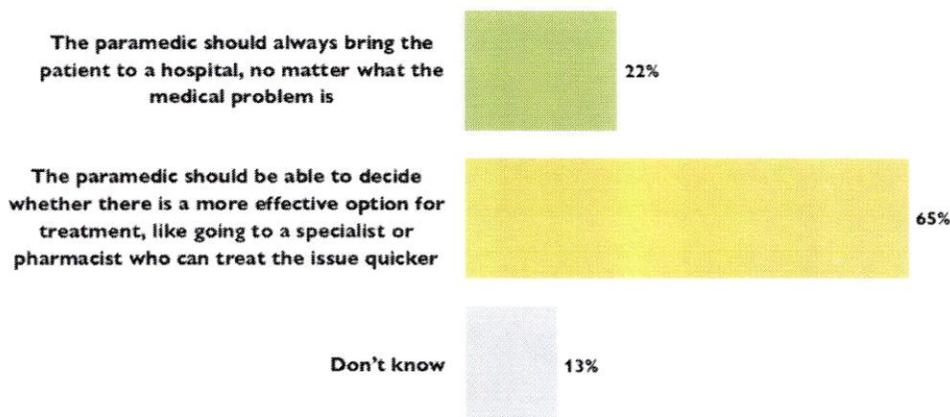
At a time when Canadians are deeply concerned about the capacity of the healthcare system and whether they can get access to care when they need it, Canadians believe paramedics can be utilized more.

In fact, when we ask whether people consider paramedics to be either emergency responders, healthcare professionals, or both, 70% consider them to be either healthcare providers alone or both healthcare providers and emergency responders equally. The perception of the profession has changed as the nature of healthcare and Canada's healthcare system has changed.

In fact, when we present respondents with a scenario in which a paramedic responds to a medical emergency and give Canadians a choice between that paramedic always taking them to a hospital, no matter what the medical problem is or allowing the paramedic to decide whether there is a more effective option for treatment, 2 in 3 give the paramedic discretion to make the right choice. Only 22% want the paramedic to take them to the hospital.

When a paramedic responds to a medical emergency, which do you think is the better approach?

BETTER APPROACH FOR A PARAMEDIC



The Upshot

Health care remains a top concern for many Canadians, especially as it relates to capacity and access issues in emergency rooms, hospitals, and access to a family doctor. More recently, concerns about the emergency response times of paramedics have also grown sharply. Given these concerns, Canadians recognize and value the role

that paramedics can play in improving access and outcomes for Canadian patients.

Paramedics in Canada are well regarded, trusted, and seen as central to the health care system. There is almost no resistance to the concept of community paramedicine and large numbers of Canadians enthusiastically support it, especially women who value the peace of mind knowing that their loved ones will be cared for if a medical emergency or situation arises.

Given the reputation of the process and the role Canadians see paramedics playing, it should be no surprise that the public thinks they should be part of the national discussion about the future of healthcare and play a greater role in delivering healthcare services.

Methodology

The survey, commissioned by the Paramedic Association of Canada, was conducted online with 3,150 Canadians aged 18 and over from April 24 to 28, 2023.

A random sample of panelists were invited to complete the survey from a set of partner panels based on the Lucid exchange platform. These partners are typically double opt-in survey panels, blended to manage out potential skews in the data from a single source.

The margin of error for a comparable probability-based random sample of the same size is +/- 1.8%, 19 times out of 20.

The data were weighted according to census data to ensure that the sample matched Alberta's population according to age, gender, educational attainment, and region. Totals may not add up to 100 due to rounding.

Paramedic Association of Canada

The Paramedic Association of Canada is a voluntary professional organization of paramedicine practitioners in Canada. Its mission is to provide quality care for the public through leadership in the advancement of the profession of paramedicine.



Hamilton

**Seniors Advisory
Committee
June 2, 2023
Minutes 23-06
10:00am –
12:00pm
City Hall, Room 192**

In Attendance:

Penelope Petrie (Chair), Maureen McKeating, Marian Toth, Marjorie Wahlman, Ann Elliott, David Broom, Alexander Huang, Sheryl Boblin, Aref Alshaikhahmed, Barry Spinner, Peter Lesser, Steve Benson, Noor Nizam

Also, in Attendance:

Lisa Maychak, Project Manager, Healthy & Safe Communities Department
Kim VanderMeulen, Program Secretary, Healthy & Safe Communities Department
Graeme Wallace, Program Secretary, Healthy & Safe Communities Department
Brent McLeod, Program Manager/Commander, Paramedic Services, City of Hamilton
Mike Field, Acting Director, Public Works, Transportation Operations
Peter Sniuolis, Manager, Public Works, Roadway Maintenance

Absent with Regrets:

Carolann Fernandes

Absent:

Noor Nizam, Steve Benson

1. CEREMONIAL ACTIVITIES (Item 1)

(i) Land Acknowledgement presented by M. Toth

Member will be chosen to read the Land Acknowledgement at the next meeting.

2. APPROVAL OF AGENDA (Item 2)

(M. Wahlman/A. Huang)

That the Seniors Advisory Committee approves the June 2, 2023 agenda, as presented.

CARRIED

3. APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) May 5, 2023 (Item 4.1)

(M. Toth/D. Broom)

That the Seniors Advisory Committee approves the May 5, 2023 minutes, as presented.

CARRIED

4. STAFF PRESENTATIONS (Item 9)

(M. Wahlman/K. Jain)

That the following presentations be received:

(i) Brent McLeod, Program Manager/Commander, Paramedic Services, City of Hamilton (Item 9.1)

B. McLeod presented to the Seniors Advisory Committee (SAC) about Mobile Integrated Health. More specifically, services provided by the Community Paramedicine and Social Navigator programs. There was an opportunity for questions to be asked after the presentation.

**(ii) Review of Level of Service for Winter Control:
Mike Field, Acting Director, Public Works, Transportation Operations
and Peter Sniulis, Manager, Public Works, Roadway Maintenance
(Item 9.2)**

P. Sniulis and M. Field requested input from the Seniors Advisory Committee (SAC) to help provide opportunities for enhancing the level of service for sidewalk snow removal in Hamilton. Questions or comments can be emailed to Mike.Field@hamilton.ca

CARRIED

5. DISCUSSION ITEMS (Item 10)

(i) Working Groups (Item 10.1)

(S. Boblin/A. Huang)

That the following updates be received:

(a) Getting Around Hamilton Working Group

- There are no updates from this working group.

(b) Elder Abuse Working Group

A. Alshaikhahmed reported that this working group met with Elder Abuse Prevention Ontario (EAPO) to discuss establishing a local Elder Abuse Network. Seniors at risk Collaborative is currently being formed and SAC member Aref Alshaikhahmed will sit on this committee.

(c) Housing Working Group

M. Toth reported the group met with the Hamilton Community Legal Clinic. There was a discussion of the legal problems that arise when sharing homes as an option for affordable housing. M. Toth was approached by ACORN for help in supporting the heat bylaw but time did not allow for this request. M. Toth forwarded an invitation from Watershed Co-Housing who is holding an open house to attend a completed co-housing project on June 10th located at 11 Mont Street, Guelph. <https://www.watershedcohousing.ca/>
M Toth and L. Maychak met with CityLab to discuss their support and partnership in collecting research and information for the revised housing guide for older adults that is a current project of this working group.

(d) Communication Working Group

D. Broom reported this working group did not meet but will be meeting with HPL at their next meeting regarding the Brown Bag Lunch.

CARRIED**(ii) Working Committees (Item 10.2)****(S. Boblin/A. Huang)**

That the following updates be received:

(a) Age Friendly Plan - Governance Committee

A. Elliott reported this committee had a guest speaker from Chartwell Retirement who spoke about the Chartwell Foundation. Also, that there will be two Let's Get Moving workshops held in June.

(b) Seniors Kick Off Event

L. Maychak reported the Seniors Kick Off event is planned for June 20 at Sackville from 10-2pm. Volunteers do not have to register but if attending as an attendee the deadline is June 13th. Members can contact L. Maychak to register.

(c) International Day of Older Persons Committee

- There are no updates from this committee.

-(d) McMaster Institute for Research on Aging

- There are no updates from this committee.
- B. Spinner will update when this committee meets again.

(e) Ontario Health Coalition

- Member C. Fernandes will continue to send the committee email updates through L. Maychak.

(f) Our Future Hamilton Update

- There are no updates from this committee.

(g) Senior of the Year Award

L. Maychak reported that the nomination phase was launched in April and that various communication tactics are used on a regular basis to create awareness about the Seniors Awards nomination phase. The deadline for nominations is June 30, 2023.

CARRIED

6. GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Appointment of Council to Seniors Advisory Committee

Council Tom Jackson has communicated that he is looking to be re-appointed to the Seniors Advisory Committee.

(ii) Agenda Suggestion

B. Spinner put forth a suggestion that the committee have a future discussion to consider having presentations at the end of the agenda and deal with the committee's business first at future meetings.

7. ADJOURNMENT (Item 15)

(M. Wahlman/A. Huang)

That the Seniors Advisory Committee be adjourned at 12:24pm.

CARRIED

Next Meeting: September 8, 2023



Hamilton

NOTES

LGBTQ Advisory Committee

Tuesday, May 16, 2023

6:00 P.M.

Room 264, 2nd Floor, City Hall (hybrid) (RM)

71 Main Street West

Electronic meeting can be viewed at:

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

Present: Rebecca Banky, Violetta Nikolskaya, Jake Maurice

Absent with

Regrets:

Autumn Getty, Kyle Weitz, Wil Fularczuk, Keston Roberts,
Ashley Peyton

Also Present:

Chelsea Kirkby, Senior Project Manager Community
Safety and Well-Being, Kelly Coxson, Social Policy
Analyst, Homelessness Policy & Programs, Vanessa
Parlette Senior Project Manager, Homelessness Policy &
Programs

Pursuant to Section 5.4(4) of the City of Hamilton's Procedural By-law 21-01 at 6:30 P.M. the Staff Liaison to the Committee advised those in attendance that quorum had not been achieved within 30 minutes after the time set for the LGBTQ Advisory Committee, therefore, the Staff Liaison to the

**LGBTQ Advisory Committee
Notes**

**May 16, 2023
Page 2 of 2**

Committee noted the names of those in attendance and the meeting stood adjourned.

Respectfully submitted,

Chelsea Kirkby
Senior Project Manager,
Community Safety & Well-Being
Children's and Community
Services



Hamilton

NOTES

LGBTQ Advisory Committee

Tuesday, July 18, 2023

6:00 P.M.

Room 264, 2nd Floor, City Hall (hybrid) (RM)

71 Main Street West

Electronic meeting can be viewed at:

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

Present: Rebecca Banky, Violetta Nikolskaya, Jake Maurice
Keston Roberts, Autumn Getty, Gregory Cousins.

Also Present: Amy Majani, Project Manager Community Inclusion,
Maha Arshad, Director Mass LBP
Zujajah Islam, Project Coordinator MASS LBP

Pursuant to Section 5.4(4) of the City of Hamilton's Procedural By-law 21-01 at 6:30 P.M. the Staff Liaison to the Committee advised those in attendance that quorum had not been achieved within 30 minutes after the time set for the LGBTQ Advisory Committee, therefore, the Staff Liaison to the Committee noted the names of those in attendance and the meeting stood adjourned.

Respectfully submitted,

Amy Majani
Project Manager, Community Inclusion
Government Relations & Community Initiatives



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	August 17, 2023
SUBJECT/REPORT NO:	Transfer of Taras Shevchenko Non-profit Housing Inc.'s Project at 194 Gage Avenue South (HSC23047) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Carin Finch (905) 546-2424 Ext. 4837 Brian Kreps (905) 546-2424 Ext. 1782
SUBMITTED BY:	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	<i>Michelle Baird</i>

RECOMMENDATIONS

- (a) That Consent be given to Taras Shevchenko Non-Profit Housing Inc.'s request to transfer ownership and operation of its project located at 194 Gage Avenue South to Good Shepherd Non-Profit Homes Inc. contingent upon the conditions set out in Appendix "A" being met;
- (b) That to secure the transfer in recommendation (a), \$400 K in mortgage and interest cost avoidance that has been provided by Taras Shevchenko's Charitable Arm to the City over the years, be reimbursed by the Housing Services 2023 Levy Base.
- (c) That staff forward a copy of Council's resolution approving Recommendation (a) of Report HSC23047 to the Ministry of Municipal Affairs and Housing in fulfillment of its obligation under the Housing Services Act, 2011 to complete the transfer.

EXECUTIVE SUMMARY

194 Gage Avenue South ("194 Gage") is a 60-unit seniors building owned by Taras Shevchenko Non-profit Housing Inc. "Taras Shevchenko". It is currently under an operating agreement with the City of Hamilton and is governed under the section of the

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

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SUBJECT: Transfer of Taras Shevchenko Non-profit Housing Inc.'s Project at 194 Gage Avenue South (HSC23047) (Ward 3) - Page 2 of 6

Housing Services Act, 2011 (the "Act") applicable to 'Transferred Housing Projects' (projects transferred from provincial or federal control to municipal control). Taras Shevchenko's Board of Directors has requested consent from the City as Service Manager to transfer its ownership and control of 194 Gage to Good Shepherd Non-Profit Homes "Good Shepherd Homes". Taras Shevchenko's Board wishes to focus on operating its former federal project located at 190 Gage Avenue South and assisting Ukrainian refugees rather than continuing under the obligations associated with the Act.

Taras Shevchenko's board identified Good Shepherd Homes as a viable entity to assume 194 Gage because of their long-standing relationship.

The City of Hamilton, as Service Manager under the Act, is responsible for funding and oversight of Transferred Housing Projects and as such the City must consent to any transfer, mortgage, or development associated with Transferred Housing Projects. The Act outlines the requirements that the Service Manager must follow in providing consent to the transfer, including that existing tenants must be consulted, and that adverse impacts on residents are appropriately mitigated. Additionally, the City is responsible for continuing to fund the project according to the requirements of the Act.

Housing Services Division and Legal Services staff have reviewed the Agreement of Purchase and Sale between Taras Shevchenko and Good Shepherd Homes and feel that it meets all requirements under the Act. Good Shepherd Homes has also committed to following all regulations under the Act as well as the mortgage obligations. Staff are also satisfied with the consultation that has taken place with tenants and that the transfer will not adversely affect them.

As part of the transfer, Taras Shevchenko has requested to be reimbursed for a pre-payment that was made to 194 Gage's mortgage in the amount of \$309,859.20. This figure consists of a principal payment in the amount of \$235,924.00 and interest from 1995-2000 in the amount of \$73,935.20. The interest savings from the additional payment from 2001-2023 is \$96,445.36. This payment was not reimbursed by the City of Hamilton. Staff recommend that reimbursement in the amount of \$400,000 be paid to Taras Shevchenko Home for the Aged. Taras Shevchenko Home for the Aged made a number of investments in 194 Gage Avenue South through their charitable arm. This included projects such as landscaping, community rooms and industrial kitchens that go beyond the normal scope of operating expenses. This situation is unique as most social housing providers do not have direct access to a charitable fund to support these types of expenses.

The proposed date for the completion of the transfer is November 1, 2023. Housing Services' staff will continue to support Taras Shevchenko's Board and Good Shephard throughout the transition to ensure that the 60 housing units are operated in a

SUBJECT: Transfer of Taras Shevchenko Non-profit Housing Inc.'s Project at 194 Gage Avenue South (HSC23047) (Ward 3) - Page 3 of 6

continuous, responsible manner that not only respects the needs of the seniors, but causes no impact to the health, safety or enjoyment of its tenants.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Recommendation (b) is requesting funding to secure the transfer of 60 social housing units from Tara's Shevchenko to Good Shepherd to continue operating the 194 Gage Ave location as a Social Housing Provider under the Housing Services Act. The \$400K has been requested to be paid from Tara's Shevchenko upon transfer. The City of Hamilton is supportive of meeting this request given the mortgage and interest cost avoidance that has been provided by Tara's Shevchenko Charitable Arm to the City over the years. It is recommended that this be funded the Housing Services Division 2023 levy base in Dept ID 625012 "Social Housing Provider Investment". This intended use of this base funding is to address social housing repairs and maintain affordability for tenants under the amended Ontario Regulation 367/11 of the HSA. Using this funding source will have no impact on our levy or BER forecast.

Staffing: Not Applicable

Legal: Legal Services will assist in reviewing the transfer documents between Taras Shevchenko and Good Shephard. They have reviewed the legislative requirements in the Act and Ministerial Directives applicable to transfers of Housing Projects.

HISTORICAL BACKGROUND

Taras Shevchenko Non-Profit Housing Inc. built the project at 194 Gage Ave South "194 Gage" in 1995. The 60-unit seniors building was built under the provincial reform program, a social housing funding program administered by the province. It was a sister building to 190 Gage Avenue South, "190 Gage", built in 1985 under an agreement with Canada Mortgage and Housing Corporation by Taras Shevchenko Home for the Aged which shared the same board members.

In 1995, Taras Shevchenko Home for the Aged, a sister organization, made a significant prepayment of the mortgage at 194 Gage.

On August 11, 2022 the Emergency and Community Services committee approved Report HSC22040 which delegated authority to the General Manager of Healthy and Safe Communities to enter into service or exit agreements with social housing providers for projects that have reached the End of Operating Agreement or End of Mortgage in 2022 or 2023.

SUBJECT: Transfer of Taras Shevchenko Non-profit Housing Inc.'s Project at 194 Gage Avenue South (HSC23047) (Ward 3) - Page 4 of 6

On March 30, 2023, Taras Shevchenko Home for the Aged 190 Gage (the federal building and charities) entered into an exit agreement with the City of Hamilton. The Taras Shevchenko Board wished to focus on this property in assisting Ukrainian refugees

On March 1, 2023, Taras Shevchenko Non-Profit Housing requested to transfer 194 Gage to another non-profit Housing Provider. On April 26, 2023, a resolution was passed by the Taras Shevchenko Board of Directors officially requesting that the project be transferred to Good Shepherd Non-Profit Homes Inc. "Good Shepherd Homes." On May 25, 2023 a resolution was passed by the Good Shepherd Non-Profit Homes' Board of Directors, to transfer 194 Gage to Good Shepherd Homes.

In compliance with the *Housing Services Act, 2001* requirements, notice was sent to the Ministry of Municipal Affairs and Housing regarding the City of Hamilton's intent to provider consent to transfer 194 Gage to Good Shepherd Homes. This notice was sent on June 12, 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Housing Services Act, 2011

The Social Housing project located at 194 Gage Avenue South and currently operated by Taras Shevchenko Non-Profit Housing is a social housing asset and is part of the housing programs transferred to the City in 2001 by the province and subject to the *Housing Services Act, 2011* (the "Act"). The Act requires the City to fund these social housing projects in accordance with the legislation and requires the City, as Service Manager, to provide its consent to the transfer of any housing assets.

Under s.163 (2) of the Act, where a provincially-guaranteed mortgage is involved, the Service Manager must notify the Ministry of Municipal Affairs and Housing in writing, no less than 45 business days prior to granting consent under s. 161 (2) or 162 (2) to the transfer of a designated housing project. The purpose of this pre-notification is to ensure that the Service Manager and the Ministry have time to deal with any potential mortgage-related issues which may impact the proposed transfer.

RELEVANT CONSULTATION

Tenants of 194 Gage Avenue South

Taras Shevchenko and Good Shepherd Homes are completing the required tenant consultation together. The first session was held on June 8, 2023. Tenants were informed that Good Shephard will be signing a temporary management agreement to take over the property management of the building as of July 1, 2023. The current

SUBJECT: Transfer of Taras Shevchenko Non-profit Housing Inc.'s Project at 194 Gage Avenue South (HSC23047) (Ward 3) - Page 5 of 6

property manager is retiring as of September 1, 2023, so this will allow a smooth transfer. The tenants will get to know Good Shephard making the transfer less of a stressful transition.

Ministry of Municipal Affairs and Housing

The City met with the Ministry of Municipal Affairs and Housing on June 5 and July 6 to discuss any outstanding items that may need to be completed to support the transfer. The Ministry has confirmed that they do not need to formally approve the transfer of the mortgage from Taras Shevchenko to Good Shepherd Homes.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton is responsible for overseeing the social housing assets that were downloaded from the Province in 2001. Housing Services Division staff regularly field requests from housing providers to sell or redevelopment projects regulated under the Act. Staff have also been involved with the transfer of assets when a housing provider was no longer able to administer them. The request from Taras Shevchenko is unique in recent memory because it is a voluntary transfer to a successor Housing Provider who will continue to operate the Housing Project under the same legislative obligations.

The building at 194 Gage Avenue South was originally built to serve Hamilton's Ukrainian community. The Board offered many social activities over the years with a focus on Ukrainian culture and heritage. The building has been well maintained over the years by Taras Shevchenko. Ukrainian seniors no longer form a substantial portion of the tenants at 194 Gage Avenue South. Taras Shevchenko Non-Profit Housing Inc. Board of Directors has evaluated their long-term plans and determined that they no longer wish to continue operating 194 Gage under the obligations associated with a Provincial Reform project. Instead, they wish to focus on their former federal project, assist the Ukrainian refugees and the activities of their Charities arm.

Under the Act, a project with a provincially backed mortgage may be transferred if it meets certain conditions discussed above. Taras Shevchenko's board has selected Good Shepherd Non-Profit Homes Inc. as the recipient of the building based on their long-standing relationship. Good Shepherd Housing has been in Hamilton for a number of years. They successfully manage approximately 500 units of supportive housing as well as managing Wesley Community Homes in Hamilton, which is also a provincial reform project in good standing. Good Shephard Homes will not only bring operational expertise to the building but will also be able to leverage additional supports for the senior citizens living in the building through their sister organization, Good Shepherd Centre.

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**SUBJECT: Transfer of Taras Shevchenko Non-profit Housing Inc.'s Project at
194 Gage Avenue South (HSC23047) (Ward 3) - Page 6 of 6**

Taras Shevchenko Charity made an additional mortgage payment in 1995 which resulted in substantial savings on the interest that would have to have been paid over the intervening years. They made this payment under the assumption they would be retaining the asset indefinitely and would realize the benefit of pre-payment. Now that the building is being transferred, they have requested that to be reimbursed \$400,000.00 to reflect the principle payment and interest savings. The payment would be made to their "Charities" arm to assist Ukrainian refugees. The remaining assets such as patio furniture and an industrial kitchen that were paid for by the Charity's arm will remain at 194 Gage Avenue South. Staff support this repayment as it represents a sum that the City would have been obligated to fund otherwise according to the provincial funding formula, had it not been prepaid.

ALTERNATIVES FOR CONSIDERATION

Not Applicable

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC23047: Transfer Conditions

Appendix "A" to Report HSC23047
Page 1 of 1

Transfer Conditions

This appendix describes the conditions upon which the granting of consent for the transfer of 194 Gave Ave. S. from Taras Shevchenko Non-profit Homes Inc. "Taras Shevchenko Homes" to Good Shepherd Non-profit Homes Inc. "Good Shepherd Homes" is contingent.

- Taras Shevchenko Homes is to arrange the mortgage transfer to the Good Shepherd Homes.
- A title search is to be completed to ensure that there are no liens.
- The Ministry of Municipal Affairs & Housing must be given 45 days written notice of the transfer.
- An Agreement of Purchase & Sale between Taras Shevchenko and Good Shepherd Homes is to be fully executed at their own expense.
- The capital reserve associated with 194 Gave Ave. S. will be transferred to Good Shepherd Non-profit Homes.
- The parties to the Agreement of Purchase and Sale will bear the cost of the Land Transfer Tax.
- Tenants in the building have been consulted about the transfer.
- A current Building Condition Assessment (BCA) needs to be completed.
- A plan for all shared services between the two buildings to be separated must be created.



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	August 17, 2023
SUBJECT/REPORT NO:	Service Manager Consent for Stoney Creek Community Homes Inc. to Encumber 110 Stoneybrook Drive (HSC23051) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Carin Finch (905) 546-2424 Ext. 4873 Brian Kreps (905) 546-2424 Ext. 1782
SUBMITTED BY:	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	<i>Michelle Baird</i>

RECOMMENDATION

That Service Manager Consent under the *Housing Services Act, 2011*, be granted to Stoney Creek Community Homes Inc.'s request to encumber its housing asset located at 110 Stoneybrook Drive in Stoney Creek.

EXECUTIVE SUMMARY

Stoney Creek Community Homes Inc. (Stoney Creek Homes) proposes to enter into a repayable loan agreement with Canada Mortgage and Housing Corporation through the National Housing Co-Investment Fund for repairs to their property at 110 Stoneybrook Drive in Stoney Creek. The loan totals \$2,293,718.00. Stoney Creek Homes is committing \$500,000.00 from their own Capital Reserves to the project. This loan will be used to upgrade the building with energy efficient windows and doors, and to modify two common washrooms, and one unit to be completely barrier free.

Under the *Housing Services Act, 2011*, Service Manager consent is required to encumber housing projects transferred as social housing by the Province to municipalities.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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: Permission for Stoney Creek Community Homes Inc. to Encumber 110 Stoneybrook Drive (HSC23051) (Ward 10) - Page 2 of 3

Financial: There are no financial implications with Report HSC23051

Staffing: There are no staffing implications with Report HSC23051

Legal: The *Housing Services Act, 2011* requires the consent of the Service Manager before Stoney Creek Community Homes Inc. can encumber the asset.

HISTORICAL BACKGROUND

110 Stoneybrook Drive is a Municipal Non-Profit project owned by Stoney Creek Homes. It consists of 60 units (30 in the west wing, and 30 in the east wing) with the building mandate as Seniors. The mortgage ended April 1, 2021 and the City of Hamilton currently provides rent supplements to 30 of the units.

On April 14, 2021, there was a fire at 110 Stoneybrook Drive. Eighteen units were severely damaged by fire and water. Tenants from all 30 units in the west wing of the building were displaced for a prolonged period of time. Most displaced tenants were temporarily re-housed in vacant units managed by Stoney Creek Homes or other social housing providers.

The building has been under restoration. Due to Covid delays the restoration has taken longer than anticipated. They now have a date of completion for September 1, 2023. With the restoration of the west wing units a number of energy efficiency upgrades have been completed.

Stoney Creek Homes is taking the opportunity to upgrade the 30 units in the building's east wing. They have been approved through the Canada Mortgage and Housing Corporation's Co-investment fund for a repayable loan in the amount of \$2,293,718.00. This will be used to install the same energy efficient windows, balcony doors and heat pumps which will also supply air conditioning that were installed in the west wing. They will also install a heat pump in the common room shared by both wings. It will also be used to retrofit the 2 common area washrooms, as well as one unit to be completely barrier free.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Under the *Housing Services Act, 2011*, Service Manager consent is required to encumber housing projects transferred as part of the devolution of social housing by the Province to municipalities.

RELEVANT CONSULTATION

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**SUBJECT: Permission for Stoney Creek Community Homes Inc. to Encumber 110
Stoneybrook Drive (HSC23051) (Ward 10) - Page 3 of 3**

Stoney Creek Homes has provided all the relevant supporting documentation.

Legal Services has reviewed this report and the documents from Canada Mortgage and Housing Corporation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Service Manager consent for Stoney Creek Homes request for Service Manager consent to encumber its housing asset located at 110 Stoneybrook Drive in Stoney Creek is recommended as it would facilitate the east wing of the building becoming more energy efficient. This will also allow for all 60 of the units to have efficient heat and air conditioning, and will allow the two common washrooms, and one unit to become completely barrier free.

Stoney Creek Homes will be able to service this debt within their existing revenues and no levy funding is required. This represents an opportunity to leverage Stoney Creek Homes' equity in its property at 110 Stoneybrook Drive and Canada Mortgage and Housing Corporation's funding programs to improve aging housing stock.

ALTERNATIVES FOR CONSIDERATION

None applicable

APPENDICES AND SCHEDULES ATTACHED

None



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Hamilton Fire Department

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	August 17, 2023
SUBJECT/REPORT NO:	Procurement of All-Electric North American Style Fire Pumper for Trial (HSC23037) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Michael Rember (905) 546-2424 Ext. 3376
SUBMITTED BY:	David Cunliffe Chief, Hamilton Fire Department Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION

- a) That the Hamilton Fire Department be authorized to revise the type of fire apparatus previously approved as part of the 2023 Capital Budget process to be purchased in 2024 from one (1) All-Electric North American Style Fire Pumper to one (1) current style Urban Engine; and
- b) That the Hamilton Fire Department be authorized to re-allocate \$516,000.00 from the 2024 Vehicle Replacement Capital Reserve fund to the 2023 Vehicle Replacement Capital Reserve fund to fund the increased cost to purchase one (1) All-Electric North American Style Fire Pumper.

EXECUTIVE SUMMARY

As a part of the 2023 Capital Budget process, the Hamilton Fire Department received approval to purchase two (2) North American Style All-Electric Fire Pumpers, in alignment with its firefighting apparatus replacement schedule as a trial, with one (1) being purchased in 2023 at an estimated cost of \$1,800,000.00 and one (1) in 2024 at an estimated cost of \$1,884,000.00 for a total combined budget of \$3,684,000.00.

All-Electric North American Style Fire Pumpers produce significantly lower greenhouse gas emissions compared with their diesel engine equivalents. This is achieved primarily

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SUBJECT: Procurement of All-Electric North American Style Fire Pumper for Trial (HSC23037) (City Wide) - Page 2 of 4

through the elimination of idling at emergency incidents as these vehicles function primarily (>90%) in all-electric zero emissions mode.

At present, the combination of market demand, pacing of technological improvements, and supply chain variability have created upward pressures on both the cost and timelines for acquisition of All-Electric North American Style Fire Pumpers. Price has increased from \$1,800,000 in 2022, to approximately \$2,400,000 currently, and the lead time for delivery of an All-Electric North American Style Fire Pumper has also increased to between two and a half to three and a half years.

These increased pressures have negatively impacted the Hamilton Fire Department's ability to procure the originally scheduled quantity of All-Electric North American Style Fire Pumpers and still be able to meet its firefighting apparatus replacement obligations. Timely replacement of emergency response apparatus is a critical component of ensuring operational readiness and controlling costs associated with vehicle maintenance (labour and components).

To mitigate these impacts/variables and ensure adherence to its firefighting apparatus replacement schedule, the Hamilton Fire Department is requesting approval to revise the type of fire apparatus scheduled to be purchased to one (1) All-Electric North American Style Fire Pumper in 2023, and to one (1) current style Urban Engine and in 2024. In order to do this, approval is also being requested to re-allocate the \$516,000.00 cost differential realized from the change in the types of fire apparatus to be purchased to fund the increased cost of one (1) All-Electric North American Style Fire Pumper in 2023.

It should be noted that the Hamilton Fire Department remains committed to the City's goal of achieving net zero emissions by 2050.

Alternatives for Consideration – See Page 4**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: As part of the 2023 Capital budget process Council approved the replacement of one (1) firefighting apparatus in 2023, in the amount of \$1,800,000.00 and the replacement of one (1) firefighting apparatus in 2024, in the amount of \$1,884,000.00 for a total of \$3,684,000.00. The reallocation of \$516,000.00 from the 2024 Vehicle Replacement Capital Reserve fund to the 2023 Vehicle Replacement Capital Reserve fund will have a net zero financial impact.

Staffing: There are no staffing impacts.

SUBJECT: Procurement of All-Electric North American Style Fire Pumper for Trial (HSC23037) (City Wide) - Page 3 of 4

Legal: There are no legal impacts from this report.

HISTORICAL BACKGROUND

Manufacturer support of non-fossil fuel vehicle alternatives continues to improve. This is true in the firefighting apparatus industry but due to the technical complexities of producing modern fire trucks, there is considerable lag behind the consumer electric vehicle (EV) industry. Interest in All-Electric North American Style Fire Pumpers by municipal fire services has outpaced production and supply. The downside of the current supply/demand ratio is pricing increases of greater than 30% in 2023 compared to the previous year and delivery lead times now ranging two and a half to three and a half years.

Three vicinity jurisdictions (Toronto, Brampton, Mississauga) have ordered All-Electric North American Style Fire Pumpers, however none have been delivered. While there is currently no proof of concept, North American Style Electric Fire Pumpers operating as front-line emergency response vehicles within Canada, some jurisdictions in the United States have reported positive performance in similar climates (Madison, WI).

While adoption rates of All-Electric North American Style Fire Pumper will assuredly increase, the Hamilton Fire Department seeks to balance its commitment to climate change and greenhouse gas reduction strategies with its operational readiness and vehicle replacement obligations.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Consultation for this report included:

- Corporate Services, Planning and Economic Development, Climate Change Office
- Finance and Administration

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Hamilton Fire Department is pursuing the acquisition of an Electric Fire Pumper to introduce a “green firefighting apparatus” into its front-line firefighting fleet.

At present, the combination of market demand, pacing of technological improvements, and supply chain variability have created upward pressures on both the cost and timelines for acquisition of All-Electric North American Style Fire Pumpers. Price has

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SUBJECT: Procurement of All-Electric North American Style Fire Pumper for Trial (HSC23037) (City Wide) - Page 4 of 4

increased from \$1,800,000 in 2022, to \$2,400,000 currently and the lead time for delivery of an All-Electric North American Style Fire Pumper is between 2.5 – 3.5 years. Additional factors that must be considered includes facility infrastructure evaluation and up-fitting (Electric Fire Pumper charging station install, upgrading utility electrical service to buildings, etc.).

These increased pressures have negatively impacted the Hamilton Fire Department's ability to procure the originally scheduled quantity of All-Electric North American Style Fire Pumpers and still be able to meet its firefighting apparatus replacement obligations. Timely replacement of emergency response apparatus is a critical component of ensuring operational readiness and controlling costs associated with vehicle maintenance (labour and components). If the Hamilton Fire Department proceeds to order two (2) All Electric North American Style Fire Pumpers, due to the extended delivery times we would be required to operate existing fire apparatus beyond anticipated end-of-life timeframes.

To mitigate these impacts/variables and ensure adherence to its firefighting apparatus replacement schedule, the Hamilton Fire Department is requesting approval to revise the type of fire apparatus to be purchased in 2024 to one (1) current style Urban Engine. In order to do this approval is also being requested to re-allocate \$516,000.00 from the 2024 Vehicle Replacement Capital Reserve budget to the 2023 Vehicle Replacement Capital Reserve budget.

ALTERNATIVES FOR CONSIDERATION

1. That the Hamilton Fire Department continue with the to plan to purchase two (2) North American Style All-Electric Fire Pumpers, one (1) in 2023 and one (1) in 2024. This would require Council approving \$1,116,000.00 in additional capital funding. Maintaining this direction will also cause potential pressures on fire operations because of the lead time of two and a half to three and a half years for delivery.
2. That the Hamilton fire Department hold off for a number of years on purchasing two (2) All-Electric North American Style Fire Pumpers until Toronto, Brampton and Mississauga who have ordered All-Electric North American Style Fire Pumpers take delivery and there is proof of concept information available of the All-Electric North American Style Fire Pumpers operating as a front-line emergency response vehicle in a Canadian operation and in the Canadian climate.

APPENDICES AND SCHEDULES ATTACHED

None