



## **City of Hamilton**

# **CITY COUNCIL AGENDA**

**Wednesday, September 13, 2023, 9:30 A.M.**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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### **Call to Order**

#### **1. APPROVAL OF AGENDA**

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

#### **2. DECLARATIONS OF INTEREST**

#### **3. CEREMONIAL ACTIVITIES**

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

4.1 August 18, 2023

#### **5. COMMUNICATIONS**

5.1 Correspondence from Izabel Langlais respecting HATS tiny house shelters Hamilton Congrats.

Recommendation: Be received.

5.2 Correspondence from the Township of Severn requesting support for their resolution respecting Climate Emergency Just Transition Transfer (JTT).

Recommendation: Be received.

- 5.3 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting Building Faster Fund.  
Recommendation: Be received.
- 5.4 Correspondence from Kelly Oucharek respecting safety concerns in Hamilton Parks.  
Recommendation: Be received and referred to the General Managers of Planning and Economic Development and Healthy and Safe Communities for appropriate action.
- 5.5 Correspondence from the Ministry of Natural Resources and Forestry respecting the Proposed Oil, Gas and Salt Resources Act regulation changes for speak projects and well security.  
Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.
- 5.6 A Petition urging the local authorities to reconsider their decision and reroute the city bus from not going on Glover Road..  
Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.
- 5.7 Correspondence from Ontario's Big City Mayors (OBCM) and Mayors and Regional Chairs of Ontario (MARCO) calling for an urgent meeting of all orders of government to discuss Municipal/Regional Funding to Support Newcomers Including Refugees and Asylum Seekers.  
Recommendation: Be endorsed.
- 5.8 Correspondence from the Ministry of Municipal Affairs and Housing respecting a Proposal to return lands in Ajax to the Greenbelt.  
Recommendation: Be received and ***referred to the September 14, 2023 Planning Committee (Special) meeting.***

## 6. COMMITTEE REPORTS

- 6.1 Planning Committee Report 23-013, September 5, 2023
- 6.2 General Issues Committee Report 23-024, September 6, 2023
- 6.3 Audit, Finance and Administration Committee Report 23-013, September 7, 2023
- 6.4 Emergency and Community Services Committee Report 23-011, September 7, 2023
- 6.5 Public Health Committee, Report 23-009, September 8, 2023

Members of the public can contact the Clerk's Office to acquire the documents considered at this meeting, in an alternate format.

6.6 Public Works Committee Report 23-012, September 8, 2023

## 7. MOTIONS

7.1 Amendment to Item 6(a)(viii)1 of Audit, Finance and Administration Committee Report 23-005 respecting the Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide)

7.2 Municipal Protected Areas Project Pilot Program – Ontario Nature

7.3 Ward 2 Community Grants (Ward 2)

## 8. NOTICES OF MOTIONS

## 9. STATEMENT BY MEMBERS (non-debatable)

## 10. COUNCIL COMMUNICATION UPDATES

10.1 August 11, 2023 to September 7, 2023

## 11. PRIVATE AND CONFIDENTIAL

11.1 Canadian Union of Public Employees Local 5167 Ratification of Collective Agreement (HUR23013) (City Wide)

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

## 12. BY-LAWS AND CONFIRMING BY-LAW

12.1 161

Being a By-law Requiring the Supply of Vital Services and to Repeal By-law No. 09-190

Ward: City Wide

12.2 162

Being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property and to Repeal By-law No. 10-221

Ward: City Wide

- 12.3 163  
Being a By-law to Permanently Close and Sell a Portion of Denison Avenue, Stoney Creek, Established by Plan 1023, in the City of Hamilton, being Denison Avenue, Plan 1023, being all of PIN 17365-0277(LT)  
Ward: 10
- 12.4 164  
To Permanently Close and Sell a Portion of the Public Unassumed Alleyway Abutting 315B Aberdeen Avenue, Hamilton, namely Part of the Alleyway, lying North of Glenfern Avenue, and East of Mountain Avenue, on Registered Plan 272, in the City of Hamilton, Designated as Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, being part of PIN 17076-0231 (LT)  
Ward: 1
- 12.5 165  
To Establish City of Hamilton Land Described as Part 1 on Plan 62R-22172 as a Public Highway to form part of Lormont Boulevard  
Ward: 9
- 12.6 166  
To Amend By-law No. 01-215, Being a By-law to Regulate Traffic  
Schedule 5 (Stop Control)  
Ward: 1, 5, 8, 9, 10, 12, 14
- 12.7 167  
To Adopt Official Plan Amendment No. 191 to the Urban Hamilton Official Plan Respecting 1310 South Service Road (former City of Stoney Creek)  
Ward: 10
- 12.8 168  
To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1310 South Services Road, Stoney Creek  
Ward: 10  
ZAC-22-063

12.9 169

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

Schedule 6 (Time Limit Parking)

Schedule 8 (No Parking Zones)

Schedule 12 (Permit Parking Zones)

Schedule 13 (No Stopping Zones)

Ward: 3, 4, 5, 6, 7, 9, 11, 12, 13, 15

12.10 170

To Regulate Waterpipe Smoking in Public Places and Workplaces in the City of Hamilton

Ward: City Wide

12.11 176

To Confirm the Proceedings of City Council

### **13. ADJOURNMENT**



## CITY COUNCIL MINUTES 23-015

9:30 a.m.  
August 18, 2023  
Council Chamber  
Hamilton City Hall  
71 Main Street West

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

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

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

### 5. COMMUNICATIONS

5.10 Correspondence respecting Public Feedback and Recommendations for an Encampment Protocol and Sanctioned Sites (HSC20036(g)) (City Wide) - REVISED:

- (a) Kevin Brazil
- (b) Nicole Tecu
- (c) Nicole Tecu (2)
- (d) Nelson Castillo
- (e) Kelly & Bert Oucharek
- (f) Kelly & Bert Oucharek (2)
- (g) Kelly & Bert Oucharek (3)
- (h) Kelly & Bert Oucharek (4)
- (i) Annabel Krupp

- (j) Kelly & Bert Oucharek (5)
- (k) Jamesville Redevelopment Limited Partnership

Recommendation: Be received and referred to the consideration of Item 2 of General Issues Committee Report 23-023.

- 5.11 Correspondence from the Mayor of the City of North Bay inviting all Mayor's and CAO's to participate in the Pride parade on Saturday, September 16th.

Recommendation: Be received.

- 5.12 Correspondence from Thea Symonds, Woman Abuse Working Group's 2022 Snapshot for Hamilton from January to December 2022.

Recommendation: Be received and referred to the consideration of Item 14 of General Issues Committee Report 23-023.

- 5.13 Correspondence from the Ministry of Infrastructure respecting Red Tape Reduction for Designated Broadband Projects.

Recommendation: Be received and referred to the City Manager for appropriate action.

- 5.14 Correspondence from Mark Pearson, Executive Director, Canadian Institute of Forestry respecting National Forest Week (September 17 - 23, 2023).

Recommendation: Be received.

- 5.15 Correspondence from Marijus Gudinskas respecting a plan to axe or reduce parking requirements for developments in Hamilton's residential areas is not a good idea.

Recommendation: Be received and referred to Item 9 of Planning Committee Report 23-012.

## **8. NOTICES OF MOTION**

- 8.1 Support for Francophone Seniors Active Living Centre (SALCA) in Hamilton
- 8.2 Appointment of an Acting City Clerk
- 8.3 Municipal Protected Areas Project Pilot Program – Ontario Nature
- 8.4 Wentworth Street North in Proximity to Cathy Wever Elementary School 30 km/h Speed Limit Reduction Pilot (Ward 3)
- 8.5 Compassionate Grant Assistance Program for Mitigation of Flooding Risk involving Private Residences in the Foxtrot Neighborhood, Stoney Creek
- 8.6 Closing King Street East for the Boots in the Creek Festival

**12. BY-LAWS AND CONFIRMING BY-LAW**

- 145 To Adopt Official Plan Amendment No. 187 to the Urban Hamilton Official Plan Respecting 1093 Fennell Avenue East  
Ward: 6
- 146 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1093 Fennell Avenue East, Hamilton  
ZAC-22-045  
Ward: 6
- 147 To Adopt Official Plan Amendment No. 186 to the Urban Hamilton Official Plan Respecting 3479 Binbrook Road, Glanbrook  
Ward: 11
- 148 To Amend Zoning By-law No. 464 (Glanbrook) Resecting Lands Located at 3479 Binbrook Road, Glanbrook  
UHOPA-23-015  
ZAC-22-008  
25T-202201  
Ward: 11
- 149 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 3479 Binbrook Road, Glanbrook  
ZAC-22-008  
Ward: 11
- 150 To Repeal By-law Nos. 19-182 and 19-183 and to Appoint an Acting City Clerk for the City of Hamilton  
Ward: City Wide
- 151 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 200 Centennial Parkway North in the City of Hamilton  
ZAC-22-013  
Ward: 5
- 152 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 311 Rymal Road East, Hamilton  
ZAR-22-052  
Ward: 7
- 153 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 631 and 639 Rymal Road West, Hamilton  
ZAC-22-028  
Ward: 14
- 154 A By-law to Repeal and Replace By-law No. 13-064, being a By-law for the Delegation of Authority to the Treasurer and Deputy Treasurers for Assessment Appeals  
Ward: City Wide

- 155 To Adopt Official Plan Amendment No. 189 to the Urban Hamilton Official Plan Respecting 382 Southcote Road (former Town of Ancaster)  
Ward: 12
- 156 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 382 Southcote Road, Ancaster  
ZAR-23-003  
UHOPA-23-003  
Ward: 12
- 157 To Adopt Official Plan Amendment No. 190 to the Urban Hamilton Official Plan Respecting 95, 99, 103 and Highway 8 (former City of Stoney Creek)  
Ward: 5
- 158 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 95, 99, 103and 105 Highway 8, Stoney Creek  
Ward: 5  
ZAC-23-034

**(Kroetsch/Spadafora)**

That the agenda for the August 18, 2023 meeting of Council be approved, as amended.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

<b>DECLARATIONS OF INTEREST</b>
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Councillor B. Clark declared a disqualifying interest to Item 8 of Planning Committee Report 23-012 respecting an Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 382 Southcote Road, Ancaster (PED23119) (Ward12) with REVISED Appendix ‘C’ (Item 11.1), as the principle planner of Urban Solution has a retail business interest with his son.

Councillor M. Spadafora declared a disqualifying interest to Item 2 (e) and (f) of Emergency and Community Services Committee Report 23-010 respecting Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) (Item 8.2), as he is a landlord of rental properties.

Mayor A. Horwath declared a disqualifying interest to Item 2 (e) and (f) of Emergency and Community Services Committee Report 23-010 respecting Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) (Item 8.2), as she is a landlord of rental properties.

#### APPROVAL OF MINUTES OF PREVIOUS MEETING

#### 4. July 14, 2023 (Item 4.1)

##### (Hwang/Kroetsch)

That the Minutes of the July 14, 2023 meeting of Council be approved, as presented.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

#### COMMUNICATIONS

##### (Francis/Hwang)

That Council Communications 5.1 to 5.15 be approved, as presented, as follows:

- 5.1 Correspondence from Elgin County requesting support for their resolution recommending amendments to the current regulations for licensed home-based childcare operators to increase allowable spaces.

Recommendation: Be received.

- 5.2 Correspondence from the Municipality of Wawa requesting support for their resolution that the Government of Ontario maintain OHIP coverage for chronic pain treatments and continue to provide much-needed care for the people of Ontario.

Recommendation: Be received.

- 5.3 Correspondence from the Federation of Northern Ontario Municipalities requesting support for their resolution urging the Federal Government to provide additional funding for Ontario so that municipalities can deal with their shortages of safe and affordable housing and at the same time build safer and healthier communities for all our residents.

Recommendation: Be received.

- 5.4 Correspondence from the Town of Parry Sound requesting support for their resolution supporting the call for housing while protecting freshwater resources.

Recommendation: Be received.

- 5.5 Correspondence from the Office of the Ombudsman of Ontario advising the City of Hamilton of an investigation of an alleged complaint respecting the February 6, 2019 General Issues Committee meeting.

Recommendation: Be received.

- 5.6 Correspondence from the Town of Fort Erie requesting support for their resolution respecting Controls on Airbnb, VRBO and Others Which Affect Municipal Rentals.

Recommendation: Be received.

- 5.7 Correspondence from the City of Ottawa respecting the donation of decommissioned ambulances to St. John Ambulance and the Embassy of Ukraine.

Recommendation: Be received.

- 5.8 Correspondence from the Township of Puslinch requesting support for their resolution respecting Bill 3 - Special Powers and Duties of Heads of Council.

Recommendation: Be received.

- 5.9 Correspondence from the Wear Red Canada Volunteer Team raising awareness about women's cardiovascular health and Wear Red Canada Day on February 13th.

Recommendation: Be received.

- 5.10 Correspondence respecting Public Feedback and Recommendations for an Encampment Protocol and Sanctioned Sites (HSC20036(g)) (City Wide) - REVISED:

- (a) Kevin Brazil
- (b) Nicole Tecu
- (c) Nicole Tecu (2)
- (d) Nelson Castillo
- (e) Kelly & Bert Oucharek

- (f) Kelly & Bert Oucharek (2)
- (g) Kelly & Bert Oucharek (3)
- (h) Kelly & Bert Oucharek (4)
- (i) Annabel Krupp
- (j) Kelly & Bert Oucharek (5)
- (k) Jamesville Redevelopment Limited Partnership

Recommendation: Be received and referred to the consideration of Item 2 of General Issues Committee Report 23-023.

- 5.11 Correspondence from the Mayor of the City of North Bay inviting all Mayor's and CAO's to participate in the Pride parade on Saturday, September 16th.

Recommendation: Be received.

- 5.12 Correspondence from Thea Symonds, Woman Abuse Working Group's 2022 Snapshot for Hamilton from January to December 2022.

Recommendation: Be received and referred to the consideration of Item 14 of General Issues Committee Report 23-023.

- 5.13 Correspondence from the Ministry of Infrastructure respecting Red Tape Reduction for Designated Broadband Projects.

Recommendation: Be received and referred to the City Manager for appropriate action.

- 5.14 Correspondence from Mark Pearson, Executive Director, Canadian Institute of Forestry respecting National Forest Week (September 17 - 23, 2023).

Recommendation: Be received.

- 5.15 Correspondence from Marijus Gudinkas respecting a plan to axe or reduce parking requirements for developments in Hamilton's residential areas is not a good idea.

Recommendation: Be received and referred to Item 9 of Planning Committee Report 23-012.

**Result: Motion on the Communication Items, as presented, CARRIED by a vote of 16 to 0, as follows:**

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 8 Councillor John-Paul Danko
- YES - Deputy Mayor - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch

- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 14 Councillor Mike Spadafora
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES - Ward 1 Councillor Maureen Wilson

**(Francis/Hwang)**

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

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

<b>CITYHOUSING HAMILTON CORPORATION SHAREHOLDER</b>
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**(Francis/Hwang)**

That CityHousing Hamilton Corporation Shareholder Report 23-003, being the meeting held on Monday, July 17, 2023, be received and the recommendations contained therein be approved.

**Result: Motion on the CityHousing Hamilton Corporation Shareholder Report 23-003, CARRIED by a vote of 16 to 0, as follows:**

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 8 Councillor John-Paul Danko
- YES - Deputy Mayor - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch

- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 14 Councillor Mike Spadafora
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES - Ward 1 Councillor Maureen Wilson

**SELECTION COMMITTEE FOR AGENCIES, BOARDS AND SUB-COMMITTEES**

**(Tadeson/Spadafora)**

That Selection Committee for Agencies, Boards and Sub-Committees Report 23-006, being the meeting held on Tuesday, August 8, 2023, be received and the recommendations contained therein be approved.

**Result: Motion on the Selection Committee for Agencies, Boards and Sub-Committees Report 23-006, CARRIED by a vote of 16 to 0, as follows:**

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

**SELECTION COMMITTEE FOR AGENCIES, BOARDS AND SUB-COMMITTEES**

**(Cassar/Clark)**

That Selection Committee for Agencies, Boards and Sub-Committees Report 23-007, being the meeting held on Thursday, August 10, 2023, be received and the recommendations contained therein be approved.

**Result: Motion on the Selection Committee for Agencies, Boards and Sub-Committees Report 23-007, CARRIED by a vote of 16 to 0, as follows:**

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 8 Councillor John-Paul Danko
- YES - Deputy Mayor - Ward 5 Councillor Matt Francis

YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

<b>GENERAL ISSUES COMMITTEE REPORT 23-023</b>
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**(Francis/Hwang)**

That General Issues Committee Report 23-023, being the meeting held on Monday, August 14, 2023, be received and the recommendations contained therein be approved.

Upon Council's request, Item 2 was voted on separately as follows:

**2. Public Feedback and Recommendations for an Encampment Protocol and Sanctioned Sites (HSC20036(g)) (City Wide) - REVISED (Item 8.2)**

- (a) That Council adopt the Proposed Encampment Protocol attached as amended Appendix "A" to General Issues Committee Report 23-023;
- (b) That staff be directed to implement and enforce the Proposed Encampment Protocol;
- (c) That Public Works be authorized to provide security to ensure access to washroom and/or shower services to support individuals who are unsheltered, including two existing all-year outdoor washroom facilities with 24-hour security and two existing all-year recreation centres with 12-hour security;
  - (i) at a cost of \$576,240, for the period of September 1, 2023 to March 31, 2024 to be funded from the Tax Stabilization Reserve (#110046)
  - (ii) and that the cost of \$987,840 to operationalize this as a permanent program in 2024 be referred to the 2024 Tax Budget process;
- (d) That in order for Planning and Economic Development, Municipal By-Law Enforcement to support enforcement of the Protocol based on the existing Monday to Friday level of service, and a four-day response time, Council approve;
  - (i) the creation of a 1FTE Supervisor of Municipal By-law Enforcement for the period September 1, 2023 to March 31, 2024, at a cost of \$86,120 to be funded from the Tax Stabilization Reserve (#110046),

- (ii) and that the approval of one FTE at an annualized cost of \$147,650 be referred to the 2024 Tax Budget process.
  - (iii) that the purchase of a vehicle at a cost of \$35,000, and an annual operating impact of \$9,000 be referred to the 2024 Tax Budget process
- (e) That staff be directed to provide an enhanced service level to allow the Public Works, Parks Section staff to respond to requests for clean-up and maintenance in alignment with the service levels outlined in the Proposed Encampment Protocol and that Council approve;
  - (i) the creation of one FTE Parks Lead Hand and two FTE Parks Operators and that the cost of \$93,000 for this enhanced service level be funded from the Tax Stabilization Reserve (#110046) for the period of September 1, 2023 to March 31, 2024;
  - (ii) The leasing of vehicles and equipment for the period of September 1, 2023 to March 31, 2024 at an estimated cost of \$50,000, be funded from the Tax Stabilization Reserve (#110046);
  - (iii) the operating cost of \$278,400 to annualize this enhanced service level, includes \$245,000 for the approval of three FTEs, and \$33,400 for the annualized operating cost of the vehicles in recommendation d)iv) be referred to the 2024 Tax Budget process;
  - (iv) the Capital Costs of \$220,000 for equipment and vehicles to be referred to the 2024 Tax Budget process.
- (f) That the General Manager of the Healthy and Safe Communities Department ,or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent and two seconded peer Support Workers, at an approximate annual cost of \$61,500 each (total for two FTEs \$123,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or designate, and in a form satisfactory to the City Solicitor and that the funding for these positions be referred to the 2024 Tax Operating Budget;
- (g) That upon the adoption of the Encampment Protocol, Housing Focused Street Outreach collaborate with key stakeholders to develop a liaison committee to ensure that individuals with lived/living experience of encampments, frontline operators, and staff are all meaningfully engaged in providing input into Hamilton's encampment response. Staff will collaborate with key stakeholders including Keeping Six, HAMSMaRT, Hamilton Regional Indian Centre, and Hamilton Encampment Support Network (to help recruit people with lived/living experience for the committee), to develop terms of reference for the committee that identifies goals, scope, and desired outcomes;
- (h) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into the appropriate agreements with the Hamilton

Alliance for Tiny Shelters for the operation of a two-year pilot of up to 25 temporary tiny homes on City lands, with appropriate security, services and supports at no cost to the City, subject to the following conditions; and,

- (i) That the pilot program be located on the site of the parking area on the Strachan Avenue linear park or an alternative site that meets the criteria for the Protocol and is determined appropriate by staff
- (ii) That all potential residents of the site are selected from the City of Hamilton's By-Name List, as per associated requirements of its Coordinated Access system, with approval from Housing Services Division;
- (iii) That staff be directed to work with Hamilton Alliance for Tiny Shelters to review operating model and provision of security and services, determine performance metrics and outcomes, including eligibility and entry criteria, gender-specific considerations, Indigenous supports, identification of formalized community partnerships with health and social service sectors, pathways to permanent housing, and a process for evaluating the success of the pilot;
- (iv) That staff be directed to evaluate program outcomes and that staff include information on the Hamilton Alliance for Tiny Shelters in progress updates to the General Issues Committee as part of future encampment reporting and performance metrics reporting; and
- (v) That a detailed exit strategy has been created and will be executed should HATS not be able to ensure site safety and/or adequate funding to operate.
- (vi) That the appropriate General Managers of Public Works, Planning and Economic Development, and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.

**Result: Motion on Item 2 of the General Issues Committee Report 23-023, CARRIED by a vote of 10 to 6, as follows:**

NO - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
NO - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
NO - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
NO - Ward 6 Councillor Tom Jackson

YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
NO - Ward 7 Councillor Esther Pauls  
NO - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

Upon Council's request, Item 9 was voted on separately as follows:

**9. Hamilton Waterfront Trust Business Model Review (FCS23029(a)) (City Wide) (Outstanding Business List Item) (Item 10.3)**

- (a) That Council approve the scope of work to be undertaken by KPMG, City of Hamilton staff, in consultation with the Hamilton Waterfront staff related to the Hamilton Waterfront Trust Business Model Review as described in Appendix "B" of General Issues Committee Report 23-023;
- (b) That the City of Hamilton provide a grant to the Hamilton Waterfront Trust in an amount up to \$455,000 (exclusive of depreciation expenses), funded from the Tax Stabilization Reserve #110046, to aid Hamilton Waterfront Trust in avoiding a deficit position in 2023 with operating expenditures to December 31, 2023;
- (c) That the Hamilton Waterfront Trust be requested to provide supporting documentation satisfactory to the General Manager, Finance and Corporate Services, to the City along with any claims as to aid with the grant in an amount up to \$455,000 (exclusive of depreciation expenses) being provided by the City;
- (d) That staff be directed to follow up with Hamilton Waterfront Trust regarding the recommendation approved by Hamilton Waterfront Trust Board of Trustees on June 13, 2023 as per Confidential Appendix "C" to Report FCS23029(a) and report back to General Issues Committee;
- (e) That the General Manager, Finance and Corporate Services, be authorized to negotiate, enter into and execute, on behalf of the City of Hamilton, all necessary agreements, extensions, amendments and any ancillary documents with Hamilton Waterfront Trust, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager, Finance and Corporate Services; and,
- (f) That Confidential Appendix "C" to Report FCS23029(a) remain confidential.

**Result: Motion on Item 9 of the General Issues Committee Report 23-023, CARRIED by a vote of 15 to 1, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar

NO - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

Upon Council's request, Item 14 was voted on separately as follows:

**14. Declaration of Gender-Based Violence and Intimate-Partner Violence as an epidemic in the City of Hamilton (Item 11.5)**

WHEREAS gender-based violence is defined as violence or abuse perpetrated against a woman, girl or gender-diverse individual because of their gender, gender expression, gender identity or perceived gender;

WHEREAS according to official 2023 UN Women statistics, globally, an estimated one in three women have been subjected to physical and/or sexual violence by an intimate partner, non-partner sexual violence, or both at least once in their life (30 per cent of women aged 15 and older);

WHEREAS, globally, according to the same report, there is a woman or girl being killed every 11 minutes in their home;

WHEREAS femicide is a result of gender-based violence and 22 countries specifically reference it in their criminal legislation;

WHEREAS Canada does not currently include the term femicide in their criminal legislation;

WHEREAS Indigenous women, girls and 2SLGBTQIA+ people experience higher rates of gender-based violence;

WHEREAS Indigenous women are more likely than non-Indigenous women to have experienced sexual assault at a younger age;

WHEREAS transgender and gender diverse people are significantly more likely to have experienced physical or sexual assault at least once since 15 years of age;

WHEREAS the Canadian Femicide Observatory for Justice and Accountability (CFOJA) found that in Canada between 2018 and 2022 one woman was killed every 48 hours;

WHEREAS in the same report not all femicide cases have an identified accuser, the majority of identified accusers have been male suspects;

WHEREAS according to the Annual Femicide List published by the Ontario Association of Interval and Transition Houses, the number of femicides from 2019 to 2022 has increased by approximately 30%:

WHEREAS 75% of women reported abuse and conflict with a partner, spouse, or parent as their top reason for their housing loss;

WHEREAS the federal government has allocated 25% of the federal housing budget to housing for vulnerable women;

WHEREAS global data indicates an indisputable intensification of gender-based violence since the onset of the COVID-19 pandemic, with survivors seeking emergency shelter and community-based supports more frequently;

WHEREAS in 2022 the Ontario government committed to investing \$5.9 million over two years through the Victim Support Grant (VSG) program to enhance capacity to support survivors of intimate partner violence and human trafficking;

WHEREAS the demand for support services increases as awareness increases;

WHEREAS in 2022, 4,498 women were turned away from women's shelter's due to limited capacity in Hamilton, while only 878 women, some with children, were able to access a shelter;

WHEREAS Hamilton Police Services received 12,514 domestic violence or intimate partner violence calls in 2022;

WHEREAS Hamilton Police Services received 657 reports of sexual violence in 2022 while the average wait time to access counselling services through the Sexual Assault Centre (Hamilton & Area) was six months;

WHEREAS women living in rural areas experience intimate partner violence at a 75 per cent higher rate than women living in urban areas; and currently Hamilton receives only \$5,000 per year stable funding through the MCCSS Rural and Remote stream from MCCSS for rural issues despite 40% of Hamilton's population is considered as residing in rural areas;

WHEREAS violence is one of the priorities of the Community Safety and Well Being Plan and sexual violence has been recognized as a more specific area for attention;

WHEREAS the City Enrichment Fund has made unprecedented investments to equity deserving communities in 2023, an increase in 23.8% between 2022 and 2023;

WHEREAS within the past 5 years, nearly all women-led and/or women-serving organizations applicants have received funding through the City Enrichment Fund; and,

WHEREAS, over 30 municipalities and regions across Ontario have already declared gender-based violence and intimate partner violence an epidemic in their jurisdictions, including Ottawa, Toronto, Peel Region, Halton Region and Renfrew County;

THEREFORE, BE IT RESOLVED:

- (a) That Council declare gender-based violence and intimate-partner violence an epidemic in Hamilton;
- (b) That staff meet with the Women Abuse Working Group (WAWG) to develop recommendations that will further address gender-based violence and intimate-partner violence in Hamilton;
- (c) That staff be authorized to provide one-time funding in the amount of \$30,129.00 from the City Enrichment Fund Reserve (ID112230) to support the Women Abuse Working Group (WAWG) to further identify and help address service gaps;
- (d) That staff continue to actively engage with the Hamilton Just Recovery Coalition and their recommendations to identify further actions;
- (e) That staff continue to work closely with the Community Safety and Well-Being System Leadership Table to increase awareness of gender-based violence and intimate-partner violence and explore opportunities for further action;
- (f) That Council, by way of a letter from the Mayor, and staff continue to actively engage with the Province of Ontario to advocate for sustainable investments that meaningfully address gender-based violence and intimate-partner violence;
- (g) That the City of Hamilton send a communication to the Honourable Arif Virani, Minister of Justice and Attorney General Canada, and the Prime Minister of Canada, advocating that Femicide be added as a term to the Criminal Code of Canada;
- (h) That Council, by way of a letter from the Mayor, forward this item to Hamilton Members of Parliament and Members of Provincial Parliament, and to Ontario's Associate Minister of Women's Social and Economic Opportunity; and
- (i) That the City of Hamilton send a copy of this Resolution to the Federation of Canadian Municipalities (FCM) and Association of Municipalities of Ontario (AMO) to take action on gender-based violence and intimate partner violence.

**Result: Motion on Item 14 of the General Issues Committee Report 23-023, CARRIED by a vote of 16 to 0, as follows:**

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

**Result: Motion on the balance of the General Issues Committee Report 23-023, CARRIED by a vote of 15 to 0, as follows:**

NOT PRESENT - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

**(Francis/Clark)**

That Section 5.8(2) of the City's Procedural By-law 21-021, as Amended, which provides that a minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review, be waived in order to consider the Planning Committee Report 23-012; Public Health Committee Report 23-008; Public Works Committee Report 23-011; Audit, Finance and Administration Committee Report 23-012 and Emergency and Community Services Committee Report 23-010.

**Result: Motion CARRIED by a 2/3rds vote of 16 to 0, as follows:**

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

<b>PLANNING COMMITTEE REPORT 23-012</b>
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**(Danko/Hwang)**

That Planning Committee Report 23-012, being the meeting held on Tuesday, August 15, 2023, be received and the recommendations contained therein be approved.

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

- 8. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 382 Southcote Road, Ancaster (PED23119) (Ward12) with REVISED Appendix 'C' (Item 11.1)**
- (a) That Official Plan Amendment Application UHOPA-23-003 by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnson, on behalf of 1376412 Ontario Ltd. c/o Zeina Homes, Owner, to add a new Site Specific Policy within the Garner Neighbourhood Secondary Plan, to permit the development of the subject lands for 3 single detached dwellings with a minimum lot frontage of 12.0 metres and a maximum overall density of 24 units per gross/net residential hectare, for lands located at 382 Southcote Road, as shown on Appendix "A" attached to Report PED23119, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED23119, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment Application ZAR-23-003 by Urban Solutions Planning and Land Development Consultants Inc., on behalf of

1376412 Ontario Ltd. c/o Zeina Homes, Owner, for a change in zoning from the Agricultural "A-216" Zone, Modified, to the Low Density Residential (R1, 848) Zone, Modified, to facilitate development of three single detached dwellings, for lands located at 382 Southcote Road, as shown on Appendix "A" attached to Report PED23119, be APPROVED on the following basis:

- (i) That the draft By-law attached as REVISED Appendix "C" to Report PED23119, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon the approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That the City of Hamilton Tree Protection Guidelines (2010) be amended to allow a 25% encroachment of site grading into the tree drip line for measurement of the tree protection zone to facilitate residential development at 382 Southcote Road.

**Result: Motion on Item 8 of the Planning Committee Report 23-012, CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
 YES - Ward 12 Councillor Craig Cassar  
 CONFLICT - Ward 9 Councillor Brad Clark  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
 YES - Mayor Andrea Horwath  
 YES - Ward 4 Councillor Tammy Hwang  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 2 Councillor Cameron Kroetsch  
 YES - Ward 15 Councillor Ted McMeekin  
 NOT PRESENT - Ward 3 Councillor Nrinder Nann  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 14 Councillor Mike Spadafora  
 YES - Ward 11 Councillor Mark Tadeson  
 YES - Ward 13 Councillor Alex Wilson  
 YES - Ward 1 Councillor Maureen Wilson

**Result: Motion on the balance of the Planning Committee Report 23-012, CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
 YES - Ward 12 Councillor Craig Cassar  
 YES - Ward 9 Councillor Brad Clark  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Deputy Mayor - Ward 5 Councillor Matt Francis

- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- NOT PRESENT - Ward 3 Councillor Nrinder Nann
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 14 Councillor Mike Spadafora
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES - Ward 1 Councillor Maureen Wilson

**PUBLIC HEALTH COMMITTEE REPORT 23-008**

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

That Public Health Committee Report 23-008, being the meeting held on Wednesday, August 16, 2023, be received and the recommendations contained therein be approved.

**Result: Motion on the Public Health Committee Report 23-008, CARRIED by a vote of 16 to 0, as follows:**

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

**PUBLIC WORKS COMMITTEE REPORT 23-011**

**(Nann/Pauls)**

That Public Works Committee Report 23-011, being the meeting held on Wednesday, August 16, 2023, be received and the recommendations contained therein be approved.

**7. Feasibility and Costs to Construct a Multi-Use Trail on the South Side of Mud Street (Ward 9) (Item 12.3)**

**(Clark/Danko)**

That Sub-sections (a) and (b) of Item 7 of the Public Works Services Committee Report 23-011, be **amended** to read as follows:

- (a) That staff be directed to assess the feasibility and costs to construct a multi-use trail on the south side of Mud Street that would directly connect Paramount Drive to Winterberry Drive and report back to the Public Works Committee in **Q2 2024**; and
- (b) That the estimated costs for the project to construct a multi-use trail on the south side of Mud Street connecting Paramount Drive to Winterberry Drive be referred to the **2025** Capital Budget for consideration.

**Result: Amendment to Item 7 of the Public Works Committee Report 23-011, CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
 YES - Ward 12 Councillor Craig Cassar  
 YES - Ward 9 Councillor Brad Clark  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
 YES - Mayor Andrea Horwath  
 YES - Ward 4 Councillor Tammy Hwang  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 2 Councillor Cameron Kroetsch  
 YES - Ward 15 Councillor Ted McMeekin  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 14 Councillor Mike Spadafora  
 YES - Ward 11 Councillor Mark Tadeson  
 NOT PRESENT - Ward 13 Councillor Alex Wilson  
 YES - Ward 1 Councillor Maureen Wilson

**7. Feasibility and Costs to Construct a Multi-Use Trail on the South Side of Mud Street (Ward 9) (Item 12.3)**

**(Clark/Danko)**

That Sub-section (a) of Item 7 of the Public Works Services Committee Report 23-011, be further **amended** to read as follows:

- (a) That staff be directed to assess the feasibility and costs to construct a multi-use trail on the south side of Mud Street that would directly connect Paramount Drive to Winterberry Drive and report back to the Public Works Committee in Q2 2024 **and if approved**; and

**Result: Amendment to Item 7 of the Public Works Committee Report 23-011, CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
 YES - Ward 12 Councillor Craig Cassar  
 YES - Ward 9 Councillor Brad Clark  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Deputy Mayor - Ward 5 Councillor Matt Francis

YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

**Result: Motion on the Public Works Committee Report 23-011, As Amended, CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

<b>AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 23-012</b>
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**(Kroetsch/Hwang)**

That Audit, Finance and Administration Committee Report 23-012, being the meeting held on Thursday, August 17, 2023, be received and the recommendations contained therein be approved.

**Result: Motion on the Audit, Finance and Administration Committee Report 23-012, CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson

YES - Ward 2 Councillor Cameron Kroetsch  
 YES - Ward 15 Councillor Ted McMeekin  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 14 Councillor Mike Spadafora  
 YES - Ward 11 Councillor Mark Tadeson  
 YES - Ward 13 Councillor Alex Wilson  
 YES - Ward 1 Councillor Maureen Wilson

<b>EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 23-010</b>
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**(Clark/Cassar)**

That Emergency and Community Services Committee Report 23-010, being the meeting held on Thursday, August 17, 2023, be received and the recommendations contained therein be approved.

Due to declared conflicts, Item 2 (e) and (f) was voted on separately as follows:

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

- (e) 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;
- (f) 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;

**Result: Motion on Sub-Sections (e) and (f) of Item 2 of the Emergency and Community Services Committee Report 23-010, CARRIED by a vote of 14 to 0, as follows:**

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

Upon Council's request the balance of Item 2 was voted on separately as follows:

2. **Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) (Item 8.2)**
  - (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" as amended 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 **87%** cost recovery for the Safe Apartment Buildings By-law, attached as Appendix "B" as amended 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, initiate building evaluations as they are received and administer the By-law, be approved;
  - (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, analyses 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);
  - (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).
- (g) That the draft By-law to amend Schedule 31, Rental Housing, of the Business Licensing By-law No. 07-170, attached as Appendix "I" as amended 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;
- (h) 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" as amended to Report PED23072;
- (i) 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; and
- (j) 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 12 months, including options for how fine revenues could be utilized to advance the strategies of the Housing and Sustainability Investment Roadmap;

- (k) That staff consider submissions from tenants and tenant advocates on activities pertaining to communication and outreach materials; building inspection processes; evaluation criteria and scoring; placement on building of evaluation scores; open data and data tools; and monitoring, evaluation, in program development and implementation;
- (l) That there be no further in-person or virtual delegations respecting Report PED23072, Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton at the October 19, 2023 Emergency and Community Services Committee meeting; and
- (m) That comments respecting Report PED23072, Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton, be limited to written submissions.

**Result: Motion on the balance of Item 2 of the Emergency and Community Services Committee Report 23-010, CARRIED by a vote of 16 to 0, as follows:**

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

**Result: Motion on the balance of the Emergency and Community Services Committee Report 23-010, CARRIED by a vote of 16 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann

- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 14 Councillor Mike Spadafora
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES - Ward 1 Councillor Maureen Wilson

**(Francis/Hwang)**

That Council rise from Committee of the Whole.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

<b>MOTIONS</b>
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**7.1 Ward 2 Community Grants**

**(Kroetsch/Hwang)**

WHEREAS City Council approved recommendations in Procedures for Ward-Specific Funding Initiatives (FCS18014(a)) on December 17, 2018;

WHEREAS Ward 2 Special Capital Reinvestment Discretionary Funds totalled \$229,987 as of November 16, 2022 and \$250,538 as of July 28, 2023;

WHEREAS funds in the Ward 2 Special Capital Reinvestment Discretionary Funds expire and must be returned to the Ward 2 Special Capital Reinvestment Reserve;

WHEREAS Report FCS18014(a) outlined “Scenario 3: Grants” which permits Ward 2 Special Capital Reinvestment Discretionary Funds to be used for grants to support community initiatives;

WHEREAS City staff in Financial Planning, Administration and Policy and Community Engagement - Grants were consulted on the development of the Ward 2 Community Grants program;

WHEREAS the Ward 2 Community Grants program was launched on July 4 and accepted applications from public organizations and groups that met both the criteria outlined in Report FCS18014(a) and proposed by City staff to allocate Ward 2 Special Capital Reinvestment Discretionary Funds including:

- The funds must be used to support an organization or group operating within the physical boundaries of Ward 2.
- The organization or group must be incorporated as a not-for-profit corporation, a registered charity, or must have a demonstrable non-profit status.
- Requests cannot total more than \$5,000 per organization in a calendar year.
- Applications must demonstrate that an organization or group will make an improvement or continue to provide a benefit to the community.
- Applications must demonstrate that an organization or group has a financial need for funding.
- Receipts, invoices, or other financial documentation must be provided before a cheque requisition will be completed and funding issued.
- If an application is successful, the decision of the Ward 2 Team must then be ratified by Council. The decisions of the Ward 2 office are not final until approved by Council for amounts more than \$350.
- Organizations or groups will be required to complete a disclosure form that outlines any other City funding they have received or will receive in this calendar year.
- Funding from the Ward 2 Community Grants program cannot be relied on for ongoing operational funding in future years.
- Priority will be given to new applicants in future application cycles.

WHEREAS the Ward 2 Community Grants program closed for Q1, Q2, and Q3 on July 31, 2023 with a total of 36 applications;

WHEREAS City staff in Financial Planning, Administration and Policy and Community Engagement - Grants reviewed the recommendations from the Ward 2 Community Grants program and found that they were all eligible; and

WHEREAS the following \$77,525 in 19 individual grants is the first part of the fulfilment of this round of the Ward 2 Community Grants program with additional grant recommendations coming forward in a motion to the first City Council meeting in September 2023 from applications that are still under review.

THEREFORE, BE IT RESOLVED:

- (a) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the Art Gallery of Hamilton for “Super Quartz”, an enhanced version of Quartz, their monthly Queer Art Hang in partnership with Fruit Salad and Friends of Ruby;
- (b) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to Cobalt Connects for expenses so that

Keeping Six could provide outreach and support to unhoused guests at Winterfest 2023;

- (c) That up to \$4,500 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the Corktown Neighbourhood Association to pay for translation services, professional and Accessibility for Ontarians with Disabilities Act (AODA) compliant website creation, a commercial mailout through Canada Post, and a community event;
- (d) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the gritLIT Literary Festival for a marketing and outreach consultant who will draft a concrete outreach strategy, create marketing materials, and engage new and existing stakeholders to help gritLIT serve their EDI commitments and deepen their impact;
- (e) That up to \$4,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the Hamilton Arts Council to cover costs of services for the Tune In Foundation for the BIPOC hArt Music Series, providing emerging artists from underrepresented racialized communities with opportunities to develop successful careers in the music industry through mentorship, performance, and the creation of a portfolio video;
- (f) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the Hamilton Community Land Trust to hire a consultant who will develop an internal organizational review, a financial and business sustainability model, and a fundraising strategy;
- (g) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the Hamilton Community Peregrine Project for new Falconwatch cameras;
- (h) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the Hamilton Festival Theatre Company to assist with costs associated with the rental, construction, and installation of Fringe Club Outdoor Stage programming, which hosted 12 days of free performances, workshops, and drop-in events;
- (i) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the Hamilton Music Collective for rental costs associated with the Musical Futures Summer Camp (a music and performance camp for children and youth from schools identified as high-risk by Hamilton-Wentworth District School Board (HWDSB) Hamilton-Wentworth Catholic District School Board and (HWCDSD), and 16 students attend camp on full-fee covered scholarships) and Eclectic Local (a free and accessible summer concert series that strives to offer a diverse and eclectic mix of artists);
- (j) That up to \$1,050 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the International Village Business Improvement Area (BIA) for hiring House of Adam & Steve, a DJ and drag

queens, for the unveiling of the pride crosswalk at Ferguson Avenue North and King William Street;

- (k) That up to \$1,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to Mission Services for maintaining the technology necessary to run Text Inasmuch, a 24/7 text and web-based support service (allows advocates to provide support, advice, and referrals to women in need) for women in Hamilton experiencing homelessness and abuse;
- (l) That up to \$1,650 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to Musicata - Hamilton's Voices to update their website, which allow them to identify their target audience, create a mobile friendly design, integrate updated features, and increase access to their programming and provide training;
- (m) That up to \$4,500 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the North End Breezes community newspaper to assist with printing and distribution costs;
- (n) That up to \$825 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the North End Neighbourhood Association for advertising, web hosting costs, and banking fees;
- (o) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to Sexual Assault Centre Hamilton and Area (SACHA) for traffic control costs associated with the 43rd Annual Take Back the Night (TBTN);
- (p) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the Sprout Organization for advertising and promotion of the Lucky Lion Night Market (Hamilton's first predominantly Asian-based food festival) at Bayfront Park;
- (q) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to Theatre Aquarius to provide mental health first aid, de-escalation training, anti-oppression training to staff who encounter unhoused individuals every day, often in crisis, and need tools and resources to feel confident and capable when assisting them, and to install an alcove barrier;
- (r) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) to the Welcome Inn Community Centre for landscaping costs associated with making more accessible and beautifying their outdoor community gathering space;
- (s) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302309200) spectrum Hamilton and YWCA Hamilton Youth Services to provide art supplies, a storage cabinet, participant supports,

and marketing and outreach materials, which will be a direct benefit to more than 300 2SLGBTQIA+ youth who access spectrum Hamilton's programming;

- (t) That any funds allocated and distributed through the Ward 2 Community Grants Program be exempt on a one-time basis and not be counted toward any formula that restricts regular funding from the City including the City Enrichment Fund (e.g. the City's 30% formula); and
- (u) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**Result: Motion CARRIED by a vote of 15 to 1, as follows:**

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

## **7.2 Expansion of the Golden Hearts Food Cupboard at 226 Rebecca Street (Ward 2)**

### **(Kroetsch/Tadeson)**

WHEREAS many seniors living at the CityHousing Hamilton building at 226 Rebecca Street are unable to access nutritious food often resulting in food insecurity;

WHEREAS tenant volunteers at 226 Rebecca Street recognized a need to help residents to access nutritious food resulting in the Golden Hearts Food Cupboard (GHFC) opening in 2019;

WHEREAS in collaboration with Food for Life, Wesley Urban Ministries, and Goodwill, the GHFC receives weekly deliveries of fresh fruit, vegetables, dry goods, dairy products and meat;

WHEREAS the need to access the GHFC has grown since it opened before the COVID-19 pandemic; and

WHEREAS the space is not large enough to carry out its expanded operations.

THEREFORE, BE IT RESOLVED:

- (a) That up to \$2,500 be allocated from the Ward 2 Special Capital Reinvestment Reserve (#108052) to CityHousing Hamilton for renovations to expand the Golden Hearts Food Cupboard, which will double its current size and accommodate the continual growth of tenant visits; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

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

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
NOT PRESENT - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

### **7.3 Simone Hall Mural (Ward 2)**

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

WHEREAS the City of Hamilton, McMaster University, and the Art Gallery of Hamilton through the Art of Creation Project, an arts-based science translation program and public exhibition project that uses art to explain the importance of being healthy before and during pregnancy to the public, policy makers, and social and healthcare providers;

WHEREAS a series of arts-based focus groups were convened with pregnant women throughout the city, to create community, share information, support, and resources;

WHEREAS Hamilton artists were invited to the Sloboda Lab at McMaster to gain a better understanding of the study and to create an artistic response of their experiences, culminating in an exhibition at the AGH in September 2023;

WHEREAS one of the artists, Lester Coloma, chose to create a mural in a Hamilton neighbourhood, as his response; and

WHEREAS the Simone Hall mural will require ongoing maintenance over the next 5 years.

THEREFORE, BE IT RESOLVED:

- (a) That up to \$2,500 be allocated from the Ward 2 Special Capital Reinvestment Reserve (#108052) to be used from 2023 to 2028 for the maintenance of a mural on the exterior wall of Simone Hall in the Beasley Neighbourhood through the Art of Creation Project painted by local artist Lester Coloma; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

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

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
NOT PRESENT - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

**7.4 Endorsement of the Association of Municipalities of Ontario's Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement (City Wide)**

**(Kroetsch/Nann)**

WHEREAS City Council endorsed Bill 5, *Stopping Harassment and Abuse by Local Leaders Act, 2022* on February 22, 2023;

WHEREAS over 150 municipalities across Ontario endorsed Bill 5;

WHEREAS Bill 5 was voted down at the Provincial Legislature in May 2023; and

WHEREAS the Association of Municipalities of Ontario (AMO) has proposed legislative amendments to improve municipal codes of conduct and enforcement including:

- Updating municipal Codes of Conduct to account for workplace safety and harassment;

- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario;
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province;
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner; and
- Prohibiting a member so removed from sitting for election in the term of removal and the subsequent term of office.

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton endorse the Association of Municipalities of Ontario's call for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments; and
- (b) That the Mayor forward a letter of support to local MPPs, the Premier, Minister of Municipal Affairs and Housing, and the Association of Municipalities of Ontario.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

## **7.5 City of Hamilton – Request to Abandon Greenbelt Development**

### **(Danko/Horwath)**

WHEREAS, the City of Hamilton is committed to reducing the cost of housing and has pledged to facilitate the construction of 47,000 housing units by 2031;

WHEREAS, City of Hamilton staff have concluded that residential housing development within the former Greenbelt lands is unnecessary to facilitate construction of the pledged housing units;

WHEREAS, on February 8, 2023, Hamilton City Council declared “The Minister’s decision to remove 795 hectares of land from the Greenbelt Plan is unnecessary and is not supported by the City of Hamilton”;

WHEREAS, the Auditor General for the Province of Ontario has confirmed Hamilton’s conclusion that “Greenbelt land was not needed to meet the current housing targets assigned to them by the Housing Ministry”;

WHEREAS, development of the Greenbelt would be a significant financial liability to Hamilton taxpayers;

WHEREAS, the Auditor General for the Province of Ontario stated: “Land sites removed from the Greenbelt in December 2022 were largely not serviced, were not in their servicing plans, and that many of the sites would be challenging to prioritize and service in the near future...” and “Some of these sites would require considerable infrastructure to prepare them for housing development”; and

WHEREAS, the Greenbelt should be protected as a vital element of Hamilton’s environmental and agricultural resources.

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton requests the Province of Ontario abandon its plan to develop the Greenbelt and that all lands within the City of Hamilton removed from the Greenbelt be reinstated; and
- (b) That this resolution be circulated to all Ontario municipalities where Greenbelt lands were slated for development for support and a similar declaration to the Province of Ontario.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

**(Pauls/Nann)**

That Council recess until 12:40 p.m.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

**7.6 Support for Francophone Seniors Active Living Centre (SALCA) in Hamilton-REVISED**

**(Hwang/Francis)**

WHEREAS, the City of Hamilton has been designated under the provincial French Language Service Act of Ontario as a francophone city as of December 31, 2000 to provide municipal services in both English and French;

WHEREAS, Hamilton is one of 14 Canadian cities designated by the Government of Canada's Francophone Immigration Strategy to service Francophones;

WHEREAS, the Fédération des aînés et des retraités francophones de l'Ontario (FARFO) and the Centre Francophone are the lead organizations applying for funding from the Ministry of Seniors and Accessibility (MSA) for a new Francophone Seniors Active Living Centre (SALCA) in Hamilton;

WHEREAS, the 2021 census identified over 50,000 Hamiltonians who speak French and of that population, approximately 10% are over the age of 55;

WHEREAS, FARFO and Centre Francophone have budgeted \$72,000 per year to provide French programming to serve Francophone seniors at the new Francophone SALCA;

WHEREAS, the funding from the Ministry of Seniors and Accessibility requires that the Municipality must contribute to a minimum of 20% of the net annual cost for maintaining and operating the program and that the contribution can be in cash, or in kind, or a combination thereof;

WHEREAS, Hamilton has 11 Senior Active Living Centres (SALCA) but none serving the Francophone population;

WHEREAS, the Fédération des aînés et des retraités francophones de l'Ontario (FARFO) and the Centre Francophone meets the eligibility criteria, as a community group; and

WHEREAS, the Fédération des aînés et des retraités francophones de l'Ontario (FARFO) and the Centre Francophone's, Francophone Seniors Active Living Centre (SALCA) is considered an eligible activity.

THEREFORE, BE IT RESOLVED:

- (a) That a grant funded from the Ward 4 Capital Discretionary Account [3302109400] be provided to the Fédération des aînés et des retraités francophones de l'Ontario (FARFO) and the Centre Francophone to support their application for a Francophone Seniors Active Living Centre (SALCA), at an upset limit, including contingency, not to exceed \$14,400 for 2023;
- (b) That staff review alignment of the [Francophone] SALCA proposal with the Long Term Facilities Master Plan and Recreation Master Plan, confirm SALCA organizational funding requirements, funding eligibility and City oversight requirements and review options for long term financing and report back to Emergency and Community Services Committee in advance of the 2024 operating budget; and,
- (c) That the mayor and City Clerk be authorized and directed to execute and required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

## **7.7 Appointment of an Acting City Clerk**

**(Clark/Cassar)**

- (a) That a By-law to Appoint Janet Pilon as Acting City Clerk for the City of Hamilton effective August 28, 2023 be enacted by Council;
- (b) That By-law 19-182 a By-law to appoint a City Clerk for the City of Hamilton be repealed on August 28, 2023; and
- (c) That By-law 19-183 To Appoint a Deputy City Clerk for the City of Hamilton, be repealed on August 28, 2023.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

**7.8 Wentworth Street North in Proximity to Cathy Wever Elementary School 30 km/h Speed Limit Reduction Pilot (Ward 3)****(Nann/M. Wilson)**

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

WHEREAS, on June 17, 2022 a young pedestrian was struck on Wentworth Street North by the driver and sustained serious injuries;

WHEREAS, the collision occurred on Wentworth Street North in-front of Cathy Wever Elementary School;

WHEREAS, on July 6, 2022 a motion was approved by Public Works Committee directing the Transportation Division to review Wentworth Street North between Bristol Street and Cannon Street East to determine and undertake reasonable pedestrian focused safety enhancements with consideration for a speed limit reduction to 30 km/h within the School Zone;

WHEREAS, the Transportation Division completed a review and have began undertaking safety enhancements, including expanding the limits of the existing school zone, introducing full-time protected parking to enhance protection between vehicle through traffic and pedestrians, shortening the crossing distance for the existing pedestrian cross-over located approximately in-front of the school, and installing a painted buffer on the roadway to narrow the vehicle lanes and provide additional separation between vehicles and pedestrians;

WHEREAS, the City of Hamilton Official Plan classifies Wentworth Street North as a minor arterial road and the Council approved Speed Limit Policy sets speed limits on arterial roadways at either 60 km/h or 50 km/h;

WHEREAS, the Transportation Division is currently reviewing the Speed Limit Policy to determine the best practices for setting speed limits by applying Vision Zero Principals;

WHEREAS, safe speeds is an important factor in enhancing safety throughout the City and that speed has a significant role to play regarding the severity of injuries resulting from traffic collisions; and

WHEREAS, sections of arterial roadways may benefit from reduced speed limits up to and including a reduction to 30 km/h.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division continues with and completes the implementation of the identified safety enhancements on Wentworth Street North between Bristol Street and Cannon Street East based on the completed review.
- (b) That the Transportation Division undertake a speed limit pilot on Wentworth Street North between Bristol Street and Cannon Street East by reducing the speed limit to 30 km/h and report back to Public Works Committee on the results of the pilot, including an assessment of considering similar pilots and/or permanent speed limit reductions on arterial roadways City-wide.
- (c) The Transportation Division coordinates the speed limit reduction with Hamilton Police Service's Traffic Enforcement Unit for consideration of increased enforcement during the pilot period.
- (d) That the speed limit pilot be effective as soon as convenient and conclude no later than Q3 of 2024.
- (e) That Schedule 2 of Traffic By-law No. 01-215 be amended to be reflective of the 30 km/h speed limit reduction on Wentworth Street North between Bristol Street and Cannon Street East to enable to speed limit pilot.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark

YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

**7.9 Compassionate Grant Assistance Program for Mitigation of Flooding Risk involving Private Residences on Foxtrot Drive and Foxmeadow Drive, Stoney Creek - REVISED**

**(Clark/Cassar)**

WHEREAS, private residential properties along Foxtrot Drive and Foxmeadow Drive in Stoney Creek have risk of flooding, and there are owners who wish to take preventative measures to lessen their flooding risks;

WHEREAS, in 2023 the City through an Engineering Consultant determined foundation drains from private residences in that area which are directly connected to the storm sewer in the road and in specific storm conditions can result in stormwater backing up into the private residences, and has confirmed that such risk can be reduced by hydraulically severing the foundation drain and installing a sump pump to take over the function for foundation drainage;

WHEREAS, it is in the interests of the municipality to assist by helping to defray costs of these measures; and

WHEREAS Council may provide assistance to a private residential property owner in the form of a grant, pursuant to section 107 of the Municipal Act, 2001, S. O. 2001, c. 25.

THEREFORE, BE IT RESOLVED:

- (a) That for the purpose of providing such assistance, that Council approve a grant program for private residential property owners, for costs incurred in such mitigation measures, up to the limit of \$2,000 per residential property, with the program to be referred to as the “Compassionate Grant Assistance Program for Mitigation of Flooding Risk involving Private Residences on Foxtrot Drive and Foxmeadow Drive, Stoney Creek”;
- (b) That staff apply appropriate processes and eligibility criteria under which owners of residential properties may submit applications and proof of expenses incurred for the purpose of determining the payment of the grant;

- (c) That if necessary, staff be authorized to retain services to confirm details and completion of the appropriate work to satisfy the criteria for payment of a grant, and;
- (d) That the costs involved in the Compassionate Grant Assistance Program for Mitigation of Flooding Risk involving Private Residences on Foxtrot Drive and Foxmeadow Drive, Stoney Creek, be funded from stormwater reserve 108010.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

**7.10 Closing King Street East for the Boots in the Creek Festival**

**(Francis/Clark)**

WHEREAS, the Boots in the Creek Festival will be taking place on August 18<sup>th</sup> and 19<sup>th</sup>, 2023 in Downtown Stoney Creek;

WHEREAS, this is the first ever country music festival, as well as the first ever two-day road closure;

WHEREAS, the organizers are a group of community volunteers trying to create something new, exciting and enjoyable for residents and visitors, in order to draw tourists and much needed support to local small businesses to the area;

WHEREAS, the event is free of charge, fully accessible, welcoming and open to the public.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division facilitate the closure of King Street East to vehicular traffic for Boots in the Creek on August 18<sup>th</sup> and 19<sup>th</sup>, 2023;

- (b) That the estimated cost of \$17,600 to fund the road closure costs for the Boots in the Creek event in Downtown Stoney Creek be funded through S.C. Compensation Royalties (GFL Environmental) Reserve 117036; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**Result: Motion CARRIED by a vote of 16 to 0, as follows:**

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

<b>NOTICES OF MOTION</b>
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**8.1 Support for Francophone Seniors Active Living Centre (SALCA) in Hamilton - REVISED**

**(Hwang/Francis)**

That the Rules of Order be waived to allow for the introduction of a motion respecting Support for Francophone Seniors Active Living Centre (SALCA) in Hamilton - REVISED.

**Result: Motion CARRIED by a 2/3rds vote of 16 to 0, as follows:**

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 8 Councillor John-Paul Danko
- YES - Deputy Mayor - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann

YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

For further disposition of this matter, refer to Item 7.6.

## **8.2 Appointment of an Acting City Clerk**

### **(Clark/Cassar)**

That the Rules of Order be waived to allow for the introduction of a motion respecting the Appointment of an Acting City Clerk.

**Result: Motion CARRIED by a 2/3rds vote of 16 to 0, as follows:**

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

For further disposition of this matter, refer to Item 7.7.

## **8.3 Municipal Protected Areas Project Pilot Program – Ontario Nature**

Councillor Cassar introduced the following Notice of Motion:

WHEREAS biodiversity at the local, provincial and national scale is threatened by pollution, invasive species, climate change, habitat loss and habitat fragmentation;

WHEREAS at the 15<sup>th</sup> Conference of Parties of the United Nations Convention on Biological Diversity the Kunming-Montreal Global Biodiversity Framework Targets were established and directed that nations commit to protecting at least 30 percent of land and water by 2030 particularly in areas with importance for biodiversity and ecosystem function and services (known as the “30 by 30” target);

WHEREAS the City of Hamilton became a signatory to The Montreal Pledge – Cities United in Action for Biodiversity on June 15, 2023, which includes an action to

“conserve existing natural environments through protected areas and other effective and equitable measures”;

WHEREAS the City has committed to developing a Biodiversity Action Plan in cooperation with local environmental non-governmental organizations and conservation authorities;

WHEREAS the City of Hamilton’s Urban and Rural Official Plans identify that the City’s Natural Heritage System includes approximately 36,750 hectares of Core Area lands to be preserved and enhanced to protect local biodiversity and ecological functions;

WHEREAS the City will be undertaking the rural and city-wide natural heritage review phase of the Municipal Comprehensive Review in 2024;

WHEREAS the City has been approached by Ontario Nature to participate in the Municipal Protected Areas Project pilot to assess natural lands which would contribute to Canada’s 30 by 30 target for biodiversity protection and included in the Canadian Protected and Conserved Areas Database.

THEREFORE, IT IS RESOLVED:

- (a) That the City of Hamilton continue to engage with Ontario Nature regarding the potential feasibility for the City to participate in the Municipal Protected Areas Project pilot;
- (b) That staff from Planning and Economic Development be directed to determine an appropriate work program for Hamilton to participate in the Municipal Protected Areas Project pilot program that compliments the work being undertaken for the City’s Rural and Natural Heritage Municipal Comprehensive Review; and,
- (c) That staff be directed to provide a recommendation report to Planning Committee in Q4 2023 outlining the potential staffing and financial needs associated with participation in the Municipal Protected Areas Project pilot.

#### **8.4 Wentworth Street North in Proximity to Cathy Wever Elementary School 30 km/h Speed Limit Reduction Pilot (Ward 3)**

**(Nann/M. Wilson)**

That the Rules of Order be waived to allow for the introduction of a motion respecting Wentworth Street North in Proximity to Cathy Wever Elementary School 30 km/h Speed Limit Reduction Pilot (Ward 3).

**Result: Motion CARRIED by a 2/3rds vote of 16 to 0, as follows:**

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 8 Councillor John-Paul Danko

YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

For further disposition of this matter, refer to Item 7.8.

**8.5 Compassionate Grant Assistance Program for Mitigation of Flooding Risk involving Private Residences on Foxtrot Drive and Foxmeadow Drive, Stoney Creek - REVISED**

**(Clark/Cassar)**

That the Rules of Order be waived to allow for the introduction of a motion respecting Compassionate Grant Assistance Program for Mitigation of Flooding Risk involving Private Residences on Foxtrot Drive and Foxmeadow Drive, Stoney Creek - REVISED.

**Result: Motion CARRIED by a 2/3rds vote of 16 to 0, as follows:**

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

For further disposition of this matter, refer to Item 7.9.

**8.6 Closing King Street East for the Boots in the Creek Festival**

**(Francis/Clark)**

That the Rules of Order be waived to allow for the introduction of a motion respecting Closing King Street East for the Boots in the Creek Festival.

**Result: Motion CARRIED by a 2/3rds vote of 16 to 0, as follows:**

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

For further disposition of this matter, refer to Item 7.10.

#### STATEMENTS BY MEMBERS

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

#### COUNCIL COMMUNICATION UPDATES

**(Francis/Hwang)**

That the listing of Council Communication Updates from July 7, 2023 to August 10, 2023, be received.

**Result: Motion on the Council Communication Updates from July 7, 2023 to August 10, 2023 CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
 YES - Ward 12 Councillor Craig Cassar  
 YES - Ward 9 Councillor Brad Clark  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
 YES - Mayor Andrea Horwath  
 YES - Ward 4 Councillor Tammy Hwang  
 YES - Ward 6 Councillor Tom Jackson  
 NOT PRESENT - Ward 2 Councillor Cameron Kroetsch  
 YES - Ward 15 Councillor Ted McMeekin  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 14 Councillor Mike Spadafora

YES - Ward 11 Councillor Mark Tadeson  
 YES - Ward 13 Councillor Alex Wilson  
 YES - Ward 1 Councillor Maureen Wilson

**PRIVATE AND CONFIDENTIAL**

Council determined that discussion of Items 11.1 and 11.2 was not required in Closed Session; therefore, the matters was addressed in Open Session, as follows:

**11.1 Closed Session Minutes – July 14, 2023**

**(Cassar/Pauls)**

That the Closed Session Minutes dated July 14, 2023 be approved, as presented, and remain confidential.

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

YES - Ward 10 Councillor Jeff Beattie  
 YES - Ward 12 Councillor Craig Cassar  
 YES - Ward 9 Councillor Brad Clark  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
 YES - Mayor Andrea Horwath  
 YES - Ward 4 Councillor Tammy Hwang  
 YES - Ward 6 Councillor Tom Jackson  
 NOT PRESENT - Ward 2 Councillor Cameron Kroetsch  
 YES - Ward 15 Councillor Ted McMeekin  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 14 Councillor Mike Spadafora  
 YES - Ward 11 Councillor Mark Tadeson  
 YES - Ward 13 Councillor Alex Wilson  
 YES - Ward 1 Councillor Maureen Wilson

**11.2 Appointments to the Various City of Hamilton Agencies, Boards and Sub-Committees for the 2022-2026 Council Term**

**(Cassar/Clark)**

That the following citizens be appointed to the Cross-Melville District Heritage Committee (Dundas), for the 2022-2026 Council Term commencing August 19, 2023, and until a successor is chosen:

- (1) Iskandar, Sandra
- (2) Racine, Jennifer

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

YES - Ward 10 Councillor Jeff Beattie  
 YES - Ward 12 Councillor Craig Cassar  
 YES - Ward 9 Councillor Brad Clark

YES - Ward 8 Councillor John-Paul Danko  
 YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
 YES - Mayor Andrea Horwath  
 YES - Ward 4 Councillor Tammy Hwang  
 YES - Ward 6 Councillor Tom Jackson  
 NOT PRESENT - Ward 2 Councillor Cameron Kroetsch  
 YES - Ward 15 Councillor Ted McMeekin  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 14 Councillor Mike Spadafora  
 YES - Ward 11 Councillor Mark Tadeson  
 YES - Ward 13 Councillor Alex Wilson  
 YES - Ward 1 Councillor Maureen Wilson

<b>BY-LAWS AND CONFIRMING BY-LAW</b>
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**(Francis/Hwang)**

That Bills No. 23-140 to No. 23-159, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 140 To Permanently Close and Sell a Portion of the Public Unassumed Alleyway Abutting 67 Graham Avenue South, Hamilton, namely Part of the Alleyway, North of Central Avenue on Registered Plan 577, in the City of Hamilton, Designated as Part 2 on Plan 62R-21979, being part of PIN 17237-0182 (LT)  
Ward: 4
- 141 To Permanently Close and Sell a Portion of the Public Unassumed Alleyway Abutting 263 East 21st Street, Hamilton, namely Part of the Alleyway lying South of Lots 182 to 190, and North of Lots 155 to 163 on Plan 590 in the City of Hamilton, Designated as Part 2 on Plan 62R-21454, being Part of PIN 17055-0200 (LT)  
Ward: 7
- 142 To Designate Property Located at 3 Main Street, Dundas, City of Hamilton as Property of Cultural Heritage Value  
Ward: 13
- 143 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
Schedule 6 (Time Limit Parking)  
Schedule 8 (No Parking Zones)  
Schedule 12 (Permit Parking Zones)  
Schedule 13 (No stopping Zones)  
Schedule 14 (Wheelchair Loading Zones)  
Schedule 20 (School Bus Loading Zones)  
Ward: 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 15
- 144 Respecting Removal of Part Lot Control Part Lot Control from Blocks 1, 2 and 3, Registered Plan No. 62M-1293 for lands municipally known as 3, 5, 7, 9, 11, 13, 15, 19, 1-19, 2-19, 3-19, 4-19, 5-19, 6-19, 7-19, 8-19, 9-19, 10-19, 11-19, 12-19, 13-19,

14-19, 15-19, 16-19, 17-19, 18-19, 19-19, 20-19, 21-19, 22-19, 23-19, 24-19, 25-19, 26-19, 27-19, 28-19, 29-19, 30-19, 31-19, 32-19, 33-19, 34-19, 35-19, 36-19, 37-19, 38-19, 39-19, 40-19, 41-19, 42-19, 43-19, 44-19, 45-19, 46-19, 47-19, 48-19, 49-19, 50-19, 51-19, 52-19, 53-19, 54-19, 55-19, 56-19, 57-19, 58-19, 59-19, 60-19, 61-19, 62-19, 63-19 and 64-19 Picardy Drive, Stoney Creek

PLC-23-001

Ward: 9

- 145 To Adopt Official Plan Amendment No. 187 to the Urban Hamilton Official Plan Respecting 1093 Fennell Avenue East

Ward: 6

- 146 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1093 Fennell Avenue East, Hamilton

ZAC-22-045

Ward: 6

- 147 To Adopt Official Plan Amendment No. 186 to the Urban Hamilton Official Plan Respecting 3479 Binbrook Road, Glanbrook

Ward: 11

- 148 To Amend Zoning By-law No. 464 (Glanbrook) Resecting Lands Located at 3479 Binbrook Road, Glanbrook

UHOPA-23-015

ZAC-22-008

25T-202201

Ward: 11

- 149 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 3479 Binbrook Road, Glanbrook

ZAC-22-008

Ward: 11

- 150 To Repeal By-law Nos. 19-182 and 19-183 and to Appoint an Acting City Clerk for the City of Hamilton

Ward: City Wide

- 151 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 200 Centennial Parkway North in the City of Hamilton

ZAC-22-013

Ward: 5

- 152 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 311 Rymal Road East, Hamilton

ZAR-22-052

Ward: 7

- 153 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 631 and 639 Rymal Road West, Hamilton

ZAC-22-028

Ward: 14

- 154 A By-law to Repeal and Replace By-law No. 13-064, being a By-law for the Delegation of Authority to the Treasurer and Deputy Treasurers for Assessment Appeals  
Ward: City Wide
  
- 155 To Adopt Official Plan Amendment No. 189 to the Urban Hamilton Official Plan Respecting 382 Southcote Road (former Town of Ancaster)  
Ward: 12
  
- 156 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 382 Southcote Road, Ancaster  
ZAR-23-003  
UHOPA-23-003  
Ward: 12
  
- 157 To Adopt Official Plan Amendment No. 190 to the Urban Hamilton Official Plan Respecting 95, 99, 103 and Highway 8 (former City of Stoney Creek)  
Ward: 5
  
- 158 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 95, 99, 103 and 105 Highway 8, Stoney Creek  
Ward: 5  
ZAC-23-034
  
- 159 To Confirm the Proceedings of City Council

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

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 8 Councillor John-Paul Danko
- YES - Deputy Mayor - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- YES - Ward 6 Councillor Tom Jackson
- NOT PRESENT - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 14 Councillor Mike Spadafora
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES - Ward 1 Councillor Maureen Wilson

**(Spadafora/Tadeson)**

That, there being no further business, City Council be adjourned at 2:09 p.m.

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

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy Mayor - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES - Ward 1 Councillor Maureen Wilson

Respectfully submitted,

Mayor Andrea Horwath

Andrea Holland  
City Clerk

**Pilon, Janet**

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**Subject:** HATS tiny house shelters Hamilton Congrats

**From:** IZABEL LANGLAIS

**Sent:** August 24, 2023 1:44 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca); Office of the Mayor <[Officeofthe.Mayor@hamilton.ca](mailto:Officeofthe.Mayor@hamilton.ca)>

**Subject:** HATS tiny house shelters Hamilton Congrats

Hi ,

I just got this news about the tiny house HATS pilot project for the city !  
 Awesome work !!! Thank you for doing this for homeless peoples ... so they can at least have a temporary place with walls and a door to be safe as well ... This tiny house, as small as it can be, has all the necessary a person would need to have safety and survive the hardship and struggles of falling homeless ... with a microwave and a mini frig, a real bed and a window ... even small place for a water bottle and a luggage ... This is crucial help for Saving Lives and help a person that fall homeless to be able to stay healthy and safe enough to improve or maintain their situation unto a regular dwelling, find a job or wait for their place for a housing unit ...

In the past i have been helped by a family that was offering a tiny house on their propriety for an affordable price and this saved my life ... I now have a real apartment ...

Please consider younger crowds that are orphans or had to run away etc ... that have the most troubles not be embush by peoples they trust or have the funds or credibility bot to be pray to be taken advantage or pass from one foster to the other, even not listed ... that is unfair and if they could be a babysitter they certainly take care of themselves and make no troubles ... we are loosing lots of kids and teenagers that have grown into that way and might have been moved even from one city to the other, not even have their birth papers or be listed ... these tiny houses shelters helps prevent them be used by gang and keep them safe and alive ... sometimes they are the one who takes care of everything like chores, cleaning, cooking etc at their place of living if with older ones so they certainly would make no troubles and be appreciative ... Also peoples with pets are the most numbered to be falling homeless by landloards that do not want to accept pets ... so maybe to be tolerant to a quiet well kept pet ... sometimes their only friends and protection ...

The need for showers and washrooms, or washroom at least were to wash by hand or wash the dishes, 24 hours all year even winter is crucial ... Security 24 hrs of course as the peoples that put them in the homeless to try to embush them or pray on them might try to get close to them ... And a facilitator on site or on a schedule, to help guide the person, maybe young or new in the city, where are the laundromat, taxi number, hospital or financial support like OW for under 18 or Housing application

Thank you again for this Auspicious gift for our city Hamilton and for the ones who need it :)  
 Keep the good work and God (Bible and sames) Bless you

Ms Izabel LAnglais

*Sincerely*

*Ms Izabel LAnglais*



**Administration Office**  
**Mailing address**  
**Email**  
**Phone**

1024 Hurlwood Lane, Severn  
PO Box 159, Orillia, Ontario L3V 6J3  
info@severn.ca  
705-325-2315

## 5.2

August 11, 2023

Climate Emergency Unit  
c/o The David Suzuki Institute  
201 Pringle Farm Rd  
Saltspring Island, BC  
V8K 2Y2

Dear Erin Blondeau, Director of Communications

Re: Climate Emergency Just Transition Transfer (JTT)

Please be advised that the Council for the Township of Severn received correspondence respecting the Just Transition Transfer (JTT) at their recent August 9<sup>th</sup>, 2023 Council meeting.

Following discussion Motion C2023-042 was passed:

**Moved by Councillor - Ward 3 Phil Brennan**  
**Seconded by Deputy Mayor Judith Cox**

**WHEREAS Canada's greenhouse gas (GHG) emissions are slowly starting to trend downward, but the reduction trajectory remains incongruent with what science and justice demands;**

**WHEREAS Canada must spend what it takes to confront the climate emergency, and there is an urgent need for Canada to spend more on climate infrastructure that would drive down GHGs and hasten the transition off fossil fuels;**

**WHEREAS Canada needs to make an audacious and hopeful offer to those workers and communities whose employment and economic security is currently tied to the fossil fuel industry (and to a lesser extent the auto, steel, concrete, and agriculture industries, etc., all of which face substantial transition challenges), and to Indigenous communities on the frontlines of fossil fuel extraction;**

**WHEREAS the federal government has introduced a *Sustainable Jobs Act*, but this Act needs to be paired with and backed-up by a substantial investment in the jobs of the future;**

**WHEREAS much of the climate infrastructure needed will come under provincial, municipal and Indigenous jurisdiction (renewable energy, grid upgrades, public transit, zero-emission housing, etc.), and training comes under provincial jurisdiction, but it is the federal government that has the greatest capacity to pay;**

**WHEREAS a new federal Climate Emergency Just Transition Transfer (JTT) specifically linked to funding climate infrastructure projects that would create hundreds of thousands of jobs, along with training and apprenticeships programs for workers and those leaving the oil and gas industry -- would be a transformative program that signals that Canada is indeed entering emergency mode;**

**WHEREAS the JTT would be an annual transfer of approximately \$25 billion from the federal government to provincial/territorial, municipal and Indigenous governments, purpose-built to meet the climate emergency imperative to decarbonize our society, ensuring communities can fund the infrastructure and training needed to transition off fossil fuels, while creating thousands of sustainable jobs in a way that is specific to their needs and locale;**

**WHEREAS the JTT's distribution would be based on a formula linked to recent GHG emissions in each province (but fixed from that point onward, so as not to perversely incentivize continued high GHGs), recognizing that some jurisdictions face a more challenging task to transition their local economies;**

**WHEREAS the JTT would transfer federal funds to newly established just transition agencies in each province and territory -- jointly governed by the federal government, provincial/territorial governments, municipal governments, and local Indigenous nations -- and in some case directly to Indigenous nations, ensuring the transfer money is not simply absorbed into provincial or municipal budgets or used to displace other infrastructure or**

**training funds, but rather, ensuring the money is used for its intended purpose, and that funds are allocated in a manner sensitive to local climate action plans, the unique GHG profiles of each region, and to local labour market/training needs;**

**WHEREAS a JTT could provide significant, stable, multi-year funding for the climate infrastructure and training/employment needs of municipalities, Indigenous communities, energy utilities, public transit authorities and public housing authorities;**

**WHEREAS the federal government is welcome to title such a new transfer as they see fit (e.g. a Sustainable Jobs Transfer or a Climate Infrastructure Transfer);**

**NOW THEREFORE BE IT RESOLVED, that the Township of Severn formally endorses the call for a new Just Transition Transfer; and**

**THAT the Township of Severn urges the federal government to establish a new Just Transition Transfer, starting with a major financial commitment in the next federal budget; and will write to the federal ministers concerned expressing this support;**

**AND THAT this resolution be circulated to all municipalities.**

**Carried**

Should you have any questions or concerns, please feel free to contact me at (705) 325-2315 x 232 or by email at [agray@severn.ca](mailto:agray@severn.ca)

Regards,

*Alison Gray*

Alison Gray, BAH, CMO, AOMC  
Clerk

Cc Ontario Municipalities

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17th Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17e étage  
Toronto (Ontario) M7A 2J3  
Tél. : 416 585-7000

Ontario

234-2023-4206

August 22, 2023

Your Worship  
Mayor Andrea Horwath  
City of Hamilton  
andrea.horwath@hamilton.ca

Dear Mayor Horwath,

**Subject: Building Faster Fund**

Our government is committed to building at least 1.5 million homes by 2031. To reach this goal, 29 large and fast-growing municipalities, including the **City of Hamilton**, were assigned a Municipal Housing Target in 2022, while an additional 21 municipalities were also recently assigned targets.

Municipalities are critical partners for our government as we help communities get shovels in the ground faster and work to build more homes. I applaud you for adopting ambitious and absolutely necessary housing pledges. In doing so, you have demonstrated the importance of that target.

The government is also demonstrating its commitment to this goal: on August 21, 2023, Premier Ford announced the new Building Faster Fund, a new three-year-\$1.2 billion program to help municipalities meet or exceed the housing targets they have pledged to achieve by 2031. The Building Faster Fund will provide up to \$400 million over three years in financial support for municipalities that can be directed toward housing-enabling infrastructure and related costs that support community growth.

Funding under the program will be based on two key criteria. First, each municipality's potential share of the \$400 million annual allocation will be based on their target's share of the overall goal of 1.5 million homes in Ontario by 2031. Second, each municipality's actual funding will be based on whether their annual housing performance is on track to meet its 2031 target. Municipalities on track to exceed their target based on annual housing performance will receive additional funding.

Ontario will be consulting with the Association of Municipalities of Ontario, the Housing Supply Action Plan Implementation Team, and the City of Toronto on the program design details of the Building Faster Fund, including eligible expenses and ways to track

the progress of municipalities. Funding is anticipated to start in 2024-25 based on performance in 2023. I look forward to sharing more details in the near future.

As Ontario grows, we need to build more homes. I look forward to your continued support in ensuring that everyone – newcomers, young families and seniors – can afford a place to call home.

Sincerely,



Steve Clark  
Minister

c: Hon. Nina Tangri, Associate Minister of Housing  
Kirstin Jensen, Deputy Chief of Staff, Minister's Office  
Martha Greenberg, Deputy Minister  
Joshua Paul, Assistant Deputy Minister, Market Housing Division  
Sean Fraser, Assistant Deputy Minister, Planning and Growth Division  
Caspar Hall, Assistant Deputy Minister, Local Government Division  
Andrea Holland, City Clerk, City of Hamilton  
Janette Smith, City Manager, City of Hamilton

**Pilon, Janet**

---

**Subject:** safety concerns in Hamiltons Parks

**From:** Kelly Oucharek

**Sent:** Monday, August 21, 2023 6:26 PM

**To:** clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Ward 1 Office <ward1@hamilton.ca>; Ward 2 <ward2@hamilton.ca>; Office of Ward 3 City Councillor Nrinder Nann <ward3@hamilton.ca>; Ward 4 <ward4@hamilton.ca>; ward5@hamilton.ca; ward6@hamilton.ca; ward7@hamilton.ca; Ward 8 Office <ward8@hamilton.ca>; ward9@hamilton.ca; ward10@hamilton.ca; Ward 11 <ward11@hamilton.ca>; Ward 12 Office <ward12@hamilton.ca>; Ward 13 <ward13@hamilton.ca>; Ward 14 <ward14@hamilton.ca>; ward15@hamilton.ca; Facilities, Service Centre <HFacilities@hamilton.ca>; Housing Services <housing@hamilton.ca>; Public Health Services <publichealth@hamilton.ca>; Recreation - Customer Service <recreation@hamilton.ca>; PW Waste Management - Customer Service <wastemanagement@hamilton.ca>; Office of the City Manager <CityManager@hamilton.ca>; Stephenson, Michelle <Michelle.Stephenson@hamilton.ca>; Lam Tablada, Christina <Christina.LamTablada@hamilton.ca>; Eisbrenner, Rebeka <Rebeka.Eisbrenner@hamilton.ca>

**Subject:** Re: safety concerns in Hamiltons Parks

I would like to add these photos for reference. Police were called. Unsure when or if they attended.







Sent from my iPhone

On Aug 21, 2023, at 18:22, Kelly & Bert Oucharek wrote:

Hello

Though I reside in ward 2- I would like to go on record to advise of serious safety hazards in all of our parks in Hamilton, especially in light of the new encampment protocol that was passed. While it isn't fair -to characterize all encamped people as drug abusers and addicts, it is remiss to not acknowledge that that is part of most encampment culture.

In the last two days, neighbors have sent me photos of **crack pipes, used needles and narcan kits**. They need not even step off the walking path to find them. I also witnessed someone **openly boiling drugs** in JC Beemer Park today. At 3pm. On a summer Monday. That park should be full of families and kids enjoying the amenities. Yet it isn't. What a travesty on so many fronts.

Have we quickly forgotten how lack of access to parks during covid affected people when they were shut down? Why have we not learned from our covid experiences? We know lack of access to park facilities during covid affected kids negatively, kids need safe outdoor spaces, sometimes even to escape from difficult homes. There was increased mental health concerns and depression-and I am sure and increase in obesity.

You have essentially eliminated safe spaces for kids and families to play. I drove to most city parks today from Locke St-Wentworth, to Burlington St to King William. By and large, those parks were empty apart from the encampments.

There was one park that was loaded with kids and that was North Central Community Park on the corner of Wentworth Mars. It was no coincidence that there were also NO TENTS located at that park.

How can you ensure the safety of your citizens? I would love to hear from you.

Concerned for our children,  
Kelly Oucharek

**Ministry of Natural Resources and Forestry**

Resources Planning and Development  
Policy Branch  
Policy Division  
300 Water Street  
Peterborough, ON K9J 3C7

**Ministère des Richesses naturelles et des Forêts**

Direction des politiques de planification et d'exploitation des ressources  
Division de l'élaboration des politiques  
300, rue Water  
Peterborough (Ontario) K9J 3C7

September 1, 2023

Subject: Proposed *Oil, Gas and Salt Resources Act* regulation changes for special projects and well security

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Hello,

We are writing today to share information about regulation changes being proposed under the *Oil, Gas and Salt Resources Act* that would:

- Establish the processes and requirements that would enable projects to test or demonstrate new or innovative activities in Ontario to pursue authorization under the *Oil, Gas and Salt Resources Act*, including measures to support the protection of people and the environment and provide for local and Indigenous community engagement and consultation, where appropriate, on applications for licences and permits.
- Remove well security exemptions and caps, going forward, for all wells under this Act, when
  - wells are newly drilled, deepened or converted to another use, or
  - a well licence is transferred.
- Increase security caps when companies amalgamate (i.e., no longer allow for security to be refunded to operators on the basis of a security cap when companies amalgamate).

If approved, the proposed changes would come into effect on January 1, 2024.

If approved, the proposed changes to well security exemptions and caps would also apply to operators who make requests for transfers, new well licences, conversions, deepening, or consents to adjust security due to amalgamations, that are received by the ministry after the date these proposed changes were posted to the environmental and regulatory registries.

More details on the proposed changes can be viewed in the proposal notice on the Environmental Registry of Ontario: <https://ero.ontario.ca/notice/019-7507>. Feedback on the proposed changes can be provided directly to the ministry or through the environmental registry.

The decision notice for changes to the *Oil, Gas and Salt Resources Act* to support the regulation of special projects and to enhance measures to safeguard people and the environment that were proposed last spring through *Bill 91, Less Red Tape, Stronger Economy Act, 2023* (<https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-91>) has now been posted and can be viewed here: <https://ero.ontario.ca/notice/019-6752>.

If you would like more information or have any questions about the proposed changes, please contact Andrew Ogilvie, Manager of Resources Development Section, at 705-761-5815 or through email: [Resources.Development@ontario.ca](mailto:Resources.Development@ontario.ca).

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Keyes".

Jennifer Keyes  
Director, Resources Planning and Development Policy Branch

Save Our Street!

As a concerned resident of Glover Road, I am deeply troubled by the decision to allow city buses to travel down our peaceful urban street. It was unprofessional for Jeff Beattie to, as he said, "drop the ball" on informing us about the proposed plan. I feel this was done intentionally since what he said means his whole team and he forgot? This petition aims to gather support from fellow residents who share my concerns about the negative impact this change will have on our community.

Glover Road has always been a haven for tranquility, with its narrow lanes and picturesque surroundings. It is a place where children can safely play and elderly residents can enjoy their daily walks without fear or disturbance. However, allowing city buses to navigate through our road threatens this peaceful atmosphere that we hold dear.

First and foremost, safety is a paramount concern. Our road was not designed or equipped to handle heavy traffic flow, especially large vehicles like city buses. The narrow width of Glover Road poses significant risks for both pedestrians and drivers alike. With increased bus activity, accidents are more likely to occur, putting the lives of our children and elderly population in danger. Any city bus will also not be able to turn right on Hwy 8 without going into the left turn lane to Glover Road. With the large deep ditches and the narrow road it will be difficult and not safe to have a city bus and an oncoming vehicle passing by in the winter.

Furthermore, it is important to note that there is no proper infrastructure in place to accommodate these buses on Glover Road. The absence of designated bus stops or shelters means that passengers will be forced to embark and disembark directly from the road itself, leading to potential chaos and congestion. A few residents have already witnessed the city bus driving over the yellow center line due to the narrow road.

Noise pollution is another major concern associated with having city buses traverse through our tranquil neighbourhood. Buses are notorious for their engine noise as well as frequent stops which result in loud braking sounds disrupting the peace we have cherished for so long.

A few years back I remember an alternate city bus route was being proposed which made more sense. It went down wider streets that were capable of handling the city bus, for example Winona Road.

By signing this petition, we urge the local authorities to reconsider their decision and reroute the city bus from not going on Glover Road. Let us preserve our peaceful urban road for future generations to enjoy without compromising their safety or quality of life.

Together, we can make a difference and protect our community from unnecessary disruptions. Sign now to support this cause and let your voice be heard!

Print Name	Address	Signature
<p>This petition contains 23 signatures                      A copy of the petition is available                      for viewing in the Office of the City                      Clerk</p>		



## **Motion on Municipal/Regional Funding to Support Newcomers Including Refugees and Asylum Seekers**

August 20, 2023

**WHEREAS** the Canadian government is failing to fully fund the municipal/regional front line that Canada relies on to welcome and settle newcomers, including those needing urgent support such as refugees and asylum-seekers fleeing conflict in their home countries and;

**WHEREAS** historically, by working together with other orders of government, local agencies, and community partners to co-ordinate their settlement, municipalities and regions have been able to expand services when there has been an influx through emergency shelter systems and other wraparound supports and;

**WHEREAS** municipal and regional leaders are operating with a nineteenth century revenue system to respond to twenty-first century responsibilities that include a housing and homelessness crisis, public health and safety issues such as the mental health and addictions crisis, ageing infrastructure, and other traditional responsibilities and;

**WHEREAS** this most recent influx of refugees has dramatically increased pressure on a system that is already over capacity, and despite best efforts, municipalities and regions can no longer keep up with the demand and;

**WHEREAS** while we are on the front line of welcoming newcomers to Canada, the federal government has not consulted nor planned with municipalities and regions to ensure these newcomers receive the housing and other supports they need, including for those who have come to Canada to learn. And when these needs cannot be met, it is often vulnerable and marginalized communities that are impacted the most and;

**WHEREAS** the federal government's commitment in July to increase interim housing supports is a good start, but it does not solve the systemic capacity issues municipalities across Ontario are facing, nor does it address the current refugee crisis in communities throughout the GTA and beyond.

**Therefore, be it resolved that** Ontario's Big City Mayors (OBCM) and the Mayors and Regional Chairs of Ontario (MARCO) is calling for an urgent meeting of all orders of government to discuss immediate action on the capacity issues faced by our municipalities and regions, and to put in place a funding model that addresses the on-going need for emergency housing and other supports as this refugee crisis continues and;



— **OBCM** —  
Ontario's Big City Mayors

**MARCO**  
MAYORS AND REGIONAL CHAIRS OF ONTARIO

**THAT OBCM and MARCO** are also calling on the federal government to consult with municipalities, regions, provinces and territories on the process of the setting of immigration targets, including for international students, and on the funding and supports required to ensure people receive the housing and other services they need when they arrive and;

**THAT OBCM and MARCO** requests that these numbers be announced with enough time to be included in provincial, regional and municipal growth planning.

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre  
777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



234-2023-4434

September 6, 2023

Dear Clerks, CAOs, and Conservation Authority Administrators:

**Re: Proposal to return lands in Ajax to the Greenbelt**

In December 2022, to accommodate Ontario's unprecedented growth by supporting the building of more homes, our government removed or redesignated 15 areas of land totaling approximately 7,400 acres from the edge of the Greenbelt Area. At the same time, a portion of the Paris Galt Moraine was added to the Greenbelt, along with 13 Urban River Valleys, totalling 9,400 acres, for an overall expansion of approximately 2000 acres.

The government was clear that owners of the lands removed from the Greenbelt would be expected to develop detailed plans to build housing with landowners also being responsible for paying for the full cost of housing-enabling and community-building infrastructure. It is the government's expectation that significant progress on approvals and implementation be achieved by the end of 2023.

It has come to the government's attention that the discussions surrounding the development of the lands removed from the Greenbelt located at 765 and 775 Kingston Road East in the Town of Ajax were at an early stage, and that a 104-acre parcel within the lands was recently listed for sale. These actions run counter to the government's objective of building homes quickly. The government is now seeking feedback on a proposal to return these lands, amounting to approximately 133 acres, to the Greenbelt Area through an amendment to the Greenbelt Area boundary regulation ([O. Reg. 59/05](#)) and an amendment to the Greenbelt Plan.

Further information on the proposal to amend the Greenbelt Plan and Greenbelt Area boundary regulation, can be found at:

- [ERO #019-7561 – Proposal to return lands to the Greenbelt \(Amendment to the Greenbelt Plan\)](#)
- [ERO #019-7562 – Proposal to return lands to the Greenbelt \(Amendment to Greenbelt Boundary Regulation O. Reg. 59/05\)](#)

Information and mapping on the 2022 decision to amend the Greenbelt Plan can be found here:

- [ERO #019-6216 - Amendments to the Greenbelt Plan](#)
- [Greenbelt Maps](#)

The comment period on the Environmental Registry of Ontario is open for 45 days and will close on October 20, 2023. I look forward to receiving your input on this proposal.

In the meantime, my ministry is working to prepare a review of the Greenbelt to ensure that it is appropriately accommodating Ontario's significant growth, as is mandated in provincial legislation. This review will be informed by the recommendations of the Auditor General's report

and will include an evaluation of the remaining properties that were removed from the Greenbelt late last year.

As ministry officials design and launch this review, the non-partisan Provincial Land and Development Facilitator will continue to work with proponents of the remaining sites to ensure that progress on these lands continues, including the obligation to provide community benefits such as parks, community centres, schools and hospitals. This work will be an important input into the mandated review into the Greenbelt, as will meaningful consultation with municipalities, Indigenous communities and regular people living in these areas who deal with the negative impacts of the housing supply crisis the most. The properties that were removed from the Greenbelt will have to stand on their own merits: If the review finds these properties cannot support the government's objective of building homes quickly, they will be returned to the Greenbelt.

We have been clear that progress on these sites must meet the government's expectations. If planning and approvals have not significantly progressed by the end of this year and if shovels are not in the ground by 2025, the government will return these lands to the Greenbelt.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Calandra', with a stylized flourish at the end.

The Hon. Paul Calandra

Minister of Municipal Affairs and Housing

- c. Martha Greenberg, Deputy Minister, Municipal Affairs and Housing  
Sean Fraser, Assistant Deputy Minister, Municipal Affairs and Housing,  
Planning and Growth Division



**PLANNING COMMITTEE  
REPORT  
23-013**

**September 5, 2023**

**9:30 a.m.**

**Council Chambers, Hamilton City Hall  
71 Main Street West**

**Present:** Councillor J.P. Danko (Chair)  
Councillor T. Hwang (1st Vice Chair)  
Councillor C. Cassar (2nd Vice Chair)  
Councillors C. Kroetsch, M. Francis, T. McMeekin, N. Nann,  
E. Pauls, M. Tadeson, A. Wilson, M. Wilson, J. Beattie

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**THE PLANNING COMMITTEE PRESENTS REPORT 23-013 AND RESPECTFULLY RECOMMENDS:**

- 1. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) (Item 9.1)**

That Report PED23089(a), respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster, be received.

- 2. Appeal of Zoning By-law Amendment Application ZAC-21-027 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster (PED23184) (Ward 12) (Item 9.2)**

That Report PED23184, respecting Appeal of Zoning By-law Amendment Application ZAC-21-027 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster, be received.

**3. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-010 and Zoning By-law Amendment Application ZAC-23-025 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 509 Southcote Road, Ancaster (PED23127) (Ward 12) (Item 9.3)**

That Report PED23127, respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-010 and Zoning By-law Amendment Application ZAC-23-025 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 509 Southcote Road, Ancaster, be received.

**4. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1310 South Service Road, Stoney Creek (PED23135) (Ward 10) (Item 10.1)**

- (a) That Amended Official Plan Amendment Application UHOPA-22-026, by Jennum Properties Inc. (c/o Toby Singlehurst, Applicant) on behalf of 843803 Ontario Ltd. (c/o Norman Kim, Owner), to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan; and to redesignate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the lands from Area Specific Policy – Area G, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan; to permit a commercial / residential mixed use development comprised of two mixed use buildings of eight and 12 storeys, a residential building of ten storeys, and four, three storey townhouse blocks containing 32 units of which eight are Live/Work units, for a total of 705 dwelling units and 1,282 square metres of commercial space, with a maximum density of 310 units per hectare and a maximum height of 12 storeys, as shown on Appendix “A” attached to Report PED23135, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23135, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment Application ZAC-22-063, by Jennum Properties Inc. (c/o Toby Singlehurst, Applicant) on behalf of 843803 Ontario Ltd. (c/o Norman Kim, Owner), for a change in zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone, to permit a commercial / residential mixed use development containing a total of 705 dwelling units and 1,282 square metres of commercial space within two mixed use buildings of eight and 12 storeys, a residential building of ten storeys, and

four, three storey townhouse blocks containing 32 units of which eight are Live/Work units with a total of 698 parking spaces including 27 surface parking spaces, for lands located at 1310 South Service Road, as shown on Appendix “A” attached to Report PED23135, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED23135, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject property by amending the Holding symbol ‘H112’ to the proposed Mixed Use Medium Density (C5) Zone;

The Holding Provision ‘H112’ is to be removed to allow for a 12 storey mixed use development, conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks. This Record of Site Condition must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and the submission of the City of Hamilton’s current Record of Site Condition administration fee;
- (2) The Owner agrees in a Site Plan Agreement to implement all required noise mitigation measures identified in the Noise Feasibility Study prepared by Howe Gastmeier Chapnik Limited dated August 18, 2022 and updated February 8, 2023, to the satisfaction of the Director of Planning and Chief Planner;
- (3) The Owner agrees in a Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;

- (4) The Owner submit and receive approval of an updated Functional Servicing Report, prepared by a qualified Professional Engineer, to address sanitary design, watermain hydraulic analysis, and stormwater outlets, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Hamilton Conservation Authority;
  - (5) The Owner submit and receive approval of an updated Transportation Impact Study, with particular focus on improvement to mitigate both future background and total traffic at the Queen Elizabeth Way interchanges, to the satisfaction of the Ministry of Transportation and a cost estimate schedule and required securities for the improvements, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Director of Transportation Planning and Parking.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019, as amended), and will comply with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. X;
- (c) That Council deem the lands at 1310 South Service Road (see Appendix “A” attached to Report PED23135) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks’ Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 Area designation apply only to dwelling units within Building C and the two townhouse blocks adjacent to the southern property line with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision attached to the implementing Zoning By-law as specified in Section ii) b. and c. outlined above.

**5. Proposed Provincial Planning Statement, 2023 – Natural Heritage Policies (PED23185) (City Wide) (Item 11.1)**

- (a) That Council adopt the submissions and recommendations as provided in Report PED23185 regarding the proposed natural heritage policies within the proposed new Provincial Planning Statement, 2023;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix “A” to Report PED23185; and,

- (c) That the Director of Planning and Chief Planner and the City Solicitor be authorized to make submissions on the proposed natural heritage policies of the proposed new Provincial Planning Statement, 2023 and any associated regulations consistent with the comments and concerns raised in Report PED23185.

**6. Cross Melville Heritage District Committee Minutes 23-001 (Item 11.2)**

**(a) HP2023-004 - 63 Sydenham Street, Dundas**

- (i) That the Cross Melville Heritage District Advisory Committee advises that Heritage Permit Application HP2023-004 be approved as submitted, subject to the following conditions:
  - (1) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
  - (2) Implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than January 31, 2025. If the alteration(s) are not completed by January 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**(b) HP2023-002 - 11 Melville Street, Dundas**

- (i) That the Cross Melville Heritage District Advisory Committee advises that Heritage Permit Application HP2023-002 be approved as submitted, subject to the following conditions:
  - (1) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
  - (2) Installation of the alteration(s), in accordance with this approval, shall be completed no later than January 31, 2025. If the alteration(s) are not completed by January 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**7. Hamilton Municipal Heritage Committee Report 23-008 (Item 11.3)**

**(a) Recommendation for Designation of 215 King Street West, Dundas under Part IV of the Ontario Heritage Act (PED23148) (Ward 13) (Item 8.2)**

(i) That the City Clerk be directed to give notice of Council's intention to designate 215 King Street West, Dundas, shown in Appendix "A" attached to Report PED23148, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED23148, subject to the following;

(1) If no objections are received to the notice of intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;

(2) If an objection to the notice of intention to designate is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property. Hamilton Municipal Heritage Committee August 22, 2023 Report 23-008 Page 2 of 8 Planning Committee – September 5, 2023

**(b) Heritage Designations Update, August 2023 (PED23169) (City Wide) (Item 9.4)**

That Report PED23169, respecting Heritage Designations Update, August 2023, be received.

**(c) Notice of Intention to Demolish the Building Located at 279 Hess Street South, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Registrar (PED23180) (Item 10.1)**

That the non-designated property located at 279 Hess Street South, Hamilton, be removed from the Municipal Heritage Register.

**(d) Beasley Register Listing Objection for 214 Mary Street, Hamilton (PED22135(b)) (Ward 2) (Item 10.2)**

- (i) That Council receive the notice of objection, attached as Appendix “A” to Report PED22135(b), from the owner of 214 Mary Street, Hamilton, objecting to the notice of Council’s decision to list the non-designated property on the Municipal Heritage Register under Section 27 of the Ontario Heritage Act;
- (ii) That Council retain 214 Mary Street, Hamilton, on the Municipal Heritage Register as a non-designated property that Council believes to be of cultural heritage value or interest, pursuant to Section 27(8) of the Ontario Heritage Act.

**8. Appeal to the Ontario Land Tribunal for Lands Located at 186 Hunter Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-006 and Zoning By-law Amendment Application ZAC-22-014 (LS22032(a)) (Ward 2) (Added Item 15.1)**

- (a) That the directions to staff in closed session respecting Report LS22032(a) and Appendices “A”, “B”, “C” and “D” be approved and remain confidential until made public coincident with staff’s presentation of the City’s position to the Ontario Land Tribunal; and,
- (b) That the balance of Report LS22032(a) remain confidential.

**FOR INFORMATION:**

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

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

**10. PUBLIC HEARINGS**

10.1 Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1310 South Service Road, Stoney Creek (PED23135) (Ward 10)

(a) Added Written Submission:

- (i) Costco Wholesale

**15. PRIVATE AND CONFIDENTIAL**

15.1 Appeal to the Ontario Land Tribunal for Lands Located at 186 Hunter Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-006 and Zoning By-law Amendment Application ZAC-22-014 (LS22032(a)) (Ward 2)

The agenda for the September 5, 2023 Planning Committee meeting was approved, as amended.

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

No declarations of interest were made.

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

**(i) August 15, 2023 (Item 4.1)**

The Minutes of the August 15, 2023 meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

**(i) Joshua Bossence respecting Concerns about the McMaster HomeComing event on Dalewood Avenue (For the September 19<sup>th</sup> meeting) (Item 6.1)**

The Delegation Request from Joshua Bossence respecting Concerns about the McMaster HomeComing event on Dalewood Avenue, was approved for the September 19<sup>th</sup> meeting.

**(e) PUBLIC HEARINGS (Item 10)**

In accordance with the *Planning Act*, Chair J.P. Danko advised those viewing the meeting that the public had been advised of how to pre-register to be a delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair J.P. Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1310 South Service Road, Stoney Creek (PED23135) (Ward 10) (Item 10.1)**

Mark Michniak, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Brandon Simon with The Planning Partnership, was in attendance, and indicated support for the staff report.

The speaking time for Brandon Simon with The Planning Partnership, was extended to fifteen (15) minutes.

The presentation from Simon Brandon with The Planning Partnership, was received.

Chair Danko called three times for public delegations and none came forward.

- (a) The public submissions regarding this matter were received and considered by the Committee; and,
- (b) The public meeting was closed.

That Appendix "C" to Report PED23135 be **amended** to reflect that notwithstanding unit size, 1 parking space per unit be required, and that any additional parking required through this change be provided underground.

The above Motion was DEFEATED.

For disposition of this matter, refer to Item 4.

**(f) GENERAL INFORMATION/OTHER BUSINESS**

**(i) Outstanding Business List (Item 14.1)**

The following changes to the Outstanding Business, were approved:

**(a) Items to be Removed**

19FF Support of Private Member's Bill to Reverse Pit Bull Ban in Ontario (Motion)

Addressed as item 14.2 on the April 19, 2023 General Issues Committee Agenda, Report 23-013.

**(b) Items Requiring New Due Dates**

19U Heritage Designation Process and Delegated Authority to Consent to Heritage Permits  
Current Due Date: September 19, 2023  
Proposed New Due Date: Q2 2024

21T Support for the NCCM Recommendations brought forward by the National Council of Canadian Muslims  
Current Due Date: September 19, 2023  
Proposed New Due Date: 2024

**(ii) General Manager's Update (Added Item 14.2)**

General Manager Jason Thorne provided an update to the Committee respecting the upcoming Greenbelt public information session scheduled for September 6<sup>th</sup> and the Public Meeting scheduled for September 14<sup>th</sup>.

The General Manager's Update, was received.

**(g) PRIVATE AND CONFIDENTIAL (Item 15)**

**(i)** Committee moved into Closed for Item 15.1 pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(ii) Appeal to the Ontario Land Tribunal for Lands Located at 186 Hunter Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-006 and Zoning By-law Amendment Application ZAC-22-014 (LS22032(a)) (Ward 2) (Added Item 15.1)**

For disposition of this matter, refer to Item 8.

**(h) ADJOURNMENT (Item 16)**

There being no further business, the Planning Committee adjourned at 1:22 p.m.

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Councillor J.P. Danko, Chair  
Planning Committee

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Lisa Kelsey  
Legislative Coordinator



## GENERAL ISSUES COMMITTEE REPORT 23-024

9:30 a.m.

September 6, 2023

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

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

### THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 23-024 AND RESPECTFULLY RECOMMENDS:

1. **Addressing Needs of Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System (HSC23041) (City Wide) (Item 8.1)**
  - (i)
    - (d) That up to \$5.925M for 2024 emergency response expenditures be referred to the 2024 tax operating budget for Council consideration to address the needs experienced by unsheltered individuals and individuals requiring assistance from Hamilton's emergency shelter system items;
      - (i) The continuation of shelter hotel overflow for families experiencing homelessness at an anticipated cost of \$4.64M annually
        - (1) \$4.45M for emergency hotel shelter overflow beds for families experiencing homeless.
        - (2) \$190K to fund temporary mobile case management team supporting families experiencing homelessness who are housed in hotel overflow beds.
      - (ii) The continuation of 20 additional beds in the women's emergency shelter system, through 46 West South as a temporary emergency shelter (run by Good Shepherd

Centre Hamilton), from April 1, 2024 to December 31, 2024 at a cost of \$952K (annualized cost of \$1.267M)

- (iii) \$333K to enhance diversion programs within shelters to prevent homelessness for an estimated 600 individuals
- (e) That up to \$2.3M be referred to the 2024 Tax Operating budget for Council consideration to support individuals experiencing homelessness in securing successful tenancies and prevent homelessness as referenced in the plan to end chronic homelessness and the Housing Sustainability and Investment Roadmap;
  - (i) \$2M increase to the Municipal Housing Benefit equivalent to Rent-Geared-to-Income to end homelessness for an estimated 332 households, in order to reflect the commitment to support 500 households in this way through the HSIR.
  - (ii) Up to \$1.2M to Indwell to provide continued high level supports for 24 units at City Housing Hamilton King William that will take individuals from encampments or the by name list until provincial commitment for these costs can be obtained.
- (f) That expansion of the Housing Services Division's 2024 budgeted complement by 5.0 permanent FTEs to be referred to the 2024 Tax Operating Budget to support execution of recommendations (d) through (e), with annual cost in 2024 of approximately \$502K;
  - (i) 2.0 FTEs, Emergency Shelter Case Managers, to support expanded shelter capacity at an annual cost in 2024 of approximately \$199K for salaries, benefits and ancillary costs.
  - (ii) 3.0 FTEs, a Senior Project Manager, a Housing Support Worker, and a Housing Services Clerk, to design and administer programs offering permanent housing solutions at an annual cost in 2024 of approximately \$303K
- (g) That Council approve in principle the concept of an advance multi-year municipal commitment of \$31M (e.g. \$10.33M per year over 3 years) towards the creation of 200 units supportive housing in order to maximize opportunities for affordable housing providers to leverage provincial and federal funds for projects in development and that Housing Secretariat report back to Council in Q3 on

financing options and recommended parameters by which Council would delegate decision making authority to staff to work with providers, identify highest impact projects and administer and allocate these funds to enable flexibility and nimble decision-making;

**(ii)**

- (a) That Council approve up to \$5.6M in 2023 for the following in-year emergency response expenditures to address the immediate pressures experienced by unsheltered individuals and individuals requiring assistance from Hamilton's emergency shelter system funded through a combination of sources, deemed appropriate by the General Manager of Corporate Services, and to be confirmed through the 2023 year-end budget variance report beginning with additional Provincial or Federal Funding, City of Hamilton COVID-19 Reserve, or 2023 Corporate Surplus;
  - (i) \$4.1M to continue providing shelter overflow in hotels in 2023 for families experiencing homelessness as reported in the April 2023 Budget Variance Report, FCS23063;
  - (ii) \$600K to Indwell to provide high level supports from October 1, 2023 – March 31, 2024 for 24 units at City Housing Hamilton's - King William location in order to house individuals from encampments or the by name list as of Q4, 2023;
  - (iii) That up to \$876K in expenditures to provide support for overnight drop in centres, beginning in December 2023 through March 2024 be referred to the discussion of the City's Winter Response in the report coming forward with the same name to the September 7, 2023 Emergency and Community Services Committee;
- (b) That Council approve an in-year immediate commitment of a \$2.3M conditional grant to Indwell Community Homes as the City's municipal contribution to enable construction at Acorn Flats to commence within 30 days of approval in order to build 20-25 units of permanent housing for families experiencing homelessness with occupancy by the end of 2024, funded from the Tax Stabilization Reserve (#110046);
- (c) That the General Manager of the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the

purchases and grants outlined above on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department or their designate and in a form satisfactory to the City Solicitor;

- (h) That Council direct staff to explore an approach to subsidizing funding of up to 100 additional Residential Care Facility spaces to provide additional permanent housing options for individuals requiring shelter and to report back to Council in Q4 2023 with opportunities and costs;
- (i) That Council direct staff to assess Hamilton's current ratio of investment in emergency response compared with upstream housing interventions versus emergency response and propose a policy framework to guide City of Hamilton's future municipal investment in the housing sector to shift from emphasis on emergency response to homelessness prevention and permanent housing solutions that decrease reliance on emergency interventions; and,
- (j) In recognition that funding of housing with supports is not within the municipal tax levy mandate or resources, that Council direct staff to work with the Mayor's office to pursue funding from upper levels of government for the \$1.2M in operating costs for 2024 associated with Indwell King William, the \$3.6M in annual operating costs for permanent housing at the Dorothy Day Centre and the \$2.6M in annual operating costs for transitional housing at the YWCA currently subsidized by the municipality, which have no sustainable funding source, as well as other projects that require similar annual operating costs to provide the supportive housing capacity required to address local need.

## **2. Family Shelter System (HSC23041(a)) (City Wide) (Item 8.1(a))**

- (a) That Council direct staff to conduct a Call for Applications (CFA) to address family homelessness, as a way to consider new and innovative opportunities to expand system capacity:
  - (i) to serve up to an additional 50 families in emergency shelter or transitional housing through March 31, 2025;
  - (ii) to provide services and supports that address root causes, complexity of need and create flow through the shelter system to permanent housing

- (iii) with applications to be considered as a temporary time limited emergency solution, or as an annualized program;
  - (b) That Council approve up to 1M in temporary emergency supports between September 1, 2023 and March 31, 2024 in order to address urgent program and staffing needs within Housing Services Division and Good Shepherd Hamilton related to family homelessness at the recommendation of the Director, Housing Services Division and approved by the General Manager, Healthy and Safe Communities, to be funded by the COVID19 reserve; and,
  - (c) That Council direct staff to report back in Q4, 2023 on opportunities and recommendations to address escalating family homelessness and resources required, and that any recommendations for continued or additional staffing beyond March 31, 2024 be referred to the 2024 budget.
- 3. Advisory Committee for Persons with Disabilities (ACPD) Report 23-008 - August 8, 2023 (Item 10.1)**
  - (a) Invitation to Participate in the Spinal Cord Injury BBQ and Information Fair - September 6, 2023 (Item 5.3)**
    - (i) That the following members of the Advisory Committee for Persons with Disabilities be approved to participate in the Spinal Cord Injury BBQ and Information Fair on September 6, 2023 on behalf of the Advisory Committee for Persons with Disabilities:
      - (1) Paula Kilburn
      - (2) Aznive Mallett
      - (3) Mark McNeil
      - (4) Kim Nolan
      - (5) Tim Nolan
      - (6) James Kemp
  - (b) Accessible Transportation Services Performance Review - Q2, 2023 (Item 8.2)**

That the Report respecting the Accessible Transportation Service Performance Review – Q2, 2023, be received.
  - (c) Accessible Open Spaces and Parklands Working Group Update (Item 9.6)**
    - (a) That staff be directed to investigate options for off-road transportation systems for people with disabilities to be able to engage areas of the City where accessibility is not feasible (e.g.

trails, beaches etc.) and report back to the Public Works Committee; and

- (b) That the report back should include information gathered following consultation with other public agencies within the City with respect to their properties for the potential purchase of off-road transportation systems for people with disabilities, for example the Hamilton Conservation Authority, Marydale Park and the Royal Botanical Gardens.

**(d) Update to the Advisory Committee for Persons with Disabilities' Informational Pamphlet to include Inclusion, Diversity, Equity and Accessibility (IDEA) (Item 12.1)**

WHEREAS, the Advisory Committee for Persons with Disabilities' Outreach Working Group designed an informational pamphlet in an effort to inform the community about its roles and functions in 2021 and have already updated the pamphlet once to reflect the change in Departments in 2022;

WHEREAS, the current version of the informational pamphlet has a paragraph stating: "The Advisory Committee for Persons with Disabilities is comprised of citizens of the City of Hamilton with a diverse range of disabilities that strive to consider the needs of all in order to make this city a more equitable, diverse and inclusive place to live.";

WHEREAS, Council considered Report HUR19019(c), respecting an Equity, Diversity and Inclusion Framework Update on December 7, 2022, which updated the Equity, Diversity and Inclusion (EDI) Strategic Plan from EDI branding to Inclusion, Diversity, Equity and Accessibility (IDEA) branding; and

WHEREAS, in accordance with the change in branding from EDI to IDEA, the informational pamphlet should be updated.

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities informational pamphlet, attached as Appendix "A" to General Issues Committee Report 23-024, which has been updated to read: "The Advisory Committee for Persons with Disabilities is comprised of citizens of the City of Hamilton with a diverse range of disabilities that strive to consider the needs of all in order to make this city a more inclusive, diverse, equitable and accessible place to live.", be approved.

**(e) The Advisory Committee for Persons with Disabilities' Housing Issues Working Group's Recommendations to Improve Accessible Housing in CityHousing Hamilton Buildings (Item 12.2)**

WHEREAS, the Advisory Committee for Persons with Disabilities' Housing Working Group's mandate is to advise Council through the Advisory Committee for Persons with Disabilities in the following:

- “(a) Identifying and pursuing the removal of barriers to housing;
- (b) Preventing the creation of new barriers to housing;
- (c) Defining the needs of the disabled in the accessible housing system in order to be more inclusive;
- (d) Highlighting deficiencies in the accessible housing system and seeking solutions to address them;
- (e) Anticipating accessible housing needs in the future; and
- (f) Making Housing in Place with services recognizing equality;”

WHEREAS, the Advisory Committee for Persons with Disabilities' Housing Issues Working Group reviewed the Accessibility for Ontarians with Disabilities Act (AODA) and “Unlocking the AODA” extensively to understand how the AODA affects housing without actually referring to housing and our research discovered several areas for suggestions for possible improvements for CityHousing Hamilton's Board of Director's consideration to make housing more accessible, improve quality of life and provide more stable housing;

WHEREAS, the Advisory Committee for Persons with Disabilities' Housing Issues Working Group met with Amanda Warren-Ritchie, CityHousing Hamilton's Manager of Strategy & Quality Improvement, and Jessica Bowen, Supervisor of Diversity and Inclusion, to ensure the conclusions and recommendations contained within Appendix “B” are in accordance with City of Hamilton and CityHousing Hamilton's policies; and

WHEREAS, CityHousing Hamilton is the largest housing provider for the city and its accessibility policies should set an example for other providers that operate in the same jurisdiction.

THEREFORE, BE IT RESOLVED:

- (a) That the Advisory Committee for Persons with Disabilities respectfully requests permission to present to CityHousing Hamilton's Board of Directors the report entitled: “ACPD Housing Working Group's Recommendations to Improve Accessible Housing in CityHousing Hamilton Buildings for Simplified Customer Service, Better Quality of Life and More Stable Housing in

Accordance With the AODA”, attached as Appendix “B” to General Issues Committee Report 23-024.

- (b) That staff be directed to forward the Advisory Committee for Persons with Disabilities’ report entitled: “ACPD Housing Working Group’s Recommendations to Improve Accessible Housing in CityHousing Hamilton Buildings for Simplified Customer Service, Better Quality of Life and More Stable Housing in Accordance With the AODA” to the Chief Executive Officer of CityHousing Hamilton with a request to add this matter to the agenda of an upcoming meeting of the CityHousing Hamilton Board of Directors.

**4. Cost Recovery Municipal Act By-Laws for Development Related Infrastructure Projects (FCS23056 / PED23170) (City Wide) (Item 10.2)**

That the General Manager, Finance and Corporate Services, be authorized and directed to prepare for Council’s consideration Cost Recovery Municipal Act By Laws for Development-Related Infrastructure Projects, in accordance with the Funding Methodology for Infrastructure Extensions Policy (TOE02005(b) / FCS02026(b) / PED07248), where Development-Related Infrastructure Projects benefit existing unserviced land uses where the landowner is only required to pay the proportionate share of the cost at the time of connection or at the time of a Planning Act application approval.

**5. Revitalizing Hamilton Tax Increment Grant - 41 Wilson Street (PED23055) (Ward 2) – REVISED (Item 10.3)**

- (a) That a Revitalizing Hamilton Tax Increment Grant Program (RHTIG) Application submitted by Hamilton II LP, by its General Partner, Hamilton II GP Inc. (Kashayar Pashootan), for the property at 41 Wilson Street, Hamilton, estimated at \$5,984,364.55 over the maximum of a four-year period, and based upon the incremental tax increase attributable to the redevelopment of 41 Wilson Street, Hamilton, be authorized and approved in accordance with the terms and conditions of the RHTIG;
- (b) That the General Manager of the Planning and Economic Development Department be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to give effect to the RHTIG for Hamilton II LP, by its General Partner, Hamilton II GP Inc. (Kashayar Pashootan) for the property known as 41 Wilson Street, Hamilton, in a form satisfactory to the City Solicitor;
- (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including, but not limited to, deciding on actions to take in respect of events of default and executing any Grant Amending

Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the RHTIG Program, as approved by City Council, are maintained and that any applicable Grant Amending Agreements are undertaken in a form satisfactory to the City Solicitor.

**6. Updates to the Commercial District Revitalization Grant Program Respecting Graffiti and Vandalism Supports for Commercial Properties and Businesses (PED23140) (Wards 1, 2, 3, 4, 5, 7, 8, 11, 12, 13, 15) (Item 10.4)**

That the terms for the Commercial District Revitalization Grant Program, being Appendix "E" to the Revitalizing Hamilton's Commercial Districts Community Improvement Plan, be amended as contained in Appendix "C" to General Issues Committee Report 23-024.

**7. Delegation of Authority to Staff for Entering Agreements with The Ministry of Transportation Ontario and Other Agencies for Cordon Count Program (PED23190) (City Wide) (Item 10.5)**

- (a) That authorization be given to enter into an agreement with the Ministry of Transportation Ontario to claim reimbursement for transportation data conducted on Provincial Highways within Hamilton as part of the Cordon Count Program, including the rights, responsibilities, obligations and covenants under the Agreement (the "Agreement"); and,
- (b) That the General Manager of the Planning and Economic Development Department, or his delegate, be authorized, on behalf of the City of Hamilton, to negotiate, enter into and execute an agreement and any ancillary documents required to give effect to this assignment and any future traffic data collection, cost sharing and data dissemination efforts in a form satisfactory to the City Solicitor.

**8. Civil Litigation regarding Reimbursement to the City of Costs of Diesel Spill Remediation (LS14029(a)) (City Wide) (Added Item 14.2)**

- (a) That the direction provided to staff in Closed Session, respecting Report LS14029(a), Civil Litigation regarding Reimbursement to the City of Costs of Diesel Spill Remediation, be approved; and,
- (b) That Report LS14029(a), Civil Litigation regarding Reimbursement to the City of Costs of Diesel Spill Remediation, remain confidential.

**FOR INFORMATION:**

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

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

**6. DELEGATION REQUESTS**

6.2 Delegations respecting Item 8.1, Addressing the Needs of Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System (HSC23041), for today's meeting, from the following individuals:

(a) Katherine Kalinowski and Grace Baldwin, Good Shepherds Centres (In-Person)

6.3 Shannon Kyles, Doors Open Hamilton, respecting the Doors Open Hamilton committee and a request to increased funding for Doors Open Hamilton 2024 (In-Person) (For a future meeting)

6.4 Delegations respecting Item 8.1(a), Family Shelter System (HSC23041(a)), for today's meeting, from the following individuals:

(a) Gessie Stearns (In-Person)

(b) Shabeeh Ahmad, Hamilton Social Medicine Response Team (HAMSMaRT) (In-Person)

**10. DISCUSSION ITEMS**

10.3 Revitalizing Hamilton Tax Increment Grant - 41 Wilson Street (PED23055) (Ward 2) – REVISED

**14. PRIVATE AND CONFIDENTIAL**

14.2 Civil Litigation regarding Reimbursement to the City of Costs of Diesel Spill Remediation (LS14029(a)) (City Wide)

The agenda for the September 6, 2023 General Issues Committee meeting, was approved, as amended.

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

There were no declarations of interest.

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

**(i) August 14, 2023 (Item 4.1)**

The minutes of the August 14, 2023, General Issues Committee meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

**(i)**

The Delegation Requests were approved, as follows:

- (1) Shelley Falconer, Art Gallery of Hamilton, respecting a presentation and update on the Art gallery of Hamilton and its role in the revitalization of Hamilton's downtown core (In-Person) (For the September 20, 2023 meeting) (Item 6.1)
- (2) Delegations respecting Item 8.1, Addressing the Needs of Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System (HSC23041), (For today's meeting) from the following individuals (Item 6.2):
  - (a) Katherine Kalinowski and Grace Baldwin, Good Shepherds Centres (In-Person) (Added Item 6.2(a))
- (3) Shannon Kyles, Doors Open Hamilton, respecting the Doors Open Hamilton committee and a request to increased funding for Doors Open Hamilton 2024 (In-Person) (For a future meeting) (Added Item 6.3)
- (4) Delegations respecting Item 8.1(a), Family Shelter System (HSC23041(a)), (For today's meeting), from the following individuals (Added Item 6.4):
  - (a) Gessie Stearns (In-Person) (Added Item 6.4(a))
  - (b) Shabeeh Ahmad, Hamilton Social Medicine Response Team (HAMSMaRT) (In-Person) (Added Item 6.4(b))

**(e) DELEGATIONS (Item 7)**

**(i) Delegations respecting Item 8.1, Addressing the Needs of Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System (HSC23041) (Added Item 7.1)**

Katherine Kalinowski, Good Shepherds Centres addressed the Committee respecting Item 8.1, Addressing the Needs of Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System (HSC23041) (In-Person) (Added Item 7.1(a))

**(ii) Delegations respecting Item 8.1(a), Family Shelter System (HSC23041(a)) (Added Item 7.2)**

The following Delegates addressed the Committee respecting Item 8.1(a), Family Shelter System (HSC23041(a)):

- (1) Gessie Stearns (In-Person) (Added Item 7.2(a))
- (2) Shabeeh Ahmad, Hamilton Social Medicine Response Team (HAMSMaRT) (In-Person) (Added Item 7.2(b))

The following Delegations, were received:

**(a) Delegations respecting Item 8.1, Addressing the Needs of Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System (HSC23041):**

- (i) Katherine Kalinowski and Grace Baldwin, Good Shepherds Centres (In-Person) (Added Item 7.1(a))

**(b) Delegations respecting Item 8.1(a), Family Shelter System (HSC23041(a)), from the following individuals:**

- (i) Gessie Stearns (In-Person) (Added Item 7.2(a))
- (ii) Shabeeh Ahmad, Hamilton Social Medicine Response Team (HAMSMaRT) (In-Person) (Added Item 7.2(b))

For disposition of Item (e)(i), refer to Item 1 and for Item (e)(ii), refer to Item 2.

**(f) STAFF PRESENTATIONS (Item 8)**

**(i) Addressing Needs of Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System (HSC23041) (City Wide) (Item 8.1)**

Michelle Baird, Director, Housing Services Division provided Committee with a presentation respecting Report HSC23041, Addressing Needs of

Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System.

The staff presentation respecting Report HSC23041, Addressing Needs of Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System, was received.

For disposition of this matter, refer to Item 1.

**(ii) Recess**

The General Issues Committee recessed for 35 minutes until 1:20 pm.

**(iii) Addressing Needs of Unsheltered Individuals and Those Relying on Hamilton's Emergency Shelter System (HSC23041) (City Wide) (Item 8.1) - Continued**

- (a) That Council approve up to \$5.6M in 2023 for the following in-year emergency response expenditures to address the immediate pressures experienced by unsheltered individuals and individuals requiring assistance from Hamilton's emergency shelter system funded through a combination of sources, deemed appropriate by the General Manager of Corporate Services, and to be confirmed through the 2023 year-end budget variance report beginning with additional Provincial or Federal Funding, City of Hamilton COVID-19 Reserve, or 2023 Corporate Surplus;
- (i) \$4.1M to continue providing shelter overflow in hotels in 2023 for families experiencing homelessness as reported in the April 2023 Budget Variance Report, FCS23063;
  - (ii) \$600K to Indwell to provide high level supports from October 1, 2023 – March 31, 2024 for 24 units at City Housing Hamilton's - King William location in order to house individuals from encampments or the by name list as of Q4, 2023;
  - (iii) That up to \$876K in expenditures to provide support for overnight drop in centres, beginning in December 2023 through March 2024 be referred to the discussion of the City's Winter Response in the report coming forward with the same name to the September 7, 2023 Emergency and Community Services Committee;
- (b) That Council approve an in-year immediate commitment of a \$2.3M conditional grant to Indwell Community Homes as the City's

municipal contribution to enable construction at Acorn Flats to commence within 30 days of approval in order to build 20-25 units of permanent housing for families experiencing homelessness with occupancy by the end of 2024, funded from the Tax Stabilization Reserve (#110046);

- (c) That the General Manager of the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined above on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department or their designate and in a form satisfactory to the City Solicitor;
- (d) That up to \$5.925M for 2024 emergency response expenditures be referred to the 2024 tax operating budget for Council consideration to address the needs experienced by unsheltered individuals and individuals requiring assistance from Hamilton's emergency shelter system items;
  - (i) The continuation of shelter hotel overflow for families experiencing homelessness at an anticipated cost of \$4.64M annually
    - (1) \$4.45M for emergency hotel shelter overflow beds for families experiencing homeless.
    - (2) \$190K to fund temporary mobile case management team supporting families experiencing homelessness who are housed in hotel overflow beds.
  - (ii) The continuation of 20 additional beds in the women's emergency shelter system, through 46 West South as a temporary emergency shelter (run by Good Shepherd Centre Hamilton), from April 1, 2024 to December 31, 2024 at a cost of \$952K (annualized cost of \$1.267M)
  - (iii) \$333K to enhance diversion programs within shelters to prevent homelessness for an estimated 600 individuals
- (e) That up to \$2.3M be referred to the 2024 Tax Operating budget for Council consideration to support individuals experiencing homelessness in securing successful tenancies and prevent homelessness as referenced in the plan to end chronic

homelessness and the Housing Sustainability and Investment Roadmap;

- (i) \$2M increase to the Municipal Housing Benefit equivalent to Rent-Geared-to-Income to end homelessness for an estimated 332 households, in order to reflect the commitment to support 500 households in this way through the HSIR.
  - (ii) Up to \$1.2M to Indwell to provide continued high level supports for 24 units at City Housing Hamilton King William that will take individuals from encampments or the by name list until provincial commitment for these costs can be obtained.
- (f) That expansion of the Housing Services Division's 2024 budgeted complement by 5.0 permanent FTEs to be referred to the 2024 Tax Operating Budget to support execution of recommendations (d) through (e), with annual cost in 2024 of approximately \$502K;
- (i) 2.0 FTEs, Emergency Shelter Case Managers, to support expanded shelter capacity at an annual cost in 2024 of approximately \$199K for salaries, benefits and ancillary costs.
  - (ii) 3.0 FTEs, a Senior Project Manager, a Housing Support Worker, and a Housing Services Clerk, to design and administer programs offering permanent housing solutions at an annual cost in 2024 of approximately \$303K
- (g) That Council approve in principle the concept of an advance multi-year municipal commitment of \$31M (e.g. \$10.33M per year over 3 years) towards the creation of 200 units supportive housing in order to maximize opportunities for affordable housing providers to leverage provincial and federal funds for projects in development and that Housing Secretariat report back to Council in Q3 on financing options and recommended parameters by which Council would delegate decision making authority to staff to work with providers, identify highest impact projects and administer and allocate these funds to enable flexibility and nimble decision-making;
- (h) That Council direct staff to explore an approach to subsidizing funding of up to 100 additional Residential Care Facility spaces to provide additional permanent housing options for individuals

requiring shelter and to report back to Council in Q4 2023 with opportunities and costs;

- (i) That Council direct staff to assess Hamilton's current ratio of investment in emergency response compared with upstream housing interventions versus emergency response and propose a policy framework to guide City of Hamilton's future municipal investment in the housing sector to shift from emphasis on emergency response to homelessness prevention and permanent housing solutions that decrease reliance on emergency interventions; and,
- (j) In recognition that funding of housing with supports is not within the municipal tax levy mandate or resources, that Council direct staff to work with the Mayor's office to pursue funding from upper levels of government for the \$1.2M in operating costs for 2024 associated with Indwell King William, the \$3.6M in annual operating costs for permanent housing at the Dorothy Day Centre and the \$2.6M in annual operating costs for transitional housing at the YWCA currently subsidized by the municipality, which have no sustainable funding source, as well as other projects that require similar annual operating costs to provide the supportive housing capacity required to address local need;

The following amendment was defeated.

- (g) That ~~Council approve in principle~~ **staff be directed to report back on** the concept of an advance multi-year municipal commitment of \$31M (e.g. \$10.33M per year over 3 years) towards the creation of 200 units supportive housing in order to maximize opportunities for affordable housing providers to leverage provincial and federal funds for projects in development and that Housing Secretariat report back to Council in ~~Q3 Q4~~ on financing options and recommended parameters by which Council would delegate decision making authority to staff to work with providers, identify highest impact projects and administer and allocate these funds to enable flexibility and nimble decision-making;

For disposition of this matter, refer to Item 1.

(g) DISCUSSION ITEMS (Item 10)

(i) Advisory Committee for Persons with Disabilities (ACPD) Report 23-008 - August 8, 2023 (Item 10.1)

(1)

Item 3 to Advisory Committee for Persons with Disabilities (ACPD) Report 23-008 - August 8, 2023, respecting Accessible Open Spaces and Parklands Working Group Update, **was amended** as follows:

(3) Accessible Open Spaces and Parklands Working Group Update (Item 9.6)

(a) That ~~the Advisory Committee for Persons with Disabilities requests that~~ staff be directed to investigate options for off-road transportation systems for people with disabilities to be able to engage areas of the City where accessibility is not feasible (e.g. trails, beaches etc.) **and report back to the Public Works Committee**; and

(b) That ~~the Advisory Committee for Persons with Disabilities requests that staff be directed the report back should include information gathered following consultation~~ with other public agencies within the City with respect to their properties for the potential purchase of off-road transportation systems for people with disabilities, for example the Hamilton Conservation Authority, Marydale Park and the Royal Botanical Gardens.

For disposition of this matter, refer to Item 3 (c).

(2)

Item 5 to Advisory Committee for Persons with Disabilities (ACPD) Report 23-008 - August 8, 2023, respecting The Advisory Committee for Persons with Disabilities' Housing Issues Working Group's Recommendations to Improve Accessible Housing in CityHousing Hamilton Buildings, **was amended** to add a subsection (b), as follows:

(5) The Advisory Committee for Persons with Disabilities' Housing Issues Working Group's Recommendations to Improve Accessible Housing in CityHousing Hamilton Buildings (Item 12.2)

- (b) *That staff be directed to forward the Advisory Committee for Persons with Disabilities' report entitled: "ACPD Housing Working Group's Recommendations to Improve Accessible Housing in CityHousing Hamilton Buildings for Simplified Customer Service, Better Quality of Life and More Stable Housing in Accordance With the AODA" to the Chief Executive Officer of CityHousing Hamilton with a request to add this matter to the agenda of an upcoming meeting of the CityHousing Hamilton Board of Directors.*

For disposition of this matter, refer to Item 3 (e).

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

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

The amendments to the Outstanding Business List, were approved, as follows:

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

Annual Report on the Operations of the Hamilton Urban Precinct Group LP, with regard the lands known as the FirstOntario Centre, the Hamilton Convention Centre and the FirstOntario Concert Hall  
OBL Item: U

Added: March 23, 2022 at GIC 22-006 (Item 10(k))

Completed: July 10, 2023 at GIC (Report PED23175)

Proposed Encampment Protocol (HSC20036(f) / PED21188(c))

OBL Item: 2023-FF

Added: May 17, 2023 at GIC (Item 8.1)

Completed: August 14, 2023 at GIC (Item 8.1)

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

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

OBL Item: 2023-F

Current Due Date: August 14, 2023

Proposed New Due Date: October 18, 2023

Annual Update - Implementation of the Public Art Master Plan

OBL Item: C

Current Due Date: September 20, 2023  
Proposed New Due Date: December 6, 2023

Proposal to the Red Hill Valley Joint Stewardship Board for the  
Expansion of the Red Hill Valley Parkway  
OBL Item: Y  
Current Due Date: September 20, 2023  
Proposed New Due Date: April 2024

Agreements with Aeon, including a Master Development Agreement  
and/or proposed Agreement(s) of Purchase and Sale, based on the  
materials submitted by Aeon Studio Group, for Barton-Tiffany Lands  
OBL Item: EE  
Current Due Date: September 20, 2023  
Proposed New Due Date: October 18, 2023

Stairs at Grant Boulevard, Hamilton (Ward 13)  
OBL Item: 2023-U  
Current Due Date: September 20, 2023  
Proposed New Due Date: Q2 2024

Redevelopment / Reuse of the former King George School Site, at  
77 Gage Avenue North  
OBL Item: 2023-JJ  
Current Due Date: September 20, 2023  
Proposed New Due Date: December 6, 2023

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

**(i) Closed Session Minutes – August 14, 2023 (Item 14.1)**

The General Issues Committee Closed Session Minutes of August 14,  
2023, were approved and shall remain confidential.

**(Tadeson/A. Wilson)**

Committee moved into Closed Session pursuant to Section 9.3, Sub-sections (e), (f) and (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f) and (i) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(ii) Civil Litigation regarding Reimbursement to the City of Costs of Diesel Spill Remediation (LS14029(a)) (City Wide) (Added Item 14.2)**

For disposition of this matter, refer to Item 8.

**(j) ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee was adjourned at 5:13 p.m.

Respectfully submitted,

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Deputy Mayor Jeff Beattie  
Chair, General Issues Committee

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Tamara Bates  
Legislative Coordinator  
Office of the City Clerk



## What is the ACPD?

The Advisory Committee for Persons with Disabilities recommends to the City of Hamilton policy, procedure and standards that address the needs and concerns of all disabilities. Our task is to identify barriers in municipal programs and try to prevent new barriers from being created in accordance with the ODA (Ontarians with Disabilities Act) and the AODA (Accessibility for Ontarians with Disabilities Act) in matters of Customer Service, Employment, Transportation, Design of Public Spaces and Information and Communication.

## Have a disability related issue?

Any Citizen can raise disability related issues or ask questions of the ACPD. We will decide if the issue is within our mandate as an Advisory Committee of Council and send it to the appropriate working group for discussion and recommendations. The issue is then sent back to the ACPD for approval. The Advisory Committee for Persons with Disabilities reports directly to the General Issues Committee. You can begin the process by filling out a "Request to Speak to a Committee of Council form" available online at [hamilton.ca](http://hamilton.ca) or by forwarding an email to [clerk@hamilton.ca](mailto:clerk@hamilton.ca)



# **ACPD Housing Working Group's Recommendations to Improve Accessible Housing in CityHousing Hamilton Buildings for Simplified Customer Service, Better Quality of Life and More Stable Housing in Accordance With the AODA.**

## **Background**

The Housing Working Group spent considerable time over the past two years studying the AODA and a document written in part by the provincial government called "Unlocking the AODA" to learn how the AODA affected housing without saying housing. We managed to identify 17 points of intersection between Housing and the AODA. After inviting Amanda Warren-Ritchie from CityHousing and discussing them with her, we narrowed that list to 15 points that need to be addressed. They are itemized below and recommendations for improvement attached.

- 1. Employers over 50 people are required to be WCAG 2.0 AA web compliant by the end of 2021.**
  - CityHousing does not monitor or test WCAG 2.0 AA web compliance independently, instead relying on the City to have ensured their compliance. As there are still some issues with accessibility on City websites, it is recommended that CityHousing do their own testing

to ensure the forms and documents used by tenants are fully accessible to all available technologies such as screen readers. Compliance is only the minimum standard and in many places, that isn't enough to achieve accessibility. Having a dedicated CityHousing Staff to develop testing protocols and work towards full accessibility is recommended.

**2. New picnic tables, benches and other seating must be installed on level, hard surfaces and connected to accessible pathways.**

- CityHousing is taking steps to make any new build's public spaces fully accessible as well as announced that they will retrofit all existing buildings to accessible standards by 2027. The design of accessibility of public spaces is covered by many regulations and guidelines; The Accessibility for Ontarians with Disabilities Act (AODA), The Ontario Building Code (OBC), The Integrated Accessibility Standards Regulations (IASR), Barrier Free Design Guidelines (BFDG) and the principles of Universal Design. This can often lead to contradictory requirements or gaps not covered under any legislation.

During the pandemic, all chairs and amenities were removed from all properties. When they were reinstalled, there was an opportunity to make at least one or two amenities at each building accessible

while the equipment and personnel were on-site and available. While this was technically not a new build, it was a missed opportunity to improve conditions in some small way. We believe that dedicated accessibility staff in CityHousing would be able to take advantage of opportunities like this to ensure accessibility was improved one step at a time as well as assist in planning large scale improvement projects.

**3. Playgrounds need to be fully accessible and those with disabilities should be consulted before construction.**

- At least one playground has been installed at a CityHousing property that is not accessible. No consultation occurred with the residents to ensure accessibility needs were addressed. A dedicated accessibility department/staff would be better equipped to ensure accessibility and address resident concerns.

**4. Required to follow IASR guidelines regarding accessible parking spaces.**

- CityHousing is currently in the process of unifying parking policies across all buildings. We will be unable to confirm proper adherence to IASR guidelines until that time. A dedicated accessibility

department/staff would be able to assist in this process to ensure proper accessibility with regards to parking.

**5. If service counters are offered, at least one needs to be fully accessible. 3% of seating in waiting areas is required to accommodate all mobility devices.**

- While the service counter on the third floor of the CityHousing offices is in compliance with the minimum AODA guidelines, more effort should be made to improve its accessibility by adding enhancements like contrast strips, tactile marking and pictographic signage to name a few. A dedicated Accessibility department/staff would be able to help with this.

There is currently one waiting area at CityHousing which is the service counter area on the third floor. There is at least 3% of space for mobility devices.

**6. Common areas like the front lobbies, laundry rooms or common rooms need to be accessible under the above mentioned guidelines.**

- As was mentioned, CityHousing has committed to making all properties and common areas fully accessible by 2027. We don't know if that will be to a minimum AODA standard or if they will attempt to

make them fully accessible. We recommend that a dedicated accessibility department/staff would be able to ensure the correct improvements are made thereby saving money from having to retrofit or modify afterwards.

**7. Housing providers are required to have maintenance plans in place to ensure that the AODA is being adhered to despite the disruptions.**

- There is no process for tenants to complain during ongoing work except to deal with the project manager and contractor directly. This is intimidating for many and there should be an independent channel for requesting resolutions. This can also include things like snow removal and grounds keeping. A dedicated department/staff would be able to voice concerns of tenants and work with the contractors and property/project managers to establish proper protocols.

**8. Accessibility awareness, equity and accommodation training must be provided to all employees, contractors and volunteers.**

- The current training covers the Human Rights Code as well as the AODA. This is proving insufficient in practice as the AODA requires customer service training when dealing with different disabilities and

sensitivity training to better understand and empathize when addressing the needs of person with disabilities. While compliance is being met, there are too many issues when contractors interact with tenants that require accommodation. A dedicated department/staff would be able to develop special training modules for employees, contractors and volunteers as well as document their completion and track problems.

**9. Housing providers must place notice and bulletin boards at accessible levels.**

- There are many buildings without bulletin boards at the correct height for people in mobility devices. There is also a problem with notices for people with vision loss. A dedicated accessibility department/staff would be able to address these problems.

**10. Leaving notices of entry on doors is not enough with disabled tenants. They may not leave very often and wouldn't see the notice with enough time. More effort is required.**

- There is currently no list for people that need accommodations like better notification protocols or more time to prepare. A dedicated accessibility department/staff could assist by keeping a voluntary master list for each building and advising on the best

method of communication for those with special requirements.

**11. Toxic chemicals can trigger Multiple Chemical Sensitivities (MCS). The least toxic should be used when required.**

- A dedicated accessibility department/staff would be able to formulate a Multiple Chemical Sensitivities policy for each building dependent on the requirements of tenants based on the information provided on the abovementioned voluntary master list. This would improve the health and wellbeing of tenants, no matter their condition.

**12. Accommodations need to be made when showing new units to prospective tenants.**

- Currently the policy is to attempt to accommodate when asked for, but there is no standard policy. A dedicated department/staff would be able to provide an array of accommodations that would be available so that prospective tenants could ask for them in confidence. It is suggested to remind people of the options for accommodation at several points in the process as is done with employment. This will help to get honest requirements for modifications before they move in and allow the prospective tenant to assess the space on their needs.

**13. An AODA Compliance Report is required every two years. Online Compliance must be reviewed as well.**

- Reporting is currently taking place annually to Jessica Bowen but we were informed that they don't test their own online compliance. A dedicated accessibility department/staff would be able to ensure website accessibility independently of City Staff.

**14. Housing providers are required to make accommodations up to the point of Undue Hardship.**

- There is a clearly defined process to request modifications in the home that involves CityHousing staff, a medical professional and the tenant. Considering the housing crisis currently in progress and the fact that the HWG promotes the principle of aging in place, we are recommending that a dedicated department/staff would be better able to address the concerns and fears of tenants and serve as a neutral representative in these matters between them and the Property Managers to make modifications as their physical conditions change. Due to the fact that affordable housing is scarce, we have learned that people with disabilities are reluctant to approach the property managers to ask for

modifications for fear that they will be labelled problem tenants. It doesn't matter that there is no evidence of CityHousing responding in this matter, the fear is what we must address. An independent representative would better encourage people to ask for the modifications they require and not suffer needlessly. It could also simplify the application process for those that require assistance.

**15. Self-service kiosks are required to be fully accessible and can accommodate those with vision loss.**

- This is a major issue of concern that is going to require special effort. This is referring to things like the laundry card loading machines as well as washers, dryers, newer stoves and ovens. As these machines become more reliant on touch screens; the displays are nearly impossible for people with vision loss to use. They are also very confusing to some people and explanations on how to use them should be available in pictograms where possible in order to accommodate language and developmental barriers. A dedicated department/staff can work with each building to ensure the laundry facilities and home amenities are accessible for all tenants as they will be modified on a building to building and a unit to unit basis.

## **Conclusions:**

In doing this research, we had difficulty in understanding exactly how the AODA affects housing, because it doesn't specifically mention housing for the most part. This creates issues for Landlords and Property Managers when understanding their responsibilities under the act. Most see the AODA as a checklist that needs to be marked off and nothing more.

In the fifteen points we mentioned above, we have learned that CityHousing is not actually meeting the minimum standards in the act because no one quite understands them.

Using an example above, CityHousing requires all outside contractors to read and sign off on Human Rights Code and AODA training to satisfy accessibility training. However, according to "Unlocking the AODA" CityHousing is also required to ensure they have accessibility awareness, equity and more detailed accessible customer service training and that is not being done consistently.

CityHousing is required under the act to create a dedicated complaint line/system for people with disabilities to raise issues or provide accessibility related feedback and they have yet to do so. Relying on the Tenant Support

Worker or Property Manager is not an appropriate alternative.

While CityHousing uses the Hamilton.ca network, they need to ensure their own part of it is as accessible as possible. At the very least, they should develop some testing protocols and run all online forms through accessibility testing regularly.

Barriers are still being created at CityHousing properties to date because there is no one on staff that is specifically trained in understanding mobility and accessibility. As we were informed, CityHousing has received a fund to make all its properties accessible by 2027, but if they don't understand what needs to be done, how do they ensure they have achieved accessibility? We believe that spending more money on staff now would ensure the money is spent efficiently as possible and modified in the correct order of priorities.

Self-serve kiosks are another major issue that needs to be addressed, but it needs to be addressed on an individual basis. Having an accessibility department means that people with disabilities can provide confidential information on their personal requirements so they can ensure all tenant's needs are met. Laundry rooms are a particular point of focus as each building will need their own combination of solutions. Home appliances are also an

issue here and this department could work to address this on an individual basis.

Finally, given the precarious nature of housing, people are not asking for the modifications they need in their home as they don't want to put their housing at risk. This is necessary though as we know that aging in place is the most economical option at the moment. Requiring tenants to request modifications through their property manager is too intimidating for fear of being labelled a problem tenant. We have no evidence of this actually happening, but that doesn't change the fact that the fear exists. We need a dedicated staff member/department that can represent tenants in these requests as a neutral party.

With regards to extreme heat and climate change, an accessibility department can use their confidential voluntary list of required accommodations as well as the voluntary vulnerable persons list to create peer support programs in buildings that can support them. Adapting living spaces in a rapidly changing environment can present challenges that may be improved by a dedicated staff. This department could also assist in creating education programs on how to manage extreme weather and climate events as they occur.

While AODA compliance is the minimum standard, the ODA specifically requires that we identify, eliminate and prevent barriers. With respect to housing, the AODA's lack

of any detailed requirements has become a barrier itself and we need to ask how to make these properties and residences truly accessible. The only way we can see to do that is to bring in people that are trained in equity and accessibility and/or to form a citizen advisory committee comprised of tenants from CityHousing properties that can represent these interests.

As to the department itself, we recommend that we start small, hiring one or maybe two FTEs. As the department establishes itself however, more staff may be needed, at least temporarily, as CityHousing has over 7000 units in its current portfolio. If you take the lower national average of persons with disabilities at 22% that gives us 1540 units that may need some level of accommodation. That is a huge job as well as the properties and common areas themselves.

### **Possible Benefits include:**

- Improved Accessibility of Both Property and Residences
- Improved Communications and Website Access
- Clear Complaint or Suggestion Process
- Cost Efficiency By Ensuring Improvements are Done Correctly and In Proper Order
- Improved Modification Process
- Safer and More Enjoyable Tenancy

- Community Outreach and Education
- Public Health Communications and/or Collaborations
- Improved Housing Stability

### **Recommendations:**

The ACPD's Housing Working Group recommends the following:

1. CityHousing creates a separate department that is to ensure all properties are achieving accessibility or at least taking steps to improve it. This can be done through the following steps:
  - a. Begin by touring each property and listing steps that need to be taken in a priority list to be addressed as labour and finances allow. This will ensure that money allocated to improving accessibility is used as efficiently as possible.
  - b. Create a hotline/complaints system to provide necessary feedback as is required under the act.
  - c. Review the CityHousing website/application forms to ensure they are achieving full accessibility. This may require the development of testing protocols.
  - d. Review and modify the current system to request modifications in the home and serve as an intermediary between the tenant and the property manager.

- e. Review any new construction or renovation plans to ensure they are addressing accessibility as well as trying to incorporate Universal Design, because it will save money over time.
- f. Review each property's maintenance plans to ensure they are taking accessibility into full account.
- g. Review accessibility training protocols and suggest improvements.
- h. Participate in Public Health's Extreme Heat Working Group as a representative of CityHousing and assist in updating the Community Heat Response Plan going forward.
- i. Attend ACPD Housing Working Group meetings on a biannual basis to maintain regular communication channels

# COMMERCIAL DISTRICT REVITALIZATION GRANT (CDRG) PROGRAM



## A. PROGRAM DESCRIPTION

The Commercial District Revitalization Grant Program (the Program) is intended to provide Grants that will support long-lasting and predominantly exterior physical improvements to the appearance, accessibility and environmental sustainability of commercial or mixed-use commercial properties located within strategic commercial districts, including Business Improvement Areas (BIA), whose visibility and long-term success contributes to Hamilton’s image for both residents and visitors. Activities supported by this program include:

- Exterior building façade improvements;
- Exterior/interior improvements that achieve Accessibility for Ontarians with Disabilities Act (AODA) standards;
- Exterior building/property improvements which improve appearance or functionality including those that enhance environmental sustainability of the building/property; and
- Limited interior mechanical/ventilation improvements for restaurant uses.

This Program is not intended to provide support for temporary or non-permanently affixed improvements. Additional details regarding ineligible costs/improvements are provided in Section C.

This Program will apply to commercial units on properties zoned to permit commercial uses which are located within the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale Commercial District CIPAs, the Mount Hope/Airport Gateway CIPA and the Strategic Commercial Corridor CIPAs as collectively defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area (RHCD CIPA) By-law.

Grants provided under this Program shall be provided to the Applicant who is the Owner registered on title of the property that is the subject of the Program application or an authorized commercial tenant of said property.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

All costs associated with the improvement/development and the requirements of this Program are to be borne by the Applicant including construction, design, development charges, administration fees, professional services, appraisals, inspections, legal and registration fees, where applicable except where deemed eligible within Section C herein.

The City retains the right to assess the reasonableness of costs and which costs are eligible for funding under the terms of the Program.

## **B. PROGRAM ELIGIBILITY AND GRANT CRITERIA**

1. Applications to this Program must meet the goals of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan (RHCD CIP).
2. This Program will apply to commercial units on properties zoned to permit commercial uses which are located within the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale Commercial District CIPAs, the Mount Hope/Airport Gateway CIPA and the Strategic Commercial Corridor CIPAs as collectively defined through the RHCD CIPA By-law.
3. Notwithstanding paragraph two, this program shall not apply to a currently operating or proposed adult entertainment parlour, body rub establishment, correctional facility, corrections residence, emergency shelter, lodging house or residential care facility as defined in the applicable Zoning By-law or to a property where a designated heritage building has been demolished.
4. The maximum Grant amount under this Program is paid on a matching basis (50%-50%) for eligible work to a maximum of:
  - a. \$10,000 per municipal address applying to a commercial space/building or \$12,500 per municipal address applying to a corner commercial space/building; or
  - b. For properties located within a BIA and eligible CIPA with the exception of dormant BIAs as defined by the Dormant Business Improvement Area Status Procedure:
    - i. For municipal addresses applying to a commercial space/building with a linear foot street frontage greater than twenty-five feet (25’ or 7.6 metres), grants will be paid on a matching basis of \$400 per linear foot of street frontage up to a maximum of \$20,000 with the actual grant being the lesser of 50% of the estimated cost for the proposed work and the amount of street frontage multiplied by \$400 per linear foot; or
    - ii. For municipal addresses applying to a commercial space/building with a linear foot street frontage of twenty-five feet (25’ or 7.6 metres) or less,

Grant amounts will be paid on a matching basis to a maximum of \$10,000;  
or

- iii. For municipal addresses applying to a corner commercial space/building the maximum Grant amount is \$25,000 with the Grant amount determined by the measurement of the street frontage and the measurement of the corner / exposed wall multiplied by \$400 per linear foot.
5. A maximum Grant in accordance with paragraph four herein may be provided for each commercial unit within a building which has its own municipal address and separate ground floor street entrance.
6. For properties located within a BIA and eligible CIPA with the exception of dormant BIAs as defined by the Dormant Business Improvement Area Status Procedure, an additional matching Grant above and beyond that provided for in paragraph four b. to a maximum of \$10,000 may be provided for artfully designed façade improvements or art pieces placed on private property that can be viewed by the public in accordance with paragraph eight herein.
7. Eligible interior improvements shall not exceed:
  - a. \$5,000 of the total Grant provided; or
  - b. 50% of the eligible maximum grant when located within an active BIA.
8. Costs associated with artfully designed façade improvements or art pieces to be located on private property are eligible under this Program with eligibility determined at the discretion of the General Manager of Planning and Economic Development (GM).

The Applicant will provide an adequate brief and rendering of the proposed art piece.

The City will review and evaluate all proposed art projects.

The City may consult with the following when determining eligibility of art pieces: Commercial Districts and Small Business Section and/or the Director of Culture and Tourism or representative. When located within an active BIA, the BIA’s Board of Management will be consulted.

The City will reserve the right to deem what is eligible for funding under the arts component.

Murals/art pieces shall not contain any advertising or identification of a product or business.

Murals must be appropriate for public display, must not fall under the definition of a sign under Sign By-law No. 10-197 as amended and must not be subject to royalty rights. The

9. Prior to any Grant being provided:
- a. Any outstanding building code, fire code or property standards orders or any other order applicable to the property(s) or the project by any governmental authority shall be rectified; and
  - b. Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Hamilton shall be paid.

10. Commercial property owners / authorized tenants are eligible for a maximum Grant per eligible municipal address during a five-year period (i.e. multiple applications or one application could be submitted however the sum of the Grant amounts approved will be no more than the maximum amount allowed per eligible municipal address). This period applies from the date of application under this Program or any previous iteration of this Program.

Notwithstanding the above, exceptions may be made at the sole discretion of the GM where a new tenant / owner is occupying the commercial space/building and applies for new signage.

11. Notwithstanding paragraphs four, 10 and 15 herein, and subject to the availability of funding, the following shall apply respecting Grants solely for improvements to a commercial or mixed-use commercial property required due to damage from fire, vandalism or a natural disaster such as a flood, earthquake or hurricane:
- a. The Grant shall not be counted towards the maximum available Grant amount otherwise available to the subject property within a five-year period in accordance with paragraph 4 herein;
  - b. 100% of the Program eligible costs identified in Section C herein may be considered up to the maximum Grant amount contained in paragraph 4.a and b. herein; and,
  - c. The Applicant shall only be required to submit one quote respecting the required improvements.

Assisting commercial property owners / authorized tenants to repair damage due to fire, vandalism (not including graffiti) or a natural disaster such as a flood, earthquake or hurricane will help mitigate some of the capital improvements costs involved during the recovery phase. The Grant is not intended to replace property insurance claims, rather, it is to assist a property owner / authorized tenant with eligible costs that are not covered by their insurer due to the deductible amount or due to limits set by their insurance policy. As such, a Grant provided under this Program cannot be used to pay the costs resulting from any damage or vandalism where those costs are also reimbursed to the tenant or owner under any applicable insurance policy. A refund of any Grant under this Program to the

City of Hamilton shall be required if it is determined, after the Grant has been paid, that costs subject to the Grant were also reimbursed under an insurance policy.

In recognition that a property owner / authorized tenant may have work completed within hours or days of the damage occurring for safety reasons or in order to prevent further damage to the commercial space/building i.e. replacement of broken windows, an exception to the requirement that applications be submitted prior to works commencing will be allowed only in the instance when a commercial space/building has been damaged due to fire, vandalism (not including graffiti) or a natural disaster such as a flood, earthquake or hurricane. If the work has commenced or has been completed, applications must be submitted within seven days of the date the damage occurred. Completed works must meet the requirements of the City of Hamilton By-law 07-170, as amended, being a by-law to license and regulate various businesses and dictating when a contractor must be licensed with the City of Hamilton to complete works i.e. a contractor must hold a valid Building Repair license with the City of Hamilton to replace a window with a window frame (however if only the glazing being replaced the contractor is not required to be licensed with the City of Hamilton). All quotes / invoices submitted with the application will be reviewed by a Building Inspector to ensure the cost is at the industry standard.

Where funding is requested for a commercial space/building that has been damaged due to fire, vandalism or a natural disaster such as a flood, earthquake or hurricane earthquake or hurricane, each Applicant shall provide the following documentation to support the application:

- a. Evidence of property insurance coverage for the subject property in force as of the date of the damage. Evidence shall be provided by way of a copy of the Declaration Page of the property insurance policy or a Certificate of Insurance. Evidence shall include the following information: subject property address, deductible amount;
- b. Supporting damage estimate / invoices to support the application;
- c. Copy of Proof of Loss (or other proof of settlement) from the Applicant’s Insurer; and
- d. A police report for the vandalism subject to the application.

Exceptions may be provided to requirements c. and. Above where the Applicant can demonstrate extenuating circumstances which shall be outlined in a formal request submitted by the Applicant and considered at the direction of the Manager of Commercial Districts and Small Businesses.

12. A Grant provided under this Program shall exclude any damage that is caused by the property owner or occupant (i.e. a tenant) of that property. For example, costs incurred because of self-inflicted damage such as vandalism or arson would not be covered by this Program.

A refund of any Grant under this Program to the City of Hamilton would be required if it is determined after the Grant has been paid that the damage was caused by the property owner and/or occupant (i.e. a tenant) of the property.

13. Commercial property owners registered on title as well as tenants authorized in writing by the registered property owner are eligible to apply for a Grant under the Program.
14. Commercial properties are to be identified by municipal address to identify multiple and separate commercial units with separate ground floor street entrances.
15. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that requires a licensed contractor please refer to the Application Form or contact the Building Division at (905) 546-2424 Ext. 2720.

In the case where the Applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required. The owner may present an estimate based on material only.

Grants will be calculated based upon lowest cost estimate.

A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

16. Relative to the proposed improvements, a Building Inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City By-laws, but not limited to including the Ontario Building Code, Property Standards By-Law, Trade Licensing By-Law and Sign By-law.
17. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same subject property under any other available municipal program. However, where specific work is the subject of this Program and any other Program the total Grant for the work across all applicable programs shall not exceed 50% of the total cost of the specific work.
18. Proposed improvements are to be completed within one year from the date the Program application was approved in order to be eligible for payment. A one-year extension may be authorized by the Manager of Commercial Districts and Small Business if an Applicant has extenuating circumstances which would warrant an extension.
19. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Manager of Commercial Districts and Small Business.

**Appendix "C" to General Issues Committee  
Report 23-024  
Page 7 of 14**

20. The Applicant shall provide to the City's Commercial Districts and Small Business Section copies of paid invoices and proof of payment to the satisfaction of the GM for all work undertaken for the commercial space/building for which the Grant is applicable. This documentation is to be provided prior to the final inspection.
21. A City Building Inspector's final inspection report confirming all works have been carried out satisfactorily must be provided prior to release of any Grant monies.
22. A Grant under this Program will be provided to an approved Applicant if all terms and conditions of this Program have been satisfied including payment of all property taxes and all eligible works have been completed at the discretion of the GM.
23. At the sole discretion of the Manager of Commercial Districts and Small Business, partial payments for works completed can be processed consistent with the payment process described herein.
24. At the sole discretion of the Manager of Commercial Districts and Small Business, the Grant cheque can be made jointly payable to the Applicant and the contractor if such a request has been received from the Applicant.
25. A successful Applicant will enter into an agreement with the City containing (but not limited to) the terms and conditions set out in this program description.
26. Improvements/developments commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program with eligibility determined by the GM in their sole, absolute and unfettered discretion. An Applicant shall assume the risk of any costs incurred after an application has been submitted but prior to approval under this Program having been received.
27. Where a Program application has been submitted by a property owner and accepted by the City but not yet approved, and the subject property(s) are to be transferred to a new property owner, the City may permit the transfer or assignment of the application to the new owner at the sole, absolute and unfettered discretion of the GM. The future owner who has been requested to become the Program Applicant and receive funding under this Program shall be subject to appropriate due diligence for the purposes of paragraph 30, 31 and 32 herein. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion.
28. Approval of the Program application is at the absolute discretion of the GM and subject to the availability of funds.

29. Without limiting the discretion as set out in paragraph 28 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.
30. Without limiting the discretion as set out in paragraph 28 herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies property tax arrears owed on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, building code or fire code orders on the subject property(s).
31. Without limiting the discretion as set out in paragraph 28, herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Loan and Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 31, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 31 shall apply jointly and severally to each of them.
32. Buildings, uses and improvements/developments shall conform to the City’s Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the improvement/development.
33. Eligibility of costs associated with exterior signage will be evaluated in terms of:
  - a. Compliance with the City’s Sign By-law No. 10-197 as amended; and
  - b. Design and aesthetics in accordance with all applicable City urban design policies and guidelines.

Signage deemed by the City to not meet one or both of these criteria shall not be eligible under this Program.

## C. ELIGIBLE/INELIGIBLE IMPROVEMENTS AND COSTS

Eligible exterior improvements include:

- Replacement or repairing of storefronts;
- Improvements and or upgrades to windows, doors, cornices and parapets;
- Barrier-free entrances to property (ramps, doors and automatic door openers);
- Addition of new lighting and upgrading of existing fixtures, on exterior of the façade and within the storefront area normally associated with the display area;
- Awning replacements and / or additions;
- Brick repairs and / or pointing;
- Painting and façade treatments;
- Installation or improvement of signage (in accordance with Section B, paragraph 34 herein);
- Permanent fencing;
- Permanent decks/patios located on private property;
- Surveillance cameras affixed to the exterior of the property (must comply to the Fortification By-law No. 10-122, as amended);
- Long-lasting landscaping on private property including tree plantings, statuary, rain gardens and perennial vegetation to a maximum of \$3,000 per application as part of the total Grant awarded;
- installation of permanent exterior electric vehicle charging stations to a maximum of 50% of the total Grant available under this Program;
- Depaving of existing hard surfaces (excluding areas containing required parking spaces) where the surface area will be replaced by a porous material to a maximum of 50% of the total Grant available under this Program;
- Installation of sustainable electric power generating equipment, including solar panels and micro-wind turbines, to a maximum of 50% of the total Grant available under this Program;
- Installation of an exterior living green wall covering a minimum 50% of a street facing façade to a maximum 50% of the total Grant available under this Program; and
- Other permanent exterior improvements deemed eligible at the sole discretion of the GM.

Eligible interior improvements include only the following:

- Barrier-free washrooms;
- Ramps to access barrier-free washrooms;
- Widening of doors to meet Accessibility for Ontarians with Disabilities Act (AODA) requirements;
- Interior signage to meet AODA requirements;
- Commercial kitchen cooking exhaust / ventilation systems;
- Sprinkler systems; and
- Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the GM.

Eligible improvements when a property has been damaged due to fire, vandalism (not including graffiti except as provided for in Section F) or a natural disaster such as a flood, earthquake or hurricane:

- Façade Improvements: windows, doors, storefronts, awnings, signage, surveillance cameras or other items deemed eligible at the sole discretion of the GM; and
- Limited Interior Improvements: barrier-free washrooms or commercial kitchen cooking exhaust / ventilation systems (the Grant will be no more than 50% of the maximum Grant per municipal address for interior improvements).

Other eligible costs include only the following:

- Architectural, engineering, lawyer’s, BCIN designer, building permit, sign permit, site plan application, road occupancy permit, street occupancy permit and encroachment agreement application fees are eligible up to 100% of the cost to a maximum of \$3,000 per application as part of the total grant awarded for completed works; and
- Public art/mural located on private property (in accordance with Section B, paragraph eight herein).

Ineligible costs/improvements include:

- Any temporary or non-permanently affixed improvement such as, but not limited to, outdoor patio furniture, interior furniture, plexiglass partitions or display case equipment;
- Artificial landscaping elements including trees, plants and grass;
- Roofing (apart from mansard roofs above the eligible frontage);
- Sandblasting;
- Outdoor heating and cooling equipment;

- Program application fees;
- Business interruption expenses;
- Business equipment;
- Sewer/drain repair;
- Paving;
- Tools;
- Restoration/conservation specifically related to heritage features on commercial properties designated under the *Ontario Heritage Act*;
- Any other cost where a property has been damaged for one of the aforementioned reasons contained in Section B, paragraph 11 herein at the sole discretion of the GM; and
- Any other cost/improvement deemed not to meet the intent of this Program at the sole discretion of the GM.

#### D. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to the commencement of works that are the subject of a Program application. Required documents and information forming a complete application shall be identified within the Program’s application form.

An application fee is payable upon submission of application, except for applications which are solely with respect to improvements arising from fire, vandalism or a natural disaster, such as a flood, earthquake or hurricane, in accordance with Section B, paragraph 11, in which case no application fee shall be required. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form.

Commercial properties are to be identified in the application by municipal address to identify multiple and separate commercial units with separate ground floor street entrances.

Applications to this program are subject to the approval of GM in their sole discretion and subject to the availability of funding.

Applications shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the improvement/development and conformity with the objectives of the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan.

## E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in collaboration with other City departments as required with approval of applications subject to a decision by the GM in their sole and unfettered discretion.

Applicants and properties will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Grant under this Program. This will include, but may not be limited to, confirmation of the following: all property taxes are paid and current on the subject property(s) or other properties owned by the Applicant within the City of Hamilton, the property is in compliance with Zoning By-law regulations, that there are no outstanding property standards, building code or fire code orders on the subject property(s) and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Grant under this Program.

Approved Applicants shall be required to enter into a Grant Payment Agreement with the City.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the Revitalizing Hamilton's Commercial Districts Community Improvement Plan are met.

Applications to this Program not yet approved by City Council (or its delegate) shall be subject to any changes to the terms of this Program which are approved by Council prior to the application being approved.

## F. TEMPORARY ELIGIBILITY AND TERMS FOR GRAFFITI REMOVAL

1. Only the following terms shall apply to Grant applications made solely in respect of graffiti removal: Section A, paragraphs 1,2,3 and 12 of Section B and this Section F.
2. A maximum of one Grant equaling \$200.00 is permitted per instance of graffiti removal occurring on a façade of a commercial or mixed-use commercial building within an eligible CIPA, to a total maximum of five instances of graffiti removal totaling \$1,000.00 per eligible property within a single calendar year.
3. Applications respecting graffiti removal may:
  - a. Be submitted per instance or may include instances at the same eligible property as part of a single application to a maximum of five graffiti incidents per application; and,
  - b. Be retroactive beginning from, and including, the date of City Council's approval of the provisions contained in this Section F.

4. A Grant provided under this Program with respect to graffiti removal shall not be counted towards the maximum available Grant amount otherwise available to the subject property within a five-year period in accordance with Section B, paragraphs 4 and 10 herein.
5. Applications under this Program which are solely in respect to graffiti removal shall include the following supporting documents to form a complete application:
  - a. Digital photograph of the graffiti subject to the application which shall provide the necessary visual context to identify the applicable building and its location and contain the required meta data to confirm the date the picture was taken, or such other supporting information deemed acceptable by the City, and
  - b. Proof of property ownership or commercial tenancy of the subject property the determination of acceptable documentation being at the discretion of the City and may include, but not be limited to, a signed and in effect lease or property tax bill.
6. Prior to Grant payment, a digital photograph confirming the removal of graffiti shall be required to be submitted to the City. The photograph shall provide the necessary visual context to identify the applicable building and its location and contain the required meta data to confirm the date the picture was taken, or such other supporting information deemed acceptable by the City.
7. Grants are subject to the availability of funding.
8. The eligibility of graffiti removal for consideration under this Program shall be at the sole discretion of the City.
9. Applications under this Program which are solely in respect to graffiti removal shall not be subject to an application fee.
10. The provisions contained in this Section F will expire on March 31, 2025. This period may be shortened or extended without amendment to these terms at the discretion of City Council.
11. The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan are met.
12. Notwithstanding any provision contained in this Section F, the City may cancel the terms of this Section F and the eligibility of graffiti removal under this Program at any time and without notice. However, applications already submitted to the City prior to cancellation

will continue to be eligible for consideration and potential approval in accordance with this Section F and applications already approved at the time of cancellation of this Section F will be paid the Grant in accordance with the terms of the Program.



## AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 23-013

9:30 a.m.  
September 7, 2023  
Council Chambers  
Hamilton City Hall

**Present:** Councillors C. Kroetsch (Chair), J. Beattie, T. Hwang, M. Spadafora, M. Tadeson, A. Wilson, and M. Wilson

**Absent with  
Regrets:** Councillor B. Clark, – Personal

**THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 23-013 AND RESPECTFULLY RECOMMENDS:**

1. **Harassment and Discrimination Prevention Policy (HUR23011) (City Wide) (Item 8.1)**
  - (a) That the revisions to Policy HR-61-13 Harassment and Discrimination Prevention Policy set out in Appendix “A” to Audit, Finance and Administration Committee, be approved; and,
  - (b) That the Procedure for Resolving Harassment and Discrimination Issues under Policy HR-61 Harassment and Discrimination Prevention Policy, as set out in Appendix “B” to Audit, Finance and Administration Committee Report 23-013, be approved.
2. **RZone Respectful Environments Policy (HUR23012) (City Wide) (Item 8.2)**
  - (a) That the RZone Respectful Environments Policy (Appendix “C” to Audit, Finance and Administration Committee Report 23-013), be approved; and
  - (b) That the RZone Respectful Environments Procedure (Appendix “D” to Audit, Finance and Administration Committee Report 23-013), be approved.
3. **Voluntary Advisory Committee Review (CM23025) (City Wide) – REVISED (Outstanding Business List Item) (Item 9.1)**

That Report CM23025 respecting Voluntary Advisory Committee Review, be received.

**4. Policy 14 - Microsoft (FCS23093/CM23019) (City Wide) - REVISED (Item 10.1)**

That Council approve the Policy #14 for Microsoft as the Platform of technologies, pursuant to Procurement Policy #14 – Standardization for a period of five years from the date of Council approval.

**5. Review of the City of Hamilton Volunteer Advisory Committees - REVISED (Item 11.1)**

WHEREAS, the City of Hamilton is dedicated to advancing and articulating City decision-making efforts by ensuring the process by which participants are provided information and are engaged is meaningful, clear, convenient, and accessible to all residents;

WHEREAS, the City of Hamilton supports community engagement as it empowers individuals and groups to give them a voice and a platform to express their opinions, concerns, and ideas, which encourages active participation, enabling community members an opportunity to shape the decisions that affect them directly;

WHEREAS, engagement in the community fosters a sense of ownership and responsibility, leading to increased community pride and motivation to work towards common goals and provides policy makers and elected officials with meaningful feedback that can inform decision making;

WHEREAS, Community engagement promotes collaboration and cooperation among stakeholders, including residents, local businesses, community-based organizations, multiple levels of government and non-profits, thereby, bringing people together and facilitating the exchange of knowledge, resources, and expertise, leading to innovative solutions and shared idea generation;

WHEREAS, the Advisory Committee with Persons with Disabilities and the Hamilton Municipal Heritage Committee are Sub-Committees of Council and are required by Provincial legislation, they are outside the scope of this proposed review

WHEREAS, the City of Hamilton is currently creating a robust public engagement policy and administrative framework; and

WHEREAS, enhancing engagement throughout civic participation processes can inherently support high-level Term of Council Priorities including (1) Equity, Diversity and Inclusion; and (2) Trust and Confidence in City Government;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton pause all Volunteer Advisory Committees, with the exception of the Climate Change Advisory Committee, for which recruitment for the current Council term is underway, **and** the Hamilton Veterans Committee, so they can continue to plan the 2023 Remembrance

Day Service, *and the Seniors Advisory Committee, so they can continue to plan the 2023 Senior of the Year Awards*; and

- (b) That City Manager's Office and Corporate Services staff be directed to report back to the Audit, Finance and Administration Committee with recommendations on the following:
  - (i) best practices that prioritizes resident engagement including access to, understanding of and participation in community engagement;
  - (ii) review and provide recommendations to Council as informed by existing partnerships with local community-based organizations and networks to help shape and advise decision-making efforts on City initiatives, programs, services, policies, and by-laws;
  - (iii) existing community-based engagement methods inclusive of the Volunteer Advisory Committees to fulfil the priorities of Council aligned with the Term of Council priorities 2022 – 2026; and
  - (iv) a resource list of local equity-deserving groups doing community and grassroots organizing that can be contacted for engagement and feedback on City Wide processes and policies.

**6. Commercial Relationship Between the City of Hamilton and Ibrahim Nassri Trading Inc. (FCS23097) (City Wide) – Confidential (Item 14.1)**

- (a) That Closed Session recommendations (a), (b) and (c) be released publicly following approval by Council; and
- (b) That the contents of Report FCS23097 remain confidential.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**5. COMMUNICATIONS**

- 5.1 Tina Iacoe, Manager of Procurement, respecting Procurement Policy and Procedure Regarding Vendor Performance Evaluation

Recommendation: Be received and referred to consideration of Item 14.1, Commercial Relationship Between the City of Hamilton and Ibrahim Nassri Trading Inc. (FCS23097) (City Wide)

The agenda for the September 7, 2023 Audit, Finance and Administration Committee meeting, was approved, as amended.

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

There were no declarations of interest.

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

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

The Minutes of the August 17, 2023 meeting of the Audit, Finance and Administration Committee, were approved, as presented.

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

**(i) Tina Iacoe, Manager of Procurement, respecting Procurement Policy and Procedure Regarding Vendor Performance Evaluation**

The correspondence from Tina Iacoe, Manager, Procurement, respecting Procurement Policy and Procedure Regarding Vendor Performance Evaluation, was received and referred to consideration of Item 14.1, Commercial Relationship Between the City of Hamilton and Ibrahim Nassri Trading Inc. (FCS23097) (City Wide).

For further disposition of this matter, refer to Item 6.

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

**(i) AJ Nassri, Snow Wrangler, respecting relationship with Snow Wrangler as a Vendor (for today's meeting) (Item 6.1)**

The Delegation Request from AJ Nassri, Snow Wrangler, respecting relationship with Snow Wrangler as a Vendor, was approved for today's meeting.

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

**(i) Hafeez Hussain, respecting Improving Service Standards and Transparency with the General Public at the City Clerk Office (approved, August 17, 2023) (Item 7.1)**

Hafeez Hussain, addressed Committee respecting Improving Service Standards and Transparency with the General Public at the City Clerk Office, with the aid of a presentation.

(ii) **AJ Nassri, Snow Wrangler, respecting the City's relationship with Snow Wrangler as a Vendor (Added Item 7.2)**

AJ Nassri, Snow Wrangler, addressed Committee respecting the City's relationship with Snow Wrangler as a Vendor.

The following Delegations, were received as presented:

- (i) Hafeez Hussain, respecting Improving Service Standards and Transparency with the General Public at the City Clerk Office; and,
- (ii) AJ Nassri, Snow Wrangler, addressed Committee respecting the City's relationship with Snow Wrangler as a Vendor.

For further disposition of (f)(i), refer to (f)(iii); for further disposition of (f)(ii), refer to Item 6.

- (iii) Staff were directed to examine the recommendations put forth by delegate Hafeez Hussain respecting Improving Service and Standards and Transparency with the General Public at the Clerk's Office and to report back to the Audit, Finance and Administration Committee by Q1 2024 on the feasibility of implementing these recommendations, including resources and funding required to implement them.

The motion was **amended** by adding a subsection (b) as follows:

- (a) That staff be directed to examine the recommendations put forth by delegate Hafeez Hussain respecting Improving Service and Standards and Transparency with the General Public at the Clerk's Office and to report back to the Audit, Finance and Administration Committee by Q1 2024 on the feasibility of implementing these recommendations, including resources and funding required to implement them; **and**,
- (b) ***That staff be directed to share the information provided by Hafeez Hussain with the Mayor's Task Force on Transparency, Access and Accountability.***

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

(i) **Harassment and Discrimination Prevention Policy (HUR23011) (City Wide) (Item 8.1)**

Jodi Koch, Director, Talent and Diversity, addressed Committee respecting the Harassment and Discrimination Prevention Policy, with the aid of a presentation.

The presentation from Jodi Koch, Director, Talent and Diversity, respecting the Harassment and Discrimination Prevention Policy, was received. For further disposition of this matter, refer to Item 1.

**(ii) RZone Respectful Environments Policy (HUR23012) (City Wide) (Item 8.2)**

David Lindeman, Manager Health, Safety and Wellness, addressed Committee respecting the RZone Respectful Environments Policy, with the aid of a presentation.

The presentation from David Lindeman, Manager Health, Safety and Wellness, respecting the RZone Respectful Environments Policy, was received.

For further disposition of this matter, refer to Item 2.

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

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

The following amendments to the Outstanding Business List, were approved:

1. Items Considered Completed and to be Removed
  - (a) Review of the City of Hamilton Volunteer Advisory Committees  
OBL Item: 23-K  
Addressed as Item 9.1 on today's agenda
  - (b) Workplace Mental Health and Wellbeing Strategy (2019-2021) (HUR19010) (Item 10.2)  
OBL Item: 19-G  
Addressed as Item 9.2 on the May 18, 2023 agenda

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

**(i)** The Audit, Finance and Administration Committee moved into Closed Session respecting Item 14.1, pursuant to Section 9.3, Sub-sections (e) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on by or on behalf of the municipality.

**(ii) Commercial Relationship Between the City of Hamilton and Ibrahim Nassri Trading Inc. (FCS23097) (City Wide) - Confidential (Item 14.1)**

For further disposition of this matter, refer to Item 6.

**(j) ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee, was adjourned at 11:40 a.m.

Respectfully submitted,

Councillor Cameron Kroetsch, Chair  
Audit, Finance and Administration  
Committee

Tamara Bates  
Legislative Coordinator  
Office of the City Clerk

<b>Corporate Human Resources Policy</b>	 Hamilton	Content Updated: 2023-05-29
Work Environment		Supersedes Policy: Harassment and Discrimination Prevention Policy (April 27, 2005)
Policy No: HR-61-13		
Page 1 of 16		Approval: 202X-XX-XX

**HARASSMENT AND DISCRIMINATION PREVENTION POLICY**  
*(in accordance with the Ontario Human Rights Code and Occupational Health and Safety Act)*

<b>POLICY STATEMENT</b>	<p>The City of Hamilton is committed to maintaining an inclusive work environment that promotes mutual respect for the dignity and worth of each person. In this diverse and equitable Workplace, all Employees will have the opportunity to contribute fully to the City of Hamilton’s mission, vision and values, and each Employee’s unique contribution will be respected.</p> <p>The City upholds an environment free from any form of Harassment or Discrimination by any of its Employees, in the Workplace, and at any work-related functions, or in any other work-related and/or staff social functions, such as holiday parties sanctioned by the Employer, or in any other work-related circumstances. The City prohibits Harassment and Discrimination, and it will not be tolerated from any person including Employees, Employers, members of Volunteer Advisory Committees, Agencies and Boards, Elected Officials, volunteers, service users, and citizens in the Workplace or in City owned and operated public spaces.</p> <p>The City of Hamilton upholds a zero tolerance to Harassment and Discrimination. Employees of the City of Hamilton are entitled to work in an environment free from Harassment and Discrimination that is based on any of the protected grounds under the Ontario <i>Human Rights Code</i>, which includes:</p> <ul style="list-style-type: none"> <li>• Race</li> <li>• Sex (including pregnancy)</li> <li>• Colour</li> <li>• Disability</li> <li>• Ancestry</li> <li>• Sexual Orientation</li> <li>• Place of Origin (where one was born)</li> <li>• Age</li> <li>• Ethnic Origin</li> <li>• Marital Status (includes same sex partnership status)</li> <li>• Citizenship</li> <li>• Family Status</li> <li>• Creed</li> <li>• Gender Identity</li> </ul>
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	<ul style="list-style-type: none"> <li>• Gender Expression</li> <li>• Record of Offence, for which a pardon has been granted (in employment only)</li> <li>• Receipt of Public Assistance (in housing/accommodation only)</li> </ul> <p>as well as the broader definitions of Workplace Violence and Workplace Harassment as outlined in the <i>Occupational Health and Safety Act</i>.</p> <p>The City seeks to ensure the safety and security of all Employees and service users and will not tolerate harassment involving any form of violence or other inappropriate behaviors at any City owned or operated facilities or public space, in written or verbal communications with Employees, members of Volunteer Advisory Committees, Agencies and Boards, Elected Officials, service users, and citizens, or at any other location where City staff are considered to be working.</p>	
<p><b>PURPOSE</b></p>	<p>The intention of this policy and its procedure is to outline the City of Hamilton’s commitment to maintain a healthy, respectful and supportive workplace by preventing Harassment and Discrimination from occurring in the workplace and in any City owned or operated facility or public space and, where necessary, to act upon complaints of Harassment and Discrimination promptly, fairly, thoroughly and with due regard for confidentiality for everyone involved.</p> <p>Under the <i>Occupational Health and Safety Act</i>, the City of Hamilton is required to have a policy and procedure for managing and investigating Harassment complaints. This policy and its associated procedure (Procedure for Resolving Harassment and Discrimination Issues) are consistent with the City’s obligations under the <i>Occupational Health and Safety Act</i>.</p> <p>Any individual has the right to pursue complaints relating to Harassment and Discrimination based on any of the prohibited grounds under the Ontario <i>Human Rights Code</i> with the Ontario Human Rights Tribunal. All Employees also have the right to file a complaint with the Ministry of Labour, Immigration, Training and Skills Development. The rights and processes for unionized employees may be guided or varied under their collective agreements.</p>	

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	<p>The City also has a <i>Violence in the Workplace Prevention Policy</i> that addresses concerns related to Workplace Violence.</p> <p>This policy contains definitions related to Harassment and Discrimination and identifies the rights and responsibilities of all Employees, including Management, as well as the rights and responsibilities of members of Volunteer Advisory Committees, Agencies and Boards, Elected Officials, volunteers and service users.</p>	
<b>SCOPE</b>	<p>This policy applies to all City of Hamilton Employees, including but not limited to regular, temporary, contract and probationary employees, and to contractors, consultants, volunteers, students, interns, as well as applicants for employment. This policy also applies to members of Volunteer Advisory Committees, Agencies, and Boards, Elected Officials, volunteers and members of the public. Service recipients, visitors to and users of City facilities/public space and individuals conducting business with the City of Hamilton, or with support from the City of Hamilton, are also expected to adhere to the intent of this policy and are expected to demonstrate respectful behaviour and not to engage in any form of Harassment or Discrimination against Employees or other individuals/groups. If Harassment or Discrimination occurs, the City will take all reasonable and necessary steps to ensure an environment free from Harassment and Discrimination to the extent possible, which may include: communication of expected behaviours; cease and desist letters; issuance of No Trespass notices; contacting Police; requesting injunctions; and, prosecution.</p> <p>Should members of the public believe they have been subject to or have witnessed Harassment or Discrimination involving an Employee, they can initiate a complaint under this policy.</p> <p>Anyone who has a concern of Harassment or Discrimination involving an individual who is a member of a Local Board, Agency or Volunteer Advisory Committee would pursue a complaint through the Integrity Commissioner as per the Complaint Protocol outlined within By-Law 22-019 <a href="#">Code of Conduct for Local Boards</a></p>	

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<b>Definitions</b>			
<b>Abuse of Authority</b>	<p>An individual's improper use of power or authority or perceived authority to intimidate, threaten or coerce an individual in a manner that is not consistent with City policies. May include behaviours such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• taking advantage of a position of authority to exploit, compromise or mistreat others;</li> <li>• endangering a person's job or threatening a person's economic livelihood, or interfering with or influencing the career of an individual;</li> <li>• intimidation, threats, blackmail and coercion.</li> </ul> <p>Abuse of authority may also take the form of behaviours such as shouting, belittling a person's work, favouritism/exclusion, unjustifiably withholding information that a person needs to perform their work and asking subordinates to take on personal errands.</p>		
<b>Bad Faith</b>	<p>Refers to a complaint brought with an ulterior motive, for example, motivated by ill will, hostility, malice, personal animosity, lack of fairness or impartiality, lack of total honesty such as withholding information. It includes serious carelessness, recklessness, and intentional fault. It is characterized by an intention to mislead.</p>		
<b>Complainant</b>	<p>Any person who makes a complaint.</p>		
<b>Disability</b>	<p>Defined as:</p> <ol style="list-style-type: none"> <li>1. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,</li> <li>2. a condition of mental impairment or a developmental disability,</li> </ol>		

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<p><b>Discrimination</b></p>	<ol style="list-style-type: none"> <li>3. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,</li> <li>4. a mental disorder, or</li> <li>5. an injury or disability for which benefits were claimed or received under the insurance plan established under the <i>Workplace Safety and Insurance Act, 1997</i>.</li> </ol> <p>Disability should be interpreted in broad terms. It includes both present and past conditions, as well as a subjective component, namely, one based on perception of disability.</p> <p>Involves differential treatment of an individual or group of individuals which is based, in whole or in part, on one or more of the protected grounds under the <i>Ontario Human Rights Code</i> and which has an adverse impact on the individual or group of individuals. According to the <a href="#">Ontario Human Rights Commission</a>, it includes the following elements:</p> <ol style="list-style-type: none"> <li>1. not individually assessing the unique merits, capacities and circumstances of a person;</li> <li>2. instead, making stereotypical assumptions based on a person's presumed traits;</li> <li>3. having the impact of excluding persons, denying benefits or imposing burdens.</li> </ol> <p><b>Employee</b>  Workers in an employment relationship with an Employer. This includes all Employees of the City of Hamilton, union and non-union including, but not limited to, regular, casual, temporary, probationary and contract Employees.</p> <p><b>Employer</b>  In accordance with the <i>Occupational Health and Safety Act</i>, means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.</p>	

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<b>Frivolous</b>	<p>Characterized by a lack of seriousness or sense; of little or no weight, worth or importance, not worthy of serious notice; not reasonably purposeful.</p>		
<b>Harassment</b>	<p>Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.</p>		
<b>Management</b>	<p>Any individual responsible for directing the work of others, including but not limited to elected officials (when in a supervisory relationship with City Employees), the City Manager, General Managers, Executive Directors, Directors, Managers, and Supervisors, and People Leaders. These individuals are considered a part of the “directing mind” of the organization and the City of Hamilton could be held liable by a court or tribunal if these individuals violate the Ontario <i>Human Rights Code</i> themselves or fail to engage in actions that prevent and disrupt Harassment or Discrimination in the Workplace. Even non-supervisors may be considered to be part of the “directing mind” if they have <i>de facto</i> supervisory authority or have significant responsibility for the guidance of employees.</p>		
<b>Workplace Harassment</b>	<p>Workplace Harassment as defined by the <i>Occupational Health and Safety Act</i> means:</p> <ol style="list-style-type: none"> <li>a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or</li> <li>b) Workplace Sexual Harassment.</li> </ol> <p>Workplace Harassment can make a person feel uncomfortable, distressed, offended or intimidated. Types of behaviour that may constitute Workplace Harassment include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Ongoing condescending comments or name calling</li> <li>• Repeated offensive gestures or comments</li> <li>• Practical jokes</li> <li>• False accusations</li> <li>• Spreading malicious rumours, gossip, or innuendo</li> <li>• Excluding, isolating or ignoring someone</li> <li>• Undermining or deliberately impeding a person's work</li> <li>• Constantly changing work guidelines</li> <li>• Withholding necessary information or purposefully giving the wrong information</li> </ul>		

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<p><b>Poisoned (Toxic) Work Environment</b></p>	<ul style="list-style-type: none"> <li>• Yelling or using profanity</li> <li>• Criticizing a person persistently or constantly</li> <li>• Belittling a person's opinions</li> <li>• Unreasonable blocking of applications for training, leaves of absence. or promotion</li> <li>• Tampering with a person's personal belongings or work equipment</li> <li>• Abuse of power or authority which negatively disrupts or prevents the performance of Workplace duties or unduly influences Workplace decisions, or requests to perform duties outside the scope of job requirements such as requests for personal errands</li> <li>• Persistent, excessive or unjustified criticism and constant scrutiny beyond reasonable exercise of supervisory duties</li> <li>• Intimidation</li> <li>• Public performance reviews that undermine the individual's credibility or undermine their ability to perform</li> <li>• Being coerced to engage in conduct that is not consistent with Workplace expectations of the City of Hamilton.</li> <li>• Bullying</li> <li>• Actions which create a "Poisoned Work Environment" which is hostile, intimidating or offensive</li> </ul> <p>Workplace Harassment is generally not an isolated insult or adverse comment; nor is it a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace.</p> <p>A work environment where inappropriate comments, behaviour or the display of offensive material has an adverse impact on an individual or a group. The offending behaviour does not need to be directed towards an individual but may have an adverse impact in the Workplace that goes beyond the original incident. The adverse impact can include psychological suffering.</p> <p>A Poisoned Work Environment may result from a pattern of events or a single, serious remark or action.</p> <p>A Poisoned Work Environment can also be known as a toxic work environment.</p>	

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<b>Respondent</b>	Any person who is the subject of a complaint (i.e., a complaint is made against them).		
<b>Sexual and Gender-based Harassment</b>	<p>Sexual and Gender-Based Harassment includes unwanted or unwelcome actions or comments of a sexual or gender-related nature. Sexual and Gender-based Harassment does not have to be sexual in nature. Stereotypical comments or actions about one’s gender can be a form of Sexual and Gender-based Harassment. Sexual and Gender-based Harassment can happen to anyone. This includes Workplace Sexual Harassment.</p> <p>Usually, Sexual and Gender-based Harassment is a pattern of behaviour that occurs over a period of time; however, a single incident can be serious enough to be considered Sexual and Gender-based Harassment.</p> <p>Workplace Sexual Harassment is further defined under the <i>Occupational Health and Safety Act</i> to include:</p> <ul style="list-style-type: none"> <li>• engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome,</li> <li>• making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.</li> </ul>		
<b>Bullying</b>	<p>Bullying is the misuse of power or position to persistently criticize, condemn or openly humiliate an individual, in a manner that undermines their ability. This involves the misuse of power or aggression to control or distress another. The power differential can take various forms, including the exercise of power in numbers, through one’s position etc. The behaviour is often repeated. Bullying can also take many different forms, including physical, verbal, non-verbal, unduly influencing a decision, social isolation or overt exclusion etc.</p>		
<b>Trivial</b>	Of very little value or importance.		

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<b>Vexatious</b>	Without reasonable or probable cause or excuse; harassing; annoying; instituted maliciously or on the basis of improper motives; intended to harass or annoy.		
<b>Workplace</b>	Workplace includes all locations where business or social activities of the City are conducted. This policy may apply to incidents that happen away from work (e.g., inappropriate social media posts, phone calls, e-mails or visits to an employee’s home, incidents at luncheons, after work socials).		
<b>Terms &amp; Conditions</b>	The following terms and conditions apply to this Policy:		
<b>1. Discriminatory or Harassing Behaviours</b>	<p>Discriminatory or harassing behaviour results from actions directed at specific individuals or groups, which are unwelcome or unwanted; or may be actions which are not directed at a particular individual, but have created a “Poisoned Work Environment” which is hostile, intimidating or offensive.</p> <p>Examples of discriminatory or harassing behaviours include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Racial or ethnic slurs</li> <li>• Written or verbal abuse or threats based on a protected ground</li> <li>• Unwelcome remarks, jokes, nicknames, taunts, suggestions related to a person’s body, attire, age, marital status, sex or gender, ethnic or racial origin, creed, disabilities, sexual orientation, or any protected grounds</li> <li>• Practical jokes related to a protected ground which result in embarrassment or insult or negatively affect work performance</li> <li>• Abuse of Authority which undermines performance or threatens careers, based on a protected ground</li> <li>• Vandalism of personal property</li> <li>• Displays of racist or other offensive or derogatory material</li> <li>• Derogatory cartoons or graffiti based on a protected ground</li> <li>• Patronizing or condescending behaviour or language which reinforces stereotypes and undermines self-respect</li> <li>• Inappropriate references to racist organizations or individuals</li> <li>• Accessing, displaying, transmitting or storing (including on the City’s technology systems, including computer network etc.) material which violates any Canadian federal or provincial law or City by-law or directive, or is harassing,</li> </ul>		

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	<p>discriminatory, or obscene and conducive to a Poisoned Work Environment. (See <a href="#">City of Hamilton Computer Acceptable Use Policy</a>).</p> <p>Examples of Sexual and Gender-based harassment include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Demanding hugs</li> <li>• Cornering, leaning over or similar examples of invading personal space</li> <li>• Making unnecessary physical contact, including unwanted touching</li> <li>• Using language that puts someone down and/or comments towards a person that are sex-specific derogatory names</li> <li>• Leering or inappropriate staring</li> <li>• Making gender-related comments about someone’s physical characteristics or mannerisms</li> <li>• Making negative comments or treating someone badly because they don’t conform with sex-role stereotypes</li> <li>• Showing or sending pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online)</li> <li>• Sexual jokes, including passing around written sexual jokes (for example, by e-mail)</li> <li>• Rough and vulgar humour or language related to gender</li> <li>• Using sexual or gender-related comments or conduct to bully someone, spreading sexual rumours (including online)</li> <li>• Making suggestive or offensive comments or hints about members of a specific gender</li> <li>• Making sexual proposition</li> <li>• Verbally abusing in a sexual manner</li> <li>• Threatening or taunting someone based on gender</li> <li>• Bragging about sexual prowess</li> <li>• Demanding dates or sexual favours</li> <li>• Asking questions or talking about sexual activities</li> <li>• Making an employee dress in a sexualized or gender-specific way</li> <li>• Engaging in behaviours that undermine someone’s status or position of responsibility</li> <li>• Making threats to penalize or otherwise punish a person who refuses to comply with sexual advances (known as reprisal).</li> <li>• Display of sexually offensive material</li> </ul>	

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<b>2. Complaints</b>	<ul style="list-style-type: none"> <li>• Making sexual requests or suggestions (known as sexual solicitation)</li> </ul>	
	<p>Complainants and Respondents have the right to confidential, objective advice from the Human Rights &amp; Workplace Harassment Investigator for the City of Hamilton.</p> <p>The Procedure for Resolving Harassment and Discrimination Issues outlines the steps for handling of complaints, including the following options:</p> <ul style="list-style-type: none"> <li>• Complaint to the City of Hamilton, through an Employee’s Supervisor</li> <li>• Complaint directly to the Human Rights &amp; Workplace Harassment Investigator in the Human Resources Department</li> <li>• Application to the Human Rights Tribunal of Ontario</li> <li>• Filing of a grievance for those Employees covered under a collective agreement</li> <li>• Complaint to Police if a criminal act is believed to have occurred</li> </ul>	
<b>3. Confidentiality</b>	<p>The City of Hamilton will make every reasonable effort to maintain confidentiality for Employees involved in Harassment and Discrimination complaints or incidents subject to the requirements of procedural fairness of the investigation and resolution procedure. Confidentiality extends to all records relating to complaints, including but not limited to meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action. Complainants, Respondents and witnesses will be advised to maintain confidentiality concerning complaints or incidents. Any record of discipline which occurs as a result of a complaint will be included in the disciplined Employee’s file for the length of time required by law However, all records are subject to the provisions of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and may be subject to disclosure under the Act or as otherwise required by law.</p>	
<b>4. Procedural Fairness</b>	<p>The rules of procedural fairness govern all activities occurring under this policy. Procedural fairness ensures that parties are provided with a fair assessment of the complaint, Respondent(s) will be informed of the allegations raised against them and parties to the</p>	

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<b>5. Reprisal</b>	<p>investigation will be provided with a meaningful opportunity to respond to allegations made against them.</p> <p>A reprisal is an action or threat that is intended as retaliation for claiming or enforcing a right under the <i>Ontario Human Rights Code</i> and <i>Occupational Health and Safety Act</i>.</p> <p>Any form of retaliation against parties involved in a complaint (including a Complainant, Respondent, Witness, Investigator etc.) will be considered a serious violation of this Policy and will not be tolerated. Such retaliatory actions may be subject to disciplinary action, up to and including termination of employment.</p>		
<b>6. Trivial, Frivolous/ Vexatious Complaints</b>	<p>The City of Hamilton prohibits complaints that are trivial, frivolous, vexatious or made in bad faith. Any Employee found to have lodged such a complaint may be subject to disciplinary action, up to and including termination of employment.</p>		
<b>Responsibilities</b>			
<b>Shared Responsibility</b>	<ul style="list-style-type: none"> <li>All Employees have the right to work in a healthy, respectful and supportive environment free from Harassment and Discrimination. Employees share a collective responsibility to ensure that their work environment is free from Harassment and Discrimination.</li> <li>All Employees have a positive obligation to report incidences of Harassment and Discrimination when they become aware of them.</li> <li>All individuals have the right to access and enjoy City owned and operated facilities and public spaces in a respectful and inclusive manner. The responsibilities of Employees, the Employer, Management, members of Volunteer Advisory Committees, Agencies and Boards, Elected Officials, volunteers and service users are specified below.</li> </ul>		
<b>Employee Responsibility</b>	<ul style="list-style-type: none"> <li>All Employees are required to attend mandatory training related to Harassment and Discrimination prevention. Failure to attend such mandatory training without a valid reason approved by a</li> </ul>		

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<p><b>Employer Responsibility</b></p>	<p>member of Management shall result in discipline up to and including termination.</p> <ul style="list-style-type: none"> <li>• Employees must not engage in any behaviour or comments that are or may be perceived as Harassment or Discrimination. Employees are required to report incidents of Harassment, Discrimination, Personal Harassment, or Reprisal to their Supervisors or Managers or to the Human Rights &amp; Workplace Harassment Investigator in Human Resources immediately.</li> <li>• It is the responsibility of all individuals covered by this Policy to cooperate fully in any attempts to resolve a matter under this Policy and to cooperate fully in the investigation of any Complaint. This includes maintaining confidentiality in relation to the ongoing investigation as well as upon completion of the investigation. Any Employee who refuses to participate in an investigation or the resolution of a matter under this Policy, or who knowingly or recklessly makes a false statement or gives false or misleading information, will be subject to disciplinary action up to and including termination of employment.</li> <li>• Provide a Workplace free from Harassment and Discrimination that is based on the protected grounds under the Ontario <i>Human Rights Code</i> and Personal (Workplace) Harassment as outlined in the <i>Occupational Health and Safety Act</i>.</li> <li>• Ensure corporate Policies and Procedures comply with the Ontario <i>Human Rights Code</i> and <i>Occupational Health and Safety Act</i>.</li> <li>• Ensure information and instruction on the content of a Harassment prevention program is shared with all Employees.</li> <li>• Ensure visible notification of Harassment prevention program in City owned or operated facilities and public spaces.</li> <li>• Provide Harassment and Discrimination prevention education to all Employees.</li> <li>• Create an environment that encourages the reporting of all incidents of Harassment and Discrimination.</li> <li>• Provide a process to handle and investigate Harassment and Discrimination complaints in the most effective, fair and timely manner, and appropriate in the circumstances.</li> <li>• Inform the Complainant and Respondent (if Employees of the Employer) of the results of the investigation in writing and advise</li> </ul>	

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<b>Management Responsibility</b>	<p>of any corrective action that has been or will be taken by the City of Hamilton to address workplace Harassment or Discrimination.</p> <ul style="list-style-type: none"> <li>• Management is responsible for providing a Workplace that is free of Harassment and Discrimination, and for intervening if Harassment or Discrimination occurs. They must ensure that incidents of Harassment and Discrimination are not tolerated, ignored or condoned.</li> <li>• Management is responsible for their own actions as well as managing and addressing the actions of staff under their supervision. In order to prevent Harassment and Discrimination, to address perceived Harassment and Discrimination, and to address Employee complaints with respect to Discrimination or Harassment on the basis of the protected grounds under the <i>Ontario Human Rights Code</i> and the <i>Occupational Health and Safety Act</i>, Management will undertake the following actions:                     <ul style="list-style-type: none"> <li>○ Demonstrate appropriate behaviour by never engaging in, tolerating or condoning Harassment or Discrimination.</li> <li>○ Ensure Employees are attending mandatory training related to Harassment and Discrimination prevention.</li> <li>○ Make all reasonable efforts possible to protect Employees from Harassment and Discrimination.</li> <li>○ Consult with the Human Rights &amp; Workplace Harassment Investigator on all matters that may pertain to this Policy.</li> <li>○ If Harassment or Discrimination is suspected, or if an Employee reports that they are being harassed or discriminated against, action must be taken in accordance with this Policy and the associated Procedure (Procedure for Resolving Harassment &amp; Discrimination Issues). Accordingly, Management must consult with the Human Rights &amp; Workplace Harassment Investigator immediately upon learning or suspecting that Harassment or Discrimination may be occurring. In consultation with the Human Rights &amp; Workplace Harassment Investigator, Management must approach an Employee if Harassment or Discrimination is suspected because some Employees may be reluctant to bring forward concerns.</li> <li>○ Respond immediately to any Harassment or Discrimination complaints by contacting the Human Rights &amp; Workplace Harassment Investigator. Only a Human Rights &amp; Workplace Harassment Investigator may formally investigate a Harassment or Discrimination Complaint (see the Procedure</li> </ul> </li> </ul>	

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<p><b>Service Recipient/User/Visitor /Volunteer Responsibility</b></p>	<p>for Resolving Harassment and Discrimination Issues). Management who are aware of Harassment or Discrimination and do not take corrective action in consultation with the Human Rights &amp; Workplace Harassment Investigator, may be subject to disciplinary action, up to and including termination of employment.</p> <ul style="list-style-type: none"> <li>○ In consultation with the Human Rights &amp; Workplace Harassment Investigator/Labour Relations, take remedial action with Employees who violate this Policy, including disciplinary action, training, education or any other action deemed appropriate given the circumstances.</li> <li>● Service recipients, visitors to and users of City facilities/public space and individuals conducting business with the City of Hamilton, or with support from the City of Hamilton are expected to demonstrate respectful behaviour and must not engage in any behaviour or comments that are or may be perceived as Harassment or Discrimination towards employees and/or other individuals/groups.</li> <li>● In addition, volunteers and service users have a duty to report of acts of violence, vandalism and/or inappropriate behaviours to a City employee and/or a designated person of the appropriate organization within 24 hours.</li> <li>● Any individual who is not an Employee who refuses to participate in an investigation or the resolution of a matter under this Policy will be subject to appropriate suspension, denial of services, prohibited from accessing City facilities, or suspension/removal from Volunteer Advisory Committee, Agency, Board, etc., as deemed appropriate in the circumstances.</li> </ul>	
<p><b>RELATED DOCUMENTS</b></p>	<p>The following are related documents to this Policy:</p> <p>Legislation:</p> <ul style="list-style-type: none"> <li>● <i>Ontario Human Rights Code</i></li> <li>● <i>Occupational Health and Safety Act</i></li> <li>● <i>Accessibility for Ontarians with Disabilities Act</i></li> <li>● <i>Municipal Freedom of Information and Protection of Privacy Act</i></li> </ul> <p>Procedure:</p>	

<p><b>Corporate Human Resources Policy</b>  Work Environment</p>	 Hamilton	<p>Content Updated: 2023-05-29  Supersedes Policy: Harassment and  Discrimination Prevention Policy  (April 27, 2005)</p>
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	<ul style="list-style-type: none"> <li>• <i>Procedure for Resolving Harassment and Discrimination Issues</i></li> </ul> <p>Policies:</p> <ul style="list-style-type: none"> <li>• <i>Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons</i></li> <li>• <i>Violence in the Workplace Prevention Policy</i></li> </ul> <p><b>Contact:</b> For more information on this Policy, contact a Human Rights &amp; Workplace Harassment Investigator in Human Resources, City Manager’s Office.</p>	
<p><b>HISTORY</b></p>	<p>This policy replaces previous Harassment and Discrimination Prevention Policy, approved by Council on April 27, 2005 (Report HUR05005).</p> <p>The Corporate Policy Review Group and an Employment Lawyer, specializing in Human Rights, were consulted in the revisions made to this Policy.</p> <p>Approved by Council of the City of Hamilton 2014-02-12.</p> <p>This Policy was updated to be consistent with Bill 132 and changes to the <i>Occupational Health and Safety Act</i> coming into effect on September 8, 2016.</p> <p>The policy was revised to combine the Harassment &amp; Discrimination Policy and the Personal Harassment Prevention Policy.</p> <p>HRLT reviewed the updated policy 2023-05-29.</p> <p>Corporate Policy Review Group reviewed the updated policy on 2023-06-05.</p> <p>Senior Management Team reviewed updated policy on 2023-07-20.</p> <p>Legal Services reviewed the updated policy on 2023-08-16.</p>	

<b>Corporate Human Resources Procedure</b>	 Hamilton	Content Updated: 2023-05-19 Date of Last Review: 2020-12-01
Supports Policies: HR-61-13		Supersedes: Resolving Harassment & Discrimination Issues Procedure (Approved by CMT: April 7, 2005)
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<b><i>Procedure for Resolving Harassment &amp; Discrimination Issues</i></b>	
<b>PURPOSE</b>	This procedure outlines steps to be taken to address issues of Harassment and/or Discrimination by Employees of the City of Hamilton. They are in accordance with the <b><i>Harassment and Discrimination Prevention Policy</i></b> . Please refer to this policy for definitions and further information.
<b>SCOPE</b>	This procedure applies to all City of Hamilton employees, including but not limited to regular, temporary, contract and probationary employees, and to contractors, consultants, volunteers, students, interns, as well as applicants for employment. This procedure also applies to members of Volunteer Advisory Committees, Agencies, and Boards, Elected Officials, volunteers and service users.  This Procedure will also apply should a citizen file a complaint of Harassment and Discrimination against an Employee under the City’s Harassment and Discrimination Prevention Policy

<b>ROLES &amp; RESPONSIBILITIES</b>	
<b>Employee</b>	Any Employee who has a complaint alleging a violation of the Harassment and Discrimination Prevention Policy is encouraged to attempt the following before a formal complaint is filed: <ul style="list-style-type: none"> <li>○ If possible, make your disapproval known to the person who is causing the offence and ask that all offensive behaviour stop.</li> <li>○ If an Employee approaches you in this regard it is expected that you will:                         <ul style="list-style-type: none"> <li>○ make all reasonable efforts to resolve the matter; and/or,</li> <li>○ discuss concerns with your immediate Supervisor or another member of management; and/or</li> </ul> </li> </ul>

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<p><b>Human Rights &amp; Workplace Harassment Investigator</b></p>	<ul style="list-style-type: none"> <li>○ seek advice from a union representative (where applicable); and/or</li> <li>○ contact the Human Rights &amp; Workplace Harassment Investigator in Human Resources for advice/consultation even if there is no intent to file a complaint.</li> </ul> <p><b>Do not discuss</b> the alleged Harassment and/or Discrimination or intent to file a complaint with other co-workers, as this could be a potential breach of the Harassment and Discrimination Prevention Policy.</p> <p>Where possible, Employees who believe that they have been subjected to Harassment or Discrimination should maintain a written record of the nature of the alleged conduct, date(s), time(s), behaviour, impact and list of witnesses.</p> <p>If the Harassment or Discrimination continues, or the Complainant is uncomfortable speaking to the person who is causing offence, or to their own Supervisor or another member of management, the Complainant may bring the matter to the attention of the Human Rights &amp; Workplace Harassment Investigator as a complaint (see Complaint Procedures for next steps).</p> <p>The Human Rights &amp; Workplace Harassment Investigator works in Human Resources and acts as an impartial advisor to any City Employee (including Management representatives). The Human Rights &amp; Workplace Harassment Investigator maintains a fair and unbiased attitude to all complaints, and to all those involved in complaints, at all times. The Human Rights &amp; Workplace Harassment Investigator is responsible for providing education and information concerning all forms of Harassment and Discrimination,</p>
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<p><b>Manager/Supervisor</b></p>	<p>initiating efforts to resolve complaints, and investigating complaints.</p> <p>A Manager/Supervisor who receives a complaint must immediately contact the Human Rights &amp; Workplace Harassment Investigator. The Human Rights &amp; Workplace Harassment Investigator may suggest any of the following steps be taken by management:</p> <ul style="list-style-type: none"> <li>○ take immediate action in the event of a real or potential threat to personal safety; and/or</li> <li>○ provide a copy of the policy and procedure to the Complainant to ensure awareness of the options under the policies, including protection from reprisal; and/or provide contact information (name, telephone number, office location) of the Human Rights &amp; Workplace Harassment Investigator to the Complainant.</li> </ul>
<p><b>COMPLAINT PROCEDURES</b></p> <p><b>1. Complaint Assessment Phase</b></p>	<p>The City’s complaint procedures are intended to be a timely forum to address Harassment and Discrimination complaints. Any costs incurred by the parties during an investigation (legal, travel, etc.) are their own responsibility.</p> <p>Citizens who have a complaint of Harassment or Discrimination against a City Employee may elect to utilize the City of Hamilton’s internal Harassment and Discrimination Prevention Policy and Procedure as a method to resolve their concern.</p> <p>In certain circumstances, the Human Rights &amp; Workplace Harassment Investigator and the Labour Relations Officer or other appropriate Human Resources staff will work in coordination to resolve a matter.</p> <p>Once a complaint has been received, the Human Rights &amp; Workplace Harassment Investigator shall</p>

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	<p>assess the complaint to determine appropriate next steps. This may involve a preliminary fact-finding process to ascertain:</p> <ul style="list-style-type: none"> <li>○ Type of behaviour complained about and whether it is covered under the Harassment and Discrimination Prevention Policy</li> <li>○ Severity of the situation</li> <li>○ Identification of parties to make initial inquiries with (i.e. Complainant, Respondent, Management, Witnesses)</li> <li>○ Whether other initial steps need to be taken (i.e. involvement of Health, Safety and Wellness Specialist, separation of parties to the complaint notification to Police, etc.)</li> <li>○ Whether or not there is a need to intervene further or to investigate</li> </ul> <p>At any point during the Assessment Phase, it may be determined by the Human Rights &amp; Workplace Harassment Investigator that no intervention from Human Resources is required or that an investigation into the matter is not required. The Human Rights &amp; Workplace Harassment Investigator has discretion to decide not to intervene or investigate or may discontinue an intervention or investigation, or may refuse to take action on any complaint in situations where:</p> <ul style="list-style-type: none"> <li>○ the complaint is made more than one year after the date of the last incident of Harassment or Discrimination;</li> <li>○ the complaint is determined to be Trivial, Frivolous, Vexatious or made in Bad Faith;</li> <li>○ the actions reported have also been the subject of criminal charges;</li> <li>○ the action(s) reported do not fall within the definitions of Harassment and Discrimination as outlined in the Harassment and Discrimination Prevention Policy;</li> </ul>
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<p><b>2. Complaint Resolution Phase</b></p>	<ul style="list-style-type: none"> <li>○ an adequate remedy already exists;</li> <li>○ the issue is most appropriately addressed by another Department within the City, such as the Integrity Commissioner, Health, Safety &amp; Wellness and/or Labour Relations.</li> <li>○ having regard to all the circumstances, further investigation of the matter is deemed unnecessary</li> </ul> <p>Where appropriate, the Human Rights &amp; Workplace Harassment Investigator may facilitate a resolution of complaints under the Harassment and Discrimination Prevention Policy.</p> <p>Depending upon the circumstances or the Complainant’s desired outcome, the Human Rights &amp; Workplace Harassment Investigator may pursue resolution without receiving a written complaint and/or without informing the Respondent.</p> <p>For the purposes of the Harassment and Discrimination Prevention Policy and Procedure, fact-finding conducted during the Assessment Phase of these complaints may also satisfy the <i>Occupational Health and Safety Act</i> requirement that “an investigation is conducted into incidents and complaints of workplace harassment that is confidential in the circumstances.”</p> <p>The goal of many Employees who seek assistance is to stop the offending behaviour. Informal resolution facilitated by the Human Rights &amp; Workplace Harassment Investigator can often be effective in addressing unwanted comments or conduct. In most circumstances, resolution efforts should be completed within 30 days.</p> <p>Some examples of resolution include:</p> <ul style="list-style-type: none"> <li>○ <u>Education/Training</u> - for a group of</li> </ul>
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<p><b>3. Complaint Investigation Phase</b></p>	<p>Employees, or one-on-one where appropriate. In some cases, education and training can be conducted without the Respondent being identified;</p> <ul style="list-style-type: none"> <li>○ <u>Involving Manager/Supervisor</u> - informing a Supervisor of concerns and developing a management plan to ensure a respectful and supportive workplace;</li> <li>○ <u>Changing Work Responsibilities</u> - to minimize contact between the Complainant and Respondent where operationally feasible;</li> </ul> <p>If a resolution is not appropriately achieved in the Complaint Resolution Phase, or if the nature of the complaint warrants, an investigation may begin, as determined by the Human Rights &amp; Workplace Harassment Investigator.</p> <p>The Human Rights &amp; Workplace Harassment Investigator has discretion to require a signed written complaint from the person making the complaint before an investigation may begin. The written complaint should be submitted to the Human Rights &amp; Workplace Harassment Investigator setting out in detail the nature of the complaint, any information in support of the complaint including the specific incidents of Harassment and/or Discrimination and the names of possible witnesses.</p> <p>The Human Rights &amp; Workplace Harassment Investigator will conduct investigations unless otherwise noted.</p> <p>Investigations may also be undertaken by an External Investigator engaged by the City. Any investigation of a complaint made against an Elected Official or a Senior Manager will be carried</p>
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	<p>out by an external investigator.</p> <p>A Complainant cannot be compelled to proceed with a complaint. The City of Hamilton may be obligated to proceed with an investigation in the absence of a formal written complaint if the allegation(s) constitute a violation of the <i>Harassment and Discrimination Prevention Policy</i>. In these cases, the City of Hamilton will proceed with either resolution or an investigation, with the intent of stopping the alleged behaviour and/or preventing further incidents from occurring if there has been a violation of the policies.</p> <p>Complaints are investigated by interviewing the Complainant(s), the Respondent(s), any witnesses and reviewing any available documentation. An investigation report should normally be completed within 90 days after a written complaint has been filed. The length of an investigation depends on many variables including but not limited to, the number of witnesses, complexity of the investigation, workplace schedules etc. If a report cannot be completed within the established timelines of this procedure, the parties to a complaint will be advised of the delays and any reasons why. It is incumbent on all parties to a complaint to arrange schedules or support persons so as not to delay the process.</p> <p>In some circumstances, special arrangements may be advisable (where possible) to separate the Complainant and the Respondent in the workplace, temporarily re-locate either party to a complaint, or re-assign alternate duties to either party to a complaint (depending on the circumstances), pending the results of an investigation. The Human Rights &amp; Workplace Harassment Investigator may recommend and facilitate such arrangements.</p> <p>Any Employee (including Manager or Supervisor)</p>
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<p><b>4. Complaint Investigation</b></p>	<p>interviewed by the Human Rights &amp; Workplace Harassment Investigator is entitled to be accompanied by one other person of their choice, as a support person. The Human Rights &amp; Workplace Harassment Investigator will make every effort to determine the identity of the support person prior to the meeting, to ensure that the presence of that particular support person would not present a conflict of interest in regard to the ongoing investigation.</p> <p>Unionized Employees may be supported by their respective unions. Employees are also encouraged to utilize the City’s Employee and Family Assistance Program for additional support or Lifespeak resources available on the City’s e-Net.</p> <p>Respondent(s) to any complaint being investigated are entitled to know the allegations against them and have the opportunity to respond in full. A written notice of the complaint will be provided to the Respondent, with the general allegations. If necessary, statements from the Respondent(s) are disclosed back to the Complainant(s).</p> <p>Interviews will be arranged and completed with witnesses and any other individuals who may have information pertinent to the investigation, as deemed necessary by the Human Rights &amp; Workplace Harassment Investigator. In certain circumstances, the Human Rights &amp; Workplace Harassment Investigator may determine that a witness(es) will not be interviewed.</p> <p>At the end of each interview, Complainant(s), Respondent(s) and witness(es) will be asked to review the notes describing the interview and initial them to indicate accuracy. The Human Rights &amp; Workplace Harassment Investigator has the</p>
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	<ul style="list-style-type: none"> <li>○ The General Manager of the Employee’s department and the Human Rights &amp; Workplace Harassment Investigator shall consult with the Executive Director, Human Resources and the City Manager.</li> <li>○ Employees of the City of Hamilton shall not conduct the investigation of any complaint against an Elected Official. The Executive Director, Human Resources shall refer the matter to the Integrity Commissioner and shall advise the Integrity Commissioner that, where an investigation is to be conducted, Human Resources will retain a third-party Human Rights Investigator. The third-party Human Rights Investigator will gather and examine the facts relating to the complaint and make the findings and recommendations to the Integrity Commissioner. A matter referred to the Integrity Commissioner pursuant to this Procedure shall be deemed a complaint to the Integrity Commissioner duly filed under the <i>Integrity Commissioner By-law</i>, and the Integrity Commissioner shall report, as appropriate, pursuant to the Integrity Commissioner By-law.</li> <li>○ Where a Workplace Investigation has been conducted, no further investigation may be conducted by the Integrity Commissioner.</li> <li>○ Where the Executive Director, Human Resources, in consultation with the Human Rights &amp; Workplace Harassment Investigator, determines that no third party investigation is warranted, the Executive Director, Human Resources shall refer the complaint to the Integrity Commissioner to carry out a similar procedure used by the Human Rights &amp; Workplace Harassment Investigator in Human Resources for Assessment and</li> </ul>
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<p><b>COMPLAINTS AGAINST CITY MANAGER</b></p>	<p>Resolution (by the Integrity Commissioner), and the Integrity Commissioner shall report, as appropriate, pursuant to the Integrity Commissioner By-law.</p> <p>In addition to the steps outlined under “Complaint Procedures”, the following applies to complaints from Employees against the City Manager:</p> <ul style="list-style-type: none"> <li>○ The Employee may bring the matter to the attention of the Human Rights &amp; Workplace Harassment Investigator, the General Manager of their department or their Supervisor, Manager or Director. The Supervisor, Manager or Director shall immediately inform their General Manager of the complaint.</li> <li>○ The General Manager of the Employee’s department and the Human Rights &amp; Workplace Harassment Investigator shall consult with the Executive Director, Human Resources and they shall jointly provide a confidential report advising of the complaint to the Mayor and Members of the Audit, Finance and Administration Committee.</li> <li>○ Employees of the City of Hamilton shall not conduct an investigation of any complaint against the City Manager.</li> <li>○ The Mayor and Members of the Audit, Finance and Administration Committee shall retain an External human rights Investigator to gather and examine the facts relating to the complaint and to make findings and recommendations.</li> <li>○ The External Investigator shall report their findings and recommendations for action to the Mayor and to the Audit, Finance and</li> </ul>
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<p><b>COMPLAINTS AGAINST GENERAL MANAGERS</b></p>	<p>Administration Committee. The Mayor and the Audit, Finance and Administration Committee shall provide City Council with a report summarizing the findings and recommendations for appropriate action.</p> <ul style="list-style-type: none"> <li>○ If the investigation substantiates in whole or in part that the City Manager violated any City policy related to Harassment and Discrimination, City Council shall determine an appropriate sanction.</li> <li>○ When City Council has determined what action, if any, will be taken against the City Manager, the Mayor shall provide a written summary of the findings resulting from the investigation to the Complainant(s).</li> </ul> <p>In addition to the steps outlined under “Complaint Procedures”, the following applies to complaints from Employees against a General Manager:</p> <ul style="list-style-type: none"> <li>○ The Employee may bring the matter to the attention of the Human Rights &amp; Workplace Harassment Investigator, or their Supervisor, Manager or Director, or to the City Manager. If the matter is brought to the attention of the Human Rights &amp; Workplace Harassment Investigator or Supervisor, Manager or Director, it shall immediately be directed to the City Manager.</li> <li>○ Employees of the City of Hamilton shall not conduct an investigation of any complaint against a General Manager. The City Manager will retain an external Human Rights investigator to gather and examine the facts relating to the complaint and to make findings and recommendations.</li> <li>○ The External Investigator shall report their findings and recommendations for action to the City Manager who will</li> </ul>
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<p><b>HARASSMENT ALLEGATIONS INVOLVING MEMBERS OF THE PUBLIC</b></p> <p><b>External Investigator</b></p> <p><b>Confidentiality</b></p>	<p>determine the appropriate action.</p> <ul style="list-style-type: none"> <li>○ When the City Manager has determined what action, if any, will be taken against the General Manager, the City Manager and Executive Director, Human Resources shall provide a written summary of the findings resulting from the investigation to the Complainant(s) and Respondent(s).</li> </ul> <p>If members of the public in any capacity are deemed to have violated the City's Harassment and Discrimination Prevention Policies, the City of Hamilton will take all reasonable efforts to stop the reported behaviour, which may involve issuing a letter clarifying expectations of behaviour, cease and desist notification, banning a person(s) from City facilities, issuing No Trespass notices, refusal to continue to provide City services, and involvement of internal Legal services or Police involvement.</p> <p>In complaints where an External Investigator is retained, the External Investigator shall have regard for the City of Hamilton's Harassment and Discrimination Prevention Policy, the Procedure for Resolving Harassment &amp; Discrimination Issues relating to this policy and any relevant law. The External Investigator may modify the investigation process as appropriate to the circumstances, subject to the review of any modifications with the Human Rights &amp; Workplace Harassment Investigator, and shall make determinations with regard to applicable policies, procedures and any relevant law.</p> <p>Employees who are involved in any way in complaints or incidents of Harassment or Discrimination must not disclose to anyone in the workplace the details of the complaint or incident, except as required by this Procedure and the</p>
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<p><b>Requests for Review</b></p>	<p>City’s Harassment and Discrimination Prevention Policy. Confidentiality extends to all records relating to complaints, including but not limited to, records of meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action up to and including termination of employment.</p> <p>The Human Rights &amp; Workplace Harassment Investigator will retain documentation related to complaints in a secure file for seven years from the date of the complaint. All records are subject to the provisions of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and may be subject to disclosure under the Act, or other applicable law.</p> <p>Either the Complainant(s) and/or the Respondent(s) may make a Request for Review of the findings of the investigation if they have new and relevant information that was not previously available or have substantive reasons why the findings were not reasonable. The intent to file a Request for Review must be made known to the Human Rights &amp; Workplace Harassment Investigator in writing within ten calendar days of the date the parties were notified of the findings. Thereafter, there will be a discussion between the person(s) making the Request for Review, and the Human Rights &amp; Workplace Harassment Investigator as to when the request must be submitted (never to exceed more than 20 calendar days from the date of this discussion). The Request for Review must include a statement of the reasons why the findings of the investigation were not reasonable and should be re-considered. If the Request for Review does not include new and relevant information that was not previously available or does not provide substantive reasons why the investigation findings were not reasonable, the Executive Director, Human Resources, or their designate, shall deny the</p>
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	<p>request. If it appears that there are substantive grounds to reconsider the findings of the investigation, Complainant(s) or Respondent(s) will be informed that a Request for Review has been made and will be given an opportunity to reply. The Executive Director, Human Resources, or their designate, will make a final decision on the final disposition of the review.</p>
<b>COMPLIANCE</b>	<p>Any Employee who is found to have violated this Procedure or its associated Policy may be disciplined according to the severity of the actions, up to and including termination of employment</p>
<b>RELATED DOCUMENTS</b>	<p>The following related documents are referenced in this Procedure:</p> <ul style="list-style-type: none"> <li>• <i>Harassment and Discrimination Prevention Policy</i></li> <li>• <i>Violence in the Workplace Prevention Policy</i></li> <li>• <i>Integrity Commissioner By-law</i></li> <li>• <i>Occupational Health and Safety Act</i></li> <li>• <i>Municipal Freedom of Information and Protection of Privacy Act</i></li> <li>• <i>Ontario Human Rights Code</i></li> <li>• <i>Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons</i></li> </ul>
<b>CONTENT UPDATED</b>	<p>2016-03-29 to reflect changes in Bill 132 and OHS 2018-07-06 to clarify language 2023-05-19 to reflect consolidated policies</p>
<b>HISTORY</b>	<p>This procedure replaces the procedure approved by Corporate Management Team of the City of Hamilton on April 7, 2005. Procedure was last updated June 21, 2013.</p> <p>The Corporate Policy Review Group, HRLT, Legal Services, and SLT were consulted in the revisions made to this Procedure. Approved by Council of the City of Hamilton 2014-02-12 This Policy was updated to be consistent with Bill 132 and changes to the OHS coming into effect on September 8, 2016.</p>

<b>Corporate Human Resources Procedure</b>	 Hamilton	Content Updated: 2023-05-19 Date of Last Review: 2020-12-01
Supports Policies: HR-61-13		Supersedes: Resolving Harassment & Discrimination Issues Procedure (Approved by CMT: April 7, 2005)
Policy No: <<Insert Here>>		
Page 16 of 16		<b>Council Approval:</b> 20XX-XX-XX

	<p><b>Review History:</b>                  Senior Management Team 2016-03-31 Corporate Policy Review Group 2017-06-01 Corporate Policy Review Group 2018-07-06 Corporate Policy Review Group 2019-06-28 Human Resources 2020-12-01 Human Resources Leadership Team 2023-05-29 Corporate Policy Review Group 2023-06-05 Senior Leadership Team 2023-07-20 Legal Services Team 2023-08-16</p> <p><b>Contact:</b> For more information on this Procedure contact a Human Rights &amp; Workplace Harassment Investigator in Human Resources, City Manager's Office.</p>
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<b>City of Hamilton Corporate Policy</b>	 Hamilton	Content Updated: July 4, 2023
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<b><i>RZone Respectful Environments Policy</i></b>	
<b>POLICY STATEMENT</b>	The City of Hamilton is committed to fostering community and work environments where there is Respect for yourself; Respect for others; and Responsibility for your actions.
<b>PURPOSE</b>	<p>The purpose of this policy is to promote safe, positive, and supportive environments and interactions for all members of the public and City employees during the delivery of City services at any City facility, program, or event.</p> <p>This policy outlines the City’s expectations regarding appropriate behaviour and lists the roles and responsibilities of all employees and the public when responding to incidents involving bad behaviour, harassment, and/or violence.</p> <p>This policy addresses incidents of bad behavior, harassment and/or violence: (1) directed at City employees by a member(s) of the public, or (2) directed at a member(s) of the public by another member(s) of the public.</p> <p>For all other incidents of bad behaviour, harassment, and/or violence involving City employees, please consult Human Resources and follow the existing policies and procedure (please refer to the “Related Documents” section on page 6).</p>
<b>SCOPE</b>	<p>This policy applies to all City employees, including but not limited to permanent, temporary and contract employees, volunteers, students and interns.</p> <p>This policy also applies to the public while at City facilities, buildings, parks and trails or while using City services or programs including, but not limited to, patrons, clients, guests, spectators, residents, community volunteers and non-City workers, collectively called the “Public”.</p> <p>This Policy does not supersede or change the application of:</p> <ul style="list-style-type: none"> <li>• other City policies or procedures including the Harassment and Discrimination Prevention Policy, the Code of Conduct for Employees, and the Violence in the Workplace Prevention Policy; or</li> </ul>

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	<ul style="list-style-type: none"> <li>• applicable City By-laws including the Municipal Parks By-laws, the Noise Control By-law and the Public Nuisances By-law; or</li> <li>• Occupiers' Liability Act, the Ontario Human Rights Code, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code or other provincial or federal legislation;</li> <li>• reporting to a legal authority or seeking legal resolution; or</li> <li>• summoning the assistance of Police or security services if required.</li> </ul>
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<p><b>DEFINITIONS</b></p> <p><b>Inappropriate Behaviour</b></p>	<p>Conduct that is not in line with the City of Hamilton's expectations for respectful behaviour. This can include, but is not limited to, the following behaviours:</p> <ul style="list-style-type: none"> <li>a) Loud verbal assaults directed at participants, officials, members of the public or City staff deemed to be aggressive or intimidating or having the potential of inciting violence.</li> <li>b) Threats and/or attempts to intimidate.</li> <li>c) Throwing of articles in a deliberate or aggressive manner.</li> <li>d) Aggressive approaches to another individual (physical/verbal assault).</li> <li>e) Physical striking of another individual.</li> <li>f) Attempts to incite violence in others.</li> <li>g) Theft of property.</li> <li>h) Possession of weapons.</li> <li>i) Vandalism to building or property</li> <li>j) Refusal to follow the rules outlined by the City of Hamilton.</li> <li>k) Discriminatory comments based on the prohibited grounds set out in applicable legislation including the Ontario Human Rights Code.</li> <li>l) Use of illegal drugs.</li> <li>m) Use of alcohol on non-licensed premises.</li> <li>n) Harassment (Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome)</li> <li>o) Contravention of City by-laws or policies</li> </ul>
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<p><b>Harassment</b></p>	<p>One or a series of Vexatious comments or instances of conduct that is known or ought reasonably to be known to be unwelcome or unwanted. “Vexatious” comment or conduct is a comment or conduct that is inappropriate, unnecessary, and one that a reasonable person would consider to be offensive, upsetting, distressing, demeaning, or would make a person uncomfortable.</p> <p>This comment or conduct may be offensive, intimidating, hostile or inappropriate, based on the prohibited grounds set out in the Ontario Human Rights Code:</p> <ul style="list-style-type: none"> <li>• Race</li> <li>• Sex (including pregnancy)</li> <li>• Colour</li> <li>• Disability</li> <li>• Ancestry</li> <li>• Sexual Orientation</li> <li>• Place of Origin (where one was born)</li> <li>• Age</li> <li>• Ethnic Origin</li> <li>• Marital Status (includes same sex partnership status)</li> <li>• Citizenship</li> <li>• Family Status</li> <li>• Creed</li> <li>• Gender Identity</li> <li>• Gender Expression</li> <li>• Record of Offence, for which a pardon has been granted (in employment only)</li> <li>• Receipt of Public Assistance (in housing/accommodation only)</li> </ul>
<p><b>Vandalism</b></p>	<p>The malicious, willful, and deliberate destruction, damage or defacing of property owned by the City</p>
<p><b>PRINCIPLES</b></p>	<p>City employees and the Public are entitled to a safe, respectful and supportive environment when attending or working at events at City facilities or accessing or providing City services.</p> <p>The City is committed to fostering an environment where there is <b>Respect</b> for oneself; <b>Respect</b> for others; and <b>Responsibility</b> for one’s actions.</p>

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	<p>The City seeks to ensure the safety and security of all service users and employees and will not tolerate any form of inappropriate behavior at City facilities, properties or parks; within recreation programs; in written or verbal communications with City staff; or at any other location where City staff are present.</p> <p>The City places a priority on the personal safety of employees and the public. Employees and users are <b>NOT</b> to put themselves at risk or jeopardize anyone's safety when dealing with contraventions of this policy. If at any time an employee or a user feels personally threatened, they are to call the Police or security immediately for assistance.</p>
<p><b>RESPONSIBILITIES (if applicable)</b></p> <p><b>The Public</b></p> <p><b>Organizations and User Groups</b></p>	<p>Individual members of the public are responsible for:</p> <ul style="list-style-type: none"> <li>○ behaving in a manner that <b>respects</b> the rights of others in order that services and facilities can be used and enjoyed by all persons</li> <li>○ behaving and acting in a manner that is respectful of Municipal property</li> <li>○ behaving in a manner that does not violate the conditions of this policy</li> </ul> <p>Organizations and User Groups using City facilities are responsible for:</p> <ul style="list-style-type: none"> <li>○ maintaining <b>responsibility</b> for the behaviour of everyone associated with them including participants, officials, spectators, patrons, parents, and guests.</li> <li>○ educating members and participants about the RZone Respectful Environments Policy and the expectations for appropriate, respectful behaviour</li> </ul>

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<p><b>City Employees</b></p>	<ul style="list-style-type: none"> <li>○ complying with requirements of City contracts and permits including the RZone Respectful Environments Policy</li> <li>○ applying the RZone Respectful Environments Policy principles to their programs, including being willing to address RZone Respectful Environments Policy violations with their attendees</li> <li>○ are encouraged to develop and implement their own violence free policy to support the City RZone Respectful Environments Policy</li> </ul> <p>City Employees are responsible for:</p> <ul style="list-style-type: none"> <li>○ being aware of the policy and procedures</li> <li>○ implementing the RZone Respectful Environments Procedure as necessary</li> <li>○ seeking guidance, clarity and support from Supervisor, as needed, when dealing with an RZone Respectful Environments Policy violation</li> </ul>
<p><b>City of Hamilton Operational Departments</b></p>	<p>City of Hamilton Operational Departments are responsible for:</p> <ul style="list-style-type: none"> <li>○ enforcing the RZone Respectful Environments Policy through the enforcement procedure should an incident of inappropriate behaviour occur</li> <li>○ ensuring that preventative measures are in place so that incidents of violence, vandalism and inappropriate behaviour do not occur in its programs, properties or facilities</li> <li>○ working collaboratively and in consultation with organizations and user groups who use City recreational facilities or who engage in City recreation programs to foster an environment of <b>respect</b> and <b>responsibility</b></li> <li>○ posting information in the workplace to alert staff and the public about RZone Respectful Environments Policy and expectations for good behaviour</li> </ul>

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<b>City Manager’s Office/Human Resources</b>	<p>Conducting promotional and educational campaigns with the goals of:</p> <ul style="list-style-type: none"> <li>○ Raising awareness of the Policy for the public, City employees, contractors or agents</li> <li>○ Provide training to staff through Learning Management System and other means</li> <li>○ Outlining how the community can support the RZone Respectful Environments Policy (e.g., through setting positive examples, encouraging organizations to have internal policies consistent with RZone Respectful Environments Policy; how community members can report inappropriate behaviour.)</li> <li>○ Outlining the potential consequences of non-compliance with RZone Respectful Environments Policy</li> </ul>
<b>COMPLIANCE</b>	<p>Individuals who engage in any unacceptable behaviour as defined in this policy, may, depending on the severity of their behaviour, be barred immediately from the premises and if necessary, be suspended for a period of time or permanently as required. As per the RZone Respectful Environments Procedure, details will be determined on a case-by-case basis.</p> <p>In addition to any other measures taken, where any damage to City property has occurred, the individual(s) responsible will be required to reimburse the City for all costs associated with any repairs, an administration fee, as well as any lost revenues. Where appropriate, the individual(s) may be required to repair the damage.</p> <p>For City employees, failure to comply with this Policy may result in appropriate disciplinary measures, up to and including termination of employment.</p>
<b>RELATED DOCUMENTS</b>	<p>The following related documents are referenced in this Policy:</p> <ol style="list-style-type: none"> <li>1. RZone Respectful Environments Enforcement Procedure</li> <li>2. RZone Respectful Environments Enforcement Guidelines</li> </ol>

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	<ol style="list-style-type: none"> <li>3. RZone Decision Chart</li> <li>4. Code of Conduct for Employees</li> <li>5. Harassment and Discrimination Prevention Policy</li> <li>6. Occupational Health, Safety and Wellness Policy</li> <li>7. Violence in the Workplace Prevention Policy</li> </ol>
<b>HISTORY</b>	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <ul style="list-style-type: none"> <li>• Zero Tolerance Policy Review Committee</li> <li>• Human Resources</li> </ul> <p>This policy replaces the former Zero Tolerance Policy.</p>

<b><i>RZone Respectful Environments Procedure</i></b>	
<b>PURPOSE</b>	<p>The City of Hamilton is committed to fostering an environment where there is Respect for yourself; Respect for others; and Responsibility for your actions.</p> <p>To support a respectful environment for all, and in accordance with the Occupiers Liability Act, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code, municipal By-Laws and other Provincial Legislation; City of Hamilton staff are authorized to initiate enforcement options should inappropriate behaviours/incidents be observed or reported.</p> <p>This procedure addresses incidents of bad behavior, harassment and/or violence: (1) directed at City employees by a member(s) of the public, or, (2) directed at a member(s) of the public by another member(s) of the public.</p> <p>For all other incidents of bad behaviour, harassment, and/or violence involving City employees, please consult Human Resources and follow the existing policies and procedure (please refer to the “Related Documents” section on page 8).</p>
<b>SCOPE</b>	<p>This policy applies to all City employees, including but not limited to permanent, temporary and contract employees, volunteers, students and interns.</p> <p>This policy also applies to the public while at City facilities, buildings, parks and trails or while using City services or programs including, but not limited to, patrons, clients, guests, spectators, residents, community volunteers and non-City workers, collectively called “Public”.</p>
<b>DEFINITIONS</b>	See RZone Respectful Workplace Policy



<p><b>Addressing Inappropriate Behaviour</b></p>	<p>All incidents of violence and/or vandalism or threatening situations must be reported to the Police and/or Security by department management.</p> <p>The City places a priority on the personal safety of employees and the public. Employees are NOT to put themselves at risk or jeopardize anyone’s safety when dealing with contraventions of this policy. If at any time an employee feels personally threatened, they are to call the Police immediately for assistance.</p> <p>The City of Hamilton will take appropriate actions when incidents pertaining to this procedure occur in City facilities, parks, program or properties. City staff are to respond if inappropriate behaviour or violence is observed or reported in the following instances:</p> <ul style="list-style-type: none"> <li>a) Inappropriate behaviour, non-violent in nature;</li> <li>b) Inappropriate behaviour with potential to incite violence</li> <li>c) Inappropriate behaviour with physical violence/assault</li> <li>d) Observation of illegal consumption of alcohol or drugs, smoking or littering</li> </ul>
<p><b>Inappropriate Behaviour that is Non-Violent in Nature</b></p>	<p>Upon witnessing or suspecting inappropriate behaviour, non-violent in nature, enact the following operating procedures and contact Police if one’s safety is jeopardized:</p> <ul style="list-style-type: none"> <li>a) Without jeopardizing one’s safety, advise the identified party to stop the activity immediately and inform them about the RZone policy;</li> <li>b) If the identified party does not co-operate, inform them of the consequences of their actions under the RZone Policy, e.g., they will be asked to leave.</li> </ul>

<p><b>Inappropriate Behavior with Potential to Incite Violence</b></p>	<ul style="list-style-type: none"> <li>c) Immediately eject the identified party from the property. Do not engage in argument or confrontation (verbal or physical);</li> <li>d) Advise the People Leader of the incident;</li> <li>e) Prepare RZone incident report (in development);</li> <li>f) Forward the RZone incident report to the direct supervisor, ensuring that the Manager and Director are copied on the email.</li> </ul> <p>The People Leader will:</p> <ul style="list-style-type: none"> <li>a) Review any incident report within 48 hours, and follow up with appropriate authority</li> <li>b) Follow up appropriately</li> <li>c) Ensure the correct parties are informed and steps followed</li> </ul> <p>Upon witnessing inappropriate behaviour with potential to incite violence, an employee will:</p> <ul style="list-style-type: none"> <li>a) Assess the situation to determine if the Police need to be contacted immediately.</li> <li>b) Without jeopardizing one’s safety, advise the identified party to stop the activity immediately, and/or direct them to leave the property.</li> <li>c) If the identified party does not co-operate, call the Police or Security</li> <li>d) Inform the identified party that they are now trespassing</li> <li>e) If the identified party refuses to leave, do not engage in argument or physical confrontation. Wait for Police to arrive;</li> </ul>
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<p><b>Inappropriate Behaviour with physical violence/assault</b></p>	<ul style="list-style-type: none"> <li>f) Advise the People Leader of the incident as soon as is possible</li> <li>g) Prepare incident report</li> <li>h) Forward the incident report to the direct supervisor, ensuring that the Manager and Director are copied on the email</li> </ul> <p>The People Leader will:</p> <ul style="list-style-type: none"> <li>a) Review the incident report within 48 hours of receipt</li> <li>b) Follow up appropriately</li> <li>c) Ensure the correct parties are informed and steps followed</li> </ul> <p>Upon witnessing inappropriate behaviour with physical violence and or assault, an employee will:</p> <ul style="list-style-type: none"> <li>a) Without jeopardizing one's safety, advise the identified party to stop the activity immediately, and/or eject them from the property</li> <li>b) If the identified party does not cooperate, call the Police</li> <li>c) Inform the identified party that they are now trespassing</li> <li>d) If the identified party refuses to leave, wait for the police to arrive. Do not engage in argument or physical confrontation.</li> <li>e) Advise the People Leader or on call Supervisor of the incident</li> </ul> <p>The employee will also:</p> <ul style="list-style-type: none"> <li>a) Assess the situation to determine if procedure should be enacted</li> </ul>
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	<ul style="list-style-type: none"> <li>b) If the identified individual is still in the premises, follow same steps as if witnessed directly (steps above)</li> <li>c) If the identified individual is no longer on the premises, document the occurrence based on the witness(es) account</li> <li>f) Prepare RZone incident report</li> <li>g) Forward the RZone incident report to the direct People Leader, ensuring that the Manager and Director are CC'd on the email</li> </ul> <p>The People Leader will:</p> <ul style="list-style-type: none"> <li>a) Review the RZone incident report within 48 hours of receipt</li> <li>b) Follow up appropriately</li> <li>c) Ensure the correct parties are informed and steps followed</li> </ul>
<p><b>COMPLIANCE</b></p>	<ol style="list-style-type: none"> <li>1. Individuals who violate this policy may, depending on the severity, be barred immediately from the premises and if necessary, a suspension for a period of time or permanently if required. The suspension may apply to a particular location or all facilities, programs, parks and trails, if warranted. Length of suspension depend on the severity of the situation.</li> <li>2. All incidents that result in a suspension or barring from programs, facilities and or properties will be followed up in writing, outlining the details of the suspension. The final decision related to the details of the suspension or barring will be made by the Department Head or their designate. All correspondence related to discipline will be written under the signature of the Department Head or designate, with a copy to Human Resources.</li> <li>3. Appropriate staff in facility sections and/or geographic areas will be notified of individuals</li> </ol>

	<p>who are barred or individuals who received a letter of trespass from Municipal properties and facilities. Appropriate organizations will be notified of the situation where appropriate.</p> <p>4. Incidents may be reported to the Police, and charges may follow.</p> <p>5. In addition to any other measures taken, where vandalism or theft has been perpetrated, the individual(s) responsible will be required to reimburse the Municipality for all costs associated with any repairs as well as any lost revenues or where appropriate be asked to repair the damage.</p>
<p><b>RELATED DOCUMENTS</b></p>	<p>The following related documents are referenced in this Procedure:</p> <ol style="list-style-type: none"> <li>1. <i>RZone Respectful Environments Policy</i></li> <li>2. RZone Respectful Environments Enforcement Guidelines</li> <li>3. RZone Decision Chart</li> <li>4. Code of Conduct for Employees</li> <li>5. Harassment and Discrimination Prevention Policy</li> <li>6. Occupational Health, Safety and Wellness Policy</li> <li>7. Violence in the Workplace Prevention Policy</li> </ol>
<p><b>CONTENT UPDATED</b></p>	<p>2023-07-04</p>
<p><b>HISTORY</b></p>	<p>The following stakeholders were consulted in the creation or revisions made to this Procedure:</p> <ul style="list-style-type: none"> <li>• Zero Tolerance Policy Review Committee</li> <li>• Human Resources</li> </ul>
<p><b>APPROVAL</b></p>	<p>&lt;&lt;YEAR-MM-DD&gt;&gt;</p>



## **EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 23-011**

1:30 p.m.

Thursday, September 7, 2023

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Councillors T. Jackson, C. Kroetsch, T. Hwang (Acting Chair), N. Nann, A. Wilson and M. Wilson

**Absent with  
Regrets:** Councillor B. Clark (Chair) - Personal

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

#### **1. Annual Winter Response Strategy (HSC23012(a)) (City Wide) (Item 8.1)**

- (a) That Council approve, and staff be authorized to implement an immediate Winter Response Strategy, from December 1, 2023 to March 31, 2024 to support vulnerable individuals within the homelessness serving systems as follows for an approximate cost of \$1,499,588 and to be funded by the Tax Stabilization Reserve #110046:
- (i) One hundred overnight drop-in spaces through a Call for Application that would function as additional low-barrier overnight winter warming spaces at an approximate cost of \$584,154.
  - (ii) The operation of one overnight warming bus through Hamilton Transit, at an approximate cost of \$217,550, which includes approximate operating costs based on the 2023 rate of \$150,000 with staff on site to support individuals experiencing homelessness at a cost of \$67,550 to be contracted through a Call for Application.
  - (iii) One hundred daytime drop-in spaces through a Call for Application that would function daily to March 31, 2024 as low-barrier daytime services at an approximate cost of \$584,154.

- (iv) Additional operating hours to 11:30PM at three designated recreation facilities to enable these facilities to operate as warming spaces on statutory holidays and other days the recreation facilities are regularly scheduled to be closed from December 1, 2023 through March 31, 2024 at an approximate cost of \$103,660.
- (v) Additional operating hours at the Hamilton Public Library Central location to operate as a warming space, between 1:00PM - 5:00PM, on ten statutory and other days the library is regularly scheduled to be closed from December 1, 2023 through March 31, 2024, at an approximate annual cost of \$10,070.
- (b) That funding beginning April 1, 2024 to continue existing drop-in services be referred to the Housing Services Division 2024 Tax Operating Budget Process as follows:
  - (i) Mission Services' Willow's Place twenty-two spaces for day-time drop-in for women at an approximate annual cost of \$653,558
  - (ii) Young Women's Christian Association's Carol Anne's Place night-time drop-in twenty-two spaces for women at an approximate annual cost of \$964,510
- (c) That funding beginning April 1, 2024 to create year-round capacity and programming for 100 daytime drop-in spaces, at an approximate annual cost of \$1,752,462, be referred to the Housing Services Division 2024 Tax Operating Budget process;
- (d) That the annual winter response strategy, from December 1, 2024 to March 31 2025 and annually thereafter, which supports vulnerable individuals within the homelessness serving system as follows at an approximate cost of \$915,434 be referred to the Housing Services Division 2024 Tax Operating Budget Process:
  - (i) One hundred drop-in spaces through a Call for Application that would function as low-barrier overnight winter warming spaces at an approximate annual cost of \$584,154.
  - (ii) Annualized funding for the operation of one overnight warming bus through Hamilton Transit at a cost of approximately \$217,550, which includes approximate operating costs based on the 2023 rate of \$150,000, with staff contracted to be on site to support individuals experiencing homelessness at an approximate cost of \$67,550.
  - (iii) Additional operating hours to 11:30PM at three designated recreation facilities on statutory holidays and other days the recreation facilities are regularly scheduled to be closed from

December 1 through March 31 annually to operate as warming spaces at an approximate cost of \$103,660.

- (iv) Additional operating hours at the Hamilton Public Library Central location to operate as a warming space, between 1:00PM - 5:00PM, on ten statutory and other days the library is regularly scheduled to be closed, from December 1 through March 31 annually, at an approximate annual cost of \$10,070.
- (e) That the General Manager of the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to negotiate, enter into, execute and administer all contracts, agreements and other documents necessary to implement recommendations (a) through (d) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department or their designate and in a form satisfactory to the City Solicitor.

**2. 2023 Ministry of Long-Term Care Funding Enhancement (HSC23057) (Wards 7 and 13) (Item 10.1)**

That an annual 100% Provincial Funding enhancement from the Ministry of Long-Term Care to provide care and services seven days a week to our residents in Long-Term Care facilities of Macassa Lodge and Wentworth Lodge, be used for additional 36.67 full-time equivalents effective April 1, 2023 with an estimated gross cost of \$3,165,360 and net cost of \$0 annually be approved and included in the 2023 Long-Term Care complement.

**3. Hamilton Fire Department On-going Training Agreement with Hamilton Conservation Authority (HSC23042) (City Wide) (Item 10.2)**

- (a) That the Fire Chief of the Hamilton Fire Department, or their designate, be authorized to negotiate, enter into and execute any required agreement and any ancillary documents required to give effect thereto with the Hamilton Conservation Authority and other parties to facilitate use of property for Fire Department training activities with content acceptable to the General Manager of Healthy and Safe Communities, and in a form satisfactory to the City Solicitor; and,
- (b) That the Chief of the Hamilton Fire Department, or their designate, be authorized to execute amendments and any ancillary documents related to these Agreements as required for the use of property for Fire Training purposes that are acceptable in content to the General Manager of Healthy and Safe Communities and in a form satisfactory to the City Solicitor.

- 4. Defibrillator Standardization for the Hamilton Paramedic Service and Hamilton Fire Department (HSC23043) (City Wide) (Item 10.3)**
- (a) That the ZOLL Medical Corporation electrocardiogram monitor-defibrillators, ZOLL AED Pro and the ZOLL Public Access Defibrillation devices be designated a “Standard” device pursuant to Procurement Policy 14 – Standardization, such designation to be reviewed again no later than December 31, 2031; and,
  - (b) That the ZOLL Medical Corporation electrocardiogram monitor-defibrillators, ZOLL AED Pro systems be obtained on a single source basis from ZOLL Medical Canada Inc., a subsidiary of ZOLL Medical Corporation, pursuant to City Procurement Policy 11 through to December 31, 2031; and,
  - (c) That staff be authorized to standardize the purchase of ZOLL public access defibrillator units from the ZOLL Medical Corporation in compliance with a Competitive Procurement Processes when required Procurement Policy 5.1 – Low Dollar Value Procurements, Policy 5.1 – Request for Quotations, Policy 5.3 – Request for Tenders or Policy 5.4 – Requests for Proposals, as applicable; and,
  - (d) That staff be authorized to single source the annual preventative maintenance and biomedical testing contracts, along with parts and repairs for the ZOLL Medical Corporation electrocardiogram monitor-defibrillators systems directly with ZOLL Medical Canada Inc., a subsidiary of ZOLL Medical Corporation, for any issues not otherwise captured by the warranty program provided from the ZOLL Medical Canada Inc., a subsidiary of ZOLL Medical Corporation, pursuant to City Procurement Policy 11 through to December 31, 2031; and,
  - (e) That staff be authorized to negotiate with ZOLL Medical Canada Inc., a subsidiary of ZOLL Medical Corporation, as a single source for the supply, parts and accessory equipment required and associated with the standardized ZOLL Medical Corporation electrocardiogram monitor or ZOLL public access defibrillator chosen by the City, pursuant to City Procurement Policy 11 through to December 31, 2031; and,
  - (f) That the Chief of the Hamilton Paramedic Service and/or the Chief of the Hamilton Fire Department, or their designate, be authorized and directed to enter into and sign, for their respected departments, on behalf of the City of Hamilton, any negotiated agreements and necessary associated documents with ZOLL Medical Canada Inc., a subsidiary of ZOLL Medical Corporation, with content acceptable to the City Solicitor for the purchase of ZOLL electrocardiogram monitor-defibrillators and ZOLL Public Access Defibrillators, subject to Procurement Policy, Section 4.2, Policy 2 Approval Authority; and,

- (g) That the Chief of the Hamilton Paramedic Service and/or the Chief of the Hamilton Fire Department, or their designate, be authorized to amend any Contracts executed and any ancillary documents as required if a supplier(s) identified in this report undergoes a name change.

**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 Jordan Williams respecting the cost of living and high inflation on basic essential goods/service (for a future meeting)
- 6.1 Jennifer Bonner, The HUB, respecting Item 8.1 Annual Winter Response Strategy (HSC23012(a)) (for today's meeting)

The agenda for the September 7, 2023 Emergency and Community Services Committee meeting was approved, as amended.

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

There were no Declarations of Interest.

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

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

The Minutes of the August 17, 2023 meeting of the Emergency and Community Services Committee, were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

The following Delegation Requests were approved, as presented:

- (i) Jordan Williams respecting the cost of living and high inflation on basic essential goods / services (In-Person) (For a future meeting) (Item 6.1)
- (ii) Jennifer Bonner, The HUB, respecting Item 8.1 Annual Winter Response Strategy (HSC23012(a)) (In-Person) (For today's meeting) (Item 6.2)

**(e) DELEGATIONS (Item 7)**

- (i) **Jennifer Bonner, The HUB, respecting Item 8.1 Annual Winter Response Strategy (HSC23012(a)) (Item 7.1)**

Jennifer Bonner was granted an additional 5 minutes, beyond the 5-minute time limit, to complete their delegation respecting Report HSC23012(a) Annual Winter Response Strategy.

Jennifer Bonner, The HUB, addressed the Committee respecting the Annual Winter Response Strategy.

The presentation from Jennifer Bonner, The HUB, respecting Annual Winter Response Strategy, was received.

**(f) STAFF PRESENTATIONS (Item 8.1)**

**(i) Annual Winter Response Strategy (HSC23012(a)) (City Wide) (Item 8.1)**

Michelle Baird, Director of Housing Services Division, addressed the Committee respecting Report HCS23012(a), Annual Winter Response Strategy, with the aid of a PowerPoint presentation.

The presentation from Michelle Baird, Director of Housing Services Division, respecting Report HCS23012(a), Annual Winter Response Strategy, was received.

For disposition of this matter, refer to Item 1.

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

**(i) Amendments to the Outstanding Business List**

The following amendments to the Emergency & Community Services Committee's Outstanding Business List, were approved:

**(a) Items to be removed:**

**(aa) 21-A: Tenant Defence Fund (ESC 21-004)**

Addressed in Item 1 of ECS Report 23-010, August 17, 2023

**(bb) 23-K: Parts 1, 2 and 4 Renovictions Stakeholder Consultation (HSC23023) (City Wide)**

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

Addressed in Item 1 of ECS Report 23-010, August 17, 2023

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

Addressed in Item 1 of ECS Report 23-010, August 17, 2023

23-K (Part Four) Renovictions Stakeholder Consultation  
(HSC23023) (City Wide)

Addressed in Item 1 of ECS Report 23-010, August 17, 2023

- (cc) 23-N: 2023 Hamilton Community Heat Response Plan  
(BOH23019) (City Wide) PHC 23-006, May 15, 2023, Item  
1(a)(d)

Addressed in Item 1, ECS 19-007, June 20, 2019, Heat  
Response Plan Initiative (HSC19020)

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

**(i) Closed Session Minutes of August 17, 2023 (Item 14.1)**

The Closed Session Minutes of August 17, 2023, were approved, as  
presented, and remain confidential.

**(i) ADJOURNMENT (Item 16)**

There being no further business, the Emergency and Community Services  
Committee adjourned at 3:02 p.m.

Respectfully submitted,

Councillor T. Hwang  
Acting Chair, Emergency and Community  
Services Committee

Carrie McIntosh  
Legislative Coordinator  
Office of the City Clerk



**PUBLIC HEALTH COMMITTEE  
(Formerly the Board of Health)  
REPORT 23-009**

**9:30 a.m.**

**September 8, 2023**

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

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**Present:** Mayor A. Horwath (Chair)  
Councillor M. Wilson (Vice-Chair)  
Councillors J. Beattie, C. Cassar, B. Clark, J.P. Danko, M. Francis,  
T. Hwang, T. Jackson, C. Kroetsch, T. McMeekin, E. Pauls, M.  
Tadeson and A. Wilson

**Absent with  
Regrets:** Councillor M. Spadafora – Personal and N. Nann – City Business

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**THE PUBLIC HEALTH COMMITTEE PRESENTS REPORT 23-009 AND RESPECTFULLY  
RECOMMENDS:**

1. **Child and Youth Mental Health Transformation and Child and Adolescent Services Budget 2023-2024 (BOH23029) (City Wide) (Outstanding Business List Item) (Item 8.1 and 14.1)**
  - (a) That the 2023-2024 Child and Adolescent Services Program budget funded by the Ministry of Health be approved;
  - (b) That the Medical Officer of Health, or delegate, be authorized and directed to execute all agreements, contracts, extensions and documents, including submission of budgets and reports required to give effect to all the 2023-2024 Child and Adolescent Services Program budget approved in Report BOH23029;
  - (c) That the Medical Officer of Health be authorized and directed to enter into a 24-month secondment agreement with Lynwood Charlton Centre with the option to renew for an additional 24 months, in a form satisfactory to the City Solicitor;
  - (d) That the direction to staff within Confidential Appendix “A” to Report BOH23029 be approved and remain confidential until approved by Council; and,
  - (e) That Item 2021-G, respecting the challenges, referrals and waiting lists for child and adolescent counselling services within the City's network of Children's and

**Council – September 13, 2023**

Adolescent Mental Health Services, be removed from the Public Health Committee Outstanding Business List.

**2. Hamilton Waterpipe By-law (BOH23017(a)) (City Wide) (Item 8.2)**

That the By-law to regulate waterpipe smoking in public places and workplaces in the City of Hamilton, attached as Appendix "A" to Report BOH23017(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted.

**3. Suspect Drug-Related Deaths and Opioid-Related Paramedic Calls (April – June 2023) (BOH23031) (City Wide) (Item 9.1)**

That Report BOH23031, respecting Suspect Drug-Related Deaths and Opioid-Related Paramedic Calls (April – June 2023), be received.

**4. Healthy Babies Healthy Children Program Budget 2023-2024 (BOH23028) (City Wide) (Item 10.1)**

- (a) That the 2023-2024 Healthy Babies Healthy Children program budget be approved;
- (b) That Council approve funding of \$205,194 to allow the continuation of the program with the current Public Health Nurse complement until March 31, 2024, to be funded first from any Public Health Division surplus, then from any Healthy and Safe Communities Departmental Surplus and lastly from any Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services;
- (c) That staff be directed to refer the annualized estimated cost for the program pressure resulting from capped Ministry funding and annual cost increases of staff salaries and benefits to the 2024 Tax Operating Budget; and,
- (d) That the Medical Officer of Health or delegate be authorized and directed to execute all agreements, contracts, extensions and documents, including submission of budgets and reports required to give effect to all the 2023-2024 Healthy Babies Health Children Program budget approved in Report BOH23028.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

The agenda for the September 8, 2023 Public Health Committee was approved, as presented.

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

There were no declarations of interest.

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

**(i) August 16, 2023 (Item 4.1)**

The Minutes of the August 16, 2023 meeting of the Public Health Committee was approved, as presented.

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

**(i)** The following Communication items were approved, as presented:

- (a) Correspondence from Dr. Kieran M. Moore, Chief Medical Officer of Health of Ontario and Assistant Deputy Minister, Public Health, Ministry of Health, respecting the Provincial Strategy to Strengthen Public Health in Ontario (Item 5.1)

Recommendation: Be Received.

- (b) Correspondence from Dr. Charles Gardner, President, Association of Local Public Health Agencies (alPHa), respecting Public Health Funding and Capacity Announcement (Item 5.2)

Recommendation: Be Received.

- (c) Correspondence from Hon. Sylvia Jones, Deputy Premier and Minister of Health, and Patrick Dicerni, Interim Assistant Deputy Minister, Ministry of Health, respecting 2023-2024 New Base Funding for HIV and/or Hepatitis C Services (Item 5.3)

Recommendation: Be received and that the Medical Officer of Health, or designate, be authorized and directed to execute all agreements, contracts, extensions, and documents, including submission of budgets and reports, required to give effect to 2023-2024 new base funding to support the delivery of HIV and/or Hepatitis C services.

- (d) Correspondence from Matt Newton-Reid, Board Chair, Middlesex-London Health Unit, respecting the Middlesex-London Health Unit 2024 Budget (Item 5.4)

Recommendation: Be Received.

- (e) Correspondence from Association of Local Public Health Agencies (aLPHa), respecting August 2023 InfoBreak (Item 5.5)

Recommendation: Be Received.

- (f) Correspondence from Hon. Sylvia Jones, Deputy Premier and Minister of Health, respecting Ministry of Health - 2023-2024 Funding for Public Health Programs (Item 5.6)

Recommendation: Be received and that the Medical Officer of Health, or designate, be authorized and directed to execute all agreements, contracts, extensions, and documents, including submission of budgets and reports, required to give effect to the amended City of Hamilton Public Health Funding and Accountability Agreement 2023-2024

**(e) STAFF PRESENTATIONS (Item 8)**

- (i) Child and Youth Mental Health Transformation and Child and Adolescent Services Budget 2023-2024 (BOH23029) (City Wide) (Outstanding Business List Item) (Item 8.1)**

Mark Fernandes, Clinic Supervisor, Child & Adolescent Services, Public Health Services and Michelle Hayes, Senior Director of System Planning, Lynwood Charlton Centre, addressed the Committee respecting the Child and Youth Mental Health Transformation and Child and Adolescent Services Budget 2023-2024, with the aid of a PowerPoint presentation.

The presentation respecting Report BOH23029, Child and Youth Mental Health Transformation and Child and Adolescent Services Budget 2023-2024, was received.

For disposition of this matter, please refer to Item 1.

- (ii) Hamilton Waterpipe By-law (BOH23017(a)) (City Wide) (Item 8.2)**

Jan Johnston, Manager, Tobacco Control Program, Public Health Services, addressed the Committee respecting the Hamilton Waterpipe By-law, with the aid of a PowerPoint presentation.

The presentation respecting Report BOH23017(a), Hamilton Waterpipe By-law, was received.

For disposition of this matter, please refer to Item 2.

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

- (i) Confidential Appendix "A" to Item 8.1 - Child and Youth Mental Health Transformation and Child & Adolescent Services Budget 2023-2024 (BOH23029) (City Wide) (Outstanding Business List Item) (Item 14.1)**

The Public Health Committee determined that discussion of Confidential Appendix 'A' to Report BOH23029 was not required in Closed Session.

For disposition of this matter, please refer to Item 1.

**(g) ADJOURNMENT (Item 15)**

There being no further business, the Public Health Committee adjourned at 11:26 a.m.

Respectfully submitted,

Mayor Andrea Horwath  
Chair, Public Health Committee

Matt Gauthier  
Legislative Coordinator  
Office of the City Clerk



**PUBLIC WORKS COMMITTEE  
REPORT 23-012**

1:30 p.m.

Friday, September 8, 2023

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Councillors N. Nann (Chair), E. Pauls (Vice-Chair), J. Beattie, C. Cassar, J.P. Danko, M. Francis, T. Jackson, C. Kroetsch, T. McMeekin, M. Spadafora, M. Tadeson, A. Wilson and M. Wilson

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

**1. Burlington Street Sewage Spill Update (PW22088(b)) (City Wide) (Item 8.1)**

- (a) That the Hamilton Water Divisional staff complement be increased by 12 permanent full-time equivalents; and that the 12 additional full-time equivalents be used to resource the new sewer sampling program, the enhanced sewer inspection program and to mitigate other risks to the wastewater program as outlined in Report PW22088(b), funding through the 2023 Hamilton Water Divisional gapping; and,
- (b) That future operating costs as outlined in Report PW22088(b) be referred to the 2024 Rate budget.

**2. Procedural Changes Resulting from Chedoke Creek and Burlington Street Combined Sewage Discharge Incidents (PW23056) (City Wide) (Outstanding Business List Item) (Item 9.1)**

That Report PW23056, respecting Procedural Changes Resulting from Chedoke Creek and Burlington Street Combined Sewage Discharge Incidents, be received.

**3. Proposed Permanent Closure and Sale of a Portion of Concession 6 Road West, Flamborough (PW23054) (Ward 12) (Item 10.1)**

- (a) That the application of the owner of 1165 Highway 8, Flamborough, to permanently close and purchase a portion of Concession 6 Road West,

Flamborough ("Subject Lands"), as shown on Appendix "A", attached to Report PW23054, be approved, subject to the following conditions:

- (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;
- (ii) The Corporate Real Estate Office of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owners of 1165 Highway 8, Flamborough, as described in Report PW23054, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to 1165 Highway 8, Flamborough pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department;
- (iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
- (v) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- (vi) That the Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
- (vii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

**4. Proposed Permanent Closure and Sale of Crescent Road, Hamilton (PW23053) (Ward 14) (Item 10.2)**

- (a) That the applications of the owners of 921 Scenic Drive, Hamilton (Part A), 931 Scenic Drive, Hamilton (Part B), and 939 Scenic Drive, Hamilton (Part C), to permanently close and purchase a portion of Crescent Road, Hamilton abutting the rear of 921, 931, and 939 Scenic Drive, Hamilton (“Subject Lands”), as shown on Appendix "A" and “B”, attached to Report PW23053, be approved, subject to the following conditions:
- (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;
  - (ii) The Corporate Real Estate Office of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owners of 921 Scenic Drive, Hamilton (Part A), 931 Scenic Drive, Hamilton (Part B), and 939 Scenic Drive, Hamilton (Part C), as shown on Appendix “A” and Appendix “B” in Report PW23053, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
  - (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 921, 931, and 939 Scenic Drive, Hamilton (Parts A, B and C respectively) pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department;
  - (iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
  - (v) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
  - (vi) That the Public Works Department publish any required notice of the City’s intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
  - (vii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the

applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section; and

- (viii) That the net proceeds of the sale of the Subject Lands be transferred to a new ProjectID for the purpose to fund trees, beautification, park improvements and other open space improvements within Ward 14 to the satisfaction of the Manager, Parks and Cemeteries in consultation with the Ward Councillor.

**5. Free-Floating Carshare Program (PED20168(b)) (City Wide) (Outstanding Business List Item) (Item 11.1)**

- (a) That the City of Hamilton continue the free-floating carshare permit program on a permanent basis in Wards 1, 2, and 3;
- (b) That the City of Hamilton expand the free-floating carshare permit program to the entire City;
- (c) That the draft Amending By-law for On-Street Parking By-law 01-218 attached as Appendix "A" to Report PED20168(b), and the draft Administrative Penalties By-law 17-225 attached as Appendix "B" to Report PED20168(b), which have been prepared in a form satisfactory to the City Solicitor, be approved; and
- (d) That staff be directed to explore opportunities to make available a limited supply of parking spaces on residential streets with Parking by Permit Only restrictions for free-floating carshare parking.

**6. Hamilton Water Financial Plan (PW23055) (City Wide) (Item 11.2)**

- (a) That the Hamilton Water Financial Plan for the City of Hamilton drinking water systems, attached as Appendix "A" to Public Works Committee Report 23-012, and as prescribed by Ontario Regulation 453/07, be approved by a resolution that the City of Hamilton drinking water systems have the resources necessary to operate successfully over the next ten years based on current projections.
- (b) That the Hamilton Water Financial Plan, attached as Appendix "A" to Public Works Committee Report 23-012, be released for public review and submitted to the Ontario Ministry of Municipal Affairs and Housing as required by Ontario Regulation 453/07 under the *Safe Drinking Water Act*, 2002.

**7. Investment in Victoria Park Pool, 100 Strathcona Avenue North, Hamilton (Ward 1) (Item 12.1)**

WHEREAS, the City of Hamilton owned outdoor pool facilities in Ward 1 are maintained by Corporate Facilities & Energy Management Division, Public Works, and programmed through the Recreation Division, Healthy and Safe Communities;

WHEREAS, along with spray pads and wading pools, outdoor pools offer an important opportunity for cooling during heat alerts, and should continue to be supported in areas that need them most;

WHEREAS, the Recreation Master Plan (2022) provision model considers investment in outdoor pool locations in higher needs areas that are under-served, have growing child/youth populations and few backyard pool opportunities;

WHEREAS, the current Victoria Park outdoor pool and changeroom building are approaching the end of their respective lifecycles and are in need of major renewal;

WHEREAS, a redevelopment of the Victoria Park outdoor pool facility to accommodate accessible entries, shallower water for younger children, accessible change spaces and washrooms will draw more users to the site;

WHEREAS, the Recreation Master Plan (2022) identifies Victoria Park outdoor pool redevelopment as an outstanding recommendation of the Use, Renovation and Replacement Study for Hamilton Recreation and Public-Use Facilities (2008) and has prioritized this outdoor pool as the only site recommended for short term investment; and

WHEREAS, a feasibility study was previously conducted for the renewal of the Victoria Park outdoor pool and established three possible renovation options, one of which has been recommended by Recreation and Facility Staff and;

WHEREAS, the design phase will utilize 2024 capital budget funds with partial funding from the Ward 1 Capital Re-Investment Reserve.

**THEREFORE, BE IT RESOLVED:**

- (a) That the funding for the detailed design phase of the outdoor pool renewal and accessibility upgrades at Victoria Park, 100 Strathcona Avenue North, Hamilton, at a cost, including contingency, not to exceed \$750,000 (including partial financing from the Ward 1 Capital Re-Investment Reserve (108051)), be referred to the 2024 capital budget process for consideration; and
- (b) That Public Works staff be authorized and directed to retain a Prime Design Consultant in 2024, in accordance with Procurement By-Law 21-255, to undertake detailed design of the renewal and accessible upgrades of the

outdoor pool and changeroom building at Victoria Park, 100 Strathcona Avenue North, Hamilton.

**8. Corman Park Basketball Court Replacement (Ward 10) (Added Item 12.2)**

WHEREAS, the basketball court at Corman Park, located at 23 Teak Street, Hamilton, is in poor condition and has been closed due to health and safety risk;

WHEREAS, there is no capital funding to support the full replacement of this park asset and additional funding is needed to support the full replacement of the basketball court;

WHEREAS, this work will be undertaken by the Parks Section capital team and completed in addition to the existing work plan and ongoing projects; and

WHEREAS, resources are limited and this work will be initiated in 2023, scheduled to be completed within 12-24 months, subject to unforeseen challenges such as procurement timing, supply chain issues, weather, etc.

THEREFORE, BE IT RESOLVED:

- (a) That the replacement of the Corman Park basketball court, located at 23 Teak Street, Hamilton, to be funded from the Ward 10 Minor Maintenance Account [4031911610] at an upset limit, including contingency, not to exceed \$110,000, be approved; and,
- (b) That the General Manager of Public Works be authorized and directed to approve and execute any and all required agreements and ancillary documents, in a form satisfactory to the City Solicitor.

**9. Transit Maintenance & Storage Facility - Cost Increase (PW23051(a) / FCS23084(a)) (City Wide) (Item 15.1)**

- (a) That the direction provided to staff in Closed Session, respecting Report PW23051(a)/FCS23084(a) Transit Maintenance & Storage Facility - Cost Increase, be approved and remain confidential until negotiations for the Contract are complete and the Contract is executed;
- (b) That the price of Contract C13-02-23 General Contractor Required for the Construction of Hamilton Transit Maintenance & Storage Facility be publicly reported in the applicable quarterly status report for Tenders and Proposals.
- (c) That the Mayor, with support from City Staff, continue to advocate for additional support from various members of Parliament and Members of

Provincial Parliament for ongoing financial support related to Public Transit Investments, and the General Manager, Finance and Corporate Services, be authorized and directed to confirm and execute any agreements or protocols, as required.

**FOR INFORMATION:**

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

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

**13. NOTICES OF MOTION**

**13.1 Corman Park Basketball Court Replacement (Ward 10)**

The Agenda for the September 8, 2023 Public Works Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) August 16, 2023 (Item 4.1)**

The Minutes of the August 16, 2023 meeting of the Public Works Committee were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

**(i) Sean Forde respecting Concerns about the change in the schedule for the buses to Stoney Creek (for a future meeting) (Item 6.1)**

The Delegation Request from Sean Forde respecting Concerns about the change in the schedule for the buses to Stoney Creek, was approved for a future meeting.

**(e) DELEGATIONS (Item 7)**

**(i) Tiffany Garvey, respecting DARTS (approved July 12, 2023) (Item 7.1)**

Tiffany Garvey addressed the Committee respecting concerns related to DARTS.

The delegation Tiffany Garvey respecting concerns related to DARTS, was received.

**(f) STAFF PRESENTATIONS (Item 8)**

**(i) Burlington Street Sewage Spill Update (PW22088(b)) (City Wide) (Item 8.1)**

Shane McCauley, Director of Water and Wastewater Operations, addressed the Committee respecting the Burlington Street Sewage Spill Update (PW22088(b)) (City Wide), with the aid of a PowerPoint presentation.

The presentation from Shane McCauley, Director of Water and Wastewater Operations, respecting the Burlington Street Sewage Spill Update (PW22088(b)) (City Wide), was received.

For further disposition of this matter, refer to Item 1.

**(g) PUBLIC HEARINGS (Item 10)**

**(i) Proposed Permanent Closure and Sale of a Portion of Concession 6 Road West, Flamborough (PW23054) (Ward 12) (Item 10.1)**

Councillor Nann advised that the notice of the Proposed Permanent Closure and Sale of a Portion of Concession 6 Road West, Flamborough, was provided as required under the City's By-law No. 14-204 – the Sale of Land Policy By-law.

The Committee Clerk advised that there were no registered speakers.

The Chair asked three times if there were any members of the public in attendance who wished to come forward to speak to the matter. No individuals came forward.

The public meeting closed.

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

**(ii) Proposed Permanent Closure and Sale of Crescent Road, Hamilton (PW23053) (Ward 14) (Item 10.2)**

Councillor Nann advised that the notice of the Proposed Permanent Closure and Sale of Crescent Road, Hamilton, was provided as required under the City's By-law No. 14-204 – the Sale of Land Policy By-law.

The Committee Clerk advised that there were no registered speakers.

The Chair asked three times if there were any members of the public in attendance who wished to come forward to speak to the matter. No individuals came forward.

The public meeting closed.

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

**(h) NOTICES OF MOTION (Item 13)**

**(i) Corman Park Basketball Court Replacement (Ward 10) (Item 13.1)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Corman Park Basketball Court Replacement (Ward 10).

For further disposition of this matter, refer to Item 8.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 14)**

**(i) Amendments to the Outstanding Business List (Item 14.1)**

The following amendments to the Public Works Committee's Outstanding Business List, were approved:

**(1) Items Considered Complete and Needing to be Removed (Item 14.1(a))**

**(i) Free-Floating Carshare Pilot Program (14.1(a)(a))**  
Addressed as Item 11.1 (PED20168(b)) (today's agenda)  
Item on OBL: ABW

**(ii) Chedoke Creek & Burlington Street Sewage Discharge Incidents (14.1(a)(b))**  
Addressed as Item 11.2 (PW23056) (today's agenda)  
Item on OBL: ADG

**(2) Items Requiring a New Due Date: (Item 14.1(b)):**

**(i) Joint Action by City of Hamilton and Hamilton Police Service to Improve Pedestrian Safety (Item 14.1(b)(a))**  
Item on OBL: ADJ  
Current Due Date: September 18, 2023  
Proposed New Due Date: December 4, 2023

- (ii) Roadway Safety Measures on Aberdeen Avenue from Queen Street to Longwood Road (Item 14.1(b)(b))  
Item on OBL: AZ  
Current Due Date: September 18, 2023  
Proposed New Due Date: November 13, 2023
- (iii) Roadway Safety Measures on Aberdeen Avenue from Queen Street to Longwood Road (Item 14.1(b)(c))  
Item on OBL: AZ  
Current Due Date: July 5, 2023  
Proposed New Due Date: September 18, 2023
- (iv) Review of Level of Service for Winter Control in Alignment with the Principles of Vision Zero (Item 14.1(b)(d))  
Item on OBL: ADN  
Current Due Date: September 18, 2023  
Proposed New Due Date: October 30, 2023
- (v) Implementation plan for the two-way conversion of Main Street (Item 14.1(b)(e))  
Item on OBL: ACW  
Current Due Date: October 16, 2023  
Proposed New Due Date: October 30, 2023
- (vi) Reassessment of one-way streets (Item 14.1(b)(f))  
Item on OBL: ACX  
Current Due Date: October 16, 2023  
Proposed New Due Date: October 30, 2023

(3) Items Requiring a New Title (Item 14.1(c)):

- (i) Current Title: Burlington Street Sewage Spill Update (Item 14.1(c)(a))  
Title to be Changed to: Annual Report  
Regarding Sewage Spills  
Item on OBL: ADM  
Current Due Date: September 8, 2023  
Proposed New Due Date: Q2 2024

**(j) PRIVATE AND CONFIDENTIAL (Item 15)**

- (i) The Committee moved into Closed Session respecting Item 15.1, pursuant to Section 9.3, Sub-section (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a position, plan,

procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(ii) Transit Maintenance & Storage Facility - Cost Increase (PW23051(a) / FCS23084 (a)) (City Wide) (Item 15.1)**

For disposition of this matter, refer to Item 9.

**(k) ADJOURNMENT (Item 16)**

There being no further business, the meeting adjourned at 5:22 p.m.

Respectfully submitted,

Councillor N. Nann, Chair,  
Public Works Committee

Carrie McIntosh  
Legislative Coordinator  
Office of the City Clerk

Prepared By:



City of Hamilton

Hamilton Water Financial Plan:  
Water Financial Plan and Financial Statements

GMBP File: 622141

July 14, 2023



Hamilton





July 14, 2023  
Our File: 622141

City of Hamilton  
Hamilton Water  
120 King Street West, 9th Floor  
Hamilton, Ontario L8P 4V2

Attn: Mr. George Giovinazzo

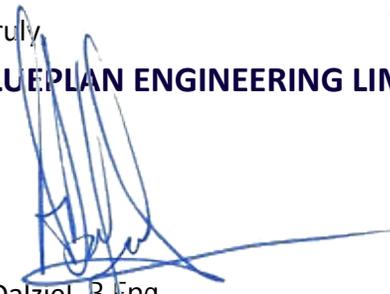
Re: City of Hamilton – Water Financial Plan Development – Category 32

Dear Mr. Giovinazzo

GM BluePlan Engineering Limited is pleased to present the our interim report for the project in question. The enclosed report outlines the water system Financial Plan and Financial Statements as mandated by Regulation 453/07 - Financial Plans made under the Safe Drinking Water Act, 2002.

Yours truly,

**GM BLUEPLAN ENGINEERING LIMITED**



Andy Dalziel, B.Eng.  
Asset Management



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## 1.0 Introduction

The City of Hamilton retained GM BluePlan (GMBP) in 2022 to prepare a 10-year Financial Plan with associated Financial Statements to comply with regulatory requirements defined within the Drinking Water Quality Management System (DWQMS) and specifically outlined in Regulation 453/07 - Financial Plans made under the Safe Drinking Water Act, 2002 (SDWA).

This interim report provides a Financial Plan and Financial Statements for the water system to support the City's application for updated drinking water licenses as per Regulation 453/07 and documents the approach and sources of information used to generate the Financial Statements.

## 2.0 Background

*Regulation 453/07 - Financial Plans made under the Safe Drinking Water Act, 2002* mandates that a Financial Plan be prepared to obtain a municipal drinking water license. The Financial Plan required as part of Regulation 453/07 is represented as a series of financial statements for a minimum period of 6 years.

*Regulation 588/17 – Asset Management Planning for Municipal Infrastructure* made under the Infrastructure for Jobs and Prosperity Act, 2015 was implemented on January 1, 2018. The regulation required municipalities to develop a strategic asset management plan for core municipal assets which were defined as water, wastewater, stormwater, roads, engineered structures (bridges & culverts); in addition, asset management plans must be developed for all other municipal assets by 2024.

The City's Corporate Asset Management (CAM) office released the first iteration of the Corporate Asset Management Plan, in June 2022. This Asset Management Plan complies with O.Reg. 588/17 by setting out the current levels of service for the City's core asset portfolio and establishing a benchmark for these assets against which opportunities for continuous improvement can be identified for future iterations of the plan. The asset management plan for the City's water assets



(water, wastewater and stormwater) can be found on the City's website ([Waterworks Asset Management Plan](#)). The asset management plan includes a 10-year financial plan which outlines the costs associated with the operation, maintenance, and renewal of the City's water assets; the assumptions used in the development of this plan were incorporated within the analysis for this report.

The most significant practical differences between the Financial Plan mandated through Regulation 453/07 and the financial planning that is required to support Regulation 588/17 are summarized as follows:

- Regulation 453/07 Financial Plans are not required to align with the current or desired level of service (LOS).
- Regulation 453/07 requires that Financial Plans are presented as three financial statements. Regulation 588/17 does not prescribe the specific financial statements that must be used, instead, it allows for a more flexible approach in utilizing financial planning processes to support the creation of an asset management plan that attains the targeted LOS.

### 3.0 Regulatory Requirement Overview

The approach to completing the 10-year financial plan and the development of financial statements for water and wastewater systems aligns with the requirements of O.Reg. 453/07 - Financial Plans. The following summarizes the requirements of O.Reg. 453/07 as they apply to the City's existing water system.

- The preparation and approval of a financial plan is required in order to make an application for the renewal of a municipal drinking water license.
- The financial plan must be approved by a resolution that is passed by City council.
- The financial plan must apply to a period of at least six (6) years.



- The first year to which the financial plans must apply must be the year in which the drinking water system's existing municipal drinking water license would otherwise expire.
- The financial plan must include details of the proposed or projected financial position of the drinking water system itemized by:
  - Total financial assets;
  - Total liabilities;
  - Net financial assets;
  - Non-financial assets that are tangible capital assets, tangible capital assets under construction, inventories of supplies and prepaid expenses; and,
  - Changes in tangible capital assets that are additions, donations, write downs and disposals.
- The financial plan must include details of the proposed or projected financial position of the drinking water system itemized by:
  - Total revenues, further itemized by water rates, user charges and other revenues;
  - Total expenses, further itemized by amortization expenses, interest expenses and other expenses;
  - Annual surplus or deficit; and,
  - Accumulated surplus or deficit.
- The financial plan must include details of the drinking water system's proposed or projected gross cash receipts and gross cash payments itemized by:
  - Operating transactions that are cash received from revenues, cash paid for operating expenses and finance charges;
  - Capital transactions that are proceeds on the sale of tangible capital assets and cash used to acquire capital assets;



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- Investing transactions that are acquisitions and disposal of investments;
  - Financing transactions that are proceeds from the issuance of debt and debt repayment;
  - Changes in cash and cash equivalents during the year; and,
  - Cash and cash equivalents at the beginning and end of the year.
- The financial plan must include details of the extent to which the information described above relates directly to the replacement of lead service pipes.
  - Financial plans must be made available to members of the public on the City's website or by request at no charge.
  - Notice must be provided advising the public of the availability of the financial plans.
  - A copy of the financial plan must be provided to the Ministry of Municipal Affairs and Housing.

In accordance with SDWA regulations, the Financial Plan will be represented in the following Financial Statements:

1. Statement of Financial Position (Balance Sheet)

This statement highlights four key figures that describe the financial position of the City's water system at the reporting date, including the cash resources, liabilities, non-financial assets and accumulated surplus or deficit.

In support of this Statement of Financial Position, two additional statements were prepared. The financial statements listed below illustrate the change in one of these four key aspects of the water system's financial position.

2. Statement of Operations (Income Statement)

3. Statement of Cash Flow



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These statements coincide with the Financial Plan requirements for water systems licensing based on the specific requirements of Section 4(iii) of Regulation 453/07. Further descriptions of these statements are included in Section 5 - Financial Statements of this report.

As noted above, a minimum reporting period of 6 years is required for the statements under the regulation. The information developed in this plan includes these financial statements covering a period of 10 years. This is consistent with and supports the City's budget process which covers a 10-year period.

#### 4.0 Sources of Information

The City's financial data and business processes were reviewed by members of the consulting team to determine the availability of information required to develop the 10-year Financial Plan and the Financial Statements. City staff were engaged throughout the project to inform any assumptions or interpretation of data required to develop the 10-year Financial Plan and Financial Statements. Table 1 lists the assumptions used in the model to develop the financial statements.



Table 1: Assumptions

Assumption	Source
Fixed and variable water rate increases proposed in the 2023 budget were used, provided in Table 2. It should be noted that these are for water assets only and the combined water and wastewater rates are slightly different.	<ul style="list-style-type: none"> <li>2023 Rate Budget Book</li> </ul>
Operating expenditures increases of 4% per annum until 2025 were used and then 3% per annum was used onward.	<ul style="list-style-type: none"> <li>2023 Rate Budget Book</li> <li>Agreed during workshops</li> </ul>
The residential and ICI demands of 16.2m3/connection/month and 216.7m3/connection/month were used respectively.	<ul style="list-style-type: none"> <li>Consumption data and forecasted revenues</li> </ul>
Residential demand was declining at -0.870% per year with a growth factor of 1.371% to meet 2031 population targets.	<ul style="list-style-type: none"> <li>Consumption data and forecasted revenues for demand</li> <li>Master Plan and A Place to Grow for growth targets</li> </ul>
ICI demand was declining at -1.717% per year with a growth factor of 1.371% to meet 2031 population targets.	<ul style="list-style-type: none"> <li>Consumption data and 2023 Rate Budget Book for demand</li> <li>Master Plan and A Place to Grow for growth targets</li> </ul>
The City provided the long-term debt repayment schedule on existing long-term debt. New loans followed the same rules regarding serviceability of debt.	<ul style="list-style-type: none"> <li>2023 Rate Budget Book</li> <li>Debt Repayment Schedule</li> </ul>



*Table 2: 2023 Budgeted Rate Increases*

	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	9.9%	9.9%	9.8%	9.7%	10.2%	9.5%	9.7%	10.6%	10.2%

Table 3 summarizes the information that was used to generate the 10-year Financial Plan for the water system.

*Table 3: Information sources used to develop the financial statements.*

Input	Source of Data
<b>Base Financial Data</b>	<ul style="list-style-type: none"> <li>2023 Rate Budget Book</li> </ul>
<b>Current Demands and Future Demand Estimates</b>	<ul style="list-style-type: none"> <li>DC Report and Bylaws for dwelling and ICI forecast</li> <li>A Place to Grow: Growth plan for the Greater Golden Horseshoe report was used for 2051 population target</li> <li>2023 Rate Budget Book for water consumption demand</li> </ul>
<b>Water Rates</b>	<ul style="list-style-type: none"> <li>2023 Rate Budget Book for the fixed and volumetric rates</li> </ul>
<b>Revenues</b>	<ul style="list-style-type: none"> <li>2023 Rate Budget Book for the non-metered revenues</li> </ul>
<b>Operations and Maintenance Costs</b>	<ul style="list-style-type: none"> <li>2023 Rate Budget Book for the operating expenses</li> </ul>
<b>Development Charges Information</b>	<ul style="list-style-type: none"> <li>DC Report and Bylaws</li> <li>2023 Rates DC Reserve Forecast spreadsheet</li> </ul>
<b>Capital Plan</b>	<ul style="list-style-type: none"> <li>2023 Rate Budget Book</li> </ul>
<b>Amortization Data</b>	<ul style="list-style-type: none"> <li>2022-2051 Amortization for Water, Wastewater &amp; Stormwater spreadsheet</li> </ul>
<b>Project Funding Sources</b>	<ul style="list-style-type: none"> <li>2023 Rate Budget Book</li> </ul>
<b>Debt Service Information</b>	<ul style="list-style-type: none"> <li>Rate Existing Debt spreadsheet</li> </ul>



## 5.0 Financial Statements

This section describes and presents the three Financial Statements that comprise the 10-year Financial Plan for the water system.

The Financial Position Statement (Balance Sheet) highlights four key figures that describe the financial position of the water system at the reporting date. These are:

- The cash resources are cash and cash equivalents.
- The net financial assets are calculated as the difference between financial assets and liabilities.
- The non-financial assets are assets that are, by nature, normally for use in service provision and include purchased, constructed, developed or leased tangible capital assets, inventories of supplies and prepaid expenses.
- The accumulated surplus or deficit is calculated as the sum of the net financial assets and non-financial assets. This indicator represents the equity in the water system.

The two remaining statements illustrates the change in one of these aspects of the water system's financial position.

- The *statement of operations* reports the surplus or deficit from operations in the accounting period. The statement displays the cost of water services provided in the period, the revenues recognized in the period and the difference between them. It measures, in monetary terms, the extent to which an organization has maintained its net assets in the period.
- The *statement of cash flow* reports the change in cash and cash equivalents in the accounting period, and how the water system financed its activities in the period and met its cash requirements.



The following financial statements representing the 10-year Financial Plan for the Water System are included below:

- 1) Statement of Financial Position
- 2) Statement of Operations
- 3) Statement of Cash Flow

In addition, a Glossary of Terms follows the Financial Statements providing further explanations of the meaning and interpretation of specific categories or line-item terms in the statements. These should be read in conjunction with the respective statements.

It should be noted that the estimate of total fixed assets in these financial statements are based on historical costs, i.e. the actual project expenditures that were made in previous years. This approach is the conventional and PSAB-approved treatment of fixed assets in municipal accounting. It differs markedly from how the costs of investments in fixed assets are estimated in asset management plans. The Asset Management Plan (AMP) costs must reflect the value of existing fixed assets based on how much it will cost to replace them in the future in order to provide accurate information for planning of future capital budgets, in other words these costs account for inflation. For this reason, the estimate of fixed assets owned by the City that is reported in the AMP will be greater than the value of fixed assets reported on the City's balance sheet; the former accounts for inflating construction costs while the later does not.



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1. Statement of Financial Position for the Water System

City of Hamilton - Water Infrastructure Statement  
of Financial Position  
As at December 31 (in thousands of dollars)

	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
<b>Financial assets</b>										
Cash and cash equivalents	\$ 123,045	\$ 94,978	\$ 106,103	\$ 123,111	\$ 93,932	\$ 102,026	\$ 137,215	\$ 211,059	\$ 315,167	\$ 448,882
Accounts receivable - rate revenues	\$ 10,412	\$ 11,467	\$ 12,629	\$ 13,892	\$ 15,276	\$ 16,870	\$ 18,515	\$ 20,356	\$ 22,559	\$ 24,877
Accounts receivable - other revenue sources	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Investments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 133,457</b>	<b>\$ 106,444</b>	<b>\$ 118,731</b>	<b>\$ 137,003</b>	<b>\$ 109,207</b>	<b>\$ 118,895</b>	<b>\$ 155,729</b>	<b>\$ 231,414</b>	<b>\$ 337,276</b>	<b>\$ 473,759</b>
<b>Liabilities</b>										
Accounts payable - wages	\$ 234	\$ 244	\$ 253	\$ 264	\$ 269	\$ 278	\$ 286	\$ 295	\$ 304	\$ 313
Accounts payable - other payables	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DC reserve (Deferred revenue)	\$ 39,223	\$ 34,088	\$ 37,352	\$ 24,523	\$ 5,270	\$ -	\$ -	\$ -	\$ -	\$ -
Short term debt	\$ 9,486	\$ 10,789	\$ 12,146	\$ 11,353	\$ 10,570	\$ 10,811	\$ 9,700	\$ 9,961	\$ 8,663	\$ 8,946
Long term debt	\$ 65,761	\$ 78,866	\$ 90,613	\$ 103,154	\$ 92,584	\$ 81,773	\$ 72,074	\$ 62,113	\$ 53,449	\$ 44,503
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 114,704</b>	<b>\$ 123,986</b>	<b>\$ 140,365</b>	<b>\$ 139,293</b>	<b>\$ 108,693</b>	<b>\$ 92,862</b>	<b>\$ 82,059</b>	<b>\$ 72,369</b>	<b>\$ 62,417</b>	<b>\$ 53,762</b>
<b>Net Financial Assets (Liabilities)</b>	<b>\$ 18,754</b>	<b>\$ (17,542)</b>	<b>\$ (21,633)</b>	<b>\$ (2,290)</b>	<b>\$ 514</b>	<b>\$ 26,034</b>	<b>\$ 73,670</b>	<b>\$ 159,046</b>	<b>\$ 275,309</b>	<b>\$ 419,997</b>
<b>Non-financial assets</b>										
Tangible capital assets										
TCA used in production	\$ 1,314,211	\$ 1,440,260	\$ 1,575,786	\$ 1,724,317	\$ 1,824,028	\$ 1,933,878	\$ 2,072,722	\$ 2,142,526	\$ 2,206,755	\$ 2,590,618
Work in progress	\$ 67,404	\$ 99,276	\$ 88,209	\$ 69,566	\$ 139,066	\$ 194,711	\$ 208,112	\$ 262,421	\$ 316,753	\$ 49,759
Less accumulated amortization	\$ (448,032)	\$ (479,485)	\$ (515,726)	\$ (554,483)	\$ (594,758)	\$ (635,817)	\$ (679,028)	\$ (719,803)	\$ (759,786)	\$ (806,581)
<b>Total TCA</b>	<b>\$ 933,582</b>	<b>\$ 1,060,050</b>	<b>\$ 1,148,268</b>	<b>\$ 1,239,400</b>	<b>\$ 1,368,337</b>	<b>\$ 1,492,772</b>	<b>\$ 1,601,805</b>	<b>\$ 1,685,143</b>	<b>\$ 1,763,721</b>	<b>\$ 1,833,797</b>
Inventories of supplies	\$ 235	\$ 245	\$ 254	\$ 265	\$ 271	\$ 279	\$ 287	\$ 296	\$ 305	\$ 314
Prepaid expenses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 933,817</b>	<b>\$ 1,060,295</b>	<b>\$ 1,148,523</b>	<b>\$ 1,239,665</b>	<b>\$ 1,368,607</b>	<b>\$ 1,493,051</b>	<b>\$ 1,602,093</b>	<b>\$ 1,685,440</b>	<b>\$ 1,764,027</b>	<b>\$ 1,834,111</b>
<b>Accumulated surplus</b>	<b>\$ 952,571</b>	<b>\$ 1,042,753</b>	<b>\$ 1,126,890</b>	<b>\$ 1,237,375</b>	<b>\$ 1,369,121</b>	<b>\$ 1,519,084</b>	<b>\$ 1,675,763</b>	<b>\$ 1,844,486</b>	<b>\$ 2,039,335</b>	<b>\$ 2,254,108</b>



City of Hamilton  
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2. Statement of Operations for the Water System

City of Hamilton - Water Infrastructure Statement  
of Financial Position  
As at December 31 (in thousands of dollars)

	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>	<u>2032</u>
<b>Revenues</b>										
Rate revenues	\$ 124,948	\$ 137,598	\$ 151,545	\$ 166,710	\$ 183,307	\$ 202,436	\$ 222,179	\$ 244,270	\$ 270,710	\$ 298,525
Capital levy	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Earned DC revenue	\$ 30,248	\$ 31,514	\$ 23,114	\$ 39,208	\$ 45,631	\$ 46,287	\$ 36,277	\$ 24,671	\$ 24,392	\$ 23,939
Other revenues	\$ 11,928	\$ 14,672	\$ 10,896	\$ 11,575	\$ 12,286	\$ 13,131	\$ 13,962	\$ 14,846	\$ 15,857	\$ 17,002
<b>Total Revenues</b>	<b>\$ 167,124</b>	<b>\$ 183,784</b>	<b>\$ 185,555</b>	<b>\$ 217,492</b>	<b>\$ 241,225</b>	<b>\$ 261,854</b>	<b>\$ 272,418</b>	<b>\$ 283,787</b>	<b>\$ 310,959</b>	<b>\$ 339,466</b>
<b>Operating Expenses</b>										
Divisional Administration & Support	\$ 5,623	\$ 5,848	\$ 6,081	\$ 6,325	\$ 6,467	\$ 6,665	\$ 6,869	\$ 7,080	\$ 7,297	\$ 7,507
Woodward Upgrades	\$ 941	\$ 979	\$ 1,018	\$ 1,059	\$ 1,082	\$ 1,116	\$ 1,150	\$ 1,185	\$ 1,221	\$ 1,257
Customer Service & Community Outreach	\$ 3,504	\$ 3,653	\$ 3,800	\$ 3,952	\$ 4,031	\$ 4,154	\$ 4,282	\$ 4,413	\$ 4,548	\$ 4,679
Compliance & Regulations	\$ 1,809	\$ 1,890	\$ 1,966	\$ 2,045	\$ 2,081	\$ 2,145	\$ 2,210	\$ 2,278	\$ 2,348	\$ 2,416
Water Distribution & Wastewater Collection	\$ 15,394	\$ 16,049	\$ 16,691	\$ 17,359	\$ 17,705	\$ 18,248	\$ 18,807	\$ 19,385	\$ 19,977	\$ 20,553
Plant Operations	\$ 17,284	\$ 17,988	\$ 18,708	\$ 19,456	\$ 19,879	\$ 20,488	\$ 21,117	\$ 21,765	\$ 22,430	\$ 23,077
Plant Maintenance	\$ 6,282	\$ 6,533	\$ 6,794	\$ 7,066	\$ 7,225	\$ 7,446	\$ 7,674	\$ 7,910	\$ 8,152	\$ 8,387
Capital Planning & Delivery	\$ 2,388	\$ 2,484	\$ 2,583	\$ 2,686	\$ 2,747	\$ 2,831	\$ 2,918	\$ 3,007	\$ 3,099	\$ 3,188
Watershed Management	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Wastewater Abatement Program	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Operating Expenses</b>	<b>\$ 56,481</b>	<b>\$ 58,810</b>	<b>\$ 61,162</b>	<b>\$ 63,608</b>	<b>\$ 64,960</b>	<b>\$ 66,950</b>	<b>\$ 69,004</b>	<b>\$ 71,122</b>	<b>\$ 73,297</b>	<b>\$ 75,410</b>
<b>Net Operating Revenue</b>	<b>\$ 110,643</b>	<b>\$ 124,974</b>	<b>\$ 124,393</b>	<b>\$ 153,884</b>	<b>\$ 176,264</b>	<b>\$ 194,904</b>	<b>\$ 203,414</b>	<b>\$ 212,664</b>	<b>\$ 237,662</b>	<b>\$ 264,055</b>
Less amortisation of tangible assets	\$ (29,932)	\$ (31,453)	\$ (36,241)	\$ (38,757)	\$ (40,275)	\$ (41,059)	\$ (43,211)	\$ (40,775)	\$ (39,983)	\$ (46,794)
<b>Earnings Before Interest</b>	<b>\$ 80,711</b>	<b>\$ 93,521</b>	<b>\$ 88,153</b>	<b>\$ 115,127</b>	<b>\$ 135,989</b>	<b>\$ 153,845</b>	<b>\$ 160,203</b>	<b>\$ 171,889</b>	<b>\$ 197,679</b>	<b>\$ 217,261</b>
Less interest on short term loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Less interest on long term debt	\$ (2,608)	\$ (3,339)	\$ (4,016)	\$ (4,642)	\$ (4,243)	\$ (3,882)	\$ (3,524)	\$ (3,167)	\$ (2,829)	\$ (2,489)
<b>Annual Surplus (Deficit)</b>	<b>\$ 78,103</b>	<b>\$ 90,182</b>	<b>\$ 84,137</b>	<b>\$ 110,485</b>	<b>\$ 131,747</b>	<b>\$ 149,963</b>	<b>\$ 156,679</b>	<b>\$ 168,723</b>	<b>\$ 194,850</b>	<b>\$ 214,772</b>
<b>Accumulated Surplus at beginning of year</b>	<b>\$ 874,468</b>	<b>\$ 952,571</b>	<b>\$ 1,042,753</b>	<b>\$ 1,126,890</b>	<b>\$ 1,237,375</b>	<b>\$ 1,369,121</b>	<b>\$ 1,519,084</b>	<b>\$ 1,675,763</b>	<b>\$ 1,844,486</b>	<b>\$ 2,039,335</b>
<b>Accumulated Surplus at end of year</b>	<b>\$ 952,571</b>	<b>\$ 1,042,753</b>	<b>\$ 1,126,890</b>	<b>\$ 1,237,375</b>	<b>\$ 1,369,121</b>	<b>\$ 1,519,084</b>	<b>\$ 1,675,763</b>	<b>\$ 1,844,486</b>	<b>\$ 2,039,335</b>	<b>\$ 2,254,108</b>



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3. Statement of Cash Flow for the Water System

City of Hamilton - Water Infrastructure Statement  
of Financial Position  
As at December 31 (in thousands of dollars)

	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>	<u>2032</u>
<b>Cash from operations</b>										
Earnings before interest expenses	\$ 80,711	\$ 93,521	\$ 88,153	\$ 115,127	\$ 135,989	\$ 153,845	\$ 160,203	\$ 171,889	\$ 197,679	\$ 217,261
Plus amortisation of tangible capital assets	\$ 29,932	\$ 31,453	\$ 36,241	\$ 38,757	\$ 40,275	\$ 41,059	\$ 43,211	\$ 40,775	\$ 39,983	\$ 46,794
Total	\$ 110,643	\$ 124,974	\$ 124,393	\$ 153,884	\$ 176,264	\$ 194,904	\$ 203,414	\$ 212,664	\$ 237,662	\$ 264,055
<b>Cash from the Movement of Balance Sheet Account</b>										
Accounts payable - increase/(decrease)	\$ -	\$ 9	\$ 10	\$ 10	\$ 6	\$ 8	\$ 9	\$ 9	\$ 9	\$ 9
Pensions and other employee benefits - increase/(decrease)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Accounts receivable - (increase)/decrease	\$ (1,644)	\$ (1,054)	\$ (1,162)	\$ (1,264)	\$ (1,383)	\$ (1,594)	\$ (1,645)	\$ (1,841)	\$ (2,203)	\$ (2,318)
Inventory - (increase)/decrease	\$ -	\$ (9)	\$ (10)	\$ (10)	\$ (6)	\$ (8)	\$ (9)	\$ (9)	\$ (9)	\$ (9)
Prepaid expenses - (increase)/decrease	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DC reserve	\$ (3,869)	\$ (5,135)	\$ 3,264	\$ (12,829)	\$ (19,253)	\$ (5,270)	\$ -	\$ -	\$ -	\$ -
Total	\$ (5,514)	\$ (6,189)	\$ 2,102	\$ (14,093)	\$ (20,636)	\$ (6,864)	\$ (1,645)	\$ (1,841)	\$ (2,203)	\$ (2,318)
<b>Proceeds of New Debt</b>										
Short term loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Long term loans	\$ 31,894	\$ 23,894	\$ 23,894	\$ 23,894	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 31,894	\$ 23,894	\$ 23,894	\$ 23,894	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Capital Finance</b>										
Interest costs	\$ (2,608)	\$ (3,339)	\$ (4,016)	\$ (4,642)	\$ (4,243)	\$ (3,882)	\$ (3,524)	\$ (3,167)	\$ (2,829)	\$ (2,489)
Repayment of short-term debt	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Repayment of long-term debt	\$ (8,244)	\$ (9,486)	\$ (10,789)	\$ (12,146)	\$ (11,353)	\$ (10,570)	\$ (10,811)	\$ (9,700)	\$ (9,961)	\$ (8,663)
Total	\$ (10,852)	\$ (12,825)	\$ (14,806)	\$ (16,788)	\$ (15,596)	\$ (14,452)	\$ (14,335)	\$ (12,866)	\$ (12,789)	\$ (11,152)
<b>Cash used to finance tangible asset investments</b>										
New project investments	\$ (116,724)	\$ (157,922)	\$ (124,459)	\$ (129,889)	\$ (169,212)	\$ (165,494)	\$ (152,245)	\$ (124,113)	\$ (118,561)	\$ (116,870)
Total	\$ (116,724)	\$ (157,922)	\$ (124,459)	\$ (129,889)	\$ (169,212)	\$ (165,494)	\$ (152,245)	\$ (124,113)	\$ (118,561)	\$ (116,870)
Cash Surplus (Deficit)	\$ 9,447	\$ (28,067)	\$ 11,125	\$ 17,008	\$ (29,179)	\$ 8,094	\$ 35,189	\$ 73,844	\$ 104,108	\$ 133,715
Cash and cash equivalents, start of year	\$ 113,598	\$ 123,045	\$ 94,978	\$ 106,103	\$ 123,111	\$ 93,932	\$ 102,026	\$ 137,215	\$ 211,059	\$ 315,167
Cash and cash equivalents, end of year	\$ 123,045	\$ 94,978	\$ 106,103	\$ 123,111	\$ 93,932	\$ 102,026	\$ 137,215	\$ 211,059	\$ 315,167	\$ 448,882



## 6.0 Summary and Conclusions

The intent of this interim report was to provide a Financial Plan for the City's water system to meet the regulatory requirement under the Safe Drinking Water Act, Regulation 453/07 - Financial Plans. The Financial Statements in this report have been developed using readily available information. Where information was not available reasonable assumptions were made to fill any gaps.

The Financial Statements indicate that suitable financial resources are allocated to the system over the next 10 years based on the planned capital expenditures and the cost to operate the system.

## 7.0 Glossary of Terms

### 7.1 Statement of Financial Position

**Financial Assets** - assets that could be used to discharge existing liabilities or finance future operations and are not for consumption in the normal course of operations. Financial assets include cash, investments, accounts receivable, etc.

Physical assets (such as inventories of supplies, tangible capital assets), and leased assets are not financial assets. Control of such assets creates an opportunity to produce or supply goods and services, rent to others, use for administrative purposes or for the development, construction or repair of other tangible capital assets. Control of such assets does not give rise to a present right to receive cash or another financial asset.

Assets, such as prepaid expenses, for which the future economic benefit is the receipt of goods or services rather than the right to receive cash or another financial asset, are not financial assets. Similarly, certain deferred liabilities are not financial liabilities when the outflow of economic benefits associated with them is in the nature of goods or services rather than a contractual obligation to pay cash or another financial asset.



**Liabilities** - present obligations of a local government to others arising from past transactions or events, the settlement of which is expected to result in the future sacrifice of economic benefits. Liabilities have three essential characteristics:

- They embody a duty or responsibility to others, leaving a local government little or no discretion to avoid settlement of the obligation;
- The duty or responsibility to others entails settlement by future transfer or use of assets, provision of goods or services, or other form of economic settlement at a specified or determinable date, on occurrence of a specified event, or on demand;
- The transactions or events obligating the local government have already occurred.

**Net Financial Assets** - a term used to describe the first indicator of a government's financial position. The net financial assets of a government represent the net financial resources available to the government. The two dimensions of the government's financial position are combined to calculate this second indicator of a government's financial position, called its accumulated surplus.

Net financial assets are measured as the difference between a government's financial assets and its liabilities. This difference bears directly on the government's ability to finance its activities and meet its liabilities and contractual obligations. Net debt, representing a situation where net financial assets are negative, provides a measure of the future revenues required to pay for past transactions and events. The extent of a government's net financial assets and the financial ability of the government to service its debt is an important test of the sustainability of that government.

A government's net financial assets is an important indicator of a government's financial position, highlighting the financial affordability of future government service provision. A net debt position represents a "lien" on the ability of the government to apply financial resources and future revenues to provide services. Non-financial assets are added to net financial assets to calculate the other indicator of a government's financial position — its accumulated surplus or deficit. Non-financial assets are "prepaid service potential". Reporting a government's



recognized non-financial resources as part of its financial position provides information necessary for a more complete understanding of a government's debt position, financial position and future operating requirements.

**Non-financial Assets** - tangible capital assets and other assets such as prepaid expenses and inventories of supplies. Non-financial assets are acquired, constructed or developed assets that are normally employed to deliver local government services, may be consumed in the normal course of operations and are not for sale in the normal course of operations.

Certain non-financial resources are, however, not given accounting recognition in government financial statements. For example, all government intangibles, and all natural resources and Crown lands that have not been purchased by the government, are not given accounting recognition in government financial statements.

**Accumulated Surplus or Deficit** - calculated as the sum of the net financial assets of the government and its non-financial assets. This indicator represents the net assets, or equity, of the government. The accumulated surplus or deficit of a government, or its net assets, is the residual interest in its assets after deducting its liabilities.

## 7.2 Statement of Operations

**Revenues** - including gains, can arise from: taxation; the sale of goods; the rendering of services; the use by others of local government economic resources yielding rent, interest, royalties or dividends; or receipt of contributions such as grants, donations and bequests. Revenues do not include borrowings, such as proceeds from debt issues or transfers from other local governmental units in a local government reporting entity.

**Expenses** - including losses, are decreases in economic resources, either by way of outflows or reductions of assets or incurrence of liabilities, resulting from the operations, transactions and events of the accounting period. Expenses include transfer payments due where no value is received directly in return. Expenses include the cost of economic resources consumed in, and identifiable with, the operations of the accounting period. For example, the cost of tangible



Interim Report on the 10 Year Water System Financial Plan and Financial Statements

City of Hamilton

July 14, 2023

capital assets is amortized to expenses as the assets are used in delivering local government programs. Expenses do not include debt repayments or transfers to other local governmental units in a local government reporting entity.

**Surplus** - a term used to describe the difference between the revenues and expenses in the period.

### 7.3 Statement of Cash Flows

The statement of cash flow should report how a government generated and used cash and cash equivalents in the accounting period and the change in cash and cash equivalents in the period. The statement of cash flow should report the cash and cash equivalents at both the beginning and end of the accounting period.

The statement of cash flow should report cash flows during the period classified by:

- Operating
- Capital
- Investing
- Financing activities

# CITY OF HAMILTON

## MOTION

Council: September 13, 2023

**MOVED BY COUNCILLOR B. CLARK.....**

**SECONDED BY COUNCILLOR .....**

**Amendment to Item 6(a)(viii)1 of Audit, Finance and Administration Committee Report 23-005 respecting the Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide)**

WHEREAS, on April 12, 2023 Council approved the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton from June 1, 2023 until September 30, 2023 to facilitate an open, competitive Request for Proposals process for a new Integrity Commissioner;

WHEREAS, the Request for Proposals was issued and closed on July 24, 2023 and the City received four compliant proposals;

WHEREAS, the evaluation of the proposals received is taking an extended amount of time to complete; and

WHEREAS, it is now necessary to further extend Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton to November 30, 2023, to enable the Proposal Evaluation Committee to complete the Request for Proposals process and award the new Contract;

THEREFORE, BE IT RESOLVED:

That Item 6(a)(viii)1 of Audit, Finance and Administration Committee Report 23-005 respecting the Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide), be **amended** as follows:

**6. Governance Review Sub-Committee Report 23-001, March 27, 2023 (Added Item 10.4)**

(a) That the Governance Review Sub-Committee Report 23-001 be received and the recommendations as follows, be approved:

**(viii) Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide) (Outstanding Business List Item) (Item 10.6)**

1. That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton from June 1, 2023 until **November** 30, 2023 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;

# CITY OF HAMILTON MOTION

Council: September 13, 2023

**MOVED BY COUNCILLOR C. CASSAR.....**

**SECONDED BY COUNCILLOR.....**

## **Municipal Protected Areas Project Pilot Program – Ontario Nature**

WHEREAS biodiversity at the local, provincial and national scale is threatened by pollution, invasive species, climate change, habitat loss and habitat fragmentation;

WHEREAS at the 15<sup>th</sup> Conference of Parties of the United Nations Convention on Biological Diversity the Kunming-Montreal Global Biodiversity Framework Targets were established and directed that nations commit to protecting at least 30 percent of land and water by 2030 particularly in areas with importance for biodiversity and ecosystem function and services (known as the “30 by 30” target);

WHEREAS the City of Hamilton became a signatory to The Montreal Pledge – Cities United in Action for Biodiversity on June 15, 2023, which includes an action to “conserve existing natural environments through protected areas and other effective and equitable measures”;

WHEREAS the City has committed to developing a Biodiversity Action Plan in cooperation with local environmental non-governmental organizations and conservation authorities;

WHEREAS the City of Hamilton’s Urban and Rural Official Plans identify that the City’s Natural Heritage System includes approximately 36,750 hectares of Core Area lands to be preserved and enhanced to protect local biodiversity and ecological functions;

WHEREAS the City will be undertaking the rural and city-wide natural heritage review phase of the Municipal Comprehensive Review in 2024;

WHEREAS the City has been approached by Ontario Nature to participate in the Municipal Protected Areas Project pilot to assess natural lands which would contribute to Canada’s 30 by 30 target for biodiversity protection and included in the Canadian Protected and Conserved Areas Database.

**THEREFORE, IT IS RESOLVED:**

- (a) That the City of Hamilton continue to engage with Ontario Nature regarding the potential feasibility for the City to participate in the Municipal Protected Areas Project pilot;

- (b) That staff from Planning and Economic Development be directed to determine an appropriate work program for Hamilton to participate in the Municipal Protected Areas Project pilot program that compliments the work being undertaken for the City's Rural and Natural Heritage Municipal Comprehensive Review; and,
- (c) That staff be directed to provide a recommendation report to Planning Committee in Q4 2023 outlining the potential staffing and financial needs associated with participation in the Municipal Protected Areas Project pilot.

# CITY OF HAMILTON

## MOTION

Council: September 13, 2023

**MOVED BY COUNCILLOR C. KROETSCH.....**

**SECONDED BY COUNCILLOR T. HWANG.....**

### **Ward 2 Community Grants (Ward 2)**

WHEREAS City Council approved a motion to allocate Ward 2 Community Grants on August 18, 2023;

WHEREAS the Ward 2 Community Grants program closed for Q1, Q2, and Q3 on July 31 with a total of 36 applications;

WHEREAS the Ward 2 Community Grants program reopened for Q4 on September 5, 2023 and will close on September 30, 2023;

WHEREAS City staff in Financial Planning, Administration and Policy and Community Engagement - Grants reviewed the recommendations from the Ward 2 Community Grants program and found that they were all eligible; and

WHEREAS the following \$40,000 in 9 individual grants is the second part of the fulfillment of this round of the Ward 2 Community Grants program with additional grant recommendations coming forward in a motion to the second City Council meeting in September 2023 from applications that are still under review.

THEREFORE, BE IT RESOLVED -

- (a) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302109200) to the Aeris Koper Contemporary Dance to facilitate Soul Stories, a program for older adults connected with Neighbour 2 Neighbour to share stories from their lives through art creation and performance.
- (b) That up to \$3,500 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302109200) to the Hamilton Children's Choir for venue rentals, camp supplies, and advertising, so that their camp program is affordable and accessible.
- (c) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302109200) to the Hamilton Conservatory for the Arts for legal services incurred to ensure compliance of their Arts for All program under *Ontario's Not-for-Profit Corporations Act* (2010), and to hire a consultant to support their long term vision, governance, and sustainability.

- (d) That up to \$4,500 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302109200) to the Shakespeare Summer Program to cover the costs of theatre rentals and videography for a promotional video that will raise awareness about their no cost at risk youth focused programming.
- (e) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302109200) to the Student Overdose Prevention and Education Network for their Safe Tripz: Drug Testing Initiative program, to cover the cost of fentanyl testing strips, promotional materials, printing, and event tabling.
- (f) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302109200) to Supercrawl Productions for City of Hamilton paramedic and ambulance services at this year's festival.
- (g) That up to \$3,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302109200) to Telling Tales Storytime at the Art Gallery of Hamilton for artist fees, printing, advertising, and web support for their interactive family literacy events held at the Art Gallery of Hamilton in July and August 2023.
- (h) That up to \$4,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302109200) to the Tottering Biped Theatre's Summer Shakespeare Project for the contracted services of a performer from an equity seeking group.
- (i) That up to \$5,000 be allocated from the Ward 2 Special Capital Reinvestment Discretionary Fund (#3302109200) to the Red Beti Theatre for training of their General Manager and Artistic Producers in grant writing, fundraising, and organizational strategy development.
- (j) That any funds allocated and distributed through the Ward 2 Community Grants Program be exempt on a one-time basis and not be counted toward any formula that restricts regular funding from the City including the City Enrichment Fund or the One-Time Enhancement Grant (e.g. the City's 30% formula).
- (k) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

# COUNCIL COMMUNICATION UPDATES

## August 11, 2023 to September 7, 2023

Council received the following Communication Updates during the time period listed above, the updates are also available to the public on City's website, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Item Number	Date	Department	Subject
1	August 15, 2023	Planning and Economic Development	School Crossing Guard Recruitment (City Wide)
2	August 15, 2023	Public Health	Health Check Update Bulletin #2 – Progress Update (City Wide)
3	August 16, 2023	Planning and Economic Development	2023 Grey Cup Festival Contribution (City Wide)
4	August 18, 2023	Planning and Economic Development	Former Greenbelt Area Lands – Date and Format of Upcoming Open House and Special Meeting of Planning Committee (City Wide)
5	August 21, 2023	Corporate Services	Municipal Election – Clerk's Report
6	August 28, 2023	Planning and Economic Development	All Our Relations Public Art Ceremony on National Day of Truth and Reconciliation (Ward 2)
7	August 28, 2023	Public Health	Resumption of Pest Complaint Investigations Under the City of Hamilton Property Standards By-law No. 10-221 (City Wide)
8	August 28, 2023	Healthy and Safe Communities	Sir Allan MacNab Recreation Centre Update (Ward 14)
9	August 28, 2023	Public Health	Request for Ministry of the Environment, Conservation and Parks Air Monitoring at GFL Stoney Creek Regional Facility (Ward 9)
10	August 30, 2023	Healthy and Safe Communities	Changes to Special Supports Program (City Wide)
11	August 31, 2023	Public Health	Dental Bus Update (City Wide)
12	September 1, 2023	Public Health	Endorsement of Bill 103, Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023 (City Wide)



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	August 15, 2023
<b>SUBJECT:</b>	School Crossing Guard Recruitment (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	<i>Brian Hollingworth</i>

The purpose of this Communication Update is to advise Council of our ongoing recruitment of School Crossing Guards across our community.

We are promoting this opportunity across a variety of channels, including social media, radio, print advertising, and digital signage across the city. As well, sharing communications and materials with relevant community stakeholders is a key aspect of the recruitment campaign.

The key messaging below has been prepared and is available for sharing in social media and Ward newsletters. In addition, to increase awareness, pre-prepared social media graphics are provided in the attached Appendix "A".

### Key Messages:

- School Crossing Guard positions are part-time opportunities, offering 8.25 hours of work per week. The starting salary for this position is \$19.05 per hour, effective September 2023;
- Interest applicants are encouraged to call (905) 546-2424 Ext. 2201 or visit [www.hamilton.ca/CrossingGuardRecruitment](http://www.hamilton.ca/CrossingGuardRecruitment) for more information;
- Applicants are also welcome to apply directly online by searching for Job ID #20409 on our [careers web page](#);

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

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

## **SUBJECT: School Crossing Guard Recruitment (City Wide) - Page 2 of 2**

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- Successful candidates will be responsible for ensuring the safe crossing of children at designated locations and must adhere to all established traffic safety regulations to protect our elementary school children; and,
- Candidates must submit a vulnerable sector screening result from the police with no detrimental information, prior to employment being offered. All costs involved will be at the applicant's expense with costs reimbursed after six months.

### **Sample Tweet:**

Looking for a rewarding job that gives back to your community? Apply to become a school crossing guard today! To learn more, visit [www.hamilton.ca/CrossingGuardRecruitment](http://www.hamilton.ca/CrossingGuardRecruitment) or call (905) 546-2424 ext. 2201

If you have any questions regarding this communication, please contact James Buffett, Manager, Parking Enforcement and School Safety at (905) 546-2424 Ext. 3177 or by email at [James.Buffett@hamilton.ca](mailto:James.Buffett@hamilton.ca).

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – School Crossing Guard Recruitment Social Media Graphics

- Facebook/X(Twitter)/LinkedIn



- Instagram Story



- Instagram Feed

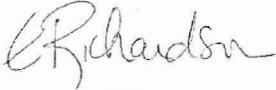


- Instagram Post





## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members Board of Health
<b>DATE:</b>	August 15, 2023
<b>SUBJECT:</b>	Health Check Update Bulletin #2 - Progress Update (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Dr. Elizabeth Richardson, MD, MHSc, FRCPC Medical Officer of Health Public Health Services
<b>SIGNATURE:</b>	

This communication provides the Board of Health with an update on the renewal of the population health assessment report, "Health Check" and informs members of our continued intent to share status updates with community stakeholders through bulletins.

### Background on Health Check: A Population Health Assessment

Boards of health in Ontario are mandated to provide population health information including social determinants of health, health inequities, and other relevant sources to the public, community partners, and other health care providers.<sup>1</sup> To support this effort, Hamilton Public Health Services is updating a key population health assessment report, "Health Check." This report was last updated in 2018. It is anticipated that the updated report will be publicly released in early 2024.

### Approach for Stakeholder Communication

Over fifty stakeholders have been identified that may be interested in the results of this report. Public Health will keep stakeholders informed of the process through a quarterly Health Check Update Bulletin. Update Bulletin #2 will be released by email to stakeholders on August 15, 2023 (Appendix "A" to Board of Health Communication Update: (2023-08-15) Health Check Update Bulletin #2 - Progress Update).

<sup>1</sup> Ministry of Health (2021). Ontario Public Health Standards: Requirements for Programs, Services and Accountability.

[https://www.health.gov.on.ca/en/pro/programs/publichealth/oph\\_standards/](https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/)

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**Overview of Population Health Assessment**

Population health assessment, including a comprehensive understanding of health inequities, allows Hamilton Public Health Services to identify the population health needs of the Hamilton community. Population health needs are typically longstanding issues that require many years and collective action by multiple partners and at multiple levels to address; public health is one of many contributors.

Should you require further information, please contact Catherine Holtz, Manager, Epidemiology & Evaluation Program, Public Health Services at Ext. 6708 or at [catherine.holtz@hamilton.ca](mailto:catherine.holtz@hamilton.ca).

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Board of Health Communication Update: (2023-08-15) Health Check Update Bulletin #2 - Progress Update



110 KING ST. W., 2ND FLOOR,  
 HAMILTON ON L8P 4S6

HEALTH CHECK UPDATE # 2

AUGUST 15, 2023



Data analysis is complete for Hamilton Public Health Services' update of the population health assessment report, Health Check. The report will be publicly available in 2024.

**Project Background**

Public Health has completed data analysis, including the equity analysis, for Health Check 2023. The product planning and report writing stages have now begun. The report aims to identify Hamilton's community health needs, specifically those areas that public health and its community partners can work to improve related to population health risk factors and outcomes, and includes the following four broad components:

- Sociodemographic Profile
- Health Outcome Profile
- Risk Factor Profile
- Preliminary Pandemic Impact Assessment

**Selected Results**

Early results indicate that Hamilton residents born between 2015 and 2017 may not live as long as Ontarians without early, effective preventive efforts. Hamilton residents could expect to live to be 81.3 years old on average, over a year shorter than Ontarians who are expected to live to 82.6 years on average.<sup>1</sup>

Similarly, Hamilton residents experienced higher rates of preventable deaths from 2018 to 2020 than Ontarians on average even after differences in age structure in the two populations were considered. An average, 933 Hamiltonians under the age of 75, die every year due to preventable deaths such as cancer, heart disease, infectious diseases and injuries.<sup>2</sup> This number could be reduced through health promotion and disease prevention policies, programs and services provided by public health and other community partners.

<sup>1</sup> Statistics Canada. Table 13-10-0389-01 Life expectancy, at birth and at age 65, by sex, three-year average, Canada, provinces, territories, health regions and peer groups. <https://www150.statcan.gc.ca/t1/tb1/en/tv.action?pid=1310038901>

<sup>2</sup> Statistics Canada. Table 13-10-0753-01 Premature and potentially avoidable mortality, three-year period, Canada, provinces, territories, health regions (2018 boundaries) and peer groups. <https://www150.statcan.gc.ca/t1/tb1/en/tv.action?pid=1310075301>

**Status Update**

Current Project Status	Milestones Achieved	Upcoming Work
<ul style="list-style-type: none"> <li>• Preparing detailed data tables.</li> <li>• Planning summary report and community engagement.</li> </ul>	<ul style="list-style-type: none"> <li>• Completed data analysis.</li> <li>• Distributed the first Bulletin to stakeholders in April 2023.</li> </ul>	<ul style="list-style-type: none"> <li>• Sense-making of information.</li> <li>• Finalize report for public release early in 2024.</li> </ul>

**Contact for Questions**

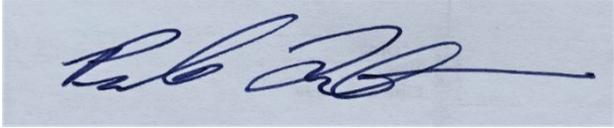
Catherine Holtz, Acting Manager, Epidemiology and Evaluation  
 905-546-2424 ext., #6708 or [Catherine.Holtz@hamilton.ca](mailto:Catherine.Holtz@hamilton.ca)

This document is available in alternate format upon request.





## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	August 16, 2023
<b>SUBJECT:</b>	2023 Grey Cup Festival Contribution (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Peter Fortune Acting Director, Tourism and Culture Planning and Economic Development Department
<b>SIGNATURE:</b>	

The purpose of this Communication Update is to provide the Mayor and Members of Council with information on the 2023 Grey Cup Festival which is being hosted in Hamilton from November 13 through November 19, 2023. Capped off by the 110th Grey Cup on Sunday, November 19, 2023, the festival promises to be a remarkable celebration of Canadian football and a significant opportunity to showcase Hamilton as a vibrant and attractive destination for sports enthusiasts and tourists alike. Below is information regarding the 2023 Grey Cup Festival event plans and the City of Hamilton's contribution to this prestigious sporting event.

The Grey Cup is the championship game of the Canadian Football League season, drawing fans, athletes, and media from across the country. As the host city for the 2023 Grey Cup Festival, Hamilton has the opportunity to be profiled on the national stage, increase local business activity, and foster community engagement through various festival events and the televised game. According to a study by Sport Tourism Canada, the 2022 Grey Cup and festival hosted in Regina generated \$67.8 million in economic activity across Canada and \$25.7 million in GDP for Saskatchewan.

The 2023 Grey Cup Festival will consist of over forty events at various locations throughout the city. Alongside traditional Grey Cup staples, such as team parties in unique Hamilton venues, partnerships with Supercrawl, Around the Bay and Hamilton Santa Claus Parade among others will deliver more unique events and experiences throughout the week. Many of these events are being hosted in privately owned venues and require no City involvement. However, the five "Signature Events" detailed below will be held on City property and require various municipal services.

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**Overview of the Grey Cup Festival “Signature Events”:**

**1) Grey Cup Game Day**

**Location:** Tim Hortons Field, Stadium Precinct

**Date:** Sunday, November 19, 2023

**Time:** Kickoff: 6:00 pm

**2) Race to the Cup**

**Location:** Gage Park to the South Plaza of Tim Hortons Field

**Date:** Thursday, November 16, 2023

**Time:** Approximately 10:00 am to 12:00 pm

**3) Fan Central: James Street, Canadian Armed Forces Fan Zone and Telus Kick for Good Courtyard**

**Location:** Similar to the Supercrawl footprint - James Street North, between Wilson St./York Blvd. and Barton St.

**Date:** Thursday, November 16 – Saturday, November 18, 2023

**Time:** Approximately 11 am – 8 pm daily

**4) Grey Cup Santa Claus Parade**

**Location:** John St. N. (with floats entering via Barton and leaving via York Blvd).

**Date:** Saturday, November 18, 2023

**Time:** Approximately 11:00 am to 1:00 pm

**5) Concert Series**

**Location:** FirstOntario Centre

**Date:** Friday, November 17 - Saturday, November 18, 2023

**Time:** To be determined

**City of Hamilton's Financial Contribution:**

When the City funding support for the Grey Cup was approved, Council directed that staff publicly release the amount of the City of Hamilton's financial contribution to the 2023 Grey Cup Festival upon executing the Contribution Agreement with the Hamilton Sports Group Partnership (Tiger-Cats). The City of Hamilton's Council-approved contribution to the 2023 Grey Cup Festival is up to \$1.5 million to cover the costs of stadium preparation and any other in-kind municipal services required for hosting the 2023 Grey Cup Festival.

Under the terms and conditions outlined in the Agreement, the City is to provide its financial contribution towards Eligible Expenses related to the following categories:

- Category (A) Eligible Expenses – for City and/or Third-Party Goods & Services for the Grey Cup Game, including:

- Hamilton Police Service;
  - Private Security;
  - Public Transportation (for example, free HSR shuttles);
  - Permit and Inspection Fees;
  - Rental fees for City-owned venues, parks and/or parking lots;
  - Paramedic Services;
  - Street Parking Signage;
  - Parking Enforcement;
  - Parking Services;
  - Road Closure and Highway Signage;
  - Third-Party Traffic Control;
  - City-Owned Marketing Assets (for example street pole banners).
- Category (B) Eligible Expenses – for City Goods & Services expenses for the Festival Signature Events, including:
    - Hamilton Police Service;
    - Private Security;
    - Public Transportation;
    - Permit and Inspection Fees;
    - Rental fees for City-owned and/or managed venues/properties for Signature Events;
    - Paramedic Services;
    - Street Parking Signage;
    - Parking Enforcement;
    - Parking Services;
    - Road Closure and Highway Signage;
    - Third-Party Traffic Control;
    - City-Owned Marketing Assets.
- Category (C) Eligible Expenses – for Stadium temporary infrastructure improvements related to hosting the 2023 Grey Cup Game at the Stadium, including expenses associated with renting/installing/removing:
    - Temporary seating and/or platforms to increase Stadium capacity;
    - Temporary fencing and scrim;
    - Temporarily expanding Stadium footprint for Game Day;
    - Temporary club seating products, including outdoor lounges;
    - Tented structures related to increased temporary seating (e.g., portable washrooms); and
    - Temporary infrastructure for the Game Day half time performance.

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**SUBJECT: 2023 Grey Cup Festival Contribution (City Wide) - Page 4 of 4**

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If you require further information on the above matter, please contact Ryan McHugh, Manager, Tourism & Events, by email at [Ryan.McHugh@hamilton.ca](mailto:Ryan.McHugh@hamilton.ca) or by phone at (905) 546-2424 Ext. 4132.

**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable.



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	August 18, 2023
<b>SUBJECT:</b>	Former Greenbelt Area Lands – Date and Format of Upcoming Open House and Special Meeting of Planning Committee (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Steve Robichaud Director Planning, and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

The purpose of this Communication Update is to provide Council with an update regarding the planned public engagement respecting any private development proposals and associated community benefits within the former Greenbelt Area lands as shown on the maps attached as Appendix “A”. Staff provided an [earlier update](#) on this topic on August 3, 2023.

Council directed City Planning staff on July 14, 2023 to consult with the public when providing input to the Provincial Land and Development Facilitator on community benefits required as a condition of Provincial development approvals.

The City’s participation in discussions with the Provincial Land and Development Facilitator would be under protest respecting these lands, because of the City’s continued opposition to the removal of the former Greenbelt lands.

As part of Council adoption of Report PED23046(a), Council provided the following direction:

- “(c) That Planning and Economic Development Department staff be directed to schedule a public meeting of the Planning Committee for the purpose of obtaining public input as to the City’s priorities and expectations with respect to any private development proposals within the lands removed by the Province from the Greenbelt Plan Area; *and, that staff consult with City*

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*of Hamilton Public Engagement staff to ensure: the statutory meeting meets best engagement practice as much as possible; that the statutory meeting be held in the evening, be live streamed, and be held at a publicly accessible facility that is in close proximity to the Book Road lands; and, that all MPP and MP's be extended an invitation to attend."*

## **Open House**

An Open House has been scheduled for the evening of Wednesday, September 6, 2023 at the Ancaster Memorial Arts Centre (6:30 p.m. start time at 357 Wilson Street East). Engagement staff have been consulted on best practices in developing the program for the Open House. The Open House will include:

- a presentation from City staff providing background on the Provincial decision to remove the lands from Greenbelt Plan, their authority to issue a Minister's Zoning Order, the City's opposition to the development of these lands and role moving forward; and,
- a Q&A session moderated by an external moderator retained by the City.

In addition to the presentation and Q&A session, the public will have an opportunity to provide input on the Development Objectives (e.g. how any new development should look and function) and Community Benefits (e.g. contribution to the community over and above what the City can require under the *Planning Act*) for each of the three areas removed from the Greenbelt Plan. Feedback can be provided by placing dots on different display panels containing a list of Development Objectives and Community Benefits based upon the 11 Directions to Guide Development. Individual written comments will also be accepted at the Open House.

Invitations to the Open House will be provided to local Members of Parliament (MP's) and Members of Provincial Parliament (MPP's) as well as the Provincial Land and Development Facilitator.

## **Website & Online Survey**

The City will also be posting an online survey through Engage Hamilton for the public to provide input on Development Objectives and Community Benefits for the three areas removed from the Greenbelt Plan. The structure of the survey will be based on the display panels at the Open House. The survey is scheduled to go live on Monday, August 21, 2023 and would close on Friday, September 8, 2023.

Staff will be posting information on the upcoming Open House and Special Meeting of Planning Committee along with an FAQ and previous reports on the [Provincial Planning Matters](#) page of the City's website.

## **Special Meeting of Planning Committee**

As directed by City Council, a Special Meeting of Planning Committee has been scheduled for 6:30 p.m. on Thursday, September 14, 2023 at the Ancaster Memorial Arts Centre in Peter Hall. The meeting will be livestreamed and invitations will be provided to local MP's and MPP's as well as the Provincial Land and Development Facilitator.

## **Next Steps**

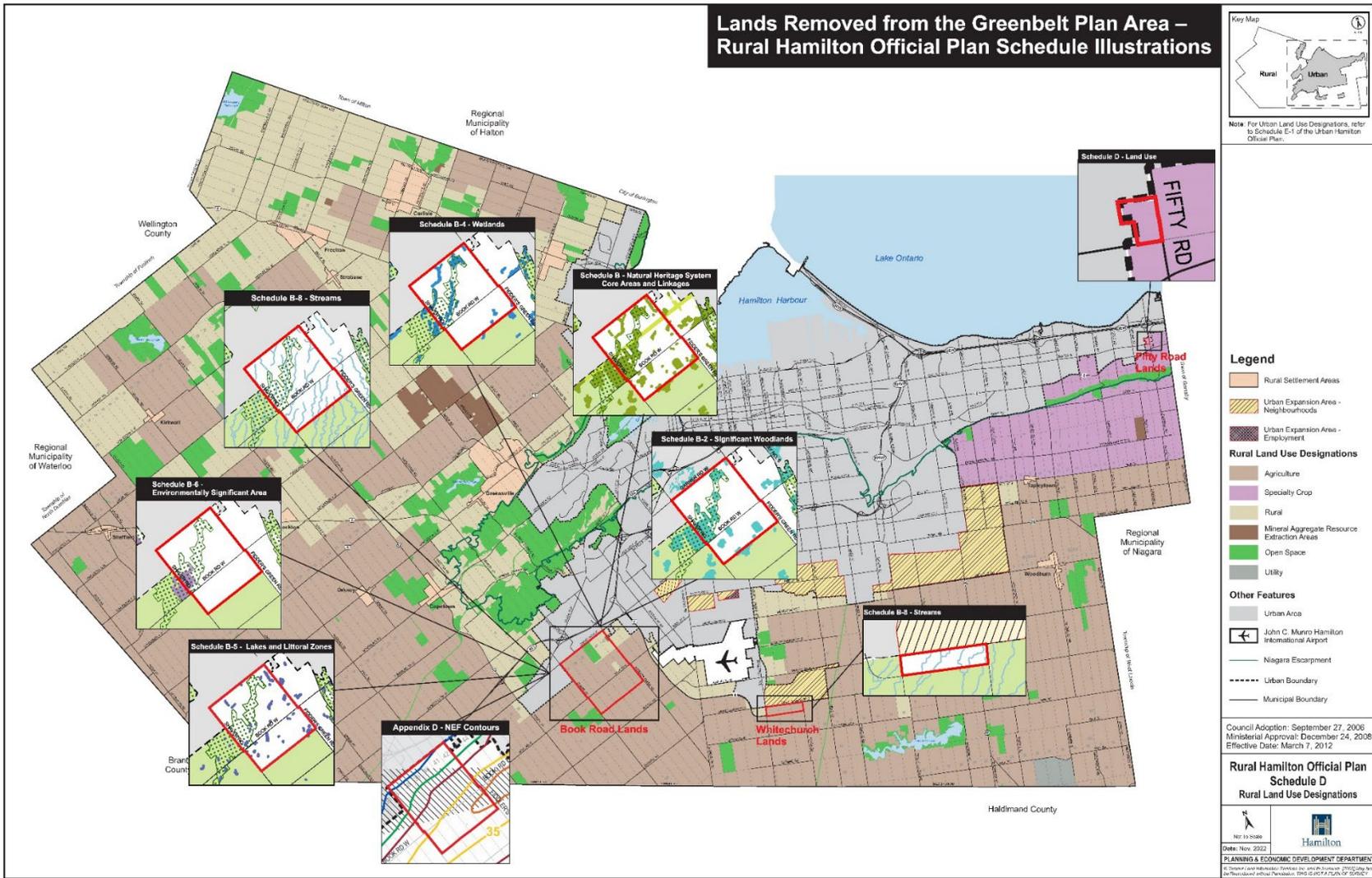
To inform the public of the upcoming Open House, Special Meeting of Planning Committee and online survey, staff will be undertaking the following:

- Letters will be sent to property owners within and adjacent to the former Greenbelt Plan lands informing them of the upcoming Open House and Special Meeting of Planning Committee.
- Posting notices of the Open House and Special Meeting of Planning Committee in all local newspapers.
- Posting notice via the City's social media accounts.
- An emailed note to members of the local media, including this Council Communication Update

If you require any further information on the above matter, please contact Steve Robichaud, Director of Planning and Chief Planner by email at [Steve.Robichaud@hamilton.ca](mailto:Steve.Robichaud@hamilton.ca) or at (905) 546-2424 Ext. 4281, or, Charlie Toman, Program Lead – Policy Planning & Municipal Comprehensive Review by e-mail at [Charlie.Toman@Hamilton.ca](mailto:Charlie.Toman@Hamilton.ca) or at (905) 546-2424 Ext. 5863.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Map of Lands Removed from the Greenbelt Plan Area





## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members of Council
<b>DATE:</b>	August 21, 2023
<b>SUBJECT:</b>	Municipal Election – Clerk’s Report
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk
<b>SIGNATURE:</b>	

The purpose of this Communication Update is to provide the Mayor and Members of Council with notification that the Clerk’s Report on the 2022 Municipal Election has been posted to the City’s website.

The Clerk’s report provides information on the administration of the election under the Municipal Elections Act. Included in this report is information on communications, engagement and outreach, voting methods, staffing, advance voting and election day processes, budget information and modernization initiatives.

This report was reprioritized as a result of the redistribution of staff resources required to support the election administration audit.

The report can be found at the following link:

<https://www.hamilton.ca/sites/default/files/2023-08/municipal-election-2022-summary-report.pdf> and is attached to this email.

Questions about the report can be directed to Aine Leadbetter, Manager of Elections Print and Mail via email at [aine.leadbetter@hamilton.ca](mailto:aine.leadbetter@hamilton.ca) or via phone at 905-546-2424 x2753.

Respectfully,

Andrea Holland,  
City Clerk

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# 2022 Municipal Election

## SUMMARY REPORT

**City of Hamilton**  
*Office of the City Clerk*



Hamilton



**HAMILTON  
VOTES 2022**

MUNICIPAL ELECTION

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## Highlights of the 2022 Municipal Election

- A total of 150 candidates were certified to run for the 38 open races, including Mayor, Councillor, or School Board Trustee. 2 races were acclaimed in the 2022 Municipal Election; Conseil Scolaire Viamonde and Hamilton-Wentworth Catholic District School Board Trustee Ward 1,2&15.
- 62.5 hours of voting opportunities were made available to electors during advance polls, special advance voting opportunities, and on Election day
- Four days of advance voting were held in each ward. The number of eligible electors voting at advance voting dates increased from 2018. In 2022, 30,893 ballots were cast over the four days of advance voting. This was an 81.17% increase from the 2018 municipal election advance voting numbers, which saw 17,052 ballots cast over 5 days of advance voting.
- Two days of Legacy Special Advance voting were held in designated buildings across the City of Hamilton. 835 voters cast a ballot in the Special Advance Vote.
- A new Ballot on Demand program was piloted in the City's Post-Secondary Institutions, in the City's Shelter network, and at the Hamilton Regional Indian Centre. Approximately 325 voters cast a ballot at a Ballot on Demand location.
- Vote by Mail was introduced in 2022, with 3186 kits requested, and 2397 kits, or 75.23% returned.
- Overall Voter turnout for 2022 was 35.38%, which represented 143,375 ballots cast out of 405,288 eligible electors. While there was a decrease in the overall voter turnout percentage from the 2018 Municipal Election, the actual number of voters was higher than in 2018 (138,549) and was the highest total number of voters to cast a ballot in a City of Hamilton municipal election since 2000 (148,898).
- 76.15% of all ballots were cast on Election day, as compared to 22.14% in Advance Polls and 1.71% via Vote by Mail.

## Municipal Election Overview

The Municipal Election occurs every four years on the fourth Monday in October. In each Municipal Election, electors cast ballots to fill the seats for Mayor, Council and School Board Trustees. In the City of Hamilton, specifically, through the Municipal Election the following seats were elected:

- 1 Mayor
- 15 Councillors
- 11 English Public School Board Trustees
- 9 English Catholic School Board Trustees
- 1 French Public School Board Trustee
- 1 French Catholic School Board Trustee

The rules and regulations for Municipal Elections are outlined under the *Municipal Elections Act, 1996*, (the Municipal Elections Act) as amended, and its regulations. Under the Municipal Elections Act, the City Clerk is responsible for ensuring that elections are planned and delivered in a manner that reflects the principles of the Municipal Elections Act. While not established as part of the Municipal Elections Act, these principles are generally recognized as:

- the secrecy and confidentiality of the voting process is paramount;
- the election shall be fair and non-biased;
- the election shall be accessible to the voters;
- the integrity of the voting process shall be maintained throughout the election;
- there is to be certainty that the results of the election reflect the votes cast;
- voters and candidates shall be treated fairly and consistently; and
- the proper majority vote governs by ensuring that valid votes are counted, and invalid votes are rejected so far as reasonably possible.

In addition to ensuring the principles of the Municipal Elections Act are achieved, the City Clerk strives to deliver progressive and innovative elections that improve processes, enhance convenience, and encourage greater participation and engagement.

## Planning and Delivering the Municipal Election

As a part of planning and delivering the Municipal Election in the City of Hamilton, the City Clerk and the Elections Team undertake the following duties:

- Develop and execute an election project plan
- Create operational procedures and policies that are aligned with the Municipal Elections Act, 1996.
- Identify, plan for, and mitigate risk

- Establish security plans and approaches
- Recommend and administer voting methods
- Assess and secure polling locations
- Secure equipment and supplies
- Hire and train poll staff
- Develop and implement communication and outreach plan
- Create resources and supports for Voters, Candidates, and Third-Party Advertisers
- Validate voters' list and assists electors in updating information
- Order, verify, distribute, receive, and secure ballots
- Certify candidate nominations
- Receive candidate financial statements
- Establish the Election Compliance Audit Committee, including terms of reference and associated procedures
- Meet with Municipal counterparts to discuss election administration
- Identify and meet with community stakeholders to gain insight to remove voting barriers

## **Role of the Ministry of Municipal Affairs and Housing in Municipal Elections**

The Ministry of Municipal Affairs and Housing is the Provincial Ministry responsible for establishing the rules for Municipal Elections, and providing guidance, advice, and interpretation assistance to Municipalities, candidates and third-party advertisers. Their specific responsibilities during Municipal Elections include:

- Establishing and administering the Municipal Elections Act, 1996
- Developing guides for Voters, Candidates, and Third-Party Advertisers
- Providing direction and clarification to Candidates and Third-Party Advertisers on requirements under the Municipal Election Act, including rules around campaigning, finances, and contraventions

## 2022 Municipal Election Objectives

For the 2022 Municipal Election, the City Clerk and the Elections Team identified additional objectives for the administration of the election. These included:

- **Enhancing Accessibility**, including understanding the barriers to participating in voting and strategizing to ensure that measures were in place to provide accessibility
- **Modernizing the Election Process, building modern processes, leveraging technology to improve the voter experience and provide timely information to voters and candidates.**
- **Increasing Opportunity to Vote**, including increasing ways to vote and enhancing convenience for electors
- **Addressing Public Health Concerns**, ensuring that COVID-19 measures were considered so that the health of electors and election officials was safeguarded
- **Strengthening Communication**, by building greater awareness, being proactive in communications, and providing information to candidates and the public in a way that was easily accessible
- **Transparency** of processes through the creation of documentation to support the administration of the election and to assure compliance with Legislation

## New Programs and Initiatives for 2022

For the 2022 Municipal Election, the Clerk introduced a number of new initiatives designed to improve electoral access and enhance voter convenience, including:

- Introduction of enhanced technology, including e-poll books, electronic strike off, electronic Voters' Lists, and virtual assistant.
- Vote by Mail was introduced as a new method of voting to complement traditional paper ballots.
- Engagement and Outreach Strategy was launched to bring election information, including information on the Voters' List, directly to the community in convenient locations
- Recruitment strategy updated to include Adopt a Poll for internal City of Hamilton Staff and introduction of new recruitment approaches for external staff

# The Administration of the 2022 Municipal Election

## Accessibility

### Highlights:

- 15 Accessible Voting Tabulators employed on Advance Poll and Voting Day
- Darts Front of the Line Service provided, with 43 trips made to polls on Election day
- Introduction of AODA Customer Service Training for Election Workers
- Curbside voting at polls
- Vote by Mail for voters who were unable to attend a poll location

The City Clerk is responsible for conducting municipal elections and establishing policies and procedures to ensure all eligible voters have the opportunity to fully participate in the 2022 Municipal Election.

The Municipal Elections Act, 1996, as amended sets out the following requirements:

**12.1(1)** A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities

**12.1(2)** The clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.

**12.1(3)** Within 90 days after voting day in a regular election, the clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public.

**41(3)** The clerk shall make such changes to some or all of the ballots as they consider necessary or desirable to allow electors with visual impairments to vote without the assistance referred to in paragraph 4 of subsection 52 (1).

**45(2)** In establishing the locations of voting places, the clerk shall ensure that each voting place is accessible to electors with disabilities.

The City Clerk released the Election Accessibility Plan in September 2022 which was developed in adherence to the requirements of the Municipal Elections Act and related acts and policies, and additionally was developed to address the following goals for the Municipal Election:

- a) to ensure that electoral services are accessible to all eligible voters and candidates;

- b) to engage with equity deserving groups and citizen advisory committees to help identify additional barriers to voting, methods of voting and provide feedback on the AODA poll location checklist
- c) to identify and remove barriers for persons with disabilities; and
- d) to create a positive and inclusive voting experience for all electors.

Further to the overarching goals, the plan identified five key areas of focus to consider throughout the election planning process, including:

1. Elections Communication and Information
2. Voting Places
3. Voting Methods
4. Recruitment, Selection and Training of Election workers
5. Assistance for Candidates

The City Clerk's Accessibility Plan and Follow up report on Accessibility at the 2022 Municipal Election are available on the City of Hamilton Website at the following location:

<https://www.hamilton.ca/city-council/municipal-election/election-resources/elections-accessibility-plan>

## **Transparency**

As a key component of the 2022 Municipal Election, the Elections Team strove to enhance transparency in election processes and to ensure that electors, candidates, third-party advertisers and the community had access to key documents and resources.

To achieve this goal, the Elections Team implemented the following:

- Updated the Municipal Election pages on the City of Hamilton's website to provide more information and resources for Voters, Candidates and Third-Party Advertisers
- Inclusion of procedures, policies and reports on the Municipal Election pages of the City of Hamilton's website
- The issuance of media releases during key election periods
- Advertisements on radio and television to promote and raise awareness of the Municipal election
- The inclusion of poll results on the City's Open Data Site

- The development of a Frequently Asked Questions document for candidates that included all questions and answers asked by and provided to candidates
- Public access to view tabulation of ballots from advance polls, ballot on demand polls, institutions, Vote by Mail, and legacy special advance polls

## **COVID-19 Considerations**

A major consideration in the planning of the 2022 Municipal Election was COVID-19. At the onset of planning, COVID-19 restrictions were in place and there was much uncertainty about the public health situation that would be in place for the election. As a result, staff consulted with Municipalities that had conducted elections during the pandemic and planned for potential shut-downs through implementing COVID-19 protocols, engaging with City of Hamilton Public Health professionals and the Health, Safety and Wellness Team, and by securing supplies and Personal Protective Equipment (PPE) for poll locations.

COVID-19 Considerations for the 2022 Municipal Election included:

- Introducing Vote by Mail as an alternative voting method
- Securing locations large enough to employ social distancing where required
- Hiring staff in accordance with the City's Vaccine Verification Policy
- Ordering PPE for poll locations, including masks, sanitizer, face shields, and disinfectant wipes
- Ordering additional pens and markers to ensure adequate supply due to increased sanitizing
- Training staff on COVID-19 protocols
- Hiring additional staff to clean poll locations throughout the day
- Implementing a Vote by Mail approach for Institutions (long term care homes) to ensure electors could vote in the event of a lockdown at their institution
- Ordering additional Vote by Mail packages to be utilized in the event of COVID-19 breakouts
- Requiring appointments for those attending City Hall for election related matters to ensure proper physical distancing could be achieved

There were no significant issues experienced as a result of COVID-19 at the polls during the advance poll dates or on Election day. On Election day, however, there were 26 active

outbreaks reported in the City of Hamilton which included 9 COVID-19 outbreaks in Long Term Care Homes and 6 in Retirement Homes. The implementation of the Vote by Mail program for long-term care homes in advance of Election day ensured that eligible electors at these locations were able to cast a ballot despite covid-19 outbreaks.

## **Candidates and Third Parties**

### **Highlights:**

- 159 Candidate Nominations Processed
- 9 Withdrawals
- 150 Certified Candidates, including:
  - 9 Mayoral Candidates
  - 82 Council Candidates
  - 59 School Board Trustee Candidates
  - 3 Registered Third-Party Advertisers

## **Nomination Period for Candidates**

The nomination period for Candidates in the 2022 Municipal Election opened on May 2, 2022 (first business day in May) and closed on August 19, 2022 at 2pm, in accordance with the Municipal Elections Act.

## **Certified Candidates**

A total of 159 nominations were filed by candidates at the Office of the City Clerk. Of these 159 nominations, 9 candidates withdrew their nomination by the end of the nomination period.

The City Clerk certified 150 candidates on August 22, 2022, which was slightly down from the number of candidates in the 2018 Municipal Election (158 Candidates in 2018).

The total number of certified candidates from 2022 and 2018 are summarized below by office.

## Certified Candidates in 2022 vs. 2018

Office	# of Certified Candidates 2022	# of Certified Candidates 2018
Mayor	9	15
Councillor Ward 1	3	13
Councillor Ward 2	5	8
Councillor Ward 3	5	13
Councillor Ward 4	11	2
Councillor Ward 5	11	3
Councillor Ward 6	5	3
Councillor Ward 7	2	11
Councillor Ward 8	5	6
Councillor Ward 9	4	5
Councillor Ward 10	3	4
Councillor Ward 11	4	2
Councillor Ward 12	10	5
Councillor Ward 13	2	7
Councillor Ward 14	7	5
Councillor Ward 15	5	2
School Board Trustee English Public	35	33
School Board Trustee English Separate	21	18
School Board Trustee French Public	1	2
School Board Trustee French Separate	2	1
<b>TOTAL</b>	<b>150</b>	<b>158</b>

## **Candidate Information**

Two voluntary candidate information sessions were held in 2022 to provide Candidates with information on running for the election, including information on election processes, sign by-law information, and financial information. These sessions were held virtually and included presentations from the Ministry of Municipal Affairs and Housing in addition to City Staff from the Office of the City Clerk and By-law Services. Resources and videos from these sessions were made available to candidates and the public on the City of Hamilton's website.

Information to Candidates was provided primarily through email communications, the city's website and the Candidate Portal. The Candidate Portal provided Candidates with access to policies and procedures, guides, frequently asked questions, documents, maps and access to download the Voters' List.

Throughout the nomination period, the City Clerk provided the opportunity for Candidates to meet to discuss election processes, provide information, and answer questions. From May to August, 88 Candidates met with the City Clerk.

## **Candidate Compliance with the Use of City Resources During an Election Policy**

As a part of the Use of City Resources During an Election Policy, the City Clerk monitors compliance of candidates and issues letters where there is an instance of non-compliance. During the 2022 campaign period, the City Clerk issued 3 letters to candidates regarding non-compliance.

The Use of City Resources During an Election policy is available at the following location:  
<https://www.hamilton.ca/sites/default/files/2022-07/municipal-election-useofcityresources-policy-2018.pdf>

## **Third-Party Advertising**

The registration period for Third Party Advertisers ran from May 1, 2022 to October 21, 2022. For the 2022 municipal election, the City of Hamilton registered three third party advertisers (3 corporations, 0 individuals, and 0 trade unions).

## **Outreach, Engagement and Communications**

### **Highlights**

- A public survey on the City's Engage Hamilton platform launched in November 2021 aimed at understanding the voter experience, enhancing accessibility, and addressing barriers to voting; 441 community members participated in the survey.
- Elections Ambassadors conducted 83 visits at 54 locations across all 15 wards, for a total of 460 hours of engagement with the community from the months of July to September 2022.
- 18 Elections Presentations were made in 2022 to groups that included the following:
  - Advisory Committee for Persons with Disabilities
  - Seniors Advisory Committee
  - Status of Women Committee
  - Committee Against Racism
  - Immigrant and Refugee Advisory Committee
  - Indigenous Advisory Committee
  - Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee
  - Hamilton Aboriginal Advisory Committee
  - Hamilton Regional Indian Centre
  - Immigrant Working Centre
  - McMaster University
  - Mohawk College
  - Redeemer University
  - Hamilton Public Library
- 7 videos were developed for YouTube/social media reels/Hamilton.ca to highlight election FAQs, the voting process, accessible voting equipment, polling locations, etc and included the following:
  - Video: What you need to know about the municipal election - <https://youtu.be/P2PfGgYW4Ms>
  - Video: Accessible voting in the 2022 Municipal Election – <https://youtu.be/Hw23DywXbN0>
  - Video: Vote by Mail in Hamilton's Municipal Election - <https://youtu.be/c8FbdJI3mY8>
  - Video: What to expect at a polling station - <https://youtu.be/pHGKW34h19Y>

- Number of Views YouTube: 2,515
- Number of Views Reels: 38,207
- Over 200 creative assets created for the 2022 Municipal Election
- Voice Assistant usage: 1,296 Alexa interactions and 785 Google assistant interactions

For the 2022 Municipal Election, the Election Team was committed to ensuring that all community members, electors, candidates, and third-party advertisers were informed about the Municipal Election and election processes.

Outreach, engagement and communications plans focused on understanding and addressing challenges posed by the Voters' List in advance of Election day, building awareness of the election and election processes, and engaging with residents who may face barriers to participate in the electoral process. In the lead up to the election, communications and engagement tactics were employed within the community to convey information such as the nomination period, key electoral dates, how to get on the Voters' List, where and when to vote, and how to access accessible voting options. Further, staff engaged with the community through survey and meetings with community organizations and boards, and additionally established an Election Ambassador Youth program that brought election information to the community at key events and locations, including City Facilities, Educational Institutions, Golf Courses, Hamilton Public Library Locations, Museums, Farmers' Markets, Outdoor Pools, Parks, Recreation Centres, and Senior Centres.

## **Outreach and Engagement**

A key component of the 2022 Municipal Election was the Engagement and Outreach strategy. This public outreach program engaged directly with residents of the City of Hamilton, and specific groups such as new Canadians, Indigenous persons, youth, educators, tenants, persons without housing, persons with disabilities and seniors.

Engagement and Outreach was conducted to understand barriers to voting, familiarize residents with election processes, and provide information on voting. This involved:

- November 2021 - the Elections Team launched an Engage Hamilton Survey on the Voter Experience to gain information and feedback on experiences and barriers in previous elections, and to gather information on possible poll locations within the community. 441 members of the community participated in the survey, and feedback received was incorporated into election planning.
- Meetings with Community groups and Council Advisory Committees to gain feedback on past experiences and to provide information on the election. In 2021 and 2022, the Elections team engaged with a number of community organizations and residents to

share information and seek feedback and input on the election, including information on accessibility. This included engagement with the following groups:

- Advisory Committee for Persons with Disabilities
- Seniors Advisory Committee
- Status of Women Committee
- Committee Against Racism
- Immigrant and Refugee Advisory Committee
- Indigenous Advisory Committee
- Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee
- Hamilton Aboriginal Advisory Committee
- Hamilton Regional Indian Centre
- Immigrant Working Centre
- McMaster University
- Mohawk College
- Redeemer University
- Hamilton Public Library

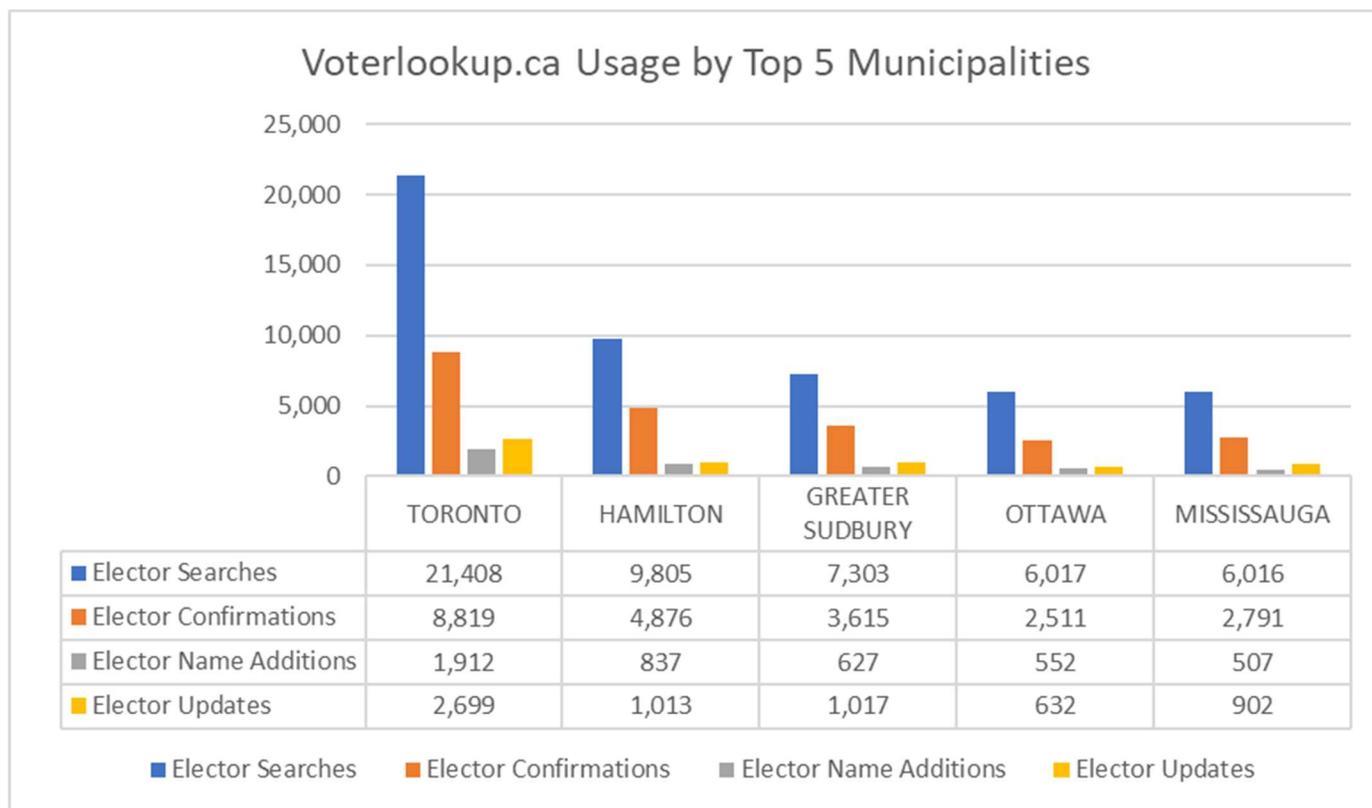
Engagement with these groups and organizations led to the development and implementation of new election processes and approaches. Using an equity, diversity and inclusion lens, the Election Team:

- piloted a Ballot on Demand project to provide ballots for electors to vote in a location that they were comfortable with, regardless of where they lived in the community,
- implemented this Ballot on Demand process at the Hamilton Regional Indian Centre and City Shelter locations;
- developed resources in multiple languages; and
- created videos providing information on polling stations and how to vote.

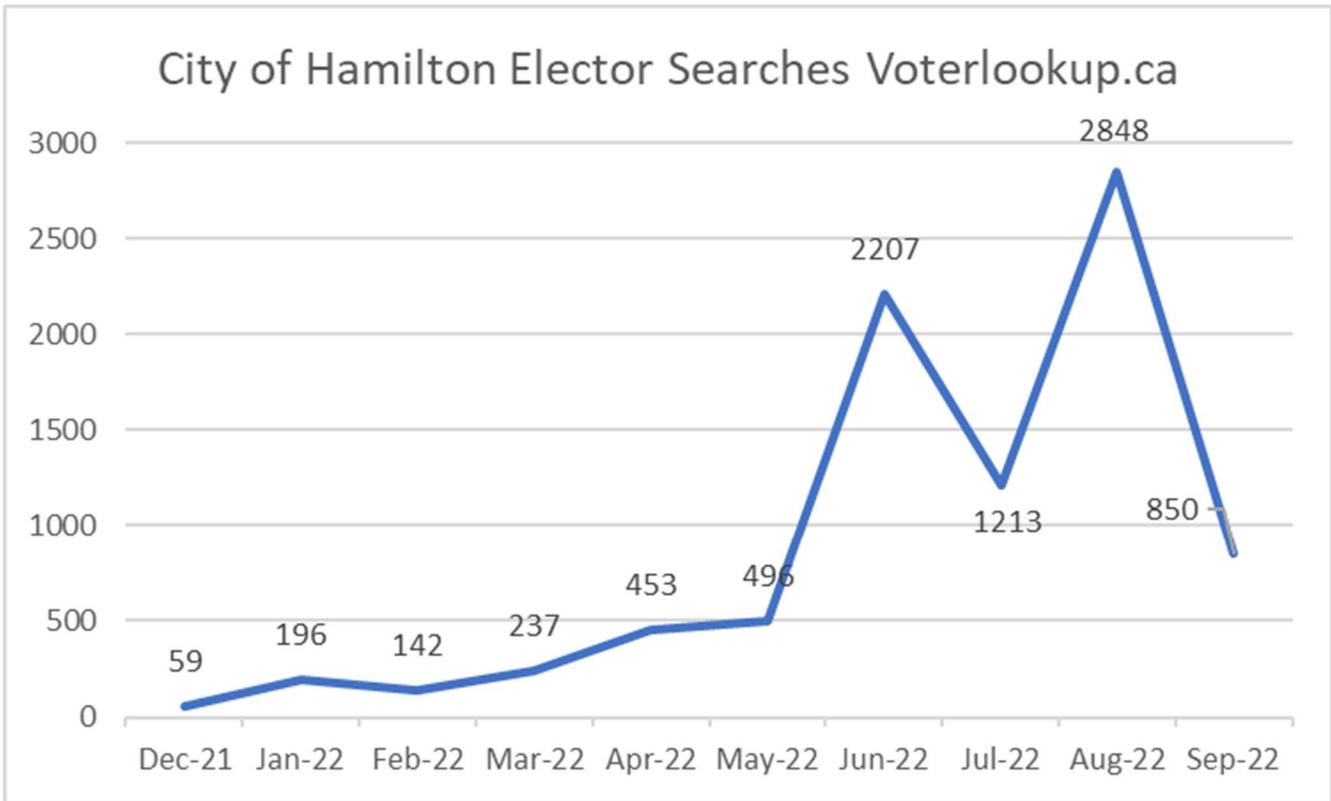
Throughout July and August of 2022, the City dispatched a team of Youth Elections Ambassadors to go out into the community and provide residents with information on the election, to provide information on and assist with the Voters' List, and to answer any elections-related questions. The Ambassadors, conducted 83 visits at 54 different locations across all 15 wards of the City, including recreation centres, farmers markets, parks, and special events. An overview of all locations visited is found in Appendix A to this report.

As a key focus of their engagement within the community, the Elections Ambassadors were tasked with communicating information on the Voters' List. Ambassadors provided information

on the Municipal Property Assessment Corporation’s online Voter Lookup tool ([voterlookup.ca](http://voterlookup.ca)) to assist electors in reviewing existing information and making changes and updates. Ambassadors assisted electors in updating their information on site where requested through secure tablets or provided information to electors to enable them to update their information independently. The efforts of the Ambassadors in addition to communications releases from the City resulted in high usage of the [voterlookup.ca](http://voterlookup.ca) tool. From the release of the [voterlookup.ca](http://voterlookup.ca) tool in December 2021 to the close of access in September 2022, the site saw 9805 searches from City of Hamilton residents which represented the second highest usage of any municipality in Ontario after the City of Toronto. Additionally, the number of searches and updates on the tool increased during the summer months when Ambassadors were engaging with the community.



Source: Municipal Property Assessment Corporation



Source: Municipal Property Assessment Corporation

The Elections Team additionally collaborated with the Hamilton Public Library to share information and to encourage engagement in democratic processes. This partnership resulted in sharing of election resources and information through computer terminals, digital screens, and flyers and bookmarks. Additionally, during October the Hamilton Public Library engaged youth by suggesting elections-related books, hosting a mock election for children, and collaborating with the Elections Team on a City-wide essay contest for secondary school students to encourage learning and participation in democratic processes.

## Communications

The branding for the 2022 Municipal Election was developed to be eye catching, inclusive, and memorable for voters. All elections communications were branded to ensure consistency and standardization.

## 2022 Municipal Election Branding:



The communications campaign expanded on the approach used in 2018 by increasing the frequency of communications and enhancing tactics to reach broader audiences. Election information was delivered to the community through a variety of vehicles, including the [hamilton.ca](http://hamilton.ca) website, local print media, radio, Twitter, LinkedIn, Instagram, local tv, advertising such as in bus shelters and digital billboards, and through information sharing with our community partners.

News releases were used in addition to the fulsome advertising campaign, with information shared with the public through news releases regarding key election dates, voting information, and highlighting the ways/tools available to make the voter experience more accessible.

New tactics were employed for the 2022 Municipal Election, including the development of Instagram Reels and tactics to enhance engagement virally, such as the “I Voted” stickers for those who voted at polls.

Over 200 creative assets were created for the 2022 Municipal Election, as found in Appendix B to this report. Information on the communications plan and tactics is available in Appendix C of this report.

## **Communications Technology**

To enable communication, outreach and engagement, the elections page of the hamilton.ca website was redesigned to make the page more intuitive to users and to ensure that information was easy to access. A key component of this was the creation of a main elections landing page, with updated notifications and key information that was changed to match current dates and milestones.

In addition to the redesign of the webpage, the City introduced a virtual assistant and voice agent to the tools available for electors to use in seeking information about the election. A virtual agent feature was added to the Municipal Election page on the City's website, which allowed residents to type or use voice command to ask questions. Electors received election related information or links through this agent to information directly without having to search the site.

A Voice Assistant was additionally introduced at the beginning of October 2022 that enabled community members using Smart Home devices such as Google Alexa or Apple Siri to use these devices to receive information on the Municipal Election. The introduction of this technology provided an accessible alternative to receiving election information, as users could verbally request and receive information on the election or be directed to resources.

## **Recruitment and Training**

### **Highlights**

- 2419 positions available in 2022 Municipal Election Polls
- 1621 temporary employees recruited, including:
  - 750 internal City of Hamilton Staff
  - 871 external staff members

A large number of temporary employees are required to staff polling stations for advance voting days and Election day. Recruiting individuals to fill positions is a significant task that occurs over months leading to the Election.

For the 2022 municipal election, the Elections team identified 2419 positions to be filled. This included the following positions required at the polls:

- Managing Deputy Returning Officers
- Deputy Returning Officers
- Revisions Officers
- Tabulating Deputy Returning Officers
- Accessible Voting Specialists
- Elections Assistants
- Greeters/Screeners
- Greeter Cleaners

The required staffing numbers also included Ward Captains, Ward Patrollers, technology team members, and additional reserve staff who could be deployed on voting days in the event of shortages.

1621 individuals were recruited and trained to assume their responsibilities on the City Clerk's behalf to assist in the administration of the election. These staff members filled the 2419 positions available, with many elections staff working on multiple voting days. Staff included City of Hamilton employees who were encouraged to participate by staffing polls and included members of the public who applied for positions directly with the Elections Team.

To recruit staff, the following approaches were used:

- City of Hamilton's website
- Social media posts
- Newspaper Advertisements
- Direct engagement with community groups and institutions, including colleges and universities and the Hamilton Public Library

- Adopt a Poll

## **Training**

A blended training approach was utilized for the 2022 Municipal Election, which included online modules, printed materials, in-person sessions, and sessions conducted virtually. This blended approach was initiated to provide options for staff to learn in a manner that suited their learning style, and additionally was employed as a mitigation approach to avoid spread of COVID-19 infection that had the potential to impact staffing on voting days.

All employees were provided with printed materials and instructions for their specific role, and additionally were provided with placemats at the polls identifying key tasks for their role.

Employees had access to a worker portal, where information was housed including modules and video recordings of sessions held. In addition, training on AODA requirements and Diversity and Inclusion were delivered through the worker portal.

## **New for 2022 – Adopt a Poll**

The Elections Team implemented a new staffing strategy for the 2022 Municipal Election, which sought to encourage City of Hamilton Staff to participate in the election to a greater extent than in previous years. The Adopt a Poll Program encouraged City divisions to pull together a team and to staff a voting location. This approach was beneficial as it helped to ensure that staffing numbers were met, it created poll teams where staff was familiar with working together and ultimately reduced costs as training requirements were minimized. As a result of this program, 750 City of Hamilton employees participated as poll staff in the 2022 Municipal election as compared to 350 in 2018.

## **Voters' List**

### **Highlights**

- 405,288 Electors on the Voters' List as of October 24, 2022
- 402,799 Voter Information Cards Mailed
- 67,802 Voters' List Amendments Completed

An accurate Voters' List is vital to delivering an election. The Voters' List includes information on eligible electors, including name, address and school support, and is used to assist with election planning and to ensure accuracy at the polls.

Each election, voter information cards are mailed out to electors eligible to vote in the Municipal election to advise them of their polling locations on Election day and in advance polls. Institutional voters are not included in the mail out, as onsite voting is held during the election for institutional voters.

Voters' List data is provided to the City from the Municipal Property Assessment Corporation (MPAC), which is reviewed by Elections Staff, corrected of obvious errors, and becomes the Voters' List. The City Clerk takes ownership of the Voters' List from September 1, 2022 to October 24, 2022. Changes to the Voters' List prior to September 1 are made through MPAC, and after September 1 to October 24 are made with the City Clerk or their designate at a Municipal Services Centre or at a poll location. The list is amended and updated consistently throughout this period, as electors add or remove themselves from the list and as staff cleanse the list of duplications. After the election, final updates are made and provided back to MPAC.

Despite efforts to cleanse the list, there remains challenges with the information in the Voters' List data that is received from MPAC. During the 2022 Municipal Election, this resulted in 67802 amendments made to the list as a result of data cleansing and applications to amend the Voters' List by residents.

Following the 2022 election, ownership of the Voters' List will be moving to Elections Ontario from MPAC. The consolidation of ownership at the Provincial level and the greater number of data source inputs into the Voters' List expected with this shift should result in a more accurate Voters' List for future elections.

## **Managing the Voters' List on Voting Days**

For the 2022 Municipal Election, an electronic Voters' List was introduced to be used at voting locations. Poll staff would use a laptop (e-poll book) to look up voter information manually or by using a unique identifier on a voter card. Once identification was verified, voters would be struck off the list electronically. Similarly, revisions to the Voters' List could be made through the process of completing provincial forms with information that was then inputted by staff electronically at voting locations. Each poll had a paper copy of the Voters' List on-site in addition to the electronic versions.

## **Voting Places**

### **Highlights:**

292 Poll Locations used in the 2022 Municipal Election, including:

60 Advance Polls (1 per ward on 4 advance voting days)

18 Special Advance Legacy Polls

7 Ballot on Demand Polls

50 Institutions (utilizing a modified Vote by Mail option)

157 Regular Election day Polls

Over 200 in-person Facility Inspections Conducted

A Voting Location Assessment was developed for 2022 that considered 70 different factors in assessing voting locations for suitability.

Under the Municipal Elections Act, the City Clerk is required to establish the number and location of voting places that are both convenient and accessible to electors. Election staff undertook in-depth site inspections of well over 200 facilities to secure voting places which considered a variety of factors including distance from residence to voting place, access to transit and arterial roads, number of dwelling units in apartment buildings, and accessibility.

The voting location assessment used in determining poll locations was reviewed and updated for 2022. As a part of this review, staff consulted with the City of Hamilton's Advisory Committee for Persons with Disabilities, Talent Diversity & Inclusion section, and Facilities team. Staff additionally consulted with Elections Canada, Elections Ontario, and various community groups to understand requirements and to assist in developing robust criteria.

As a result of consultation and best-practice research, the update to the assessment resulted in polls that met the following criteria:

- AODA requirements are met or exceeded
- Voting Places are accessible to voters with disabilities by ensuring level access, accessible parking spaces, barrier-free pathways, etc. at all polling locations
- Voting Places are as near to transit areas/bus routes as possible, and distance stats are included in the location assessments
- Voting Places have pick-up and drop-off areas for DARTS or others with mobility issues
- Voting Place access routes and entrances are clearly identified
- Voting Place owners and managers are aware of accessibility requirements
- Polls are within the correct wards and subdivisions as best as possible
- The number of Voters per polling subdivision is approximately 1000
- New development and population increases are accounted for

- Polls are large enough to address Public Health guidelines surrounding the COVID-19 pandemic should distancing be required

All voting locations for the 2022 Municipal Election were assessed and selected by the end of March 2022 and contracts with each were finalized by June 2022.

The following is a summary chart of poll types in each ward, the total number of registered electors, and the average number of electors per poll.

## 2022 Poll Summary

Ward	Regular Polls	Advance Polls	Institutions	Special Advance	Ballot on Demand	Total Polls	Registered Electors	Average # of Electors per Poll
1	11	4	3	2	1	<b>21</b>	24705	1176
2	10	4	4	4	2	<b>24</b>	22876	953
3	11	4	6	3	1	<b>25</b>	28513	1141
4	11	4	1	-	1	<b>17</b>	27761	1633
5	12	4	3	-	-	<b>19</b>	30684	1615
6	11	4	-	3	-	<b>18</b>	27616	1534
7	13	4	4	2	-	<b>23</b>	34515	1501
8	9	4	3	-	1	<b>17</b>	24154	1421
9	8	4	2	-	-	<b>14</b>	24185	1728
10	11	4	4	2	-	<b>21</b>	29635	1411
11	8	4	-	1	-	<b>13</b>	19438	1495
12	13	4	3	-	1	<b>21</b>	33465	1594
13	13	4	6	1	-	<b>24</b>	29041	1210
14	9	4	8	-	-	<b>21</b>	24917	1187
15	7	4	3	-	-	<b>14</b>	23783	1699
Total	<b>157</b>	<b>60</b>	<b>50</b>	<b>18</b>	<b>7</b>	<b>292</b>	<b>405288</b>	<b>1388</b>

## Breakdown of Poll Type

The Elections Team leveraged a number of different poll types to support voting. To support accessibility and to ensure that poll locations could meet possible COVID-19 distancing requirements, more schools and recreation centres were utilized in 2022 than had been used in 2018. The breakdown of poll types used in 2022 versus 2018 is as follows:

Poll Type	2018	2022	% Increase/Decrease
Schools	89	97	9% Increase
Churches	25	14	44% Decrease
Community/Recreation Centres	41	47	15% Increase
Apartment Buildings/Condominiums	22	17	23% Decrease
Retirement/Nursing Homes	48	50	4% Increase
Others (Private Schools, Legion Halls, etc.)	18	21	17% Increase
<b>Total Polls</b>	<b>243</b>	<b>246</b>	<b>1% Increase Overall</b>

## Use of Schools

Under section 45(4)(5)(6) of the Municipal Elections Act, the City Clerk may request the use of space of a school board, municipality, provincially-funded building, condominium with more than 100 dwelling units, or residence with more that 100 dwelling units, for a polling station at no charge to the municipality.

The majority of polling locations used on Election day were elementary and secondary schools, as these locations are convenient, well-situated within communities, typically meet AODA requirements, and have adequate parking. Concerns arounds student safety were addressed by the City Clerk and the Elections Team by successfully working with the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board to establish a PA day on October 24, 2022. Locations used for the 2022 Municipal Election will be reviewed and updated in advance of each future election to ensure continued compliance with legislative requirements and to ensure that voting locations remain convenient and accessible for voters. The Election Team will additionally work with the School Boards to secure a PA day for the 2026 Municipal Election.

## **Voting Technology**

### **Highlights**

- 403,000 Paper Ballots Produced
- 28,000 Vote by Mail Packages Produced
- 212 Tabulators Prepared, Tested and Deployed (210 Tabulators, 2 High Speed Optical Scan Tabulators)
- 18 Accessible Voting Tabulators Prepared, Tested and Deployed
- 688 E-poll Books Prepared, Tested, and Deployed
- 181 Modems Prepared, Tested and Deployed
- 5 Ballot on Demand Printers Prepared, Tested and Deployed

The technology to support the 2022 Municipal Election included 212 optical scan tabulators, 18 accessible voting tabulators, 688 e-poll books, 181 modems, and 5 ballot on demand printers to support the Ballot on Demand Pilot project.

All advance poll and Election day poll locations were equipped with a vote tabulator that optically scans the paper ballot marked by a voter and records the votes onto a memory card.

New technology for the 2022 Municipal Election included: e-poll books, which are laptop devices that house software containing an electronic Voters' List; modems used to provide Wi-Fi to enable the laptops (e-poll books); 2 high speed optical scan tabulators to process Vote by Mail ballots; and 5 ballot on demand printers to generate appropriate ballots for electors based on residency.

The City relied on modems with SIM Cards to provide connection to the e-poll books rather than rely on Wi-Fi at poll locations, which ensured security of connection.

## **Accessible Voting Equipment**

An accessible vote tabulator was available at all voting places during the four days of advance voting and at one voting place per ward on Election day. Accessible voting equipment enables electors to mark their ballot privately and independently. An elector can navigate the ballot while adjusting features such as font size customization, contrast level, or the pace and volume of audio. The accessible vote tabulator provides the option for electors to use tools such as a touchscreen, sip and puff tube, audio-tactile device, and paddles. Once marked, the ballot is then scanned and counted by the accessible vote tabulator.

## **Equipment Testing**

Equipment testing for the election technology was conducted by a team of the City's Information Technology Staff throughout August and September 2022. 212 tabulators and 18 accessible vote tabulators were extensively prepared and tested prior to deployment during advance vote and Election day. This included logic and accuracy testing using ballot proofs to ensure that tabulators were configured appropriately and that votes were counted as intended.

688 e-poll books were set up with election administration software and tested by the IT team. This team additionally prepared and tested modems and ballot on demand printers to be ready for deployment.

## **Vendor Support**

Elections Ontario, Dominion Voting Technology, and Datafix were utilized as vendors for the 2022 Municipal Election.

The City was able to leverage the Province's voting technology leasing program to secure tabulator and e-poll book equipment at reduced pricing for the election. The Province's program leverages Dominion Voting Technology to provide training, support and implementation for the tabulator equipment, including Election day support and support in results transmission and report generation.

Datafix's election administration software was utilized for the election, which provided staff with Voters' List management, electronic strike off, dashboard capabilities, a candidate portal and a worker portal. Datafix additionally provided the technology to support the Vote by Mail process through their administration software.

## **Ballot Production**

403,000 paper ballots were created for the 2022 Municipal Election. Ballots were created for each race in all 15 wards, including English Public, English Separate, French Public, French Separate, and Non-Resident, which resulted in 57 ballot faces due to the acclaimed races.

28,000 Vote by Mail packages were printed. This included the ballots mailed directly to voters, the ballots used at Long Term Care institutions, and the reserve ballots retained as contingency.

## **Advance Vote**

### **Highlights:**

- 4 days of Advance Voting offered in 15 Wards
- 7 Ballot on Demand opportunities
- 17 Special Advance Vote Locations
- 64.5 total hours of Advance Voting offered to Electors

The City offered four advance poll days, with one polling station open for voting hours in each of the City's 15 wards.

### **Advance Poll Dates:**

- Friday, October 7, 2022 10:00am – 8:00pm
- Saturday, October 8, 2022 10:00am – 5:00pm
- Friday, October 14, 2022 10:00am – 8:00pm
- Saturday, October 15, 2022 10:00am – 5:00pm

### **Advance Poll Locations:**

- Ward 1: Dalewood Recreation Centre
- Ward 2: Bennetto Community Centre
- Ward 3: Bernie Morelli Recreation Centre
- Ward 4: Sir Winston Churchill Recreation Centre
- Ward 5: Stoney Creek Recreation Centre
- Ward 6: Huntington Park Recreation Centre
- Ward 7: Sackville Hill Seniors Centre
- Ward 8: Westmount Recreation Centre
- Ward 9: Valley Park Recreation Centre
- Ward 10: Saltfleet Community Centre
- Ward 11: Glanbrook Arena
- Ward 12: Ancaster Rotary Centre
- Ward 13: Oct 7 & 8 – Dundas Lions Memorial Community Centre  
Oct 14 & 15 – Beverly Arena
- Ward 14: Chedoke Twin Pad Arena
- Ward 15: Harry Howell Arena

The advance voting day opportunities were well-attended, with 30,893 ballots cast over the four days of advance voting. This was an 81.17% increase from the 2018 municipal election advance voting numbers, which saw 17,052 ballots cast over 5 days of advance voting.

## 2022 Advance Poll Turnout

	Friday October 7 10:00am to 8:00pm	Saturday October 8 10:00am to 5:00pm	Friday October 14 10:00am to 8:00pm	Saturday October 15 10:00am to 5:00pm	Total Advance Votes
Ward 1	326	273	721	540	<b>1860</b>
Ward 2	280	231	478	383	<b>1372</b>
Ward 3	432	337	654	565	<b>1988</b>
Ward 4	373	271	689	475	<b>1807</b>
Ward 5	494	352	900	597	<b>2343</b>
Ward 6	460	322	887	540	<b>2209</b>
Ward 7	555	414	980	616	<b>2565</b>
Ward 8	299	278	714	514	<b>1805</b>
Ward 9	339	247	543	428	<b>1557</b>
Ward 10	634	423	1164	661	<b>2882</b>
Ward 11	296	211	616	414	<b>1537</b>
Ward 12	470	424	1155	861	<b>2910</b>
Ward 13	930	791	448	321	<b>2490</b>
Ward 14	361	292	701	449	<b>1803</b>
Ward 15	332	233	655	545	<b>1765</b>
<b>Total</b>	<b>6581</b>	<b>5099</b>	<b>11305</b>	<b>7909</b>	<b>30893</b>

In addition to Advance Poll locations, the City of Hamilton offered additional advance voting opportunities for Electors. This included Ballot on Demand polls and Special Advance Polls.

## New Technology

The use of an electronic Voters' List with real-time updating on e-poll books was deployed at all locations which allowed staff to monitor voting efficiency and turnout. Used in conjunction with a new system dashboard, staff were able to monitor and address voting place issues in a timely manner by dispatching additional voting place staff to high volume polls.

## Ballot on Demand Polls

A Ballot on Demand Pilot project was introduced for the 2022 Municipal Election. A Ballot on Demand system enables a ballot from any of the City's Wards to be printed for an elector on site once eligibility and identity is verified. This technology allows electors to attend a designated Ballot on Demand Poll and receive their Ballot, regardless of where they live in the City.

Ballot on Demand was introduced to provide convenience to electors and more importantly to ensure that electors within equity-deserving groups in the community had the opportunity to vote in a location where they felt comfortable.

The Ballot on Demand Pilot was employed at the following locations:

- McMaster University
- Mohawk College
- Redeemer University
- Hamilton Regional Indian Centre
- Carol-Anne's Place
- Willow's Place
- Wesley Day Centre

325 electors utilized a Ballot on Demand poll in the 2022 Municipal Election. Despite the lower turnout, post-election feedback from these locations indicated a high degree of satisfaction with the program, and participating groups indicated a desire to engage with the City in this program for future elections.

## **Legacy Special Advance Polls**

The City has traditionally held special Advance Polls at sites across the city that fall short of meeting the criteria for an Institutional Poll in the Municipal Elections Act. These locations include buildings that are predominantly seniors' residences in addition to City Housing locations. The City is not obligated under legislation to provide polls at these locations however a decision was made by the Clerk to maintain these polls for the 2022 Municipal Election and evaluate effectiveness going forward.

For the 2022 Municipal Election, there were 18 Legacy Special Advance Polls scheduled to be held on October 11 and 12, 2022 at locations throughout the city. Of the 18, 1 poll was cancelled due to COVID-19 outbreak at the location.

835 electors cast a ballot during a Legacy Special Advance Poll opportunity, accounting for approximately 20% of eligible voters in these locations.

## **Vote by Mail**

### **Highlights:**

- 3186 Vote by Mail Packages Requested
- 2397 Vote by Mail Packages Received

Vote by Mail was introduced as an alternative voting method for the 2022 Municipal Election, as a means to provide greater accessibility to electors and as a method that could be utilized in response to a COVID-19 public health emergency. The Vote by Mail process allowed eligible electors to request a ballot by mail from the City of Hamilton, which they would complete at home and return in a postage paid envelope to the City prior to Election day to be tabulated.

The Vote by Mail package included:

- A voting instruction sheet;
- A Ballot;
- An inner Ballot secrecy envelope;
- A voter declaration form; and
- An outer return envelope with prepaid postage.

Electors who were on the Voters' List could request a Vote by Mail package online or by phone between September 1, 2022 and September 23, 2022. Vote by Mail packages were to be mailed the week of September 26, 2022.

To be counted, Vote by Mail Packages had to be received by the City prior to 8pm on Monday October 22, 2022. Packages could be mailed back to the City using the prepaid envelope or could be dropped off at a Vote by Mail Mailbox located within each of the City's Municipal Service Centres and at City Hall.

In total, 3176 Vote by Mail packages were requested by electors between September 1, 2022 and September 23, 2022. 2397 Vote by Mail packages were received by the City by 8pm on Monday October 22, 2022, accounting for 75.23% of all packages distributed through the Vote by Mail program.

## **Vote by Mail Delays**

In 2022, there was a delay experienced in the Vote by Mail approval process and a federal holiday that impacted the mailing date of the packages. Packages that were to be mailed by the end of the week of September 26, 2022 were mailed out on October 3, 2022. While this delay should have seen packages delivered to residents in advance of the October 13, 2022 mailing

deadline based on established Canada Post delivery timelines, the Elections Team received feedback that packages were received much later than anticipated. Changes in mail out deadlines and registration dates will be modified for future elections to provide more time for voters to receive and return packages.

## **Election day**

### **Highlights:**

- 157 poll locations on Election day
- 109,179 ballots cast on Election day
- 71 Proxy Appointments
- Emergency Declaration under Section 53 invoked, resulting in some polls open until 9:20pm and a delay in results transmission
- Technology issues experienced, resulting in delays for voters and requiring switch to manual process.

For Election day, each of the City's 15 wards are broken down into polling subdivisions based on previous voter turnout and population data. A poll is selected for each subdivision, and residents of that subdivision are directed to cast their ballot at that poll location (or in an advance poll in their ward). For the 2022 Municipal Election, this analysis resulted in the creation of 157 poll subdivisions and 157 polling locations on Election day.

As required by the Municipal Elections Act, 1996, polls must open on Election day at 10:00am and close at 8:00pm, with the exception of Institutional polls. Results from all polls, including advance polls, are tabulated after 8:00pm on October 24, 2023.

At Election day polls, results are tabulated onsite at the close of polls. Printed results are posted at each voting place for candidates and scrutineers to view. When tabulators are returned to Ward Centres, dedicated IT staff transmit results data from memory cards securely using the City's network to be compiled into the overall results.

Advance polls and institutional polls are tabulated at City Hall following the close of polls. Results are uploaded through the City's network, and printed results are posted for candidates and scrutineers to view.

The transmission of results from ward centres allows the unofficial results to be reported on election night quickly and accurately. Results are posted on the City of Hamilton's website as they become available and are streamed on monitors at City Hall for public viewing.

Following election night, the City Clerk reviews the tabulator results and certifies the results of the election. The City Clerk certified results on October 26, 2022. Results can be found at: <https://www.hamilton.ca/city-council/municipal-election/election-results-archives/2022-election-results>

## Election day Voting

An average of 76.15% of all ballots cast in the 2022 Municipal Election were cast on Election day.

### Ballots Cast on Election Day 2022

Ward	Total Votes Cast	Ballots Cast on Election day	% of Votes Cast on Election day
1	9115	7027	77.09%
2	7623	5924	77.71%
3	8788	6527	74.27%
4	9321	7358	78.94%
5	9978	7502	75.19%
6	10177	7581	74.49%
7	12135	9258	76.29%
8	8721	6745	77.34%
9	7152	5424	75.84%
10	10788	7711	71.48%
11	7580	5733	75.63%
12	13012	9930	76.31%
13	12397	9672	78.02%
14	9430	7464	79.15%
15	7158	5323	74.36%
<b>Total</b>	<b>143375</b>	<b>109179</b>	<b>76.15%</b>

## **Institutional Polls**

For the 2022 Municipal Election, Vote by Mail Packages were provided to electors directly at institutions where possible prior to Election day, to ensure that all electors in our institutions had an opportunity to vote, and to avoid potential challenges posed by COVID-19 lockdowns in institutions that would prevent staff from attending on site on Election day.

The majority of the City's 50 institutions received Vote by Mail packages for their electors. For these institutions, Vote by Mail packages were completed by residents, sealed, and deposited in a secured ballot box held in the office of the institution. Elections staff retrieved the packages in advance of Election day, and were onsite again on Election day to provide packages for electors who did not have a chance to vote, who changed their minds and wished to vote, or for those who were new to the institution and wished to vote.

A small group of institutions requested a traditional poll, and as such, staff were on-site on Election day to support a traditional poll for residents at the five locations.

In total, 1370 electors in the City's institutions cast a ballot in the 2022 Municipal Election.

## **Election day Emergency Declaration**

An emergency declaration, under section 53 of the Municipal Elections Act, was declared by the City Clerk on October 24, 2022 as 12 polls were not opened at 10:00am in accordance with the Act. As a result of this emergency declaration, polls that opened late were required to stay open for the amount of time that they were delayed in opening. Under the Municipal Elections Act, results can not be released until the close of polls. As the last poll to open did not open until 11:20 a.m, the results could not be tallied and released until 9:20 p.m. While this delay was regrettable, all polls were open for the same number of hours to ensure fairness for all voters.

## **Election day Technology Issues**

The City was a part of Election day issues experienced by users of Datafix Software across the province as their servers failed. Throughout the day, slowdowns were experienced at polls due to syncing delays in the system. Staff were advised to move to manual processes and paper Voters' Lists at polls where the systems were delayed. The Election day technology issues were limited to the election administration software. This included the electronic Voters' List, access to the dashboard and access to the candidate portal. Since this was a province-wide issue, staff will be working with other municipalities and the vendor to discuss future changes to improve system availability and rigor.

## Elections Budget Allocation

The budget allocated to the 2022 Municipal Election was \$2.8 million dollars, which was funded from operational budget and the Elections Reserve.

The budget breakdown for the 2022 Municipal Election is as follows:

<b>2022 Election Budget Breakdown</b>	
<b>Item</b>	<b>Cost</b>
<b>Human Resources</b>  (temporary core staff, poll staff, support staff, summer ambassador students, training costs)	\$1,272,705.55
<b>Voting Technology</b>  (tabulators, e-poll books, software, support)	\$640,837.31
<b>Vote by Mail Program</b>  (printing, administration, mailing)	\$64,222.43
<b>Poll Location Costs and Supplies</b>  (ballots, PPE, poll rentals, pens, markers, secrecy folders)	\$198,998.81
<b>Communications</b>  (notifications, advertisements, videos, promotional material)	\$72,622.84
<b>Voter Cards</b>  (paper, printing, mailing)	\$419,512.21
<b>Miscellaneous</b>  (security, facilities, mileage, parking, rentals)	\$42,043.26
<b>Election 2022 Total Costs</b>	<b>\$2,710,942.41</b>

## **Submission of Financial Statements**

Following each Municipal Election, Candidates and Third-Party Advertisers are required to submit financial statements from their campaign, identifying contributions that were received and expenditures that were made. All candidates who submitted nomination papers for the 2022 Municipal Election are required to submit a financial statement, regardless of whether they withdrew their nomination or spent money on their campaign. Candidates and third-parties who receive or spend in excess of \$10,000 are additionally required to include an auditor's report.

The deadline for submission of financial statements was March 31, 2023 at 2pm, with a thirty-day grace period ending on May 2, 2023. Candidates who requested an extension to their campaign must submit a supplementary financial statement by September 29, 2023.

The City Clerk is required under the Municipal Elections Act to review financial statements and to make public the following information:

- As per Section 88.23 (3)(c) of the Act in the case of a default of a candidate described in Section 88.23(1) of the Act, the clerk shall, make available to the public the name of the candidate and a description of the nature of the default.
- As per Section 88.23 (4) of Act the Clerk shall make available to the public a report setting out all candidates in an election and indicating whether each candidate complied with Section 88.25 of the Act.
- As per Section 88.27 (2) of the Act the Clerk in the case of a default of a registered third party described in Section 88.27(1) of the Act, the clerk shall, make available to the public the name of the registered third party and a description of the nature of the default.
- As per Section 88.29 (11) of the Act the Clerk shall make available to the public on a website or in another electronic format a list of all registered third parties for the election along with an indication of whether each has filed a financial statement and auditor's report under Section 88.29(1).

A public report was completed and posted in accordance with section 88.23 (5) of the Municipal Elections Act, and is available on the City's website at the following location:

<https://www.hamilton.ca/sites/default/files/2023-05/municipal-election-financials-clerks-report-2022.pdf>

The City Clerk is additionally required to review the contributions reported on the financial statements submitted by candidates to determine whether any contributors appear to have exceeded any of the contribution limits detailed in section 88.9 of the Act. The Clerk is required to prepare separate reports for each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits identified in the Act and forward this report to the Election Compliance Audit Committee for review.

## **Election Compliance Audit Committee**

Each municipality and school board must appoint a compliance audit committee. The City of Hamilton's Election Compliance Audit Committee members were appointed in September 2022 to serve a four-year term ending in 2026.

The Election Compliance Audit Committee is tasked the following responsibilities:

- Receiving and considering applications for a compliance audit by an elector and, within 30 days of receiving the application from the City Clerk, determining whether the compliance audit should be granted or rejected; *88.33(7), 88.35(4) Municipal Elections Act*
- Prepare brief written reasons for the decision to either grant or reject the compliance audit and provide same to the Candidate or Registered Third Party, the Clerk of the municipality and the applicant; *88.33(8), 88.35(4) Municipal Elections Act*
- Appointing an auditor, if a compliance audit is granted; *88.33(10), 88.35(4) Municipal Elections Act*
- Receiving and considering the Auditor's report, and if the auditor's report concludes that the Candidate or Registered Third Party appears to have contravened a provision of the Municipal Elections Act relating to election campaign finances, within 30 days of receipt of the auditor's Report from the City Clerk, deciding whether to commence a legal proceeding against the Candidate or Registered Third Party; *88.33(17), 88.35(4) Municipal Elections Act* and,
- Prepare brief written reasons for the decision whether or not to commence legal proceedings and provide same to the Candidate or Registered Third Party, the Clerk of the municipality and the applicant. *88.33(18), 88.35(4) Municipal Elections Act.*

As of June 2023, the Election Compliance Audit Committee had reviewed one application for compliance audit and nine over-contributor reports. The decisions of the Election Compliance Audit Committee are available at the following location: <https://www.hamilton.ca/city-council/municipal-election/election-resources/election-compliance-audit-process>

## Future Elections

Following the 2022 Municipal Election, the City Clerk and the Elections Team conducted a lessons learned exercise, and identified areas to enhance for future elections. This included:

- Restructured core and poll staffing approach
- Expanded engagement with the community
- Increased communications
- Greater focus on accessibility, including training with involvement from individuals with lived experience
- Restructured poll layout and flow
- Enhanced risk mitigation and contingency planning
- Greater alignment with the Province with regard to provincial elections approaches

Staff have begun the work of planning for the 2026 Municipal Election and will be returning to Council for decisions on voting methods, policy and by-laws.

# Election Day is October 24

#HamiltonVotes2022



## 2022 Student Ambassador Engagement Schedule

Engagement Date	Type	Location	Engagement Hours
July 5, 2022	Recreation Centre	Bennetto Community Centre	6.5
July 5, 2022	Recreation Centre	Norman Pinky Lewis Recreation Centre	5
July 6, 2022	Recreation Centre	Westmount Recreation Centre	7.5
July 6, 2022	Recreation Centre	Ancaster Rotary Centre	8
July 7, 2022	Park	Bayfront Park	4.5
July 8, 2022	Parks	McQuestan Park	6.5
July 8, 2022	Recreation Centre	Valley Park Community Centre	7
July 9, 2022	City Facility	Gage Park Tropical Greenhouse	6.5
July 9, 2022	HPL	Gage Park Bookmobile	1
July 9, 2022	Park	Gage Park	6
July 12, 2022	Recreation Centre	Bernie Morelli Recreation Centre	8
July 12, 2022	Senior Centre	Sackville Hill Seniors Recreation Centre	8
July 13, 2022	Recreation Centre	Dominic Agostino Riverdale Community Centre	8
July 13, 2022	Recreation Centre	Huntington Park Recreation Centre	6
July 14, 2022	Recreation Centre	Dundas Community Pool	4.5
July 14, 2022	Recreation Centre	Dundas Lions Memorial Community Centre	6.5
July 15, 2022	HPL	Central Library	6.5
July 15, 2022	Recreation Centre	Sir Allan MacNab Recreation Centre	6
July 16, 2022	City Facility	Hamilton Farmers' Market	8
July 16, 2022	Community	Ottawa St. Farmers Market	6.5
July 19, 2022	HPL	Carlisle Branch	6
July 19, 2022	HPL	Waterdown Branch	6
July 20, 2022	Park	Dundas Driving Park	6
July 20, 2022	Senior Centre	Flamborough Seniors Centre	7
July 21, 2022	Recreation Centre	Bennetto Community Centre	6.5
July 21, 2022	Recreation Centre	Norman Pinky Lewis Recreation Centre	5



Hamilton



HAMILTON  
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# Election Day is October 24

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Engagement Date	Type	Location	Engagement Hours
July 22, 2022	HPL	Freelton Branch	6
July 22, 2022	Community	Sobeys Flamborough	8
July 23, 2022	Museum	Dundurn National Historic Site	4
July 23, 2022	Park	Bayfront Park	3.5
July 25, 2022	Recreation Centre	Ryerson Recreation Centre	3
July 25, 2022	Outdoor pool	Victoria Park Outdoor Pool	4
July 25, 2022	HPL	Tim Horton's Field Bookmobile	1.5
July 25, 2022	Recreation Centre	Stoney Creek Recreation Centre	5.5
July 26, 2022	HPL	Binbrook Branch	5
July 26, 2022	HPL	Mount Hope Branch	5
July 27, 2022	City Facility	Hamilton City Hall	5
July 27, 2022	HPL	Lynden Branch	5
July 28, 2022	City Facility	Hamilton Farmers' Market	7
July 28, 2022	HPL	Turner Park Branch	7
July 29, 2022	HPL	Stoney Creek Branch	5
July 29, 2022	Community	YMCA Flamborough	6
August 2, 2022	HPL	Carlisle Branch	5
August 2, 2022	HPL	Waterdown Branch	5
August 3, 2022	Community	Gore Park Promenade	5
August 3, 2022	Recreation Centre	Dominic Agostino Riverdale Community Centre	6
August 4, 2022	Community	Rockton Farmers' Market	3
August 4, 2022	Community	YMCA Flamborough	5
August 5, 2022	HPL	Dundas Branch	7
August 5, 2022	Community	Sobeys Flamborough	7
August 6, 2022	City Facility	Gage Park Tropical Greenhouse	6
August 6, 2022	HPL	Gage Park Bookmobile	1
August 6, 2022	Park	Gage Park	6
August 8, 2022	Recreation Centre	Sir Wilfrid Laurier Recreation Centre	5
August 8, 2022	Recreation Centre	Stoney Creek Recreation Centre	5
August 9, 2022	Recreation Centre	Bernie Morelli Recreation Centre	6
August 9, 2022	Senior Centre	Sackville Hill Seniors Recreation Centre	6
August 10, 2022	Recreation Centre	Westmount Recreation Centre	7
August 10, 2022	Recreation Centre	Ancaster Rotary Centre	7



Hamilton



HAMILTON  
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MUNICIPAL ELECTION

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Engagement Date	Type	Location	Engagement Hours
August 11, 2022	Recreation Centre	Dundas Community Pool	4
August 11, 2022	Recreation Centre	Dundas Lions Memorial Community Centre	5.5
August 12, 2022	HPL	Valley Park Branch	6
August 13, 2022	Museum	Dundurn National Historic Site	5
August 16, 2022	HPL	Carlisle Branch	5
August 16, 2022	HPL	Waterdown Branch	5
August 17, 2022	Recreation Centre	Dominic Agostino Riverdale Community Centre	6.5
August 17, 2022	Recreation Centre	Huntington Park Recreation Centre	5
August 18, 2022	Recreation Centre	Bennetto Community Centre	5.5
August 18, 2022	Recreation Centre	Norman Pinky Lewis Recreation Centre	5
August 20, 2022	Community	The Centre on Barton	4
August 20, 2022	Community	Waterdown Farmers' Market	5
August 23, 2022	HPL	Locke Branch	4
August 23, 2022	HPL	Greensville Branch	5
August 24, 2022	HPL	Stoney Creek Branch	5
August 24, 2022	Senior Centre	Flamborough Seniors Centre	5
August 25, 2022	Community	Eastgate Square	7
August 26, 2022	Community	Eastgate Square	7
August 27, 2022	Park	Beasley Park	5
August 30, 2022	Community	Hamilton GO Centre	6
August 31, 2022	Golf Course	King's Forest Golf Course	7
October 3, 2022	Education	Redeemer University	4
October 4, 2022	Education	McMaster University	4
October 5, 2022	Education	Mohawk College	4

**Total Number of Engagement Hours.....460**



Hamilton



HAMILTON  
VOTES 2022

MUNICIPAL ELECTION

# 200+ CREATIVE ASSETS



## Work the Election

Opportunities for City Staff



## VOTE

Election Day is  
**October 24**

## There are many ways you can vote



## Election Day is **October 24**

[hamilton.ca/elections](https://hamilton.ca/elections)

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[hamilton.ca/elections](https://hamilton.ca/elections)



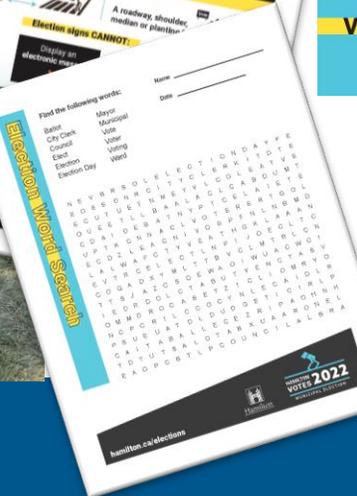
## Are you on the Voters List?

[erlookup.ca](https://erlookup.ca)



## JOIN the Election Compliance Audit Committee

Election Day is  
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## Vote by Mail

What you need to know about the Municipal Election

## Welcome to #HamiltonVotes2022!

We are happy to see you.



The City of Hamilton is committed to creating a welcoming and inclusive environment for civic engagement by providing equitable treatment to all residents irrespective of ability, race, religion, ethnic and cultural origins, and sexual orientations, gender identities and gender expressions.

LET US KNOW HOW WE DID.  
Send us any suggestions to [elections@hamilton.ca](mailto:elections@hamilton.ca) or speak with the on-site Manager.



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## 2022 Communication Tactics

A summary of communication tactics used in the 2022 Municipal Election can be found in the below chart:

Communication Method	Details
Website	Dedicated URL <a href="http://hamilton.ca/elections">hamilton.ca/elections</a>
Engage Hamilton platform	Community engagement and survey in advance of election
Social media	City of Hamilton's corporate channels: Twitter, Facebook, Instagram, LinkedIn Dedicated hashtag across all materials #HamiltonVotes2022
Posters	Printed materials on display in all Municipal Service Centre locations, Recreation centres, arenas and senior centres, and Hamilton Public Library branches
Video	Videos developed for use on YouTube and Instagram/social media reels
Digital message boards	City Hall, Gage Park, Hamilton Farmer's Market, City-owned TV screens, Hamilton Public Library TV screens
Mail	Branded insert included in 2022 final tax bills mailed out via Canada Post to all tax payers



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Communication Method	Details
Radio	Ads on local radio stations including Corus Radio, Bell Radio, KX 94.7
Print	Ads in local print media, including the Hamilton Spectator and Hamilton Community News Chain
TV	Ads and content on local stations including CHCH and Cable 14
Digital ads	Ads on online platforms including Google, Bell Digital, Corus Digital, Hamilton Spectator online, McMaster Silhouette online
Billboards	Ads on digital billboards operated by Outfront media including along LINC
Transit shelters	Full sized promotional posters at transit shelters in every ward and near all post-secondary schools
Google ad words and Geotargeted ads	Established to target users through key buzz words such as elections.
Community partnerships	Leveraged relationships with groups and their networks to reach target audiences, including HamOnt Youth, Post-secondary partners (Mohawk, McMaster and Redeemer), Hamilton Regional Indian Centre and Hamilton Public Library



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HAMILTON  
VOTES 2022

MUNICIPAL ELECTION



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HAMILTON  
VOTES **2022**

MUNICIPAL ELECTION



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	August 28, 2023
<b>SUBJECT:</b>	All Our Relations Public Art Ceremony on National Day of Truth and Reconciliation (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>SUBMITTED BY:</b>	Peter Fortune Acting Director, Tourism and Culture Planning and Economic Development Department
<b>SIGNATURE:</b>	

The purpose of this Communication Update is to advise Council that the Hamilton Waterfront Trust and the City of Hamilton have completed a Public Art process to commission a permanent Public Artwork to be installed in the new West Harbour – James Street Plaza at the foot of James Street North (North of Guise Street). The volunteer citizen jury selected the work "All Our Relations" by an artist team led by Angela DeMontigny and supported by Paull Rodrigue Glass, Cobalt Connects, Lafontaine Iron Werks Inc. and EXP. This monumental artwork consists of five 40-foot panels comprised of thousands of colourful glass beads representing traditional Indigenous teachings, the Thanksgiving Address as well as Hamilton's rich biodiversity. Installation is scheduled for September 2023.

The National Day for Truth and Reconciliation (Saturday, September 30, 2023) has been selected as the date for the unveiling ceremony as the artist team is led by an Indigenous artist, Angela DeMontigny (Cree/Métis), and Indigenous themes are central to the work. The event will celebrate the installation of this important artwork at the Waterfront as well as recognize the National Day for Truth and Reconciliation through the inclusion of Indigenous ceremony, drumming, performances and remarks by knowledge keepers. The event is being planned collaboratively with City staff from Indigenous Relations, Placemaking, Public Art and Projects and the artist team.

This public artwork also aligns with the City's Urban Indigenous Strategy's themes and action items as follows:

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## **Land**

6. Work with the Indigenous community to establish and maintain a piece of land that the community can use for ceremonial, spiritual and other activities. (this is the Artist's intent for the piece & this area will be designated as an official site for Sacred Fires)

## **Spirit**

13. Create opportunities for public art by Indigenous artists.

21. Identify or create ways to support Indigenous artists.

22. Commission public art in a prominent location that honours mutual respect and the spirit of reconciliation.

## **People**

23. Bring together partners to offer public education to all residents about the history of Indigenous peoples and current topics that will contribute to reconciliation. This public education program should include highlighting local Indigenous resources and museums and promote awareness of national holidays such as National Indigenous Peoples Day and the National Day for Truth and Reconciliation.

Community members are invited to attend the event on Saturday, September 30, 2023 at West Harbour – James Street Plaza at the foot of James Street North (North of Guise Street). The event will commence with a sacred fire ceremony, drumming will begin at 10:30 a.m. leading to remarks by Indigenous leaders, City leadership and Angela DeMontigny from 11:00 a.m. to noon. Programming including live performances, food and an Indigenous marketplace will also take place from noon to 4:00 p.m. All are invited to explore the All Our Relations artwork at or following this event.

More information on this public art project can be found at:

<https://www.hamilton.ca/things-do/arts-music/public-art/west-harbour-james-street-plaza-public-art-project>

If you have any questions regarding this communication, please contact Jen Anisef, Cultural Projects Specialist by email at [Jen.Anisef@hamilton.ca](mailto:Jen.Anisef@hamilton.ca) or by phone at (905) 546-2424 Ext. 7612 or Peter Fortune, Manager of Placemaking, Public Art and Projects by email at [Peter.Fortune@hamilton.ca](mailto:Peter.Fortune@hamilton.ca) or by phone at (905) 546-2424 Ext. 6281.

## **APPENDICES AND SCHEDULES ATTACHED**

N/A



# COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members Board of Health
<b>DATE:</b>	August 28, 2023
<b>SUBJECT:</b>	Resumption of Pest Complaint Investigations Under the City of Hamilton Property Standards By-law No. 10-221 (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Kevin McDonald Director, Healthy Environments Division Public Health Services
<b>SIGNATURE:</b>	

This communication provides the Board of Health with an update concerning the resumption of investigations related to pests, as defined under Section 26 of the City of Hamilton Property Standards By-law No.10-221.

Public Health Services staff have worked with colleagues in Licensing and By-law Services Division of the Planning and Economic Development Department to recruit a full-time Municipal Law Enforcement Officer for the sole purpose of investigating pest control complaints applicable under the By-law.

Both Licensing and By-law Service and Public Health Services are presently providing orientation and training to the “new” Officer. **Pest Control investigations will resume effective Wednesday, September 6, 2023.**

Ward Offices that are made aware of community residents who are experiencing pest-related issues and/or concerns that may require investigation and potentially enforcement under the By-Law or, if a property owner has questions and/or concerns related to the prevention and management of pests, are asked to please forward compliant details to the City’s Customer Contact Centre by emailing [info@hamilton.ca](mailto:info@hamilton.ca), or by calling (905) 546-2489. Customer Contact Centre agents receive the information for the reported complaints, as well as log an refer to Public Health Services for follow-up.

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**BACKGROUND**

I am pleased to report that the complaints and/or requests for consultation received by Public Health Services during 2020-2022 have been followed-up, investigated, and these files have been closed. Of the 174 complaints received in 2023, we have resolved/closed 156 files, and are currently working to address the remaining 18 files.

Table 1 (below) provides information related to both pest control complaints under the municipal By-law as well as vector-borne disease complaints and/or enquiries that involve pests.

Please note that Mosquitoes/Standing Water and Ticks complaints are not subject to Section 26 of the Property Standards By-Law but are actioned for investigation and/or consultation within the Health Hazards & Vector-Borne Diseases Program and further that these investigations resumed in-full April 2022.

**Table 1: 2020 to 2023 Vector-borne Disease Program Complaint Statistics**

<b>2020 (139 complaints received January 1 – March 16, 2020)</b>			
<b>Pest Type</b>	<b>File Active/Ongoing</b>	<b>File Resolved/Closed</b>	<b>Total Complaints</b>
Bed Bugs	0	78	78
Cockroaches	0	32	32
Mice	0	10	10
Rats	0	27	27
Mosquitos/Standing Water*	0	1	1
Ticks*	0	0	0
Other*	0	3	3
<b>TOTAL</b>	<b>0</b>	<b>151</b>	<b>151</b>
<b>2021 (January 1 – December 31, 2021)</b>			
<b>Pest Type</b>	<b>File Active/Ongoing</b>	<b>File Resolved/Closed</b>	<b>Total Complaints</b>
Bed Bugs	0	10	10
Cockroaches	0	1	1
Mice	0	1	1
Rats	0	1	1

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**SUBJECT: Resumption of Pest Complaint Investigations Under the City of Hamilton Property Standards By-law No. 10-221 (City Wide) - Page 3 of 4**

Mosquitos/Standing Water*	0	1	1
Ticks*	0	0	0
Other*	0	1	1
<b>TOTAL</b>	<b>0</b>	<b>15</b>	<b>15</b>

**2022 (January 1 – December 31, 2022)**

Pest Type	File Active/Ongoing	File Resolved/Closed	Total Complaints
Bed Bugs	0	23	23
Cockroaches	0	2	2
Mice	0	4	4
Rats	0	5	5
Mosquitos/Standing Water*	0	54	54
Ticks*	0	43	43
Other*	0	12	12
<b>TOTAL</b>	<b>0</b>	<b>143</b>	<b>143</b>

**2023 (Year-to-Date – August 23, 2023)**

Pest Type	File Active/Ongoing	File Resolved/Closed	Total Complaints
Bed Bugs	4	22	26
Cockroaches	0	4	4
Mice	0	1	1
Rats	0	3	3
Mosquitos/Standing Water*	13	66	79
Ticks*	0	56	56
Other*	1	4	5
<b>TOTAL</b>	<b>18</b>	<b>156</b>	<b>174</b>

Should you require further information about this Communication Update, please do not hesitate to contact Matthew Lawson, Manager, Health Hazards & Vector Borne Diseases Program at Ext. 5823 or [matthew.lawson@hamilton.ca](mailto:matthew.lawson@hamilton.ca).

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**SUBJECT: Resumption of Pest Complaint Investigations Under the City of  
Hamilton Property Standards By-law No. 10-221 (City Wide) - Page 4 of  
4**

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**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable.

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## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	August 28, 2023
<b>SUBJECT:</b>	Sir Allan MacNab Recreation Centre Update (Ward 14)
<b>WARD(S) AFFECTED:</b>	Ward 14
<b>SUBMITTED BY:</b>	Grace Mater General Manager Healthy and Safe Communities Department
<b>SIGNATURE:</b>	

Sir Allan MacNab Recreation Centre was temporarily closed in July 2023 to complete scheduled parking lot construction and facility maintenance. The Recreation Division is pleased to share the facility is re-opening for drop-in programming beginning the evening of Tuesday, September 5, 2023.

Up to date drop-in schedules can be viewed online: [www.hamilton.ca/dropin](http://www.hamilton.ca/dropin).  
Fall program registration information can be viewed online:  
[www.hamilton.ca/registration](http://www.hamilton.ca/registration).

During the week of August 28, 2023, Recreation staff will be notifying user groups of the reopening by email/phone and posting signage at the facility to inform the community.

Reopening details will also be shared on the City's website and social media platforms.

The following maintenance work was completed at the facility:

- Resurfacing and line painting for entire front parking lot
- Installation of new water heater
- Re-grout, tile repairs and deep clean of the pool
- Drain repairs on pool deck and in change rooms
- Jet pump replacement for small pool
- Replacement of light fixtures on pool deck
- Painting of select interior walls

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**SUBJECT: Sir Allan MacNab Recreation Centre Update (Ward 14) - Page 2 of 2**

We want to extend our thanks and appreciation to our colleagues in the Energy, Fleet and Facilities Management division of Public Works for their efforts in completing this work and enabling the facility to open for the fall season as planned. We also want to extend our thanks and appreciation to Hamilton Wentworth District School Board, who work collaboratively with our teams to maintain shared City properties and parking lots such as this one to a quality standard for members of the community.

Should you require further information, please contact Dawn Walton, Manager, Business Support, Recreation Division via email at [dawn.walton@hamilton.ca](mailto:dawn.walton@hamilton.ca) or by telephone at (905) 546-2424 ext. 4755.



# COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members Board of Health
<b>DATE:</b>	August 22, 2023
<b>SUBJECT:</b>	Request for Ministry of the Environment, Conservation and Parks Air Monitoring at GFL Stoney Creek Regional Facility (Ward 9)
<b>WARD(S) AFFECTED:</b>	Ward 9
<b>SUBMITTED BY:</b>	Dr. Elizabeth Richardson, MD, MHSc, FRCPC Medical Officer of Health Public Health Services
<b>SIGNATURE:</b>	

This communication provides the Board of Health with an update concerning the Ontario Ministry of the Environment Conservation and Parks' (the Ministry) actions with respect to public complaints concerning air quality and odours from the GFL Stoney Creek Regional Facility located at 65 Green Mountain Road West in Stoney Creek (Ward 9).

At its meeting on August 18, 2023 City Council ratified the motion the following motion approved at the Public Health Committee on August 16, 2023:

“That the Public Health Committee request that the Public Health Staff write a letter to the Ministry of Environment, Conservation and Parks requesting that air monitoring be conducted to verify what is in the odour emanating from the GFL Environmental landfill site in Ward 9 and the results of the monitoring be shared with the surrounding community.”

Following the Public Health Committee meeting, Public Health Services' staff contacted Ministry of the Environment Conservation and Parks' staff working in the Hamilton District Office to inquire about any current and/or future actions the Ministry has identified specific to the air quality and odour complaints received in relation to the GFL Stoney Creek Regional Facility.

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**SUBJECT: Request for Ministry of the Environment, Conservation and Parks Air Monitoring at GFL Stoney Creek Regional Facility (Ward 9) - Page 2 of 2**

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Staff were informed that the Ministry has required GFL to submit a detailed action plan to the Hamilton District Office outlining actions that will be taken to address odours from leachate at the site.

The plan submitted by GFL to the Ministry includes the following actions:

- GFL has deployed an odour neutralizing system (misting system) at the site; and,
- The company is now trucking leachate off-site for disposal and the company is treating any exposed leachate.

Longer-term, GFL is proposing that an odour treatment control system be installed at the interim leachate pump station located at the southeast corner of the Stoney Creek Regional Facility. The treatment system being proposed is a wood biofilter to treat the odours from the interim leachate pump station. It is anticipated that the biofilter will commence operating sometime in the upcoming week and the Ministry is working with GFL to ensure appropriate approvals are in place.

Furthermore, the Ministry has initiated air monitoring around the landfill in response to residents' odour complaints and concerns regarding potential contaminants and impacts from odour. Once the monitoring results are received, the data will be reviewed by the Ministry's air quality analysts and compared to regulatory air quality guidelines and limits. The Ministry will determine if further action(s) are necessary based on the results and an update will be provided to the community.

Public Health Services has requested that the Ministry publicly share all the air quality data gathered from the above air monitoring.

As the above Ministry of the Environment, Conservation and Parks' actions have already been initiated, and are ongoing, a letter from Public Health Services to the Ministry requesting such actions be taken is no longer required.

Should you require further information about this Communication Update, please do not hesitate to contact Matthew Lawson, Manager, Health Hazards and Vector Borne Diseases Program at Ext. 5823 or [matthew.lawson@hamilton.ca](mailto:matthew.lawson@hamilton.ca).

**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable.



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	August 30, 2023
<b>SUBJECT:</b>	Changes to Special Supports Program (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Grace Mater General Manager Community Services
<b>SIGNATURE:</b>	

Mayor Horwath and Councillors,

I am writing to inform you of upcoming changes effective Monday, September 11, 2023, to the provision of benefits available through both the Ontario Works and Special Supports Program. The Special Supports program provides a suite of health-related benefits to social assistance recipients and low-income individuals however the programs are experiencing budget pressures and will no longer be able to continue at the current service levels.

The following changes are necessary due to rising costs and the requirement to remain within the 2023 Council approved budget. Some of the drivers for the increased costs are a result of increased vendor prices, increased requests as medical professionals re-opened (COVID recovery), and/or harmonization of low-income eligibility across five City of Hamilton subsidy programs.

The authority to implement these changes was approved by Council in November 2012 as part of Report CS12020(b) recommendation (e): *That the General Manager of Community Services, or designate, be authorized to implement spending caps, benefit frequency limits or other controls necessary to ensure costs are contained within the approved budget amounts.*

The decision to implement these changes has not been an easy one. The Special Supports and Ontario Works staff will continue to work with any impacted individuals offering alternate resources such as the Ontario Works Emergency Assistance

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**SUBJECT: Changes to Special Supports Program (City Wide) - Page 2 of 2**

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applications and/or referrals to community partners. A communication to notify health professionals and vendors will be distributed week of September 7, 2023.

Low Income Program

Benefit	Paused and reassessed March 2024	No longer provided
Hospital beds and repairs	x	
Hearing Aid batteries and repairs	x	
Orthotics and orthopedic footwear		x
All Ministry of Health and Long-Term Care, Assistive Device Program (ADP) 25% client contribution and any additional costs above ADP's capped amounts. <i>Any low-income person who is currently receiving ongoing supplies will continue until they either exit the program and/or are no longer financially eligible.</i>		x

Ontario Works and Ontario Disability Support Program

Benefit	Paused and reassessed March 2024	No longer provided
Orthopaedic footwear except for those with severe foot deformity		x

If you have any question please reach out to Erica Brimley at [Erica.brimley@hamilton.ca](mailto:Erica.brimley@hamilton.ca) Ext.4815 or by cell at (905) 973-0545



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members Board of Health
<b>DATE:</b>	August 31, 2023
<b>SUBJECT:</b>	Dental Bus Update (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Jennifer Vickers-Manzin, CNO Director, Healthy Families Division Public Health Services
<b>SIGNATURE:</b>	

This communication provides an update on the Dental Health Bus.

Hamilton Public Health Services' Dental Program offers a variety of services including two different dental health buses, the Ontario Seniors Dental Health Bus and a mobile Dental Health Bus that provides emergency and urgent care for residents who are low-income with no form of dental insurance coverage. This update is referring to services provide on the bus for low-income residents.

In recent years, the bus has experienced some structural stability deficiencies. With the support of fleet services, dental services via the bus have been maintained. Based on annual assessments, it was anticipated that the bus would require replacement over the next two to three years. However, some unanticipated deficiencies occurred sooner than expected. This summer, during the Dental Health Bus annual maintenance check, it was determined that the bus is no longer fit to drive.

As an interim measure, Public Health Services' Dental Program has rearranged scheduling to support clients to access these services at the Robert Thomson Building downtown dental clinic. The current interim structure is providing 65% coverage (or 12 fewer appointments per week) of the Dental Bus service. We are continuing to explore other opportunities to increase capacity in the short term. In addition, to reduce barriers, bus tickets will be provided to support clients to get to the downtown clinic site.

A plan for alternative service provision was already underway. We are now actively looking into alternatives for a permanent solution to continue to provide dental services

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**SUBJECT: Dental Bus Update (City Wide) - Page 2 of 2**

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to clients in the community and return to previous levels of service provision. We will update the Public Health Committee with recommendations for service in Q4 2023.

Should you require further information, please contact Pat Armstrong, Manager, Dental Services and Vision Screening at (905) 546-2424 Ext. 7158 or at [pat.armstrong@hamilton.ca](mailto:pat.armstrong@hamilton.ca).

**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable.

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Hamilton

## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members Board of Health
<b>DATE:</b>	September 1, 2023
<b>SUBJECT:</b>	Endorsement of Bill 103, Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023 (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Kevin McDonald Director, Healthy Environments Division Public Health Services
<b>SIGNATURE:</b>	

Please find, below, the information requested by Councillor Maureen Wilson at the August 16, 2023 Public Health Committee meeting.

1. **Summary of Bill 103, *Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023***

<https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-103>

The *Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023* aims to prevent youth from initiating vaping and decrease the current usage of vaping products by targeting legislation changes, including banning the retail sale of flavoured vaping products, increasing minimum purchasing age to 21 years old, and prohibiting the promotion of vapour products.

The Bill makes various amendments to the *Smoke-Free Ontario Act, 2017* (the Act). Here are some highlights:

- The Act is amended to prohibit the promotion of vapour products;
- The Act is amended to provide that no person shall sell or supply a tobacco product, vapour product or prescribed product or substance to a person who is less than 21 years old;
- Currently, the Act prohibits the sale of flavoured vapour products, except those with tobacco, mint, or menthol flavouring. The Act is amended to

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**SUBJECT: Endorsement of Bill 103, Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023 (City Wide) - Page 2 of 3**

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provide that this restriction applies with respect to flavoured vapour products generally, unless the flavour or flavouring agent contained in the vapour product is a tobacco flavour or tobacco flavouring agent. The Act is also amended to restrict high concentration vapour products;

- The Act is amended to provide that vapour products can only be sold in specialty vape stores or designated stores in remote or rural communities (instead of within other locations such as convenience stores), as well as to require that these locations must have approval of the board of health of the area in which the store is to be located. Selling or offering to sell vapour products online is prohibited;
- The Act is amended to provide that the Minister may direct that tax revenue generated from the sale of vapour products at specialty vape stores and at designated stores in remote and rural communities be used for the purpose of educating the public about the health risks associated with vaping, provided that the Legislature has appropriated funds for this purpose; and,
- The Act, as amended, would require Ontario Health to prepare an annual report to the Minister respecting youth vaping that sets out information and recommendations to assist the Minister in developing policies to reduce youth vaping.

The legislative solutions of Bill 103 are designed to make vaping less available and desirable for youth to address the increase in rates of vaping and to prevent the associated harms of vaping.

**2. What are we recommending?**

We are recommending more stringent vaping regulations by endorsing Bill 103, *Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023*.

**3. What have we done?**

The City of Hamilton Board of Health has a longstanding history of proactive and effective action to prevent tobacco and emerging product use and urged the adoption of a comprehensive tobacco and e-cigarette strategy. Below are a few examples of Hamilton Public Health Services' work:

- Amended By-law 11-080 (2019) to include the prohibition of vaping in City parks, recreation properties, and sports fields;
- Increased in-person education and inspections at vapour product retailers in 2023;

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**SUBJECT: Endorsement of Bill 103, Smoke-Free Ontario Amendment Act (Vaping is not for Kids), 2023 (City Wide) - Page 3 of 3**

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- Worked with local boards of education to enforce the *Smoke-Free Ontario Act, 2017* on school properties through the creation and implementation of Tobacco/Vape-Free Schools Protocols;
- Worked in partnership with Hamilton Wentworth District School Board to create vaping and cannabis curriculum for Grades 5-8;
- Conducted research supported by Public Health Ontario to assess vaping knowledge, attitudes, and behaviours of middle school aged youth and their parents/caregivers in order to support development of associated programs;
- Implemented the “Use Your Instincts” social marketing campaign in schools and community settings to de-normalize vaping amongst secondary school aged youth;
- Advocated for passage of *Smoke-Free Ontario Act, 2017* and *The Making Healthier Choices Act, 2015* that restrict access, sale, advertising, and promotion of vapour products to minors, including support by Hamilton youth advocates (Unfiltered Facts);
- Collaborated with community partners to provide vaping cessation supports within Hamilton for those who are addicted to nicotine; and,
- Supported McMaster University to become the first 100% smoke & vape free campus in Ontario (2018) in addition to Mohawk College & Redeemer College/University, making all post-secondary campuses in Hamilton smoke/vape-free.

Should you require any further information about this Communication Update, please do not hesitate to contact Jan Johnston, Manager, Tobacco Control Program at Ext. 1974 or [Janice.Johnston@hamilton.ca](mailto:Janice.Johnston@hamilton.ca).

**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable.

**Authority:** Item 2, Emergency and Community Services Committee Report 23-010 (PED23072)  
Council Meeting: August 18, 2023 Ward: City Wide  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated  
September 13, 2023

**Bill No. 161**

## **CITY OF HAMILTON**

### **BY-LAW 23-**

#### **Being a By-law Requiring the Supply of Vital Services and to Repeal By-law No. 09-190**

**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 15<sup>th</sup> day of September in each year and the 15<sup>th</sup> 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, 1<sup>st</sup> 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 13<sup>th</sup> day of September 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 2, Emergency and Community Services Committee Report 23-010 (PED23072)  
Council Meeting: August 18, 2023 Ward: City Wide  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated  
September 13, 2023

**Bill No. 162**

**CITY OF HAMILTON  
BY-LAW NO. 23-**

**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 m<sup>3</sup>, 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 m<sup>2</sup> and a bedroom for two or more persons shall have a floor area of at least 3.3 m<sup>2</sup>

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 13<sup>th</sup> day of September, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 1, Public Works Committee Report 22-007 (PW22028)  
Council Meeting: May 11, 2022 Ward: 10  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated  
September 13, 2023

**Bill No. 163**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-**

**Being a Bylaw to Permanently Close and Sell a Portion of Denison Avenue, Stoney Creek, Established by Plan 1023, in the City of Hamilton, being Denison Avenue, Plan 1023, being all of PIN 17365-0277(LT)**

**WHEREAS** Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways;

**WHEREAS** Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper Land Registry Office;

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

**WHEREAS** at its meeting of May 11, 2022, the Council approved of Item 1 of Public Works Committee Report 22-007, and authorized the City to permanently close and sell a Portion of Denison Avenue, established by Plan 1023, in the City of Hamilton, being Denison Avenue, Plan 1023, being All of PIN 17365-0277 (LT), City of Hamilton; and

**WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, as amended.

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

1. The Portion of Denison Avenue set out as follows:  
  
Denison Avenue, Plan 1023, City of Hamilton, being All of PIN 17365-0277 (LT)  
  
is permanently closed.
2. That the soil and freehold of Denison Avenue, Plan 1023, hereby permanently closed, be sold to Lora Fontana and John Charles Cunnane for the sum of Six Hundred and Two Thousand Dollars (\$602,000.00).

To Permanently Close and Sell a Portion of Denison Avenue being Denison Avenue, Stoney Creek,  
Established by Plan 1023, in the City of Hamilton, being Denison Avenue, Plan 1023, being all of PIN  
17365-0277 (LT)

Page 2 of 2

3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED** this 13<sup>th</sup> day of September, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 3, Public Works Committee Report 21-010 (PW21041)  
Council Meeting: July 9, 2021 Ward 1  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated  
September 13, 2023

**Bill No. 164**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-**

**To Permanently Close and Sell a Portion of the Public Unassumed Alleyway  
Abutting 315B Aberdeen Avenue, Hamilton, namely Part of the Alleyway, lying  
North of Glenfern Avenue, and East of Mountain Avenue, on Registered Plan 272, in  
the City of Hamilton, Designated as Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837,  
being part of PIN 17076-0231 (LT)**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law; and

**WHEREAS** at its meeting of July 9, 2021, Council approved of Item 3 of Public Works Committee Report 21-010, and authorized the City of Hamilton to permanently close and sell a portion of the public unassumed alleyway abutting 315B Aberdeen Avenue, Hamilton, namely Part of the Alleyway, lying North of Glenfern Avenue and East of Mountain Avenue, on Registered Plan 272 in the City of Hamilton, Designated as Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, being part of PIN 17076-0231 (LT); and

**WHEREAS** notice to the public of the proposed sale of the part of the road allowance has been given in accordance with the requirements of the Sale of Land Policy By-law.

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

1. The part of the public unassumed alley set out as follows:

Part of the Alleyway, lying North of Glenfern Avenue, and East of Mountain Avenue, on Registered Plan 272 in the City of Hamilton, Designated as Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, being part of PIN 17076-0231 (LT) is permanently closed.

2. The soil and freehold of the Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, hereby permanently closed, be sold to Kevin Daley.

To Permanently Close and Sell a Portion of the Public Unassumed Alleyway Abutting 315B Aberdeen Avenue, Hamilton, namely Part of the Alleyway, lying North of Glenfern Avenue and East of Mountain Avenue, on Registered Plan 272, in the City of Hamilton, Designated as Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, being part of PIN 17076-0231 (LT)

Page 2 of 2

3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED** this 13<sup>th</sup> day of September, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 14, Planning Committee Report 23-011 (PED23157)  
Council Meeting: July 14, 2023 Ward: 9  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated  
September 13, 2023

**Bill No. 165**

**CITY OF HAMILTON  
BY-LAW NO. 23-**

**To Establish City of Hamilton Land  
Described as Part 1 on Plan 62R-22172 as a Public Highway  
to form part of Lormont Boulevard**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Part of Lot 26, Concession 7 in the Geographic Township of Saltfleet, designated as Part 1 on Plan 62R-22172, be established as a public highway to form part of Lormont Boulevard.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 13<sup>th</sup> day of September, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 1, Public Works Committee Report 23-011 (PW23001(b))  
Council Meeting: August 18, 2023 Ward: 1, 5, 8, 9, 10, 12, 14  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated September 13, 2023

**Bill No. 166**

**CITY OF HAMILTON  
BY-LAW NO. 23-**

**To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001, S.O. 2001, c. 25*, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18th day of September 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law No. 01-215.

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

1. Schedule 5 (Stop Control) of By-law No. 01-215, as amended, is hereby further amended by removing to Section “A” (Ancaster) thereof the following items, namely;

Book Road East	Eastbound/Westbound	Southcote Road
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And by adding to Section “E” (Hamilton) thereof the following items, namely;

Emming Court	Westbound	Delmar Drive
West 23 <sup>rd</sup> Street	Northbound/Southbound	Bendamere Avenue
Seneca Avenue	Northbound	Allison Crescent
Forsyth Place	Westbound	Forsyth Avenue North

And by adding to Section "F" (Stoney Creek) thereof the following items, namely;

Village Green Boulevard	Southbound	Village Green Boulevard
Barton Street	Eastbound/Westbound	Jones Road
Lormont Boulevard	Westbound	First Road West

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 13<sup>th</sup> day of September, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 4, Planning Committee Report 23-013 (PED23135)  
Council Meeting: September 13, 2023 Ward: 10  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated  
September 13, 2023

**Bill No. 167**

**CITY OF HAMILTON**

**BY-LAW NO. 23-**

**To Adopt:**

**Official Plan Amendment No. 191 to the  
Urban Hamilton Official Plan**

Respecting:

**1310 South Service Road  
(former City of Stoney Creek)**

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

1. Amendment No. 191 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 13<sup>th</sup> day of September, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

## Urban Hamilton Official Plan Amendment No. 191

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 191 to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands, remove the lands from Area Specific Policy – Area G, and create a new Site Specific Policy within the Fruitland-Winona Secondary Plan, to permit a mixed use development with a maximum density of 310 units per net hectare and a maximum height of 12 storeys on the subject lands.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 1310 South Service Road, in the former City of Stoney Creek.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan, as it contributes to the range of housing forms and the efficient use of land;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

## **4.0 Actual Changes:**

### **4.1 Volume 1 – Parent Plan**

#### ***Schedules and Appendices***

##### 4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “District Commercial” to “Neighbourhoods”, as shown on Appendix “A”, attached to this Amendment.

### **4.2 Volume 2 – Secondary Plans**

#### ***Text***

##### 4.2.1 Chapter B.7 – Stoney Creek Secondary Plans – Section B.7.4 – Fruitland-Winona Secondary Plan

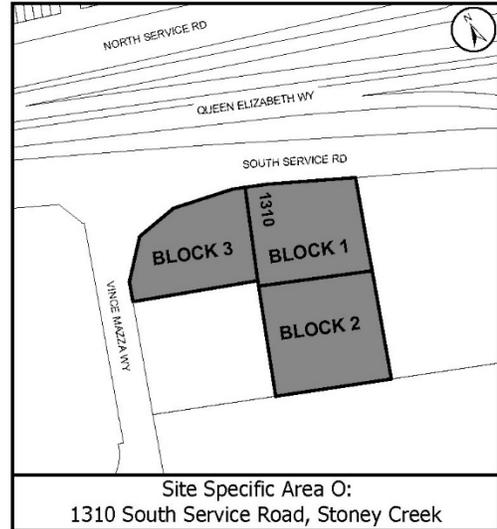
- a. That Volume 2: Chapter B.7 – Stoney Creek Secondary Plans, Section B.7.4 – Fruitland-Winona Secondary Plan be amended by adding a new Site Specific Policy, as follows:

#### **“Site Specific Policy – Area O**

B.7.4.18.15 For the lands located at 1310 South Service Road, designated Medium Density Residential 2 and identified as Site Specific Policy – Area O on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy B.7.4.4.6 b) of Volume 2, the residential density shall be greater than 60 units per net hectare and not exceed 310 dwelling units per net hectare;
- b) The implementing Zoning By-law shall set out the appropriate building height transitions and step backs from adjacent streets and existing residential uses within the adjacent lands designated Neighbourhoods.

- c) Notwithstanding Policy B.7.4.4.6 c) of Volume 2, the following maximum building heights shall apply:
- i) for Block 1 the maximum building height shall be 12 storeys;
  - ii) for Block 2 the maximum building height shall be 10 storeys; and,
  - iii) for Block 3 the maximum building height shall be 8 storeys."



## Maps and Appendices

### 4.2.2 Map

- a. That Volume 2: Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan be amended by:
- i) redesignating lands from “District Commercial” to “Medium Density Residential 2”;
  - ii) removing the lands from Area Specific Policy – Area G; and,
  - iii) identifying the subject lands as Site Specific Policy – Area O,
- as shown on Appendix “B”, attached to this Amendment.

## 5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. 23-167 passed on the 13<sup>th</sup> day of September, 2023.

**The  
City of Hamilton**

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

Appendix A  
APPROVED Amendment No. 191  
to the Urban Hamilton Official Plan

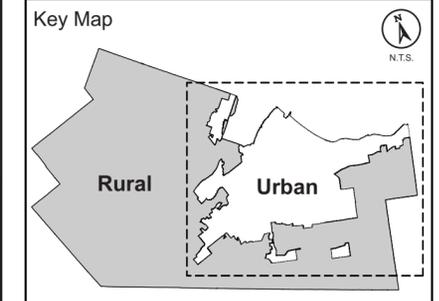
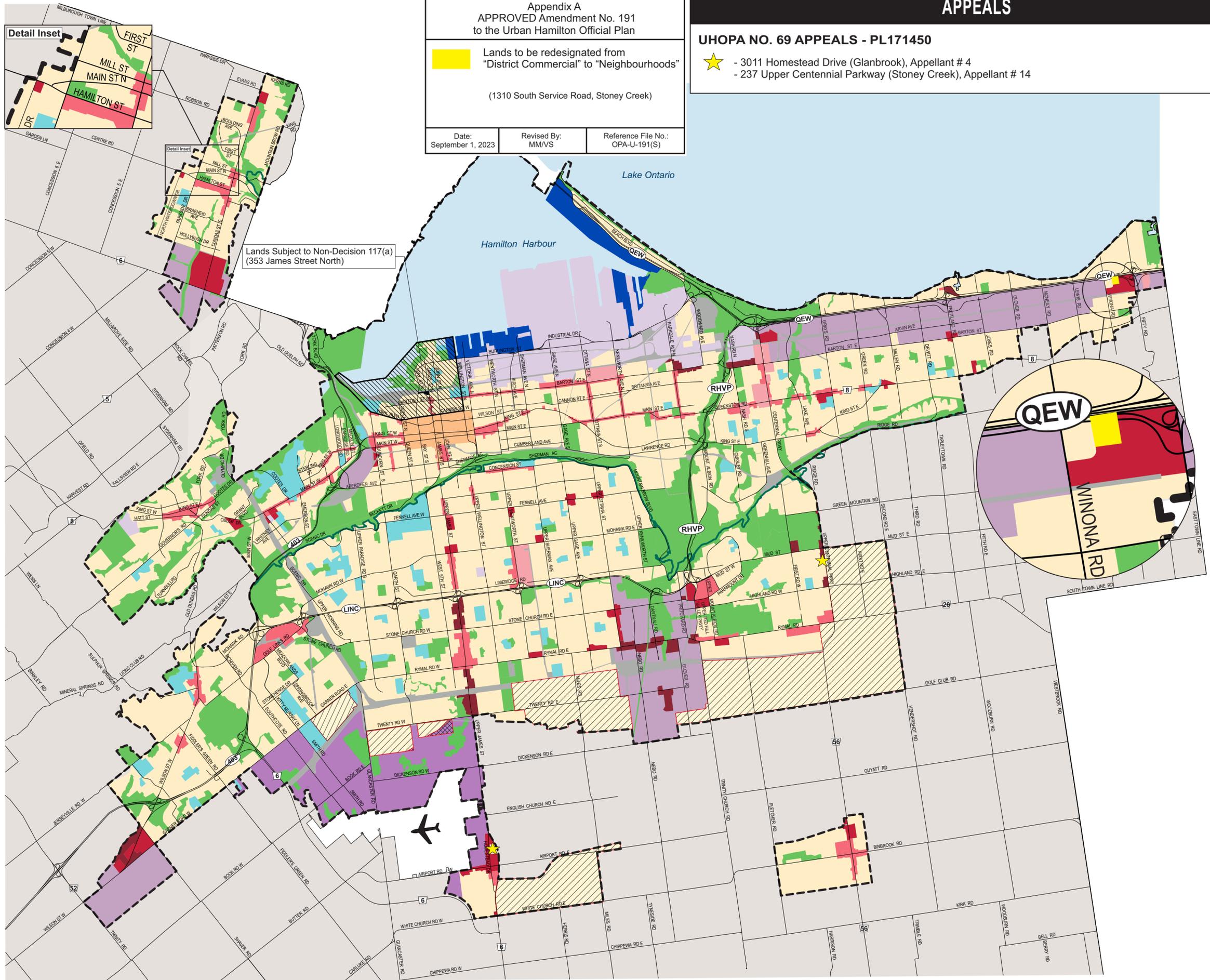
 Lands to be redesignated from "District Commercial" to "Neighbourhoods"  
(1310 South Service Road, Stoney Creek)

Date: September 1, 2023  
Revised By: MM/VS  
Reference File No.: OPA-U-191(S)

# APPEALS

## UHOPA NO. 69 APPEALS - PL171450

-  - 3011 Homestead Drive (Glanbrook), Appellant # 4
- 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

- Legend**
-  Neighbourhoods
  -  Open Space
  -  Institutional
  -  Utility
  -  Urban Expansion Area - Neighbourhoods
  -  Urban Expansion Area - Employment
- Commercial and Mixed Use Designations**
-  Downtown Mixed Use Area
  -  Mixed Use - High Density
  -  Mixed Use - Medium Density
  -  District Commercial
  -  Arterial Commercial
- Employment Area Designations**
-  Industrial Land
  -  Business Park
  -  Airport Employment Growth District
  -  Shipping & Navigation
- Other Features**
-  Rural Area
  -  John C. Munro Hamilton International Airport
  -  Niagara Escarpment
  -  Urban Boundary
  -  Municipal Boundary
  -  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009  
Ministerial Approval: March 16, 2011  
Effective Date: August 16, 2013

## Urban Hamilton Official Plan Schedule E-1 Urban Land Use Designations



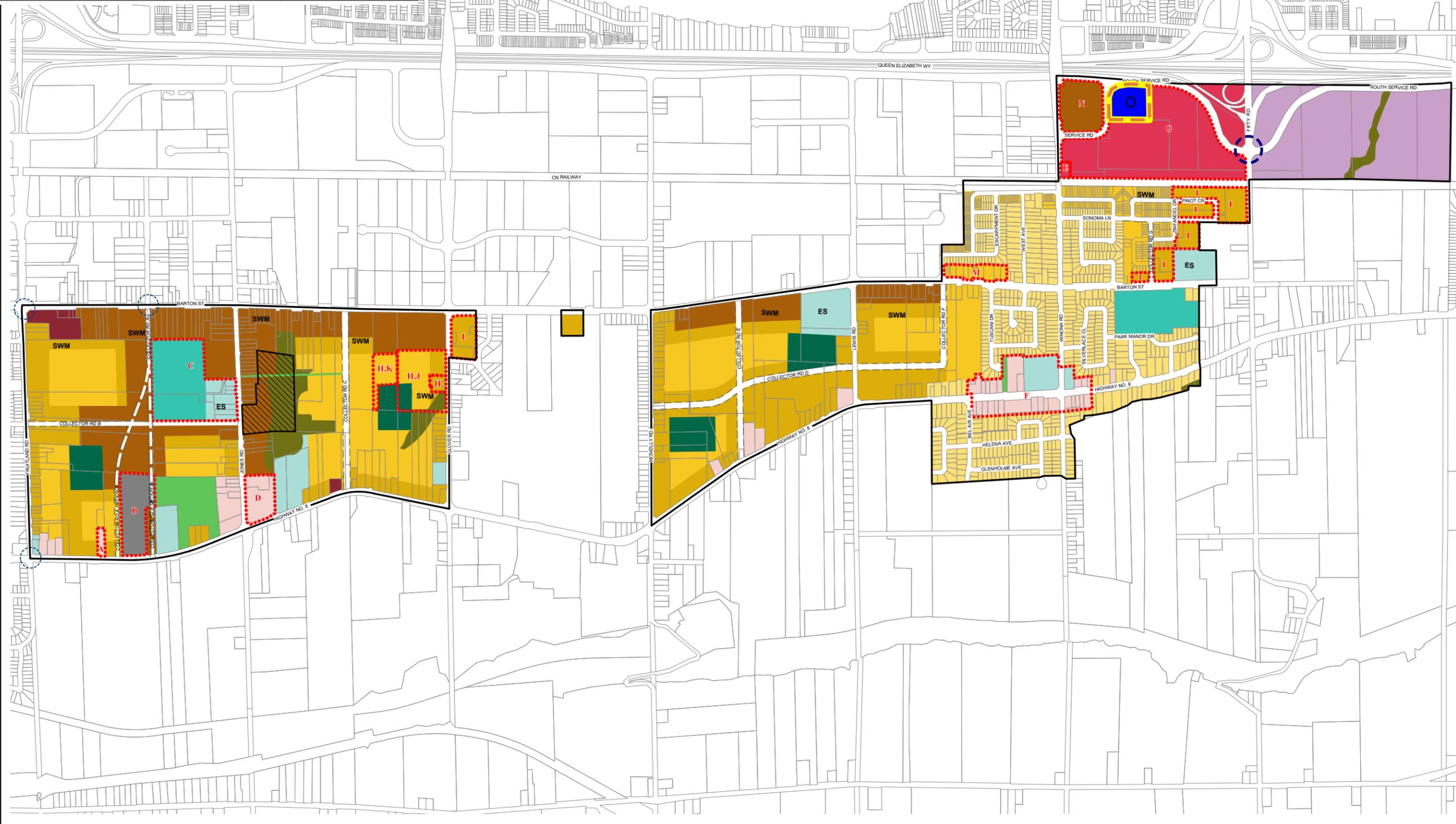
Date: June 2023  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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Appendix B  
 APPROVED Amendment No. 191  
 to the Urban Hamilton Official Plan

- Lands to be redesignated from "District Commercial" to "Medium Density Residential 2"
- Land to be removed from Area Specific Policy - Area G
- Lands to be identified as Site Specific Policy Area - O  
 (1310 South Service Road, Stoney Creek)

Date: August 31, 2023	Revised By: MM/VVS	Reference File No.: OPA-U-191(S)
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### APPEALS

Lands Under Appeal  
 - 238, 252 Jones Road

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#### Legend

**Residential Designations**

- Low Density Residential 1
- Low Density Residential 2
- Low Density Residential 3
- Medium Density Residential 2

**Commercial and Mixed Use Designations**

- Local Commercial
- District Commercial
- Arterial Commercial

**Parks and Open Space Designations**

- Neighbourhood Park
- Community Park
- General Open Space
- Natural Open Space

**Other Designations**

- Employment Lands - Business Park
- Institutional
- ES
- Utility
- SWM

**Other Features**

- Area or Site Specific Policy
- Major Gateway
- Minor Gateway
- Proposed Roads
- Secondary Plan Boundary

**Authority:** Item 4, Planning Committee Report 23-013 (PED23135)  
Council Meeting: September 13, 2023 Ward: 10  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated September 13, 2023

**Bill No. 168**

**CITY OF HAMILTON**

**BY-LAW NO. 23-**

**To Amend Zoning By-law No. 05-200 with Respect to Lands Located at  
1310 South Service Road, Stoney Creek**

**WHEREAS** Council approved Item 4 of Report 23-013 of the Planning Committee, at its meeting held on September 13, 2023;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan upon the adoption of Urban Hamilton Official Plan Amendment No. 191;

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map No. 1259 of Schedule “A” – Zoning Maps is amended by changing the zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone for the lands identified on Schedule “A” to this By-law;
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“851. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1259 of Schedule “A” – Zoning Maps and described as 1310 South Service Road, the following special provisions shall apply:

- a) In addition to Section 3: Definitions the following definition shall also apply:

Live/Work Unit	Shall mean a dwelling unit where a residence is permitted, and where a commercial use may also be permitted with a maximum size of 50 square metres of gross floor area and which shall be located on the ground floor. Commercial uses in a Live/Work Unit shall be limited to a personal service shop, a professional office and a retail store.
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- b) Notwithstanding Section 4.6 d), 4.6 e), and 4.8.1.1 a), the following special provisions shall apply:
- i) A porch, deck or canopy may encroach into any required yard to a maximum of 3.5 metres.
  - ii) A balcony may encroach into any required yard to a maximum of 2.0 metres.
  - iii) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 7.5% total lot coverage.
- c) Notwithstanding Section 5.1 a) v) a), 5.1 a) v) b), 5.7 a), and 5.7 c), and in addition to 5.7 e), the following special provisions shall apply:
- i) Surface Parking Spaces      Shall not be located within 25.0 metres of a street line.
  - ii) Long-term Bicycle Parking      Minimum 0.25 Long-term bicycle parking spaces per unit.
  - iii) Short-term Bicycle Parking      1. Minimum 20 Short-term bicycle parking spaces; and,  
2. Shall be located on the lot containing the use.
- d) In addition to Section 10.5.1, the following shall apply:
- i) Permitted Uses      Live/Work Unit
- e) Notwithstanding Section 10.5.1.1 i) 1., 10.5.3 a), 10.5.3 d) i), 10.5.3 d) ii), and 10.5.3 d) iii), and in addition to 10.5.3, the following shall apply:
- i) Building Setback from a Street Line      1. Minimum 2.0 metres;  
2. Maximum 16.5 metres from the northern property line; and,  
3. Maximum 8.5 metres from the western property line.

- |                             |   |
|-----------------------------|---|
| ii) Building Height         | 1. Maximum building height shall be in accordance with Figure 35 of Schedule F – Special Figures of Zoning By-law No. 05-200; and,<br><br>2. Minimum 7.5 metre façade height for any portion of a building along a street line, except that one section up to 12.0 metres in width may be permitted a reduced height of 4.5 metres. |
| iii) Parking Location       | Minimum of 85% of all vehicle parking spaces shall be located within an underground parking garage.   |
| iv) Minimum Landscaped Area | 40% of the total lot area.  |
| v) Outdoor Amenity Area     | Minimum 1,000 square metre contiguous area setback at least 25.0 metres from a Street Line shall be provided.   |
| vi) Minimum Density         | 60 units per net hectare.   |
| vii) Maximum Density        | 310 units per net hectare.”   |
3. That Schedule “D” – Holding Provisions be amended by deleting Holding Provision 112 and replacing with the following:
- “112. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 851) Zone, identified on Map 1259 of Schedule “A” – Zoning Maps and described as 1310 South Service Road, no development shall be permitted until such time as:
- a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record

of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton's current RSC administration fee;

- b) The Owner agrees in a Site Plan Agreement to implement all required noise mitigation measures identified in the Noise Feasibility Study prepared by Howe Gastmeier Chapnik Limited dated August 18, 2022 and updated February 8, 2023, to the satisfaction of the Director of Planning and Chief Planner;
  - c) The Owner agrees in a Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
  - d) The Owner submit and receive approval of an updated Functional Servicing Report, prepared by a qualified Professional Engineer, to address sanitary design, watermain hydraulic analysis, and stormwater outlets, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Hamilton Conservation Authority; and,
  - e) The Owner submit and receive approval of an updated Transportation Impact Study, with particular focus on improvement to mitigate both future background and total traffic at the Queen Elizabeth Way interchanges, to the satisfaction of the Ministry of Transportation and a cost estimate schedule and required securities for the improvements, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Director of Transportation Planning and Parking.”
4. That Schedule F: Special Figures of Zoning By-law No. 05-200 is hereby amended by adding Special Figure 35: Maximum Building Heights for 1310 South Service Road attached as Schedule “B” to this By-law.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Mixed Use Medium Density (C5, 851, H112) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.

6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this 13<sup>th</sup> day of September, 2023

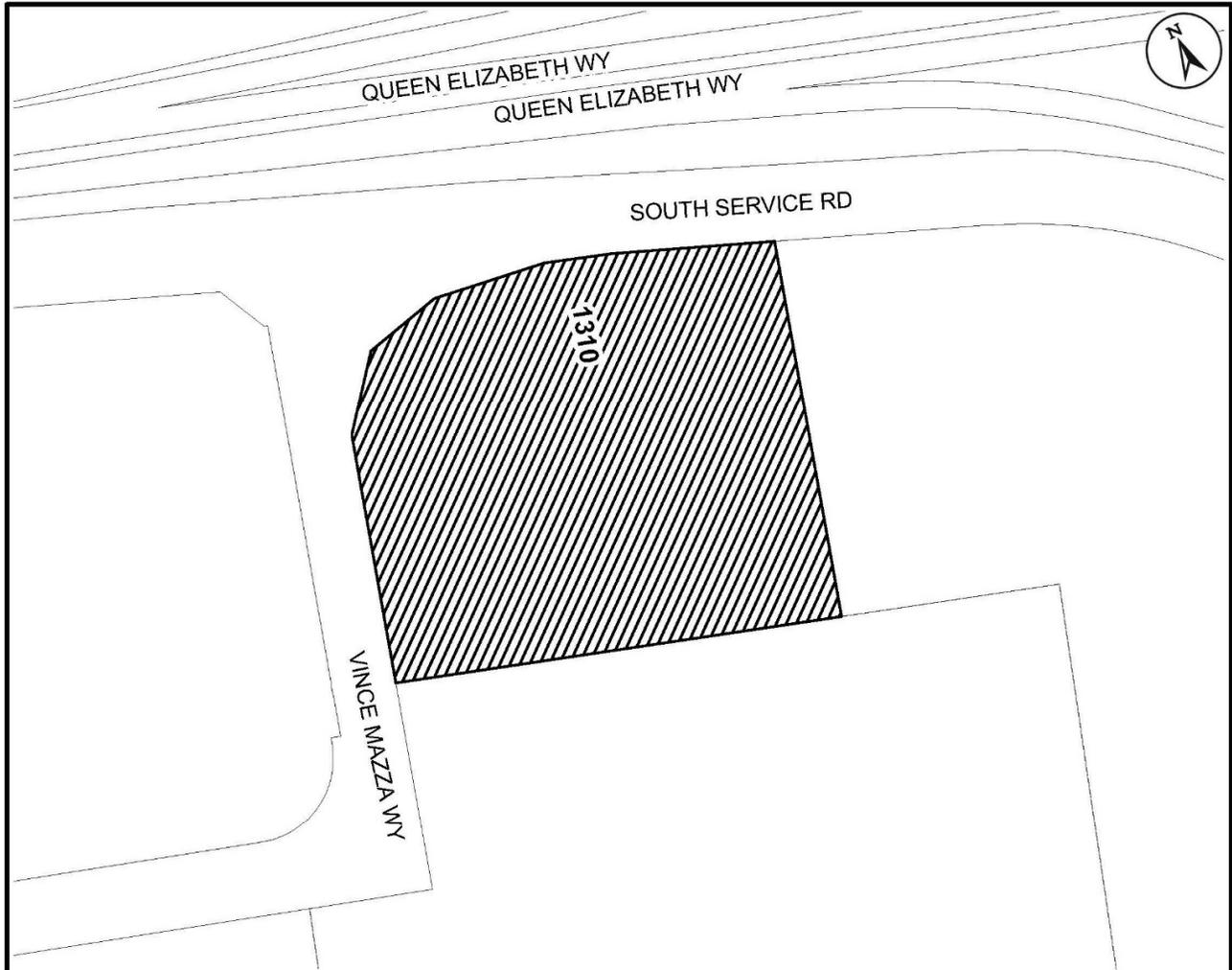
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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-22-063



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the ..... day of ....., 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 23-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1259</p>	<p><b>Subject Property</b></p> <p>1310 South Service Road</p> <p> Change in Zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-063 &amp; UHOPA-22-026</p>	<p><b>Hamilton</b></p>
<p>Date: April 26, 2023</p>	<p>Planner/Technician: MM/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**Schedule B to By-law No. 23-168**



**Special Figure 35: Maximum Building Heights for 1310 South Service Road**

Date:  
August 9, 2023

**Legend**

- |   |   |
|---|---|
|  Maximum Building Height 14m |  Maximum Building Height 38m |
|  Maximum Building Height 33m |  Maximum Building Height 45m |



**Authority:** Item 14, Committee of the Whole Report 01-003  
 Council Meeting: February 6, 2001 Ward: 3, 4, 5, 6, 7, 9, 11, 12, 13, 15  
 Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated  
 September 13, 2023

**Bill No. 169**

## CITY OF HAMILTON

### BY-LAW NO. 23-

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

**WHEREAS** *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

**AND WHEREAS** it is necessary to amend By-law No. 01-218, as amended.

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

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Duration	Times	Days	Adding/ Deleting
6 - Time Limit	E	<b>Moxley</b>	East	from the extended north curb ine of Rideau to Mohawk	1 hr	Anytime	Anyday	Deleting
6 - Time Limit	A	<b>Douglas Road</b>	Both	Fiddler's Green to St. Margarets Road	2 hr	Anytime	Anyday	Adding
6 - Time Limit	E	<b>Moxley Drive</b>	East	Mohawk Road East to 115 metres south thereof	1 hr	Anytime	Anyday	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	D	<b>Spitfire Drive</b>	South	Marion Street to Yale Crescent	December 1st to March 31st	Deleting
8 - No Parking	D	<b>Blackbird Way</b>	East & North	Spitfire Drive to Marion Street	December 1st to March 31st	Adding

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

8 - No Parking	D	<b>Blackbird Way</b>	East & North	68 metres south of Spitfire Drive to 26 metres south thereof	Anytime	Adding
8 - No Parking	F	<b>Bradshaw Drive</b>	North & West	Tilden Avenue to Bedrock Drive	December 1st to March 31st	Adding
8 - No Parking	F	<b>Bradshaw Drive</b>	West & North	45 metres south of Prestwick Street to 25 metres south thereof	Anytime	Adding
8 - No Parking	E	<b>East 39th Street</b>	East	13 metres north of Queensdale Avenue East to 6 metres north thereof	Anytime	Adding
8 - No Parking	C	<b>Ebenezer Drive</b>	East	Skinner Road to Great Falls Boulevard	Anytime	Adding
8 - No Parking	C	<b>Edworthy Gardens</b>	West	Great Falls Boulevard to Elstone Place	Anytime	Adding
8 - No Parking	C	<b>Elstone Place</b>	South	Frontier Trail to easterly end	Anytime	Adding
8 - No Parking	D	<b>Fairey Crescent</b>	North, East & South	North intersection with Provident Way to south intersection with Provident Way	December 1st to March 31st	Adding
8 - No Parking	D	<b>Fairey Crescent</b>	South & West	117 metres east of the north intersection with Provident Way to 26 metres east thereof	Anytime	Adding
8 - No Parking	D	<b>Fairey Crescent</b>	North & West	132 metres east of the south intersection with Provident Way to 24 metres east thereof	Anytime	Adding
8 - No Parking	D	<b>Freedom Crescent</b>	North, West & South	North intersection with Provident Way to south intersection with Provident Way	December 1st to March 31st	Adding
8 - No Parking	D	<b>Freedom Crescent</b>	South & East	47 metres west of the north intersection with Provident Wat to 27 metres west thereof	Anytime	Adding
8 - No Parking	D	<b>Freedom Crescent</b>	North & East	39 metres west of the south intersection with Provident Wat to 28 metres west thereof	Anytime	Adding
8 - No Parking	C	<b>Frontier Trail</b>	East	Great Falls Boulevard to southerly end	Anytime	Adding
8 - No Parking	C	<b>Granite Ridge Trail</b>	West & South	Kenesky Drive to Great Falls Boulevard	Anytime	Adding
8 - No Parking	C	<b>Granite Ridge Trail</b>	East	Great Falls Boulevard to southerly end	Anytime	Adding
8 - No Parking	C	<b>Granite Ridge Trail</b>	North & East	51 metres west of Ebenezer Drive to 21 metres west thereof	Anytime	Adding
8 - No Parking	C	<b>Great Falls Boulevard</b>	North & West	Burke Street to Skinner Road	Anytime	Adding

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

8 - No Parking	F	<b>Hedges Crescent</b>	West & South	Scarletwood Street to 85 metres south thereof	December 1st to March 31st	Adding
8 - No Parking	F	<b>Hedges Crescent</b>	East & North	52 metres south of Scarletwood Street to 24m south thereof	Anytime	Adding
8 - No Parking	F	<b>Hedges Crescent</b>	North	76 metres south of Scarletwood Street to the easterly end of the street	December 1st to March 31st	Adding
8 - No Parking	C	<b>Kenesky Drive</b>	North	Burke Street to Ebenezer Drive	Anytime	Adding
8 - No Parking	G	<b>King Street East</b>	North	46 metres east of Sanford Avenue North to 8 metres east thereof	Anytime	Adding
8 - No Parking	C	<b>Old Highway 8</b>	Both	End to End	Anytime	Adding
8 - No Parking	F	<b>Pagebrook Crescent</b>	South	Northern intersection with Tilden Avenue to 138 metres west thereof	December 1st to March 31st	Adding
8 - No Parking	F	<b>Pagebrook Crescent</b>	South, West and North	Southern intersction with Tilden Avenue to 138 metres west of the northern intersection with Tilden Avenue	December 1st to March 31st	Adding
8 - No Parking	F	<b>Prestwick Street</b>	South	Tilden Avenue to Bradshaw Drive	December 1st to March 31st	Adding
8 - No Parking	D	<b>Provident Way</b>	East	Airport Road West to Spitfire Drive	Anytime	Adding
8 - No Parking	D	<b>Provident Way</b>	East	Spitfire Drive to Yale Drive	December 1st to March 31st	Adding
8 - No Parking	D	<b>Provident Way</b>	East	Yale Drive to north leg of Fairey Crescent	Anytime	Adding
8 - No Parking	D	<b>Provident Way</b>	East	North leg of Fairey Crescent to south leg of Fairey Crescent	December 1st to March 31st	Adding
8 - No Parking	F	<b>Scarletwood Street</b>	North & West	First Road West to Bradshaw Drive	December 1st to March 31st	Adding
8 - No Parking	F	<b>Scarletwood Street</b>	West & North	51 metres south of Bradshaw Drive to 21 metres south thereof	Anytime	Adding
8 - No Parking	C	<b>Sealey Avenue</b>	East	Granite Ridge Trail to Great Falls Boulevard	Anytime	Adding
8 - No Parking	C	<b>Sealey Avenue</b>	West	Great Falls Boulevard to Elstone Place	Anytime	Adding
8 - No Parking	D	<b>Spitfire Drive</b>	South	Marion Street to Yale Drive	December 1st to March 31st	Adding
8 - No Parking	D	<b>Spitfire Drive</b>	North	Provident Way to Yale Drive	December 1st to March 31st	Adding
8 - No Parking	F	<b>Tilden Avenue</b>	East	Bedrock Drive to Scarletwood Street	December 1st to March 31st	Adding

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

<i>8 - No Parking</i>	<i>D</i>	<b>Weylie Street</b>	South	Provident Way to Yale Drive	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>D</i>	<b>Yale Drive</b>	South & East	Freedom Crescent Way to Spitfire Drive	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>D</i>	<b>Yale Drive</b>	West & North	47 metres south of Weylie Street to 27 metres south thereof	Anytime	Adding
<i>8 - No Parking</i>	<i>C</i>	<b>Zimmerman Gardens</b>	West	Great Falls Boulevard to Elstone Place	Anytime	Adding

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
<i>12 - Permit</i>	<i>E</i>	<b>Somerset Avenue</b>	North	66 metres west of Barnesdale Avenue North to 6 metres west thereof	Anytime	Adding
<i>12 - Permit</i>	<i>E</i>	<b>Somerset Avenue</b>	South	76 metres west of Barnesdale Avenue North to 6 metres west thereof	Anytime	Adding
<i>12 - Permit</i>	<i>E</i>	<b>Tragina Avenue North</b>	West	120 metres north of Britannia Avenue to 6 metres north thereof	Anytime	Adding

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
<i>13 - No Stopping</i>	<i>A</i>	<b>Stonehenge Dr.</b>	South	30m west of Meadowlands Blvd to 22m east of Meadowlands Blvd.	Anytime	Deleting
<i>13 - No Stopping</i>	<i>A</i>	<b>Stonehenge Dr.</b>	North	22m west of Meadowlands Blvd. to 30m east of Meadowlands Blvd.	Anytime	Deleting
<i>13 - No Stopping</i>	<i>A</i>	<b>Stonehenge Dr.</b>	West	Joshua Ave. to 33m northerly	Anytime	Deleting
<i>13 - No Stopping</i>	<i>F</i>	<b>Applewood Avenue</b>	West	Passmore Street to 35 metres south thereof	Anytime	Adding
<i>13 - No Stopping</i>	<i>A</i>	<b>Stonehenge Drive</b>	North	Southcote Road to Stone Church Road West	Anytime	Adding
<i>13 - No Stopping</i>	<i>A</i>	<b>Stonehenge Drive</b>	South	Southcote Road to Meadowlands Boulevard	Anytime	Adding
<i>13 - No Stopping</i>	<i>A</i>	<b>Stonehenge Drive</b>	South	Raymond Road to Stone Church Road West	Anytime	Adding

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 13<sup>th</sup> day of September 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 2, Public Health Report 23-009 (BOH23017(a))  
Council Meeting: September 13, 2023 Ward: City Wide  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated  
September 13, 2023

**Bill No. 170**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-**

#### **To Regulate Waterpipe Smoking in Public Places and Workplaces in the City of Hamilton**

**WHEREAS** waterpipe smoking has been associated with various disease and poor health outcomes, including lung cancer, negative pregnancy outcomes, poor oral health, dental disease, respiratory illness and impaired lung function linked to tobacco waterpipe formulations, and carbon monoxide exposure and reduced lung capacity linked to non-tobacco formulations;

**AND WHEREAS** waterpipe smoking, in general, negatively affects indoor air quality for indicators including carbon monoxide and particulate matter, which are closely related to potential impacts on human health;

**AND WHEREAS**, subsection 10 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the "*Municipal Act, 2001*") provides that single-tier municipalities have the authority to pass by-laws respecting the health, safety and well-being of persons;

**AND WHEREAS**, section 115 of the *Municipal Act, 2001* provides that a municipality may prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces;

**AND WHEREAS** it is desirable for the health, safety and well-being of the inhabitants of the City of Hamilton to prohibit the use of waterpipes in enclosed public places, enclosed workplaces and other specified areas within the City of Hamilton to protect individuals from conditions hazardous to human health;

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

#### **DEFINITIONS**

**"Authorized Staff"** or **"Authorized Person"** means a municipal law enforcement officer, a public health inspector, a tobacco enforcement officer or any staff of the City whose duties include those provided for or assigned under the By-law, and shall include the Director of Licensing and By-law Services, Director of Environmental Health (and their designate) and the Medical Officer of Health (and their designate) and shall also include a police officer;

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

“**Employee**” means an individual who performs any work for, or supplies any service to, an Operator, or an individual who receives any instruction or training in the activity, business, work, trade, occupation or profession of an Operator;

“**Enclosed Public Place(s)**” means the inside of any place, building or structure, or vehicle or conveyance or a part of any of them;

- a) that is covered by a roof; and
- b) to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry;

“**Enclosed Workplace(s)**” means the inside of any place, building or structure or vehicle or conveyance or a part of any of them;

- a) that is covered by a roof; and
- b) that Employees work in or frequent during the course of their employment whether or not they are acting in the course of their employment at the time;

“**Highway**” means a highway as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8;

“**Medical Officer of Health**” means the Medical Officer of Health for the City, duly appointed to such position by the City, and their designate(s);

“**Operator**” means the Person, governing body or agency which alone or with others operates, manages, runs, controls, governs or directs activity carried on, or directs an Employee within an Enclosed Public Place, Enclosed Workplace, Recreational Property, Patio or other area specified by this By-law and includes the Person who is actually in charge thereof;

“**Patio**” means an outdoor area where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry or that is worked in or frequented by employees during the course of their employment, whether or not they are acting in the course of their employment at the time, and where food or drink may be served or sold or offered for consumption, or the area is part of or operated in conjunction with an area where food or drink may be served, sold or offered;

“**Person**” includes an individual or corporation;

“**Police Officer**” includes an officer of the Hamilton Police Service;

“**Property Owner**” includes:

- (a) the registered owner(s) on title of the property;
- (b) the Person, for the time being, managing or receiving the rent of the land or premises in connection with which the words are 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 land and premises were let; and  
(c) the lessee or occupant of the property;

**“Recreational Property”** means a park or place owned or operated by the City for recreational purposes including without limiting the generality of the foregoing a leash-free dog park, pool, recreation center, playground, skate-board park, beach, arena, stadium, sports or playing field;

**“Roof”** means a physical barrier of any size, whether temporary or permanent, that covers an area or place or any part of an area or place and that is capable of excluding rain or impeding airflow, or both;

**“School”** means the lands or premises included in the definition of school under the *Education Act*, R.S.O 1990, c. E.2 or the building or the grounds surrounding the building of a private school as defined in the *Education Act*, where the private school is the sole occupant of the premises;

**“Smoke(s) or Smoking”** includes the use or carrying of any lighted or heated Waterpipe or any other equipment used to inhale, exhale, burn or heat any Smoking Product;

**“Smoking Product”** means tobacco, a tobacco-like product, a non-tobacco product or any combination thereof with a purpose of being burned or heated to produce vapours, gases, or smoke, which are inhaled, and shall include but is not limited to non-tobacco herbal shisha, and other plant material or oils intended for inhalation; and

**“Waterpipe”** means any smoking equipment used to burn or heat a Smoking Product, with which the vapour or smoke may be passed through a water basin before inhalation.

## **REQUIREMENTS AND PROHIBITIONS**

1. No Person shall Smoke a Waterpipe in or on:

- a) an Enclosed Public Place;
- b) Enclosed Workplace;
- c) a Patio;
- d) Recreational Property; or
- e) a School.

2. No Operator or Property Owner shall cause or permit a Person to smoke a Waterpipe in or on:

- a) an Enclosed Public Place;
- b) Enclosed Workplace;
- c) a Patio;
- d) Recreational Property; or
- e) a School.

3. No Property Owner shall cause or permit use of a building or other structure on their property that contains an Enclosed Public Place or an Enclosed Workplace in contravention of this By-law.
4. No Operator and no Employee working at a Patio, Enclosed Public Place operating as a bar or restaurant, or Recreational Property shall cause or permit any Waterpipe or component of a Waterpipe to be displayed.
5. Every Operator shall:
  - a) give notice to any individual or Employee Smoking a Waterpipe in the Enclosed Public Place, Enclosed Workplace, or Patio that Smoking is prohibited there;
  - b) ensure that no Waterpipe or similar equipment remain in the Enclosed Public Place, Enclosed Workplace, or Patio; and
  - c) ensure that a Person who refuses to comply with a notice pursuant to subsection (a) does not remain in the Enclosed Public Place, Enclosed Workplace, or Patio.
6. The prohibitions in this By-law shall apply whether or not a notice is posted that Waterpipe Smoking is prohibited.
7. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Authorized Person who is exercising a power or performing a duty under this By-law.

## **EXEMPTIONS**

8. This By-law does not apply to a Highway including a pedestrian sidewalk adjacent to a Highway, but does apply to public transportation vehicles, taxicabs, and Enclosed Public Places or Enclosed Workplaces on a Highway.
9. This By-law does not apply to the portion of a premises actually being used as a dwelling.

## **ADMINISTRATION AND ENFORCEMENT**

10. The Medical Officer of Health is responsible for administration of this By-law. The Medical Officer of Health and Director of Licensing and By-law Services are responsible for enforcement of this By-law. The Medical Officer of Health and Director of Licensing and By-law Services may each appoint delegates or assign duties to City staff under this By-law.
11. City staff who carry out any action under this By-law are deemed to be Authorized Staff for the purposes of this By-law, in the absence of evidence to the contrary.
12. Authorized Staff may, at any reasonable time, enter and inspect land including all buildings, structures or parts thereof that are subject to this By-law for the purposes of

determining compliance with this By-law or an Order thereunder. Despite the foregoing, any inspection of a room or place actually being used as a dwelling shall only be done in accordance with the requirements of the *Municipal Act, 2001*.

13. For the purposes of an inspection under section 12, Authorized Staff may,
- a) require the production for inspection of documents or things relevant to the inspection;
  - b) inspect and remove documents or things relevant to the inspection for the purposes 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 purposes of the inspection.
14. Where an Authorized Person is satisfied that a contravention of this By-law has occurred, the Authorized Person may make an order, in accordance with section 444 (1) of the *Municipal Act, 2001* (as amended or replaced) requiring the Person who contravened the By-law or who caused or permitted the contravention or owner or occupier of the land on which the contravention occurred to discontinue the contravening activity. An Order under this section shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the order.

## **OFFENCES AND PENALTIES**

15. Every Person, other than a corporation, who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in such contravention by a corporation is guilty of an offence and is liable, upon conviction, to a fine for each offence not exceeding:
- (a) on a first offence under this by-law, ten thousand dollars (\$10,000); and
  - (b) on a subsequent offence under this by-law, twenty-five thousand dollars (\$25,000).
16. Every corporation that contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine for each offence not exceeding:
- (a) on a first offence under this by-law, fifty thousand dollars (\$50,000); and
  - (b) on a subsequent offence under this By-law, one hundred thousand dollars (\$100,000).
17. If any Person is in contravention of any provision of this By-law and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains

uncorrected. In the case of a continuing offence, for each day or part of a day that the offence continues, the maximum fine shall not exceed \$10,000 but the total of all fines for each included offence shall not be limited to \$100,000.

18. For the purposes of this By-law, subsequent offence means an offence which occurs after the date of conviction for an earlier offence under this By-law.

19. The fine amounts in this By-law are exclusive of costs, are created pursuant to the Municipal Act, 2001, S.O. 2001, c. 25 and are recoverable under the *Provincial Offences Act*, R.S.O., 1990, c. P.33.

20. The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted and such order shall be in addition to any other penalty imposed on the Person convicted.

### **MOST RESTRICTIVE PROVISION PREVAILS**

21. In the event of differing requirements between any provision of this By-law and any applicable Act or regulation, the provision that is the most restrictive prevails.

### **SEVERABILITY**

22. Should any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

### **SHORT TITLE**

23. This By-law may be referred to as the Hamilton Waterpipe By-law.

### **EFFECTIVE DATE**

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

**PASSED** this 13<sup>th</sup> day of September, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

Written approval for this by-law was given by Mayoral Decision MDE-2023-02 dated September 13, 2023

**Bill No. 176**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-**

To Confirm the Proceedings of City Council at its meeting held on September 13, 2023.

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 13<sup>th</sup> day of September 2023, in respect of each recommendation contained in

Planning Committee Report 23-015 – September 5, 2023,  
General Issues Committee Report 23-0124 – September 6, 2023,  
Audit, Finance and Administration Committee Report 23-013 – September 7, 2023,  
Emergency and Community Services Committee Report 23-011 – September 7, 2023,  
Public Health Committee Report 23-009 – September 8, 2023,  
and  
Public Works Committee Report 23-012 – September 8, 2023

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

**PASSED** this 13<sup>th</sup> day of September, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk