



City of Hamilton

CITY COUNCIL AGENDA

Wednesday, June 7, 2023, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

Call to Order

1. APPROVAL OF AGENDA

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

2. DECLARATIONS OF INTEREST

3. CEREMONIAL ACTIVITIES

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 May 24, 2023

5. COMMUNICATIONS

5.1 Correspondence from Margaret Tremblay respecting Urban expansion and needed housing.

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

- 5.2 Correspondence from Sam Lockheed respecting Why Hamilton City Council should consider moving City Hall east.
Recommendation: Be received.
- 5.3 Correspondence from Joshua Weresch in opposition to homeless advocacy registry.
Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.
- 5.4 Correspondence from Canadian Blood Services respecting National Blood Donor Week.
Recommendation: Be received.
- 5.5 Correspondence from Rosemary Almas respecting No boundary expansion into farmland.
Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.
- 5.6 Correspondence respecting the Application for Approval of a Draft Plan of Subdivision for Lands Located at 9236 and 9322 Dickenson Road West, Glanbrook (PED23111) (Ward 11) (Item 10.2):
- a. Lynn Gates
 - b. David Williams
 - c. Eileen Shannon
 - d. Elizabeth Knight
- 5.7 Correspondence from the County of Lanark requesting support for their resolution in support of legislative measures to help first responders from violence, particularly those found in Bill C-321.
Recommendation: Be received.
- 5.8 Correspondence from the Town of Puslinch requesting support for their resolution for the reconsideration for the construction of the Morriston Bypass so that it may proceed as initially planned.
The full Auditor General's Report 'Value-for-Money Audit: Highway Planning and Management' can be found at the following link:
https://www.auditor.on.ca/en/content/annualreports/arreports/en22/AR_ProvHighways_en22.pdf
Recommendation: Be received.

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

- 5.9 Correspondence from the Municipality of South Huron respecting the Proposed Provincial Planning Statement, 2023.

Recommendation: Be received.

- 5.10 Correspondence from the Ward 10 Youth Council requesting that the City of Hamilton investigate the following measures to reduce teen vaping in our community.

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

- 5.11 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to the Mayor's letter respecting the Town of Cobourg's Homeless and Unsheltered Persons resolution.

Hyperlinks to the documents referred to in the correspondence:

[Helping Homebuyers, Protecting Tenants](#)

[Helping Homebuyers, Protecting Tenants Act](#)

[More Homes Built Faster](#)

[More Homes for Everyone](#)

[More Homes More Choice](#)

Recommendation: Be received.

6. COMMITTEE REPORTS

- 6.1 Public Works Committee Report 23-008 - May 29, 2023
- 6.2 Planning Committee Report 23-009 - May 30, 2023
- 6.3 General Issues Committee Report 23-018 - May 31, 2023
- 6.4 Audit, Finance and Administration Committee 23-009 - June 1, 2023

7. MOTIONS

- 7.1 Review of the Quorum Requirements for Committees
- 7.2 Municipal Resolution in Support of Basic Income for the City of Hamilton
- 7.3 Summer Art Workshop Series Grant (Ward 4)

8. NOTICES OF MOTIONS

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

- 8.1 Reconsideration of a decision that was approved at the March 29, 2023 Council meeting respecting Item 7.3, an Amendment to the Current City of Hamilton Complement on the Hamilton Conservation Authority Board of Directors

9. STATEMENT BY MEMBERS (non-debatable)

10. COUNCIL COMMUNICATION UPDATES

- 10.1 May 19, 2023 to June 1, 2023

11. PRIVATE AND CONFIDENTIAL

- 11.1 Closed Session Minutes - May 24, 2023

Pursuant to Section 9.3, Sub-sections (b), (d), (e), (f) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (d), (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain personal matters about an identifiable individual, including City or local board employees; labour relations or employee negotiations; 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.

12. BY-LAWS AND CONFIRMING BY-LAW

- 12.1 100

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

Schedule 5 (Parking Meters)

Schedule 8 (No Parking Zones)

Schedule 12 (Permit Parking Zones)

Schedule 13 (No Stopping Zones)

Ward: 1, 2, 3, 4, 6, 7, 8, 9, 10, 14

- 12.2 101

To Establish City of Hamilton Land Described as part 3 on Plan 62R-15039 as Part of Cannon Street West

Ward: 2

- 12.3 102
To Repeal By-law No. 83-183, being a By-law Designating 14 Belvidere Avenue, Hamilton, under Part IV of the *Ontario Heritage Act*
Ward: 8
- 12.4 103
To Repeal By-law No. 01-225, being a By-law Designating 14 Mary Street, Hamilton, under Part IV of the Ontario Heritage Act
Ward: 2
- 12.5 104
To Amend Zoning By-law No. 6593, Respecting Lands Located at 300 Albright Road, Hamilton
Ward: 5
ZAC-21-043
- 12.6 105
To Amend Zoning By-law No. 05-200, Respecting Lands Located at 300 Albright Road, Hamilton
Ward: 5
ZAC-21-043
- 12.7 106
To Designate the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)
Ward: City Wide
- 12.8 107
To Adopt the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)
Ward: City Wide

12.9 108

To Enact a By-law to Delegate Authority to the General Manager Planning and Economic Development and Manager of Commercial Districts and Small Business for Certain Grants and Loans under the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)

Ward: City Wide

12.10 109

Respecting Removal of Part Lot Control, Part of Block 1, Registered Plan No. 62M-1191, Municipally Known As 19, 21, 45, 47, 49, 57, 59, 61, 63, 65 and 67 Cadwell Lane, 4, 6, 8, 10, 14, 16, 18, 24, 26, 28, 30, 32, 37 to 43, 45 to 47, 51, 53, 55, 57, 75, and 81 Bensley Lane, 45, 47, 49, 51, 53 and 55 Welch Lane, 6, 18, and 20 Sentinel Lane, and 31, 33, 35, 37, 41, 43, 45, 47 and 49 Southam Lane, Hamilton

PLC-20-012(E)

Ward: 14

12.11 111

To Confirm the Proceedings of City Council

13. ADJOURNMENT



CITY COUNCIL MINUTES 23-010

9:30 a.m.
May 24, 2023
Council Chamber
Hamilton City Hall
71 Main Street West

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

Absent with regrets: T. Jackson - Personal

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.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

5. COMMUNICATIONS

- 5.15 Correspondence from Michelle Diplock, Manager of Planning and Government Relations, West End Home Builders' Association in support of increasing uptake of Secondary Dwelling Units.

Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 23-008.

6. COMMITTEE REPORTS - STAFF REPORTS

- 6.10(a) Addition to Encampment Protocol (HSC20038(g)) (City Wide)

8. NOTICES OF MOTION

8.1 Keith Neighbourhood Health Equity Initiative (Ward 3)

11. PRIVATE AND CONFIDENTIAL

11.2 Privileged Solicitor-Client Regulatory Update (LS21012(d)) (City Wide)

12. BY-LAWS AND CONFIRMING BY-LAW

096 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 81 Chatham Street, Hamilton

(Pauls/McMeekin)

That the agenda for the May 24, 2023 meeting of Council be approved, as amended.

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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

DECLARATIONS OF INTEREST

Councillor T. McMeekin declared a disqualifying interest to Item 6 of the General Issues Committee Report 23-017 respecting Report PED23116, respecting Pier 8 Animation Q4 2023 as his daughter is employed by the City of Hamilton as an animator.

Councillor B. Clark declared a disqualifying interest to Item 8 of the Planning Committee Report 23-008 respecting an Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East (LS23016/PED23102) (City Wide) (Item 15.1), as his son has a retail business interest with the principal.

APPROVAL OF MINUTES OF PREVIOUS MEETING
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4. May 10, 2023 (Item 4.1)**(Nann/Spadafora)**

That the Minutes of the May 10, 2023 meeting of Council be approved, as presented.

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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

(Pauls/Nann)

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

- 5.1 Correspondence from the Township of Armour requesting support for their resolution raising awareness about the loopholes in current regulations regarding water aerodromes that allow proponents to build massive docks and boathouses without municipal consultation, approval or adherence to bylaws and regulations.

Recommendation: Be received.

- 5.2 Correspondence from Robert Burke respecting vacant property tax administration.

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

- 5.3 Correspondence from the County of Prince Edward requesting support for their resolution urging the province to pause proposed changes to the Provincial Planning Statement (PPS).

Recommendation: Be received.

- 5.4 Correspondence from the Town of Fort Frances requesting support for their resolution respecting the Opioid Crisis.

Recommendation: Be received.

- 5.5 Correspondence from the City of Cambridge requesting support for their resolution requesting that the Ontario Government permit municipalities to locate an Automated Speed Enforcement systems (ASE) permanently or temporarily on any roadway under the jurisdiction of municipalities and as determined by municipalities, and not be restricted to only community safety zones and school safety zones.

Recommendation: Be received.

- 5.6 Correspondence from the Municipality of Tweed requesting support for their resolution respecting Bell-Hydro Infrastructure.

Recommendation: Be received.

- 5.7 Correspondence from the Citizens of Flamborough/City of Hamilton Action Committee respecting Soil Dumping at 1771 Highway 5 West, Flamborough "Waterdown Garden Supplies".

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

- 5.8 Correspondence from Peter Vander Klippe respecting Urgent Action Needed: Resist Urban Boundary Expansion and Prioritize Sustainable Urban Planning.

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

- 5.9 Correspondence from Adeola Egbeyemi respecting the implementation of a maximum heat bylaw.

Recommendation: Be received and referred to the consideration of Item 1 of the Public Health Committee Report 23-005.

- 5.10 Correspondence from the Ministry of the Environment, Conservation and Parks respecting the Highway 6/Hanlon Expressway Midblock Interchange (GWP 3059-20-00) 2022 Annual Compliance Report (EA File No. TC-CE-02).

Recommendation: Be received.

- 5.11 Correspondence from Adam Pacey respecting prioritizing growth within our pre-2022 boundaries.

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

- 5.12 Correspondence from Lyn Folkes in support of the much more progressive growth strategy of our current Hamilton Council.

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

- 5.13 Correspondence from alPHa respecting the Resolutions for Consideration at the June 13, 2023 Annual General Meeting.

Recommendation: Be received.

- 5.14 Correspondence respecting the Proposed Encampment Protocol:

- (a) Available for viewing in the Clerk's Office
- (b) Paul Vicari
- (c) Michelle Hruschka
- (d) Ted Pudney

Recommendation: Be received and referred to the consideration of Item 1 of the General Issues Committee Report 23-017 **and forwarded to the General Manager of Healthy and Safe Communities to be included as public comments within the report respecting the final recommended protocol in August 2023.**

- 5.15 Correspondence from Michelle Diplock, Manager of Planning and Government Relations, West End Home Builders' Association in support of increasing uptake of Secondary Dwelling Units.

Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 23-008.

(McMeekin/Clark)

The Communication Item 5.5, be **amended** as follows:

- 5.5 Correspondence from the City of Cambridge requesting support for their resolution requesting that the Ontario Government permit municipalities to locate an Automated Speed Enforcement systems (ASE) permanently or temporarily on any roadway under the jurisdiction of municipalities and as determined by municipalities, and not be restricted to only community safety zones and school safety zones.

Recommendation: Be **endorsed and that Councillor Hwang as the City's AMO representative with Morgan Stahl, Director, Government Relations & Community Engagement's assistance, be directed to continue advocating for the Province to amend the Legislation in line with the City of Cambridge resolution.**

Result: Motion on Item 5.5 of the Communication Items, 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
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 Communication Items, 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
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 move into Committee of the Whole for consideration of the Committee Reports.

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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch

YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

HAMILTON POLICE SERVICES BOARD SELECTION COMMITTEE REPORT 23-001

(Nann/Spadafora)

That Hamilton Police Services Board Selection Committee Report 23-001, being the meeting held on Monday, May 8, 2023, be received and the recommendations contained therein be approved.

Result: Motion on the Hamilton Police Services Board Selection Committee Report 23-001, 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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
REPORT 23-002**

(Cassar/Beattie)

That Selection Committee for Agencies, Boards and Sub-Committees Report 23-002, being the meeting held on Tuesday, May 9, 2023, and the recommendations contained therein be approved.

(Cassar/Beattie)

That Item 1(a) be **amended**, to include 'Fence Viewers' in sub-section (a) and to add sub-sections (c) and (d), as follows:

1. Additional Recruitment for Citizen Members to Serve on the City's Agencies, Boards and Sub-Committees (Item 4.2)

(a) That staff be directed to initiate an additional 30-day recruitment for citizen members to serve on the following City of Hamilton agencies, boards or sub-committees:

- Agricultural and Rural Affairs Sub-Committee
- Cross-Melville District Heritage Committee (Dundas)
- **Fence Viewers**
- Glanbrook Landfill Co-ordinating Committee
- Heritage Permit Review Sub-Committee
- Hess Village Pedestrian Authority
- Knowles Bequest Trust
- Property Standards Committee

(c) ***That advertising for the additional 30-day recruitment take place on the following City of Hamilton platforms:***

- ***City and Library Run TV screens***
- ***City Hall Message Board***
- ***Posters in City facilities***
- ***Social media posts***
- ***Gage Park Message Board; and***

(d) ***That a maximum of \$4000 be spent on one-day advertisements in the Hamilton Spector, and Hamilton Community News to come out of the Clerks Office budget***

(Kroetsch/Hwang)

That Item 1(a) be **amended**, to remove 'Hess Village Pedestrian Authority' in sub-section (a), as follows and refer the inquiry as to the retention of Hess Village Pedestrian Authority as a City of Hamilton Local Board to staff:

1. Additional Recruitment for Citizen Members to Serve on the City's Agencies, Boards and Sub-Committees (Item 4.2)

(a) That staff be directed to initiate an additional 30-day recruitment for citizen members to serve on the following City of Hamilton agencies, boards or sub-committees:

- Agricultural and Rural Affairs Sub-Committee
- Cross-Melville District Heritage Committee (Dundas)
- **Fence Viewers**
- Glanbrook Landfill Co-ordinating Committee

- Heritage Permit Review Sub-Committee
- ~~Hess Village Pedestrian Authority~~
- Knowles Bequest Trust
- Property Standards Committee

Result: Amendment to the Amendment to Item 1 of the Selection Committee for Agencies, Boards and Sub-Committees Report 23-002, 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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: Amendment to Item 1 of the Selection Committee for Agencies, Boards and Sub-Committees Report 23-002, 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
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 Selection Committee for Agencies, Boards and Sub-Committees Report 23-002, 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
- YES - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- NOT PRESENT - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - 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 (SPECIAL) REPORT 23-006
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(M. Wilson/Tadeson)

That Public Health Committee (Special) Report 23-006, being the meeting held on Monday, May 15, 2023, be received and the recommendations contained therein be approved.

Result: Motion on the Public Health Committee Report 23-006, 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 - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- NOT PRESENT - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - 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 23-007**(Pauls/Nann)**

That Public Works Committee Report 23-007, being the meeting held on Monday, May 15, 2023, be received and the recommendations contained therein be approved.

Result: Motion on the Public Works Committee Report 23-007, 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 - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- NOT PRESENT - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - 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

PLANNING COMMITTEE REPORT 23-008**(Hwang/Francis)**

That Planning Committee Report 23-008, being the meeting held on Tuesday, May 16, 2023, be received and the recommendations contained therein be approved.

(M. Wilson/A. Wilson)

That Item 2 of Planning Committee Report 23-008, be *amended*, as follows:

2. Application for Zoning By-law Amendment for lands located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) (Item 10.1)

- (a) That Zoning By-law Amendment Application ZAC-23-007 by GSP Group c/o Sarah Knoll) on Behalf of 81 Chatham Street LP c/o Will Edwards, Owner, for a change in zoning from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified, to permit a three storey (10.3 metres) multiple dwelling containing six dwelling units with six parking spaces located at the rear of the subject lands for the lands located at 81 Chatham Street, as shown on Appendix “A” attached to Report PED23103, be APPROVED on the following basis:
 - (i) That the draft By-law, *as amended to include the following*, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

Notwithstanding Section 5.2 e) i) a), all parking spaces and driveways shall be provided and maintained with permeable pavers.

- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

Result: Amendment to Item 2 of the Planning Committee Report 23-008, 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 Planning Committee Report 23-008, 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
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

GENERAL ISSUES COMMITTEE REPORT 23-017

(Pauls/Spadafora)

That General Issues Committee Report 23-017, being the meeting held on Wednesday, May 17, 2023, be received and the recommendations contained therein be approved.

(M. Wilson/Hwang)

That Item 1 of the General Issues Committee Report 23-017, respecting Proposed Encampment Protocol (HSC20036(f) / PED21188(c)) (Item 8.1), be **amended** by adding new sub-sections (g), as follows:

- (g) *That staff be directed to prepare a detailed report on the Proposal for Supportive Housing.***

Result: Amendment to Item 1 of the General Issues Committee Report 23-017, 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 - Ward 5 Councillor Matt Francis
 YES - Mayor Andrea Horwath
 YES - Ward 4 Councillor Tammy Hwang
 NOT PRESENT - Ward 6 Councillor Tom Jackson
 YES - Ward 2 Councillor Cameron Kroetsch
 YES - Ward 15 Councillor Ted McMeekin
 YES - Ward 3 Councillor Nrinder Nann
 YES - Deputy Mayor - 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 9 was voted on separately as follows:

9. Advocate Registry for Homelessness (Added Item 11.1)

WHEREAS, the compassionate nature of advocates and Council members compels us to seek innovative solutions to address the challenges faced by individuals experiencing homelessness;

WHEREAS, recognizing Council members play a vital role in leading by example and demonstrating compassion for individuals experiencing homelessness, this too will be extended to members of Council to participate if desired

WHEREAS, the voluntary nature of the registry allows participants the flexibility to opt out of the program at any time, ensuring that it respects the preferences and needs of both hosts and houseless individuals;

WHEREAS, the creation of a registry aligns with our city's commitment to foster a compassionate and inclusive community that values the dignity and well-being of all its residents;

WHEREAS, the registry program offers a practical and cost-effective approach to expanding available housing options for individuals experiencing homelessness;

WHEREAS, other municipalities like Oshawa have championed community led programs like Spirit in Service Sponsorship Program that is modelled after Refugee Sponsorship Programs and providing an opportunity for residents to contribute to solution building;

THEREFORE, BE IT RESOLVED:

That staff be directed to determine the feasibility, financial impacts to the municipality, and potential liability of a registry for advocates, members of Council, and residents to voluntarily add their name to host a person experiencing homelessness as identified by housing support staff, and report back to the General Issues Committee.

Result: Motion on Item 9 of the General Issues Committee Report 23-017, CARRIED by a vote of 9 to 6, as follows:

YES - Ward 10 Councillor Jeff Beattie
NO - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
NO - Ward 2 Councillor Cameron Kroetsch
CONFLICT - Ward 15 Councillor Ted McMeekin
NO - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
NO - Ward 13 Councillor Alex Wilson
NO - Ward 1 Councillor Maureen Wilson

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

6. Pier 8 Animation Q4 2023 (PED23116) (City Wide) (Item 10.4)

- (a) That up to \$125,000, to be funded from the Economic Development Initiatives Capital Project 3621708900, be approved, to support special public programming and animation of Pier 8 during the month of November 2023; and,
- (b) That the General Manager of Planning and Economic Development be authorized to enter into the necessary agreements to execute the special programming and animation, including securing a temporary art installation.

Result: Motion on Item 6 of the General Issues Committee Report 23-017, 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
CONFLICT - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 23-017, 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
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 23-008
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(Kroetsch/Spadafora)

That Audit, Finance and Administration Committee Report 23-008, being the meeting held on Thursday, May 18, 2023, be received and the recommendations contained therein be approved.

(Beattie/Francis)

That Item (f)(ii)2, be lifted from the Information Section and considered as an amendment to Item 7(a)(g):

2. That sub-section (g) of Item 1 of the Grants Sub-Committee Report 23-002, respecting 2023 City Enrichment Funding Recommendations, be **amended**, as follows:
 - (g) That any ~~successful~~ **Category A-2023 City Enrichment Fund** applicant organization adversely impacted and hindering operational capacity due to recommended funding request amount, report to City of Hamilton, **City Enrichment Fund** grants staff by June 2nd, 2023 indicating implications hindering successfully carrying out programming according to appeal requirements; and,

Result: Motion to lift Item (f)(ii)2 and consider the amendment to Item 7(a)(g) of the Audit, Finance and Administration Committee Report 23-008, CARRIED by a vote of 14 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 - Ward 5 Councillor Matt Francis
 YES - Mayor Andrea Horwath
 YES - Ward 4 Councillor Tammy Hwang
 NOT PRESENT - Ward 6 Councillor Tom Jackson
 YES - Ward 2 Councillor Cameron Kroetsch
 YES - Ward 15 Councillor Ted McMeekin
 NO - Ward 3 Councillor Nrinder Nann
 YES - Deputy Mayor - 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

(Beattie/Francis)

That Item 7(a)(g) of the Grants Sub-Committee Report 23-002, respecting 2023 City Enrichment Funding Recommendations, be **amended**, as follows:

7. Grants Sub-Committee Report 23-002 (May 16, 2023) (Added Item 10.5)**(a) 2023 City Enrichment Funding Recommendations (GRA23003) (City Wide) (Item 5.1)**

- (g) That any ~~successful Category A~~ **2023 City Enrichment Fund** applicant organization adversely impacted and hindering operational capacity due to recommended funding request amount, report to City of Hamilton, ~~City Enrichment Fund~~ grants staff by June 2nd, 2023 indicating implications hindering successfully carrying out programming according to appeal requirements; and,

Result: Amendment to Item 7(a)(g) of the Audit, Finance and Administration Committee Report 23-008, CARRIED by a vote of 8 to 6, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
NO - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
NO - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
NO - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
NO - Ward 13 Councillor Alex Wilson
NO - Ward 1 Councillor Maureen Wilson

Upon Council's request, Item 6 was voted on separately as follows:

6. Continued Standardization Contract for Systems Furniture for the City of Hamilton (FCS22071(a)/PW22065(a)) (City Wide) - Outstanding Business Item (Item 10.4)

- (a) That Council approve the standardization of Systems Furniture manufactured and procured from Teknion Limited, pursuant to Policy #11 Non-Competitive Procurements and Procurement Policy #14 – Standardization, until December 31, 2027 and that the General Manager, Public Works Department be authorized to enter into and execute any required Contract and any ancillary documents required to give effect thereto with Teknion Limited, in a form satisfactory to the City Solicitor and Director of Financial Services and Taxation;

- (b) That Appendix “A” to Report FCS22071(a)/PW22065(a) remain confidential as it contains proprietary and sensitive competitive financial information of Teknion Limited, which was provided to the City of Hamilton in confidence for the negotiation of the Contract; and
- (c) That the item representing continued standardization and request to negotiate a contract for systems furniture for the City of Hamilton will be considered complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

Result: Motion on Item 6 of the Audit, Finance and Administration Committee Report 23-008, CARRIED by a vote of 13 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 - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- NOT PRESENT - Ward 4 Councillor Tammy Hwang
- NOT PRESENT - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - 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 Audit, Finance and Administration Committee Report 23-008, as Amended, 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 - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- NOT PRESENT - Ward 4 Councillor Tammy Hwang
- NOT PRESENT - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - 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

(Kroetsch/Pauls)

That Council recess until 1:00 p.m.

Result: Motion CARRIED by a vote of 13 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

(Clark/Cassar)

That the Planning Committee Report 23-008, **as Amended**, be reconsidered.

Result: Motion CARRIED by a 2/3rds vote of 13 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

PLANNING COMMITTEE REPORT 23-008 CONTINUED

(Clark/Cassar)

That Planning Committee Report 23-008, being the meeting held on Tuesday, May 16, 2023, be received and the recommendations contained therein be approved, **as Amended**.

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

8. Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East (LS23016/PED23102) (City Wide) (Item 15.1)

- (a) That the directions to staff in closed session respecting Report LS23016/PED23102 respecting an Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East, be approved and released to the public, following approval by Council;
- (b) That the balance of Report LS23016/PED23102 respecting an Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East, remain confidential.

Result: Motion CARRIED by a vote of 12 to 1, 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 23-008, as Amended, CARRIED by a vote of 13 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann

- YES - Deputy Mayor - 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

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 23-007

(Clark/Danko)

That Emergency and Community Services Committee Report 23-007, being the meeting held on Thursday, May 18, 2023, be received and the recommendations contained therein be approved.

Result: Motion on the Emergency and Community Services Committee Report 23-007, CARRIED by a vote of 13 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 - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- NOT PRESENT - Ward 4 Councillor Tammy Hwang
- NOT PRESENT - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- NOT PRESENT - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - 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 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 CityHousing Hamilton Shareholder Report 23-002 and Report HSC20038(g) respecting an Addition to Encampment Protocol (City Wide).

Result: Motion CARRIED by a 2/3rds vote of 13 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 - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- NOT PRESENT - Ward 4 Councillor Tammy Hwang

NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

CITYHOUSING HAMILTON SHAREHOLDER REPORT 23-002

(Pauls/Nann)

That CityHousing Hamilton Shareholder Report 23-002, being the meeting held on Tuesday, May 23, 2023, be received.

Result: Motion on the CityHousing Hamilton Shareholder Report 23-002, CARRIED by a vote of 13 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

STAFF REPORTS

6.10(a) Addition to Encampment Protocol (HSC20038(g)) (City Wide)

(A. Wilson/Danko)

That Report HSC20038(g) respecting an Addition to Encampment Protocol (City Wide), be received.

Result: Motion on Report HSC20038(g), 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 rise from Committee of the Whole.

Result: Motion 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

MOTIONS

7.1 City of Hamilton Representatives at the 2023 alPHa Conference and Annual General Meeting

(Cassar/Nann)

WHEREAS, Council on May 10, 2023, selected Councillor M. Wilson as the City of Hamilton's representative at the 2023 alPHa Conference and Annual General Meeting;

WHEREAS, it is now necessary to also designate Dr. Elizabeth Richardson, Medical Officer of Health and Jennifer Vickers-Manzin, Director, Public Health Services – Healthy Families as City of Hamilton representatives at the 2023 alPHa Conference and Annual General Meeting; and

WHEREAS, Councillor M. Wilson; Dr. Elizabeth Richardson, Medical Officer of Health and Jennifer Vickers-Manzin, Director, Public Health Services – Healthy Families also require Council's permission to vote at the 2023 alPHA Conference Annual General Meeting;

THEREFORE, BE IT RESOLVED:

- (a) That Dr. Elizabeth Richardson, Medical Officer of Health and Jennifer Vickers-Manzin, Director, Public Health Services – Healthy Families, be designated as City of Hamilton representatives at the 2023 alPHA Conference and Annual General Meeting; and
- (b) That Councillor M. Wilson; Dr. Elizabeth Richardson, Medical Officer of Health and Jennifer Vickers-Manzin, Director, Public Health Services – Healthy Families, be granted voting privileges at the 2023 alPHA Conference Annual General Meeting.

Result: Motion 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 Keith Neighbourhood Health Equity Initiative (Ward 3)

(Nann/McMeekin)

WHEREAS, recent demolition in the Keith Neighbourhood has driven vermin from industrial to residential areas;

WHEREAS, the Keith Neighbourhood has been experiencing a drastic rise in Norway rats, which are rodents notorious for evading prevention efforts that Public Health recommends;

WHEREAS, Hamilton Public Health has no active pest control program, nor a neighbourhood-wide pest control program;

WHEREAS, Hamilton Public Health has attended the neighbourhood to investigate the issue and confirmed that the infestation is not due to property standards issues, that could be more easily fixed;

WHEREAS, the risk to public health and the potential for transmission of communicable disease, as well as the erosion of dignity, quality of life and general wellbeing is being negatively impacted as this infestation continues;

WHEREAS, Inner City Outreach Ministry, which is a registered charity that operates out of the Eva Rothwell Centre, is undertaking a neighbourhood-wide project that empowers residents to exterminate the rat infestation in the neighbourhood; and

WHEREAS, residents across the Keith neighbourhood are leading the way for alleyway clean ups and caring for one another to ensure rats are not simply displaced from one home to another.

THEREFORE, BE IT RESOLVED:

- (a) That a grant be provided to the Inner City Outreach Ministry to ensure adequate funding for the eradication and neighbourhood clean up efforts, to be funded from the Ward 3 Bell Tower Funds Non-Property Tax Revenue Account [3301609603] at an upset limit, including contingency, not to exceed \$25,000; 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 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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

NOTICES OF MOTION**8.1 Keith Neighbourhood Health Equity Initiative (Ward 3)****(Nann/McMeekin)**

That the Rules of Order be waived to allow for the introduction of a motion respecting Keith Neighbourhood Health Equity Initiative (Ward 3).

Result: Motion CARRIED by a 2/3rds 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 7.2

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES**(Pauls/Spadafora)**

That the listing of Council Communication Updates from May 5, 2023 to May 18, 2023, be received.

Result: Motion on the Council Communication Updates from May 5, 2023 to May 18, 2023 CARRIED by a vote of 13 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 - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NOT PRESENT - Ward 4 Councillor Tammy Hwang
NOT PRESENT - 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 - Deputy Mayor - 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

(Pauls/Spadafora)

That the Committee move into Closed Session to discuss Items 11.1 respecting Labour Relations Update and 11.2 respecting Privileged Solicitor-Client Regulatory Update (LS21012(d)) (City Wide), pursuant to Section 9.3, Sub-sections (b), (d), (e), (f) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (d), (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain personal matters about an identifiable individual, including City or local board employees; labour relations or employee negotiations; 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.

Result: Motion CARRIED by a vote of 13 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 - Ward 5 Councillor Matt Francis
 YES - Mayor Andrea Horwath
 NOT PRESENT - Ward 4 Councillor Tammy Hwang
 NOT PRESENT - 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 - Deputy Mayor - 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

11.1 Labour Relations Update (no copy)**(Spadafora/Beattie)**

- (a) That the directions to staff in closed session, be approved; and
- (b) That the Labour Relations Update be received and remain confidential.

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

YES - Ward 10 Councillor Jeff Beattie
NOT PRESENT - Ward 12 Councillor Craig Cassar
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - 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 Privileged Solicitor-Client Regulatory Update (LS21012(d)) (City Wide)

(Kroetsch/A. Wilson)

- (a) That, subject to minor alterations in a form approved by the City Solicitor, the General Manager of Public Works be authorized to sign the Settlement Agreement appended to Report LS21012(d) as Appendix "A", including the Monitoring Agreement annexed thereto as Schedule "A", on behalf of the City. The said documents shall not be confidential and may be released as public documents; and
- (b) That, subject to Open Session Recommendation (a), Report LS21012(d) shall remain confidential and shall not be released as a public document.

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

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

BY-LAWS AND CONFIRMING BY-LAW**(Pauls/Nann)**

That Bills No. 23-084 to No. 23-097, 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:

- 084 To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking
Schedule 8 – No Parking
Schedule 12 – Permit
Schedule 13 – No Stopping
Ward: 1,2,12,14
- 085 To Amend City of Hamilton By-law 01-215, being a By-law to Regulate Traffic, to Add Additional Community Safety Zones in Hamilton
Schedule 34: Designated Community Safety Zones
Ward: City Wide
- 086 To Establish City of Hamilton Land described as Block 111 on Plan 62M-1073, Save and Except Parts 1 and 2 on Plan 62R-21881, as Part of Watershore Drive
Ward: City Wide
- 087 To Amend By-law R00-054, the Regional Municipality of Hamilton-Wentworth Conservation By-law (as amended by By-law 10-013, By-law 14-213, and By-law 17-094)
Ward: City Wide
- 088 To Amend By-law 14-212, To Promote the Conservation and Sustainable Use of Woodlands on Private Property within the Urban Boundary of the City of Hamilton
Ward: City Wide
- 089 To Set Optional Property Classes Within the City of Hamilton for the Year 2023
Ward: City Wide
- 090 To Establish Tax Ratios and Tax Reductions for the Year 2023
Ward: City Wide
- 091 To Set and Levy the Rates of Taxation for the Year 2023
Ward: City Wide
- 092 To Levy a Special Charge Upon the Rateable Property in the Business Improvement Areas for the Year 2023
Ward: City Wide
- 093 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 4 and 10 Trinity Church Road, Hamilton
Ward: 6

- 094 To Adopt Official Plan Amendment No. 38 to the Rural Hamilton Official Plan Respecting 127 Freelton Road, Flamborough
Ward: 13
- 095 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 127 Freelton Road, Flamborough
ZAC-23-002
Ward: 13
- 096 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 81 Chatham Street, Hamilton
- 097 To Confirm the Proceedings of City Council

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

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

That, there being no further business, City Council be adjourned at 3:43 p.m.

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

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

Subject: Urban expansion and needed housing

From: Margaret Tremblay

Sent: May 20, 2023 3:35 PM

To: clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Kroetsch, Cameron <Cameron.Kroetsch@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Hwang, Tammy <Tammy.Hwang@hamilton.ca>; Francis, Matt <Matt.Francis@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Beattie, Jeff <Jeff.Beattie@hamilton.ca>; Tadeson, Mark <Mark.Tadeson@hamilton.ca>; Cassar, Craig <Craig.Cassar@hamilton.ca>; Wilson, Alex <Alex.Wilson@hamilton.ca>; Spadafora, Mike <Mike.Spadafora@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>

Subject: re: Urban expansion and needed housing

Dear City Clerk, Mayor and Councillors,

I am writing to share my views on the direction I feel the city should take to develop needed and affordable housing.

Growth needs to be prioritized within the boundaries that existed before 2022 which council agreed to following a large number of citizens who voted for this. To be kept in mind is building housing where there is existing transit and for which the federal government will provide support.

Please continue to incentivize and promote affordable housing in laneways and work towards getting existing approvals built. It appears that regulations to build are being streamlined and this should continue, eg removing rigid site restrictions and minimum parking restrictions.

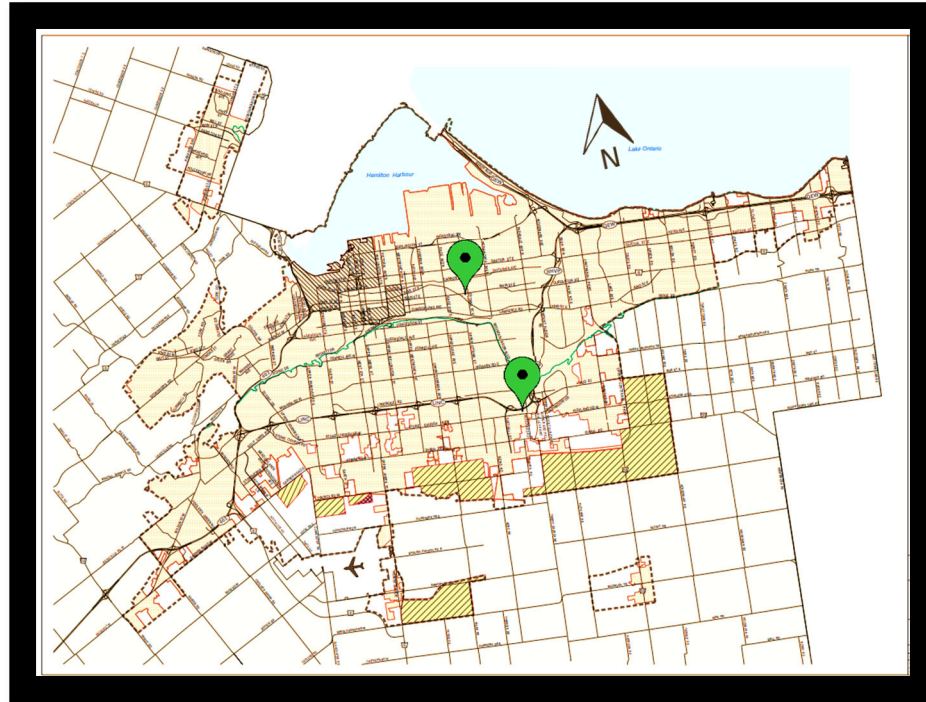
Can we find a way to keep the number of homes required to 80 residents per hectare which had been previously mandated?

Of importance is to prevent the beginning of building on areas outside the urban boundary before the next provincial election. I also understand that Ottawa has asked for a report on who will pay for growth on expansion lands. Hamilton should ask as well considering that it is almost certain that Hamilton taxpayers will foot this expenditure.

I am cautiously optimistic that our need for more affordable housing will be developed within our current boundaries thus preserving needed farmland and wetlands. It is only when we protect nature that it will protect us.

Respectfully,
Margaret Tremblay
Dundas, Ontario

Why Hamilton City Council Should Consider Moving City Hall East



Proposed Location(s):

- 1) Delta High School
- 2) Mount Albion
- 3) RHVP & Queenston rd.

Reasons:

1. To be closer to the midpoint between McMaster and Eastgate Square LRT line
2. To be closer to the centre of our urban boundary
3. To be equally accessible from North, South, East and West
4. To capitalize on the real estate market. What is its current market value?
5. How much housing could you build on this property?
6. How much real estate does City Hall and corporation actually use or require to operate?

Pilon, Janet

Subject: Opposition to homeless advocate registry

From: Joshua Weresch

Sent: May 26, 2023 7:16 AM

To: 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>; Ward 8 Office <ward8@hamilton.ca>; Ward 12 Office <ward12@hamilton.ca>; Ward 13 <ward13@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Beattie, Jeff <Jeff.Beattie@hamilton.ca>; Tadeson, Mark <Mark.Tadeson@hamilton.ca>; Spadafora, Mike <Mike.Spadafora@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>

Cc: clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; info@hesn.ca

Subject: Opposition to homeless advocate registry

Dear councillors and mayor of the city of Hamilton, Ontario:

Hope this finds you well. I write as a life-long resident in this city, as a home-owner, and as a tax-payer regarding the proposed homeless advocate registry. I ask that this letter be placed on the agenda of the next council meeting of the city.

I ask that you as councillors and mayor oppose the establishment of this proposed homeless advocate registry. It devolves the responsibility of the city to ensure the welfare of those within its bounds upon the largesse and ability of wealthy individuals. Being unhoused is not a situation that can be fixed directly by the laden pockets of the wealthy, though progressive taxation would certainly help in that regard, but is one that requires the co-operation of all levels of government and the immediate establishment of safe and permanent housing for those most in need. Moreover, ticketing unhoused peoples by way of by-law officers does nothing to alleviate this situation but criminalize being unhoused, which is not a crime but a crisis that requires compassionate care and not further harm and harrying. If this registry is established, further harm is risked to those in need of safe and permanent housing.

As I have written in the past, so I write again: end all encampment evictions; expropriate any and all housing, built and unoccupied, particularly newly-built condominiums; and allocate funding toward permanently housing people in need. Thank you for your time and attention in these regards and I hope your actions move in a good way for those most in need in this city.

Regards,

Joshua Weresch, OCT, M.Div.

Pilon, Janet

Subject: Opposition to homeless advocate registry

From: Joshua Weresch

Sent: May 27, 2023 12:32 PM

To: 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>; Ward 8 Office <ward8@hamilton.ca>; Ward 12 Office <ward12@hamilton.ca>; Ward 13 <ward13@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Beattie, Jeff <Jeff.Beattie@hamilton.ca>; Tadeson, Mark <Mark.Tadeson@hamilton.ca>; Spadafora, Mike <Mike.Spadafora@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>

Cc: clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; info@hesn.ca

Subject: Re: Opposition to homeless advocate registry

To the councillors and mayor of Hamilton, Ontario's council:

Hope this finds you well.

I write to follow the line of my earlier letter to Council, dated 26 May 2023, to implore you to direct municipal law enforcement to cease issuing trespass notices to unhoused and encamped residents. This fact was reported in the Hamilton Spectator's article by Teviah Moro, "Bylaw issue trespass notices to people encamped behind Hamilton city hall" (26 May 2023 [<https://www.thespec.com/news/hamilton-region/2023/05/26/bylaw-issue-trespass-notices-to-people-encamped-behind-hamilton-city-hall.html>]; accessed 27 May 2023). In early May, as reported, by-law officers issued voluntary compliance notices to unhoused residents in encampments, an act also opposed by many residents in this city.

Now the city has increased its unjust actions and issued trespass notices. These trespass notices do nothing to address the violence, health, and safety concerns present at these encampments. Violence, health, and safety issues will not be addressed by trespass notices moving peoples in a mass to another location in the city that is equally shorn of compassion, safety, and dignity. Too, it is to be asked whether unhoused and encamped peoples are, truly, trespassing as the principle of 'colour of right' enshrined in s. 2(2) of the provincial Trespass to Property Act sets aside the idea that any trespass occurred; to be sure, unhoused people in encampments have a more than reasonable belief that they have an interest in the land that entitle them to do the complained-of act (though title obviously belongs to the sovereign Indigenous nations, not to the Crown), especially given the over-flowing shelters and the lack of public housing and the precedent in law that the provincial divisional courts have ruled that evictions cannot occur without shelter or housing available.

Only safe, dignified, public housing can begin to do that good work of healing violence, mending health, and ensuring safety and that housing can only be gained by the mass expropriation of all available housing in the city, empty and waiting for purchasers, newly-built condominiums and other places suited for humane dwelling-places. A 6-storey condominium, for example, is being built at the corner of Inverness Avenue and Upper Wellington Street, courtesy of LiUNA's unionized workers and Fengate Management, which purchases property for LiUNA's pension fund; such newly-built condos should be expropriated when finished as emergency public housing, especially as it's on the corner of 3 converging public-transit routes down the Jolley Cut to John Street South.

Again, please act to end all encampment evictions, voluntary compliance and, now, trespass notices, and provide by way of mass expropriation safe, dignified, and public housing for those most in need. Thank you for your time and attention in these regards; I look forward to your humane actions as a council of this city.

Regards,

Joshua Weresch, OCT, M.Div.

Pilon, Janet

Subject: National Blood Donor Week - Canadian Blood Services

From: Katie Bea <katie.bea@blood.ca>
Sent: April 25, 2023 4:05 PM
To: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>
Subject: National Blood Donor Week - Canadian Blood Services

Madame Mayor,

World Blood Donor Day (WBDD) (Wednesday, June 14, 2023) is such an important occasion; it's one of only 11 official global public health campaigns marked by the World Health Organization and celebrated internationally. Additionally, National Blood Donor Week (NBDW) will be celebrated across Canada from June 11 to 17, 2023.

WBDD and NBDW give us an incredible opportunity to shine a light on blood, plasma and platelet donors and thank them for their sincere generosity and commitment to patients. The lives they impact — and the impact those lives have on others — creates a ripple effect throughout the country.

In our country, of those eligible to donate, only four per cent do, that's just one in 81 potential donors. This makes these generous donors all the more deserving of our appreciation and recognition, but those numbers also shine a light on the need for more people to join Canada's Lifeline.

Canada has celebrated donors during NBDW week since 2008 and last year people across the country participated in "Shine a Light" events in our donor centres, shared meaningful content on social media, and landmarks across the country were lit up in red to honour individuals and groups that play a vital role in saving lives. Those efforts helped bring attention to the importance of donating blood products and inspired over 5,000 new and returning donors to give.

In 2023, we plan to build on that momentum with activities running from May 15, through June 30. Each year, Hamilton has more than 14,000 available donation appointments to fill to meet patients' needs. Our city needs over 1100 new donors to meet the need for blood now and into the future. Your inspiring leadership can help strengthen Canada's Lifeline and make all the difference for patients in your community and beyond.

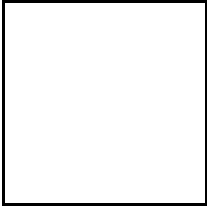
There are three ways you can help:

- Join the Mayor Lifeline Challenge in support of WBDD and NBDW. Specifically, we are looking for you to join Canada's Lifeline and show your support on your social platforms. Waterloo Mayor Dorothy McCabe has already agreed to join the challenge and we hope we can count on you as well.
- Your presence on social media channels can motivate people in Hamilton to donate blood, platelets, and/or plasma. Your support can be as simple as following our Canada's Lifeline accounts including @CanadasLife and @LifeLineQEW and sharing our posts to raise awareness, but you can make an even bigger impact by creating your own content encouraging people to visit blood.ca/donate or call 1-888-2-donate to make an appointment to donate.
- You can broaden the scope of your impact even further by participating in our video series where notable people share why donating is important to them and highlight the need for new and returning donors. A 30-second video is all you need to share to help make an impact! You'll help inspire people in your city, throughout our country and potentially around the world. If you would like advice from us on how to contribute with a video or need assistance, please don't hesitate to reach out.

On behalf of donors and patients in Hamilton and across Canada, thank you for considering our request.

If you have any questions at all, or would like to participate in our video series, please contact me by replying to this email, or calling 289-775-5103.

Warmest regards,



Katie Bea

She/Her/Hers

Community Development Manager - Hamilton

Donor Relations & Collections ONN

T 289-775-5103

katie.bea@blood.ca

blood.ca

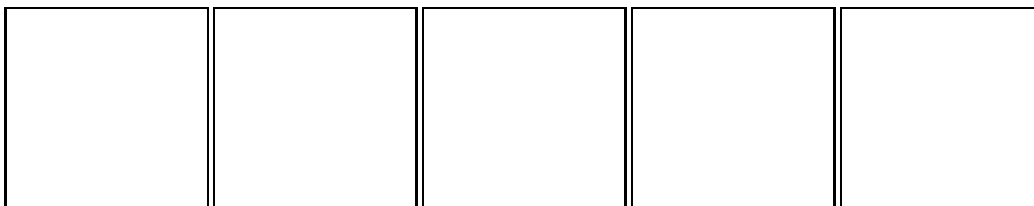
#NVW2023

HAPPY NATIONAL VOLUNTEER WEEK

Our volunteers and partners don't just make a difference, they make all the difference.

Ma
volunteer, blood do
stem cell regist

Together, we are Canada's Lifeline



Pilon, Janet

Subject: No boundary expansion into farmland

From: Rosemary Almas

Sent: May 26, 2023 10:30 AM

To: clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Kroetsch, Cameron <Cameron.Kroetsch@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Hwang, Tammy <Tammy.Hwang@hamilton.ca>; Francis, Matt <Matt.Francis@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Beattie, Jeff <Jeff.Beattie@hamilton.ca>; Tadeson, Mark <Mark.Tadeson@hamilton.ca>; Cassar, Craig <Craig.Cassar@hamilton.ca>; Wilson, Alex <Alex.Wilson@hamilton.ca>; Spadafora, Mike <Mike.Spadafora@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>

Subject: No boundary expansion into farmland

Dear Council,

Expanding the city into our farmland is not the right way to go. In this age of degradation due to human activity resulting in severe climate change we need our farmland, wetlands and woodlots to keep ourselves healthy not to mention other species.

The proposals to accommodate our expanding population within the city boundaries are viable options. Too often, city expansion is a wasteland of housing with no community infrastructure like shops, grocery stores, recreational facilities, schools, banks etc. which means citizens have to drive everywhere. This type of housing is useless for the poor and homeless, and for those who can afford to live in suburbs it keeps taking away from ever important natural environment.

Please look at the alternate and doable proposals as to how to accommodate the population within our existing boundaries. I do not want to lose the land that will feed my future generations.

Rosemary Almas
Hamilton citizen

Pilon, Janet

Subject: File 25T-202002 Dickenson Road

From: Lynn Gates

Sent: May 29, 2023 12:04 PM

To: clerk@hamilton.ca

Subject: File 25T-202002 Dickenson Road

Dear Regional Clerk. I am writing with regard to the proposed plan to build a warehouse on 37 hectares of agricultural land on Dickenson Road. Frankly, I am appalled that staff has recommended proceeding with this proposal. We need to focus our city's building on homes within the urban boundary and warehouses within existing brownlands and not destroying greenlands.

Over 200 trees would be removed on this property, which is currently being used to produce food, and should continue to do so. This property proposed development would be in the headwaters area of Twenty Mile Creek and all stormwaters would feed into this Provincially Significant Wetland. The impact on water quality and biodiversity would be significant.

As a citizen concerned about local food production and climate mitigation strategies, I am requesting that Council hold public meetings regarding this proposed warehouse development.

Sincerely,

Lynn M. Gates, M.Sc.

Pilon, Janet

Subject: 25T-202002 Warehouse

From: David Lloyd

Sent: May 29, 2023 12:09 PM

To: clerk@hamilton.ca; Bello, Aminu <Aminu.Bello@hamilton.ca>

Subject: 25T-202002 Warehouse

Dear clerk,

Please see that Planning committee members see my email concerning the warehouse development on Dickenson Road.

I am fully against this proposal. Hamiltonians do not want sprawling warehouses or subdivisions paving our farmland and threatening wetlands and biodiversity.

This proposal will do all the above.

In 2014 the people were united in the fight against the creation of the AEGD but it went through regardless thanks to the short sightedness of the council at the time. Now we know better. We know that warehousing should be built on brownfields, not on prime ag land.

Yes we need jobs and industry but covering the entire AEGD with warehouses is not a sustainable way to develop this land. There are headwaters of Twenty Mile creek here.

Farming IS industry, and farming is a major employer in the Hamilton area and yet we persist with paving farm fields much to the dismay of local farmers.

Please vote to deny this application.

Regards,

David Williams

Hamilton

Pilon, Janet

Subject: Wetlands or a Warehouse

From: Eileen Shannon

Sent: May 29, 2023 6:57 PM

To: clerk@hamilton.ca

Cc: Bello, Aminu <Aminu.Bello@hamilton.ca>; Ward 13 <ward13@hamilton.ca>

Subject: Wetlands or a Warehouse

To Hamilton staff and councillors:

It is not possible to put a price on the value of wetlands to the health of our environment. Once damaged or destroyed they are not recoverable.

Warehouses are best suited for brown lands. Certainly not farmland and positively not near wetlands.

We are in a climate emergency. All of our decisions need to take this into account.

Please do not approve this application.

Sincerely,

Eileen Shannon

Dundas

Pilon, Janet

Subject: 9326 Dickenson warehouse application

From: Elizabeth Knight

Sent: June 1, 2023 7:33 AM

To: clerk@hamilton.ca; Tadeson, Mark <Mark.Tadeson@hamilton.ca>

Cc: Bello, Aminu <Aminu.Bello@hamilton.ca>; Thorne, Jason <Jason.Thorne@hamilton.ca>; Robichaud, Steve <Steve.Robichaud@hamilton.ca>

Subject: 9326 Dickenson warehouse application

Dear Councillor Tadeson and members of Hamilton City Council,

I am writing to ask you to reconsider, at the June 7 council meeting, your decision to allow the developer of File 25T-202002 to go ahead with his warehouse plan **with no additional environmental conditions**. Don't be fooled by the developer's Planner, Mr. Webb and his greenwashing. When pressed to explain how this application meets or exceeds sustainability targets he paused for what seemed like an eternity before replying only that an environmental impact study was completed. Since such a study is a requirement, his answer is very telling: this application meets the minimum requirements. It maximizes the footprint of just one of the four planned buildings and does nothing at all beyond the minimum that is already required to "Design with nature by protecting streams, mature trees, wetlands, significant habitat and integrating topography into developments;" as is explicitly expressed in item 8.2.2 of the [AEGD secondary plan](#).

The Airport Employment Growth District land is zoned for employment. No one is disputing that this area should be developed, but we should not sacrifice exemplary planning principles to appease billionaire developers who present plans that primarily benefit them, with precious few requirements from the City to protect the natural heritage beyond the bare minimum. AEGD developers should be held to the highest standards and made to adhere to the principles of the AEGD Secondary Plan.

The AEGD is an "Eco-Industrial Park". Not a business park or an industrial park but an **Eco-Industrial Park**. The words are mentioned over and over in the secondary plan. The intent is to protect and enhance nature wherever possible but that principle is not being considered in this present application. Between the significant woodlot, the hedgerow, the five headwater tributaries and the provincially significant wetland on this property we have a literal goldmine of biodiversity, tree canopy and natural heritage that is at risk.

While I am grateful that Councillors Nann, Cassar, A. Wilson and M. Wilson voted not to support this application as it currently stands, I am dismayed that you as ward councillor supported it without seeking to impose even a single additional condition at all on developer Panettoni, a multi billionaire firm from Etobicoke who should certainly be pressed to propose a much stronger plan that both builds warehouses and protects nature.

[Appendix C on the meeting agenda](#) has 52 conditions mostly to do with construction and road building, and very few to do with preservation of natural heritage. But there is still time to strengthen this application and make it better by adding conditions at the council meeting on June 7 which I hope you will work with your colleagues to do.

Panettoni is planning three more 40K m2 buildings on this site and therefore certainly has the space available to save at the very least, the row of around 200 mature trees, which according to mapping, is very close to the property boundary. With a modest reduction in the size of the building, moving it further to the east, or the reconfiguring of the parking lot, those trees could be preserved and even enhanced and serve as a potential pathway for wildlife to reach the wetland. Don't underestimate the crucial importance of that wetland to mammals and amphibians who travel in and out of it

from the significant woodlot each day for their survival. A thirty meter buffer between the wetland and the towering walls of a warehouse complex is bare bones minimum and equivalent only to the length of two buses.

Councillor, Wards 11 and 12 share the AEGD and I would urge you and Councillor Cassar to read very carefully the secondary plan for that area. It is beholden upon you both to know it inside out so you can guide your council colleagues in decision making from a position of knowledge and understanding. It is an Eco-Industrial Park and the intent for the AEGD is to preserve nature wherever possible while still designing for employment.

Given that this is just one of four buildings proposed for this property, it would seem there is plenty of wiggle room to reduce size, reconfigure parking, or do what is necessary to save the more of the 236 trees and the hedgerow along the property boundary, preserve more than just one of the five headwater tributaries, give a much larger buffer to the wetland than the minimum that is required by law, give a larger buffer to the significant woodland / significant wildlife habitat (as noted in the field studies) than the minimum 10 meters that is required by law, and ensure some sort of wildlife corridor to the west.

Thank you for considering imposing environmental conditions on this application at the June 7 council meeting. Many who care about agriculture and the wetlands found on our dwindling Hamilton farmland will be watching that day. Between urban boundary expansions and Greenbelt removals, Hamilton has lost 7000 acres of farmland and wetlands thanks to Mr. Ford. Let's do what we can as a city to preserve the scraps of natural land that are left.

I also thank you in advance for thoroughly reading and fully understanding the principles of the [Secondary Plan for the Eco-Park](#) in your ward which will see many more development applications in future years.

Hamilton is excited about this new term of council and your commitment to do better. This application is the same old thing, but our standards now, in a warming world with unprecedented biodiversity loss, simply must be higher. Let's get this one right to set a precedent going forward.

Kind regards,

Elizabeth Knight

Ward 12

Blue = wetland and tributaries

Red = property boundary

Green = significant woodlot ("significant wildlife habitat" in the environmental study) and hedgerow.



May 24th, 2023

**The Honourable David Lametti, PC, MP
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0A6**

via email and mail

Dear Mr. Lametti,

The Council of the County of Lanark wishes to express its support for legislative measures to help first responders from violence, particularly those found in Bill C-321.

Paramedics and other first responders provide an essential and valuable service in our community and often subject to increased levels of violence due to the nature of their jobs.

It is essential that all levels of government unite to demonstrate the importance of the safety and well-being of all first responders.

Sincerely,



Jasmin Ralph, Clerk
613-267-4200 ext. 1502

Cc: All Ontario Municipalities
Association of Municipalities of Ontario



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May 29, 2023

Hon. Ted Arnott and Hon. Matthew Rae,

The Township of Puslinch Council reviewed in depth, the Office of the Auditor General of Ontario Report titled “Value for Money Audit - Highway Planning and Management” and respectfully request that the government and Ministry of Transportation return to an evidence-based infrastructure funding decision making model for major highway projects.

The Township of Puslinch Council encourages serious consideration for the construction of the Morriston Bypass which has a ranking of “high” priority on the Expansion Prioritization Framework (EPF). The Morriston Bypass has an EPF Score of 650, while 7 of the government priority projects have an average score of 468.

Importance of the Morriston Bypass to Transportation Planning in the Southwest and Greater Golden Horseshoe:

In the mid-1990s the Province of Ontario started to study the feasibility of expanding the Highway 6 corridor, including a Bypass around the community of Morriston in the Township of Puslinch. Since this time, the economic impact of this busy route to the cities of southern Ontario and the growing Port of Huron has ballooned. Over 50% of the soybeans and 70% of the wheat grown in Ontario is shipped via truck over the Highway 6 corridor to the Port of Huron for export to over 50 countries globally. Nearly 50% of the fertilizer utilized by Ontario farmers is offloaded at the Port of Huron and trucked to farmers throughout southwestern Ontario. Agricultural commodities account for nearly 30% of the total volume of shipments within the Port of Huron on an annual basis and are the fastest growing segment of the Port. The Port and associated trucking corridors are anticipated to become increasingly busy in the future. Not only is the Port itself planning for growth, the anticipated population growth in the



southwest and Greater Golden Horseshoe will inevitably increase traffic volume and the mixing large trucks and cars on the Highway 6 corridor.

The pressure on the area serviced by the anticipated Morriston Bypass will exponentially grow. Any delays due to safety or congestion have an enormous impact on business operations, profitability and public safety. This concern was anticipated in the Ministry's development of Transportation Plans throughout the province. In fact, the draft 2020 Southwestern Ontario Transportation Plan specifically references the Highway 6 corridor and the need to construct a bypass around the community of Morriston. Likewise, in the 2022 Transportation Plan for the Greater Golden Horseshoe the Morriston Bypass project is mentioned as a means to achieving the "2051 Vision" which includes fighting gridlock and improving road performance and efficiently moving goods.

Providing a safe and reliable transportation system that connects people and products and large centres with small rural communities is one of the keys to supporting growth in the southwest. As Minister Mulroney stated in the legislature on March 9, 2022, "The Morriston Bypass will make it easier for drivers to travel between Hamilton and Guelph. It will also reduce gridlock on local roads, especially in the communities of Morriston and Aberfoyle. Without strong action now, gridlock on Highway 6 will only get worse..."

Deferral of Morriston Bypass and the Auditor General's Report:

Understanding that there are competing demands for provincial funding of major highway expansion projects, the southwest has been waiting many years for the construction of the Morriston Bypass. The Township was, therefore, concerned with findings in the recent Auditor General's "Value-for-Money Audit – Highway Planning & Management Report", where the Township learned that the Morriston Bypass project received approval from the Treasury Board, only to be deferred (in 2019).

The Auditor's report states that the Ministry, at the direction of the Minister's Office, requested that the Treasury Board approve the addition of four (4) highway projects to the 2019 Infrastructure Plan. These projects were not recommended by technical and engineering staff and were not ranked "high" on the Ministry's Expansion Prioritization Framework (EPF) and priority ranking. Additionally, the 2021/22 Ministry's Infrastructure Plan included yet another three (3) not previously ranked government priority projects in addition to the Highway 413 GTA West project. To accommodate these eight (8) new projects in the budget, the Ministry



proposed deferring six (6) projects approved for construction and seven (7) projects approved for planning & design work.

According to the Auditor General's analysis, "unless the Board provides additional funding, the Ministry will not have sufficient funding to accommodate" the government priority projects plus those previously ranked and recommended by subject matter experts.

In a November 2022 interview with the Canadian Press, a spokesperson for Minister Mulroneu stated, "that while some projects may have been "deferred," they were all subsequently approved for completion, except a few that "remain on the table for completion in the future." The Auditor's report indicates that while some of the deferred projects have since received partial funding as part of the 10-Year Infrastructure Plan (including the Morriston Bypass - Planning/Design work), we understand that moving to the construction phase remains unfunded.

Conclusion:

The Township of Puslinch Council respectfully request that the government and Ministry of Transportation return to an evidence-based infrastructure funding decision making model for major highway projects. We encourage serious consideration for the construction of the Morriston Bypass and that all other deferred highway projects listed in the Auditor General's report proceed as initially planned

Yours very truly,

James Seeley
Mayor of Puslinch
Wellington County Councillor
Chair of Wellington County Planning Committee
Chair of Top Aggregate Producing Municipalities of Ontario
Wellington County Administration Finance and Human Resource committee member
Accessibility Advisory Committee member



Enclosures:

Office of the Auditor General of Ontario - Value for Money Audit: Highway Planning and Management, dated November 2022

CC:

Hon. Lisa Thompson, Minister of Agriculture minister.omafra@ontario.ca

Hon. Caroline Mulroney, Minister of Transportation Caroline.Mulroney@pc.ola.org

Office of the Auditor General of Ontario comments@auditor.on.ca

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May 30, 2023

Ministry of Municipal Affairs and Housing
777 Bay Street, 17th floor
Toronto, Ontario M7A 2J3

Re: Proposed Provincial Planning Statement, 2023

Please be advised that at their Regular Council Meeting of May 15, 2023, South Huron Council passed the following resolution:

Resolution 211-2023**Moved: A. Neeb****Seconded: T. Oke**

That South Huron Council receives the report of Craig Metzger, Senior Planner regarding the proposed Provincial Planning Statement, 2023 and Bill 97 Changes to the Planning Act; and

That South Huron Council directs staff to submit comments to the Ministry of Municipal Affairs and Housing on the proposed Provincial Planning Statement, 2023 as outlined in the report.

Carried (5-0)

Enclosed please find Planner Metzger's report dated May 10, 2023 which provides staff comments in relation to the proposed changes to the Provincial Planning Statement including agricultural lot severances, settlement area expansions, employment areas and employment land conversions, growth targets, and natural heritage.

Respectfully,

Alex Wolfe, Deputy Clerk
Municipality of South Huron
awolfe@southhuron.ca
519-235-0310 ext 224

Encl. Report of Craig Metzger, Senior Planner – Proposed Provincial Planning Statement, 2023 and Bill 97 Changes to the Planning Act – dated May 10, 2023

Cc: Association of Municipalities Ontario, Lisa Thompson, MPP, Ontario Municipalities, Rebekah Msuya-Collison, Acting CAO/Clerk, Mike Rolph, Director of Planning and Building/CBO, Craig Metzger, Senior Planner, Vanessa Culbert, Planning Coordinator

CORPORATION OF THE COUNTY OF HURON

Planning and Development Department

To: Mayor and Members of South Huron Council
From: Craig Metzger, Senior Planner
Date: May 10, 2023
Subject: Proposed Provincial Planning Statement, 2023 and Bill 97 Changes to the Planning Act

RECOMMENDATION

That South Huron Council receives the report of Craig Metzger, Senior Planner regarding the proposed Provincial Planning Statement, 2023 and Bill 97 Changes to the Planning Act; and

That South Huron Council directs staff to submit comments to the Ministry of Municipal Affairs and Housing on the proposed Provincial Planning Statement, 2023 as outlined in the report.

BACKGROUND

On April 6, 2023, the Province released a proposed Provincial Planning Statement (PPS), 2023. This new document integrates the Provincial Policy Statement, 2020 with A Place to Grow: Growth Plan for the Greater Golden Horseshoe to create a single, province-wide, housing focused land use planning policy document. On the same day, the Province also introduced Bill 97, the Helping Homebuyers, Protecting Tenants Act which received first reading. It proposes a series of legislative amendments to several Acts, including amendments to the Planning Act. These changes are part of the Province's Housing Supply Action Plan with the goal of achieving the construction of 1.5 million new homes across Ontario by 2031.

The Provincial Planning Statement is posted on the Environmental Registry of Ontario for a 60 day commenting period until June 5, 2023 and Bill 97 is posted for comment until May 6, 2023.

COMMENTS

The following is an overview and comments on the proposed Provincial Planning Statement, 2023 and the changes to the Planning Act under Bill 97 that are relevant to planning in South Huron.

Proposed Provincial Planning Statement (PPS), 2023

1. Agricultural Lot Severances

Proposed Changes

The most significant change for South Huron proposed under the new PPS 2023 is new policies for residential lot creation in prime agricultural areas. The current Provincial Policy Statement, 2020 discourages residential lot creation in prime agricultural areas, with the exception of surplus farm residence severances. The changes would allow additional permanent residences and the severance of the additional residences, and the creation of new residential lots in the agricultural area subject to the following criteria:

4.3.2.5 Subordinate to the principal dwelling, up to two additional residential units may be permitted in prime agricultural areas, provided that:

- a) any additional residential units are within, attached to, or in close proximity to the principal dwelling;
- b) any additional residential unit complies with the *minimum distance separation formulae*;

- c) any additional residential unit is compatible with, and would not hinder, surrounding agricultural operations; and
- d) appropriate *sewage and water services* will be provided.

The additional residential units may only be severed from the lot containing the principal dwelling in accordance with policy 4.3.3.1.

4.3.3.1 Residential lot creation in prime agricultural areas is only permitted in accordance with provincial guidance for:

- a) new residential lots created from a lot or parcel of land that existed on January 1, 2023, provided that:
 - 1. agriculture is the principal use of the existing lot or parcel of land;
 - 2. the total number of lots created from a lot or parcel of land as it existed on January 1, 2023 does not exceed three;
 - 3. any residential use is compatible with, and would not hinder, surrounding agricultural operations; and
 - 4. any new lot:
 - i. is located outside of a *specialty crop area*;
 - ii. complies with the *minimum distance separation formulae*;
 - iii. will be limited to the minimum size needed to accommodate the use while still ensuring appropriate *sewage and water services*;
 - iv. has existing access on a public road, with appropriate frontage for ingress and egress; and
 - v. is adjacent to existing non-agricultural land uses or consists primarily of lower-priority agricultural lands.
- b) a residence surplus to an agricultural operation as a result of farm consolidation (subject to criteria that remain essentially unchanged including the prohibition of a residence being constructed on the retained farm parcel).

Examples of a specialty crop area include: Holland Marsh, Niagara Peninsula (tender fruit and grapes), Thedford Marsh, and Grey County's apple growing area.

It should be noted that the new PPS also states that Official Plans and Zoning By-laws cannot contain provisions that are more restrictive than those found in 4.3.3.1 (a) except to address public health or safety concerns. This prohibition does not apply to surplus residence severances.

Staff Comments

Residential lot creation in prime agricultural areas has been discouraged since the Countryside Planning/Foodland Guidelines were issued by the Province of Ontario in the 1970s. The purpose of this provincial-wide planning document was to ensure the protection of prime agricultural land for food production.

South Huron is a prime agricultural area and agriculture is extremely important to the economy and the production of food. For over 40 years, South Huron and its former municipalities have had strong Official Plan policies protecting this agricultural resource and directing non-agricultural related development to settlement areas. Staff and Council recognize the need for housing in the agricultural area and have allowed for on-farm housing for farm labour. The Province's proposal to allow for scattered residential development through lot creation does not further the interests of the agricultural industry.

The opening up of scattered residential lot creation in our prime agricultural area may:

- increase conflict with modern farming practices,
- increase MDS restrictions on the placement of new barns;

- reduce the number of units being built in settlement areas where municipalities have invested substantial funds on services (hard and soft),
- result in lost opportunities for infrastructure efficiency in settlement areas;
- increase the demand on municipalities to provide enhanced rural services (e.g. more frequent snow plowing, road maintenance, garbage collection, emergency services, etc.); and
- ring serviced settlement areas with unserviced residential development making it more difficult and costly for future settlement area expansions and extension of services.

It is requested the Province provide clarification on the criteria in the policies for creating new residential lots; for example: what is considered to be adjacent to a non-agricultural use and what are lower-priority agricultural lands. It is unclear if this is limited to adjacent to Settlement Areas, Recreational uses and Institutional uses, or does it open it up for new residential lots next to all existing residences including farm residences and those that have been severed as surplus. And further, does this also allow residential lot creation on any area that a farm considers lower priority or inconvenient to farm rather than just areas with lower capability soils. Clarification is also requested on the criteria that requires an existing access on a public road and whether that access must exist or can it be obtained as part of the severance process. This clarification would help to determine the number of new residential lots that could be eligible to be severed in South Huron (and across Huron County) and the effect of the policy on the agricultural industry.

If the Province’s intention is to permit 3 residential lots from every farm parcel, this has the potential to result in thousands of non-farm related lots in the agricultural area across the County. The Province should reconsider this substantial policy direction change and the long term effects it will have on the protection of prime agricultural lands and on maintaining the ability for farmers to farm. In addition, there may be other unintended consequences such as the effect of additional residences on the potential for future aggregate extraction.

The County of Huron has completed an assessment of the impacts of the policy to determine the potential for new residential lot creation in the prime agricultural area in the County. The analysis included the number of properties zoned AG1, AG1-Special, AG2 or AG2-Special where a minimum of 25% of the property was zoned AG1. The analysis did not include parcels zoned AG3 or AG4. The results indicate that there are 8,304 parcels within these agricultural zones and with the potential for 3 new lots per parcel, the effect could be 24,912 new residential parcels in the prime agricultural area (of which 3,351 would be in South Huron). It is recognized this estimate may vary due to the impacts of Minimum Distance Separation and access permits but does still give a sense of the potential impacts of the policy change. The information is provided in the chart below.

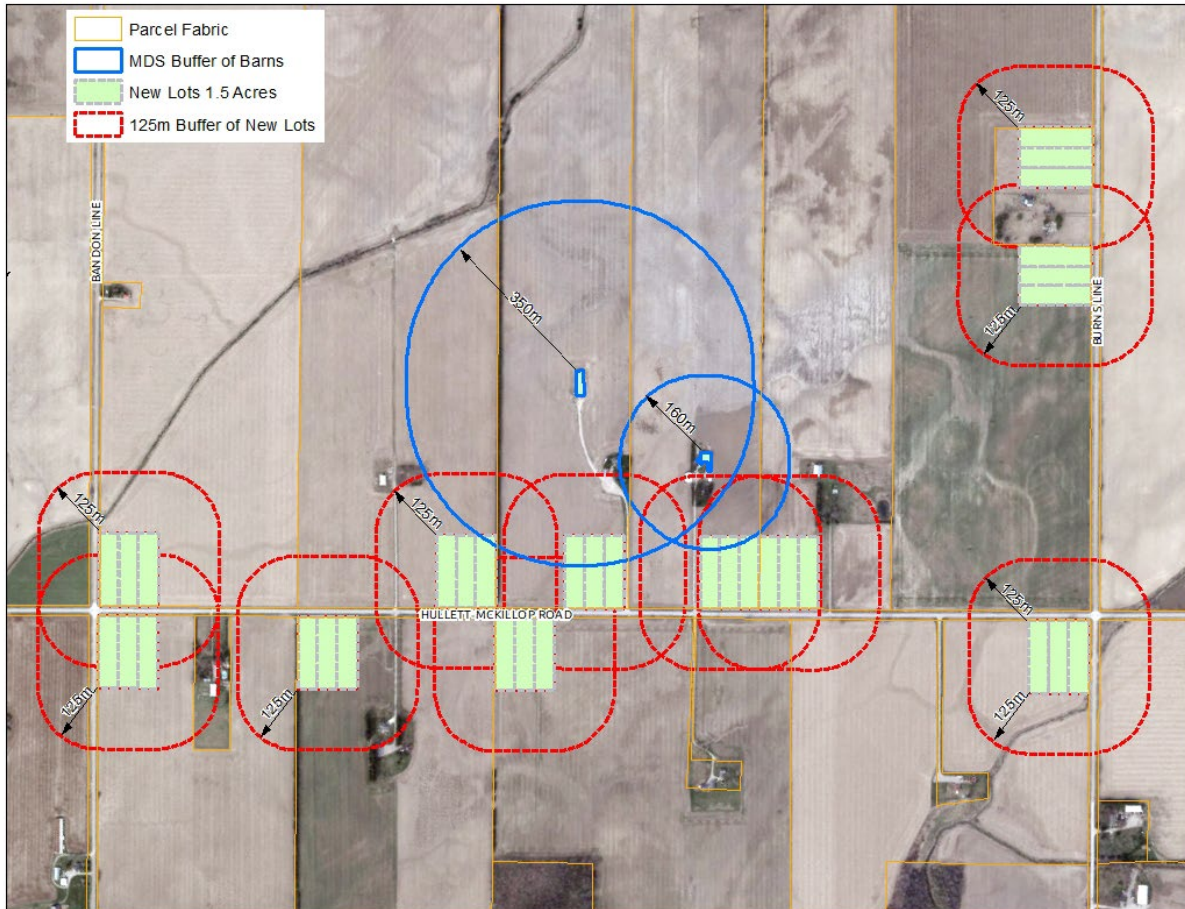
Chart 1: Assessing the Impact of Proposed Provincial Planning Statement Lot Creation Policy in Prime Agricultural Areas within Huron County

Local Municipality	Number of Parcels zoned AG1 and AG1-Special	Number of Parcels zoned AG2 and AG2-Special	Total Number of Eligible Agricultural Parcels	Potential New Lots if 3 per parcel is possible
Ashfield-Colborne-Wawanosh	1,367	0	1,367	4,101
Bluewater	1,027	0	1,027	3,081
Central Huron	1,105	45	1,150	3,450
Howick	622	44	666	1,998
Huron East	1,593	111	1,704	5,112
Morris-Turnberry	852	55	907	2,721
North Huron	340	26	366	1,098
South Huron	1,026	91	1,117	3,351
County of Huron	7,932	372	8,304	24,912

Note: Due to the impacts of Minimum Distance Separation and access permits, three (3) residential lots may not be possible from every identified parcel. AG2 zones typically represent retained farmland from surplus farm residence severances. In ACW & Bluewater, these lands are re-zoned to an AG1-special zone which is why no AG2 zones exist in these municipalities.

To provide a visual context, an example was mapped using one Concession Block in Huron County, including the number of potential residential lots and the increased area that would no longer be eligible for the construction of a livestock barn due to Minimum Distance Separation setback requirements to these new lots.

Image 1: Example of Potential Impact of Proposed PPS Lot Creation Policy on Rural Concession



As discussed in the next item of the report, the Province is proposing to permit Settlement boundary expansions without the requirement for a Comprehensive Review. Understanding that some agricultural land may be needed to address the demand for housing, staff are supportive of eliminating this requirement for expansions and directing development to settlement areas which is a more efficient use of agricultural land than scattered residential development throughout the countryside.

Rather than the creation of non-farm related residential lots to increase the potential for housing in the agricultural area, the Province could consider amending the policy for surplus farm residence severances that requires the retained farmlands to be rezoned to prohibit a residence. The current limitation on the retained land could be removed, allowing a residence on these farm parcels where the severance was completed a certain number of years ago – perhaps 10-15 years or longer to avoid speculation. This would allow for additional housing related to agriculture and would not result in additional severances.

2. Settlement Area Expansions

Proposed Changes

The requirement for a Comprehensive Review to identify a new settlement area or expand a settlement area boundary has been removed in the proposed PPS. With no requirement for municipal comprehensive reviews, municipalities could consider settlement area expansions at any time. The tests to be applied are not as stringent as they were, but would still require consideration of adequate servicing, phased progression of urban development, and impacts on agriculture including minimum distance separation through an Agricultural Impact Assessment. There is no limit on the ability of landowners to apply for an expansion, although the Planning Act continues to limit the ability to appeal the refusals of any such applications.

Staff Comments

As indicated above, staff are supportive of the change to streamline the process for expanding settlement areas where required based on adequate servicing (provided priority is given to expansion in fully serviced areas), logical extensions and addressing agricultural impacts. This is a more efficient use of land than scattered residential lots in the prime agricultural area. The Province only encourages municipalities to set density targets for these expanded areas, but should give consideration to stronger language to ensure efficient use of these additional development lands.

3. Employment Areas and Employment Land Conversions

Proposed Changes

The definition of 'employment areas' is proposed to be changed in both the Planning Act and the new PPS to only include areas with heavy industry, manufacturing, and large-scale warehousing. It does not include commercial, institutional, retail or office not accessory to heavier industry.

The PPS is proposing to allow the removal of lands from an employment area to permit other uses without the requirement for a Comprehensive Review. Municipalities can consider (and landowners can apply for) the removal of land from employment areas where it can be demonstrated that there is a need for the removal, the proposed uses will not negatively impact the overall viability of the employment area, and infrastructure is planned or available to accommodate the proposed use. The Planning Act continues to limit the ability to appeal refusals or non-decisions of such applications.

Staff Comments

No concerns with this proposed change as the South Huron Official Plan already limits employment areas to Industrial designations and does not include Commercial or Community Facility designated lands as employment areas.

4. Growth Targets

Proposed Changes

When updating official plans, municipalities will be required to have enough land designated for at least 25 years (a change from up to 25 years), with planning expressly allowed to extend beyond this horizon for infrastructure and employment areas.

Municipalities will no longer be required to have an intensification target but will need overall density targets.

Staff Comments

No concerns. The County of Huron is preparing updated population and housing needs projections which will assist in establishing minimum density policies.

5. Natural Heritage

Proposed Changes

There is a note in the PPS that indicates as of April 6, 2023, natural heritage policies and related definitions remain under consideration by the government. Once proposed policies and definitions are ready for review and input, they will be made available through a separate posting on the Environmental Registry of Ontario.

Staff Comments

Staff will update Council once the Natural Heritage policies are provided by the Province for review.

Bill 97 – Changes to the Planning Act

The proposed changes to the Planning Act under Bill 97 are more minor and technical in nature and include the following:

1. New Ministerial Powers

The Minister will be given the power to:

- Exempt lands that are the subject of a Minister's Zoning Order (MZO) from complying with provincial policies and official plans when other planning approvals are applied for, such as plans of subdivision. This gives the Minister the ability to address circumstances where a Minister's Zoning Order permits residential uses in an area where the official plan does not.
- Make regulations regarding transition related to the applicability of a new provincial policy statement.
- Make regulations regarding the powers of municipalities to regulate demolition and conversion of residential rental properties, including to pass a by-law requiring a landowner to provide compensation.

2. New Effective date for Bill 109 Planning Fee Refunds

The effective date for planning application fee refunds for Zoning By-law and Site Plan Approval applications where no decision is made within the statutory time periods that were originally in place for applications filed on or after January 1, 2023, is proposed to be changed to July 1, 2023. If any fee refunds were owing because of applications filed and not decided on between January 1 and July 1, 2023, the refund is deemed not to have been required.

A report was provided to Council outlining process improvements to reduce the need for refunds.

3. Parking for Additional Units

Bill 23 put in place restrictions on the ability to require more than one parking space where additional residential units are permitted as of right. Bill 97 proposes to clarify that official plans and zoning by-laws can still require more than one parking space for the primary residential unit.

4. Site Plan Control for Developments of 10 or Fewer Units

Bill 23 had previously removed the authority for municipalities to require Site Plan Control for housing developments with 10 or fewer units. A new regulation has been posted on the Environmental Registry of Ontario which prescribes areas where site plan control could apply to developments containing 10 or fewer residential units, specifically within 120 metres of a shoreline and within 300 metres of a railway line. This would allow South Huron to apply site plan control within these areas if issues such as drainage, servicing connections, etc. are determined to be best addressed through this process.

NEXT STEPS

The County of Huron is submitting their own separate, similar comments on the proposed Provincial Planning Statement and encourages local municipalities to also submit comments to the Province.

The next step is for Council direct staff to submit the comments from this report and any additional comments identified by Council to the Province for consideration and clarification.

OTHERS CONSULTED

Rebekah Msuya-Collison, Acting Chief Administrative Officer/Clerk
Mike Rolph, Director of Building and Planning Services/Chief Building Official
Huron County Planning and Development staff

Craig Metzger
Senior Planner

Ward 10 Youth Council
777 Hwy 8
Stoney Creek, ON L8E 5J4
May 23, 2023

Mayor Andrea Horwath and members of Hamilton City Council
City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

RE: Teen Vaping

Dear Mayor Horwath and members of Hamilton City Council,

We are the Ward 10 Youth Council representing high school age students from the Stoney Creek, Fruitland and Winona areas. We represent a diverse cross-section of our communities and we feel very strongly about what we view to be an epidemic of teen vaping.

A recent study done by Brescia University College at Western University, states that more than one quarter of all students from grades 7 to 12 have admitted to vaping. Further, the long-term health effects of vaping are not yet understood. We believe strongly that licensing and regulations should be strengthened, and that the harmful effects of vaping should be demonstrated more fully.

We request that the City of Hamilton investigate the following measures to reduce teen vaping in our community.

1. More restrictions on where vaping products can be sold, including the proximity to schools.
2. Training for store owners and employees on the harmful effects of vaping.
3. Stricter enforcement of ID requirements for the purchase of vaping products.
4. Posters in all vaping retail locations stating the health risks of vaping.
5. Greater collaboration with the HWDSB and HWCDSB to offer targeted information about the risks associated with vaping directly to students in grades 7 to 12.
6. Stronger enforcement to prevent vaping inside school buildings.

Therefore, we urge you to consider the devastating effects of teen vaping and promote its avoidance, as per our recommendations in this letter.

With your help and support, we believe we can break the cycle of teen vaping. We look forward to seeing a decline in teen vaping in the very near future.

Sincerely,

Sophia Bhatti
Joanna Gil
Jessica Madjeruh
Charlize Passfield

Aimee Passfield
Jeleina Rasiah
Jed Rasiah

on behalf of all members of the Ward 10 Youth Council.

c.c. Dawn Danko, Chair, HWDSB
Patrick Daly, Chair, HWCDSB

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



5.11

234-2023-2033

June 1, 2023

Your Worship
Mayor Andrea Horwath
City of Hamilton
Janet.Pilon@hamilton.ca

Dear Mayor Horwath:

A handwritten signature in black ink that reads "Andrea".

Thank you for sharing the City of Hamilton's endorsement of the Town of Cobourg's Homeless and Unsheltered Persons resolution. I appreciate the time you have taken to write.

Our government believes everyone deserves a place to call home, including the most at-risk people in the province. That is why my ministry provides annual funding in homelessness prevention, supportive housing and various other housing programs to local Service Managers across Ontario. Service Managers, like the County of Northumberland and City of Hamilton, have flexibility to use those funds to support a wide range of services for people experiencing, or at risk of, homelessness, including mental health and addictions supports.

On April 6, 2023, our government introduced our most recent housing supply action plan, Helping Homebuyers, Protecting Tenants as well as the Helping Homebuyers, Protecting Tenants Act. Our plan is the latest in a series of steps we are taking to increase housing supply and help more Ontarians find a home they can actually afford. Our plan builds on initiatives in More Homes Built Faster, More Homes for Everyone and More Homes More Choice, our first three housing supply action plans. Ontario's Housing Supply Action Plans complement our investment of nearly \$4.4 billion over three years to grow and enhance community and supportive housing, and to address homelessness for vulnerable Ontarians.

In partnership with our municipal and Indigenous partners, the government has provided unprecedented support to ensure vulnerable people in Ontario have access to safe and appropriate housing.

Last year, we launched the new Homelessness Prevention Program (HPP) and invested an additional \$25 million annually to help more people experiencing homelessness find safe housing and the support they need.

And as was just announced in Budget 2023, we are investing an additional \$190.5 million annually and ongoing through the HPP to help those experiencing or at risk of homelessness and support the community organizations delivering supportive housing, including to build new supportive housing units. This includes an 18% increase in funding for Hamilton to \$27.9 million, and a 48% increase in funding for Northumberland County to \$2.3 million. With this significant commitment, my ministry will be investing nearly \$654 million per year through the HPP.

-2-

We are also enhancing our investments in the Indigenous Supportive Housing Program (ISHP). This program, delivered by two Indigenous Program Administrators, provides culturally appropriate housing assistance and support services to Indigenous people who are homeless or at risk of homelessness. Program Administrators have the flexibility to use this funding for both capital and ongoing operating of supportive housing. Funding for the ISHP is increasing nearly 40 per cent, from \$30 million in 2022-23 to \$41.5 million in 2023-24.

To better connect people experiencing homelessness to housing and supports, we required all Service Managers across the province to have a By-Name List, which is a real-time list of people experiencing homelessness in a community that can help connect people to services and supports they need. As a condition of HPP funding, the province introduced new By-Name List requirements which must be implemented by April 1, 2023. The new requirements include more frequent updates, broader coverage and comprehensiveness, and a more extensive set of data points to help communities better understand the needs of people experiencing homelessness to effectively prioritize and connect people to services and supports they need.

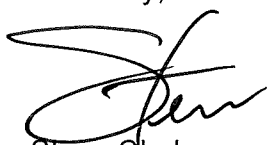
We recognize that it is important to connect people with the right types of housing assistance and support services they need at the right time. That is why my ministry is working closely with the Ministries of Children, Community and Social Services and Health to explore how supportive housing can be improved across Ontario. In November 2022, former Associate Minister of Housing, Michael Parsa, hosted seven supportive housing roundtable sessions with approximately 150 stakeholders from across the province, including Francophone communities; Indigenous people; municipalities; and organizations representing or serving persons with disabilities, seniors, youth, and survivors of domestic violence.

We are currently analyzing this feedback and will use it to inform our ongoing work to improve supportive housing across Ontario.

We will continue to support Service Managers to ensure Ontario municipalities receive their fair share of funding under the National Housing Strategy and will continue to advocate to the federal government who is underfunding Ontario by about \$480 million for housing and homelessness over the term of the National Housing Strategy.

Once again, thank you for sharing the City of Hamilton's endorsement. Please accept my best wishes.

Sincerely,



Steve Clark
Minister

- c. The Honourable Michael Parsa, Minister of Children, Community and Social Services
ministtermccss@ontario.ca
The Honourable Sylvia Jones, Minister of Health ccu.moh@ontario.ca
The Honourable David Piccini, MPP Northumberland – Peterborough South
David.Piccini@pc.ola.org



**PUBLIC WORKS COMMITTEE
REPORT 23-008**

1:30 p.m.

Monday, May 29, 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 PUBLIC WORKS COMMITTEE PRESENTS REPORT 23-008 AND
RESPECTFULLY RECOMMENDS:**

- 1. In-Service Road Safety Review of the Intersections of Main Street West and King Street West at Dundurn Street South and Main Street East at King Street East (Delta) (PW23033) (Wards 1 and 3) (Outstanding Business List Item) (Item 9.1)**

That Report PW23033, respecting In-Service Road Safety Review of the Intersections of Main Street West and King Street West at Dundurn Street South and Main Street East at King Street East (Delta), be received.

- 2. Improving Truck Route Detouring During Construction Closures (PW23035) (City Wide) (Outstanding Business List Item) (Item 9.2)**

That Report PW23035, respecting Improving Truck Route Detouring During Construction Closures (City Wide) (Outstanding Business List Item), be received.

- 3. Construction Agreement with Town of Milton for the Rehabilitation of Milborough Line (PW23034) (Ward 15) (Item 11.1)**

That Council provide approval for the General Manager of Public Works, or designate, to execute the Construction Agreement between the City of Hamilton and the Corporation of the Town of Milton (hereinafter referred to as the "Town of Milton"), attached as Appendix "A" to Public Works Committee Report 23-008, and all amendments and ancillary documents, respecting the cost shared Milborough Line capital road improvement project.

4. Expansion of Pollinator Beds and Addition of Murals at York Boulevard Parkette 2, Hamilton (Ward 1) (Item 12.1)

WHEREAS, York Boulevard is a gateway into the City of Hamilton and currently includes several pollinator patches in the parkettes and medians;

WHEREAS, the Hamilton Naturalist's club has been actively creating and maintaining garden beds and promoting pollinator education at York Boulevard Parkette 2;

WHEREAS, the City of Hamilton has achieved Bee City status and is committed to upkeep the Bee City Vision through the protection and support of pollinators and habitat creation; and

WHEREAS, the planting of perennials and native plants contributes to biodiversity across the City and community murals help to celebrate and inform residents about nature and pollinator habitat.

THEREFORE, BE IT RESOLVED:

- (a) That funding in the amount of \$30,000 to the Hamilton Naturalist's club for the expansion of garden beds and addition of murals at York Boulevard Parkette 2 in order to contribute to pollinator habitat and community education, to be funded from the Ward 1 Special Capital Re- Investment Discretionary Fund (#3302109100) be approved;
- (b) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

5. Active and Sustainable School Travel Project (Ward 9) (Item 12.2)

WHEREAS, the Active and Sustainable School Travel (ASST) program has been operating in Hamilton schools for 20 years and throughout this time, Transportation Planning – Sustainable Mobility and Public Health have been the partners in leading this work for the City in partnership with School Boards as guided by the Active and Safe School Travel Charter;

WHEREAS, many partners have participated in the ASST initiative including McMaster University, Mohawk College, Civic Plan, LURA, Hamilton Police Services, Bike for Mike and the Daily School Route (DSR), and each has contributed to implementation, research and partnerships that have evolved the program over time;

WHEREAS, the City and its partners are at a point where it is appropriate to re-confirm and extend partnerships and programs to better serve our school communities and have full alignment in meeting future goals and milestones, while further testing the school travel approach on a larger scale;

WHEREAS, the DSR, a part of the Bike for Mike not-for-profit organization, has developed a structured and robust approach to school travel that creates active transportation systems for kids with the aspiration of 100% of students walking/wheeling to/from school daily, which has been tested in multiple schools and has involved the City, School Boards and Civic Plan as partners;

WHEREAS, Ward 9 has ten elementary schools located in areas with a variety of land-use and transportation network characteristics, with many experiencing safety, traffic and parking challenges that could be addressed through active and safe school travel initiatives; and

WHEREAS, the DSR approach to active and safe school travel involving a comprehensive route strategy and safety review, has strong potential to address the school travel challenges in Ward 9 with a high potential for sustainable change.

THEREFORE, BE IT RESOLVED:

- (a) That the General Manager of Planning and Economic Development be given the delegated authority to establish an agreement with Daily School Route (DSR), a part of the Bike For Mike not-for-profit organization, to deliver school engagement and behaviour change programs on behalf of the Active and Sustainable School Travel (ASST) program in partnership with Transportation Planning - Sustainable Mobility, the lead coordinating group, Public Health Services - Chronic Disease Prevention and Transportation Operations - Road Safety, in a form satisfactory to the City Solicitor;
- (b) That Ward 9 be selected as an initial test case for the application of the Daily School Route (DSR) approach under the proposed agreement outlined in recommendation (a) between the City and the DSR;
- (c) That the estimated cost of \$85,000 to fund the Daily School Route (DSR) work to provide school travel planning services and tools for schools in Ward 9 be funded through S.C. Compensation Royalties (Terrapure Landfill) Reserve 117036; and

- (d) That staff report back to Public Works Committee on the outcomes of the Ward 9 school travel planning initiatives undertaken by the City and the Daily School Route (DSR) following implementation.

6. Non-Verbal Communication Panels in Parks (Ward 1) (Item 12.3)

WHEREAS, a non-verbal communication panel is a board with images that assists non-verbal individuals to communicate more easily;

WHEREAS, these types of panels are being more widely integrated into playgrounds in the City and beyond;

WHEREAS, there are several community parks in Ward 1 that would benefit from this type of panel as part of the playground; and

WHEREAS, the addition of the panels supports enhanced inclusivity at playgrounds.

THEREFORE, BE IT RESOLVED:

- (a) That the purchase and installation of Non-Verbal Communication Panels for Parks in Ward 1, to be funded from the Ward 1 Capital Discretionary Account #3302109100 at an upset limit, including contingency, not to exceed \$21,000, be approved;
- (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.

7. Dedication of the Sun Shelter in Honour of Dona Campbell and a Park Bench in Honour of Glen Campbell at Templemead Park, 30 Independence Drive (Ward 6) (Item 12.4)

WHEREAS, the Environmental Services Division of Public Works offers a Commemorative Park Bench & Tree Program;

WHEREAS, the Commemorative Park Bench & Tree Program provides options to honour an individual or group by donating a bench or tree to a City park which allows for improvements to our parks and inspires community pride and a sense of place;

WHEREAS, the Commemorative Park Bench & Tree Program is operated at full cost recovery through the donations provided;

WHEREAS, Dona Campbell was the first Chairperson of the Templemead Community Council and in 1990 fulfilled the goal of a neighbourhood park in the Templemead Community complete with a play structure for children of all physical abilities and a sun shelter to protect families from the hot sun while at the park;

WHEREAS, Glen Campbell was the behind-the-scenes member of the building of the park, always at Dona's side and helping at all the fundraisers for Templemead Park;

WHEREAS, Glen Campbell passed away on February 2, 2019, and Dona Campbell passed away on January 23, 2021.

WHEREAS, a memorial will be dedicated to Dona Campbell and to Glen Campbell at Templemead Park in remembrance of their love of community and family; and

WHEREAS, a donation to the Commemorative Park Bench & Tree Program in Ward 6 requires funding approval.

THEREFORE, BE IT RESOLVED:

- (a) That a contribution to the Commemorative Park Bench & Tree Program be funded from the Ward 6 Special Capital Re-Investment Discretionary Fund (# 3302209300) for the purchase of a Plaque at the Sun Shelter in honour of Dona Campbell and a Park Bench and Plaque in honour of Glen Campbell and Dona Campbell at Templemead Park, 30 Independence Drive, with an upset limit of \$5,000, be approved; and
- (b) That the Mayor and City Clerk be authorized and directed to approve and execute any and all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Agenda for the May 29, 2023 Public Works Committee meeting 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) May 15, 2023 (Item 4.1)

The Minutes of the May 15, 2023 meeting of the Public Works Committee were approved, as presented.

(d) 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) Main Street East and King Street East (Delta) In-Service Road Safety Review (Item 14.1(a)(a))
Addressed as Item 9.1 (PW23033) (today's agenda)
Item on OBL: ACR
 - (ii) Main Street West at Dundurn Street South and King Street West at Dundurn Street South Intersection Road Safety Plan (Item 14.1(a)(b))
Addressed as Item 9.1 (PW23033) (today's agenda)
Item on OBL: ACS
 - (iii) Improving Truck Route Detouring during Construction Closures (Item 14.1(a)(c))
Addressed as Item 9.2 (PW23035) (today's agenda)
Item on OBL: ABY
- (2) Items Requiring a New Due Date (Item 14.1(b)):
 - (i) Free-Floating Carshare Pilot Program (Item 14.1(b)(a))
Item on OBL: ABW
Current Due Date: June 12, 2023
Proposed New Due Date: August 16, 2023
 - (ii) Impact of On-Site and Excess Soils Management Regulation (O. Reg 406/19) and other pressures on Capital Program Costs (Item 14.1(b)(b))

Item on OBL: ACZ
Current Due Date: June 12, 2023
Proposed New Due Date: July 12, 2023

- (3) Items to be Referred to the General Issues Committee (Item 14.1(c)):
 - (i) Redevelopment / Reuse of the former King George School Site, at 77 Gage Avenue North (Item 14.1(c)(a))
Item on OBL: V
- (4) Items to be Removed (Item 14.1(d)):
 - (i) Correspondence from the Town of Fort Erie requesting support for their resolution in support of the Township of The Archipelago respecting Road Management Action on Invasive Phragmites (Item 14.1(d)(a))
Item on OBL: ABU

(e) ADJOURNMENT (Item 16)

There being no further business, the meeting adjourned at 2:47 p.m.

Respectfully submitted,

Councillor N. Nann, Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

This Agreement effective as of the ____ day of _____ 2023.

BETWEEN:

THE CORPORATION OF THE TOWN OF MILTON
(hereinafter called "Milton")

-and-

CITY OF HAMILTON
(hereinafter called "Participant")

WHEREAS Milton and the Participant share Joint Jurisdiction of certain lands more particularly described as *Milborough Line (Regional Road 7-Derry Road to Concession Road 10 East (Hamilton))* (the "Lands");

AND WHEREAS Milton and the Participant are desirous of constructing certain works over the Lands subject to Milton's specifications, design and construction detail for the road (the "Works"), more particularly described in Schedule "B" attached hereto and as agreed to by the Participant;

AND WHEREAS Milton and the Participant are adjoining jurisdictions that have entered into a Boundary Highway Maintenance and Repair Agreement ("Boundary Road Agreement") related to the Lands;

AND WHEREAS the Works constitute a Capital Improvement as contemplated in the Boundary Road Agreement;

AND WHEREAS Milton and the Participant are desirous of entering into this further agreement for cost sharing and project management of the Works as contemplated by Section 5.2 of the Boundary Road Agreement;

AND WHEREAS the Participant and Milton have mutually agreed that Milton will arrange on the Parties' behalf, the installation of the Works by Milton's Contractor pursuant to the terms and conditions set forth in this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants herein contained and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged) the Parties agree as follows:

ARTICLE 1 – DEFINITIONS

1.1 Definitions - Capitalized terms used herein shall have the meanings set forth in Schedule "A".

ARTICLE 2 - THE WORK

2.1 Scope of Work – Milton shall, through its Contractor, and only as in accordance with the Tender, cause to be performed the foregoing:

- (i) all procurement, oversight, coordination, inspection and construction activities and services necessary to perform and complete the Works, including without limitation preparation, excavation and grading of the Lands, and proper disposal of all excavated materials if and as required in connection with performance of the Works;
- (ii) providing or procuring all materials necessary to perform and complete the Works; and
- (iii) all work forces necessary to perform and complete the Works, including without limitation all skilled and unskilled labour, supervisory, quality assurance and support service personnel.

2.2 Cost of Work

- (i) Subject to sections 2.3 and 2.4, the Participant shall be solely liable and responsible for 50% of any and all costs or expenses of any kind relating to the Works (the “Participant Costs”), as estimated in Schedule E attached hereto, and to be updated as necessary as information becomes available regarding actual costs. It is understood and agreed that the costs outlined in Schedule E are estimates only and that Participant Costs will be based on 50% of the actual costs to complete the Works and that those actual costs will be determined at the time of Tender. It is furthermore understood and agreed that Milton will provide the Participant with written notification of actual project costs once they are determined and that Milton will obtain the Participant’s written approval of actual costs before Tender award.

2.3 Approval of the Participant

- (i) Prior to commencing any of the Works, Milton shall provide the Participant with a schedule (the “Works Installation Schedule”) and the Tender for the work related to the Works. Milton shall not commence any of the Works without obtaining the Participant’s prior written approval of the Works Installation Schedule and the Tender, which approval will not be unreasonably withheld. The Participant shall provide its written approval or rejection of the Works Installation Schedule and the Tender to Milton within five (5) Construction Days of receiving the Works Installation Schedule and the Tender from Milton. Any dispute arising from this Section 2.3(i), including

but not limited to, the rejection of the Works Installation Schedule and Tender, shall be subject to the dispute resolution procedures in Article 9.

2.4 Changes to the Work

- (i) The Participant may request additions, deletions or other revisions to the Works by written notice to Milton requesting such change (the "Participant Change Request"). Milton shall within one (1) Construction Day of receipt of the Participant Change Request acknowledge to the Participant receipt of the Participant Change Request, and within two (2) Construction Days of the receipt of the Participant Change Request, provide a written acceptance or rejection of the Participant Change Request to the Participant. Milton shall not unreasonably withhold its approval to a Participant Change Request. In the event the Participant Change Request is accepted by Milton, the Parties will share the cost of the Participant Change Request according to the cost share formula of this Agreement (50% Participant /50% Milton).

Milton may, without invalidating this Agreement, make additions, deletions or other revisions to the Works, and Works Installation Schedule, provided that such additions, deletions or other revisions shall be by way of written change order or change directive issued and agreed upon in writing by both Parties. Milton shall submit a notice to the Participant requesting such change (the "Change Request") and the Participant shall within one (1) Construction Day of receipt of the Change Request acknowledge to Milton receipt of the Change Request, and within two (2) Construction Days of the receipt of the Change Request, provide a written acceptance or rejection of the Change Request to Milton. If the Participant rejects any Change Request, the Participant shall provide written notice of the reason for rejecting the Change Request and any dispute arising from the rejection of a Change Request shall be subject to the dispute resolution procedures in Article 9.

- (ii) Milton may, without invalidating this Agreement, make additions, deletions or other revisions to the Works without the prior approval of the Participant in the event of an emergency, where the failure to make such change would cause a material delay in the Works, or where the delay in obtaining consent would result in significant damages to the Works, whether physical or financial, each as determined by Milton (the "Proposed Change"). Milton shall submit any Proposed Change to the Participant as soon as possible and will use best efforts to obtain the Participant's prior approval for the Proposed Change, however Milton shall not be required to obtain the Participant's prior approval for a Proposed Change if any delay in obtaining such approval would result in such significant physical or financial damage to the Works.

2.5 Acceptance of Completed Work – When, in the opinion of Milton, one or more of items of the Works has been satisfactorily completed, Milton shall, in writing, notify the Participant to inspect the Works within one (1) Construction Day or as

otherwise agreed, of the notice ("Completion Notice"). The Participant shall advise Milton in writing within two (2) Construction Days of the Construction Notice that the Work has been satisfactorily completed in accordance with the contract drawings and documents or that there are deficiencies. In the event that deficiencies are identified by the Participant, Milton will cause Milton's Contractor to rectify the deficiencies. Following notification from Milton's Contractor to Milton that the deficiencies have been rectified, Milton will again provide the Completion Notice as set out earlier in this paragraph.

When in the opinion of Milton, the Works is ready for final acceptance, Milton shall notify the Participant of same. The Participant shall advise Milton within five (5) Construction Days if the Participant has an objection to final acceptance of the Works, acting reasonably. If the Participant does not advise Milton within said period, the Participant shall be deemed to have no objection to final acceptance of the Works.

ARTICLE 3 - RESPONSIBILITIES

Milton Responsibilities

- 3.1 Engagement of Milton – Milton shall be responsible for the overall oversight and coordination of the work and the construction of the Works in accordance with: (a) the Authorizations for the Works; (b) the terms of this Agreement; and (c) all applicable Laws.

Participant Responsibilities

- 3.2 No Other Work – The Participant shall not, without the prior approval written approval of Milton, undertake or cause to be undertaken, any work on the Lands during the term of this Agreement, except in accordance with this Agreement, and as approved by Milton, acting reasonably.

Joint Responsibilities

- 3.3 Health and Safety – Milton and the Participant acknowledge that the Contractor shall act as "constructor" within the meaning of the *Occupational Health and Safety Act* ("OHSA"), and the Contractor shall be solely responsible for all of the duties, liabilities, obligations, and responsibilities of the "constructor" under the OHSA with respect to the Works and Site.
- 3.4 Insurance - During the term of this Agreement, Milton and the Participant shall obtain and maintain insurance as set forth in Schedule "C".

ARTICLE 4 - OWNERSHIP OF ASSETS

- 4.1 Ownership of the Works – The Parties acknowledge and agree that Milton and the Participant shall have joint ownership of the Works, and of each item of material, equipment, machinery, supplies and other items incorporated therein and shall have all rights, title and interests arising from the Works, in accordance with the Boundary Road Agreement.
- 4.2 Assignment of Warranty – Milton shall use reasonable efforts to assign all warranties for the Works to the Participant.

ARTICLE 5 – PAYMENT

- 5.1 Payment Certificates – Milton will provide the Participant with monthly payment certificates for work related to the Works. Payment certificates will itemize all costs. The Participant will make payment to Milton within thirty (30) days after receiving a payment certificate (the “Due Date”).
- 5.2 The Participant may inspect Milton’s records relating to the Works and observe Milton’s practices in carrying out its responsibilities hereunder. Milton shall provide the Participant with all information and access to all facilities necessary for this purpose, as well as copies of any records as requested by the Participant. Milton shall cause all records relating to its responsibilities hereunder to be preserved and kept available for audit and inspection at any reasonable time, and from time to time, until the expiration of two (2) years from the date of termination or expiration of this Agreement, or until the expiration of such lesser or greater period of time as shall be approved in writing by the Participant.

ARTICLE 6 - COMMENCEMENT AND COMPLETION OF WORK

- 6.1 Commencement – Milton shall commence performance of the Works in accordance with the Works Installation Schedule and Section 2.3.
- 6.2 Full Completion – “Full Completion” shall occur when all of the Works have been fully completed including, without limitation when all materials, documentation (warranty, manuals, specifications) and equipment for the Works have been installed and provided. Milton shall provide the Participant notice of Full Completion. If the Participant disputes that Full Completion has occurred, it shall provide written notice to that effect to Milton, specifying the basis for disputing Full Completion. In the event of dispute regarding Full Completion, the Parties shall utilize the dispute resolution procedures in Article 9 to resolve the dispute.

ARTICLE 7 - WARRANTIES; LIMITATION OF LIABILITY

- 7.1 Limitation of Liability – The Parties agree that, in no event or circumstance shall either Party be liable for any loss of business, lost profits or indirect, consequential, special, multiple, or punitive damages of the other Party or those for whom in law the other Party is responsible. Except to the extent directly caused by either Party or otherwise set out in this Agreement, neither Party shall be responsible in any way for any injury to any person (including death).
- 7.2 Delay – If there is additional work for the benefit of a sole party and such work is added, and which has been agreed to by the Parties, the Party making such additional work would assume the costs associated with that work (delay time, construction costs etc) as the sole beneficiary of this work.

ARTICLE 8 - INDEMNIFICATION

- 8.1 Indemnification of Milton – Except to the extent caused by Milton, given its role and responsibilities providing the specifications, design and construction detail for the Works as well as the responsibility for the overall oversight, and coordination of the Work and the construction of the Works, and subject to Article 7, the Participant shall indemnify Milton, its elected officials, officers, directors, employees, agents, contractors, servants, and those for whom Milton is in law responsible, and save Milton harmless from any and all losses, costs, claims, actions, demands, liabilities, damages and expenses (including, without limitation, legal expenses) of every kind and description, including without limitation in connection with loss of life, personal injury and/or damage to or loss of property, arising out of or in any way related to, the construction of the Works, or any default, non-performance, or breach by the Participant of any of its obligations under this Agreement.
- 8.2 Indemnification of Participant – Except to the extent caused by the Participant, and subject to Article 7, Milton shall indemnify the Participant, its elected officials, officers, directors, employees, agents, contractors, servants, and those for whom the Participant is in law responsible, and save the Participant harmless from any and all losses, costs, claims, actions, demands, liabilities, damages and expenses (including, without limitation, legal expenses) of every kind and description, including without limitation in connection with loss of life, personal injury and/or damage to or loss of property, arising out of or in any way related to, the construction of the Works, any default, non-performance, or breach by Milton of any of its obligations under this Agreement.

ARTICLE 9 - DISPUTE RESOLUTION

- 9.1 General – If any difference of opinion or dispute (“Dispute”) shall arise between the parties hereto in the interpretation, or carrying out, of this Agreement, or any

of its provisions, the Parties shall make all reasonable efforts to resolve their dispute by amicable negotiations and agree to provide, without prejudice, open and timely disclosure of relevant facts, information, and documents to facilitate these negotiations. Any Party may initiate this dispute resolution process by providing the other party written notice of the Dispute (the "Dispute Notice").

- (i) Mutual Discussions – If any Dispute arises between the Parties in connection with, or arising out of, this Agreement, the Parties, within ten (10) Construction Days of receipt of the Dispute Notice shall attempt to settle such Dispute in the first instance by mutual discussions between the project managers for Milton and the Participant. In the event, the Dispute is not settled within twenty (20) Construction Days of receipt of the Dispute Notice, the Parties shall attempt to settle the Dispute by mutual discussion between the chief administrative officers for Milton and the Participant.

- 9.2 Arbitration – Subject as hereinafter provided, any Dispute arising out of or in connection with, this Agreement and not settled by Subsection 9.1(i) of this Agreement within thirty (30) Construction Days of receipt of the Dispute Notice shall (regardless of the nature of the Dispute), at the option of either Party, be submitted and resolved by binding arbitration pursuant to the provisions of the *Arbitration Act*, 1991, S.O. 1991, c. 17 (the "Arbitration Act"), as amended or any successor legislation thereto, and in accordance with the following provisions: (i) the reference to arbitration shall be to one (1) arbitrator if the Parties are able to agree to the appointment of same, failing which the reference to arbitration shall be to three (3) arbitrators, one of whom shall be chosen by each of the Parties, and the third shall be chosen by the two (2) so chosen, and the third so chosen shall be the chairman of the arbitration and any decision or award shall be made by a majority of the arbitrators. In the absence of an agreement between the two arbitrators chosen by the Parties regarding the third arbitrator, within ten (10) Construction Days after the appointment of an arbitrator by each of the Parties, the third arbitrator shall be appointed in accordance with the provisions of the *Arbitration Act*; (ii) the arbitrator or arbitrators, as the case may be, shall resolve the dispute by majority vote which shall be binding upon the Parties; (iii) there shall be no appeal from any award or decision of the arbitrator(s) and the costs of any such arbitration shall be shared equally between the Parties hereto, or as otherwise determined by arbitration agree that the dispute resolution provisions in section 12 of the Boundary Road Agreement shall apply to the resolution of such Dispute.

ARTICLE 10 - INTERPRETATION

- 10.1 Governing Law – This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.
- 10.2 Interpretation – The Schedules form a part of this Agreement. This Agreement includes the attached Schedules "A" through "E".

- 10.3 Entire Agreement – This Agreement, together with the Schedules attached hereto, constitutes the entire agreement and complete understanding between the Participant and Milton with respect to the subject matter described herein. Nothing in this Agreement shall be deemed to amend, modify or otherwise alter the Boundary Road Agreement and the Boundary Road Agreement shall continue to apply in respect of the subject matter therein in accordance with the terms of that agreement.
- 10.4 Headings and References – The division of this Agreement into articles, sections, subsections and schedules and the insertion of headings are for convenience of reference only and shall not affect the construction or interpretation of this Agreement. The article, section, subsection and schedule headings in this Agreement are not intended to be full or precise descriptions of the text to which they refer and are not to be considered part of this Agreement. All uses of the words “hereto”, “herein”, “hereof”, “hereby” and “hereunder” and similar expressions refer to this Agreement as a whole and not to any particular section or portion of it. References to an article, section, subsection or schedule refer to the applicable article, section, subsection or schedule of this Agreement unless otherwise specifically provided.
- 10.5 Drafting Ambiguities – Each Party to the Agreement and its counsel have reviewed and revised the Agreement. The rule of construction that any ambiguities are to be resolved against the drafting parties shall not be employed in the interpretation of the Agreement, or any amendment thereto.

ARTICLE 11 - MISCELLANEOUS

- 11.1 Invalidity of Provisions – Each of the provisions contained in this Agreement is distinct and severable and a declaration of invalidity or unenforceability of any such provision or part thereof by a court of competent jurisdiction shall not affect the validity or enforceability of any other provision hereof. To the extent permitted by applicable law, the Parties waive any provision of law which renders any provision of this Agreement invalid or unenforceable in any respect.
- 11.2 Survival – Notwithstanding anything in this Agreement to the contrary, any provisions of this Agreement which are intended to survive termination or expiry of this Agreement shall survive the termination or expiry of this Agreement.
- 11.3 Technical or Trade Usage – When words that have a well-known technical or trade meaning are used to describe materials, equipment or services, such words will be interpreted in accordance with such meaning. Reference to such standard specifications, manuals, or codes of any technical society, organization or association, or to the code of any governmental authority, whether such references

be specific or by implication, shall mean the latest standard specification, manual or code (whether or not specifically incorporated by reference in the contract documents). Performance shall conform to the standards in effect at the time of performance and may change the duties and responsibilities of the Participant or Milton, or any of their agents, consultants, or employees from those set forth in the Agreement.

- 11.4 Amendments and Waivers – This Agreement may be amended only by a written instrument signed by a duly authorized representative of each Party. The failure of any Party to insist on one or more occasions upon strict performance of the obligations owed it by the other Party shall not waive or release such Party’s right to insist on strict performance of such obligation or any other obligation in the future. No waiver of any rights or recourses shall be inferred from or implied by anything done or omitted to be done by either Party unless such waiver is expressed in writing.
- 11.5 Notices – Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be given by prepaid mail, by facsimile or other means of electronic communication or by hand-delivery as hereinafter provided. Any such notice or other communication, if mailed by prepaid mail at any time other than during a general discontinuance of postal service due to strike, lockout or otherwise, shall be deemed to have been received on the fourth Construction Day after the post-marked date thereof, or if sent by facsimile or other means of electronic communication, shall be deemed to have been received on the Construction Day following the sending, or if delivered by hand shall be deemed to have been received at the time it is delivered to the applicable address noted below either to the individual designated below or to an individual at such address having apparent authority to accept deliveries on behalf of the addressee. Notice of change of address shall also be governed by this section. In the event of a general discontinuance of postal service due to strike, lock-out or otherwise, notices or other communications shall be delivered by hand or sent by facsimile or other means of electronic communication and shall be deemed to have been received in accordance with this section. Notices and other communications shall be addressed as follows:

If to the Participant: Corporation of the City of Hamilton
77 James Street
Hamilton, Ontario L8R 2K3
Attention: Greg Wuisman
E-mail: Greg.Wuisman@hamilton.ca

If to Milton: Corporation of the Town of Milton
150 Mary Street, Milton, Ontario, L9T 6Z5
Attention: Diana Betancour
E-mail : diana.betancour@milton.ca

- 11.6 Successors; Assignment – This Agreement shall be binding upon the Parties and their respective successors and permitted assigns. Neither Party shall make any sale, assignment, mortgage, pledge or other transfer of all or any portion of its rights or obligations under this Agreement, whether voluntarily or involuntarily, by operation of law or otherwise, without the prior written consent of the other Party.
- 11.7 Counterparts – This Agreement may be executed in any number of counterparts (including counterparts by facsimile and PDF) and all such counterparts taken together shall be deemed to constitute one and the same instrument.
- 11.8 Further Assurances – Each Party agrees to execute and deliver any such instruments and to perform any such acts as may be necessary or reasonably requested by the other Party in order to give full effect to the terms of this Agreement.
- 11.9 No Partnership – The Parties hereby expressly disclaim any intention to create a joint venture or partnership relation between the Parties.
- 11.10 Time is of the Essence – Time is of the essence in this agreement.

- Signature page follows -

IN WITNESS WHEREOF the Parties have duly executed this Agreement as of the date first written above.

**THE CORPORATION OF THE TOWN
OF MILTON**

Name:
Title:

Name:
Title:

We have authority to bind the Corporation.

CITY OF HAMILTON

Name:
Title:

Name:
Title:

We have authority to bind the Corporation.

Schedule "A"
Definitions

"Agreement" shall mean this agreement and all schedules attached to this agreement, in each case as they may be amended or supplemented from time to time.

"Authorization" shall mean any license, permit, approval, filing, waiver, exemption, variance, clearance, entitlement, allowance, franchise, or other authorization, whether from any Governmental Authority, corporate or otherwise.

"Construction Day" shall mean any day, other than Sunday or any statutory holiday in the Province of Ontario.

"CA" shall mean the Construction Act, R.S.O. 1990, c. C.30

"Claim for Lien" shall mean a lien, notice of lien or claim for lien under the CA.

"Contractor" shall mean the contractor retained to perform the construction work within the scope of the Participant Works.

"Dispute" shall have the meaning given it in Section 9.1.

"Dispute Notice" shall have the meaning given it in Section 9.1.

"Full Completion" shall have the meaning given it in Section 6.2.

"Governmental Authority" shall mean any: (i) multinational, federal, provincial, state, municipal, local or other governmental or public department, central bank, court, commission, board, bureau, agency or instrumentality, domestic or foreign; (ii) any subdivision or authority of any of the foregoing; (iii) any quasi-governmental, self-regulatory organization or private body exercising any regulatory, expropriation or taxing authority under or for the account of its members or any of the above; or (iv) any arbitrator exercising jurisdiction over the affairs of the applicable Party, asset, obligation or other matter, or the Site, whether acting under actual or assumed authority. Permits, orders or other approvals given by such bodies are **"Governmental Authorizations"**.

"Hazardous Substances" shall mean, collectively, any petroleum or petroleum product, asbestos in any form that is or could become friable, transformers or other equipment that contain dielectric fluid containing levels of polychlorinated biphenyls (PCBs), hazardous waste, hazardous material, hazardous substance, toxic substance, contaminant or pollutant, as defined or regulated under any federal, provincial or local law relating to the protection of the environment.

"Indemnified Party" shall have the meaning given it in Section 8.1.

“**Indemnifying Party**” shall have the meaning given it in Section 8.1.

“**Lands**” shall have the meaning given it in the recitals of this Agreement.

“**Law**” shall mean (i) any law, by-law, legislation, statute, act, rule, ordinance, decree, treaty, regulation, order, judgment, or other similar legal requirement, or (ii) any legally binding announcement, directive or published practice or interpretation thereof, enacted, issued or promulgated by any Governmental Authority.

“**Milton**” shall mean the Corporation of the Town of Milton.

“**Participant**” shall mean the City of Hamilton

“**Participant Costs**” shall have the meaning given it in Section 2.2.

“**Parties**” shall mean the Participant and Milton when referred to collectively and

“**Party**” shall mean any one of the Parties referred to singly.

“**Person**” shall mean any individual, partnership, limited partnership, joint venture, syndicate, sole proprietorship, company or corporation with or without share capital, unincorporated association, trust, trustee, executor, administrator or other legal personal representative, regulatory body or agency, government or Governmental Entity, however designated or constituted.

“**Project**” shall mean the construction of the Works.

“**Proposed Change**” shall have the meaning given it in Section 2.4.

“**Site**” shall mean a portion of the parcel of land as shown on Schedule “D”, the description of which is:

Description *Milborough Line (Regional Road 7-Derry Road to Concession Road 10 East -Hamilton)*

“**Tender**” shall mean a bid / tender which Milton is prepared to accept.

“**Works**” shall have the meaning given it in the recitals of this Agreement.

“**Works Installation Schedule**” shall have the meaning given it in Section 2.3

Schedule "B"
Works

Rehabilitation of Milborough Line (Regional Road 7-Derry Road to Concession Road 10 East -Hamilton). The scope of this work includes:

Milborough Line was identified in the 2018 State Infrastructure of Roads for Reconstruction (REC). It is proposed to implement the Expanded Asphalt (EAP) for this road segment. The exact method of rehabilitation although initially assumed to be full depth reclamation with expanded asphalt stabilization (pulverize and resurface) will be determined based on an in-depth Geotechnical investigation.

The expanded asphalt has typically included the following within the scope of the work: Culvert replacements where required (and associated Conservation Authority permits/approvals as required), road works as per recommendations in the Geotechnical investigation (with the initial that cold-in-place recycled expanded asphalt will be implemented) and associated shouldering (if existing property allows it, ideally a 1m paved shoulder on both sides of the road) and driveway transitions. All work to remain within existing property limits.

Final rehabilitation method to be agreed to with participant, and will be determined through detailed design

Schedule "C"
Insurance

1. Milton shall take out or cause to be taken out and maintain during the construction of the Works and until Full Completion:
 - (a) Commercial General Liability (C.G.L) insurance with a limit of not less than Five Million Dollars (\$5,000,000) for any one loss or occurrence for personal injury, bodily injury, or damage to property including loss of use thereof. This policy shall by its wording or by endorsement include but not be limited to the following:
 - (i) "cross liability" or "severability of interest" clause;
 - (ii) blanket contractual liability;
 - (iii) non-owned auto liability.
 - (b) Environmental impairment policy covering sudden and accidental pollution liability arising out of the construction operations under this Agreement.
 - (c) Automobile Liability insurance covering bodily injury and property damage in an amount not less than Two Million Dollars (\$5,000,000) per accident, covering the ownership, use and operation of any motor vehicles and trailers which are owned, leased or controlled by Milton and used in regards to this Agreement.
 - (d) Professional Liability Insurance in the amount of not less than \$1,000,000 per claim covering losses arising out of an insurable error or omission in the rendering of, or failure to render, professional services in connection with the Work described herein.

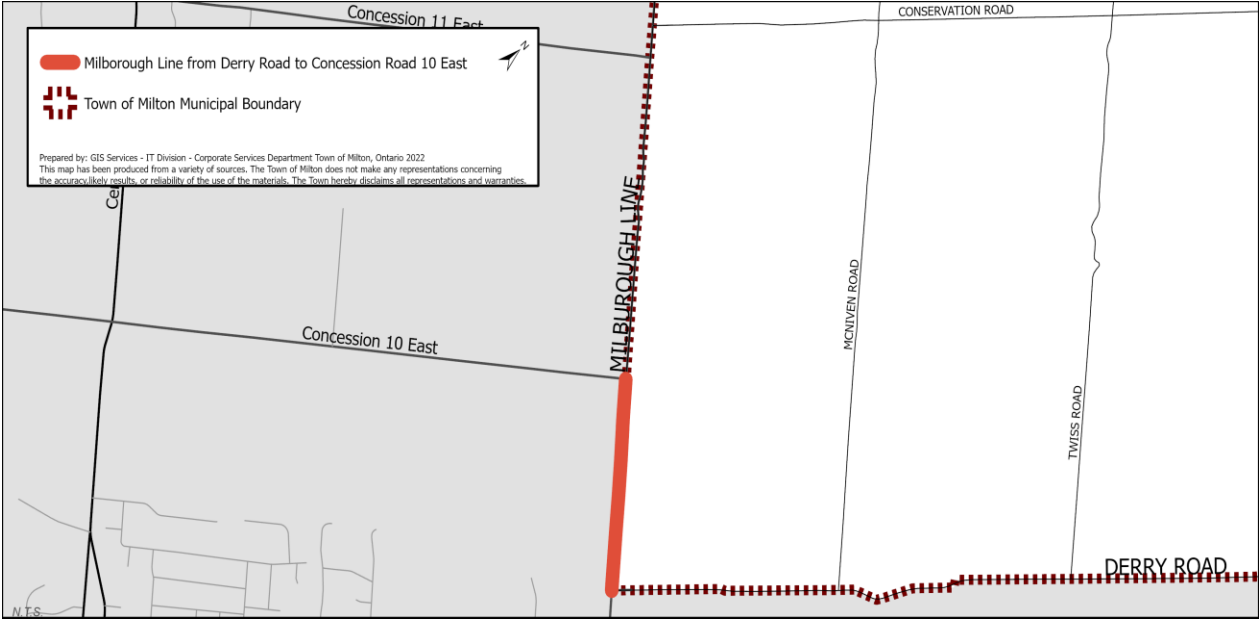
The policies shall be endorsed to provide the Participant with not less than thirty (30) days written notice in advance of cancellation, material change or amendments restricting coverage.

- 2 The Participant shall take out or cause to be taken out and maintain during the construction of the Works and until Full Completion:
 - (a) Commercial General Liability (C.G.L) insurance with a limit of not less than Five Million Dollars (\$5,000,000) any one loss or occurrence for personal injury, bodily injury, or damage to property including loss of use thereof. This policy shall by its wording or by endorsement include but not be limited to the following:
 - (i) "cross liability" or "severability of interest" clause;

- (ii) blanket contractual liability;
 - (iii) non-owned auto liability.
- (b) Environmental impairment policy covering sudden and accidental pollution liability arising out of the construction operations under this Agreement.
- (c) Automobile Liability insurance covering bodily injury and property damage in an amount not less than Two Million Dollars (\$2,000,000) per accident, covering the ownership, use and operation of any motor vehicles and trailers which are owned, leased or controlled by Milton and used in regards to this Agreement.
- (d) Professional Liability Insurance in the amount of not less than \$1,000,000 per claim covering losses arising out of an insurable error or omission in the rendering of, or failure to render, professional services in connection with the Work described herein.

The policies shall be endorsed to provide Milton with not less than thirty (30) days written notice in advance of cancellation, material change or amendments restricting coverage.

Schedule "D"
Site



Schedule E
Participant Costs

High Level Estimate - Cost Sharing
Hamilton

Expanded Asphalt Program			
Milborough Line from Regional Road 7-Derry Road to Concession Road 10 East (Hamilton)			
Item	Cost	Hamilton Share (50%)	Notes
Design	\$71,500.00	\$35,750.00	Estimate. 50% of actual fees will be invoiced
Permits	\$10,000.00	\$5,000.00	Estimate. 50% of actual fees will be invoiced
Estimate Contract Administration	\$49,500.00	\$24,750.00	Estimate. 50% of actual fees will be invoiced
Estimate Construction	\$1,192,000.00	\$596,000.00	Based on 2022 EAP tender prices plus 15% per year . 50% of actual values will be invoiced
Subtotal:		\$661,500.00	
1.76% Non-Refundable HST		\$11,642.40	
Subtotal:		\$673,142.40	
2% Administration Fee		\$13,462.85	
Total Estimated Cost to Hamilton		\$686,605.25	Exclusive of HST

**note* above costs are estimates only; Participant will be responsible for 50% of project costs, to be reviewed and confirmed with Participant.*



**PLANNING COMMITTEE
REPORT
23-009**

May 30, 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 J. Beattie, M. Francis, T. McMeekin,
N. Nann, M. Tadeson, A. Wilson, M. Wilson

Absent with regrets: Councillor C. Kroetsch – Personal
Councillor E. Pauls – Personal

**THE PLANNING COMMITTEE PRESENTS REPORT 23-009 AND RESPECTFULLY
RECOMMENDS:**

1. Municipal Reporting on Planning Matters – Proposed Minister’s Regulation Under the Planning Act (PED23082(a)) (City Wide) (Item 9.1)

That Report PED23082(a), respecting Municipal Reporting on Planning Matters – Proposed Minister’s Regulation Under the Planning Act, be received.

2. Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) (Item 10.1)

- (a) That Amended Zoning By-law Amendment Application ZAC-21-043 by MHBC Planning, on behalf of Valerie Homes, Owner, for a change in zoning from “AA” (Agricultural) District to “RT-20/S-1829” (Townhouse-Maisonette) District, Modified, and to add the Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200 (which was a proposed amendment from Staff) to a portion of the lands, to permit 101 townhouse units (five standard townhouses and multiple dwelling units in the form of 96 stacked townhouses) with a total of 124 on-site parking spaces, for the lands located at 300 Albright Road, Hamilton, as shown on Appendix “A” attached to Report PED23104, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED23104, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan (UHOP).

3. Application for Approval of a Draft Plan of Subdivision for Lands Located at 9236 and 9322 Dickenson Road West, Glanbrook (PED23111) (Ward 11) (Item 10.2)

- (a) That Draft Plan of Subdivision Application 25T-202002, by WEBB Planning Consultants Inc. (c/o James Webb), on behalf of GreyCan 11 Properties Limited Partnership by its General Partner GreyCan 11 Properties Inc., and North Hamilton Airport Lands Limited Partnership by its General Partner 11693387 Canada Inc., Owners, on lands located at 9236 and 9322 Dickenson Road West (Glanbrook), as shown on Appendix “A” attached to Report PED23111, be APPROVED, subject to the following:
 - (i) That this approval apply to the Draft Plan of Subdivision application 25T-202002 certified by Odan-Detech Consulting Engineers dated April 14, 2023, consisting of one block for industrial development (Block 1), one block for future development (Block 2), a Vegetation Protection Zone block (Block 3), a block for a right-of-way dedication (Block 4), a block for a temporary cul-de-sac (Block 5), and a public road (Street “A”) attached as Appendix “B” to Report PED23111;
 - (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions attached as Appendix “C” to Report PED23111;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;

- (iv) Acknowledgement by the City of Hamilton of its responsibility for cost sharing with respect to this development shall be in accordance with the City's Financial Policies and will be determined at the time of development.

4. Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) (Item 10.3)

- (a) That the Environmental Remediation and Site Enhancement Community Improvement Project Area (2023) draft By-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "A" to Report PED23076(a), be enacted;
- (b) That the Environmental Remediation and Site Enhancement Community Improvement Plan (2023), attached as Appendix "B" to Report PED23076(a) and implementing financial assistance program descriptions, be approved and the Environmental Remediation and Site Enhancement Community Improvement Plan (2023) draft By-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "C" to Report PED23076(a), be enacted;
- (c) That existing By-law No. 05-086 "Environmental Remediation and Site Enhancement (ERASE) (April 2005) Community Improvement Project Area", as amended, be repealed on such day that the By-law enacting the new Environmental Remediation and Site Enhancement Community Improvement Plan (2023) comes into effect in accordance with Subsection 28(4) of the Planning Act;
- (d) That existing By-law No. 05-087 "Environmental Remediation and Site Enhancement (ERASE) (April 2005) Community Improvement Plan", as amended, be repealed on such day that Environmental Remediation and Site Enhancement Community Improvement Plan (2023) comes into effect;
- (e) That the following implementing financial assistance program descriptions be approved and appended to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023):
 - (i) The ERASE Study Grant Program Description attached as Appendix "D" to Report PED23076(a);
 - (ii) The ERASE Redevelopment Grant Program Description attached as Appendix "E" to Report PED23076(a);
 - (iii) The ERASE Tax Assistance Program Description attached as Appendix "F" to Report PED23076(a);

- (iv) The ERASE Commercial Districts Remediation Loan Program Description attached as Appendix “G” to Report PED23076(a);
- (v) The ERASE Affordable Housing Grant Program Description attached as Appendix “H” to Report PED23076(a);

- (f) That the draft By-law to Delegate Authority to the Planning and Economic Development Department to Issue Approvals for Loans/Grants Under Certain ERASE Financial Assistance Programs, prepared in a form satisfactory to the City Solicitor and attached as Appendix “I” to Report PED23076(a), be enacted and come into force on such day that the Environmental Remediation and Site Enhancement Community Improvement Plan (2023) comes into effect.

5. Hamilton Municipal Heritage Committee Report 23-005 (Item 11.1)

- (a) Heritage Permit Application HP2023-019, Under Part V of the Ontario Heritage Act, for the Construction of a Rear Detached Accessory Structure at 32 John Street East, Flamborough (PED23126) (Ward 15) (Item 8.2)**

That Heritage Permit Application HP2023-019, for the erection of a rear detached accessory structure on the designated property at 32 John Street East, Flamborough (Mill Street Heritage Conservation District), as shown in Appendix “A” attached to Report PED23126, be approved, subject to the approval of any required *Planning Act* applications, and the following Heritage Permit conditions:

- (i) That the final details of the windows, garage doors, siding and roofing material be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;

- (ii) That 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;

- (iii) That construction and site alterations, in accordance with this approval, shall be completed no later than June 30, 2026. If the construction and site alterations are not completed by June 30, 2026, 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) Recommendation to Designate 3 Main Street, Dundas, under Part IV of the Ontario Heritage Act (PED23125) (Ward 13) (Item 8.3)

That the City Clerk be directed to give notice of Council's intention to designate 3 Main Street, Dundas, shown in Appendix "A" attached to Report PED23125, 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 PED23125, subject to the following:

- (i) 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;
- (ii) 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.

(c) Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2023 (PED23101) (Wards 3 and 11) (Item 10.1)

That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED23136, in accordance with Section 27 of the Ontario Heritage Act:

- (i) 9575 Twenty Road West, Glanbrook (Ward 11);
- (ii) 9511 Twenty Road West, Glanbrook (Ward 11).

(d) Ontario Heritage Conference 2023 (Added Item 13.3)

- (i) That the following members of the Hamilton Municipal Heritage Committee be designated as the Committee's representatives at the Ontario Heritage Conference on June 15 to 17, 2023:

- (i) Lyn Lunsted;
- (ii) Will Rosart;
- (iii) Graham Carrol;
- (iv) Alissa Denham-Robinson; and,

- (ii) That the costs incurred by the Committee's representatives attending the Ontario Heritage Conference for the conference, accommodations and travel, be reimbursed from Account Number 56328-814000.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

10. PUBLIC MEETINGS

- 10.2 Application for Approval of a Draft Plan of Subdivision for Lands Located at 9236 and 9322 Dickenson Road West, Glanbrook (PED23111) (Ward 11)

(a) Added Written Submissions

- (i) Donna and Verne Deneault
- (ii) Jill Tonini
- (iii) Anne Gabrielle Walker
- (iv) Suzanne Cooper
- (v) Harriet Woodside
- (vi) John Radoman
- (vii) Bruce R. Allen
- (viii) Irene Schieberl and Stephen Suggett
- (ix) Gail Lorimer
- (x) Heather Vaughan
- (xi) Joan Styan
- (xii) Paul R. Dekar
- (xiii) Peter Banting
- (xiv) Myrna McBrien
- (xv) Tina Brajic
- (xvi) Marie Covert
- (xvii) Laurel Imeson
- (xviii) Don Brown
- (xix) Hilde Reis-Smart
- (xx) Carolanne Forster
- (xxi) Kristina Wilson
- (xxii) Nicole Doro
- (xxiii) Kiran Larsen
- (xxiv) Victoria Koch
- (xxv) Hailey Van Sickle
- (xxvi) Frances Neufeld
- (xxvii) Gord McNulty

- (xxviii) Wendy Leigh-Bell
- (xxix) Mike Robitaille
- (xxx) Elizabeth Knight

(b) Added Registered Delegations

- (i) Don McLean (virtual)
- (ii) David Bennett (in-person)

The agenda for the May 29, 2023 Planning 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) May 16, 2023 (Item 4.1)

The Minutes of the May 16, 2023 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Scott McInnes respecting Property Standards Issues in Ainslie Wood Area (For the June 13th meeting) (Item 6.1)

The delegation request from Scott McInnes respecting Property Standards Issues in Ainslie Wood Area, was approved for the June 13th 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) **Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) (Item 10.1)**

Alaina Baldassara, Planner II provided the Committee with a presentation with the aid of a PowerPoint presentation.

The staff presentation was received.

Stephanie Mirtitsch, MHBC Planning was in attendance, indicated support for the staff report and addressed the Committee with the aid of a PowerPoint presentation.

The presentation from Stephanie Mirtitsch, MHBC Planning, 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 be closed.

For disposition of this matter, refer to Item 2.

(ii) **Application for Approval of a Draft Plan of Subdivision for Lands Located at 9236 and 9322 Dickenson Road West, Glanbrook (PED23111) (Ward 11) (Item 10.2)**

Aminu Bello, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

James Webb, Webb Consulting was in attendance and indicated support for the staff report.

The delegation from James Webb, Webb Consulting was received.

The following Registered Delegations addressed the Committee:

- (i) Don McLean
- (ii) David Bennett

Chair Danko called three times for additional public delegations and the following delegate came forward:

- (iii) Lynn Gates

(a) The following written submissions and delegations, were received and considered by the Committee:

(i) Added Written Submissions:

- (i) Donna and Verne Deneault, Opposed
- (ii) Jill Tonini, Opposed
- (iii) Anne Gabrielle Walker, Opposed
- (iv) Suzanne Cooper, Opposed
- (v) Harriet Woodside, Opposed
- (vi) John Radoman, Opposed
- (vii) Bruce R. Allen, Opposed
- (viii) Irene Schieberl and Stephen Suggett, Opposed
- (ix) Gail Lorimer, Opposed
- (x) Heather Vaughan, Opposed
- (xi) Joan Styan, Opposed
- (xii) Paul R. Dekar, Opposed
- (xiii) Peter Banting, Opposed
- (xiv) Myrna McBrien, Opposed
- (xv) Tina Brajic, Opposed
- (xvi) Marie Covert, Opposed
- (xvii) Laurel Imeson, Opposed
- (xviii) Don Brown, Opposed
- (xix) Hilde Reis-Smart, Opposed
- (xx) Carolanne Forster, Opposed
- (xxi) Kristina Wilson, Opposed
- (xxii) Nicole Doro, Opposed
- (xxiii) Kiran Larsen, Opposed
- (xxiv) Victoria Koch, Opposed
- (xxv) Hailey Van Sickle, Opposed
- (xxvi) Frances Neufeld, Opposed
- (xxvii) Gord McNulty, Opposed
- (xxviii) Wendy Leigh-Bell, Opposed
- (xxix) Mike Robitaille, Opposed
- (xxx) Elizabeth Knight, Opposed

(ii) Added Delegations:

- (i) Don McLean, Opposed
- (ii) David Bennett, Opposed
- (iii) Lynn Gates, Opposed

(b) The public meeting was closed.

For disposition of this matter, refer to Item 3.

(iii) Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) (Item 10.3)

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

- (a) There were no public submissions received regarding this matter; and
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 4.

(f) PRIVATE & CONFIDENTIAL (Item 15)

The Committee determined that discussion of Item 15.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

(i) Closed Session Minutes - May 16, 2023 (Item 15.1)

- (a) The Closed Session Minutes dated May 16, 2023, were approved as presented; and,
- (b) The Closed Session Minutes dated May 16, 2023, are to remain private and confidential.

(g) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee adjourned at 12:19 p.m.

Councillor J.P. Danko, Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 23-018

9:30 a.m.

May 31, 2023

Council Chambers, City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

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

Absent: Deputy Mayor E. Pauls – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 23-018 AND RESPECTFULLY RECOMMENDS:

1. Elections Administration Audit (AUD23008) (City Wide) (Outstanding Business List Item) (Item 8.1)

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

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

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

- (a) Suzanne Lanthier – Theatre Aquarius

Council – June 7, 2023

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

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

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

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

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

- (a) That the Next Generation 911 (NG911) Facilities Renovation Project be approved with a budget totalling \$6,824,000, including Phase 1 and 2 design, renovations, consoles, furniture, UPS, design fees, permits, tax, fees, infrastructure fit-up, per Appendix "A" to General Issues Committee Report 23-018 and to be funded from:
- (i) An appropriation of previously approved \$4,325,000 of Tax Supported Capital Levy funding from the Next Generation 9-1-1 technology component (project #3502157101);
 - (ii) A transfer of \$2,499,000 from the Unallocated Capital Levy Reserve (#108020);
- (b) That the \$4,325,000 in Ministry of the Solicitor General transition funding be applied to the Next Generation 9-1-1 technology component (project #3502157101);
- (c) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the Prime Design Consultancy Services for the Facility renovations for NG911 and that the General Manager, Public Works Department be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with AECOM Canada Ltd., in a form satisfactory to the City Solicitor; and,
- (d) That Public Works staff be directed to make any required updates to Service Level Agreements (SLAs) and/or Operating agreements with internal and external parties in order to service, maintain, repair and lifecycle manage ongoing operating costs related to City managed facilities at the Multi-Agency Training Centre (MATC) located at 1227 Stone Church Road East, 729 Upper Sherman, and Central Station located at 155 King William Street.

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

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

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

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

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

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

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

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

- (a) That Report HSC23017/FCS23062/PED23143 and the Housing Action Plan attached as Appendix “A” to Report HSC23017 / FCS23062 / PED23143 be approved, and that the City Manager, or designate, be directed to submit the Housing Accelerator Fund application to CMHC;
- (b) Subject to the approval of Housing Accelerator Fund application by CMHC, the General Manager, Healthy and Safe Communities, or designate, be authorized to retain a consultant to a cost no greater than \$250,000, in order to create a city-wide Housing Needs Assessment for the City of Hamilton and that the costs of said retainer be funded from the City’s allocated Housing Accelerator Fund;
- (c) That the General Manager, Finance and Corporate Services be authorized and directed to provide an attestation attached as “Appendix C” to Report HSC23017 / FCS23062 / PED23143 that the initiatives contained in the Housing Action Plan are viable and that the City has a genuine intent to meet the projected net new residential units through the use of the Housing Accelerator Fund;
- (d) That the Housing Accelerator Fund Surplus Reserve Fund Policy attached as Appendix “B” to Report HSC23017 / FCS23062 / PED23143 be approved and that a reserve fund be established for the Housing Accelerator Fund;
- (e) That staff be directed to allocate any Housing Accelerator Fund surplus funding as follows, and that the General Manager, Healthy and Safe Communities be provided the delegated authority to transfer Housing Accelerator funding from the Reserve for the purposes highlighted below:
 - (i) 15% contingency held to support Housing Accelerator Fund initiatives extending beyond 2026 as required by CMHC;
 - (ii) 45% to Affordable Housing Funding Program Dept ID to support capital investment in the development of new not-for-profit led affordable housing developments;
 - (iii) 40% to be allocated to eligible Growth-Related Infrastructure and Growth Planning projects to support new housing, with specific

infrastructure projects to be determined through the annual Budget process;

- (f) That the City Manager, or designate, be authorized and directed to enter into and execute the Housing Accelerator Fund contribution agreement with the Canada Mortgage and Housing Corporation (CMHC) to accept the funding, with content acceptable to the General Manager, Healthy and Safe Communities Department and in a form satisfactory to the City Solicitor;
- (g) That the City Manager, or designate, be authorized to hire staff as determined necessary by the City Manager to support and administer the Housing Accelerator Fund initiatives as outlined in Appendix "A" to Report HSC23017 / FCS23062 / PED23143 provided that the staff will be fully funded through the Housing Accelerator funding allocation;
- (h) That the General Manager, Healthy and Safe Communities Department, or designate, be authorized and directed to administer the Housing Accelerator Fund;
- (i) That the General Manager, Healthy and Safe Communities Department be authorized and directed to enter into and execute all ancillary agreements and documents as may be required to deliver and administer the Housing Accelerator Fund with terms and content satisfactory to the General Manager, Healthy and Safe Communities Department and in form satisfactory to the City Solicitor;
- (j) That Report HSC23017 / FCS23062 / PED23143 and Appendix "A" attached thereto respecting the Canada Mortgage and Housing Corporation Housing Accelerator Fund remain confidential, as required by CMHC, until the earlier of the City's Housing Accelerator Fund application has been approved and an announcement has been made by the City the federal Minister of Housing and Diversity and Inclusion, or permission is given by CMHC for their release to the public; and,
- (k) That following Council's approval of Report HSC23017 / FCS23062 / PED23143 Appendices "B" and "C" attached thereto be released to the public.

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

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

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

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

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

(b) APPROVAL OF AGENDA (Item 2)

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

10. DISCUSSION ITEMS

10.1 Hamilton Water and Wastewater Customer Assistance Programs (FCS23045) (City Wide) (Outstanding Business List Item) – REVISED Appendix A & B

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

The agenda for the May 31, 2023 General Issues Committee meeting, was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) May 17, 2023 (Item 4.1)

The Minutes of the May 17, 2023 meeting of the General Issues Committee were approved, as presented.

(e) DELEGATION REQUESTS (Item 6)

(i) That the Delegation Requests be approved, as follows:

- (1) David Braden, respecting recommendations for the City to take a number of specific actions to respond to causes of climate change as far as buildings are concerned (In Person) (For a future meeting) (Item 6.1)

- (2) Rob MacIsaac, Hamilton Health Sciences, respecting a request for Hamilton Health Sciences and St Joseph's Healthcare Hamilton to present an update regarding Hamilton hospital redevelopment (In Person) (For the June 14, 2023 Meeting) (Item 6.2)

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

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

(f) DELEGATIONS (Item 7)

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

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

The delegate was permitted an additional 5 minutes to complete their delegation.

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

(g) STAFF PRESENTATIONS (Item 8)

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

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

- (1) The staff presentation respecting Report AUD23008, Elections Administration Audit, was received.

- (2) The General Issues Committee recessed for 30 minutes until 12:40 pm.

- (3) The Report was placed on the floor, as follows:
- (a) That Report AUD23008, respecting the Elections Administration Audit be received;
 - (b) That the Management Response, as detailed in Appendix “D” to Report AUD23008 be received;
 - (c) That the City Clerk be requested to report back to the Office of the Auditor General by September 2023 with a detailed management action plan, which will then be reported to the General Issues Committee; and,
 - (d) That the General Issues Committee Outstanding Business List Item 2023-V, respecting the Audit of the 2022 Municipal Elections in the City of Hamilton, be considered complete and removed.
- (4) That Report AUD23008, respecting Elections Administration Audit, **be amended** by adding a new sub-section (e), as follows:
- (e) ***That the City Manager’s Office be directed to explore all possibilities to improve future voter turnout and report back to the General Issues Committee.***
- (5) At the request of Committee, sub-section (d) to Report AUD23008, respecting Elections Administration Audit was voted on separately as follows:
- (d) That the General Issues Committee Outstanding Business List Item 2023-V, respecting the Audit of the 2022 Municipal Elections in the City of Hamilton, be considered complete and removed.

The vote on Sub-Section (d) to Report AUD23008, was DEFEATED

For disposition of this matter, refer to Item 1.

(h) CONSENT ITEMS (Item 9)

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

The April 11, 2023 Business Improvement Area (BIA) Sub-Committee Minutes, were received.

(i) DISCUSSION ITEMS (Item 10)

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

The Report was placed on the floor, as follows:

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

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

For disposition of this matter, refer to Item 8.

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

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

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

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

City of Hamilton Poet Laureate and Youth Poet Laureate
OBL Item: KK
Added: September 21, 2022 at GIC (Item 4)
Completed: May 31, 2023 at GIC (Item 9.2)

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

OBL Item: 2023-H

Added: January 25, 2023 at Council

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

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

Financial Impacts of Waterfront Lands

OBL Item: 2023-K

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

Current Due Date: May 2023

Proposed New Due Date: June 14, 2023

Our City Survey 2022 Results (CM23011) (City Wide)

OBL Item: 2023-CC

Added: May 3, 2023 at GIC (Item 8.1)

Current Due Date: June 14, 2023

Proposed New Due Date: August 14, 2023

(k) PRIVATE & CONFIDENTIAL (Item 14)

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

The General Issues Committee Closed Session Minutes of May 17, 2023 were approved and remain confidential.

Committee moved into Closed Session pursuant to Section 9.3, Sub-sections (b), (c), (f), (h), (i), and (j), (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (c), (f), (h), (i), and (j), (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; a proposed or pending acquisition or disposition of land by the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

For disposition of this matter, refer to Item 9.

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

For disposition of this matter, refer to Item 10.

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

For disposition of this matter, refer to Item 8.

(I) ADJOURNMENT (Item 15)

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

Respectfully submitted,

Acting Deputy Mayor Brad Clark
Chair, General Issues Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Location	Scope of Work	Cost (\$1000's)
Upper Sherman Location (729 Upper Sherman)	Upper Sherman Location Subtotal: consulting, fitups, equipment, minor furniture, consoles, corresponding minor infrastructure fit-up, taxes, internal fees, contingency	1108
Central Police Station (155 King William)	Central Police Station Subtotal: consulting, fitups, equipment, minor furniture, consoles, corresponding minor infrastructure fit-up, taxes, internal fees, contingency	800
MATC (1227 Stone Church Rd. East)	MATC consulting & permits	330
MATC (1227 Stone Church Rd. East)	MATC construction (including escalation & contingency), corresponding infrastructure replacement, fit-up, UPS	3150
MATC (1227 Stone Church Rd. East)	MATC Furniture, Consoles	518
MATC (1227 Stone Church Rd. East) & Station 30 (training room only at Rymal Rd. E)	Relocation of legislated training room from MATC to fitup training room at Station 30, corresponding minor infrastructure fit-up within the Station 30 training room	225
MATC (1227 Stone Church Rd. East)	MATC Taxes & Internal Fees & Contingency	693
MATC (1227 Stone Church Rd. East)	MATC subtotal (Addition of all work at MATC)	4916
Project Total: (Upper Sherman Location Subtotal +Central Police Station Subtotal + MATC Subtotal)		6824



**AUDIT, FINANCE AND ADMINISTRATION COMMITTEE
REPORT 23-009
9:30 a.m.
June 1, 2023
Council Chambers
Hamilton City Hall**

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

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 23-009 AND RESPECTFULLY RECOMMENDS:

- 1. Limiting or Prohibiting the Acceptance of Gifts in the Code of Conduct for Employees and the Council Code of Conduct (Item 9.4)**
 - (a) That Human Resources staff be directed to conduct a review of the Codes of Conduct for employees at other municipalities and report back to the Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for employees; and
 - (b) That the City Clerk be directed to coordinate a review of the Council Codes of Conduct at other municipalities and report back to Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for elected officials.

- 2. Consent Items (Item 9)**

That the following Consent Items be received:

 - (a) Utility Billing Transition Program Update (FCS21082(e)) (City Wide) (Item 9.2)
 - (b) Parkland Dedication Reserve Report as of December 31, 2022 (FCS23041) (City Wide) (Item 9.3)
 - (c) Amendment to Code of Conduct Policy (HUR23009) (City Wide) (Item 9.4)

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

The agenda for the May 18, 2023 Audit, Finance and Administration Committee meeting, 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) May 18, 2023 (Item 4.1)

The Minutes of the May 18, 2023 meeting of the Audit, Finance and Administration Committee, was approved, as presented.

(e) CONSENT ITEMS (Item 9)

(i) Hamilton Women and Gender Equity Committee - No Quorum Notes, May 4, 2023 (Item 9.1)

The Hamilton Women and Gender Equity Committee - No Quorum Notes, May 4, 2023, were received.

(f) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Minutes - May 18, 2023 (Item 14.1)

The Closed Session Minutes of the May 18, 2023 meeting of the Audit, Finance and Administration Committee, were approved and shall remain confidential.

(g) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee, was adjourned at 11:58 a.m.

Respectfully submitted,

Councillor Cameron Kroetsch, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator

Office of the City Clerk

CITY OF HAMILTON MOTION

Council: June 7, 2023

MOVED BY COUNCILLOR T. JACKSON.....

SECONDED BY COUNCILLOR B. CLARK.....

Review of the Quorum Requirements for Committees

WHEREAS, as per Section 237(1) of the *Ontario Municipal Act, 2001*, as amended, a majority of the members of a municipal council is necessary to form a quorum;

WHEREAS, quorum for Committees as per By-law 21-021, A By-law to Govern the Proceedings of Council and Committees of Council, the 'Procedural By-law' is half of the membership rounded up to the nearest whole number; and

WHEREAS, for consistency purposes, having the same quorum requirements for Council and for Committees would be practical;

THEREFORE, BE IT RESOLVED:

That staff be directed to prepare the necessary amendments to By-law 21-021, A By-law to Govern the Proceedings of Council and Committees of Council, the 'Procedural By-law' to amend the quorum requirement for Committees to be the same as for Council, for the Governance Review Sub-Committee's consideration.

CITY OF HAMILTON MOTION

Council: June 7, 2023

MOVED BY COUNCILLOR T. MCMEEKIN.....

SECONDED BY COUNCILLOR

Municipal Resolution in Support of Basic Income for the City of Hamilton

WHEREAS, The City of Hamilton recognizes the social and economic challenges faced by its residents that have a detrimental impact on the determinants of health including income inequality, poverty, inadequate housing and precarious employment;

WHEREAS, it is the responsibility of the City of Hamilton to strive for the well-being and prosperity of all its residents, which includes ensuring access to basic needs and opportunities to improve health;

WHEREAS, through addressing poverty and improving access to healthcare, a Guaranteed Livable Basic Income can potentially reduce healthcare costs enabling people to afford preventive care and timely treatments while preventing more costly healthcare interventions, leading to better overall population health,

WHEREAS, a Basic Income program was tested in Hamilton during the Ontario Basic Income Pilot project between 2017 and 2019 and more than 1,000 local residents reported positive outcomes including the alleviation of food and housing insecurity, improved physical and mental health, financial stability, social equity and greater connection to the labour market;

WHEREAS, the Federal Budget Office upon reviewing the concept of a national Guaranteed Basic Income program determined it could, if properly set out, be a major economic driver to the Canadian economy; and

WHEREAS, a Basic Income program can complement and enhance existing social support systems, ensuring a comprehensive and inclusive approach to addressing the needs of Hamilton residents including persons with disabilities and aligns and complements the City of Hamilton’s Community Safety and Wellbeing Plan.

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton supports the concept of a Guaranteed Livable Basic Income to combat poverty, income inequality, and economic insecurity within our community; and supports the continuing advocacy of the Basic Income Hamilton

Working Group (under the auspices of the Hamilton Roundtable for Poverty Reduction) to share research and the unique experiences of local residents who participated in the Ontario Basic Income Pilot project;

- (b) That the City of Hamilton calls upon the provincial and federal governments to collaborate to implement a national Guaranteed Livable Basic Income program;
- (c) That Hamilton City Council directs the Office of the Mayor to write a letter to the Prime Minister, local Members of Parliament and the Senate, the Premier of Ontario, local Members of the Legislative Assembly of Ontario, calling on these orders of government to work collaboratively towards implementing a National Guaranteed Livable Basic Income to eradicate poverty and homelessness, and ensure everyone has sufficient income to meet their basic needs; and
- (d) That the City of Hamilton encourages other municipalities across the province and the country to join in advocating for a Guaranteed Livable Basic Income as a key policy tool in the fight against poverty and inequality and to this end, Hamilton City Council will advocate through its representatives at the Association of Municipalities of Ontario and the Canadian Federation of Municipalities for Guaranteed Livable Basic Income resolutions at meetings of those organizations.

CITY OF HAMILTON MOTION

Council: June 7, 2023

MOVED BY COUNCILLOR T. HWANG.....

SECONDED BY COUNCILLOR

Summer Art Workshop Series Grant (Ward 4)

WHEREAS, the City of Hamilton is committed to working with artists, businesses and citizens in the ongoing development and implementation of art in public places to enhance our sense of community;

WHEREAS, the Red Tree Artists’ Collective is a non-profit cross-cultural collaborative artistic group;

WHEREAS, the Red Tree Artists’ Collective is involving community members directly through four workshops in different disciplines including a clay sculpting with Six Nations based potter Judi Sault, a dance workshop with local hip-hop group Sound Effect Crew, a sound and music workshop, and a visual arts mixed-media workshop;

WHEREAS, some of the artists leading the workshops are represented by Canadian Artists' Representation/le front des artistes canadiens (CARFAC), the association of visual and media artists in Canada, which sets a fee schedule for payment of artists;

WHEREAS, through the guiding principle of fair payment for work, artists deserve fair remuneration for their work; and

WHEREAS, the Red Tree Artists’ Collective’s Summer Art Workshop series fulfills the requirements of the Area Rating Special Capital Re-Investment Discretionary Fund Checklist, Scenario 3.

THEREFORE, BE IT RESOLVED:

- (a) That a grant be provided to the Red Tree Artists’ Collective to ensure adequate funding for the Summer Arts Workshop series, to be funded from the Ward 4 Capital Discretionary Account 3302109400 at an upset limit, including contingency, not to exceed \$4,000; 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.

CITY OF HAMILTON

NOTICE OF MOTION

Council: June 7, 2023

MOVED BY COUNCILLOR B. CLARK.....

Reconsideration of a decision that was approved at the March 29, 2023 Council meeting respecting Item 7.3, an Amendment to the Current City of Hamilton Complement on the Hamilton Conservation Authority Board of Directors


That Item 7.3 respecting an Amendment to the Current City of Hamilton Complement on the Hamilton Conservation Authority Board of Directors, which was approved by Council on March 29, 2023 and reads as follows, be reconsidered:

7.3 Amendment to the Current City of Hamilton Complement on the Hamilton Conservation Authority Board of Directors

That the consideration of the motion respecting an Amendment to the Current City of Hamilton Complement on the Hamilton Conservation Authority Board of Directors, be deferred until the City has received a response to the City of Hamilton’s request that the Minister of Natural Resources and Forestry reconsider the Ministry’s decision respecting the composition of the Hamilton Conservation Board of Directors.



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	May 23, 2023
SUBJECT:	Provincial Bill 97 Changes to the RTA (City wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Michelle Baird Director, Housing Services Division Healthy and Safe Communities
SIGNATURE:	

BACKGROUND:

In April 2023 the Province posted a notice through Ontario's Regulatory Registry 'Seeking feedback on Proposed Changes to Help Protect Tenants from Bad Faith Renovation Evictions' asking for comments to be submitted by May 21, 2023. The Province asked for comment on feedback related to proposed legislative changes to the *Residential Tenancies Act, 2006*, types of qualifications individuals should have to write the reports that would accompany the N-13 notices, and what information should be included in the report.

Housing Services Staff used this opportunity to provide feedback to the province on the proposed legislative changes to the *Residential Tenancies Act, 2006* and to share with the Province what further changes are required to create a healthier housing continuum that creates an environment where tenants not only have rights, but their ability to exercise them is protected.

Here is the City's feedback to the Province:

1. What feedback, if any, do you have on the legislative proposals?

With respect to the proposed legislative changes, the City is supportive in general terms, however, we have some considerations to share on specific issues. Firstly, the requirement for a qualified individual to evaluate the extent of the renovations and repairs is important. It is vital that this requirement remain in place as

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part of the issuing N-13 process and not as a requirement only if the tenant challenges the notice. If this is removed as proposed in this draft legislation, we are concerned that the current environment of some vulnerable tenants being displaced by bad faith actions from a small portion of landlords will continue without the proper protections in place.

Further, we believe that all permits should be obtained in advance of the displacement of the tenant, so that there is a clear intention to complete the work before requiring displacement, and the tenant can remain in their rental for as long as possible. Adhering to expected timelines and completing as much work in advance of necessary displacements will reduce impacts for residents in Hamilton and across the province. In addition, strengthening the rules around the right to return are appreciate. We believe that these protections can go further by adding a requirement for the landlord to be responsible for finding a suitable and comparable unit for the tenant while displacement is required. Given the challenges in finding affordable rental in the Hamilton market, adding this requirement to the landlord responsibility adds another important check and balance to ensure that a displacement is necessary and reduces undue burden on renters.

Where we continue to be concerned is the common practice to “renovict” renters. While we agree it is important for rental units to be maintained and repaired for safe and adequate housing, often landlords are using these mechanisms to vacate their units and re-rent them at double or triple the price. The proposed legislation does not address this fundamental challenge. However, if rules were in place around vacancy control and requiring units when vacant to be rented at a similar rate to whatever the previous tenant paid, we feel this would begin to address this concern.

2. What types of qualifications should individuals who provide these reports be required to have? Are there specific professions that have these qualifications?

Requiring a report showing that repairs are necessary and cannot be safely done without the displacement of the tenant as part of the N-13 notice is an important step to protecting tenants and supporting them in exercising their rights. We are supportive and appreciative of this proposed section of the legislation.

To ensure it is implemented as intended, we advise that the individual be a Professional Engineer in good standing with the Professional Engineers of Ontario, or an Architect in good standing with the Ontario Association of Architects. The person must be part of a neutral third party with the skills necessary to make that determination. It is important that this neutral party be part of a larger professional body that has clear ethical standards to ensure they remain a neutral party and provide their best professional advice.

Additionally, there should be added safeguards around the need for the individual to be independent of the landlord and be receiving no other material benefit from the landlord

beyond their fee for the evaluation. It is important that the qualified individual not work directly for the landlord or any adjacent corporation to ensure they have true neutrality. We advise that this report be submitted as part of the building permit process with the City for accurate record keeping.

3. What information should reports be required to include?

To ensure appropriate implementation of this requirement, the report should be detailed, in plain language, and thorough. This is to ensure that anyone, including residents, can read the report and understand the decisions regardless of their own qualifications or understanding of construction. It must include:

- Whether the resident can remain onsite, be displaced for a period of less than a month that could be accomplished through temporary housing rather than true displacement, or whether the resident must vacate the unit altogether.
- If there is a need for displacement, what the safety concerns for remaining onsite are and the severity of risk for remaining on site
- a complete understanding of the work and outline all permits that are required to complete the work and highlight the professional trades that are needed to accomplish the work
- the expected or reasonable duration of the work and include a proposed date for occupancy, considering the building permit process, a reasonable work schedule, and a one-month window for completion so that the tenant can plan and exercise their right to return

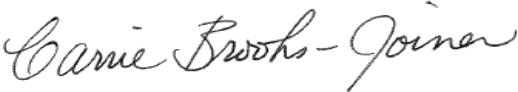
Overall, the City of Hamilton feels that Provincial legislation is required and welcomed to address the issue of renovations and the displacement of tenants. This systemic challenge is severely impacting low-income tenants and the most vulnerable tenants in our community. It is important that the Province move swiftly to amend the RTA, 2006 with the proposed legislation, but that the Province not consider this to be a completed task and look to further legislate on changes to support tenants and create a healthy housing continuum. We would be happy to discuss additional options to address renovations at the Ministry's convenience.

The City will continue to monitor the passage of Bill 97 and monitor the impacts of the proposed legislative changes to the Residential Tenancies Act, 2006 and the impacts of these changes on the health of the housing continuum.

Please direct any inquiries to Michelle Baird, Director, Housing Services Division at (905) 546-2424 ext. 4860 or by email at michelle.baird@hamilton.ca.



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	May 24, 2023
SUBJECT:	2023 Summer Concert Series (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

The Summer Concert Series returns in 2023 to help bring live music to our streets and public spaces.

The Summer Concert Series has expanded to be a 14-part concert series designed to animate commercial areas across the city. Each of the concerts is hosted in a new location, starting with performances in Ancaster Village on Wednesday June 7. Every concert features performances by two local bands with music ranging from country to R&B to jazz. Concerts are outdoors and free to attend.

The Summer Concert Series aligns with the 2021-2025 Economic Development Action Plan priority to revitalize priority areas and placemaking by encouraging people to visit local commercial areas and supports the City's arts community by providing opportunities for local musicians to perform. Staff are grateful to members of the BIA Advisory Committee and community partners for working with the City on this music series.

The Summer Concert Series runs from June 7 through August 20, 2023. The full schedule is available at hamilton.ca/SummerConcertSeries and promotional material is available upon request.

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SUBJECT: 2023 Summer Concert Series (City Wide) - Page 2 of 2


If you have any questions regarding this communication, please contact Sarah Ehmke, Senior Project Manager of Placemaking and Animation by email at Sarah.Ehmke@hamilton.ca or by phone at (905) 546-2424 Ext. 7505 or Peter Fortune, Manager of Placemaking, Public Art and Projects by email at Peter.Fortune@hamilton.ca or by phone at (905) 546-2424 Ext. 6281.

APPENDICES AND SCHEDULES ATTACHED

N/A



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	May 19, 2023
SUBJECT:	Employment Inventory Launch (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

At the end of May, 2023, the City of Hamilton's Planning and Economic Development Department will launch the 2023 Employment Inventory Survey following a three-year hiatus due to the COVID-19 pandemic. Over the summer, a team of student surveyors will be dispatched throughout the City with the goal of meeting with every business and organization in Hamilton. Equipped with mobile GIS mapping technology and a two-minute questionnaire, this team will provide a much-needed refresh to a city-wide dataset that hasn't been updated since 2019. This team will provide contact information for follow-up should an employer not be available to speak during their site visit and businesses can also provide updates through a webform on the City of Hamilton [online portal](#).

This pre-and-post pandemic snapshot of industry and employment types will provide important information to address immediate and long-term planning and development opportunities, while also assisting with monitoring the extent, nature, and location of employment and land use in Hamilton. Unique to this year's delivery is the inclusion of an opportunity to comment on remote work in Hamilton, which will provide data that is not otherwise being collected by Statistics Canada or any other data gathering bodies.

Hamilton's businesses will have a key voice in informing the City's plans for future facilities and development while also offering essential insight into the types of initiatives that could best serve local businesses and their employees. A report to Council on the results of the survey will be presented in late 2023. The inventory aims to be inclusive and give a voice to all businesses including the not-for-profit and charity sector. In

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addition to paid work, the inventory queries volunteer positions, which may offer a more fulsome picture of the resources currently active in these sectors.

All information collected through the portal and through interviews with the surveyors will be consolidated and treated as confidential. Insights derived from the data will only reflect general employment patterns and trends and information provided by individual businesses will not be shared. The granularity of this location-based data for over 16,000 businesses across the City will be analyzed to show trends in various geographies and will provide key information to address density targets as defined by the provincial Growth Plan.

In the coming weeks, the Planning and Economic Development Department will be promoting the Employment Inventory through the City of Hamilton's BIAs and all three Chambers of Commerce as well as some direct email. Additionally, a social media campaign to introduce this initiative and the students who will be doing this work will help inform businesses about the Employment Inventory. Planning and Economic Development can provide social sharing packages to the Mayor and members of Council interested in promoting the survey through personal social media channels.


If you have any questions respecting this communication, please contact Krysha Dukacz, Coordinator, Information Systems & Cartography Planning by email at Krysha.Dukacz@hamilton.ca or by phone at (905) 546-2424 Ext. 4203.

APPENDICES AND SCHEDULES ATTACHED

N/A



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	May 25, 2023
SUBJECT:	Code Zero and Hospital Ambulance Offload Improvements - Update (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Michael Sanderson Chief, Hamilton Paramedic Service Healthy and Safe Communities Department
SIGNATURE:	

Over the course of 2022 and through the 2023 budget processes, we have kept Council updated on two very important and very inter-connected, key performance indicators:

- 1) the very high frequency of Code Zero events – in 2022 we recorded a record high of 381 distinct Code Zero events, situations where there were one or no ambulances available for immediate response to life threatening emergencies within the City; and
- 2) the increasing number of ambulance hours lost as result of delays in transfer of care to hospital staff following arrival at the hospital – in 2022, not including the expected first 30 minutes after arrival at hospital, we recorded a record high of 40,814 staffed ambulance hours consumed caring for incoming ambulance patients in hospital hallways.

This update is provided to inform Council of progress that has been made in both areas. For the first 20 weeks of 2023 to date (January 1 through May 21) we have seen significant improvement as noted in the following chart.

	2022 First 20 weeks	2023 First 20 weeks	Change
Code Zero Events	78 events	14 events	↓ 64 events
Offload Delay Hours	13,365 Hrs.	9,274 Hrs.	↓ 4,091 Hrs

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**SUBJECT: Code Zero and Hospital Ambulance Offload Improvements – Update
(City Wide) – Page 2 of 2**

These very important changes, which result in improved availability of ambulance resources for emergency response, improvements in patient care and outcomes, and improvements in working conditions for our paramedics, are the result of ongoing activities and intensive collaboration with the hospitals as well as additional funding provided by the Ministry of Health to add more dedicated hospital staff to receive incoming ambulance patients.

Particular recognition needs to be provided to the collaboration and quality improvement activity work performed at the Juravinski Hospital by their senior leadership, the Emergency Department leadership, Charge Nurses and staff in collaboration with our Operations team under the leadership of Deputy Chief Crocker. With more than a year of intensive activity culminating in major improvements over the last six months this work has shifted the Juravinski hospital from being one of the lowest performing hospitals in the Province for ambulance offload time to one of the best. The cultural and procedural changes at that site have been remarkable and now appear to be being shared across other sites.

We continue to collaborate in our positive working relationships with senior and operational leaders at the Ministry of Health, Hamilton Health Sciences, and St. Joseph's Health System as we collectively focus on continued improvement.


While ambulance offload time and Code Zero events continue to be a challenge, I am very pleased to report that they are heading in the right direction.

APPENDICES AND SCHEDULES ATTACHED

None



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	May 18, 2023
SUBJECT:	Playground, Spray Pads and Play Court Facilities – Maintenance Service Levels and Capital Program Update (ES23008) (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	

This update confirms the Parks & Cemeteries Section's operating season maintenance service levels and 2023 capital program activities respecting City of Hamilton's (City) playgrounds, spray pads and play court facilities.

Playground Maintenance Program

Hamilton has 290 play structures that receive regular (monthly) inspections and maintenance services as required, in accordance with CSA guidelines, through certified staff. Inspection reports identify equipment condition and remedial repair requirements for follow up. Regular maintenance activities such as ground litter, debris, garbage collection, safety surface maintenance and graffiti removal are performed regularly and on an accelerated frequency from May to September to meet increased seasonal demand.

Spray Pad Maintenance Program

The City's inventory of 70 spray pad sites receive pre/post and regular "in season" inspection and maintenance services. Pre/post season works include inspection, repair, activation/winterization which is performed by staff or contractor as required. "In season" inspection and regular maintenance activities such as ground litter, debris, garbage collection, graffiti removal and system monitoring are performed in accordance with the operating season.

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SUBJECT: Playground, Spray Pads and Play Court Facilities - Maintenance Service Levels and Capital Program Update (ES23008) (City Wide) - Page 2 of 4

At the General Issues Committee meeting of May 31, 2018, Council directed staff to open spray pads starting on the May long weekend and continue the operating season until the end of September. Community residents can follow the opening of the spray pads on the City of Hamilton website:

<https://www.hamilton.ca/recreation/spray-pads>

All water systems are controlled by a timer set for standard hours of operation (10:00 a.m. to 8:00 p.m.); systems are also equipped with activation sensors limiting operation to real time demand thus enhancing water conservation. During a heat warning, the following community level pads noted below will be open from 9:00 a.m. to 9:00 p.m.:

Waterdown Memorial Park	Gage Park
Dundas Driving Park	Winona Park
Village Green Park	Binbrook Fairground Community Park
William Connell Park	Pier 4 Park
Gord Oaks (Mount Hope) Park	Heritage Green Park

Play Court Maintenance Program

The City's inventory of approximately 165 play courts, which includes, public tennis courts, multi-purpose/basketball courts and pickleball courts, receive pre/post and regular in season inspection and maintenance services. Pre/post season works include inspection, repair, and asset condition reporting by staff. "In season" inspection and regular maintenance activities such as ground litter, debris, garbage collection and graffiti removal are performed in accordance with the operating season noted below:

Court Facility Type	Season of Operation
Tennis	Late April - Last Week of October
Multi-Purpose	Year-round weather permitting
Basketball	Year-round weather permitting
Pickleball	Early May - Last Week of October

An initial/annual detailed inspection of all of these assets is undertaken in early spring by maintenance inspection staff. The reports generated from these inspections identify and determine priorities such as remedial repairs, and/or major court improvement requirements.

SUBJECT: Playground, Spray Pads and Play Court Facilities - Maintenance Service Levels and Capital Program Update (ES23008) (City Wide) - Page 3 of 4

2023 Parks and Cemeteries Section Capital Program Activities

The projects noted below are funded through the Parks and Cemeteries Capital funding block (unless otherwise noted) and may not include additional projects that may be added throughout the year from Ward Councillor discretionary funding/other funding sources. New parks or comprehensive park development are completed by the Landscape Architectural Services group and not included.

2023 Playground Lifecycle Replacement

2023 Playground Lifecycle replacement	Ward
Dundurn Park*	1
Oaklands (Riverdale East) Park	5
Father Sean O'Sullivan Park*	5
Hampton Park*	6
Elmar Park*	7
Peace Memorial Park*	7
Macassa Park*	7
Burkholder Park*	7
Dr. William Bethune Park*	8
T. Melville Baily Park*	8
Allison Park*	8
Glanbrook Hills*	11
Ancaster Heights Park	12
Scenic Woods Park*	14
Scenic Parkette*	14
Freelton Park	15

*Area Rated funds included or non-capital funded.

2023 Court Rehabilitation

Park	Ward
Ferris Park	10
Mountview Park*	14

Should you require further information, please contact Adriana Byrne, Senior Project Manager, Parks and Cemeteries at extension 2156.

APPENDICES AND SCHEDULES ATTACHED

N/A

Authority: Item 14, Committee of the Whole
 Report 01-003 (FCS01007)
 CM: February 6, 2001
 Ward: 1,2,3,4,6,7,8,9,10,14

Bill No. 100

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	Rate	Adding/ Deleting
5 - Parking Meters	E	East 23rd	East	Concession Street to 29 metres south thereof	2 hr	\$2.00	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	E	East 23rd	East	Concession to 148 ft. south	Anytime	Deleting
8 - No Parking	E	Rymal	Both	end to end	Anytime	Deleting
8 - No Parking	F	Rymal Road	Both	From 60.9m west of Swayze Rd to 91.4 east of Swayze Rd	Anytime	Deleting
8 - No Parking	E	Upper Horning	Both	Mohawk to Monteagle	Anytime	Deleting
8 - No Parking	E	Brucedale Avenue	North	13 metres east of East 15th Street to 6 metres east thereof	Anytime	Adding
8 - No Parking	E	Brucedale Avenue	North	57 metres east of East 15th Street to 6 metres east thereof	Anytime	Adding

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

8 - No Parking	E	Bruce Dale Avenue	North	24 metres east of East 16th Street to 6 metres east thereof	Anytime	Adding
8 - No Parking	E	East 23rd Street	West	Concession Street to 16 metres south thereof	Anytime	Adding
8 - No Parking	F	Green Mountain Road West	Both	First Road West to Morrissey Boulevard	Anytime	Adding
8 - No Parking	E	Rymal Road East	Both	Upper James Street to Trinity Church Road	Anytime	Adding
8 - No Parking	F	Rymal Road East	North	Trinity Church Road to Upper Centennial Parkway	Anytime	Adding
8 - No Parking	D	Rymal Road East	South	Trinity Church Road to Upper Centennial Parkway	Anytime	Adding
8 - No Parking	E	Rymal Road West	Both	Upper James Street to westerly end	Anytime	Adding
8 - No Parking	E	Upper Horning Road	Both	Mohawk Road West to Elmira Drive	Anytime	Adding
8 - No Parking	E	Upper Horning Road	West	Horning Road to 29 metres south thereof	Anytime	Adding
8 - No Parking	E	Upper Horning Road	East	Horning Road to LINC, including the cul-de-sac	Anytime	Adding
8 - No Parking	E	Upper Horning Road	Both	Monteagle Court to LINC, including the cul-de-sac	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
12 - Permit	E	Barton	North	commencing 72 feet west of Crooks and extending 22 feet westerly therefrom	Anytime	Deleting
12 - Permit	E	Beach	North	from 16.5m west of Lyndhurst to 6m westerly	Anytime	Deleting
12 - Permit	E	Belview	East	from 18.1m north of Dunsmure to 6m northerly	Anytime	Deleting
12 - Permit	E	Belview	West	from 7.6m north of Dunsmure to 6m northerly	Anytime	Deleting
12 - Permit	E	Cavell Avenue	East	from 17.1 metres south of Gordon Street to 5.7 metres south thereof	Anytime	Deleting
12 - Permit	E	Frederick	East	commencing 106 feet south of Barton and extending 19 feet southerly therefrom	Anytime	Deleting
12 - Permit	E	Frederick	West	from 30.9m south of Barton to 6.1m southerly	Anytime	Deleting
12 - Permit	E	Grosvenor Ave	East	commencing 87.3m south of Roxborough Ave and extending 6m southerly	Anytime	Deleting
12 - Permit	E	Mountain Ave	West	11m north of South St./Glenfern Ave. to 6m northerly	Anytime	Deleting

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

12 - Permit	E	Ferguson Avenue North	West	44 metres south of Wood Street East to 6 metres south thereof	Anytime	Adding
12 - Permit	E	Harrison Avenue	South	41 metres west of Division Street to 6 metres east thereof	Anytime	Adding
12 - Permit	E	Tuxedo Avenue North	West	23 metres south of Roxborough Avenue to 6 metres south thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
13 - No Stopping	F	King Street East	South	Green Forest Drive to 46 metres east thereof	Anytime	Deleting
13 - No Stopping	F	King Street East	North	Green Road to 270 metres west thereof	Anytime	Deleting
13 - No Stopping	E	Rymal	South	Upper James to West 5th	Anytime	Deleting
13 - No Stopping	E	Rymal	South	Upper Wentworth to 251.2m easterly	Anytime	Deleting
13 - No Stopping	F	Rymal Road	South	Swayze Road to Upper Centennial Parkway	Anytime	Deleting
13 - No Stopping	F	Bedrock Drive	Both	First Road West to 64 metres east thereof	Anytime	Adding
13 - No Stopping	F	Bedrock Drive	Both	First Road West to 50 metres west thereof	Anytime	Adding
13 - No Stopping	D	Bellagio Avenue	North	Fletcher Road to 20 metres east thereof	Anytime	Adding
13 - No Stopping	D	Bellagio Avenue	South	Fletcher Road to 57 metres east thereof	Anytime	Adding
13 - No Stopping	E	East 23rd Street	East	Concession Street to 16 metres south thereof	Anytime	Adding
13 - No Stopping	F	First Road West	Both	Mud Street West to Toffee Trail	Anytime	Adding
13 - No Stopping	F	King Street East	South	Gray Road to 85 metres east thereof	Anytime	Adding
13 - No Stopping	F	King Street East	South	Stoney Brook Drive to 50 metres west thereof	Anytime	Adding
13 - No Stopping	F	King Street East	South	Corman Avenue to 68 metres west thereof	Anytime	Adding
13 - No Stopping	F	King Street East	South	151 metres east of Corman Avenue to 70 metres east thereof	Anytime	Adding
13 - No Stopping	F	King Street East	South	Green Forest Drive to 20 metres west thereof	Anytime	Adding
13 - No Stopping	F	King Street East	South	Green Forest Drive to 50 metres east thereof	Anytime	Adding
13 - No Stopping	F	King Street East	South	Highway 8 to 95 metres west thereof	Anytime	Adding
13 - No Stopping	F	King Street East	North	Highway 8 to 145 metres west thereof	Anytime	Adding
13 - No Stopping	F	King Street East	North	223 metres west of Highway 8 to 59 metres west thereof	Anytime	Adding

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

13 - No Stopping	F	King Street East	North	Green Road to Corman Avenue	Anytime	Adding
13 - No Stopping	F	King Street East	North	Stoney Brook Drive to 75 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	South	Upper James Street to 125 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	North	Massena Drive to 70 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	North	Republic Avenue to 60 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	South	125 metres west of Upper Wentworth St to 55 metres west thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	Both	Upper Wentworth Street to 265 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	North	Acadia Drive to 47 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	North	Arrowhead Drive to 135 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	Both	Upper Gage Avenue to 140 metres west thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	North	Rockland Avenue to 90 metres west thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	South	Nebo Road to 90 metres west thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	Both	Dartnall Road to 130 metres west thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	Both	Dartnall Road to 90 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	Both	Glover Road to 105 metres west thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road East	North	Glover Road to 100 metres east thereof	Anytime	Adding
13 - No Stopping	F	Rymal Road East	North	Trinity Church Road to 95 metres east thereof	Anytime	Adding
13 - No Stopping	F	Rymal Road East	North	Columbus Gate to 90 metres west thereof	Anytime	Adding
13 - No Stopping	D	Rymal Road East	South	Dakota Boulevard to 80 metres west thereof	Anytime	Adding
13 - No Stopping	F	Rymal Road East	North	Fletcher Road to 80 metres west thereof	Anytime	Adding
13 - No Stopping	F	Rymal Road East	North	Fletcher Road to 110 metres east thereof	Anytime	Adding
13 - No Stopping	F	Rymal Road East	North	390 metres east of Fletcher Road to 90 metres east thereof	Anytime	Adding
13 - No Stopping	D	Rymal Road East	South	390 metres east of Fletcher Road to 90 metres east thereof	Anytime	Adding
13 - No Stopping	D	Rymal Road East	South	Upper Centennial Parkway to 75 metres west of Swayze Road	Anytime	Adding

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

13 - No Stopping	E	Rymal Road West	Both	Upper Paradise Road to 90 metres west thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road West	North	Alfrin Court to 25 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road West	South	Westlawn Drive to 75 metres west thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road West	North	20 metres east of Westlawn Drive to 45 metres east thereof	Anytime	Adding
13 - No Stopping	E	Rymal Road West	South	Upper James Street to West 5th Street	Anytime	Adding
13 - No Stopping	E	Rymal Road West	North	West 5th Street to 90 metres east thereof	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 7th day of June 2023.

A. Horwath
Mayor

A. Holland
City Clerk

A. Holland
City Clerk

Authority: Item 3, Public Works Committee
Report 22-004 (PW22013)
CM: March 30, 2022
Ward: 2

Bill No. 101

CITY OF HAMILTON

BY-LAW NO. 23-

**To Establish City of Hamilton Land
Described as Part 3 on Plan 62R-15039
as Part of Cannon Street**

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 Lots 13 and 14, Block 14, on Registered Plan 39 in the City of Hamilton. Designated as Part 3 on Plan 62R-15039, is established as a public highway, forming part of Cannon Street.
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 7th day of June, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

Authority: Item 3(c), Planning Committee
Report 23-005 (PED23038)
CM: April 12, 2023
Ward: 8

Bill No. 102

CITY OF HAMILTON
BY-LAW NO. 23-
To Repeal By-law No. 83-183, being a By-law Designating
14 Belvidere Avenue, Hamilton, under Part IV of the *Ontario Heritage Act*

WHEREAS the lands known municipally as 14 Belvidere Avenue, Hamilton, and more particularly described in Schedule “A” hereto, were designated under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 by municipal By-law No. 81-183, passed on June 29, 1983;

AND WHEREAS the former heritage building located at 14 Belvidere Avenue, Hamilton, has been demolished and the property no longer retains any cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*;

AND WHEREAS the Council of the City of Hamilton has received and considered the recommendations of its heritage committee pertaining to the intention to repeal By-law No. 83-183 under Section 31 of the *Ontario Heritage Act*, arising from the meeting of the Hamilton Municipal Heritage Committee held on March 27, 2023;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on April 12, 2023, resolved to direct the City Clerk to take appropriate action to give notice of Council’s intention to repeal By-law No. 83-183, in accordance with the requirements of Section 31(3) of the *Ontario Heritage Act*, which resolution was confirmed by By-law No. 23-065;

AND WHEREAS the Council of City of Hamilton has given notice of its intention to repeal By-law No. 83-183, in accordance with Section 31(3) of the *Ontario Heritage Act*, by serving notice on the owner of 14 Belvidere Avenue, Hamilton, and upon the Ontario Heritage Trust, and causing notice to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Schedule “B”;

AND WHEREAS no notice of objection to the notice of intention to repeal By-law No. 83-183 has been served upon the Clerk of the municipality under Section 31(5) of the *Ontario Heritage Act*;

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

1. By-law No. 83-183, being a by-law designating 14 Belvidere Avenue, Hamilton, under Part IV of the *Ontario Heritage Act*, is hereby repealed.
2. The City Clerk is hereby authorized and directed:

- a. to cause a copy of this By-law to be served on the owner of 14 Belvidere Avenue, Hamilton, on the Ontario Heritage Trust, and any person who served an objection to the notice of intention to repeal, by a method permitted by the *Ontario Heritage Act*, as required by Section 31(8)(1) of the *Ontario Heritage Act*;
 - b. to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton;
 - c. to serve a copy of the registered repealing by-law on the Ontario Heritage Trust, as required by Section 31(10)(b) of the *Ontario Heritage Act*; and
 - d. to cause reference to 14 Belvidere Avenue, Hamilton, to be deleted from the Municipal Heritage Register referred to in Section 27(1) of the *Ontario Heritage Act*, as required by Section 31(10)(c) of the *Ontario Heritage Act*.
3. The City Solicitor is hereby authorized and directed to cause a copy of this By-law, together with its Schedules, to be registered against the whole of the property located at 14 Belvidere Avenue, Hamilton, in the proper registry office once this By-law comes into force and effect in accordance with the applicable provisions of the *Ontario Heritage Act*.

PASSED this 7th day of June, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

Schedule "A"
to
By-law No. 23-102

14 Belvidere Avenue
Hamilton, Ontario

PIN: 17115-0419; 17115-0420

Legal Description:

PART LOT 3, PL 457 PART 2, PLAN 62R21828; CITY OF HAMILTON
PART LOT 4, PL 457 PART 1, PLAN 62R21828; CITY OF HAMILTON

Schedule "B"
to
By-law No. 23-102

Notice of Intention to Repeal By-law No. 83-183
14 Belvidere Avenue, Hamilton, Ontario

Notice of Intention to Repeal

The City of Hamilton intends to repeal the designation by-laws for the following properties under Section 31 of the *Ontario Heritage Act*, because the former heritage buildings have been demolished and the properties retain no cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*:

By-law Number 83-183 to designate 14 Belvidere Avenue, Hamilton

By-law Number 01-225 to designate 14 Mary Street, Hamilton

Any person who objects to the proposed repealing of any by-law shall, within thirty days after the date of publication of the notice, serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts.

Dated at Hamilton, this 19th day of April, 2023.

Andrea Holland
City Clerk
Hamilton, Ontario

CONTACT: Alissa Golden, Cultural Heritage Program Lead,
Phone: (905) 546-2424 ext. 1202, E-mail: alissa.golden@hamilton.ca

www.hamilton.ca/heritageplanning



Authority: Item 3(c), Planning Committee
Report 23-005 (PED23038)
CM: April 12, 2023
Ward: 2

Bill No. 103

CITY OF HAMILTON

BY-LAW NO. 23-

To Repeal By-law No. 01-225, being a By-law Designating 14 Mary Street, Hamilton, under Part IV of the *Ontario Heritage Act*

WHEREAS the lands known municipally as 14 Mary Street, Hamilton, and more particularly described in Schedule “A” hereto, were designated under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 by municipal By-law No. 01-225, passed on October 2, 2001;

AND WHEREAS the former heritage building located at 14 Mary Street, Hamilton, has been demolished and the property no longer retains any cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*;

AND WHEREAS the Council of the City of Hamilton has received and considered the recommendations of its heritage committee pertaining to the intention to repeal By-law No. 01-225 under Section 31 of the *Ontario Heritage Act*, arising from the meeting of the Hamilton Municipal Heritage Committee held on March 27, 2023;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on April 12, 2023, resolved to direct the City Clerk to take appropriate action to give notice of Council’s intention to repeal By-law No. 01-225, in accordance with the requirements of Section 31(3) of the *Ontario Heritage Act*, which resolution was confirmed by By-law No. 23-065;

AND WHEREAS the Council of City of Hamilton has given notice of its intention to repeal By-law No. 01-225, in accordance with Section 31(3) of the *Ontario Heritage Act*, by serving notice on the owner of 14 Mary Street, Hamilton, and upon the Ontario Heritage Trust, and causing notice to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Schedule “B”;

AND WHEREAS no notice of objection to the notice of intention to repeal By-law No. 01-225 has been served upon the Clerk of the municipality under Section 31(5) of the *Ontario Heritage Act*;

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

1. By-law No. 01-225, being a by-law designating 14 Mary Street, Hamilton, under Part IV of the *Ontario Heritage Act*, is hereby repealed.
2. The City Clerk is hereby authorized and directed:

- a. to cause a copy of this By-law to be served on the owner of 14 Mary Street, Hamilton, on the Ontario Heritage Trust, and any person who served an objection to the notice of intention to repeal, by a method permitted by the *Ontario Heritage Act*, as required by Section 31(8)(1) of the *Ontario Heritage Act*;
 - b. to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton;
 - c. to serve a copy of the registered repealing by-law on the Ontario Heritage Trust, as required by Section 31(10)(b) of the *Ontario Heritage Act*; and
 - d. to cause reference to 14 Mary Street, Hamilton, to be deleted from the Municipal Heritage Register referred to in Section 27(1) of the *Ontario Heritage Act*, as required by Section 31(10)(c) of the *Ontario Heritage Act*.
3. The City Solicitor is hereby authorized and directed to cause a copy of this By-law, together with its Schedules, to be registered against the whole of the property located at 14 Mary Street, Hamilton, in the proper registry office once this By-law comes into force and effect in accordance with the applicable provisions of the *Ontario Heritage Act*.

PASSED this 7th day of June, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

Schedule "A"
to
By-law No. 23-103

14 Mary Street
Hamilton, Ontario

PIN: 17168-0199

Legal Description:

LT 21-22 RCP 1393; PT ALLEYWAY RCP 1393 (CLOSED BY VM263679) PT 1
62R16852, T/W VM256160 EXCEPT THE EASEMENT THERIN RE: LT 6, 7, 14 & 23
RCP 1393, T/W INTEREST IN VM256161; CITY OF HAMILTON

Schedule "B"
to
By-law No. 23-103

Notice of Intention to Repeal By-law No. 01-225
14 Mary Street, Hamilton, Ontario

Notice of Intention to Repeal

The City of Hamilton intends to repeal the designation by-laws for the following properties under Section 31 of the *Ontario Heritage Act*, because the former heritage buildings have been demolished and the properties retain no cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*:

By-law Number 83-183 to designate 14 Belvidere Avenue, Hamilton

By-law Number 01-225 to designate 14 Mary Street, Hamilton

Any person who objects to the proposed repealing of any by-law shall, within thirty days after the date of publication of the notice, serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts.

Dated at Hamilton, this 19th day of April, 2023.

Andrea Holland
City Clerk
Hamilton, Ontario

CONTACT: Alissa Golden, Cultural Heritage Program Lead,
Phone: (905) 546-2424 ext. 1202, E-mail: alissa.golden@hamilton.ca

www.hamilton.ca/heritageplanning



Authority: Item 2, Planning Committee
Report 23-009 (PED23104)
CM: June 7, 2023
Ward: 5

Bill No. 104

CITY OF HAMILTON

BY-LAW NO. 23-

To Amend Zoning By-law No. 6593, Respecting Lands Located at 300 Albright Road, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 2 of Report 23-009 of the Planning Committee, at its meeting held on the 7th day of June, 2023, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Sheet No. E87 of the District Maps appended to and forming part of the Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “AA” (Agricultural) District to the “RT-20/S-1829” (Townhouse-Maisonette) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the “RT-20” (Townhouse-Maisonette District) provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block 1, be modified to include the following special requirements:
 - a) Notwithstanding Subsection 2.(2) H.(via) “Miscellaneous Use Definitions”, Planting Strip shall be defined as follows:

"Planting Strip" shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer and may include a 1.5m wide sidewalk for pedestrian access and a Visual Barrier.

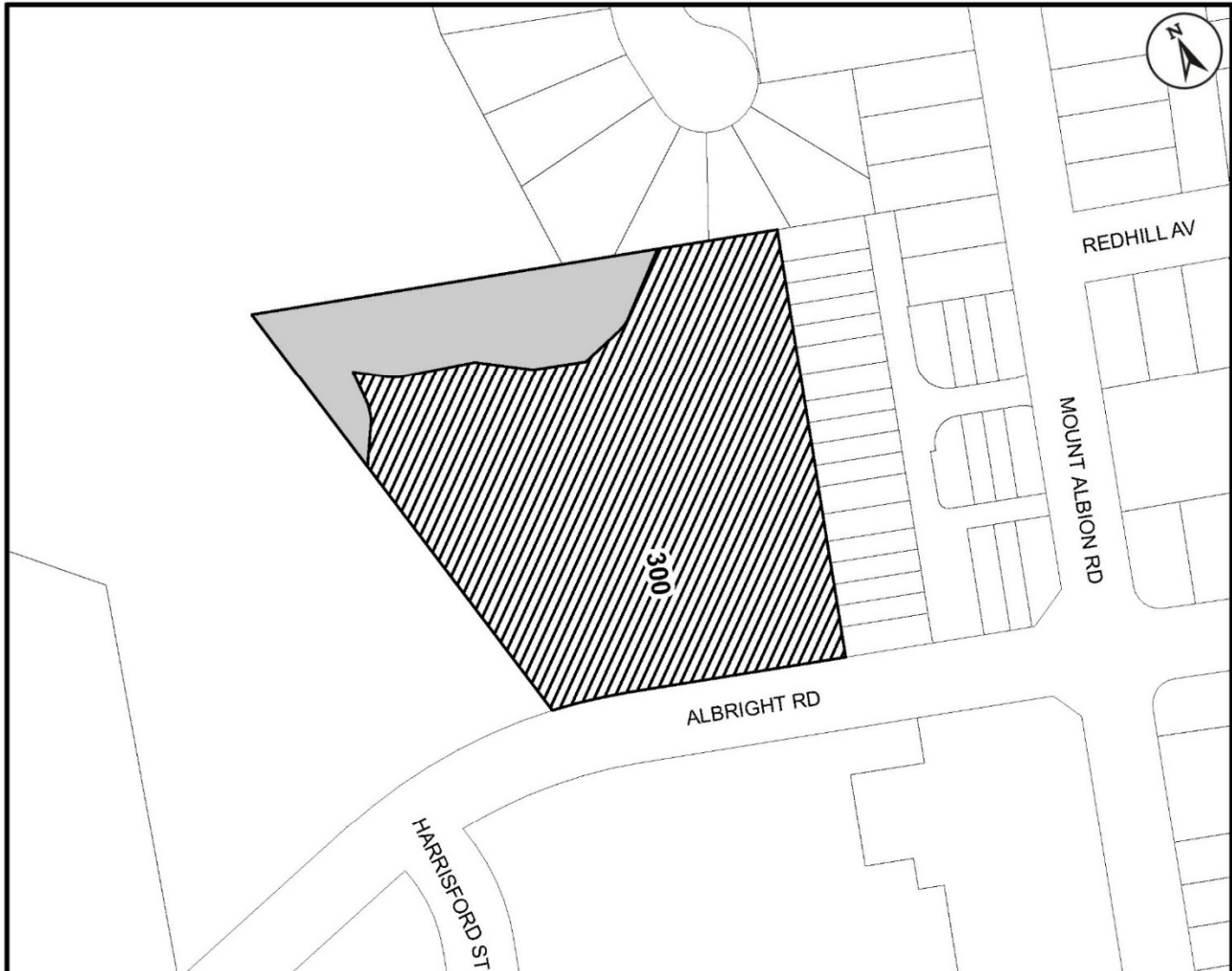
- b) In addition to Subsection 10E.(2)(a), a Multiple Dwelling shall also be permitted.
- c) Notwithstanding Subsection 10E.(3), no building or structure within the district shall exceed four storeys and 15.5 metres in height.
- d) Notwithstanding Subsection 10E.4(a), where a yard abuts a street, a depth of not less than 3.1 metres shall be provided and maintained.
- e) In addition to Subsection 10E.(4)(b), an easterly side yard width of at least 3.5 metre shall be provided and maintained.
- f) Notwithstanding Subsections 10E.5(b) and 5(c), where there is more than one building on a lot, not less than 8.0 metres shall be provided and maintained between two exterior walls each of which contains any windows to a habitable room.
- g) In addition to Subsection 10E.(8), there shall be provided and maintained a privacy area for each dwelling unit within a Multiple Dwelling that may include a balcony with a minimum depth of 1.2 metres, except no privacy area shall be required for lower level dwelling units.
- h) Notwithstanding Subsection 18(3)(vi)(d), a roofed-over or screened but otherwise unenclosed porch, including eaves, gutters and steps may project into a required front yard provided that the projection is no closer than 0.5 metres from the front lot line.
- i) Notwithstanding Subsection 18A(1)(a) and 18A-Table 1, Subsections 1.(d) and 1.(g), Parking Ratios for the following residential uses shall apply:
 - a. Townhouse Dwelling: Minimum of 1 space per Class A dwelling unit
 - b. Multiple Dwelling: Minimum of 1 space per Class A dwelling unit
- j) Notwithstanding Subsection 18A(1)(b) and 18A-Table 2, Subsections 3. And 5., a minimum of 0.16 visitor parking spaces per Class A dwelling unit shall be provided for a Townhouse Dwelling and Multiple Dwelling;
- k) Notwithstanding Subsection 18A(1)(c) and 18A-Table 3, no loading spaces shall be required for a Multiple Dwelling.
- l) Notwithstanding Subsection 18A.(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.

- m) Notwithstanding Subsections 18A.(10) and 18A.(22), the accessibility and manoeuvring space for the required parking space located within an attached garage of a townhouse dwelling may be obstructed by a required parking space located on an individual driveway.
 - n) Notwithstanding Subsection 18A.(12)(c), for every parking area and loading space referenced to in Subsection 18A.(11), there shall be provided and maintained a visual barrier along the boundary of the residential district not less than 1.2 metres in height and not greater than 2.2 metres in height, except no visual barrier shall be required where a 1.5 metre wide sidewalk for pedestrian access is provided to the westerly lot line.
 - o) Notwithstanding Subsection 18A.(24)(a), each individual access driveway for a Townhouse Dwelling shall have a minimum width of at least 2.5 metres.
 - p) In addition to Subsection 10E., a minimum setback of 3.0 metres shall be required from a Conservation / Hazard Land (P5) Zone (Zoning By-law No. 05-200) boundary line.
3. 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 "RT-20/S-1829" (Townhouse-Maisonette) District, Modified subject to the special requirements referred to in Section 2.
 4. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1829;
 5. That Sheet No. E87 of the District Maps are amended by marking the lands referred to in Section 1 of this By-law as S-1829; and,
 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 7th day of June, 2023

A. Horwath
Mayor

A. Holland
City Clerk




This is Schedule "A" to By-law No. 23-
 Passed the day of, 2023


 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 23-_____
to Amend By-law No. 6593

Subject Property
 300 Albright Road, Hamilton (Ward 5)

 Block 1: Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1829" (Townhouse-Maisonette) District, Modified

 Block 2: Refer to By-law No. 05-200

Scale:
 N.T.S

File Name/Number:
 ZAC-21-043

Date:
 March 28, 2023

Planner/Technician:
 AB/NB



Authority: Item 2, Planning Committee
Report 23-009 (PED23104)
CM: June 7, 2023
Ward: 5

Bill No. 105

**CITY OF HAMILTON
BY-LAW NO. 23-**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 300 Albright Road, Hamilton**

WHEREAS Council approved Item 2 of Report 23-009 of the Planning Committee, at its meeting held on the 7th day of June, 2023;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan.

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

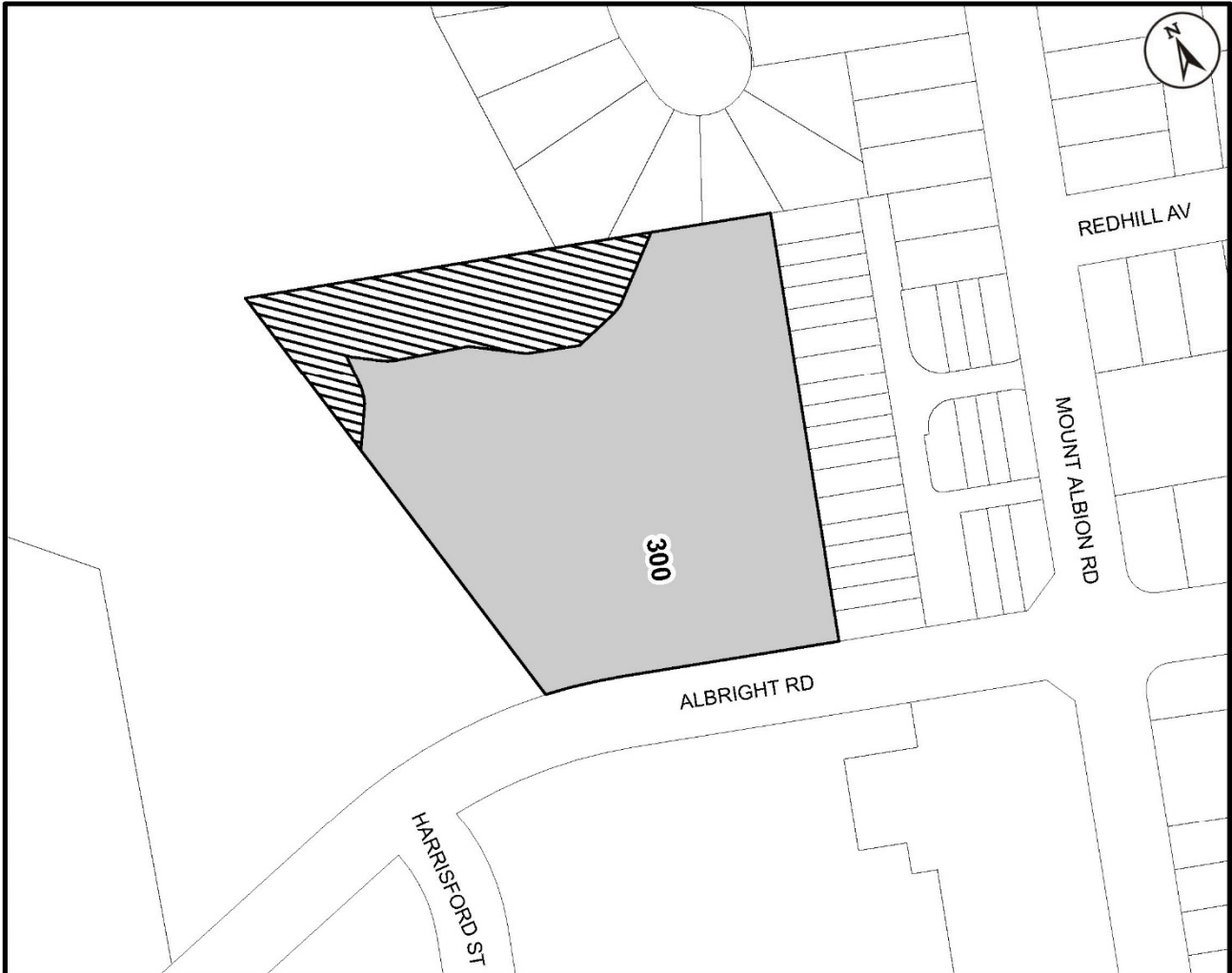
1. That Map 1245 of Schedule "A" – Zoning Maps is amended by adding the Conservation / Hazard Land (P5) Zone to lands known as 300 Albright Road, Hamilton as shown on Schedule "A" attached to this By-law.
2. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Conservation / Hazard Land (P5) Zone, subject to the special provisions referred to in Section 2 of this By-law.
3. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law in accordance with the *Planning Act*.

PASSED this 7th day of June, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

ZAC-21-043




This is Schedule "A" to By-law No. 23-
 Passed the day of, 2023


 Mayor

 Clerk

Schedule "A"
 Map forming Part of
 By-law No. 23-_____
 to Amend By-law No. 05-200
 Map 1245

Subject Property
 300 Albright Road, Hamilton (Ward 5)

 Block 1: Lands to be added as Conservation / Hazard Land (P5) Zone

 Block 2: Refer to By-law No. 6593

Scale: N.T.S	File Name/Number: ZAC-21-043
Date: March 28, 2023	Planner/Technician: AB/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Authority: Item 4, Planning Committee
Report 23-009 (PED23076(a))
CM: June 7, 2023
Ward: City Wide
Bill No. 106

CITY OF HAMILTON
BY-LAW NO. 23-

**To Designate the Environmental Remediation and Site Enhancement (ERASE)
Community Improvement Project Area (2023)**

WHEREAS Section 28 of the *Planning Act* entitled “Community Improvement” provides in subsection (2) that “Where there is an official plan in effect in a local municipality or in a prescribed upper-tier municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area”;

WHEREAS under Section 28(1) of the *Planning Act*, a “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”;

WHEREAS Chapter F, Section 1.15 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan contain provisions relating to community improvement; and,

WHEREAS the Council of the City of Hamilton deems it appropriate to identify the Historically Developed Areas of the City of Hamilton, including Sub-Area 1 – Older Industrial Areas and Sub-Area 2 – Strategic Commercial Districts and Corridors, attached hereto and forming part of this By-law as Schedule ‘A’, dated March 2023 and titled ‘ERASE Community Improvement Project Area’.

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

1. In this By-law:
 - (a) “ERASE CIPA (2023)” means The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023);
and
 - (b) “ERASE CIP (2023)” means The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023).
2. By-law No. 05-086, as amended, is repealed on such day that ERASE CIP (2023) comes into effect in accordance with Subsection 28(4) of the *Planning Act*;

3. The geographic areas of the City of Hamilton, as defined in Schedule “A” and forming part of this By-law, are hereby designated as the ‘Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)’; and,
4. A property that is not otherwise included in the ERASE CIPA (2023) as described in Section 2 above, may, at the City’s discretion, be designated as part of the ERASE CIPA (2023), provided the property is:
 - (a) adjacent to an eligible ERASE CIPA property; and
 - (b) is forming part of a comprehensive development with an adjacent ERASE CIPA property with the determination of whether the property forms part of a comprehensive development being at the discretion of the City and will include consideration of physical elements which are required for the satisfactory functionality of both properties.
5. A property that is only partially included in the ERASE CIPA as described in Section 2 above, may be designated wholly, partially or not at all as part of the ERASE CIPA (2023) at the discretion of the City based on considerations that may include, but may not be limited to:
 - (a) the relative proportion of the property located within the ERASE CIPA (2023) boundary versus that located outside the ERASE CIPA (2023) boundary;
 - (b) the presence of any existing/planned buildings/structures and their planned use on the portion of the property within the ERASE CIPA (2023) boundary; and,
 - (c) the overall planned use/development of the property and its conformity with the purpose and goals of the ERASE CIP (2023).

PASSED this 7th day of June, 2023

A. Horwath
Mayor

A. Holland
City Clerk

Schedule “A” to By-law No. 23-106

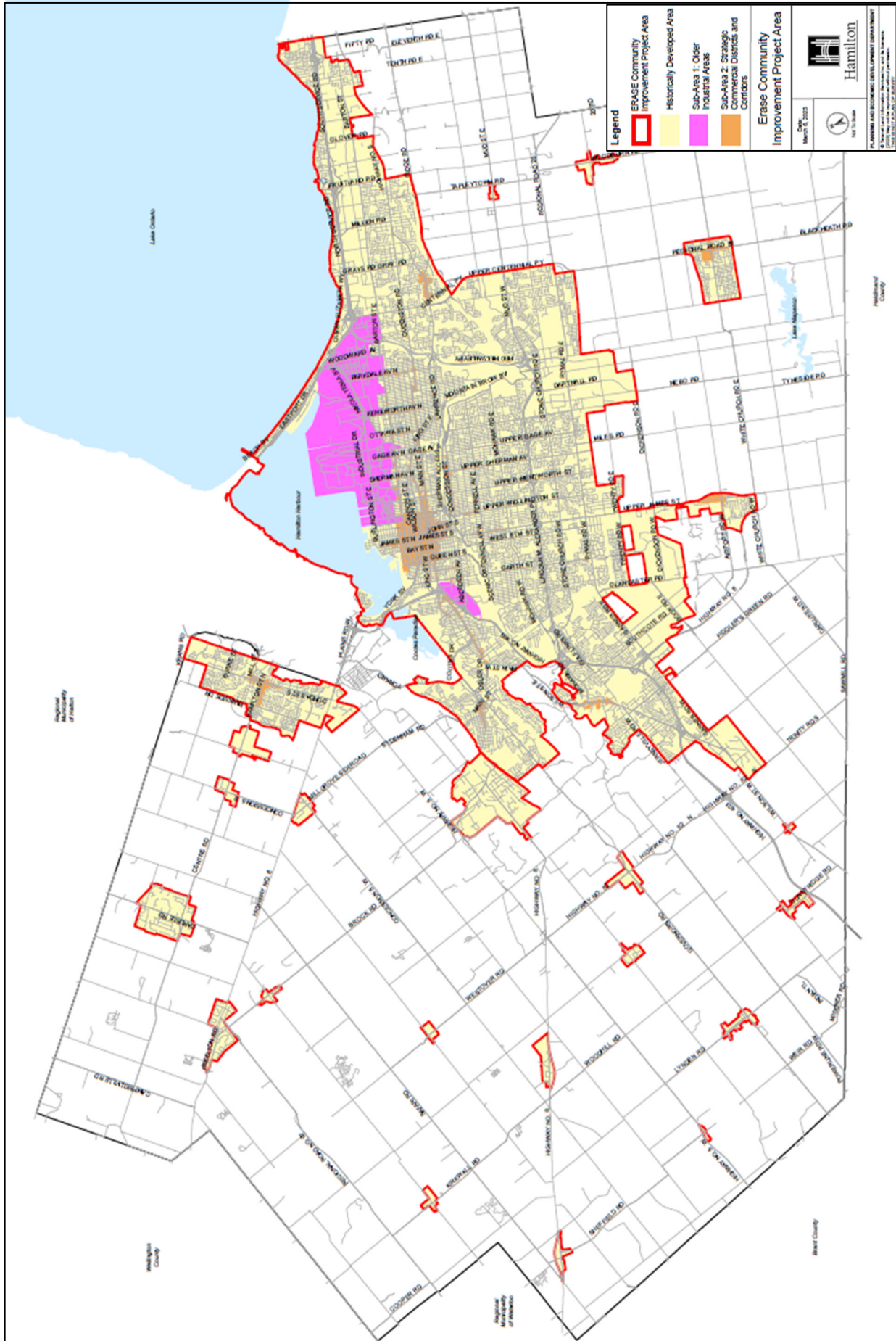
CITY OF HAMILTON

**ENVIRONMENTAL REMEDIATION
AND SITE ENHANCEMENT (ERASE)
COMMUNITY IMPROVEMENT
PROJECT AREA (2023)**

**Planning and Economic Development Department
Economic Development Division**

June 2023

To Designate the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)



Authority: Item 4, Planning Committee
Report 23-009 (PED23076(a))
CM: June 7, 2023
Ward: City Wide
Bill No. 107

CITY OF HAMILTON
BY-LAW NO. 23-

**To Adopt the Environmental Remediation and Site Enhancement (ERASE)
Community Improvement Plan (2023)**

WHEREAS By-law No. 23-106 passed on the 7th day of June 2023, designated the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)';

WHEREAS Section 28(4) of the *Planning Act* states that where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

WHEREAS under Section 28(1) of the *Planning Act* "community improvement" means "the planning or re-planning, design or redesign, re-subdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary";

WHEREAS Chapter F, Section 1.15 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan contains provisions relating to community improvement;

WHEREAS Council, by its Planning Committee, held a public meeting on May 30, 2023 to discuss and receive public input regarding adoption of the Environmental Remediation and Site Enhancement Community Improvement Plan (2023), and has taken other required steps, prior to the enactment of this By-law, to adopt a community improvement plan for the Environmental Remediation and Site Enhancement Community Improvement Project Area (2023), as required by the *Planning Act* and Chapter F – Implementation, Section 1.17 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan; and,

WHEREAS the City has prepared a plan entitled "The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)" attached hereto as Schedule "A" and forming part of this By-law.

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

1. By-law No. 05-087, as amended, is repealed on the date that the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023) comes into effect; and
2. The 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)' attached hereto as Schedule 'A' and forming part of this By-law, is hereby adopted as the community improvement plan for the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)' designated by By-law No. 23-106.

PASSED this 7th day of June, 2023

A. Horwath
Mayor

A. Holland
City Clerk

Schedule “A” to By-law No. 23-107

CITY OF HAMILTON

**ENVIRONMENTAL REMEDIATION
AND SITE ENHANCEMENT (ERASE)
COMMUNITY IMPROVEMENT PLAN
(2023)**

**Planning and Economic Development Department
Economic Development Division**

June 2023

This Plan repeals and replaces the Environmental Remediation and Site Enhancement Community Improvement Plan, originally adopted and approved by Hamilton City Council on April 13, 2005 (By-law 05-087), as amended.

1.0 INTRODUCTION

Hamilton has a long history as a major commercial and industrial centre which has served as the foundation of much of Hamilton's growth and prosperity. However, much of this growth came during a time when the potential impacts of past activities and uses on people's health and the environment were not as well understood as they are today. This has left a legacy of historic environmental impacts in the soil, groundwater and buildings in these historically developed areas of Hamilton and other similar communities across Ontario and Canada.

While redevelopment can provide an opportunity to rectify these environmental impacts, the need to remediate historic environmental impacts as part of a site's redevelopment can be a significant financial barrier and lead to properties being overlooked for easier development prospects in suburban greenfield areas which do not face the same challenges. Left unaddressed, these environmentally contaminated properties, known as brownfields, become derelict, vacant and under-utilized leading to increased urban sprawl, reduced investment/tax generation and, over-time, result in the exodus of residents and jobs from areas which once were the centre of Hamilton's economic and community prosperity.

This Plan, and the programs and initiatives it supports, is a continuation of Hamilton's long-standing commitment to address legacy environmental impacts and support new investment in Hamilton's historically developed areas.

2.0 PURPOSE OF THIS PLAN

The Environmental Remediation and Site Enhancement Community Improvement Plan (the Plan) is intended to provide a framework for the provision of financial assistance programs and other strategies that will help overcome the physical and financial barriers associated with the remediation and redevelopment of brownfields.

For the purposes of this Plan, 'brownfields' are considered to be undeveloped or previously developed properties that may be contaminated, and which are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

The expected outcome of this Plan is to provide strategic municipal support to address legacy environmental impacts on properties to the benefit of Hamilton's environment, community health and economy by supporting redevelopment that will contribute to the revitalization of Hamilton's historically developed areas, by improving environmental conditions, provide new economic development opportunities and increase the City's assessment and municipal tax base.

As an implementation tool, this Plan builds upon past City community improvement efforts in support of brownfield remediation and redevelopment in Hamilton and is intended to complement and support the vision, goals and policies of related plans and strategies including Provincial planning policies, the City of Hamilton's 2016-2025

Strategic Plan, the 2021-2025 Economic Development Action Plan and the Urban and Rural Hamilton Official Plans, among others.

Plans and strategies directly supported by this Plan are reviewed in Section 5.0 with the Plan's goals and objectives described in Section 6.0 and Section 7.0 respectively.

Monitoring of this Plan's implementation is outlined through reporting as noted in Section 9.0.

This Plan may be amended from time to time in accordance with Section 10.0.

3.0 LEGISLATIVE AUTHORITY

The provision of financial assistance or other undertakings by a municipality to facilitate or carry-out community improvement in Ontario are primarily governed by the *Planning Act* and *Municipal Act*. Together these acts identify the tools, and their parameters, which municipalities may authorize and utilize for community improvement.

3.1 Provincial Legislation

Pursuant to Section 28 of the Planning Act, if a municipality has an Official Plan in effect that contains provisions relating to community improvement, it may, by by-law, designate the whole or any part of an area covered by such an Official Plan as a Community Improvement Project Area (CIPA). A CIPA is a geographic area in which a council of a municipality is of the opinion it is desirable to improve because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. The ERASE CIPA was established by By-law No. 01-110 in April 2001 and in April 2005 expanded to encompass the full limits of the urban area existing at this time via By-law No. 05-086. The 2005 CIPA By-law was subsequently amended by By-law No. 10-049 in March 2010 to identify a new Sub-area 4 for Downtown Hamilton.

When a by-law has been passed identifying a CIPA a municipal council may by by-law adopt a community improvement plan (CIP) for the purposes of facilitating the community improvement through various means including the provision of financial incentives or actions which would otherwise be prohibited under Sub-section 106(2) of the Municipal Act. For the purpose of carrying out the CIP, once it is in effect, a municipality may:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- Construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIPA in conformity with the CIP, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- Sell, lease or otherwise dispose of any land acquired or held by it in the CIPA to any person or governmental authority for use in conformity with the CIP;

- Provide grants and/or loans in conformity with the CIP, to registered owners, assessed owners and tenants of lands and buildings within the CIPA, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole, or any part of the, eligible costs of the CIP; and
- Provide grants and/or loans for eligible costs identified within the CIP which may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of land and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

The total of the grants and loans made in respect of particular lands and the tax assistance that is provided in respect of the lands and buildings cannot exceed the eligible cost of the community improvement plan with respect to those lands and buildings.

3.2 Municipal Authorization

Community improvement policies authorizing the use of Community Improvement Plans in the City's urban and rural areas are contained in Chapter F, Section 1.15 of both the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) (as amended). Specifically, policies contained in Section 1.15 state:

- Council's intent, through community improvement, is to promote and maintain a high-quality living and working environment throughout the City accomplished through:
 - the upgrading and ongoing maintenance of communities or areas as characterized by obsolete buildings, and/or conflicting land uses and/or inadequate physical infrastructure and community services; and
 - the establishment of policies and programs to address identified economic, land development and housing supply issues or needs; and
- That community improvement shall be carried out through the designation, by Council, of CIPAs and through the preparation and implementation of CIPs pursuant to the Planning Act, R.S.O., 1990 c. P.13;
- It is the intent of Council that the entire urban/rural areas, or any part of the urban/rural areas as defined by the UHOP or RHOP, as amended, may, by by-law, be designated as a CIPA;
- That one or more of the following characteristics may be present when designating a CIPA:

- building stock or property in need of rehabilitation;
 - buildings and structures of heritage or architectural significance;
 - encroachment of incompatible land uses or activities;
 - deteriorated or insufficient physical infrastructure such as, but not limited to, sanitary and storm sewers and water mains, public transit, roads/streets, curbs, sidewalks, street lighting and utilities;
 - deteriorated or insufficient community services such as, but not limited to public indoor/outdoor recreational facilities, public open space and public social facilities;
 - inadequate mix of housing types (UHOP only);
 - inadequate affordable housing (UHOP only);
 - known or perceived environmental contamination;
 - deteriorated or insufficient parking facilities;
 - poor overall visual amenity of the area;
 - existing Business Improvement Areas (BIA) or potential for inclusion in a BIA designation;
 - inappropriate road access and traffic circulation;
 - shortage of land to accommodate building expansion and/or parking and loading facilities;
 - other barriers to the improvement or redevelopment of under-utilized land or buildings; or
 - any other environmental, social or community economic development reasons for designation; and
- That a CIP provide direction regarding the application of one or more of the following:
 - allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land/buildings;
 - municipal acquisition of land or buildings and subsequent clearance, rehabilitation, redevelopment or resale of these properties or other preparation of land or buildings for community improvement;
 - encouragement of infill and rehabilitation where feasible;
 - promotion of historic preservation through the appropriate local, provincial and federal legislation;

- promotion of the viability of commercial areas through the establishment and support of BIAs; and
- other municipal actions, programs or investments for the purpose of strengthening and enhancing neighbourhood stability, stimulating production of a variety of housing types, facilitating local economic growth, improving social or environmental conditions, or promoting cultural development; and
- That all developments participating in programs and initiatives contained within Community Improvement Plans shall conform to the policies contained in the respective Official Plan and comply with all municipal codes and regulations of the City and Province;
- That Council shall determine the priorities and sequences in which designated Community Improvement Project Areas shall have individual CIPs prepared.
- That any CIP shall endeavour to co-ordinate individual initiatives to improve properties with municipal actions to upgrade physical infrastructure and community services; and
- That Council shall be satisfied that community improvements are within the financial capability of the City.

4.0 PREVIOUS PLANS, PROGRAMS AND ON-GOING INITIATIVES

4.1 Brownfield Community Improvement Plans and Programs

4.1.1 ERASE Community Improvement Plan (2001) and Project Area

In April 2001, the ERASE CIP, was established through By-law No. 01-111. It was the City's first important step in the delivery of programs and initiatives that would promote environmental remediation, community rehabilitation and redevelopment of contaminated vacant, derelict or under-utilized sites. Also in April 2001, the ERASE CIPA was adopted by City Council via By-law No. 01-110. The 2001 ERASE CIPA was initially focused on providing remediation and redevelopment assistance programs within older current and former industrial areas of Hamilton including the Bayfront Industrial Area, the West Hamilton Innovation District as well as the West Harbour community located north of Downtown Hamilton.

Under the 2001 Plan five assistance programs were created:

- ERASE Redevelopment Grant Program – providing tax increment-based grants to reimburse for remediation costs directly funded from the increase in municipal property taxes generated as a result of the site's remediation and redevelopment;

- ERASE Study Grant Program – a cost-sharing program for environmental studies to investigate the environmental condition of properties and/or support the filing of a Record of Site Condition with the Ministry of Environment;
- ERASE Planning and Development Fees Program – to provide rebates for specific planning application and development fees to incentivize redevelopment of brownfield sites;
- ERASE Redevelopment Opportunities Marketing and Database Program – to identify, describe and market high priority redevelopment opportunities to the development and real estate industry; and
- ERASE Municipal Property Acquisition, Investment and Partnership Program – to acquire and redevelop strategic properties by the City or to engage in or support public/private sector remediation and redevelopment initiatives funded through any portion of the increase in municipal taxes not provided to property owner through the ERASE Redevelopment Grant Program.

4.1.2 ERASE Community Improvement Plan (2005), Project Area and Amendments

In April 2005, new CIPA and CIP By-laws were introduced (No. 05-086 and No. 05-087 respectively) and marked a significant broadening of the Plan's focus to support remediation and redevelopment of not just current and former industrial properties, but any property potentially contaminated from past development within the urban area existing at this time. In conjunction with the expanded area of eligibility, the previously eligible areas including the Older Industrial Areas and West Harbour community under the 2001 Plan were maintained and identified as distinct sub-areas through which the range of eligible costs and programs were expanded to meet the specific remediation, redevelopment and revitalization needs of these areas.

Subsequent to the establishment of the 2005 ERASE CIP and CIPA, various amendments were made to the Plan and are summarized below:

- In 2010 the following key amendments were introduced:
 - the ERASE CIPA was amended to establish a new sub-area for Downtown Hamilton replicating the existing Downtown Hamilton CIPA boundary already established for the purposes of administering Downtown specific revitalization programs and initiatives under the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan (now titled the Revitalizing Hamilton's Commercial Districts Community Improvement Plan);

- a new low-interest financial loan program was created, the Downtown and West Harbour Remediation Loan Program which would apply specifically in the West Harbour (Area 3) and Downtown Hamilton (Area 4) areas to lend discounted financing to developers and property owners specifically for remediation costs to support redevelopment of properties; and
- the introduction of additional eligible costs under the ERASE Redevelopment Grant program for environmental certification under Leadership in Energy and Environmental Design (LEED).
- In 2014 administrative amendments were introduced to the ERASE Redevelopment Grant (ERG) Program, Tax Assistance Program (TAP) and Downtown / West Harbour Remediation Loan Program (RLP) programs to add greater flexibility to the programs by permitting peer-reviewed risk assessments in place of a Record of Site Condition for program eligibility where an RSC is not otherwise required by the Province for the development.
- In 2018 the following key amendments were introduced:
 - the ERASE Study Grant (ESG) and ERG Programs were amended to include the study, removal and abatement of Designated Substances and Hazardous Material (DSHM) from buildings located within the Older Industrial Area (Area 2), current/closed institutional buildings and heritage buildings designated under Part IV or V of the *Ontario Heritage Act*; and
 - The RLP interest rate was reduced from 1% to 0% and loan repayment period reduced from 10 to 5 years.

4.2 Development Charge Deferrals for Brownfields

Development of a brownfield property that has been approved under the ERG Program may be provided an option to defer the payment of Development Charges (DC) up to the maximum estimated grant or the maximum grant anticipated to be provided under the ERG Program. Once ERG payments commence, these payments go directly towards fulfilling the outstanding DC deferral.

As the ERG Program requires developers/property owners to pay for site remediation works up front and wait until the development is completed and reassessed by the Municipal Property Assessment Corporation (MPAC) to begin recouping costs through ERG grant payments, the ability to offset DCs with future ERG payments aids property owners with the financial costs of site

remediation incurred during the early stages of the development and assists with managing cash flow.

4.3 Policy on the Treatment of Potentially Contaminated Properties that Fail Municipal Tax Sale (2003)

As a result of changes to the *Environmental Protection Act* and the *Municipal Tax Sales Act* introduced by the *Brownfields Statute Law Amendment Act*, municipalities in Ontario were provided enhanced powers to respecting municipal tax sales on properties that are in significant tax arrears (over 3 years). These powers allowed municipalities to take ownership of sites within one year and investigate environmental conditions of a property after a failed tax sale. In addition, where a municipality has taken ownership, the municipality is provided a period of five years within which to remediate the property or find a potential buyer to remediate and redevelop the property.

In response to these legislative changes, the City became one of the first municipalities to proactively adopt a standardized policy on potentially contaminated properties that fail a municipal tax sale to take advantage of these new powers in a consistent and transparent manner.

4.4 Contaminated Site Management Program (2004)

The City adopted the Contaminated Site Management Program with the purpose of providing procedures and training for City staff to identify and manage risks where there is the possibility for contamination in the soil/groundwater on sites subject to capital works projects and property transactions.

4.5 Historic Land Use Inventory (2008)

In late 2007, the City retained MMM Group Limited to complete a Historic Land Use Inventory (HLUI). The identified the need for a comprehensive GIS-based inventory of potential historically environmentally-impaired properties that was to become a resource to the efficient and consistent implementation of the City's brownfield redevelopment programs. The key goals of the HLUI was to:

- Provide key information to the City's property management database concerning historical environmental conditions that had not been previously available at a central location;
- Serve as a fundamental tool for use by City staff in planning and conducting the everyday aspects of managing properties within the City in a thoughtful and conscientious manner; and
- Ensure that management staff have the information necessary for knowledgeable decisions concerning brownfield redevelopment planning.

The actual project consisted of reviewing numerous sources of historical environmental information with the intent to identify properties of interest and potential contaminants associated with them. While some data came from primary sources that confirm impairment or remediation of a property (e.g. Phase

II Environmental Site Assessment reports or Record of Site Conditions), much of the required data needed to be interpreted came from secondary sources (e.g. fire insurance plans, land use designations etc.) combined with the user of industry-specific environmental databases to infer the potential contaminants that may be associated with historical on-site activities

Once the required data was documented, it was transposed into a Historical Environmental Database (HED). In total, the study area encompassed approximately 131,000 individual properties comprising the entire urban area. In total, 91 properties were identified as vacant brownfield sites consisting of a total of 152 ha. (377 ac.) scattered throughout the urban area of which over 50% were located outside of the designated employment areas and 20 ha. were found to be within the Bayfront Industrial Area. One thousand three hundred and eighty-six (1386) properties were identified as having a potential for some contamination based on the historical use of the property in Downtown Hamilton and the remaining urban area.

Notwithstanding the above findings, as most brownfields are privately owned, there are limitations in obtaining information that would confirm or identify, with certainty, that a site is contaminated either because an owner would not want to provide that information or no formal investigative studies have been undertaken to confirm a site's status. As such, inventories are often based on a *potential* for contamination based on certain characteristics, such as past land uses that are generally known to have a higher risk for contamination like certain industrial activities, gas/fuel stations, auto mechanics and dry cleaners, among others. As such, inventories do not preclude the discovery or identification of brownfields in the city.

4.6 Potentially Contaminated Commercial Properties Database Report (2022)

In 2022, the City retained ERIS to develop a database report that would identify sites within Hamilton's existing urban areas that have a higher potential for contamination as a result of current/historic commercial activities. This search was informed by the compilation and filtering of property information identified through multiple historical and proprietary environmental records which would typically be associated with higher risk commercial uses such as current/historical gas station, auto mechanic and dry cleaner uses, among others. Databases searched as part of this report included:

- Automobile Wrecking and Supplies
- Dry Cleaning Facilities
- Commercial Fuel Oil Tanks
- Delisted Fuel Tanks
- Current/Historic Private, Retail Fuel Storage Tanks

The development of this database report was intended to support the City's 2022 ERASE CIP Review by identifying potential concentrations of environmental contamination in the existing urban areas and, specifically, provide insight as to the potential for additional financial impediments to redevelopment and revitalization in specific commercial districts and corridors that are currently the focus of City revitalization efforts through the Revitalizing Hamilton's Commercial Districts CIP (RHCD CIP). The database would further support the goals and objectives of the RHCD CIP and this Plan by:

- Informing the exploration, and potential development of, new/updated financial assistance program(s) under this Plan to overcome financial impediments related to contamination in the RHCD CIP commercial districts and corridors; and
- Support potential outreach/engagement efforts by the Economic Development Division to property owners in support redevelopment/revitalization efforts in these areas.

In total, the database report identified approximately 800 sites with identified records within the existing urban areas, of which, 183 properties were located within the areas commercial districts and corridors subject to revitalization efforts under the RHCD CIP.

The result of this database report has informed the development of updated financial assistance programs authorized through this Program, specifically, the ERASE Commercial Districts Remediation Loan Program further described in Section 8.4.

Notwithstanding the above findings, as most brownfields are privately owned, there are limitations in obtaining information that would confirm or identify, with certainty, that a site is contaminated either because an owner would not want to provide that information or no formal investigative studies have been undertaken to confirm a site's status. As such, inventories are often based on a *potential* for contamination based on certain characteristics, such a past land uses that are generally known to have a higher risk for contamination like certain industrial activities, gas/fuel stations, auto mechanics and dry cleaners, among others. As such, inventories do not preclude the discovery or identification of brownfields in the city.

4.7 Brownfields Sub-Committee

In 2008 the Business Development Committee of the Hamilton Chamber of Commerce struck a sub-committee to advise and report on issues pertaining to brownfield redevelopment in the City of Hamilton. Staff sat on this committee and used it as a sounding board when contemplating changes to policy, including revisions to this Plan. This group, disbanded as a sub-committee of the Chamber in 2012, still meets on an ad-hoc basis from time-to-time to discuss brownfield related issues and continue to provide input as part of periodic review of this Plan.

Overall, this Plan maintains the intent of 2001 and 2005 ERASE CIPs and past City actions and initiatives and provides for updated programs and strategies in support of current environmental remediation and redevelopment challenges in the city's historically developed areas and current Provincial and City policy direction as discussed in Section 5.0.

5.0 SUPPORTING POLICY FRAMEWORK

Existing Provincial and City policy frameworks contain policies that support the purpose, goals and objectives of this Plan as outlined in Sections 2.0 and 7.0 respectively as well as the associated assistance program(s) described in Section 8.0. The key supporting policies from applicable policy documents are outlined below.

5.1 Provincial Policy Statement (2020)

The Province of Ontario's Provincial Policy Statement (PPS) provides policy direction for land use planning and development matters which are of Provincial interest including protecting resources, supporting public health and safety and creating high-quality natural and built environments.

This Plan is consistent with the PPS and specifically addresses the following provincial interests identified within the PPS:

- Support land use patterns which efficiently use land and resources, efficiently use infrastructure and public services, minimize negative impacts to air quality and climate change, support active transportation and are transit-supportive (PPS, Subsection 1.1.3.2)
- Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (PPS, Subsection 1.1.3.3)
- Healthy, integrated and viable rural areas supported by...promoting regeneration, including the redevelopment of brownfield sites (PPS, Subsection 1.1.4.1 b))
- Coordinate economic, environmental and social planning considerations to support efficient and resilient communities (PPS, Subsection 1.2.3); and
- Long-term economic prosperity supported by...promoting the redevelopment of brownfield sites (PPS, Subsection 1.7.1 f)).

5.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides a policy framework for implementing the Province’s vision for planning and managing growth and development within the Greater Golden Horseshoe (GGH), including Hamilton, in a way that supports complete communities, economic prosperity, protects the environment and helps communities achieve a high quality of life (Growth Plan, Section 1.2).

This Plan conforms with the Growth Plan, its guiding principles, and specifically, the following policies as identified within the Growth Plan:

- Support the achievement of complete communities that...Improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes (Growth Plan, Subsection 2.2.1 (4. b));
- Support the achievement of complete communities that...provide for a more compact built form and a vibrant public realm, including public open spaces (Growth Plan, Subsection 2.2.1 (4. e));
- Promote economic development and competitiveness by...Integrating land use planning and economic development goals and strategies to retain and attract investment and employment (Growth Plan, Subsection 2.2.5 (1. d));

5.3 City of Hamilton 2016-2025 Strategic Plan (2016)

The City of Hamilton’s 2016-2025 Strategic Plan (Strategic Plan) establishes a 10-year vision for the City that provides the context within which City services are provided in order to achieve the Plan’s stated mission “to provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner”. To achieve this, the Strategic Plan establishes seven priorities which were identified through community engagement and resident conversations including those that occurred through the Our Future Hamilton: Communities in Conversation initiative. These priorities are:

- Community Engagement and Participation
- Economic Prosperity and Growth
- Healthy and Safe Communities
- Clean and Green
- Building Environment and Infrastructure
- Culture and Diversity
- Our People and Performance

This Plan contributes towards the achievement of the Strategic Plan's vision for Hamilton as further outlined in Section 9.0 Monitoring, whereby performance measures and monitoring of this Plan and its associated programs are established and linked to the achievement of the Strategic Plan's vision.

5.4 2021-2025 Economic Development Action Plan (2021)

The 2021-2025 Economic Development Action Plan (EDAP) is a Council approved, city-wide, action-oriented document that identifies areas of focus and key industry sectors that the City will concentrate resources and identify actions for in support of the City's economy. The EDAP identifies six key priority areas that are intended to build a stronger and more equitable economy for Hamilton's future. Of these, this Plan most directly supports the "Revitalizing Priority Areas and Placemaking" and "Building Transformation Projects" priorities which, among other actions, are supported by incentivizing investment in the remediation of brownfield lands to encourage their transition to a cleaner and more productive uses that act as a catalyst for further economic improvement.

The EDAP further identifies as a specific action (#61) to "review and update the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan" to support the goals and objectives of the EDAP within the plan's time horizon.

5.5 Urban and Rural Hamilton Official Plans (2013)

The Urban and Rural Hamilton Official Plans (UHOP/RHOP) establish the City's long-term policy framework outlining the City's vision for the future in terms of managing growth, land use change and the physical development of the city including related environmental, social and economic factors. The UHOP/RHOP includes land use policy that establishes the land use structure of the respective urban and rural areas of the city accompanied by overlaying land use designations that guide the development and redevelopment of the city. The UHOP/RHOP also contains the necessary policies to enable the creation of this Plan, in accordance with the *Planning Act*, through Chapter F, Section 1.15 of the UHOP and further discussed in Section 3.2 "Municipal Authorization" of this Plan.

5.5.1 Contaminated (Brownfield) Site Policies

The UHOP/RHOP contains specific policies respecting contaminated (brownfield) sites, contained in Chapter B – Communities, which include the following key policies as they relate to this Plan:

- ...The City, in addition to other economic development objectives, shall pursue the redevelopment of brownfield sites and promote opportunities for employment and residential intensification by:
 - a) continuing to liaise with other levels of government, agencies, and the private sector to endorse and amend existing legislation, regulations and standards, including the addressing of liability issues for land owners;

- b) undertaking studies to identify priority brownfield sites for redevelopment;
 - c) providing the necessary financial assistance to developers and landowners to make the redevelopment of brownfield sites a viable option; and,
 - d) ensure a wide variety of investment opportunities are available throughout the City and provide potential employment users with a range of alternative sites of various size in a variety of locations throughout the City.
(UHOP, Chapter B, Subsection 3.1.6)
- Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.
(UHOP/RHOP, Chapter B, Subsection 3.6.1.1 and 3.6.1.2 respectively).

These policies highlight the health and public safety considerations, community development and economic development objectives of the UHOP/RHOP respecting these sites and provide the direction to support City initiatives and actions to address these objectives. This Plan, and the financial assistance programs authorized herein, are but one of these actions and directly addresses the financial barriers and risk associated with contaminated sites that presents a real and systemic barrier to the achievement of the UHOP/RHOPs objectives.

5.5.2 Legal Non-Conforming/Complying Uses or Properties

The UHOP/RHOP are policies respecting existing, non-complying and non-conforming uses. Specifically, the UHOP/RHOP states the following:

- It is recognized there are some previously existing land uses that do not presently comply with the goals and objectives set out in this Plan. This Plan, while endeavoring to achieve a high degree of land use compatibility for new development, recognizes there is a degree of diversity in land use for existing areas where time and custom have achieved an acceptable level of tolerance. Many of these uses have been established for a considerable number of years. In some cases, it is recognized such situations exist and they can be continued in the interim. In other cases, there are some existing uses that not only do not comply with the Official Plan or conform to the Zoning By-law and are incompatible with surrounding land uses (UHOP/RHOP, Chapter F, Subsection 1.12).

- All developments participating in programs and initiatives contained within Community Improvement Plans shall conform to the policies contained in this Plan and shall comply with all municipal codes and regulations of the City (UHOP/RHOP, Chapter F, Subsection 1.15.4).

As such, all existing and proposed developments participating in programs and initiatives contained within this Plan shall conform with the policies in the Official Plan and comply with all municipal by-laws and regulation, including applicable Zoning By-laws.

Notwithstanding the above, legally non-complying or non-conforming uses and/or properties located within the ERASE CIPA may be eligible for participation in an applicable program under this Plan, at the sole and absolute discretion of the City, where the City is satisfied that the use/building meets the following tests:

1. The proposed development must implement the intent and vision of the Urban Hamilton Official Plan (2013);
2. The Building Division records must validate the last recognized use as per a Zoning Verification stating the proposed use; and
3. Issuance of a Building Permit for the Legal Non-Conforming Use(s) must be qualified by the Building Division.

5.6 Secondary Plans

Within specific communities of the city, the UHOP/RHOP may be supplemented by detailed, area specific policies responding to the unique needs and considerations for how a specific area/community will develop over time. The following Secondary Plans and policies have been identified as being within the ERASE CIPA within which the programs of this Plan may apply and containing policies that directly relate and support the purpose and goals of this Plan:

Ainslie Woods Westdale Secondary Plan

The Ainslie Woods Westdale Secondary Plan (AWWSP) includes the area bounded by the former municipal boundaries between the former City of Hamilton and former Town of Dundas on the west, Cootes Paradise on the northwest, and Highway 403 on the east and the southeast.

The AWWSP contains the following policies:

- The establishment and extension of programs and funding for the rehabilitation and reuse of employment lands shall be encouraged to include lands in the Ainslie Wood Westdale area. An example would include any possible expansion of the brownfields funding program, to facilitate the rehabilitation of these lands (UHOP Volume 2, Chapter B, 6.2.9.1 g))

West Hamilton Innovation District Secondary Plan

The West Hamilton Innovation District Secondary Plan (WHIDSP) area is generally bounded by Aberdeen Avenue to the south, the railway line and Dundurn Street South to the east, Main Street West to the North and Highway 403 to the west.

The WHIDSP contains the following policies:

- Encourage the redevelopment of brownfield lands to a prestige research district comprised mainly of uses related to research, science and technology which are remediated to a high standard to ensure public health and safety (UHOP Volume 2, Chapter B, 6.4.2.1 a))
- The City shall prepare an enhancement to the ERASE (Environmental Remediation and Site Enhancement) Community Improvement Plan (CIP) and the development of an Implementation Strategy specifically for the West Hamilton Innovation District that shall encourage the redevelopment of this area. Additional financial incentives for initiatives such as LEED (Leadership in Energy and Environmental Design) certification shall complement the existing incentives for brownfield remediation and serve as a catalyst for the transformation of the West Hamilton Innovation District to an economic hub of research and development activity (UHOP Volume 2, Chapter B, 6.4.9.3)

West Harbour (Setting Sail) Secondary Plan (Non-Decision No. 113)

The West Harbour Secondary Plan (WHSP) area is bounded by Hamilton Harbour to the north, York Boulevard and Cannon Street West to the west and south and Wellington Street North to the east.

The WHSP contains the following policies:

- West Harbour is designated a CIPA and the ERASE CIP applies, and shall continue to apply, to a large portion of West Harbour. The City may revise the ERASE Plan from time to time and may prepare additional Community Improvement Plans for West Harbour. Such plans should identify, rank and coordinate the public improvements set out in this Secondary Plan and others that may arise. Community Improvement Plans should also identify the programs and measures intended to promote development and the rehabilitation of existing buildings and properties. The City shall consult with the local community in preparing the Community Improvement Plan (UHOP Volume 2, Chapter B, 6.5.12.6)
- Permit additional residential density where the City determines there is a need to increase densities of development in Barton-Tiffany and Ferguson-Wellington corridor, to assist economically with the clean up of brownfield areas and soil contamination. The density increase shall be subject to the City of Hamilton's ERASE program (UHOP Volume 2, Chapter B, 6.5.14.9)

5.7 Bayfront Industrial Area Strategy (2022)

The Bayfront Industrial Area (the Bayfront) is Hamilton's oldest industrial area comprising over 1,600 hectares of land on the shores of Hamilton Harbour, and the immediate area.

In September 2022, City Council approved The Bayfront Industrial Area Strategy (BIAS) as a comprehensive strategy, identifying short, medium and long-term actions, that together would help address barriers to redevelopment and support continued industrial productivity and investment in the Bayfront.

A significant barrier to redevelopment in the Bayfront continues to be potential contamination of properties; an issue that was central to the creation of the original 2001 ERASE CIP and the availability of its financial assistance programs in the Bayfront. In this respect, the BIAS speaks to the continued importance of this Plan to support its strategies and redevelopment goals in the Bayfront, specifically stating the following:

- The expectation is that a certain degree of remediation and or risk management will be required as land is redeveloped over time. The City recently updated its Environmental Remediation and Site Enhance (ERASE) Community Improvement Plan incentives which are intended to help offset some of the front-end costs for remediation. There is a need to regularly monitor and track the success of various brownfield programs to ensure that they are well aligned with market needs and reasonably capture the range of redevelopment challenges in The Bayfront (BIAS, 3.14)

6.0 COMMUNITY IMPROVEMENT PROJECT AREA

This Plan is intended to apply to eligible properties within Historically Developed Areas (HDA) which have been geographically delineated within the companion ERASE CIPA By-law based on past and current detailed city-wide analysis of current and historical land uses, potential for environmental contamination, physical site characteristics, potential for redevelopment, UHOP/RHOP/Secondary Plan land use designations and policies, applicable zoning and visual site inspections, where required.

In addition to the HDA, the Plan is intended to provide programs which may also address unique or area specific environmental and associated development challenges. To this end, this Plan and the companion ERASE CIPA By-law define additional sub-areas within the HDA where additional programs and/or program parameters may be permitted within the program descriptions contained in Section 11.0 Appendices to this Plan. These sub-areas include:

- Sub-Area 1 - Older Industrial Areas - encompassing the Bayfront Industrial Area and West Hamilton Innovation District which have historically been the location of significant industrial activities that have left a legacy of unique redevelopment and investment challenges including the potential for historic contamination and outdated buildings and structures; and

- Sub-Area 2 - Strategic Commercial Districts and Corridors - encompassing properties located within various older strategic commercial districts and corridors which have been a focus of City revitalization efforts to stimulate new private sector investment in the development of under-utilized properties and/or improve the appearance, functionality, marketability, usability and/or safety of existing buildings and where there may exist a potential for historic contamination from past commercial land uses including, but not limited to, fuel/gas stations, auto mechanics, and dry cleaners.

For the purposes of this Plan, Sub-Area 2 is defined as comprising properties located within the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law (By-law 21-163 as amended over time) and which includes Downtown Hamilton, the Community Downtowns of Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown, Business Improvement Areas, the Mount Hope/Airport Gateway and various other strategic commercial corridors.

Notwithstanding the above descriptions and the geographic boundaries delineated within the companion ERASE CIPA By-law, the following shall also apply with respect to properties eligible to participate in the programs of this Plan:

- Properties containing buildings designated under Part IV or Part V of the *Ontario Heritage Act* and located within the City of Hamilton municipal boundary, may be eligible for one or more programs established under this Plan where it is identified that a program may apply to such properties in Section 8.0 of this Plan.
- A property which is partially located within the ERASE CIPA boundary, shall be deemed to be either wholly, partially or not at all located within the ERASE CIPA at the sole discretion of the City based on considerations that may include, but may not be limited to, the relative proportion of the property located within the ERASE CIPA boundary versus that located outside the CIPA boundary, the location of environmental contamination on the property and/or the planned use of existing/planned buildings as well as the ability to meet the purpose and goals of this Plan and any potentially applicable programs.

7.0 GOALS AND OBJECTIVES

With consideration to the purpose of this Plan as outlined in Section 2.0, and the cited Provincial and City plans, policies and strategies detailed in Section 5.0, the goals of this Plan are to support the investigation, remediation and redevelopment of brownfields in historically developed areas in order to:

- Improve environmental conditions within our communities and reduce future risk;
- Increase assessment and property tax generation;
- Reduce the need for greenfield or agricultural lands to accommodate future population and employment related growth;
- Efficiently utilize existing infrastructure and reduce related costs;

- Support the achievement of Provincial/City residential unit/jobs density targets, where applicable;
- Maintain and grow resident populations to support existing businesses and services;
- Further support population and employment concentrations that will better utilize existing transit and support new demand and investment in higher-order forms of transit;
- Enable new economic development opportunities;
- Improve the aesthetics of private properties to create an attractive public realm; and
- Make feasible opportunities for new housing, with a focus on affordability and tenure, that will help meet the needs of current and future residents and support a strong and diverse local workforce.

To help realize those goals, the following objectives respecting brownfields have been identified and will be supported by this Plan where appropriate:

- Obtain new information respecting the environmental condition of properties to support potential investment and redevelopment;
- Provide programs that reduce financial barriers and risk to property owners, developers and not-for-profit housing providers as a result of historic contamination;
- Engage and work with other municipalities to share knowledge and best practices to support remediation and redevelopment of brownfields;
- Engage with the Provincial and Federal governments and related agencies to prioritize brownfields as an area of focus and investment;
- Explore means to further identify sites with the potential for contamination and to develop strategies and programs to address as required; and
- Consistently monitor for new and emerging regulatory or economic barriers respecting brownfield remediation and redevelopment.

8.0 FINANCIAL ASSISTANCE PROGRAMS AND OTHER INITIATIVES

This section identifies the primary purpose and parameters of financial assistance programs and other initiatives the City may employ to achieve this Plans goals within areas identified in the companion ERASE CIPA By-law. Additional detailed descriptions outlining the terms, eligibility criteria and administrative processes for each program/initiative described in this section, as adopted by City Council resolution, are contained in Section 11.0 Appendices of this Plan for reference.

The applicable program descriptions shall be those that were approved by City Council and in effect on the date an application under any program in this section was approved by City Council or their delegate.

Notwithstanding any program descriptions approved by City Council, applications under any program authorized under this Plan can be rejected by City Council for any reason. Such a decision can take into account matters not set forth in the applicable program descriptions and are within City Council's sole, absolute and unfettered discretion. Decisions and reasons for the City's accepting or rejecting an application shall not act as a precedent for any other application.

8.1 ERASE Study Grant (ESG) Program

The ERASE Study Grant (ESG) Program is intended to support the undertaking of environmental studies on known or suspected brownfield sites to confirm and describe potential on-site contamination or develop a plan to remove, treat, or otherwise manage the contamination in support of site redevelopment/reuse. Additional studies may also be considered under this Program which investigate other forms of potential environmental impacts or which further facilitate the potential redevelopment/reuse of eligible sites.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible studies/costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix A.

8.2 ERASE Redevelopment Grant (ERG) Program

The ERASE Redevelopment Grant (ERG) Program is intended to provide tax increment-based grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. By providing Grants to mitigate these financial impediments, the Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new municipal property tax revenue through increased property assessments.

As a tax increment-based program, the ERG Program provides grants relative to the actual increase in municipal property taxes that are generated as a result of a site being remediated and redeveloped. Grants are provided after development completion over a maximum term as described in Table 1 herein or until eligible Program costs have been recovered, whichever comes first.

Grants under the Program may be provided through one of two streams based on consideration of the project as a Brownfield Development or an Enhanced

Brownfield Development. For the purposes of this Program, a Brownfield Development is one that remediates the environmental condition of a site and increases the municipal property taxes generated as a result of remediation and redevelopment. An Enhanced Brownfield Development is the same as a Brownfield Development, but which also achieve one of the following additional priorities:

- Successfully obtains a certification for the achievement of environmental sustainability standards from an eligible organization/program;
- Will connect to (or be designed to allow for future connection to) a district energy system where a current or future connection is deemed feasible by the City;
- Is approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), Federal, Provincial or City program for the purposes of incorporating new residential rental housing that supports housing affordability within the city.

The prescribed grant terms under the Brownfield Development and Enhanced Brownfield Development streams are described in Table 1 below:

**Table 1 – Prescribed Grant Parameters:
Brownfield Developments and Enhanced Brownfield Developments**

		Brownfield Development	Enhanced Brownfield Development
Maximum Eligible Costs Permitted For:	the transportation and disposal of contaminated soil at a licensed landfill facility	80%	80%
	*in-situ or Risk Assessment remediation methods or the transportation and treatment of contaminated soil so as to enable reuse	100%	100%
	all other eligible costs unless otherwise specified in the Council adopted Program Description	80%	100%
Maximum Potential Annual Grant Payments		10**	13**
Maximum Annual Grant as a Percentage of Actual Tax Increment Realized		80%***	100%

* *Eligible remediation methods will demonstrate a reduced overall environmental impact versus dig and dump remediation with such determination being at the sole discretion of the City.*

** *Or until eligible remediation costs have been recovered, whichever comes first.*

****The remaining 20% increase in the annual municipal tax increment not provided to the Applicant under the Brownfield Development stream shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal*

Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant's Grant term up to a maximum of 20% of the value of the total Grant to be provided.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix B.

8.3 ERASE Tax Assistance (ETA) Program

The ERASE Tax Assistance (ETA) Program is intended to reduce the tax increase resulting from the remediation and redevelopment of a brownfield site in order to mitigate costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. The tax cancellation provided under this Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new property tax revenue through increased property assessments.

An approval under this Program shall not be granted until City Council has approved the Application and has passed a by-law pursuant to s.365.1 of the *Municipal Act, 2001*, as amended and the Minister of Finance of the Province of Ontario has approved the by-law.

An approval granted under this Program shall be conditional on the Applicant receiving approval from the Minister of Finance for an application under the Province of Ontario's Brownfield Financial Tax Incentive Program (BFTIP) respecting the cancellation of the education portion of property taxes. Approval for the cancellation of the education portion of the property tax increment may be provided by the Minister of Finance on a case-by-case basis. Where an application and approval under the Province's BFTIP will not be sought, the applicant shall be directed to make application under the ERASE Redevelopment Grant (ERG) Program.

Under the ETA, 80% of the increase in the municipal portion of property taxes (the tax increment) that results from remediation and redevelopment of a site, or such lesser amount as set out below will be cancelled annually until the expiration of the earlier of the following:

- Six (6) years for a business development (commercial and industrial) or 10 years for a residential development (including mixed use residential); or
- A value that equals accepted eligible Program costs.

The remaining 20% increase in the annual municipal tax increment not subject to cancellation shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant's term for tax cancellation up to a maximum of 20% of the value of the total tax cancellation to be provided. The remaining 20% of the increase in the education portion of property taxes will be remitted to the Province of Ontario.

This Program will apply within the Historically Developed Area as defined through the Environmental Remediation and Site Enhancement Community Improvement Project Area (ERASE CIPA) By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, tax cancellation criteria, tax cancellation maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix C.

8.4 ERASE Commercial Districts Remediation Loan (ECDRL) Program

The ERASE Commercial Districts Remediation Loan (ECDRL) Program provides low-interest Loans which are intended to overcome barriers owners may face obtaining traditional financing for costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. Specifically, this Program is intended to work in concert with broader efforts to support the revitalization of strategic commercial districts and corridors, including those programs and initiatives established under the RHCD CIP.

A Loan under this Program is intended to serve as a 'bridge' until such time as grant payments commence under either the ERASE Redevelopment Grant (ERG) or Revitalizing Hamilton Tax Increment Grant (RHTIG) Programs. As such, eligibility under this Program is contingent on, among other requirements contained herein, that the site has been the subject of an approved application under either the ERG or RHTIG Programs.

This Program will apply within Sub-Area 2 – Strategic Commercial Districts and Corridors of the Historically Developed Area as defined in the ERASE CIPA By-law and which generally consists of the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale commercial districts, the Mount Hope/Airport Gateway, the Barton Street and Kenilworth Avenue North commercial corridors and other strategic commercial corridors located throughout the city.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, loan criteria, loan maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix D.

8.5 ERASE Affordable Housing Grant (EAHG) Program

The ERASE Affordable Housing Grant (EAHG) Program is intended to provide Grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse for affordable housing by not-for-profit housing providers not otherwise able to participate in the ERG program. By providing Grants to mitigate these financial impediments, the Program better enables brownfield sites to be viable candidates for the creation of new affordable housing.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix E.

8.6 ERASE Municipal Acquisition and Partnership (EMAP) Program

The ERASE Municipal Acquisition and Partnership (EMPA) Program is intended to further support the investigation, remediation and redevelopment of brownfields in the city by enabling the City of Hamilton to:

- Acquire, hold, clear, grade or otherwise prepare brownfields for the purposes of achieving community improvement that supports this Plan's goals and objectives;
- Construct, repair, rehabilitate or improve buildings on brownfields acquired or held by the City in support of this Plan's goals and objectives;
- Sell, lease, or otherwise dispose of any brownfields acquired or held by it in support of this Plan's goals and objectives; or
- Participate financially or otherwise with private sector entities to further the goals and objectives of this Plan.

The EMAP is not an application-based program and is to be utilized and funded at the discretion of City Council in conformity with this Plan and the *Planning Act*.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

8.7 Other Strategies

The following programs and initiatives are not subject to this Plan but are intended to be acted upon in tandem with the financial incentive programs contained in this Plan in order to meet the City's goals and objectives for the Plan's Community Improvement Project Areas.

8.7.1 ERASE Development Charge (DC) Deferrals

The payment of Development Charges (DCs) as a condition of development can be a significant factor in determining the feasibility of remediating and redeveloping brownfields as DCs are often required to be paid early in the development process at the same time as costs are being incurred to remediate site contamination in preparation for site development.

As a strategy to further support the feasibility and added cash flow pressures required for brownfield redevelopment, approved applicants under the ERG Program may be provided the option to utilize an ERASE specific deferral of DCs at low/no interest in an amount up to the lesser of:

- The maximum estimated Grant approved by City Council; or
- The maximum Grant estimated to be achieved within the parameters of the Program, as determined by the City, based on the estimated eligible costs and estimated post-development assessment and municipal property tax uplift.

Where an approved ERG applicant elects and been approved by the General Manager of Finance and Corporate Services to utilize the ERASE DC Deferral Option, grant payments under ERG program will be directed towards fulfilling the ERASE DC deferral until the deferred DCs have been fully paid.

All Applicants utilizing the ERASE DC Deferral Option will be required to enter into an ERASE DC Deferral Agreement with the City. This Agreement shall contain provisions including, but not limited to, the terms and conditions set out herein and such additional conditions as required by City Council, the City Solicitor or General Manager of Finance and Corporate Services in their sole discretion. Such agreement may also include the provision of securities that include, but may not be limited to, Letters of Credit, mortgages registered on title and/or personal guarantees as deemed required by the City.

ERASE DC Deferral Agreements will be subject to the applicable, in effect DC By-law and any additional requirements, conditions and agreements as deemed appropriate to affect the Agreement at the discretion of City Council or the General Manager of Finance and Corporate Services.

8.7.2 Historic Land Use Inventories

From time-to-time, the City may undertake historic land use inventories to identify properties and/or areas of the City with a potential for environmental contamination. Such inventories will be used to guide the development and refinement of financial assistance programs and authorized under this Plan and inform strategies and actions by the City to better support and enable remediation and redevelopment of these properties/areas.

8.7.3 Marketing and Promotion

In accordance with the Economic Development Division's Marketing Plan, the City of Hamilton may promote and advertise or contribute to the promotion or advertisement of programs, initiatives and events respecting the brownfields for the purpose of achieving the goals and objectives of this Plan.

9.0 MONITORING

Monitoring the Plan's implementation is undertaken through the City's performance measurement reporting and annual reports prepared by the Economic Development Division.

Performance measures will be based on the objectives and desired outcomes as identified in this Plan, key activities set out in the Department's business plan and the City's 2016-2025 Strategic Plan. Performance measures which may be evaluated include, but may not be limited to:

- Total area of land investigated, remediated and redeveloped;
- Increase in assessment and property tax generation on brownfields;
- New affordable housing units created on brownfields;
- New resident population and jobs created on brownfields within the Historically Developed Area in support of Provincial/City residential unit/jobs density and growth targets; and
- Private sector investment leveraged on brownfields relative to City grants/loan or other assistance provided.

10.0 AMENDMENTS AND TRANSITIONAL MATTERS

This Plan will be reviewed from time to time to ensure that it is adequately reflecting existing City policies and priorities, Provincial policies and community needs. Community and applicant feedback regarding this Plan and its associated assistance programs may also lead to amendments and / or minor revisions to the detailed incentive program descriptions contained in the Appendices to this Plan.

10.1 Formal Amendments

A formal amendment to this Plan is required in the following instances:

- To introduce new financial assistance programs;
- To increase the amount of financial assistance that may be provided to registered owners, assessed owners, tenants and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan except where the maximum amount of assistance is not referenced in Section 8.0 or the conditions under which increased assistance under a

program may be provided is already established within this same section;
or

- To add, extend, remove or otherwise change the Community Improvement Project Area's which are the subject of this Plan.

Formal amendments will require approval by City Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City's Public Participation and Notification Policies contained in Chapter F – Implementation, Section 1.17.2 of the UHOP and RHOP. In addition, the City may undertake other communication methods to provide information and seek input, such as public information open houses, workshops, public meetings, the City's web site and direct or electronic mail outs and surveys.

10.2 Other Amendments

Detailed program descriptions providing for the efficient administration of each program authorized through this Plan will be adopted, through resolution, by City Council. The program descriptions shall include, but not be limited to, program terms, eligibility criteria, maximum grant amounts, grant calculations, assignability, maximum loan amounts, repayment requirements and detailed administrative procedures terms and will form appendices to this Plan. Changes to the appendices will be adopted by City Council through resolution. In addition, City Council may discontinue any of the programs contained in this Plan, without amendment to this Plan. Formal amendments, including public meetings under the *Planning Act*, shall not be required for updates or amendments to program descriptions attached to this Plan as appendices. Minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes shall not require a formal amendment.

10.3 Transitional Matters

Program applications will be processed under the terms of the program in effect at the time the application was submitted. When program terms are revised, applications submitted but not yet approved will be subject to and processed under the revised terms. Application already approved at the time revised program terms are in effect will continue to be subject to the program terms in effect at the time the application was approved.

11.0 APPENDICES

The following appendices are provided under separate cover and adopted by Council resolution:

Appendix A – ERASE Study Grant (ESG) Program Description

Appendix B – ERASE Redevelopment Grant (ERG) Program Description

Appendix C – ERASE Tax Assistance (ETA) Program Description

Appendix D – ERASE Commercial Districts Remediation Loan (ECDRL) Program
Description

Appendix E – ERASE Affordable Housing Grant (EAHG) Program Description

Authority: Item 4, Planning Committee
Report 23-009 (PED23076(a))
CM: June 7, 2023
Ward: City Wide
Bill No. 108

**CITY OF HAMILTON
BY-LAW NO. 23-**

To Enact a By-law to Delegate Authority to the General Manager Planning and Economic Development and Manager of Commercial Districts and Small Business for Certain Grants and Loans under the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)

WHEREAS Subsection 28(2) of the *Planning Act*, as amended, provides that City Council may, by by-law, designate the whole or any part of an area covered by an Official Plan as a community improvement project area;

WHEREAS By-law 23-106, as amended, identifies areas of the City of Hamilton as a community improvement project area designated as the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)';

WHEREAS Subsection 28(4) of the *Planning Act*, as amended, provides that where a by-law has been passed to designate a community improvement project area, City Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

WHEREAS By-law 23-107, as amended, adopted the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)' for the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)';

WHEREAS Subsection 28(7) of the *Planning Act*, as amended, provides that City Council may make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs permitted under the community improvement plan;

WHEREAS Sections 9 and 10 of the *Municipal Act*, as amended, and in accordance with Section 23.1 of the *Municipal Act*, as amended, the powers of a municipality under that or any other Act may be delegated to a person or body subject to the restrictions established in Sections 23.2 through 23.5, inclusive of the *Municipal Act*, as amended;

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

1. In this By-law:

"City Council" means the Council of the City of Hamilton

"ERASE CIP" means Environmental Remediation and Site Enhancement Community Improvement Plan (2023) adopted by By-law 23-107.

“General Manager” means the General Manager of Planning and Economic Development, and in the case of a change in title of this position, shall include any successor position title; and,

“Manager” means the Manager of Commercial Districts and Small Business of the Economic Development Division, Planning and Economic Development Department, and in the case of a change in title of this position, shall include any successor position title.

2. Subject to Section 4 herein, the General Manager is delegated the authority to approve grants/loans and undertake all acts necessary to carry out the delegated authority including entering into and executing any required agreements and executing any required documents, under the following financial assistance programs established under the ‘ERASE CIP’:
 - (a) ERASE Commercial Districts Remediation Loan Program; and,
 - (b) ERASE Affordable Housing Grant Program.
3. Subject to Section 5 herein the Manager is delegated the authority to approve grants and undertake all acts necessary to carry out the delegated authority including entering into and executing any required agreements and executing any required documents under the following financial assistance programs established under the ‘ERASE CIP’:
 - (a) ERASE Study Grant Program.
4. For the purposes of Section 2 herein, the powers of the General Manager to approve grants/loans shall be limited to a maximum of \$200,000 per grant/loan;
5. For the purposes of Section 3 herein, the powers of the Manager to approve grants shall be limited to a maximum of \$40,000 per grant;
6. This By-law may be cited as “A By-law to Delegate Authority to the Planning and Economic Development Department to Issue Approvals for Loans/Grants Under Certain ERASE Financial Assistance Programs”; and,
8. This By-law comes into effect on the date that By-law 23-107 being the By-law to adopt the ‘Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)’ comes into effect.

PASSED this 7th day of June, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 14

Bill No. 109

**CITY OF HAMILTON
BY-LAW NO. 23-**

Respecting Removal of Part Lot Control, Part of Block 1, Registered Plan No. 62M-1191, Municipally Known As 19, 21, 45, 47, 49, 57, 59, 61, 63, 65 and 67 Cadwell Lane, 4, 6, 8, 10, 14, 16, 18, 24, 26, 28, 30, 32, 37 to 43, 45 to 47, 51, 53, 55, 57, 75, and 81 Bensley Lane, 45, 47, 49, 51, 53 and 55 Welch Lane, 6, 18, and 20 Sentinel Lane, and 31, 33, 35, 37, 41, 43, 45, 47 and 49 Southam Lane, Hamilton

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of permitting the conveyance of 57 lots for street townhouse dwellings (Parts 41 – 49, 59, 60, 89 – 104, 129 – 134, 152 – 157, 158, 164, 167, 172 – 181, 193 – 201, 212 – 220, 230, 231, 239, 254 – 259, 277, 317 – 331, 333, 334, 339, 340, 353 – 361, 393, 420 and 422 inclusive), as shown on deposited Reference Plan 62R-21683, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Part of Block 1, Registered Plan No. 62M-1191, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 7th day of June, 2025.

Respecting Removal of Part Lot Control, Part of Block 1, Registered Plan No. 62M-1191, Municipally Known As 19, 21, 45, 47, 49, 57, 59, 61, 63, 65 and 67 Cadwell Lane, 4, 6, 8, 10, 14, 16, 18, 24, 26, 28, 30, 32, 37 to 43, 45 to 47, 51, 53, 55, 57, 75, and 81 Bensley Lane, 45, 47, 49, 51, 53 and 55 Welch Lane, 6, 18, and 20 Sentinel Lane, and 31, 33, 35, 37, 41, 43, 45, 47 and 49 Southam Lane, Hamilton

Page 2 of 2

PASSED this 7th day of June, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

PLC-20-012(E)

CITY OF HAMILTON

BY-LAW NO. 23-

To Confirm the Proceedings of City Council at its meeting held on June 7, 2023.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 7th day of June 2023, in respect of each recommendation contained in

Public Works Committee Report 23-008 – May 29, 2023,
Planning Committee Report 23-009 – May 30, 2023,
General Issues Committee Report 23-018 – May 31, 2023,
and

Audit, Finance and Administration Committee Report 23-009 – June 1, 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 7th day of June, 2023.

A. Horwath
Mayor

A. Holland
City Clerk