



City of Hamilton

EMERGENCY & COMMUNITY SERVICES COMMITTEE REVISED

Meeting #: 23-013
Date: October 19, 2023
Time: 1:30 p.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

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

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 September 21, 2023

5. COMMUNICATIONS

- *5.1 Correspondence from ACORN Hamilton, respecting Proposed Amendments to the Renovation Licence and Relocation Listing By-law
- Recommendation: Be received, and referred to Item 10.1, Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide)

- *5.2 Karen Andrews, Advocacy Centre for Tenants Ontario, respecting a Legal Opinion on the Hamilton Apartment Rental Program

Recommendation: Be received, and referred to Item 10.1, Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide)

6. DELEGATION REQUESTS

7. DELEGATIONS

8. STAFF PRESENTATIONS

9. CONSENT ITEMS

- 9.1 Resignation from the Seniors Advisory Committee

- 9.2 Ending of Hamilton Community Foundation/GreenShield Funding for Dental Services (HSC23075/BOH23035) (City Wide)

10. DISCUSSION ITEMS

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

(Sub-sections (e), (f), (g), and (h) DEFERRED from August 17, 2023)

As per Council approval, the following information applies to Delegation Requests and Written Submissions:

- That there be no further in-person or virtual delegations respecting Report PED23072, Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton at the October 19, 2023 Emergency and Community Services Committee meeting; and
- That comments respecting Report PED23072, Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton, be limited to written submissions.

- 10.2 Large Volume Hazard Storage Database and Program (HSC23068) (City Wide)

- 10.3 Hamilton Fire Department Agreement with Wounded Warriors Canada (HSC23070) (City Wide)

- 10.4 Emergency Food Strategic Planning Committee Funding Request (HSC23072) (City Wide)
- 10.5 Early Years Community Plan 2023 Update (HSC23063) (City Wide)
- 10.6 2023 Ministry of Long-Term Care Funding Enhancement (HSC23057(a)) (Wards 7 and 13)
- 10.7 Service Manager Consent for Corktown Co-operative Homes Development of 221 and 223 Charlton Avenue (HSC23056) (Ward 2)
- 10.8 End of Mortgage Strategy and Implementation (HSC23050) (City Wide)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



EMERGENCY & COMMUNITY SERVICES COMMITTEE MINUTES 23-012

1:30 p.m.

Thursday, September 21, 2023

Council Chambers

Hamilton City Hall

71 Main Street West

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

Also Present: Councillor J. Beattie

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Snow Angels Program Sustainability (HSC23022(a)) (City Wide) (Item 8.1)

(Jackson/A. Wilson)

- (a) That Council approve the plan for the Snow Angels program with a base budget of \$111,310 to be changed from a volunteer-driven snow removal program to a subsidy-based program for qualified recipients beginning October 1, 2023 that increases annually in alignment with the City's Budget guidelines and that the General Manager of Healthy and Safe Communities Department or their designate be authorized to increase the Ontario Works Division's 2023 budgeted complement by 0.5 full-time equivalent permanent position for a Case Aide to support the delivery of the Ontario Works Snow Angels program funded through the existing annual operating budget. The new subsidy program would be funded by the existing base budget and therefore would have no impact to the levy;
- (b) That Council approve a public awareness messaging campaign to promote the idea of neighbours helping neighbours for inclusion in existing City public communications where appropriate. This would be accomplished using existing City communication resources;
- (c) That the General Manager of the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the Snow Angels program

including but not limited to spending caps, benefit frequency limits or other controls necessary to ensure costs are contained within the approved budget; and,

- (d) That staff bring forward a report to Council in June 2024 with an update on the Snow Angels subsidy program

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

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

2. Accessibility of City Operated Recreation Facilities (HSC23055) (City Wide) (Item 9.1)

(Kroetsch/Jackson)

- (a) That Report HSC23055, respecting Accessibility of City Operated Recreation Facilities, be received.
- (b) *That staff be directed to expedite the identification of the City's lower-city recreational facilities with accessibility issues, to include the costs of making these facilities accessible, with a report back to the Emergency and Community Services Committee in Q4 2023; and*
- (c) *That staff be directed to reach out to civic partners to identify existing accessible space that the City may be able to more immediately access through partnerships and report back in Q4 2023.*

Result: Main Motion, as Amended, CARRIED by a vote of 5 to 0, as follows:

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

3. Hamilton’s Emergency Shelter Standards (HSC23007) (City Wide) (Item 9.2)

(Kroetsch/M. Wilson)

That Report HSC23008, respecting Hamilton’s Emergency Shelter Standards, be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

4. Emergency Shelter and Residential Care Facilities Systems Complaints Resolution Process (HSC23053) (City Wide) (Item 10.1)

(Hwang/Kroetsch)

- (a) That Council approve the Emergency Shelter and Residential Care Facility Complaints Resolution Process attached as Appendix “A” to Report HSC23053 which details a standardized process for Housing Services Division staff to receive complaints or concerns about the services and care provided to residents in Hamilton’s licensed residential care facilities and emergency shelters, outside those covered by existing legislation or bylaws; and,
- (b) That in order to implement the standardized Emergency Shelter and Residential Care Facility Complaints Resolution Process, an increase to the Housing Services Division’s 2024 Budgeted Complement by 1.0 FTE, for a Project Manager, at an annual cost of approximately \$115 K in 2024, be referred to the 2024 Tax Operating budget process; and,
- (c) That Report HSC23053 Emergency Shelter and Residential Care Facilities Systems Complaint Resolution Process be considered complete and removed from the Emergency and Community Services Committee Outstanding Business List.

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

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

5. Standardization of Ruggedized Computer Devices for Hamilton Paramedic Service (HSC23044) (City Wide) (Item 10.2)

(Hwang/M. Wilson)

- (a) That the Panasonic Toughbook Computer/Tablet devices be designated a “Standard” device pursuant to Procurement Policy 14 – Standardization, such designation to be reviewed again no later than December 31, 2030; and
- (b) That the Gamber-Johnson Computer/Tablet mounts for vehicle installations be designated a “Standard” device pursuant to Procurement Policy 14 – Standardization, such designation to be reviewed again no later than December 31, 2030; and
- (c) That staff be authorized to negotiate with HGlobal Technologies Inc. as a single source for the supply, parts, and installation of ESO software and repairs required associated with the standardized Panasonic Toughbook Computer/Tablet devices chosen by the City, pursuant to City Procurement Policy 11 through to December 31, 2030; and
- (d) That the Chief of the Hamilton Paramedic Service or their designate, be authorized and directed to enter into and sign, on behalf of the City of Hamilton, any agreements and or necessary associated documents for the purchase of the Panasonic Toughbook Computer/Tablet and Gamber-Johnson Mounts with content acceptable to the City subject to Procurement Policy, Section 4.2, Policy 2 Approval Authority; and
- (e) That the Chief of the Hamilton Paramedic Service or their designate, be authorized to amend any Contracts executed and any ancillary documents as required if a supplier(s) identified in this Report (HSC23044) undergoes a name change.

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

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

6. Housing Charge and Operating Subsidy for 272 Caroline St. S. Housing Co-operative Inc. (HSC23059) (Ward 2) (Item 10.3)

(Kroetsch/A. Wilson)

- (a) That the City enter into an agreement for housing charge supplements for 10 households and an operating subsidy for 272 Caroline St. S. Housing Co-operative Inc. on such terms and conditions as provided for in the

Term Sheet attached as Appendix “A” to report HSC23059 along with any ancillary documentation and amendments in a form satisfactory to the City Solicitor and the General Manager, Healthy and Safe Communities Department, or their designate be authorized and directed to execute and administer the agreement; and,

- (b) That an increase to the 2024 Housing Service division budget of \$122K to support 10 housing charge supplements and an operating subsidy for 272 Caroline St. S. Co-operative Inc. be referred to the 2024 Tax Operating Budget process,
- (c) ***That funding in the amount of \$52K be provided in 2024 and \$56K in 2025 to 272 Caroline St. S. Cooperative Inc. to be placed in their Replacement Reserve for building repairs to be funded from the projected 8% annual increases to the Municipal Capital Grant for Social Housing; and,***
- (d) ***That the General Manager, Healthy and Safe Communities Department, or their designate be authorized and directed to execute and administer an agreement for the capital reserve contribution for 272 Caroline St. S. Co-operative Inc. in accordance with the Term Sheet attached as Appendix “B” to report HSC23059 along with any ancillary documentation and amendments in a form satisfactory to the City Solicitor.***

Result: Main Motion as Amended, CARRIED by a vote of 5 to 0, as follows:

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

**7. Canada-Wide Early Learning and Child Care (HSC22035(b)) (City Wide)
(Item 10.4)**

(A. Wilson/M. Wilson)

That the City of Hamilton accept the additional 100% provincial 2023 Canada-Wide Early Learning and Child Care funding in the amount of \$ 731,687 from the Ministry of Education.

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

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

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

8. Gender Based Safety Audit (Item 11.1)

(M. Wilson/Jackson)

WHEREAS, the City of Hamilton strives to apply an equity lens to its activities to identify and remove barriers and to support best practices in planning, budgeting, implementation and evaluation of its operations, programs and services;

WHEREAS, Hamilton City Council's 2022-2026 term priorities include the goal of safe and thriving neighbourhoods;

WHEREAS, in the United Nations report "Cities Alive: Designing Cities That Work For Women", it is stated that "without a gender-responsive approach to urban planning, cities often compound gender inequalities that restrict women's social and economic opportunities, health and wellbeing, sense of safety and security, and access to justice and equity";

WHEREAS, people who identify as women in Hamilton were significantly less likely than men to feel very safe when walking alone after dark (34% versus 63%) (Statistics Canada, Safe Cities Profile Series: Key indicators by census metropolitan area, May 2020);

WHEREAS, people who identified as women in Hamilton were significantly more likely to experience unwanted sexual behaviour in public than men (34% versus 15%) (Statistics, Canada, 2020);

WHEREAS, of those who experienced a physical or sexual assault or unwanted sexual behaviour, one in ten (10%) Hamilton residents said the most serious incident took place on public transit (Statistics, Canada, 2020);

WHEREAS, recent HSR reports stated that the majority of HSR ridership identify as women;

WHEREAS, most Two-Spirit and LGBTQ+ people surveyed in a 2019 community report responded that they felt less safe outside of their housing, on the street, or in their neighbourhood (Mapping the Void: Two-Spirit and LGBTQ+ Experience in Hamilton, 2019);

WHEREAS, on March 29, 2023, Hamilton City Council directed staff to conduct a Crime Prevention Through Environmental Design (CPTED) review of the five City-owned escarpment staircases and report back on recommendations to improve the safety of escarpment staircase use specifically to prevent sexual violence;

WHEREAS, the National Inquiry for into Missing and Murdered Indigenous Women and Girls delivered 231 Calls for Justice and recognizes the systemic

racism, violence and abuse against Indigenous women, girls and 2SLGBTQQIA+ people across Canada;

WHEREAS, a motion was passed at the Audit, Finance and Administration Committee on February 16, 2023 stating that the Hamilton Women and Gender Committee, Citizen Committee Report, respecting Applying a gender lens to the City of Hamilton budget, be received and referred to staff for report back to the Audit, Finance and Administration Committee in advance of the 2024 budget process on how a gender-based lens can be applied through a municipal budgeting process;

WHEREAS, there are statistical differences in gender-based access to various transport modes, especially in the lower percentage of women cycling than men, and how safe and comfortable they feel using them;

WHEREAS, gender-based outreach for the public bike share program in partnership with the Everyone Rides Initiative has resulted in more gender parity amongst bike share users;

WHEREAS, gender-based safety audits have been defined as a process which brings individuals together to walk through a physical environment, evaluate how safe it feels to them, identify ways to make the space safer and organize to bring about these changes;

WHEREAS, a gender-based safety audit prioritizes the experience and knowledge of women and gender-diverse individuals living in a neighbourhood and/or using a community space as experts in their own safety, comfort, dignity, and accessibility needs;

WHEREAS, violence is one of the priorities of the Community Safety and Well Being Plan and increasing the awareness of gender-based violence and developing safety resources has been recognized as a more specific area for attention;

WHEREAS, community driven hate reporting tools can further our understanding of areas of the city that require support to address safety concerns; and

WHEREAS, on August 18, 2023, City Council declared gender-based violence and intimate-partner violence an epidemic in Hamilton.

THEREFORE, BE IT RESOLVED:

- (a) That the YWCA lead the development of gender-based safety audits in Hamilton working in collaboration with City staff and community partners;
- (b) That staff continue to work closely with the Community Safety and Well Being System Leadership Table to increase awareness of gender-based violence and explore opportunities for further action;

- (c) That the aim of the safety audit review is to collect and compile evidence-based data, inputs, suggestions and recommendations on barriers to women, girls and gender-diverse individuals' safety and security in public spaces with a particular focus on the following realms:
- (i) Future LRT Station design;
 - (ii) Select HSR stops and operations
 - (iii) City of Hamilton park redevelopment plans
 - (iv) City of Hamilton recreation facilities
 - (v) City streets and/or intersections
 - (vi) City Trails and Escarpment Staircases
 - (vii) Any other space highlighted by audit participants
- (d) That the goal of the reviews will be to understand women and gender-diverse persons' key safety concerns in city spaces and to bring about improvements to the physical environments to remove hazards and improve feelings of safety along with any policy and/or operational recommendations and evidence-based actions to improve the service delivery and public infrastructure based on the audit findings; and
- (e) That staff be authorized to provide one-time funding in the amount of \$100,000 from the Building Safer Communities Fund (ID 679114) to support the safety review in collaboration with community partners.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

9. Feasibility of the Funding Request from the Emergency Food Committee/Food Share

(Jackson/Nann)

- (a) That staff be directed to investigate the feasibility of the following \$1.25M funding request from the Emergency Food Committee/Food Share which includes the following:
- Hamilton Food Share will hold the funding contract with the city, reporting annually on the disbursement and impact of the funding
 - \$625,000 dedicated to food purchasing by Hamilton Food Share & Priority Food Program; and

- Hamilton Food Share will act as the flow through, providing \$625,000 to agencies by way of grants to cover staffing and infrastructure expense;
- (b) That staff be directed to report back on the feasibility of the \$1.25M funding request from the Emergency Food Committee/Food Share at the October 19, 2023, Emergency and Community Services Committee meeting.

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

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

10. Feasibility of Using HSR Buses as Mobile Cooling Centres During Heat Emergencies

(A. Wilson/M. Wilson)

That staff be directed to investigate the feasibility of using HSR buses as a mobile cooling centres during heat emergencies, with a report back to the Public Health Committee at a future meeting.

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

- *5.1 Correspondence from Anthony Frisina, respecting Accessibility of City Operated Recreation Facilities

Recommendation: Be received and referred to the consideration of Item 9.1 Accessibility of City Operated Recreation Facilities (HSC23055)

- *5.2 Correspondence from Ian Borsuk, Environment Hamilton, respecting item 11.1, Gender-Based Safety Audit

Recommendation: Be received and referred to the consideration of Item 11.1, Gender-Based Safety Audit

6. DELEGATION REQUESTS

- *6.2 Keisha Chapman and Emily Power, Respecting item 10.3 Housing Charge and Operating Subsidy for 272 Caroline St. S. Housing Co-operative Inc. (HSC23059) (Ward 2) (In-Person) (for today's meeting)
- *6.3 Chelsea Kirkby, YMCA Hamilton, Respecting item 11.1 Gender-Based Safety Audit (In-Person) (for today's meeting)
- *6.4 Karl Andrus, Hamilton Community Benefits Network, Respecting item 11.1 Gender Based Safety Audit (In-Person) (for today's meeting)

7. DELEGATIONS

- 7.2 Delegations respecting the state of emergency taking place within the emergency food system within Hamilton (approved at the July 13, 2023 meeting)
 - a. Karen Randell and Jamie Vanderberg, Emergency Food Committee
 - *a. Presentation

8. STAFF PRESENTATIONS

- 8.1 Snow Angels Program Sustainability (HSC23022(a)) (City Wide)
 - *a. Staff Presentation respecting Snow Angels Sustainability (HSC23022(a))

ITEM WITHDRAWN

7. DELEGATIONS

- 7.5 Jordan Williams respecting the cost of living and high inflation on basic essential goods and services - WITHDRAWN

(Hwang/Jackson)

That the agenda for the September 21, 2023 Emergency and Community Services Committee meeting be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor M. Wilson declared a non-disqualifying interest in Item 10.3, Housing Charge and Operating Subsidy for 272 Caroline St. S. Housing Co- operative Inc. (HSC23059) (Ward 2), as her husband is the CEO and President of the Hamilton Community Foundation.

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

(i) September 7, 2023 (Item 4.1)

(Nann/M. Wilson)

That the Minutes of the September 7, 2023 meeting of the Emergency and Community Services Committee, be approved, as presented.

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

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

(d) COMMUNICATIONS (Item 5)

(Kroetsch/Nann)

That the following Communication Items, be approved as presented:

- (i) Correspondence from Anthony Frisina, respecting Accessibility of City Operated Recreation Facilities (Added Item 5.1)

Recommendation: Be received and referred to the consideration of Item 9.1 Accessibility of City Operated Recreation Facilities (HSC23055)

- (ii) Correspondence from Ian Borsuk, Environment Hamilton, respecting item 11.1, Gender-Based Safety Audit (Added Item 5.2)

Recommendation: Be received and referred to the consideration of Item 11.1, Gender-Based Safety Audit

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

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

(e) DELEGATION REQUESTS (Item 6)

(M. Wilson/Nann)

That the following Delegation Requests be approved, as presented:

- (i) Jelena Vermilion, Sex Workers' Action Program Hamilton (SWAP), respecting Gender Based Safety Audits (for today's meeting) (Item 6.1)
- (ii) Keisha Chapman and Emily Power, Respecting item 10.3 Housing Charge and Operating Subsidy for 272 Caroline St. S. Housing Co-operative Inc. (HSC23059) (Ward 2) (In-Person) (for today's meeting) (Added Item 6.2)
- (iii) Chelsea Kirkby, YMCA Hamilton, Respecting item 11.1 Gender-Based Safety Audit (In-Person) (for today's meeting) (Added Item 6.3)
- (iv) Karl Andrus, Hamilton Community Benefits Network, Respecting item 11.1 Gender- Based Safety Audit (In-Person) (for today's meeting) (Added Item 6.4)

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

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

(f) DELEGATIONS (Item 7)

- (a) (i) Jessica Brand, Indwell Community Homes, respecting the Positive Impacts of Supportive Housing - REVISED (approved at the July 13, 2023 meeting) (Item 7.1)**

Jessica Brand, Indwell Community Homes addressed the Committee respecting the Positive Impacts of Supportive Housing.

- (ii) Delegations respecting the state of emergency taking place within the emergency food system within Hamilton (approved at the July 13, 2023 meeting) (Item 7.2)**

The following delegations addressed the Committee respecting the state of emergency taking place within the emergency food system within Hamilton:

- (a) Olive Warhoush, McMaster University (Item 7.2(a))
- (b) Karen Randell and Jamie Vanderberg, Emergency Food Committee (Item 7.2(b))

(M. Wilson/Jackson)

That the Delegation from Karen Randell and Jamie Vanderberg, Emergency Food Committee, be extended by an additional 5 minutes.

CARRIED

- (iii) Landen Reil, respecting Improvements in Mental Health and Emergency Services (approved at the August 17, 2023 meeting) (Item 7.3)**

Landen Reil was not present when called upon.

- (iv) Don McLean, respecting the use of HSR buses as mobile cooling centres during heat emergencies (approved at the August 17, 2023 meeting) (Added Item 7.4)**

Don McLean addressed the Committee respecting the use of HSR buses as mobile cooling centres during heat emergencies.

- (v) Jelena Vermilion, Sex Workers' Action Program Hamilton (SWAP), respecting Gender Based Safety Audits (for today's meeting) (Added Item 7.5)**

Jelena Vermilion, Sex Workers' Action Program Hamilton (SWAP), addressed the Committee respecting Gender Based Safety Audits.

- (vi) **Keisha Chapman and Emily Power, respecting item 10.3 Housing Charge and Operating Subsidy for 272 Caroline St. S. Housing Co-operative Inc. (HSC23059) (Ward 2) (In-Person) (Added Item 7.6)**

Keisha Chapman and Emily Power address the Committee respecting item 10.3 Housing Charge and Operating Subsidy for 272 Caroline St. S. Housing Co-operative Inc.

- (vii) **Chelsea Kirkby, YMCA Hamilton, respecting item 11.1 Gender-Based Safety Audit (In-Person) (for today's meeting) (Added Item 7.7)**

Chelsea Kirkby, YMCA Hamilton, addressed the Committee respecting item 11.1 Gender-Based Safety Audit.

- (viii) **Karl Andrus, Hamilton Community Benefits Network, respecting item 11.1, Gender- Based Safety Audit (In-Person) (for today's meeting) (Added Item 7.8)**

Karl Andrus, Hamilton Community Benefits Network, addressed the Committee respecting item 11.1, Gender- Based Safety Audit.

(b) (Nann/A. Wilson)

That the following Delegations, be received:

- (i) Jessica Brand, Indwell Community Homes, respecting the Positive Impacts of Supportive Housing - REVISED (approved at the July 13, 2023 meeting) (Item 7.1)
- (ii) Delegations respecting the state of emergency taking place within the emergency food system within Hamilton (approved at the July 13, 2023 meeting) (Item 7.2)
1. Olive Warhoush, McMaster University (Item 7.2(a))
 2. Karen Randell and Jamie Vanderberg, Emergency Food Committee (Item 7.2(b))
- (iii) Don McLean, respecting the use of HSR buses as mobile cooling centres during heat emergencies (approved at the August 17, 2023 meeting) (Added Item 7.4)
- (iv) Jelena Vermilion, Sex Workers' Action Program Hamilton (SWAP), respecting Gender Based Safety Audits (for today's meeting) (Added Item 7.5)
- (v) Keisha Chapman and Emily Power, respecting item 10.3 Housing Charge and Operating Subsidy for 272 Caroline St. S. Housing

Co-operative Inc. (HSC23059) (Ward 2) (In-Person) (Added Item 7.6)

- (vi) Chelsea Kirkby, YMCA Hamilton, respecting item 11.1 Gender-Based Safety Audit (In-Person) (for today's meeting) (Added Item 7.7)
- (vii) Karl Andrus, Hamilton Community Benefits Network, respecting item 11.1, Gender- Based Safety Audit (In-Person) (for today's meeting) (Added Item 7.8)

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

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

For disposition of (f)(b)(ii), refer to Item 9.

For disposition of (f)(b)(iii), refer to Item 10.

(g) STAFF PRESENTATIONS (Item 8)

(i) Snow Angels Program Sustainability (HSC23022(a)) (City Wide) (Item 8.1)

Erica Brimley, Manager Human Services respecting Report HSC23022(a), Snow Angels Program Sustainability, with the aid of a PowerPoint presentation.

(Hwang/Jackson)

That the presentation respecting Report HSC23022(a), Snow Angels Program Sustainability, be received.

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

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

For disposition of this matter, refer to Item 1.

(h) CONSENT ITEMS (Item 9)**(i) Accessibility of City Operated Recreation Facilities (HSC23055) (City Wide) (Item 9.1)****(Kroetsch/Jackson)**

That Report HSC23055, respecting Accessibility of City Operated Recreation Facilities, be received.

(Kroetsch/A. Wilson)

That the recommendation be *amended* by adding subsections (b) and (c) as follows:

(b) *That staff be directed to expedite the identification of the City's lower-city recreational facilities with accessibility issues, to include the costs of making these facilities accessible, with a report back to the Emergency and Community Services Committee in Q4 2023; and*

(c) *That staff be directed to reach out to civic partners to identify existing accessible space that the City may be able to more immediately access through partnerships and report back in Q4 2023.*

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

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

For further disposition, refer to Item 2

(i) DISCUSSION ITEM (Item 10)**(i) Housing Charge and Operating Subsidy for 272 Caroline St. S. Housing Co-operative Inc. (HSC23059) (Ward 2) (Item 10.3)****(Kroetsch/M. Wilson)**

(a) That the City enter into an agreement for housing charge supplements for 10 households and an operating subsidy for 272 Caroline St. S. Housing Co-operative Inc. on such terms and conditions as provided for in the Term Sheet attached as Appendix "A" to report HSC23059 along with any ancillary documentation and amendments in a form satisfactory to the City Solicitor and the

General Manager, Healthy and Safe Communities Department, or their designate be authorized and directed to execute and administer the agreement; and,

- (b) That an increase to the 2024 Housing Service division budget of \$122K to support 10 housing charge supplements and an operating subsidy for 272 Caroline St. S. Co-operative Inc. be referred to the 2024 Tax Operating Budget process.

(Kroetsch/M. Wilson)

That the recommendations be **amended** by adding subsections (c) and (d) as follows:

- (c) ***That funding in the amount of \$52K be provided in 2024 and \$56K in 2025 to 272 Caroline St. S. Cooperative Inc. to be placed in their Replacement Reserve for building repairs to be funded from the projected 8% annual increases to the Municipal Capital Grant for Social Housing; and,***
- (d) ***That the General Manager, Healthy and Safe Communities Department, or their designate be authorized and directed to execute and administer an agreement for the capital reserve contribution for 272 Caroline St. S. Co-operative Inc. in accordance with the Term Sheet attached as Appendix "B" to report HSC23059 along with any ancillary documentation and amendments in a form satisfactory to the City Solicitor.***

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

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

For further disposition, refer to Item 6.

(j) ADJOURNMENT (Item 16)

(Jackson/Hwang)

That there being no further business, the Emergency and Community Services Committee be adjourned at 5:10 p.m.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES	- Clark, Brad	Ward 9
YES	- Hwang, Tammy	Ward 4

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YES	-	Kroetsch, Cameron	Ward 2
YES	-	Jackson, Tom	Ward 6
ABSENT	-	Nann, Nrinder	Ward 3
ABSENT	-	Wilson, Alex	Ward 13
YES	-	Wilson, Maureen	Ward 1

Respectfully submitted,

Councillor B Clark, Chair
Emergency and Community Services
Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



ACORN Hamilton

Communication for the October 19th Emergency and Community Services Committee

Regarding 10.1 Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) Sub-sections (e), (f), (g), and (h) DEFERRED from August 17, 2023

What is ACORN?

ACORN Canada, the Association of Community Organizations for Reform Now, founded in 2004, is an independent grassroots organization that fights for social and economic justice for low and moderate income communities.

ACORN has over 168,000 low-to-moderate-income individual members in 24 neighbourhood chapters in 10 cities across the country.

ACORN started organizing in Hamilton in 2017 and has grown to have four neighbourhood chapters: Downtown, Mountain, East End and Stoney Creek.

Background

Since 2017 ACORN Hamilton has been advocating for strong municipal policies and programs to support and protect tenants in the City of Hamilton. Over the past six years, our members have led organizing in their buildings to defend their homes from greedy and predatory landlords who are looking to evict tenants in rent controlled units so that they can raise rents and increase their profits. These landlords exploit loopholes in provincial legislation that enable renoviction, demoviction, and raising rents above the annual cap (Above Guideline Increase) and neglect repairs, building maintenance and pest control to save money and “encourage” tenants to leave.

With provincial legislation (lack of vacancy control) enabling financialized landlords in the city to abuse the use of N13s and raise rents beyond what low and moderate income tenants can afford, ACORN Hamilton has been focused on municipal solutions in light of there being no desire from the province in maintaining affordability in rental housing and preventing no fault evictions.

ACORN members have organized tirelessly through building and neighbourhood tenant meetings, actions, town halls, and workshops to ensure its members and tenants city-wide know their rights and how to work with their neighbours to defend their homes.

Additionally, ACORN members have met with City Councillors and City Staff in the previous and current term to bring these issues forward and demand local action.

ACORN commends the city's effort to create a made in Hamilton anti-renoviction by-law, however the proposed bylaw will not do enough to disincentivize renoviction or ensure tenants have the best chance of maintaining their housing. The bylaw needs to be improved to better ensure that tenants understand their rights, are able to obtain temporary housing, and are able to successfully exercise their right of first refusal. We share our proposed amendments with City Councilors and staff below.

Currently ACORN is organizing and supporting tenants at 10 multi residential buildings in the city facing renoviction. Tenants that call these buildings home are seniors on fixed income, tenants with disabilities, single parents, and low wage workers.

Tenants are counting on bold action from City Hall. If the province of Ontario is going to turn its back on low and moderate income tenant communities and prioritize landlord and investor profit, we need our local government to take a stand and protect the most vulnerable in our city.

Hamilton Renovation License and Relocation By-law: Overview

Problems with the status quo that a renovation license would ideally address:

- N13 process effectively allows landlords to evict tenants when vacant possession is not actually necessary to do repairs, creating a semi-legal method for landlords to evict tenants to raise rents [province addresses this a bit in Bill 97, but inadequately, and Bill 97 amendments to the RTA are not yet in force]
- RTA does not adequately disincentivize landlords from re-renting units to new tenants at higher rents once renovations are complete
- Tenant entitlements/compensation in the RTA is inadequate for current rental environment and does not prevent tenants from being evicted into homelessness
- Tenants aren't given adequate notice of units being ready for reoccupation that would allow them enough time to legally vacate their temporary accommodation so they can move back into their units following renovation [province addresses this a bit in Bill 97, but it's not in force]
- Tenant support organizations and the City of Hamilton have no way of finding out which tenants are being renovicted unless tenants reach out to them; if tenants do reach out, it is often done too late to provide effective support and prevent predatory eviction
- LTB adjudicators that receive N13s that say landlords have gotten all necessary

approvals tend to not question whether or not they have actually received these approvals and win eviction orders even when renovation is unjustified

- Renovations to a unit can function to make housing unlivable for other tenants, and can be used as a tool to encourage other tenants to move out voluntarily
- RTA doesn't establish a clear process that enables tenants re-occupy their rental units at the same terms as their original rental agreement once renovations are complete

What a municipal bylaw needs to do to be helpful:

- Must disincentivize landlords from pursuing vacant possession unnecessarily
- Must disincentivize landlords from not allowing tenants to reoccupy units
- Must encourage landlords to have tenants re-occupy renovated/repared units
- Must encourage tenants to re-occupy renovated/repared units
- Must prevent tenants from being evicted into homelessness
- Must provide city with enough advance notice & info to intervene effectively & connect tenants with supports
- Must provide tenants with adequate evidence of a bad faith eviction to win at LTB
- Must disincentivize landlords from circumventing bylaw/not getting a license
- Must flag to LTB adjudicators that necessary approvals may not have been received/invite more scrutiny
- Must provide adequate data for tracking, evaluation and enforcement
- Must ensure tenants receive adequate notice and tenants rights information and access to supports/resources
- Must prevent renovations and repairs from making housing unlivable for other tenants

Problems with proposed Renovation Licence & Relocation Listings bylaw:

- Does not adequately disincentivize landlords from pursuing vacant possession unnecessarily
- Does not disincentivize landlords from not allowing tenants to return
- Does not prevent tenants from being evicted into homelessness
- Incentivizes landlords to circumvent bylaw/not get a license by setting the license application fee almost twice as high as the penalty for not getting a license
- Does not prevent landlords from making housing unliveable for other tenants while renovations and repairs are being completed

ACORN recommended amendments / changes to the proposed Renovation Licence & Relocation Listings bylaw:

Pink = addition to staff recommended proposed bylaw

1. Landlords who want vacant possession to do repairs or renovations must apply to the City for a renovation license within 7 days of having served the affected tenant with an N13 notice of eviction.
2. The application must include:
 - a. a copy of the N13 notice served. **N13 forms that are submitted must indicate on the form (via a checkbox in the "Necessary Permits" section) that the necessary building permits or other authorization to convert,**

- demolish or repair the rental unit has not yet been obtained.
- b. Rental Unit and building information that includes information about the affected unit: type (number of bedrooms), current rental rate, start date of tenancy, and number of tenancies in the building (to enable enforcement of Disruption Plan requirement).
 - c. A copy of a report prepared by a qualified professional stating that the repairs or renovations being undertaken are so extensive that they require vacant possession of the Rental Housing Unit. Staff have the authority to verify the assessment by the professional and/or prepare their own report.
 - d. A Disruption Mitigation Plan for properties with more than one tenanted unit to ensure that renovations and repairs don't make the housing of other tenants uninhabitable.
3. Upon applying for a license, the landlord must (within 5 days) notify the tenant that they have applied for a license and provide them with a City of Hamilton-produced information package about their rights & entitlements under the RTA & the renovation licensing bylaw—which includes a Tenant Right of First Refusal form (a copy of which can be voluntarily provided to the City or a tenant support agency), and post a notice in the common area(s) that an application has been submitted.
 4. To encourage and enable tenants to exercise their right of first refusal, Landlords are required to provide tenants who wish to exercise their right of first refusal a comparable unit while renovations are being completed that is acceptable to the tenant or monthly compensation equal to the difference between the tenant's current rent (including the cost of utilities) and a comparable market rent unit in the neighbourhood, while renovations are being completed, in addition to the compensation they are entitled to under the RTA.
 5. After submitting a license application, the landlord must provide the City with completed tenant relocation & assistance documentation of the arrangements made with the tenant, indicating that the tenant agrees with the arrangements, including arrangements for tenant reoccupation of the rental unit once renovations are complete or confirmation from the tenant that they understand their rights and do not wish to exercise their right of first refusal. This includes confirmation that the tenant understands their rights and does or does not wish to reoccupy the unit once repairs or renos are complete.
 6. Licence applications will not be approved until all required application materials are received.
 7. Landlords are required to provide the tenant 60 days notice of when the unit is ready for occupancy, or for renovations that take less time, provide the date that the Rental Unit will be available for re-occupancy as part of the alternative accommodations arrangements
 8. Landlords are required to give the tenant at least 60 days after the day the rental unit is ready for occupancy to exercise the right of first refusal to occupy the unit, consistent with Bill 97 amendments.
 9. Landlords are prohibited from preventing a tenant who has informed the landlord in writing that they wish to exercise their right of first refusal from reoccupying the rental unit upon the completion of repairs or renovations and from advertising a renovated or repaired Rental Unit for rent if a tenant has informed the landlord in writing that they wish to exercise their right of first refusal, unless the tenant informs the landlord in writing that they no longer wish to reoccupy the rental unit.

Must be added to administrative penalties bylaw:

10. Landlords who do not apply for a license will be fined significantly more than the cost of complying with the bylaw and more than the profits a landlord is likely to realize as a result of renovating a tenant. (Buyouts are often starting over \$10,000 but one townhouse complex on the Hamilton Mountain was offered \$75,000 for their home.)

Explanatory Notes:

License application process:

What's being proposed here is a two-stage process, where landlords provide all the required documents except for the documents pertaining to tenant relocation arrangements in their initial application. Once this initial application is received, N13 information would be given to relevant City staff for follow-up with tenants & referrals. The landlord would then be required to follow up by submitting documents pertaining to tenant relocation arrangements. Only when the tenant relocation documents have been received would the application be reviewed for licensing approval.

Requirement to provide N13 with specific box marked:

Requiring applicants to indicate on the N13 notice that they don't have all necessary authorizations for their renovation will flag for LTB adjudicators at an eventual eviction hearing to ensure applicants have obtained all necessary permits and authorizations before approving evictions. Ideally this will help prevent applicants from having N13 evictions approved at the LTB without first meeting all Renovation Licence requirements.

Requirement to provide report justifying vacant possession:

In its [submission](#) to the province on Bill 97's proposed changes to the Residential Tenancies Act (RTA) to help protect tenants from bad faith renovation evictions, the Canadian Centre For Housing Rights noted that, "The proposed changes would stipulate that a landlord must provide a report from a "qualified professional" stating that the proposed renovations will require vacant possession. A report from a professional hired by the landlord would not constitute independent or objective evidence. We recommend that municipalities carry out the assessment as part of their building permit process. Municipalities have the expertise and are a neutral body, as opposed to contractors or other private actors hired by landlords who stand to benefit financially from stating that the unit should be vacant to proceed with their work." While this would be ideal, it would also be incredibly expensive and complicated for the City to implement, involving both significant staff resources and the development of a tool to evaluate the necessity of vacant possession. Instead we are proposing that the bylaw give the City the authority to independently verify the report provided by the applicant and to provide their own assessment/report on an as-needed basis. It is unclear if criteria for when this independent verification would be necessary needs to be included in the bylaw.

Tenant relocation support and compensation:

Current situation (under the RTA):

If you live in a residential complex that has at least 5 residential units and you do not plan to move back in once the repairs or renovations are done, the landlord must:

- pay you an amount equal to 3 months' rent, or
- offer you another rental unit that is acceptable to you.

If you live in a residential complex that has fewer than 5 residential units and you do not plan to move back in once the repairs or renovations are done, the landlord must:

- pay you an amount equal to 1 months' rent, or
- offer you another rental unit that is acceptable to you. If you live in a residential complex that has at least 5 residential units and you plan to move back in once the repairs or renovations are done, the landlord must pay you:
 - an amount equal to 3 months' rent, or
 - the rent for the period of time the rental unit is being repaired or renovated, whichever is less.

If you live in a residential complex that has fewer than 5 residential units and you plan to move back in once the repairs or renovations are done, the landlord must pay you:

- an amount equal to 1 months' rent, or
- the rent for the period of time the rental unit is being repaired or renovated, whichever is less.

Situation under the proposed draft bylaw:

Tenants who don't wish to return to their unit following renovations:

- A **comparable** alternative rental unit and no RTA compensation, or:
- Tenants of building of 5+ units: no alternative rental unit and 3 months rent
- Tenants of building of 4 or fewer units: no alternative rental unit and 1 months rent

Note: For tenants not accepting an alternative rental unit, the compensation is the same as under the RTA. We are trying to encourage tenants to return to their units to prevent landlords re-renting at higher rents as a way to preserve rental housing affordability, so there is no additional support or compensation for these tenants.

Tenants who do wish to return to their unit following renovations:

- A **comparable** alternative rental unit and compensation for moving costs, OR
- Tenants of buildings of 5+ units: no alternative rental unit and an amount

equal to three months' rent or an amount equal to the rent for the period of time the rental unit will be under repair or renovation, whichever is less, plus the difference in rent between current rent and market rent (including utilities) for the duration of renovations, plus moving costs

- Example: Three month renovation: moving costs, plus 3 months rent and the difference in rent between current rent and market rent (including utilities)
- Tenants of buildings of 4 or fewer units: no alternative rental unit and an amount equal to one months' rent or an amount equal to the rent for the period of time the rental unit will be under repair or renovation, whichever is less, plus the difference in rent between current rent and market rent (including utilities) for the duration of renovations, plus compensation for moving costs
 - Example: One month renovation: “free” one month of current market rent, plus moving costs - tenant still has to pay for storage, and inconvenience out of pocket

Implementation of tenant relocation and support:

Vancouver's [Tenant Relocation and Protection Policy Bulletin February 2023](#) details how this works for building redevelopments. The City could develop similar guidelines and develop templates for landlord-tenant relocation and compensation arrangements.

The guidelines would include details such as:

- The applicant-paid rent top-up period starts when the tenant enters into a new tenancy agreement for a new unit, or vacates the Rental Unit, whichever happens first.
- The rent top-up period ends on the move-in date for the Right of First Refusal unit.
- Timing of top-up payments:
 - Where the tenant is receiving the top-up and paying their landlord, the top-up payment must be received 7 days before the rent is due.
 - Where the applicant is paying the landlord directly, the top-up payment must be received per the tenancy agreement deadlines.
 - Applicant will be required to provide a copy of the tenancy agreement for the new interim unit that includes the monthly rent to City Staff so that rent top-up amounts may be verified.
 - Note: Staff may require evidence that rent top-ups are being paid in a timely manner per this policy (e.g. records of direct deposits, copies of cheques etc.).

Administration and Resourcing:

The proposed draft by-law involves more administration and more enforcement than the

staff recommended licensing by-law and therefore the staff recommended resourcing should be updated to reflect the additional resources that will be required to adequately administer and enforce the bylaw.

In its earlier submission, ACORN recommended that the Renovation Licensing system be supported by an enforcement hotline where tenants can call to report unpermitted work/check on permit status/lies on forms/illegal activity and adequate resources to ensure that tenants can access case management support to facilitate their successful exercise of their right of first refusal. This hotline would require additional resources to operate.

Closing

Across Hamilton tenants have been displaced or are currently fighting to defend their homes from predatory and greedy landlords who are abusing the provincial loophole. While tenants do have the right of first refusal (legal right to return to the unit post renovations at the same rent), ACORN has yet to see a landlord follow the law.

If Hamilton passes a renoviction bylaw it would be the first of its kind in the province of Ontario. And the policy is desperately needed. Protecting Hamilton's affordable housing is more important now than ever. The average market rent in Hamilton for a one-bedroom apartment is currently \$1755, compared to \$875 just 7 years ago. The number of N13 (renoviction) applications filed to the Landlord and Tenant Board in Hamilton has grown exponentially over the past few years - 6 were filed in 2012 and over 100 last year. Hamilton has lost 15,000 units that rent for less than \$750 a month in the last decade. That is 29 affordable units lost for every new affordable unit added.

The rise in renovictions has and will continue to have a devastating impact on Hamilton, at both the individual and systemic level. Renoviction shatters the lives of families, breaks long-held community bonds, drives up rents in the neighborhood, increases homelessness and strain on social services, incentivizes landlords to allow their buildings to fall into disrepair and destroys existing stock of affordable housing.

Hamilton has an opportunity on October 19th (Emergency and Community Services Committee, followed by Council on the 25th (where any decisions will need to be ratified) to be a leader in the province of Ontario in local tenant protection

ACORN contact information:

hamilton@acorncanada.org / 905-393-5734

56 Mulberry Street Suite 8, Hamilton

**Note:**

Appendix “D” - the City of Hamilton’s proposed Renovation Licence and Relocation Listing By-law was used as the starting point for this draft bylaw. Modifications to it appear in red. This bylaw edit is an attempt to incorporate the recommended ACORN amendments / changes into the staff recommendation Renovations License and Relocation Listing by-law. Please use as the city sees appropriate in evaluating next steps for the creation of a strong made in Hamilton anti-renoviction by-law.

Appendix “D” to Report PED23072

CITY OF HAMILTON**BY-LAW NO.****Renovation Licence and Relocation Listing By-law**

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

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

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

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

(e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;

(f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

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

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

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

(a) for services or activities provided or done by or on behalf of it;

(b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and

(c) for the use of its property including property under its control;

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

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

AND WHEREAS section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may pass a by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of a municipality has been complied with;

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

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

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

AND WHEREAS the City seeks to regulate by way of licensing, any Landlord who intends to perform repairs and renovations and serves a notice of termination pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006* in order to assist the Tenant of such Landlord in **securing alternative accommodation, either temporarily, in the case where a tenant delivers a notice of its wish to occupy the Rental Unit after the repairs and renovations are complete prior to such Tenant vacating the premises, and in exercising their Right of First Refusal pursuant to subsection 50(3) of the *Residential Tenancies Act, 2006*. ~~making an informed decision as to whether or not the Tenant should deliver a notice of its wish to occupy the Rental Housing Unit after the repairs and renovations are complete prior to such Tenant vacating the premises;~~**

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

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

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

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

AND WHEREAS, pursuant to subsections 54(1) ~~and 54(3)~~ of the *Residential Tenancies Act, 2006*, where a Landlord has served a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* on a Tenant of a Rental Housing Unit as the Landlord has voluntarily chosen to perform repairs or renovations requiring vacant possession of ~~a Residential Complex or a Rental Housing Unit, a Rental Unit in a Residential Complex containing at least 5 rental units~~, that Landlord shall compensate that Tenant in an amount equal to three (3) months' rent or shall

offer the Tenant another rental unit acceptable to the Tenant if that Tenant does not serve notice of its wish to have a right of first refusal pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006*;

AND WHEREAS, pursuant to subsections 54(2) of the *Residential Tenancies Act, 2006*, where a Landlord has served a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* on a Tenant of a Rental Housing Unit as the Landlord has voluntarily chosen to perform repairs or renovations requiring vacant possession of a Rental Unit in a Residential Complex containing at least 5 rental units and that Tenant serves notice of its wish to have a right of first refusal pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006*, that Landlord shall compensate that Tenant in an amount equal to the rent for the lesser of three months and the period the unit is under repair or renovation or shall offer the Tenant another rental unit acceptable to the Tenant;

AND WHEREAS, pursuant to subsections 54(3) of the *Residential Tenancies Act, 2006*, where a Landlord has served a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* on a Tenant of a Rental Housing Unit as the Landlord has voluntarily chosen to perform repairs or renovations requiring vacant possession of a Rental Unit in a Residential Complex containing less than five rental units and that Tenant does not serve notice of its wish to have a right of first refusal pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006*, that Landlord shall compensate that Tenant in an amount equal to one month's rent or shall offer the Tenant another rental unit acceptable to the Tenant;

AND WHEREAS, pursuant to subsections 54(4) of the *Residential Tenancies Act, 2006*, where a Landlord has served a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* on a Tenant of a Rental Housing Unit as the Landlord has voluntarily chosen to perform repairs or renovations requiring vacant possession of a Rental Unit in a Residential Complex containing less than 5 rental units and that Tenant serves notice of its wish to have a right of first refusal pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006*, that Landlord shall compensate that Tenant in an amount equal to the rent for the lesser of one month and the period the unit is under repair or renovation;

AND WHEREAS the Residential Tenancies Act, 2006 53(1) and 53(3) establishes that a tenant who receives notice of termination of a tenancy for the purpose of repairs or renovations pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006*, may have a right of first refusal to occupy the rental unit as a tenant when the repairs or renovations are completed, and that a tenant who exercises a right of first refusal may reoccupy the rental unit at a rent that is no more than what the landlord could have lawfully charged if there had been no interruption in the tenant's tenancy, but provides no mechanism to ensure the tenant is able to reoccupy the rental unit at a rent that is no more than what the Owner or Operator could have lawfully charged if there had been no interruption in the tenant's tenancy once the renovations or repairs are complete. ~~the Landlord to provide any information to the Tenant about alternate Rental Housing Units which may be acceptable and/or available to the Tenant~~

AND WHEREAS the Province of Ontario will amend section 53 of the *Residential*

Tenancies Act, 2006, on a day to be named by proclamation of the Lieutenant Governor to require landlords to give the tenant at least 60 days after the day the rental unit is ready for occupancy to exercise the right of first refusal to occupy the unit, pursuant to c. 10, Sched. 7, s. 3.

AND WHEREAS the Province of Ontario has enacted the *Residential Tenancies Act, 2006*, of which section 73.1 states that:

“**73** (1) The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination under section 50 unless it is satisfied that,

(a) the landlord intends in good faith to carry out the activity on which the notice of termination was based; and

(b) the landlord has,

(i) obtained all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based, or

(ii) has taken all reasonable steps to obtain all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based, if it is not possible to obtain the permits or other authority until the rental unit is vacant. 2006, c. 17, s. 73.”

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

General

1. In this By-law;

(a) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;

(b) a reference to any Act, by-law, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, by-law, rule or regulation or provision enacted in substitution therefor or amendment thereof;

(c) the headings to each section are inserted for convenience of reference only and do not form part of the By-law;

(d) words and abbreviations which have well-known technical or trade meanings are used in the By-law in accordance with those recognized meanings; and

(e) where an officer of the City is named, or a reference is made to an officer of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the

City in force from time to time.

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

3. This By-law shall not apply to:

(a) a licensed hotel, motel, inn or bed and breakfast, tourist home, licensed lodging house, licensed short-term rental or licensed residential care facilities; and

(b) any building to which any of the following statutes, or their regulations, apply;

(i) the *Homes for Special Care Act*, R.S.O. 1990, c. H.12, as amended;

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

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

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

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

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

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

Definitions

5. In this By-law:

“By-law” means this By-law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Tenant” includes a person who pays rent in return for the right to occupy the Rental

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

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

PART I- REPAIRS AND RENOVATIONS TO RENTAL HOUSING UNITS

Licence Required

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

Prohibitions

9. No Landlord or Operator shall be issued a licence as required pursuant to section 7 of this By-law without first being issued all permits required to carry out the repairs or renovations requiring vacant possession of the Rental Housing Unit pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*.
- X. No Landlord or Operator shall be issued a license as required pursuant to section 7 of this By-law without having made satisfactory alternative housing arrangements with the Tenant pursuant to section x of this By-law.
- X. No Landlord or Operator that has obtained a license under this bylaw shall fail to adhere to the arrangements made with the Tenant, pursuant to section x of this By-law.
- X. No Landlord or Operator that has obtained a license under this bylaw shall prevent a tenant who has informed the landlord in writing that they wish to exercise their right of first refusal from reoccupying the rental unit upon the completion of repairs or renovations at a rent that is no more than what the Owner or Operator could have lawfully charged if there had been no interruption in the tenant's tenancy.
- X. No Landlord or Operator that has obtained a license under this bylaw shall advertise a renovated or repaired Rental Unit for rent if a tenant has informed the Landlord in writing that they wish to exercise their right of first refusal unless the tenant informs

the Landlord in writing that they no longer wish to reoccupy the rental unit or the 60 day period following the date the Rental Unit was available for re-occupancy has concluded and the Tenant has not re-occupied the Rental Unit.

10. No Landlord or Operator shall hold themselves out to be licensed under this By law if they are not licensed.
11. No Landlord or Operator shall contravene or fail to comply with any of the terms and conditions of their licence issued under this By-law.
12. No Landlord or Operator shall transfer or assign a licence issued under this By law.
13. No Person shall provide false or misleading information to the Director when applying for or renewing a licence under this By-law.
14. No Person shall hinder or obstruct an Officer or attempt to hinder or obstruct an Officer who is performing a duty under this By-law.
15. Any Person who provides false information to the Director shall be deemed to have hindered or obstructed an Officer in the execution of their duties.

Application for and Renewal of Licence

16. The application for a licence shall be signed and submitted to the Director by the Landlord or Operator no later than seven (7) days after service of any notice given pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*.
17. Every Landlord or Operator applying for a licence pursuant to section 16 of this By law shall provide the following information and materials in support of the application:
 - (a) a copy of the building permit issued by the Chief Building Official and any other permit required to carry out the repairs or renovations, issued to the Landlord or Operator;
 - (b) a copy of the notice of termination delivered to the Tenant by the Landlord or Operator pursuant to section 50(1)(c) of the Residential Tenancies Act, 2006, indicating that the necessary building permits or other authorization to convert demolish or repair the rental unit have not yet been obtained; and
 - (c) Information about the Rental Complex, including the number of current tenancies, and information about the Rental Unit including the unit type (number of bedrooms), current rental rate, and start date of current tenancy.
 - (d) a copy of a report prepared by a professionally designated engineer or other person with the requisite qualification stating that the repairs or renovations are so extensive that they require vacant possession of the Rental Housing Unit;
 - (e) for properties with more than one tenanted unit, a Disruption Mitigation Plan, developed in a form and manner satisfactory to the Director;
 - (f) completed Tenant Relocation & Assistance documentation that includes:
 - (i) a copy of a new tenancy agreement with the Tenant for a comparable Rental Unit that has the same rental rate and terms as the tenancy

agreement pertaining to the Rental Unit being renovated or repaired, or terms that are more favourable to the Tenant; or

- (ii) satisfactory documentation of other arrangements made for the Tenant's temporary accommodation in a comparable rental unit during the renovation or repair, and for the Tenant's return to their original Rental Unit at a rent that is no more than what the Landlord or Operator could have lawfully charged if there had been no interruption in the tenant's tenancy following completion of the renovation or repair, including evidence of the Tenant's consent to the arrangements; or
- (iii) satisfactory documentation of arrangements made to compensate the Tenant in the amount equal to the difference between the rent currently paid (including utilities) and the current market rent of a comparable Rental Unit for the duration of the renovation or repair, and for the Tenant's return to their original Rental Unit at a rent that is no more than what the Owner or Operator could have lawfully charged if there had been no interruption in the tenant's tenancy following completion of the renovation or repair, including evidence of the Tenant's consent to the arrangements; or
- iv) satisfactory documentation of the Tenant's agreement to an alternative voluntary arrangement, which includes payment of the compensation required pursuant to the Residential Tenancies Act, 54(1,2,3,4), as applicable;

X. The Director may require that a person, who in the opinion of the Director is qualified to do so, provide or verify to the satisfaction of the Director the report that is required pursuant to Section 17 (d) of this by-law.

Notice of application

- X. The applicant shall provide notice of the application for a Renovation License and a City of Hamilton Renovation Licence and a Tenant Rights Information Package, that includes a City of Hamilton Right of First Refusal form to the Tenant of the Rental Unit within 5 days of submitting the application.
- X. In Rental Complexes with more than one occupied Rental Unit, the applicant shall post a completed City of Hamilton Renovation License Application notice in common areas within 5 days of submitting the application.

Issuance of Licence

- 18. A licence issued under this By-law shall only be valid for the repairs or renovations of the Rental Housing Unit as provided for on the application form.
- 19. A licence issued under this By-law shall be valid for either the period of one (1) year or the estimated date by which the Rental Housing Unit is expected to be ready for occupancy following the repairs or renovations, whichever is sooner.

20. A licence, in accordance with the provisions of this By-law, shall be required for each Rental Housing Unit and/or each Residential Complex for which a building permit is issued.

PART II- PROVISION OF ~~LISTING TO TENANTS FOR~~ ALTERNATE HOUSING

Purpose

21. The purpose of this part of the By-law is to require a Landlord or Operator of a Residential Complex who has ~~obtained~~ **applied for** a licence to repair or renovate a Rental Housing Unit pursuant to this By-law to **make arrangements with the Tenant to ensure the Tenant is able to secure alternative comparable accommodations while renovations or repairs are taking place, to prevent the Tenant from becoming homeless, to preserve existing rental housing affordability, and to facilitate Tenants' exercise of their right to reoccupy their rental unit following renovation or repair at a rent that is no more than what the Owner or Operator could have lawfully charged if there had been no interruption in the tenant's tenancy.** ~~provide, or cause to be provided, a listing of Rental Housing Units which are comparable to the Tenant's present Rental Housing Unit so that the Tenant can make an informed choice about whether or not to deliver a Notice to Re-Occupy the Rental Housing Unit at the end of the renovations or repairs.~~

Requirement to Provide ~~Listing~~ Alternative Accommodations

22. Where a Landlord has served a notice of termination on a Tenant pursuant to subsection 50(1)(c) of the Residential Tenancies Act, 2006 for the purpose of performing repairs or renovations on the Rental Housing Unit that require vacant possession of same, the Landlord or Operator shall:
- (i) enter into a new tenancy agreement with the Tenant for a comparable Rental Unit that has the same rental rate and terms as the tenancy agreement pertaining to the Rental Unit being renovated or repaired, or terms that are more favourable to the Tenant, and provide a copy of the agreement to the Director pursuant to x of this bylaw; or
 - (ii) make other arrangements in writing for the Tenant's temporary accommodation during the renovation or repair in a comparable rental unit, and for their return to their original Rental Unit at a rent that is no more than what the Owner or Operator could have lawfully charged if there had been no interruption in the tenant's tenancy following completion of the renovation or repair, and provide to the Director satisfactory documentation of the arrangements including evidence of the Tenant's consent to the arrangements, pursuant to section x of this bylaw; or
 - (iii) make arrangements to provide the tenant with compensation in an amount equal to the difference between the rent currently paid (including utilities) and the current market rent of a comparable unit no later than 7 days before the first day of each month during the period of renovation or repair, and make arrangements for the Tenant's return to their original Rental Unit at a

rent that is no more than what the Owner or Operator could have lawfully charged if there had been no interruption in the tenant's tenancy following completion of the renovation or repair, and provide to the Director satisfactory documentation of the arrangements including evidence of the Tenant's consent to the arrangements, pursuant to section x of this bylaw; or

- (iv) provide to the Director satisfactory documentation of the Tenant's agreement to an alternative voluntary arrangement, which includes written confirmation from the Tenant that a) they understand that they have the option of being provided a temporary comparable rental unit or compensation equal to the difference between their current rent and current market rents for a comparable unit while renovations or repairs are being completed and then return to their original Rental Unit at a rent that is no more than what the Owner or Operator could have lawfully charged if there had been no interruption in the tenant's tenancy following completion of the renovation or repair, and they either a) do not wish to accept an alternative rental unit or compensation equal to the difference between their current rent and current market rents for a comparable unit while their rental unit is being repaired or renovated and return to the rental unit once repairs or renovations are complete, or b) do not wish to accept an alternative rental unit or compensation equal to the difference between their current rent and current market rents for a comparable unit while their rental unit is being repaired or renovated and do wish to return to the rental unit once repairs or renovations are complete.

(c) For the purposes of subsection 22,

- (i) the new tenancy agreement may either transfer the Tenant's tenancy permanently to the other Rental Unit, or entitle the Tenant to occupy the other Rental Unit temporarily during the course of the renovation or repair and return to their original rental unit following completion of the renovation or repair.
- (ii) a Rental Unit is comparable to a Rental Unit that is being renovated or repaired if it has the same or a greater number of bedrooms, is at a similar or better level of accessibility, is within a one-mile radius of the Rental Housing Unit that requires vacant possession, complies with the maintenance standards of the City's Property Standards By-law, and the rent for the unit is equal to or less than the rent for the Rental Unit that is being renovated or repaired.

X. The landlord shall give the Tenant 60 days advance notice of when the Rental Unit will be available for re-occupancy, or, in situations where vacant possession is required for less than 60 days, provide the date that the Rental Unit will be available for re-occupancy as part of the alternative accommodations arrangements.

X. The Landlord or Operator shall give the Tenant at least 60 days after the day the Rental Unit which the Tenant has a right of first refusal is ready for occupancy to exercise the right of first refusal to occupy the Rental Unit.

- ~~22. Where a Landlord has served a notice of termination on a Tenant pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* for the purpose of performing repairs or renovations on the Rental Housing Unit that require vacant possession of same, the Landlord or Operator shall obtain a listing of alternative Rental Housing Units which are comparable to the Tenant's present Rental Housing Unit and shall serve the said listing on the Tenant no later than two (2) months before the expiry of the one hundred and twenty (120) days' notice period pursuant to subsection 50(2) of the *Residential Tenancies Act, 2006*. To be comparable, the alternative Rental Housing Units must be within a one-mile radius of the Rental Housing Unit that requires vacant possession, have the same or a greater number of bedrooms, comply with the maintenance standards of the City's Property Standards By-law and the rent for each of the alternative Rental Housing Units is no greater than Fifteen Per Cent (15%) of the rent for the Rental Housing Unit that is being renovated or repaired.~~
- ~~23. For the purpose of section 22 of this By-law, the number of alternative Rental Housing Units provided on the listing to the Tenant shall be no less than the number of Tenants in the Residential Complex who have been served with a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* and, in no case shall there be less than three (3) Rental Housing Units set out on the listing for the purpose of allowing the Tenant to determine whether to exercise its right to first refusal pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006* as a result of being served with a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*.~~
- ~~24. In the event that the Landlord or Operator is unable to provide a listing to the Tenant with the number of alternative Rental Housing Units as required pursuant to section 22 of this By-law due to an inadequate supply of available and comparable Rental Housing Units:~~
- ~~(a) where the Landlord or Operator is still able to provide a listing to the Tenant with a lesser number of alternative Rental Housing Units than required by section 22 of this By-law, the Landlord or Operator shall provide the listing to the Tenant with a lesser number of alternative Rental Housing Units listed on the listing than what is required by section 22 of the By-law and the Landlord or Operator shall provide a certification to the Director, signed by the Landlord or Operator, certifying that the Landlord or Operator is unable to comply with section 22 and that the reason for such non-compliance is due to an inadequate supply of available and comparable Rental Housing Units, or~~
 - ~~(b) where the Landlord or Operator is unable to provide any listing to the Tenant as required by section 22 of the By-law, then the Landlord or Operator shall provide a certification to the Director, signed by the Landlord or Operator, certifying that the Landlord or Operator is unable to comply with section 22 and that the reason for such non-compliance is due to there being no available comparable Rental Housing Units.~~
- ~~25. The following information shall be included on the listing provided to each Tenant:~~
- ~~(a) the name of the proposed Landlord or Operator of each proposed alternative~~

~~Rental Housing Unit;~~

~~(b) the address of each proposed alternative Rental Housing Unit;~~

~~(c) the quantum of rent per month for each proposed alternative Rental Housing Unit;~~

~~(d) the minimum rental term required by the Landlord or Operator for each proposed alternative Rental Housing Unit; and~~

~~(e) any other information that may assist the Tenant in making an informed decision about whether to give notice of its intention pursuant to subsection 53(2) Residential Tenancies Act, 2006 to have a right of first refusal to occupy the Rental Housing Unit as a Tenant when the repairs or renovations are completed.~~

~~26. The Landlord or Operator shall ensure that each of the proposed alternative Rental Housing Units set out on the listing served upon the Tenant shall be available for rent by the Tenant at the time of service of the listing on the Tenant.~~

~~27. After the service of the initial listing referred to in section 22, the Landlord or Operator may provide the Tenant with further listings to assist the Tenant in making an informed decision when considering whether to give notice of its intention to have a right of first refusal to occupy the Rental Housing Unit as a Tenant pursuant to the option provided to the Tenant under subsection 53(1) of the Residential Tenancies Act, 2006.~~

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

PART III-ADMINISTRATION AND ENFORCEMENT

Powers of the Director

29. Notwithstanding any other provision in this By-law, the power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to revoke a licence, and to impose terms and conditions, including special conditions on a licence are delegated to the Director.

30. The Director shall issue a licence or renew a licence where the requirements or conditions of the By-law have been met.

31. The Director may refuse to issue, refuse to renew, or revoke a licence, or impose a term or condition on a licence on the following grounds:

(a) there are reasonable grounds to believe that an application or other documents provided to the Director by the Landlord or Operator contains a false statement;

(b) the Residential Complex of the Owner and/or any Rental Housing Unit in the Residential Complex is subject to an order, or orders, made pursuant to any governmental authority;

(c) a Landlord or Operator does not meet all the requirements of this By-law.

32. The Director may reject an application or its renewal where any of the documents required by this By-law are incomplete or have not been filed.

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

Offences

34. Every Person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and other such penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*.

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

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

ADVOCACY CENTRE FOR TENANTS ONTARIO

Legal Opinion - Hamilton Apartment Rental Program

RE: The Director of By-law and Licencing Services, Planning and Economic Development Department Report to The Chair and Members, Emergency and Community Services Committee, dated August 17, 2023

DATE: October 6, 2023

Introduction

We are long past calling what we have in Ontario a housing crisis. According to Marcuse and Madden, with 96% of Ontario's housing stock in private hands, we have a market behaving exactly as it should: prices are too high; supply is too low; and any diversity of new housing stock seems insignificant.

While the province has clearly signalled its concern with respect to the housing crisis, specifically here with tenant interference and illegal eviction, the so called renoviction by-laws fall squarely within municipal authority to address. That is, to identify a local concern and come up with a municipal solution that does not frustrate but rather complements provincial legislation to solve a serious and growing problem – specifically, a housing problem that is greatly reducing the supply of affordable housing and is creating widespread community instability and misery.

The Paramountcy of the *Residential Tenancies Act, 2006*

The *Residential Tenancies Act, 2006* is provincial and paramount legislation setting the terms and regulating most residential tenancies in the province. It is remedial legislation. That is, it recognizes the power imbalances between landlords and tenants. It is intended to right societal wrongs and provide remedies and detailed methods for enforcing legal rights especially for the weaker parties.

For greater certainty, the *RTA* expressly sets out that provisions in any tenancy agreement conflicting with the Act are void. Subject to express limitations, the Act applies with respect to every rental unit in every residential complex in the province despite any other Act (other than the *Human Rights Code*) and despite any agreement or waiver to the contrary. See s. 3 and 4 of the *RTA*.

Under pre-Charter division of powers jurisprudence, property rights and landlord and tenant rights flowing from that have fallen to the provinces to regulate and enforce. Security of tenure is the hallmark of the legislation. See *White v. Upper Thames Conservation Authority*, 2022 ONCA 146 (CanLII). As set out in its purpose section, the *RTA* is intended to protect tenants against unlawful rent increases and unlawful evictions.

Under this security of tenure theme, tenancies can only be terminated in a very limited number of circumstances: for example, death, abandonment, agreement, a landlord's own personal residential occupation, demolition, and, most commonly, through some proven breach of a tenant's legal responsibilities connected to a process at the Landlord and Tenant Board that results in an eviction order being issued.

It is important to note at the outset, however, that given the total number of tenants in Ontario (approximately 1.7 million households) and the number of landlord applications that result in hearings filed against them (about 40,000 is the accepted pre-pandemic number), tenant misconduct is a statistically very rare occurrence. Most tenants faithfully pay their rent on time and in full, and most

tenants want or need to remain in their units indefinitely. Herein lies the seeds of our renoviction problem.

What is a Renoviction and Why is the Response of the *RTA* is Inadequate?

As property values increase, as the cost of borrowing increases, as scarcity pushes rents even higher, (particularly under our vacancy de-control regime instituted by the Harris government in 1998), the tactics by which a landlord regains possession from a sitting tenant under the guise of renovating their unit is colloquially known as a renoviction.

While the tenant has a right to re-occupy the unit after it has been renovated at the same rent that they would have otherwise paid had they not vacated, the landlord instead rents it to another tenant at a greatly increased rent. See s. 50 and 53 of the *RTA*.

On its face, the legislation is clear, reasoned, remedial and effective. Units will need repairs and renovations over time. Section 50 is the mechanism for allowing a landlord to obtain possession of the unit, compensate the tenant for the inconvenience, renovate it and provide the original tenant with the opportunity to return to the unit when the renovation is completed at the same rent as if the tenancy had not been interrupted. Fines and damages can flow if a landlord, in bad faith, is found not to have renovated or does not reinstate the tenant at the proper rent. See s. 54, 57 and 57.1 of the *RTA*. What could possibly be wrong with this? Well, in practice and on the ground, everything.

The simple economic truth is that a landlord will not invest in significant improvements to the unit without the ability to increase that unit's rent revenue.

Instead of following the law, the landlord defies it. He obtains possession of the vacated unit asserting that he is renovating it, he improves it or does not improve it, and then rents to another tenant happy and willing to pay more. The landlord then simply waits to see if there are any significant consequences to this flouting

of the law. If there are consequences, this is simply put down to the cost of doing business.

The economic benefits to a landlord for this kind of behaviour are irrefutable. In the words of one LTB adjudicator, they “profit enormously”. The economics of this was outlined in a shocking decision of the Landlord and Tenant Board where several tenant households in downtown Toronto were displaced by a renovating landlord successful in re-renting the units for more than *three times* the original rent. See *[Tenants] v. 795 College Inc. (7 February 2019; Whitmore)*, 2019 LNONLTB 57 (QL), 2019 CanLII 87012, File No. TST-90503-17 (LTB).

If a landlord re-rented a “fluffed” unit for \$1000.00 a month more, it would take about two years to cover the cost of the *maximum* fines prior to the legislative changes made in 2020, about four years to recover the cost of the maximum fines prior to the legislative changes made in 2023 and about eight years to recover the cost of the *maximum* fine since those changes were made in 2023. It also goes without saying that fines enrich the provincial coffer and not the displaced tenant.

As was recently reported by CTV news, administrative fines related to these bad faith evictions are “rare and minuscule”. It is indeed hard to find a case where a fine, let alone a significant fine, was ordered.

In 2021, the Mayor of Montreal spearheaded a by-law to encourage housing developers to include social and affordable units in their developments – A Bylaw For A Diverse Metropolis. As was widely reported in the Canadian press last August 2023, every single developer opted to pay the fines rather than comply with the by-law.

In sum, fines provide no incentive to stop this practice. Other approaches, like re-housing the displaced tenant while the unit is being renovated developed in New Westminster British Columbia both signal a landlord’s genuine intention to renovate the unit and affirm their understanding of the obligation to house the tenant *during and after* the process.

The claim by Hamilton’s Director of By-law and Licencing Services that there is no “silver bullet” to this problem is highly disputable. In British Columbia, the New

Westminster approach of requiring landlords to re-house their tenant during a renovation that required their absence from the unit worked and had a proven track record of success despite several legal challenges brought by landlords arguing that the municipality did not have the jurisdiction to do this.

On May 27, 2019, in response to numerous complaints regarding renovictions, City Council amended the Business Regulations and Licensing (Rental Units) Bylaw to include Part 6, a section that specifically aimed to deter renovictions and to provide protection to those tenants who may be displaced by large scale renovation work. The amendment was successful and resulted in a significant decrease in the number of reported renovictions and inquiries of concern. The City is considered a leader among municipalities across the nation for this work.

See <https://www.newwestcity.ca/housing/renovictions-tenant-protection-and-resources>.

Anecdotally, the by-law ground the renoviction problem to a halt in New Westminster, a bedroom community to Vancouver that has a well documented and ongoing housing crisis of its own. Unfortunately, the by-law was repealed when British Columbia addressed the problem in its provincial landlord and tenant legislation adopting a scheme similar to what is set out in Ontario's s. 50 of the RTA. This was an unfortunate decision but perhaps an expected one given landlord and developer opposition to it. Time will tell whether landlord non-compliance will become the same problem in New Westminster as it is in Ontario.

The Province Occupies the Field

The issue of how to renovate a unit occupied by a sitting tenant without prejudice to the sitting tenant has been legislatively considered by the province for over

thirty years. See, for example, *Landlord and Tenant Act*, R.S.O. 1990, c.L.7, ss. 1 – 130.

It has clearly been identified by the province as a matter worth regulating both in provisions of the Act itself and in the subsequent Bills stiffening fines and making more stringent the evidentiary requirements for the renovation and eviction to happen in the first place. See, for example, Bill 97.

As set out above, on its face, the legislation that the province has promulgated and *enhanced* over the years speaks to a tenant's security of tenure in the renovation process. The section is supposed to accomplish this because the law is supposed to be followed. Municipalities, governments closer to the ground of where people actually live, have noticed increasing trends that have undermined security of tenure and reduced the quality and affordability of existing rental housing in their communities.

Municipal governments in North Bay, Brampton, Toronto, Waterloo and London have acted to obtain more oversight in the rental housing area than the current legislation allowed. These attempts have succeeded despite legal challenges attacking the jurisdiction to do this. See *Toronto (City) v. Goldlist Properties Inc.*, 2003 CanLII 50084 ON CA), *London Property Management Association v. City of London*, 2011 ONSC 4710 (CanLII), *Fodor v. North Bay (City)*, 2018 ONSC 3722 (CanLII), *1736095 Ontario Ltd. v Waterloo (City)*, 2015 ONSC 6541 (CanLII).

Municipalities Can Also Occupy the Field

It is well established that municipalities can occupy the field of what is a provincial legislative concern when it complements that legislation in order to accommodate local concerns and conditions. As set out by the former Chief Justice in *Reference in Assisted Human Reproduction Act*, so long as complementary local laws do not frustrate other legislation, “in an area of jurisdictional overlap, the level of government that is closest to the matter will often introduce complementary legislation to accommodate local circumstances”.

In the matter of housing which is crucial of any community's wellbeing and prosperity and where the circumstances might be unique or particular to that community – population trends, gentrification, quantity and quality of housing stock, housing costs, labour market issues, available land – a municipality would be hard pressed not to use its municipal powers to address particular and identifiable problems in the area of housing and rental housing in particular.

In the law related to landlord and tenant issues, we see this this kind of “jurisdictional overlap” everyday from landlord licensing, care home regulation, safe apartment building oversight and minimum and maximum unit heat issues.

There is also the express intersection between municipal by-laws and the *RTA*. For example, s. 50 (c) of the *RTA* references the requirement for a municipally issued building permit for the renovation to proceed, s. 4 of O.Reg. 571/06 referencing Maintenance Standards sets out that any municipal property standard by-laws regulating unit exteriors have paramountcy and Part XIII of the *RTA* supports direct municipal action respecting rental housing and the provision of vital services to it.

Chapter 667 of Toronto's Municipal Code

Chapter 667 of Toronto's *Municipal Code* deserves special mention. While demolition and conversion are expressly referenced in the *RTA*, Toronto places obligations on developers to re-house tenants displaced by redevelopment in complexes of over six units. This *Residential and Rental Property Demolition and Conversion Control* is basically the New Westminster by-law for bigger complexes and has survived the developer lobby's distaste for it. See *Toronto (City) v. Goldlist Properties Inc.*, 2002 CanLII 62445 (ON SCDC), appeal to the Court of Appeal dismissed.

The Toronto initiative requiring developers of rental housing complexes to re-house displaced tenants failed at first instance before the Ontario Municipal Board. There, it was decided that the Tenant Protection Act, 1997 was a

complete code and the City's activities were at "cross purposes" with the legislation making them invalid and illegal.

On appeal, the Court took a very different view. They cited the Supreme Court of Canada on the issue of "dual compliance" – that is, by-laws that work in addition to provincial legislation and that might impose an even higher standard of control than those of the related statute. In other words, by-laws can "enhance" provincial legislation and they survive if simultaneous compliance is possible between by-law and provincial legislation and if the by-law does not frustrate the provincial legislation.

Given that the *RTA* does not encourage but restricts and regulates renoviction activity passing by-laws that support the objectives of security of tenure and rent regulation in the renovation process should pass jurisdictional challenge.

The context for the *Goldlist* challenge to Toronto's legislatively robust approach to security of tenure during redevelopment came during an earlier affordable housing crisis. As the Court noted in 2002:

The adequate supply of rental housing serves a very important role in the City of Toronto. Approximately 52 per cent of its total housing stock is rental housing. The current vacancy rate in the City is approximate 0.8 per cent and virtually no affordable rental housing is being constructed in the City.

Alas, in the twenty years since *Goldlist* nothing has changed and arguably, things are much, much worse.

Hamilton's Proposed *Repairs and Renovations By-law*

At the April 2023 meeting of Council, the city solicitors were reminded of the request to provide options to the renoviction crisis that was happening in Hamilton. Specifically, Council wanted to consider a by-law akin to the New Westminster by-law where a similar affordable housing crisis has been underway for years.

The Housing Sustainability and Investment Roadmap passed by Council in April 2023 identifies four pillars of activity. The report of the Director of Licensing and By-law Services dated August 17, 2023, focusses on the preservation of existing affordable rental housing by addressing solutions to renovictions, tenant displacement and property standards.

The situation is bleak for Hamilton's 72,000 rental households. Once a Mecca of good and affordable housing, the report sets out that Hamilton is losing 23 affordable units of rental housing for every new affordable unit being built. Researcher Steve Pomeroy, and member of McMaster University's Canadian Housing Evidence Collaborative, says that over the last decade Hamilton has lost 15,000 units of affordable housing to market forces. The *Globe and Mail* reported that the Landlord and Tenant Board received double the N13 notices predicated on demolition, renovation and conversion in 2022 than it did in 2019 but these statistics do not show the real numbers of tenants who vacate just on the strength of receiving the notice.

Unfortunately, the proposed ***Repairs and Renovations By-Law*** does not form part of the Roadmap. It is up for alternative consideration and includes a pessimistic staff opinion that it would not withstand a legal challenge and present challenges with respect to its operation and enforcement.

The Details

Termination of Tenancies and Temporary Tenancies

Under the proposed New Westminster type by-law, a landlord must obtain the necessary permits before the N13 is served. Most importantly, the landlord must find a tenant equivalent temporary accommodation while the renovation of the tenant's unit takes place. The Director's Report quite rightly sets out the thorny issue of terminating tenancies under s. 50 of the *RTA* and what the proposed by-law sets out about temporarily re-housing the displaced tenant.

The *RTA* sets out how the tenancy is terminated while the renovation proceeds. This is how the landlord maintains control of the unit while the work is being done and how the tenant can live elsewhere without the obligation of paying rent. But termination is a problem because it legally severs the tenant from what was their home. As the August 17, 2023 report of the Director notes “staying in place” is one of the best strategies for discouraging renovations.

Significantly however, the tenancy is terminated on the good faith *bona fides* of the landlord asserting the need for vacant possession. It is very much a live legal question that if the tenancy is not terminated lawfully then it is not terminated at all. See *Ottawa-Carleton Association for Persons with Developmental Disabilities/Open Hands v. Séguin*, 2020 ONSC 7405 (CanLII).

The other significant legal issue at play is the requirement to re-house the tenant while the renovation is underway. Like what was set out in New Westminster, this is the major and unique feature of the proposed Hamilton by-law that should stop in its tracks any renovation gamesmanship.

Under the by-law, the landlord can rehouse the tenant by creating a new tenancy in some other unit or by re-housing the tenant “temporarily”. The *RTA* does not contemplate “temporary” tenancies nor can tenancies be commenced with future termination clauses contained within the agreement. See s. 37(4) of the *RTA*.

As for establishing whether the tenant has a new tenancy in the new unit while the renovation proceeds, the Divisional Court has again answered this question. In the case of an elderly woman who was moved temporarily to one unit when her complex was being totally redeveloped over many years, she refused to go back to her new unit as per her agreement with the developer asserting that she had a new tenancy at the unit where she was re-located.

The Divisional Court resolved this sticky wicket for us by deciding that Ms. Asboth’s relationship to her first unit was not severed but only “suspended”. They evicted her from her “temporary” unit because she refused to return to her original unit. See *Morguard Residential v. Asboth*, 2017 2502 (ONSC) CanLII. Leave to the Court of Appeal was denied.

The Building Permit

Under the proposed by-law, a renovating landlord cannot serve a notice of termination unless every building permit and authorization had been obtained with respect of the proposed renovation.

This requirement is in complete harmony with what is set out in the *RTA* at s. 50. There, vacant possession can only be sought if the renovations are so extensive that vacant possession and a building permit is required. The by-law simply asks for proof of what is already required while also reinforcing the “staying in place” strategies to defeat specious renovation claims.

Additionally, the *Building Code Act*, 1992, S.O. 1992, c. 23 sets out at s. 8 that that building permits shall be issued unless the construction will contravene any other applicable law. Considering the ramifications for sitting tenants protected by the *RTA* in the construction and renovation process acts in concert with following the law rather than breaking the law. Indeed, Building Inspectors could be better used in the policing of this issue. Their final inspections could include notifying the displaced tenants of the opportunity to return to their homes when the renovation was complete.

Hamilton’s Proposed Renovations License and Relocation Listing By-law

In her report, the Director promotes a *Hamilton Apartment Rental Program* that “comprises four separate but interconnected new initiatives to address renovictions, tenant displacement and property standards in apartment buildings.

The *Renovations License and Relocation Listing By-law* features as a prominent piece of the strategy that is billed as innovative and “first-of-its kind” in addressing the crisis.

Pursuant to the requirements of the by-law, landlords must obtain a license to renovate *after* the N13 is served. Building permits and other information must be provided to the City setting out that vacant possession is required. Landlords

must provide sitting tenants with three apartment listings of comparable size and price *if* they exist.

The Concerns:

Tenant Information

The Report's clarion call is that "tenants must be aware of their rights". As set out, "tenant education and support are paramount in any and all efforts to address renovation". With respect, this must be tempered with the acknowledgment that the landlord gains possession under the current renovation process, the landlord has the keys, the landlord has the control, and the landlord permits re-occupancy when the landlord wants it re-occupied. Tenants are simply kept in the dark about when the unit is re-occupied by another.

No amount of tenant education can actually prevent another higher paying tenant from re-occupying the unit if the landlord wants to make that so. This emphasis on tenant education is a waste of ink, and it blames the victim. We must find a way for landlords to follow the rules whether tenants know their rights or not. It is not a question of tenant education - it is a question of landlord education.....and compliance.

Building Inspections

As set out above, the Report fairly sets out that the best strategies "prevent the tenant from moving out at all". A strong, reactive and proactive use of Buildings and Inspections could address repair issues before the need for a major renovation arises. This is certainly a good strategy.

However, and with respect, this horse has already left the barn. Landlords have neglected their properties for years to the point of needing renovations to maintain them. Landlords also use s. 50 of the *RTA* to misrepresent to an adjudicator that vacant possession is required to renovate and repair.

Rigorous inspections going forward is certainly the way to go but there must be 1000's of units in Hamilton in need of extensive repairs and renovations and s. 50 still operates to displace tenants and install new tenants willing and able to pay more rent for a repaired or not repaired unit.

Section 50 can also be used by landlords to argue for vacant possession and while Bill 97 sets out the requirement that a report must be provided by a person with the "prescribed qualifications" to prove that claim, the mischief that will be involved with this is still to be determined. Amending the *RTA* directing that a Building Permit must be obtained outlining repairs that require vacant possession before the N13 could be served would have been a better way for the province to proceed. Hamilton's proposed licencing regime requiring a Building Permit is a positive step.

Available Listings

Increasingly, the evidence shows that there are no comparable and available units in Hamilton. According to the CMHC, the unhealthy vacancy rate in Hamilton stands at 1.9%. On the ground, if there were available units in Hamilton, the issue of renoviction would be a nonexistent issue because people, while inconvenienced, would simply move to other, similar units. The crisis *is* that there are no available similar units at similar rents. The colloquial rule of thumb is that a displaced tenant of long tenure will pay double the rent for half the space. Under the proposed by-law, landlords do not have to comply with this requirement if no alternative listings exist.

The Need for a License for a Landlord to Renovate

As the Appendices to the Report sets out, it will be \$715 to obtain a license to renovate and the fine owed for failing to obtain a license will be \$400. It would seem that Hamilton is trying to incentivize the practice of *not* obtaining a license from the get-go.

Does the City have statistics of the number of people who build without obtaining the necessary permits? It seems commonplace that property owners proceed with their renovations without proper municipal authority. We cannot expect landlords to behave any differently and perhaps we can expect landlords to behave with even less compliance given the nature of the problem that this proposed by-law is trying to address.

Conclusion

It would seem that Hamilton's legal department is concerned about possible legal challenges to any legislative initiatives that fall anywhere near the New Westminster by-law. Some might legitimately posit that they overstate the concerns. There would certainly be a cost to any legal challenge to Hamilton's attempts to regulate in this area but there is an even greater cost to the city in not taking this kind of effective action.

As the Director has pointed out, it goes without saying that British Columbia's enabling legislation in these matters would not be identical to Ontario's legislation - British Columbia's *Community Charter* and Ontario's *Municipal Act*. But lawyers do not operate in the world of "identical". Lawyers analogize, compare, contrast, weigh, argue. There is sufficient legal authority to support defeating any legal challenge to what Hamilton is proposing to deal with the pressing renoviction issue at hand.

What is unequivocally true is that no person can predict what a judge will decide or how litigation will go especially when there is an egregious injustice afoot and the equities are so clear as in the instant case. The record that Hamilton would create would be persuasive - landlord greed and flagrant law breaking against the proven loss of thousands of units of affordable housing lost to the citizenry of Hamilton on account of renoviction and vacancy de-control. The express need for action is because landlords are not following the law. If this does not capture a decision-maker's interest, what will?

The City Director of Licensing and By-law Services is too casual in her assertion that a by-law akin to what was promulgated in New Westminster would not survive judicial scrutiny. It is wrong not to support such a by-law that would help the community of Hamilton very much and at least lands within the possible scope of success.

But sometimes, you just have to have the fight: you might have to make the other side account, you might have to send a message to the province or to the community that an injustice has been identified and that something must be done, or it might be the case that it would simply be wrong to stand by and allow flagrant breaches of the law to pass without lifting a litigation finger in reply.

There is precedent for success. ACTO urges you to try.

From: [Steve Benson](#)
To: [Maychak, Lisa](#)
Subject: Resignation from the Seniors Advisory Committee Tuesday,
Date: September 5, 2023 2:56:15 PM
Attachments:

Hi Lisa, your emails have been going to my spam folder and I happen to be looking for something else and found months worth. Sorry about that. But I want to let you know I have actually moved far from Hamilton. So I am not sure if there is any value to me being part of the committee. It all honesty, it's not what I expected. With no budget, I really appreciate all your efforts and dedication to a worthy cause. I can't imagine what could be done with some money on your side.

Thanks

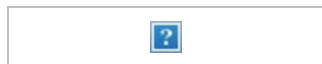
Steve (Benson)

On 2023-09-05 12:51 p.m., Maychak, Lisa wrote:

Good afternoon SAC members,

Please see attached flyer.



Lisa Maychak (she/her)
Project Manager, Age-Friendly City
Long-Term Care Division
Healthy and Safe Communities Department
City of Hamilton
(905) 546-2424 Ext.1721
Lisa.Maychak@hamilton.ca



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INFORMATION REPORT

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	November 2, 2023
SUBJECT/REPORT NO:	Ending of Hamilton Community Foundation/GreenShield Funding for Dental Services (HSC23075/BOH23035) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Pat Armstrong (905) 546-2424 Ext. 7158 Mike Ras (905) 546-2424 Ext. 6468
SUBMITTED BY:	Jennifer Vickers-Manzin, CNO Director, Public Health Services - Healthy Families Division Healthy and Safe Communities Department
SIGNATURE:	
SUBMITTED BY:	Bonnie Elder Director, Ontario Works Division Healthy and Safe Communities Department
SIGNATURE:	

COUNCIL DIRECTION

This report is to inform the Emergency and Community Services Committee about the ending of the Hamilton Community Foundation, GreenShield Canada oral health program enhancement offered through Public Health Services and Ontario Works.

INFORMATION

In 2017, GreenShield Canada invested \$6,000,000 to six communities across Canada (Six 4 Six) to advance improving oral health and mental health. In Hamilton these grant dollars were distributed through the Hamilton Community Foundation. In September 2018, the City of Hamilton received approval to accept a \$1,000,000 investment from the Hamilton Community Foundation to fund three oral health program enhancements over three years (HSC10845). This plan and funding arrangement were approved by Hamilton City Council in the fall of 2018, which included a collaboration between Ontario Works and Public Health Services to provide enhanced programming in Hamilton.

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

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

SUBJECT: Ending of Hamilton Community Foundation/GreenShield Funding for Dental Services (HSC23075/BOH23035) (City Wide) - Page 2 of 3

In March 2020, private and public dental programs were restricted due to the COVID-19 pandemic. Some services under this program were not restarted until 2022 with each part of the program returning to pre-pandemic service levels at different times.

Throughout this period, the Hamilton Community Foundation was aware of the rationale for the program pause and agreed to extend the funding period to allow the program to re-start when provincial public health guidelines and local public health staff could support the program and services being offered. This was communicated to the Board of Health in a communication update on November 12, 2021.

The approved program included:

- Increasing one day of Dentist and Dental Assistant service on the Dental Health Bus to increase the number of clients accessing service (\$167,400 over 3 years). The Dental Health Bus provides mobile dental services to eligible adults throughout Hamilton. It was estimated that the increased staff and operational costs would support the provision of services for approximately 350 more clients per year. This target was met, the Dental Health Bus provided service to an additional 1,132 clients between February 1, 2019 and December 23, 2022;
- Implementation of a Smile with Confidence pilot program (\$318,000 over 3 years). The investment proposal included piloting a Smile with Confidence program based on a successful model developed and evaluated by The Region of Peel. Through Ontario Works, this program identified working-age adults, whose prospects of employability would benefit from dental care, including preventive and restorative care as well as dentures. By the end of 2023 the program will have served an estimated 1,304 people;
- Providing supplemental denture coverage to low income seniors (\$156,800 over 3.25 years). The original investment provided supplemental denture coverage to seniors in the community through the City of Hamilton special supports program. Between November 2018 and October 2020, 117 seniors received the supplemental denture coverage. On November 20, 2019 the Ontario Ministry of Health launched the Ontario Seniors Dental Care Program, which provides routine dental care to low-income seniors. Dentures and denture services are included in the Ontario Seniors Dental Care Program. As a result of the introduction of the Ontario Seniors Dental Care Program, there was a need to reconsider use of the supplemental denture coverage funds to low income seniors. Within the Ontario Seniors Dental Care Program there is a co-payment for new dentures. Co-payment can be a barrier in accessing this service for many clients. On July 16, 2021 funding was re-allocated to cover the denture co-payment for clients in the Ontario Seniors Dental Care Program to ensure all those eligible can access this service. Overall, since September 2021 to August

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SUBJECT: Ending of Hamilton Community Foundation/GreenShield Funding for Dental Services (HSC23075/BOH23035) (City Wide) - Page 3 of 3

15, 2023, 564 seniors have had their co-payments covered by this funding. These funds will be depleted December 31, 2023; and,

- The investment plan also included \$100,000 in grant dollars for community partners and grassroots programs to enhance access to services for vulnerable populations; \$57,800 to fund evaluation to monitor the impact of investments; and, the remainder (\$200,000) was endowed with the Hamilton Community Foundation for future investment.

With the Hamilton Community Foundation approval in 2022, the evaluation and grassroots portions of the program were reallocated to Smile with Confidence to extend this program until the end of 2023. The denture co-payments will extend to the end of the 2023 year. The funding allocated for increased service on the Dental Health Bus was depleted in December 2022.

Each part of the overall program was successful in meeting the objective of increased access, improved oral health and mental health. Evaluation of the program (see Appendix "A" to Report HSC23075/BOH23035) was completed by Public Health Services' Epidemiology & Evaluation Program and highlights the tremendous positive impacts these programs had on people's lives.

The Dental Health Bus continues to serve people in the community and consequently without one dentist scheduled on Fridays means an average of seven people are not seen. The Smile with Confidence has provided dental services to improve oral health and employment opportunities and without this funding will also leave a gap. The dental program is exploring other options to cover the co-payment for seniors starting in 2024.

Public Health Services and Ontario Works are hopeful that the new Canada Federal Dental plan will fill the gaps in oral health services. The current proposed program will support oral health care for people of all ages who make less than \$90,000 per year. The full implementation of the program is expected in 2025. Staff will continue to monitor the impact on our community and report back as relevant.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC23075/BOH23035

Evaluation of Oral Health Program Enhancements

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EVALUATION OF ORAL HEALTH PROGRAM ENHACEMENTS

City of Hamilton

August 2023



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Executive Summary

In celebration of its 60th anniversary in 2017, GreenShield Canada (GSC) provided \$1,000,000 to the Hamilton Community Foundation (HCF) to advance oral health in Hamilton. A portion of these funds were used to enhance oral health programming offered by Ontario Works and Public Health Services at the City of Hamilton. These programs were evaluated to determine the impact of this investment. The funded programs and evaluation results are summarized below.

Dental Health Bus

- The Dental Health Bus is an existing mobile clinic that provides dental care to eligible individuals throughout Hamilton.
- The GSC/HCF funding was used to increase staffing on the Dental Health Bus to allow for one extra day of operation per week from 2019 to 2022.
- In total, 1,132 clients were served during this additional day of operation.

Enhanced Denture Coverage for Seniors

- The GSC/HCF funding was used to supplement denture coverage for seniors accessing this service through the Ontario Works special supports.
- Between November 2018 and October 2020, there were 117 seniors who received the supplemental denture coverage to fund their dentures.
- Seniors who received dentures reported significant improvements in their physical oral health, pain and discomfort, and psychosocial well-being.
- Seniors reported a reduction in relying on emergency dental care after they received their new dentures.

Smile with Confidence

- The Smile with Confidence was a program piloted through Ontario Works to help clients reduce oral health-related barriers to employment.
- As of July 2023, the Smile with Confidence program has assisted 1,104 people and it is expected another 200 participants will be enrolled by the end of 2023.
- Individuals enrolled in the Smile with Confidence program reported significant improvements in their oral health, including a reduction in oral health-related barriers to interviewing or securing a job. However, there was no indication that this program by itself led to increased employment.

Background

GreenShield Canada (GSC) celebrated its 60th anniversary by investing \$6,000,000 in six communities (Six 4 Six) across Canada, including \$1,000,000 for Hamilton. Locally, this philanthropic funding was dispersed through the Hamilton Community Foundation (HCF). The HCF and the City of Hamilton developed a plan to address one of the priorities of the funder: enhancing oral health in our community. This plan and funding arrangement were approved by Hamilton City Council in the fall of 2018, which included a collaboration between Ontario Works and Public Health Services to provide the following programming in Hamilton:

- **Dental Health Bus:** The Dental Health Bus provides dental services to eligible adults and seniors throughout Hamilton. Funding was used to increase staffing on the Dental Health Bus to allow for one extra day of operation per week.
- **Enhanced Denture Coverage for Seniors:** The Special Supports unit of the Ontario Works Division in the City of Hamilton provides partial coverage for dentures for eligible seniors. Those who use this service must pay the difference out of pocket, which is estimated to be \$450 per denture. This cost is a barrier for many, but this funding will cover the out-of-pocket costs for seniors.
- **Smile with Confidence:** Funding was used to pilot a program that was developed at the Region of Peel. Through Ontario Works, this program identifies working-age adults, whose prospects of employability would benefit from dental care, including preventive and restorative care as well as dentures.

Each of the previously described oral health programs operated by the City of Hamilton were evaluated to determine the impact of these programs on the clients served. This report details the evaluation findings for each of these oral health programs.

Dental Health Bus

Program Overview

The Dental Health Bus provides mobile dental services to eligible adults and seniors throughout Hamilton. Funding from GSC/HCF was used to increase staffing on the Dental Health Bus to allow for one extra day of operation per week by funding an additional 0.2 FTE Dentist and 0.2 FTE Dental Assistant from 2019 to 2022. The Dental Health Bus provides both emergency and restorative dental services.



Evaluation Objective

The objective of this evaluation was to quantify the number of clients served by the Dental Health Bus during the additional day of operation funded by GSC/HCF.

Evaluation Methods

The number of clients served during the extra day of operation was tracked by Hamilton Public Health Services' Dental and Vision Screening program. The data were reported by calendar year for the duration of GSC/HCF investment.

Appendix "A" to Report HSC23075/BOH23035

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Evaluation Results

Between January 1, 2019, and December 31, 2022, the funding from GSC/HCF was used to provide dental care to 1,132 clients on the Dental Health Bus as summarized in the chart below. It is important to note that the Dental Health Bus was able to continue delivering these services despite the many challenges posed by the COVID-19 pandemic during this time period.

	Year				Total
	2019	2020	2021	2022	
Number of clients served on the Dental Health Bus with GSC/HCF funding	239	299	301	293	1,132

Source: Dental and Vision Screening program, City of Hamilton Public Health Services.

Enhanced Denture Coverage for Seniors

Program Overview

The Special Supports unit of the Ontario Works Division in the City of Hamilton provides partial coverage for dentures for eligible seniors. Those who use this service must pay the difference out of pocket, which is estimated to be \$450 per denture. This cost is a barrier for many. The funding from GSC/HCF was used to off-set the out of pocket expenses for dentures. Since the launch of this program, 160 low-income seniors have been approved for supplemental denture coverage (16 from November 12 to December 31, 2018, 111 in 2019, and 33 from January 1 to October 31, 2020). Of those approved, 117 have received the supplemental coverage (11 from November 12 to December 31, 2018, 86 in 2019, and 20 from January 1 to October 31, 2020). After October 2020, there was a transition to providing seniors with dentures through the new Ontario Seniors Dental Care Program.

Evaluation Objective

The objective of this evaluation was to determine if providing dentures to low income seniors improved oral health-related quality of life.

Evaluation Methods

Seniors who participated in this program were asked to complete two paper surveys: one baseline survey before they received their dentures and then a follow up survey 6 months after they received their dentures. Each survey was a self-assessment of the participant’s oral health using a validated questionnaire (Geriatric Oral Health Assessment Index). In total, there were 125 baseline surveys and 101 follow-up surveys completed. The survey data were analyzed to determine if self-assessed oral health measures changed between timepoints using statistical testing. In addition, clients were also asked about the frequency of accessing emergency health services in the past 6 months at each survey timepoint.

Evaluation Results

Physical Function

There were significant improvements in 3 of 4 areas of physical function after clients received their dentures. Clients reported significant improvement in their ability to eat food and speak after they received their dentures. There was no significant change in the ability to swallow after clients received their dentures.

Physical function metric	Baseline Results (before dentures)	Follow-up Results (6-months after dentures)
% of clients who often or always limit food due to dental problems	65.6%	30.7%*
% of clients who often or always have trouble biting or chewing food	87.2%	50.5%*
% of clients who often or always have trouble swallowing	44.0%	51.5%
% of clients who often or always have trouble speaking	52.0%	29.7%*

*Statistically significant change from baseline.

Pain and Discomfort

There were significant improvements in 2 of 3 areas of pain and discomfort after clients received their dentures. Clients reported taking significantly less medication to relieve oral pain and clients reported significant reductions in teeth and gum sensitivity. There was no significant change in discomfort while eating.

Pain and discomfort metric	Baseline Results (before dentures)	Follow-up Results (6-months after dentures)
% of clients who often or always have discomfort while eating	35.2%	47.5%
% of clients who often or always use medication to relive oral pain	38.4%	14.9%*
% of clients who often or always have sensitive teeth or gums	53.6%	24.8%*

*Statistically significant change from baseline.

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Psychosocial Impact

There were significant improvements in all areas of psychosocial wellbeing after clients received their dentures. Overall, there was a significance increase in clients who were happy with their appearance after receiving their dentures. Similarly, after receiving dentures, clients also reported improvements in social contact, worriedness, self-consciousness, and eating in front of others.

Psychosocial metric	Baseline Results (before dentures)	Follow-up Results (6-months after dentures)
% of clients who often or always limit social contact due to teeth or dentures	42.4%	14.9%*
% of clients who are often or always happy with the appearance of their teeth, gums or dentures	24.8%	52.5%*
% of clients who are often or always worried about problems with their teeth, gums, or dentures	78.4%	44.6%*
% of clients who often or always felt self-conscious about their teeth, gums or dentures	70.4%	36.6%*
% of clients who often or always felt uncomfortable eating in front of others	74.4%	38.6%*

*Statistically significant change from baseline.

Health Service Utilization

Individuals who are unable to afford routine dental care may seek dental care from hospital emergency departments. In Hamilton, the rate of seniors seeking dental care through emergency departments doubled between 2004 and 2017.

This evaluation survey found that once seniors were provided with the dentures they need, they reported the following changes to their healthcare seeking behavior:

- 75% reduction in emergency department visits for dental care.
- 63% reduction in visits to Hamilton’s Dental Health Bus.

These evaluation results indicate that providing seniors with dentures through this program reduced their reliance on emergency health services.

Smile with Confidence

Program Overview

The Smile with Confidence program was developed by the Region of Peel. This program identifies working-age adults through Ontario Works whose prospects of employability would benefit from dental care, including preventive and restorative care as well as dentures. Eligible individuals are then provided with the dental care they need. This program shifts the focus from emergency service to an early intervention and prevention model. It is expected that this program will improve oral health-related quality of life and improve job-seeking confidence including the attainment of employment.

As of July 2023, the Smile with Confidence program has assisted 1,104 participants. By the end of 2023, it is expected that another 200 participants will be enrolled and receiving services bringing the final total to 1,304 participants.

Evaluation Objective

The objective of this evaluation was to determine if the Smile with Confidence program increased the ability of participants to secure employment.

Evaluation Methods

Individuals who participate in this program were asked to complete three paper surveys: one baseline survey before receiving dental care, one survey 6 months after enrolling in the program, and one survey 12 months after enrolling in the program. Each survey was a self-assessment of the individual’s job seeking efficacy and oral health. In total, there were 572 completed surveys returned: 371 baseline surveys, 70 surveys from the 6 month follow-up, and 131 surveys from the 12 month follow-up.

This evaluation also conducted a short survey with frontline staff and managers who were involved in the Smile with Confidence program. There were 7 participants who rated their satisfaction with the program and provided open feedback.

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Evaluation Results

Self-Assessed Oral Health

During the 12 months in the Smile with Confidence program, there were significant improvements in most areas of the clients’ self-assessed oral health. Overall, self-perception of oral health improved, clients were less worried about oral health problems, clients felt more comfortable eating in front of others, and clients perceived their oral health was less of a barrier to interviewing or securing a job.

Self-Assessed Oral Health Measure	Baseline Results (before care)	Follow-up Results (6-months)	Follow-up Results (12-months)
% of clients who perceive their oral health as very good or excellent	6.9%	15.7%	18.1%*
% of clients who perceive their oral health as poor	51.9%	32.9%*	21.3%*
% of clients who were often or always worried about problems with their teeth, gums, or dentures	76.9%	75.7%	62.0%*
% of clients who were often or always nervous or self-conscious because of their teeth, gums, or dentures	70.0%	65.2%	59.8%
% of clients who were often or always pleased or happy with the appearance of their teeth, gums, or dentures	14.9%	17.4%	21.7%
% of clients who were often or always uncomfortable eating in front of others due to their teeth, gums, or dentures	46.4%	50.7%	32.0%*
% of clients who believe the appearance of their smile or teeth makes it difficult to secure a job	67.4%	67.1%	52.7%*
% of clients who believe the appearance of their smile or teeth makes it difficult to interview for a job	70.2%	75.7%	51.8%*

*Statistically significant change from baseline.

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Job Seeking Confidence and Efficacy

Clients’ job seeking confidence and efficacy remained relatively consistent during their 12-month enrollment in the Smile with Confidence program. Overall, there were no significant changes in confidence with job application, meeting new people, engaging in discussion, or job interviewing. Similarly, there was no significant change in employment or confidence in employment while clients were enrolled in the Smile with Confidence program. It is important to note that some this surveying occurred during the Coronavirus Disease 2019 (COVID-19) pandemic which was a very dynamic period in terms of employment, work prospects, and self-confidence. It is probable that self-assessed job seeking confidence may have been impacted by the COVID-19 pandemic.

Program Satisfaction


The survey of frontline staff and management indicated unanimous support for the Smile with Confidence program. Staff and management agreed that the program provided timely care, reduced barriers to employment, and improved oral health of the program’s clients. There were some minor challenges noted regarding working with dental care providers such as on-boarding and the fee schedule, but overall, the program was able to mitigate these challenges and operate with success.

“Clients shared with us in their surveys how helpful the program was for them, and how happy they were with their oral health.”

“This program was widely embraced by all involved - clients, service providers and Ontario Works staff.”



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

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	October 19, 2023 (Deferred from August 17, 2023)
SUBJECT/REPORT NO:	Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) Sub-sections (e), (f), (g), and (h) DEFERRED from August 17, 2023
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Gillian Barkovich (905) 546-2424 Ext. 2348
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

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

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SUBJECT: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) DEFERRED - Page 2 of 31

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

SUBJECT: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) DEFERRED - Page 3 of 31

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

SUBJECT: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) DEFERRED - Page 4 of 31

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

SUBJECT: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) DEFERRED - Page 5 of 31

- (n) ~~That staff be directed to report back to Council with respect to the amount of fine revenues collected under the Safe Apartment Buildings By-law and Renovation Licence and Relocation Listing By-law after they have been in force and effect for 12 months, including options for how fine revenues could be utilized to advance the strategies of the Housing and Sustainability Investment Roadmap;~~
- (o) ~~That Outstanding Business List item 5.10, dated February 22, 2023 relating to correspondence at 1083 Main Street East, and item 1.0, dated April 20, 2023 relating to addressing renovictions, be removed;~~

EXECUTIVE SUMMARY

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

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

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

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

- A new “Safe Apartment Buildings By-law” to regulate apartment building property standards and registration of apartment buildings.

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SUBJECT: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) DEFERRED - Page 6 of 31

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

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

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

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

SUBJECT: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) DEFERRED - Page 7 of 31

Alternatives for Consideration – See Page 29

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

Safe Apartment Building By-law

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

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

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

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

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

Renovation Licence and Relocation Listing By-law

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

SUBJECT: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) DEFERRED - Page 8 of 31

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

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

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

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

Property Standards and Vital Services By-laws

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

Rental Housing Licensing Pilot Project

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

Staffing:

Safe Apartment Buildings By-law

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

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

SUBJECT: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) DEFERRED - Page 9 of 31

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

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

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

Renovation Licence and Relocation Listing By-law

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

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

Property Standards and Vital Services By-laws

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

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Rental Housing Licensing Pilot Project

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

Legal:

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

HISTORICAL BACKGROUND

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

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

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

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

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

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

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

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

RELEVANT CONSULTATION

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

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

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

- Communications
- Finance & Administration

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

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

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Safe Apartment Buildings By-law

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

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

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

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

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

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

Table One: Safe Apartment Building By-law Scoring System

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

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

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

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

Transition

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

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

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

Enforcement

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

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

Costs to Landlords

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

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

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

Risks and Challenges

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

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

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

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

2. Renovation Licence and Relocation Listing By-law

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

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

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

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

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

- The By-law would apply to all rental units in the City of Hamilton.
- Upon issuance of an N-13 notice to a tenant, property owners would have to obtain a Renovation Licence for the intended renovation works from the Municipality within seven days.
- A complete application with supporting documentation and fee payment must be made prior to issuance of the Renovation Licence.
- The application for a Renovation Licence must include supporting documentation such as a Building Permit number, report from a qualified person (engineer) that states that vacant possession is required to complete the renovation, and confirmation of three active listings for tenants who require alternative accommodations.
- A property owner may be subject to enforcement where an application for a licence is not made within the required timeframe, repairs are conducted without a licence, or a licence holder fails to meet the terms and conditions of the licence.

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Transition

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

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

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

Enforcement

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

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

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

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Costs to Landlords

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

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

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

Risks/Challenges

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

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

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

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

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

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

3. Rental Housing Licensing Pilot Project

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

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

4. Property Standards and Vital Services By-laws

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

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

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

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

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

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

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

5. Other Matters

Tracking Sale for Multi-unit Buildings

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

Building Permits

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

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

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

6. New Westminster By-law

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

7. Other Related City Initiatives

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

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

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ALTERNATIVES FOR CONSIDERATION

Alternative One: New Westminster By-law

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

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

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

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

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

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

Alternative Three: Expansion of Rental Housing Licensing Pilot Program

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

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

SUBJECT: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) DEFERRED - Page 31 of 31

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

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

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

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

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

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

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

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

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

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

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

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

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

GB:ch

Appendix "E" to Report PED23072

Page 1 of 1

FEE SCHEDULE
Renovation Licence and Relocation Listing By-law

Licence Fee

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

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

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

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

Definitions, Legislation, Regulations, and Volumes relating to Hazardous Materials

Definitions

There are several terms and definitions from various legislative agencies that include:

Agency	Definition
Canada Labour Code	Uses the term hazardous materials found in the Workplace Hazardous Materials Information System (WHMIS), which is “a comprehensive system for providing health and safety information on hazardous products intended for use, handling, or storage in Canadian workplaces” (source: Canadian Centre for Occupational Health and Safety website).
Ontario Ministry of the Environment	Use the term hazardous waste and defines it as “waste that, when present in quantities and concentrations that are high enough, pose a threat to human health or the environment if they are improperly stored, transported, treated or disposed.” (source: Ministry of the Environment website)
Ministry of Transportation	Uses the term dangerous goods, which pertains to the transportation of hazardous materials, substances, or liquids.
Ministry of the Environment and Climate Change Canada	Uses the term acute hazards to refer to 249 substances that could impact the environment or human health if they are improperly stored, transported, treated or disposed.
Ontario Fire Code as overseen by the Ontario Fire Marshal	<p>Does not use the term hazardous materials but has several related terms and definitions such as:</p> <p>Combustible dust means dust and particles ignitable and liable to explode when mixed with air.</p> <p>Combustible fibres mean finely divided combustible vegetable or animal fibres and thin sheets or flakes of such materials that in a loose, unbaled condition present a flash fire hazard, and includes cotton, wool, hemp, sisal, jute, kapok, paper, and cloth.</p> <p>Combustible liquid means any liquid having a flash point at or above 37.8°C and below 93.3°C.</p> <p>Flammable liquid means a liquid having a flash point below 37.8°C and having a vapour pressure not more than 275.8 kPa (absolute) at 37.8°C as determined by ASTM D 323, “Vapor Pressure of Petroleum Products (Reid Method)”.</p>

The Ontario Fire Code (oversee by the Ontario Fire Marshal), Ministry of the Environment, and Environment and Climate Change Canada are the agencies and definitions that most closely impact the work of the Hamilton Fire Department. As noted above, the Ontario Fire Code does not contain a specific definition of hazardous materials; however, there are 12 related definitions. These definitions include ones for combustible construction, combustible dust, combustible fibres, and combustible liquids; high, low, and medium hazard industrial occupancy; flammable liquid; dangerous goods (as regulated by Transportation of Dangerous Goods Act); minimal explosible liquid; unstable liquid; and storage tank. Flammable liquids and combustible liquids are the most used terms in the Code and present higher risks.

Regulations or Requirements from Relevant Agencies

The Ontario Fire Code goes into detail about property owners' responsibilities regarding the prevention, containment (storage), handling, accumulation etc. depending on location (indoors and outdoors or interior floors within a property) based on the class of substance and volume. The Code does not have a requirement for property owners to report to the Province on the storage of flammable or combustible liquids. And, it is the Ontario Fire Marshal that oversees the Fire Code and works with various agencies such as the Ministry of the Environment and the municipality to enforce and investigate code violations typically after an incident occurs or a complaint is made.

Ontario Ministry of the Environment (MOE) has a Hazardous Waste Program Registry that requires property owners to report to the MOE on storage or disposal of hazardous waste. MOE also focuses on the environmental protection act and 347 regulations that handles cradle to grave oversight. Staff were able to access the MOE's Waste Program Registry for 2021 and Hamilton had 84 businesses/locations that had generators, carriers and receivers of hazardous liquid industrial waste reported to MOE.

Environment and Climate Change Canada's has E2* Regulations that refer to 249 substances that pose an acute hazard to the environment or to human health should an accidental release occur. Property owners who have these substances are required to develop and submit specific safety plans should an accidental release occur. There are six (6) hazard categories covered under the final regulations: aquatically toxic, combustible, explosion hazard, pool fire hazard, inhalation hazard, and oxidizer that may explode. Hamilton, like most comparable cities, has a reasonably small number (> 15) of properties that meet the criteria for E2 Plans.

Volume References from the Ontario Fire Code

Maximum quantities as found in Section 4 of the Ontario Fire Code

4.2.4.2. (1) Subject to Sentence (4) and Articles 4.2.4.5. and 4.2.4.6., the maximum quantity of flammable liquids or combustible liquids stored in a building or in a single fire compartment having a fire-resistance rating not less than 1 h shall meet the requirements of Sentences (2) and (3).

(2) If a single class of liquid is stored in a building or in a single fire compartment having a fire-resistance rating not less than 1 h, the total quantity of liquid shall not exceed

- (a) 30 L of Class I liquids,
- (b) 150 L of Class II liquids, or
- (c) 600 L of Class IIIA liquids.

(3) If two or more classes of liquid are stored in the same building or in a single fire compartment having a fire-resistance rating not less than 1 h, the total quantity of stored liquid shall meet the requirements of the following equation:

$$qI/30 + qII/150 + qIIIA/600 \leq 1$$

Very specific quantities and locations of materials outlined in the Ontario Fire Code:


Indoor Container Storage (Palletized or Solid Piled Storage and Unprotected Rack Storage): Forming Part of Article 4.2.7.5.

Class of Liquid	Storage Level	Protected Storage ⁽¹⁾ - Maximum Quantity per Individual Storage Area, L	Protected Storage ⁽¹⁾ - Maximum Storage Height, m	Protected Storage ⁽¹⁾ - Maximum Quantity per Fire Compartment, L	Unprotected Storage - Maximum Quantity per Individual Storage Area, L	Unprotected Storage - Maximum Storage Height, m	Unprotected Storage - Maximum Quantity per Fire Compartment, L
Class IA	First Storey	10000	1.5	50000	2500	1.5	2500
Class IA	Storeys above the first storey	7500	1.5	30000	2500	1.5	2500
Class IA	Basement	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Class IB or IC	First Storey	20000	2.0	60000	10000	1.5	10000
Class IB or IC	Storeys above the first storey	10000	2.0	50000	10000	1.5	10000
Class IB or IC	Basement	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

Class II	First Storey and storeys above the first storey	40000	3.0	100000	15000	3.0	30000
Class II	Basement	25000	1.5	25000	Not permitted	Not permitted	Not permitted
Class IIIA	First Storey and storeys above the first storey	60000	6.0	200000	50000	4.5	100000
Class IIIA	Basement	40000	3.0	100000	Not permitted	Not permitted	Not permitted



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Hamilton Fire Department

TO:	Chair and Members Healthy and Safe Communities Committee
COMMITTEE DATE:	October 19, 2023
SUBJECT/REPORT NO:	Large Volume Hazard Storage Database and Program (HSC23068) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Debbie Spence (905) 546-2424 Ext. 3395 Trevor Haalstra (905) 546-2424 Ext. 7120
SUBMITTED BY:	David Cunliffe Chief, Hamilton Fire Department Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the Chief of the Hamilton Fire Department be directed to implement a Large-Volume Hazard Storage Database that will focus on commercial, industrial, and agricultural properties using the Ontario Fire Code as a reference for volumes, storage, and types of flammable and combustible substances; and,
- (b) That the Chief of the Hamilton Fire Department be directed to investigate the staffing and resources required to launch and manage the program associated with the inspections and maintenance of the Large-Volume Hazard Storage Database to be discussed through the 2024 budget process; and,
- (c) That the Outstanding Business List Item 23-O be considered completed and removed from the list.

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**SUBJECT: Large Volume Hazard Storage Database and Program (HSC23068)
(City Wide) - Page 2 of 7**

EXECUTIVE SUMMARY

At the January 12, 2023 General Issues Committee meeting, a motion was passed: “That staff be directed to report back to the Emergency and Community Services Committee on whether the City has the authority to require any property owner to report on the storage of hazardous materials over a specified volume to the Hamilton Fire Department.”

The City has the authority – through the creation of a bylaw – to require property owners to report on the storage of hazardous materials over a specified volume to the Hamilton Fire Department. However, the Hamilton Fire Department does not recommend the creation of a by-law. Instead, staff recommend that Council directs the Fire Chief to develop and implement a Large-Volume Hazard Storage Database focusing on commercial, industrial, and agricultural properties using the Ontario Fire Code as a reference for volumes, storage locations, and types of flammable and combustible substances. The database would require additional staff to oversee this work and Council would review the business case for staffing for this new program through the 2024 budget process.

To understand the risks and right-size the oversight of a database, staff looked at the potential number of properties in Hamilton that could be storing large volumes of hazardous materials. The data reviewed included the number of Hamilton-based properties on the Ministry of the Environment’s Waste Registry and number of businesses in certain industries (i.e. those that would have a higher likelihood of using flammable or combustible substances) via Statistics Canada’s business counts. As a starting point, staff estimate that there are 2,400+ properties that will need to be visited to determine if they would become part of the Database. This approach aligns directly with the Hamilton Fire Department’s 10-Year Service Delivery Plan that includes an enhanced focus on proactive measures to effectively mitigate risk to residents, but without the higher and wider-ranging costs (i.e. staff costs of enforcement) of development and management of a new by-law. The implementation and oversight of the database would not be without cost; specifically additional staffing as this would be a new program and cannot be managed with the current staff levels. It should also be noted that when staff visit properties, they could find items unrelated to large-volume hazards, but they would need to follow up with anything that falls under the Ontario Fire Code.

If a program with staffing was launched, staff would borrow from Toronto’s approach where staff have been successful in proactively gathering information from businesses without a by-law. Hamilton’s program would include proactive visits and be enhanced to include a formal database. Staff would also continue their collaboration efforts with other City Divisions such as Municipal Bylaw, Licensing, and Building for this new program. From both a strategic and tactical perspective, this program would help build the

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**SUBJECT: Large Volume Hazard Storage Database and Program (HSC23068)
(City Wide) - Page 3 of 7**

Hamilton Fire Department's knowledge about building stock; uses of buildings; and potential risks all which aid in driving and managing Fire's three lines of defence: public safety and education; fire safety standards and enforcement; and emergency response.

Alternatives for Consideration – See Page 6**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: n/a

Staffing: n/a

Legal: n/a

HISTORICAL BACKGROUND

Hamilton has experienced a number and variety of fire-related incidents connected with properties that store hazardous materials with both large and small or short and longer-term impacts. One of the larger incidents was the 2007 Biedermann Fire. The Biedermann Packaging fire happened on July 26, 2007 and resulted in a warehouse that housed high hazard liquids being destroyed and “sending a million litres of poisonous, pesticide-laced, firefighting water into Spencer Creek and Cootes Paradise, killing thousands of fish and smaller aquatic creatures” (source: Hamilton Spectator). More recent examples of larger properties/impacts storing flammable or combustible liquids happened on August 11, 2022; an agricultural property that was storing a large quantity of hand sanitizer resulted in a fire that took much longer than average to extinguish resulting in more significant impacts to staffing and apparatus plus \$1M in property damages.

Defining Hazards or Hazardous Materials:

The term hazardous materials has varying definitions and is not used consistently throughout different legislation. Because the focus is on storage of fire hazards, the definition and scope will align and be enforceable with the Ontario Fire Code. The Ontario Fire Code defines and uses the terms: flammable and combustible liquids (Class 2 and 3 liquids) and outlines specific volumes and locations where these substances are allowed to be stored (See Appendix A).

Large-Volume Hazard Storage and those properties that would be included in the database would be defined as any properties that store (a) any flammable or combustible liquids based on the maximum quantities (volumes) as defined by the Ontario Fire Code, with the exception of those liquids overseen by Environment and Climate Change Canada's E2 Regulations (E2 Regulations refer to 249 substances that pose an acute hazard to the environment or to human health should an accidental

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**SUBJECT: Large Volume Hazard Storage Database and Program (HSC23068)
(City Wide) - Page 4 of 7**

release occur); and/or (b) large volumes of lithium batteries in volumes as outlined by the Ontario Electrical Safety Code and Ontario Building Code. Hamilton Fire Department staff will review, on a property-to-property basis the types of materials, and their quantities and locations and storage that is deemed to be of high risk will be added to the database and monitored.

Provincial and Federal Legislation related to Hazardous Materials Terminology: Staff reviewed different legislation, codes, and regulations from provincial and federal organizations that included Canadian Labour Code's Workplace Hazardous Materials Information System, Ministry of the Environment, Ministry of Transportation (transport of dangerous goods), Ministry of Labour, Ontario Fire Marshal, Ontario Fire Code, and Environment and Climate Change Canada as it relates to hazardous materials. The review (Reference: Appendix A) of terminology, volumes, and organizations that most impact the work of the Hamilton Fire Department (i.e. Ontario Fire Code and Ontario Fire Marshal) are what led to the development of the proposed large-volume hazard definition. The definition will be used internally by staff and used in a policy connected to the Database and proactive Large-Volume Hazard Program Team.

Examples of highly flammable or combustible liquids that create a significant risk in large volumes include acetone, aerosols, butane, charcoal lighter fluid, diesel fuel, diethyl ethers (synthetic dyes and plastics typically found in manufacturing), ethanol, gasoline, hexane, kerosene, methanol, paint, petroleum ether, oils, organic peroxides, oxidizing substances, rubbing alcohol, varnishes etc. The inclusion of lithium batteries is due to the severity and the number of lithium battery-fire occurrences across Canada that is of concern to cities and the Ontario Fire Marshal. (See Appendix A)

Potential Number of Properties in Hamilton that could contain large volumes of hazards: To help determine the potential number of properties in Hamilton that could be storing large-volume hazards staff reviewed the Ministry of the Environment Waste Program Registry (See Appendix A); Stats Canada business counts; and GIS data to help identify an estimate of industrial, commercial, and agricultural properties that may be storing large-volume hazards that should be placed on the Database. In 2021 Hamilton had 84 businesses/locations that had generators or were carriers and receivers of hazardous liquid industrial waste as reported to the Ministry of the Environment through the Ministry's Waste Program Registry. In the same year Mississauga had 51, Toronto had 93 (includes Etobicoke, North York, and Scarborough), Windsor had 12, Ottawa had 35, and London had 29 of properties in their cities on the Waste Registry. The 2021 Statistics Canada business counts has a total of 2,394 business in Hamilton in the sectors of manufacturing (669); administration, waste management and remediation (733), and transportation and warehousing (992).

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**SUBJECT: Large Volume Hazard Storage Database and Program (HSC23068)
(City Wide) - Page 5 of 7**

Consultation and Potential Collaboration with Internal City Divisions:

Staff reached out to internal divisions such as Municipal Bylaw, Licensing, and Building that conduct regular proactive and reactive enforcement and site visits of properties related to City Bylaws and the Ontario Building Code. Based on initial conversations Municipal Bylaw, Building, and Licensing may be able to assist with identifying potential properties by letting Fire Prevention know if they find anything during their property visits. Hamilton Fire Department staff would provide background information to these teams to assist these efforts. This potential approach would help Fire build and maintain the Large-Volume Hazard Database.

Comparable City Approaches:

Staff reviewed five (5) comparable cities that included Toronto, Mississauga, Ottawa, Windsor, and London. None of these cities have bylaws requiring property owners to let their Fire Departments know when they are storing hazardous materials (flammable or combustible liquids) over a specified volume. Toronto conducts proactive site visits focused on industrial properties with their hazmat teams asking owners to share, through a walk-through of the property, what high volumes of hazardous and/or combustible liquids they store. Toronto has been quite successful with property owners sharing this information in the absence of a bylaw. In staffs' conversations with other cities Ottawa noted that they track hazmat concerns within Fire Safety Plans and some municipalities noted that the E2 Plans don't cover some high hazards due to labelling conventions (i.e. jet fuel).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

n/a

RELEVANT CONSULTATION

The external agencies and cities staff consulted included Environment and Climate Change Canada Government of Canada; Ontario Fire Marshal; Ministry of the Environment; City of Toronto; City of Mississauga; City of Ottawa; City of Windsor; and City of London.

The internal staff and divisions staff consulted include the Fire Chief, Deputy Chiefs; Licensing and Bylaw Services; Building Division; Planning and Economic Development's General Manager's Office; Clerks (FOI); and Legal and Risk Management Services.

**SUBJECT: Large Volume Hazard Storage Database and Program (HSC23068)
(City Wide) - Page 6 of 7**

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Importance of Defining Large-Volume Hazards

Varying definitions and use of the term hazardous materials is used inconsistently. Aligning with the Ontario Fire Code will provide clarity for staff and property owners/members of the public and enforcement of infractions can be dealt with through the Ontario Fire Code and Ontario Fire Marshal.

Development of a Database and Large-Volume Hazard Program

In addition to the costs and scope of creating a new by-law the recommendation of a Database and Program team comes from a review of:

- Provincial and federal legislation and definitions to ensure that the City avoids duplication of efforts and seeks opportunities to align and collaborate;
- Local and provincial data to determine community risk and associated resourcing;
- Consultation and potential collaboration with internal city divisions; and
- Better practices and approaches from similar-sized cities.

The qualitative and quantitative data staff used to determine that Hamilton would benefit from a database and proactive approach is based on community risk factors such as incident trends; estimate of potential properties in Hamilton that may be storing large volumes of hazards; overall trends related to fire and explosion and chemical release identified in the 2022 Hazard Identification Risk Assessment report; and the number of Hamilton properties on the 2021 Ministry of the Environment's Hazardous Waste Registry. The development of this approach will enable us to:

- Further align and seek opportunities to improve on the work of the 10-Year Fire Service Delivery plan and our three lines of defence: public fire safety education (prevention), fire safety standards and enforcement (compliance), and emergency response (suppression) as it relates to high-volume hazards; and
- Seek continued opportunities to collaborate with internal divisional partners and external provincial and federal agencies to increase education to property owners and the public about hazards to help reduce community risk.

The database and program would have the enhanced benefit of assisting with the goals of the 10-Year Fire Service Delivery Plan specifically assisting with:

- Reduced risk for a healthier and safer community;
- Identify resource gaps needed to mitigate increased risk to be integrated into the City's operating and capital budget process; and
- Delivering enhanced emergency preparedness, fire protection and rescue services.

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**SUBJECT: Large Volume Hazard Storage Database and Program (HSC23068)
(City Wide) - Page 7 of 7**

For example, properties that are on the database would be accessed and used by Fire's dispatch team who could provide details to Fire Suppression teams.

ALTERNATIVES FOR CONSIDERATION

Develop of a City Bylaw in conjunction with the Large-Volume Hazard Storage Program

APPENDICES AND SCHEDULES ATTACHED

Appendix A: Definitions, Legislation, Regulations, and Volumes relating to Hazardous Materials



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Hamilton Fire Department

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	October 19, 2023
SUBJECT/REPORT NO:	Hamilton Fire Department Agreement with Wounded Warriors Canada (HSC23070) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ryan Coburn (905) 546-2424 Ext. 3356
SUBMITTED BY:	David Cunliffe Chief, Hamilton Fire Department Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Fire Chief of the Hamilton Fire Department, or their designate, be authorized to enter into and execute any required agreement and any ancillary documents required to give effect thereto with Wounded Warriors Canada, the Hamilton Firefighters Association IAFF Local 288, and the Greater Hamilton Volunteer Firefighters Association, CLAC Local 911 to provide an additional layer of mental health support for all Hamilton Fire Department personnel with content acceptable to the General Manager of Community Services, and in a form satisfactory to the City Solicitor; and
- (b) That the Fire Chief of the Hamilton Fire Department, or their designate, be authorized to execute amendments and any ancillary documents related to these Agreements and any new agreements as required for access to mental health support services offered by Wounded Warriors Canada with content acceptable to the General Manager of Community Services and in a form satisfactory to the City Solicitor.

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SUBJECT: Hamilton Fire Department Agreement with Wounded Warriors Canada (HSC23070) (City Wide) - Page 2 of 5

EXECUTIVE SUMMARY

The Hamilton Fire Department is seeking the authority to formalize an agreement with Wounded Warriors Canada to provide an additional layer of mental health support for Hamilton Fire Department personnel. Wounded Warriors understands that given the complexity of operational stress injuries, no single Service, Association, or Organization will ever have a 100% solution when it comes to mental health and wellness for Canadian First Responders. This agreement will augment the City of Hamilton's Employee and Family Assistance Program through Homewood Health.

Programs offered at no cost by Wounded Warriors include trauma resiliency for individual members, their partners, as well as couple's trauma resiliency. COPE (Couples Overcoming PTSD Everyday) is a leading clinical facilitated couple's program in Canada. Additionally, there are Warriors Kids Camps and virtual programs for children and youth as well as Service Animal placement and support for those who qualify. The Hamilton Fire Department would publicize the services offered by Wounded Warriors to all members.

All programs are evidence-based and facilitated by professional clinicians. Wounded Warriors' programming is free of charge and would provide supports in concert with the City's Return-to-Work Services Division should any member require assistance.

Wounded Warriors Canada will be included as an additional mental health resource for assistance of employees/members and their families. Where applicable, the parties will work collaboratively to support each other's efforts to advance the health and wellness of their employees/members. Wounded Warriors Canada is permitted to display the Hamilton Fire Department logo on their "Service & Association Partners" section of the Wounded Warriors Canada website.

This partnership has been endorsed by both the Full-time and Volunteer Firefighter Associations: Hamilton Firefighters Association IAFF Local 288, and Greater Hamilton Volunteer Firefighters Association, CLAC Local 911, the Hamilton Fire Department's Peer Support Team and City of Hamilton's Return-to-Work Services.

Alternatives for Consideration – Not Applicable

**SUBJECT: Hamilton Fire Department Agreement with Wounded Warriors Canada
(HSC23070) (City Wide) - Page 3 of 5**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The agreement has been reviewed by Legal Services.

HISTORICAL BACKGROUND

The City of Hamilton is committed to the protection and promotion of mental health and wellbeing of all employees and recognizes that mental health is fundamental to overall health. Good mental health allows individuals to cope with normal life stress, work productively and make positive contributions to the workplace and community. The City strives to establish and maintain progressive workplace practices that promote positive mental health and wellbeing of all employees.

Workplace promotion and prevention of anti-stigma initiatives, mental health training for management, and employee assistance programs all play a role in maintaining mental health and wellbeing.

The Hamilton Fire Department recognizes that our personnel are at an ongoing risk of developing Post-Traumatic Stress Injuries because of the nature of their work and the long and short-term effects of exposure to traumatic events. Preventing Post-Traumatic Stress Injuries, providing access to trauma supports and facilitating stay-at-work and return-to-work programs are a priority within our Workplace Mental Health and Wellbeing Strategy.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Occupational Health and Safety Act

Hamilton Fire Department Policy: 0215.00 Critical Incident Stress Services

City of Hamilton Mental Health and Wellbeing Policy

Hamilton Fire Department: PTSD Prevention Plan (April 2017)

RELEVANT CONSULTATION

Staff have consulted with Return-to-Work Services, Legal Services, Hamilton Firefighters Association IAFF Local 288, and Greater Hamilton Volunteer Firefighters

SUBJECT: Hamilton Fire Department Agreement with Wounded Warriors Canada (HSC23070) (City Wide) - Page 4 of 5

Association CLAC Local 911 and Wounded Warriors Canada. Their recommendations have been incorporated in this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

If identified and treated early, mental health impacts in first responders can be temporary and reversible. Employees and leaders who understand normal reactions to stress and how to manage these reactions are more resilient. They can recover from stress, traumatic events, and adverse situations. It is possible to train people to recognize changes in their own mental health and become more resilient (Mental Health Commission of Canada).

Following any incident involving an employee(s) that could be considered traumatic and/or potentially excessively stressful, that person or crew is temporarily removed from service to allow the Peer Support Network team to respond and interact. Such incidents could include fires or other events with fatalities, serious injuries involving children, extended media coverage events, violent crime situations, prolonged time rescues, etc. These peer-led interventions are referred to as defusing's and are facilitated by Peer Team members who have been trained in a peer support role. Firefighters participate voluntarily, either individually or in a group to discuss, as a group or individually, about what occurred and how it is affecting them.

Peer Team members attempt to validate what the employee has seen, done, thought, and felt and offer strategies that promote resistance, resilience, and recovery. They also talk about internal and external referral options. This partnership with Wounded Warriors would add another external referral option for individuals to consider along with the Employee and Family Assistance Program.

SERVICES AVAILABLE FROM WOUNDED WARRIORS:

1. Trauma Resiliency (TRP) program is a clinically facilitated program that helps Veterans and First Responders acquire the necessary tools to overcome the natural and understandable effects of traumatic exposure based on a clear understanding of the physical and social effects of traumatic injury.
2. The Spousal Resiliency Program is designed for Veteran and First Responder spouses who have been exposed to operational stress injuries, such as PTSD, in their relationships.

**SUBJECT: Hamilton Fire Department Agreement with Wounded Warriors Canada
(HSC23070) (City Wide) - Page 5 of 5**

3. The COPE (Couples Overcoming PTSD Everyday) program is Canada's leading couples-based trauma program for Veterans and First Responders affected by Operational Stress Injuries (OSI).
4. The Couples Resiliency Program (CRP) has been developed to assist couples impacted by Post Traumatic and Operational Stress injuries to improve their relationship with their spouse/partner.
5. Warrior Kids Camp and Virtual Program - An evidence-informed program that builds resilient children and youth impacted by a parental Operational Stress Injury (OSI)
6. The Surviving Family Program is designed to assist immediate family members who have lost their service member loved one in the line of duty or to suicide.
7. PTSD Service Dogs and Operational Stress Intervention Dogs Programs. PTSD Service Dogs to clients who are approved for service animals. The Operational Stress Intervention Dogs provide preventative mental health care to organizations utilizing an Operational Stress Intervention Dog.

ALTERNATIVES FOR CONSIDERATION


N/A

APPENDICES AND SCHEDULES ATTACHED

None



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Hamilton Fire Department

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	October 19, 2023
SUBJECT/REPORT NO:	Hamilton Fire Department Agreement with Wounded Warriors Canada (HSC23070) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ryan Coburn (905) 546-2424 Ext. 3356
SUBMITTED BY:	David Cunliffe Chief, Hamilton Fire Department Healthy and Safe Communities Department
SIGNATURE:	

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SUBJECT: Hamilton Fire Department Agreement with Wounded Warriors Canada (HSC23070) (City Wide) - Page 2 of 5

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Alternatives for Consideration – Not Applicable

**SUBJECT: Hamilton Fire Department Agreement with Wounded Warriors Canada
(HSC23070) (City Wide) - Page 3 of 5**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The agreement has been reviewed by Legal Services.

HISTORICAL BACKGROUND

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RELEVANT CONSULTATION

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SUBJECT: Hamilton Fire Department Agreement with Wounded Warriors Canada (HSC23070) (City Wide) - Page 4 of 5

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**SUBJECT: Hamilton Fire Department Agreement with Wounded Warriors Canada
(HSC23070) (City Wide) - Page 5 of 5**

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6. The Surviving Family Program is designed to assist immediate family members who have lost their service member loved one in the line of duty or to suicide.
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ALTERNATIVES FOR CONSIDERATION

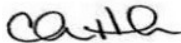
N/A

APPENDICES AND SCHEDULES ATTACHED

None



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	October 19, 2023
SUBJECT/REPORT NO:	Emergency Food Strategic Planning Committee Funding Request (HSC23072) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Colin McMullan (905) 546-2424 Ext. 3538 Mark Weingartner (905) 546-2424 Ext. 6095
SUBMITTED BY:	Chris Herstek General Manager (Acting) Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION

- (a) That the funding request made by the Emergency Food Strategic Planning Committee/Hamilton Food Share in the amount of \$1.25 million, be referred to the 2024 Tax Supported Operating Budget Process; and,
- (b) That the annual funding request by the Emergency Food Strategic Planning Committee/Hamilton Food Share be referred to the General Manager of Community Services, or their delegate, for review.

EXECUTIVE SUMMARY

On September 21, 2023, members of the Emergency Food Strategic Planning Committee Hamilton¹, made a presentation at the Emergency and Community Services Committee meeting. They requested \$1.25 million annually to address the ongoing crisis in Hamilton's emergency food system.

The proposed distribution would include \$625,000 to purchase food by Hamilton Food Share, and \$625,000 to address staffing and infrastructure expenses at partner food

¹ The Emergency Food Strategic Planning Committee is a collection of 16 local organizations that operate 23 hunger-relief programs (emergency food banks and hot meal programs) through the Greater Hamilton Area.

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**SUBJECT: Emergency Food Strategic Planning Committee Funding Request
(HSC23072) (City Wide) - Page 2 of 4**

bank agencies. These funds would flow through Hamilton Food Share to partner agencies. All parties would report annually on the disbursement and impacts of the funding.

Staff recommend that this funding request be referred to the 2024 Tax Supported Operating Budget Process, and that the annual funding requests be referred to the Grants Sub-Committee for review.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On September 21, 2023, Hamilton Food Share and Welcome Inn, representing the Emergency Food Strategic Planning Committee Hamilton, made a presentation and a financial request at the Emergency and Community Services Committee meeting.

They reported that food insecurity has steadily increased and that in the past year, the number of people accessing food banks and hunger relief programs has increased by 39 percent. In addition, donations to food banks via Federal and Provincial funding, grants from foundations, and donations from the public have declined by 60 to 80 percent. As a result, in order to meet this increasing need, Hamilton Food Share and partner agencies are required to spend more to purchase food.

The Emergency Food Strategic Planning Committee Hamilton/Hamilton Food Share has requested \$1.25 million annually to address the crisis in the emergency food system. The proposed distribution would include:

- \$625,000 to purchase food by Hamilton Food Share
- \$625,000 to address staffing and infrastructure expenses at partner food bank agencies
- Funds will flow through Hamilton Food Share, and Hamilton Food Share will report annually on the disbursement and impacts of the funding

The Emergency and Community Services Committee instructed staff to consider this request and return with recommendations.

**SUBJECT: Emergency Food Strategic Planning Committee Funding Request
(HSC23072) (City Wide) - Page 3 of 4**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

There are no policy implications or legislated requirements associated with Report HSC23072 at this time. There may be policy implications when considering this request in the context of the 2024 Tax Supported Operating Budget Process and the 2024 Community Enrichment Fund process.

RELEVANT CONSULTATION

Staff in Finance and Corporate Services and Government Relations and Community Engagement were consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Many residents of Hamilton continue to struggle with housing and other basic needs. This has been exacerbated in recent years by higher interest rates, a significant increase in the cost of groceries, and decreasing availability of safe and affordable housing.

The emergency food system is an important part of Hamilton's support system and a vital part of homelessness prevention. People often have to choose between paying the rent and purchasing food for themselves and their families. Hamilton Food Share reports a 39% increase in household visits over 2022, and a 39% increase in children served².

In their September 21, 2023 presentation to the Emergency and Community Services Committee, Hamilton Food Share reported that the food security system is in crisis and food banks need support. Prior to the Pandemic, Hamilton Food Share's annual food purchasing budget was approximately \$200,000. To meet demand and ensure member agencies can continue to operate in 2023, Hamilton Food Share estimates it will cost them \$1.4 million to purchase food. The primary driver of this crisis is increased need and a decrease in donations and funding.

This phenomenon is not isolated to Hamilton or even Ontario. Food Banks Canada reports similar poverty and food insecurity challenges across the country³.

The City of Hamilton is responding through numerous strategic and planning initiatives as well as direct funding contributions to community partners. In 2023, the City of Hamilton invested \$908,635 to support Hamilton Food Share and the broader emergency food

² Hamilton Hunger Report 2023, Hamilton Food Share

³ Poverty Report Cards 2023, Food Banks Canada

**SUBJECT: Emergency Food Strategic Planning Committee Funding Request
(HSC23072) (City Wide) - Page 4 of 4**

system (see Table 1). Many of these contributions have been one-time or through an annual granting process as noted below.

Table 1: City of Hamilton 2023 funding to support Hamilton Food Share and the Emergency Food System.

Organization	Program	Funding Source	Amount
Hamilton Food Share	Emergency Food Assistance	Housing Services (annual)	135,730
	Menstrual Products	Early Years Reserve Fund (one time)	91,000
	Food Procurement	Community Enrichment Fund (annual, application required)	56,200
Food Bank Partner Agencies	Community Enrichment Fund	Community Enrichment Fund (annual, application required)	265,200
EarlyON Child and Family Centre Operators	Food Insecurity Projects for Families	Early Years Funding (100% provincial) (one time)	360,500
Total 2023 Funding			\$908,635

Staff recommend that the Emergency Food Strategic Planning Committee Hamilton/Hamilton Food Share's request be considered in the context of similar funding requests, other investments in food security and the Community Enrichment Fund process.

ALTERNATIVES FOR CONSIDERATION

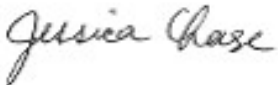
None

APPENDICES AND SCHEDULES ATTACHED

None



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Children's and Community Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	October 19, 2023
SUBJECT/REPORT NO:	Early Years Community Plan 2023 Update (HSC23063) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Rachelle Ihekwoaba (905) 546-2424 Ext. 5909 Shawna Scale (905) 546-2424 Ext. 3724
SUBMITTED BY:	Jessica Chase Director Children's and Community Services Division Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION

- (a) That Hamilton's Early Years Community Plan 2023, attached as Appendix "A" to report HSC23063, be approved, and
- (b) That staff be authorized to implement Hamilton's Early Years Community Plan 2023 Update

EXECUTIVE SUMMARY

Hamilton's Early Years Community Plan 2016-2020 is a foundational document that remains relevant today to support coordinated, systems-wide action and transformational change in our local early years system. As part of our requirements as a Consolidated Municipal System Manager for early years services, Hamilton is required to update its early years plan every five years and obtain approval from Council.

Significant progress has been made on the original priorities outlined within Hamilton's Early Years Community Plan 2016-2020. A list of achievements show advancement in a number of key areas, including equity, diversity, inclusion and belonging and systems stabilization and sustainability during, and coming out of, the COVID-19 pandemic.

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SUBJECT: Early Years Community Plan Update (HSC23063) (City Wide) - Page 2 of 6

The Hamilton Early Years Community Plan 2023 Update was developed based on engagement with the local early years community and system partners. The plan provides an overview of the priorities and action areas required to support transformative systems change and ensure responsiveness to both community and system needs. These changes require dedication, commitment and coordinated focus from Hamilton's early years community, systems partners, combined with City of Hamilton leadership.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

The City is the Consolidated Service System Manager for Child Care and EarlyON Child and Family Centres across Hamilton. The below chart shows the 2023 approved budget for childcare and early years:

Funding Source	2023 Approved Budget
Ministry of Education provincial funding	\$161,798,759
Net levy municipal contribution	\$ 8,597,408
Total	\$170,396,167

Hamilton's Early Years Community Plan 2023 Update will be implemented through this existing budget as well in collaboration with many community partners offering early years related services and supports across Hamilton. There are no additional net levy impacts at this time.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The Hamilton Early Years Community Plan 2023 Update report continues to build on the foundational plan established in 2016. The strategic priorities outlined in the original Hamilton Early Years Community Plan 2016-2020¹ have remained relevant over time. In response to a continuously changing landscape and shifts in community demographics and needs, annual emphasis has been placed on the most salient priorities and emerging opportunities. As outlined in Hamilton's Early Years Community Plan 2023 Update, we continue to focus on advancing transformative, system-wide change and impact that will allow us to make Hamilton "the best place to raise a child and age successfully".

¹ Hamilton Early Years Community Plan 2016-2020: <https://www.hamilton.ca/sites/default/files/2022-08/earlyyears-services-community-plan-2016-2020.pdf>

SUBJECT: Early Years Community Plan Update (HSC23063) (City Wide) - Page 3 of 6

The purpose of this update is to highlight where the system will focus its collective efforts in the coming years. While there is some uncertainty in the environment (for example, the system is currently anticipating the release of a new Ontario funding model for the Canada-Wide Early Learning and Child Care system), the Hamilton Early Years Community Plan provides a roadmap to collectively respond as a system. Our intention moving forward is to strengthen our ability to be flexible and responsive to meet the needs of Hamilton's children, families and caregivers, and early years community.

The following is a high-level summary of work undertaken since the last 2019 Early Years Community Plan progress update. While not an exhaustive list, it highlights progress and impact made in key areas in response to local needs and opportunities:

- 2019: Building Strong Foundations (first two years into plan)
 - o Established and refined a new organizing structure to support systems change which embedded a focus on equity and engagement, and focused attention on early years workforce stabilization and infant and early years mental health, based on identified community need
- 2020: Systems Stabilization and Sustainability (COVID-19 pandemic)
 - o Worked collaboratively with early years community operators and Public Health to ensure that the local child care system could operate safely and remain viable, accessible and responsive to the unique situations and needs of its children, families and caregivers.
 - o Pivoted to outdoor and virtual programming in EarlyON Child and Family Centres to allow for continued offering of, and expanded options for, services to children, families, and caregivers at 35 locations across Hamilton.
- 2021: Addressing Early Years Workforce Challenges (pandemic recovery)
 - o Implemented policies and procedures to support safe and successful reopening of early years programs and services and reduce any service disruptions for families and caregivers.
 - o Developed a Workforce Strategy to respond to critical staffing challenges experienced post-pandemic
 - o Provided grants and mentorship opportunities to 227 early years staff and 95 Early Childhood Education students to address recruitment and retention challenges
- 2022 and 2023: Adopting and Advancing a System-Wide Approach to Equity, Diversity, Inclusion and Belonging
 - o Advanced foundational work to embed equity across the early years system which included finalizing an Equity, Diversity, Inclusion and Belonging Action Planning Framework and hiring a dedicated staff to advance this work.

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

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

SUBJECT: Early Years Community Plan Update (HSC23063) (City Wide) - Page 4 of 6

- Implemented an affordability grant pilot project for families accessing before and after school care which reduced the cost to \$15/day for before and after school programs
- Implemented the Canada Wide Early Learning and Child Care Program locally which resulted in an estimated annual savings per child for eligible families of \$3600 in 2022 and \$9100 in 2023.
- Launched the Infant and Early Years Mental Health Care Pathway for children 0-3.8 years old to help streamline the referral process and facilitate access to the right level of care for families with concerns about their child's development.
- Launching Hamilton's Child and Youth Network to provide strategic advice and collectively respond to changes in the broader human services sector that will impact and contribute to the goals of Hamilton's Early Years Community Plan and Youth Strategy

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The legislation that governs the provision of childcare and early years in Ontario is the *Child Care and Early Years Act, 2014*, and the *Education Act*, and the *Early Childhood Educators Act, 2007*.

Hamilton's Early Years Community Plan Update aligns with the above legislation and requires approval from Council. Once approved, the Plan must be available to the public and shared with the Ministry of Education.

RELEVANT CONSULTATION

To ensure that Hamilton's Early Years Community Plan remains relevant and responsive, City staff consulted with the early years community and system partners.

On April 25 and 26, 2023, the City of Hamilton's Children's and Community Services Division hosted three community engagement sessions to assist with the update of its Early Yearly Community Plan. A total of 217 community partners attended these sessions focused on 'Mobilizing Equity, Diversity, Inclusion and Belonging in Hamilton's Early Years System'. Participants included a variety of home, centre-based and co-op child care operators, EarlyON providers, City representatives and other early years system partners representing health, social services, child development, and family support.

The consultation sessions focused on providing an overview of a draft Equity, Diversity, Inclusion and Belonging Policy and sharing Hamilton's Canada Wide Early Learning and Child Care Access and Inclusion Framework. Participants were invited to provide their input during facilitated discussions to share feedback and identify gaps, challenges

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and opportunities to inform the next iteration of Hamilton's Early Years Community Plan 2023 Update.

Participants identified the need for intentional and aligned strategies at the Individual, Community and Systems Level to enable meaningful and transformative change.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The following strategic insights, identified through the community engagement process, will inform the priorities and work of the system, moving forward:

- Focus on inclusion and belonging
- Shifting mindsets
- Balancing consistency and flexibility
- Implementation supports

The first phase of work will invest in champions, establishing mechanisms to build capacity at multiple levels across the system, and enabling the exchange of knowledge/promising practices.

Based on input and identified needs shared by the early years community and system partners, Hamilton's Early Years Community Plan 2023 Update includes a focus on the following priorities:

- A continued system-wide focus on **equity, diversity, inclusion and belonging and access and inclusion** to ensure the early years system is reflective of the children and families it serves, with mechanisms in place to successfully implement, measure progress and monitor activities.
- Focused action to support Hamilton's **early years workforce** to continue to grow, attract, retain, and enhance a high quality, diverse local early years workforce to sustain the system.
- Ensuring child care **accessibility, affordability, and expansion** through the implementation of the national child care plan in Hamilton.
- A systems approach towards children in their '**middle years**' (ages 7-14) to improve coordination across sectors for children and their families and support successful, seamless transitions from birth to young adulthood.
- Enhancements to support **system-wide coordination and partnership** by working to coordinate and collaborate to ensure a seamless service experience for Hamilton's children and families.

In collaboration with Hamilton's early years community and systems partners, the Children's and Community Services Division looks forward to advancing the priorities

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**SUBJECT: Early Years Community Plan Update (HSC23063) (City Wide) - Page 6
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and work identified within Hamilton's Early Years Community Plan 2023 Update, and requests that Council approve and authorize staff to implement work related to this plan.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix A: The Hamilton Early Years Community Plan Update (2023 and beyond)

Appendix B: The Hamilton Early Years Community Plan Update 2023 Environmental Scan



Hamilton's Early Years Community Plan **2023 UPDATE**



1. INTRODUCTION & PURPOSE

Hamilton's Early Years Community Plan 2023 Update report continues to build on the foundational plan established in 2016 and updated in 2019. The strategic priorities outlined in the [2016-2020 Plan](#) have remained relevant over time. In response to a continually changing landscape and evolving community demographics and needs, subsequent plans have placed emphasis on relevant priorities and emerging opportunities. We continue to focus on transformative, system-wide change and impact that will allow us to make Hamilton the best place to raise a child and age successfully.

The purpose of this update is to highlight where Hamilton's Early Years System will focus its collective energy and efforts in the coming years. While there is uncertainty in the environment, for example, the system is currently anticipating the release of a new Ontario funding model for Canada-Wide Early Learning and Child Care (CWELCC), we recognize our abilities to collectively work as a system to meet challenges and opportunities head on. Our intention moving forward is to continually strengthen our ability to be flexible and responsive.

Hamilton's Early Years Community Plan 2023 Update and accompanying Environmental Scan provide a snapshot of Hamilton's children and families and its early years system. This update reaffirms our vision and focus of Hamilton's Early Years Community Plan in 2023 and beyond.

We are proud of the collective efforts of all the staff, administrators and volunteers working across Hamilton's early years system and partner agencies. Their continued support and commitment will ensure the ongoing success of this plan and our system.

2. SUMMARY OF ACCOMPLISHMENTS

The following is a summary of high-level pieces of work that have emerged since the release of the [EYCP 2016-2020 Progress Update](#) in the summer of 2019. This is not an exhaustive list of accomplishments, but instead a summary of progress made in key areas in response to changing needs and opportunities.

<p>2019 (2 years into the 2016-2020 plan)</p>	<p>BUILDING STRONG FOUNDATIONS:</p> <ul style="list-style-type: none"> • Established and refined the new organizing structure which embeds an equity and engagement advisory group/lens • Significant progress in the following priority areas <ul style="list-style-type: none"> ▪ Child care system planning and stabilization ▪ Family support programs (EarlyON Child and Family Centres), ▪ Special needs resourcing and strategy, and ▪ Quality • Strides in addressing new strategic priorities that emerged in response to community needs <ul style="list-style-type: none"> ▪ Infant and early years mental health ▪ Early years work force
<p>2020 (COVID-19 Pandemic)</p>	<p>FOCUSING ON SYSTEM STABILIZATION & SUSTAINABILITY:</p> <ul style="list-style-type: none"> • Worked collaboratively with child care and early years operators to ensure that the child care system could operate safely and remain viable and responsive to family needs • Pivoted to virtual learning platforms to allow for continued professional learning and support services • Continued to address the needs of diverse families in our community, ensuring access to programs and services • Implemented outdoor and virtual programming in EarlyON CFCs to continue offering services to families and caregivers • Recorded Embracing Inclusion podcasts for use by early years workforce

<p>2021 (coming out of the pandemic)</p>	<p>ADDRESSING EARLY YEARS HR WORKFORCE CHALLENGES:</p> <ul style="list-style-type: none"> • Implemented policies, procedures and resources to support the early years system to ensure no service disruptions during the transition with community partners • In response to critical challenges coming out of the pandemic, developed the Workforce Strategy Plan for implementation in 2022/2023 • Continued to provide professional learning opportunities for early learning and child care professionals • Reconvened critical EYCP organizing structure committees and advisory groups • Hosted an early years community virtual celebration & recognition session
<p>2022 (renewed commitment to foundational system-wide strategies)</p>	<p>ADOPTING A SYSTEM-WIDE APPROACH TO STRENGTHEN EQUITY, DIVERSITY, INCLUSION AND BELONGING (EDIB):</p> <ul style="list-style-type: none"> • Placed increased emphasis on foundational work to embed EDIB across Hamilton’s early years system, and lead to transformative change strategies <ul style="list-style-type: none"> ▪ EEAG developed an action planning framework ▪ <i>City hired a Human Services Equity Specialist to advance and support EDIB work across the Children’s and Community Services Division</i> • Investments made to sustain, enhance, grow and attract the early years workforce, including workforce grants, professional development days, and covering cost of ASCY’s professional learning fees • Implemented the Canada Wide Early Learning and Child Care Program
<p>2023 (moving forward as a system)</p>	<p>ADVANCING EDIB ACROSS THE SYSTEM:</p> <ul style="list-style-type: none"> • Finalized a local EDIB framework for the system • Launched the Infant and Early Mental Health Care Pathway for 0-3.8 year old children • Embedded EDIB into the Quality Program • Provided training specific to special needs resources and inclusion • Initiated a new funding framework for local EarlyON CFCs • Continued to invest in activities to sustain, enhance, grow and attract the early years workforce • Developed an Access & Inclusion framework to guide child care expansion for the next several years • Implemented an affordability grant for families accessing before and after school care • Launch of Hamilton's Child & Youth Network bringing together leaders across early years system to collectively plan and strengthen outcomes for children, youth and families

Refer to Hamilton's Early Years Community Plan Updates for additional information at [Early Years Community Partners Resources](#).

3. DEFINING THE LANDSCAPE

Demographic Snapshot of Hamilton’s Children & Families

Hamilton’s Overall Population is Growing

In 2021, Hamilton’s population was 569,355. Between 2016 and 2021, the population of Hamilton grew by 32,435 individuals for a population growth of 6.0%, surpassing the provincial average of 5.8%.¹

Hamilton’s population is predicted to grow to approximately 809,660 individuals by 2046². This represents a population growth of approximately 38% over the next 25 years. This is in line with population growth projections for the province as a whole (38%).

Hamilton’s Child and Family Populations Continue to Grow

In 2021, Hamilton had 91,240 children aged 0 to 14 years of age. See Table 1 for age breakdowns.

Between 2016 and 2021, Hamilton’s child population growth varied across the city. Parts of Glanbrook, Upper Stoney Creek, and Flamborough East experienced relatively large gains in the number of children 0 to 6 years of age compared to other areas of the city (see dark green areas in Figure 1) between 2016 and 2021.

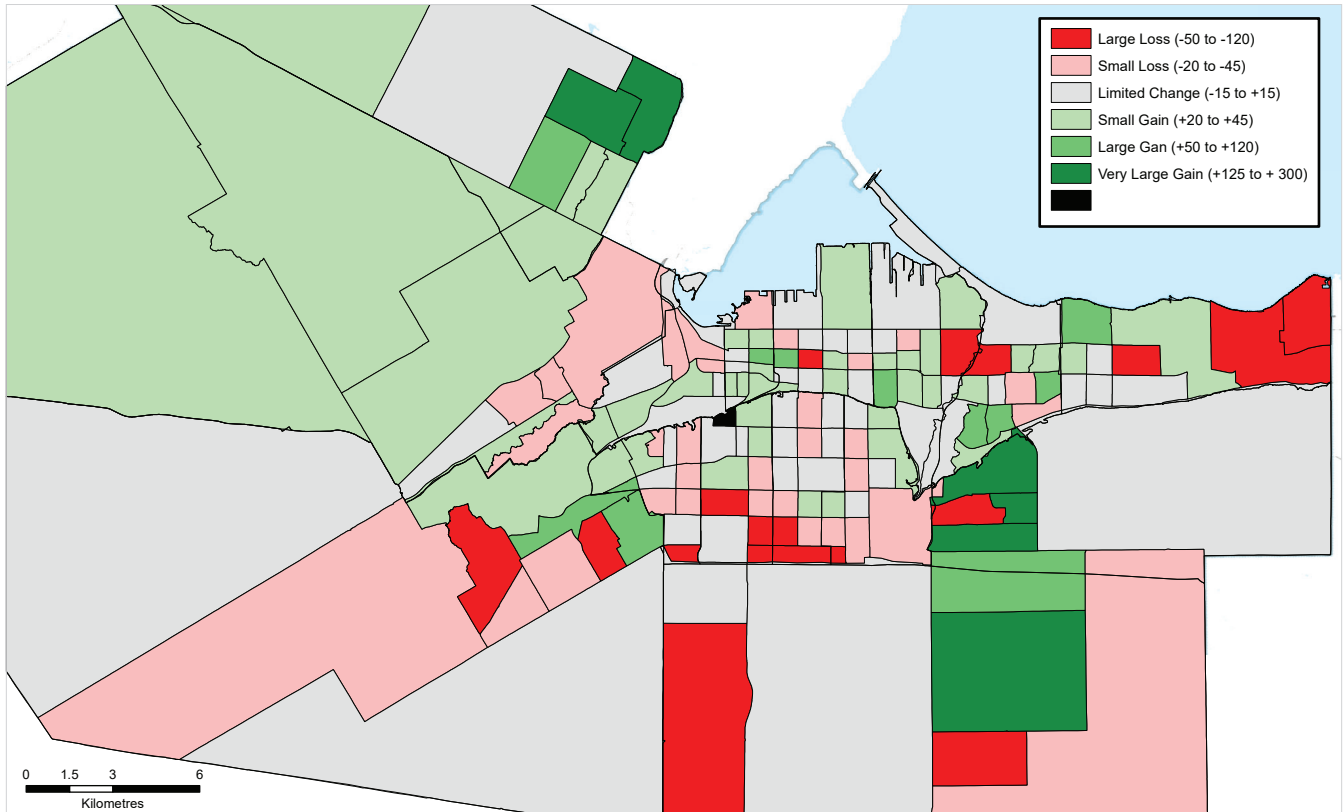
Table 1. Child Population by Age Group, City of Hamilton 2016 and 2021

Age Group (years)	2016	2021
0-4	28,275	29,100
5-9	29,355	30,695
10-14	29,485	31,445
TOTAL 0-14	87,115	91,240

Source: Statistics Canada Census data, 2016 and 2021 accessed through the City of Hamilton's [City Dashboard](#).

1 Statistics Canada 2021 Census data derived from custom tabulations obtained by the City of Hamilton and accessed through the City of Hamilton's [City Dashboard](#).
 2 Ontario Ministry of Finance. [Ontario Population Projections Update, 2021-2046](#). Updated Summer 2022.

Figure 1. Gain/Loss Counts of Children Aged 0 to 6 Years from 2016 to 2021 by Census Tract, City of Hamilton



Source: Statistics Canada. Census 2016 and 2021. Obtained through City of Hamilton, Children’s and Community Services Division.

Hamilton’s Population is Increasingly Diverse

- In 2021, 92% of people living in Hamilton spoke English only, 6% (or 32,630) speak both English and French, 0.1% (or 410) speak French only, and 2% (or 10,435) speak neither English nor French.
- In 2021, 28.2% (or 158,185) of Hamilton residents were born outside of Canada compared to 25.9% (or 136,590) in 2016.
- In 2021, Hamilton was home to 20,145 recent immigrants³ and 12,640 non-permanent residents.
- 25.1% (or approximately 141,000) of Hamilton’s population identified as belonging to a visible minority in 2021 compared to 19.0% (or approximately 100,100) in 2016.

TOP 5 NON-OFFICIAL LANGUAGES SPOKEN IN HAMILTON (2021)

1. Arabic 2. Italian 3. Spanish 4. Chinese Languages 5. Portuguese

To learn more about Hamilton’s population see Hamilton's Early Years Community Plan 2023 Environmental Scan.

³ Recent immigrant refers to a person who obtained a landed immigrant or permanent resident status up to five years prior to a given census year.

Health & Well-Being of Children & Families in Hamilton

Early Childhood Development

The Early Development Instrument (EDI) is a tool that is widely used around the world to monitor the state of early childhood development. The EDI questionnaire is completed by kindergarten teachers measuring children's ability to meet age-appropriate developmental expectations.

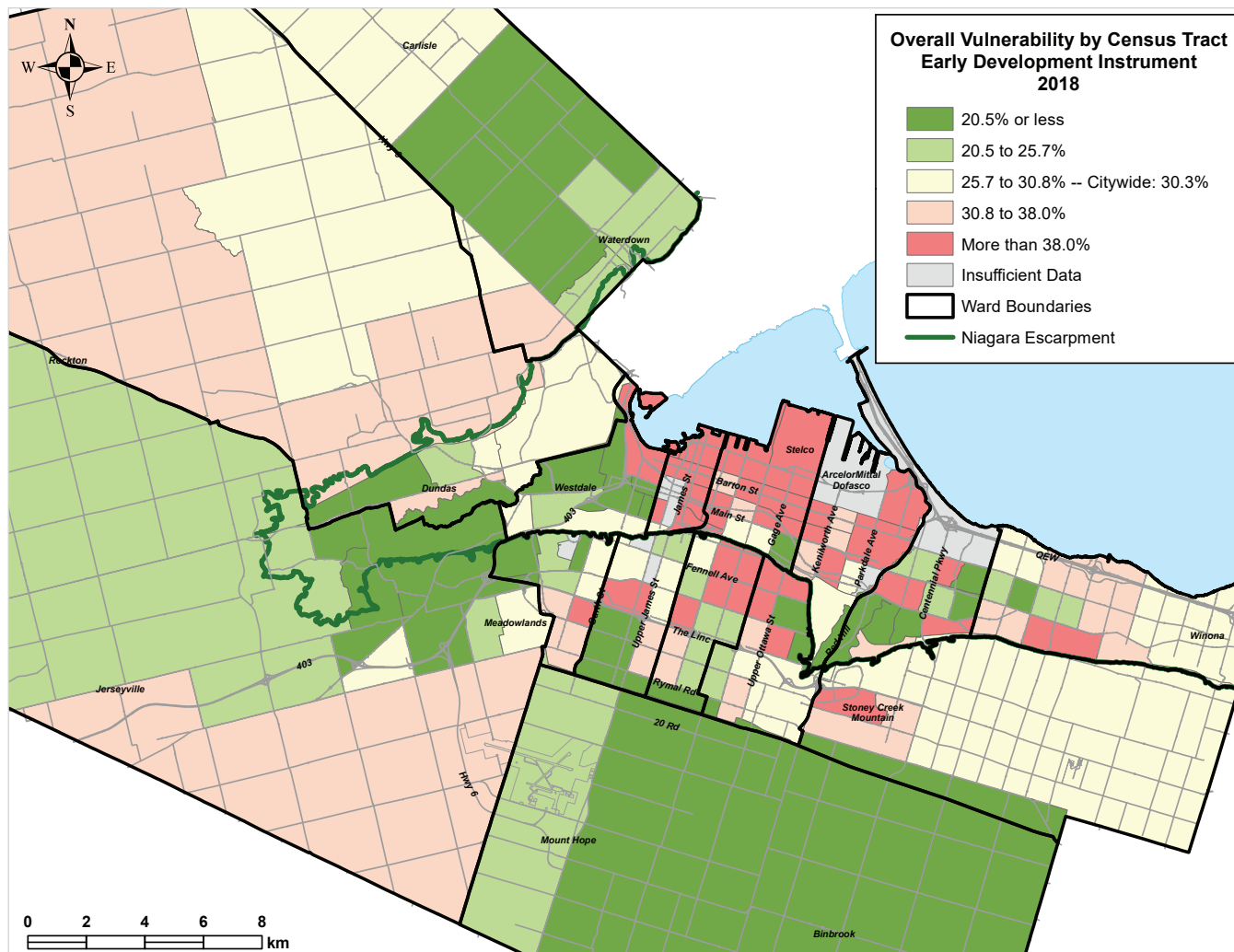
In 2018, the EDI was implemented in Hamilton schools representing 4,972 children in Senior Kindergarten.

- Almost 1 in 3 (30.3%) children in Senior Kindergarten in Hamilton were vulnerable in one or more areas of their development in 2018. This is a small decrease, or improvement, from 30.7% in 2015.
- Children in Hamilton scored slightly more vulnerable than the provincial average (30.3% vs 29.6%) in 2018.
- Vulnerability rates vary greatly from 16% to 52% across Hamilton's neighbourhoods. EDI vulnerability is highest (over 38%) in numerous neighbourhoods in the lower city (within Wards 2, 3 and 4 primarily) but also in pockets on Hamilton Mountain (north of the Linc). See dark red areas on Map 1.

Once available, data from the most recent implementation of the EDI in Hamilton -- completed at the end of the 2022-2023 school year -- will be analyzed, reviewed and shared in a timely manner with our early years community, system partners and the public, to help support planning and implementation of universal and targeted support and activities across the system to address vulnerability.

Vulnerability describes the children who score below a standard score in any domain. Higher vulnerability indicates a greater percentage of children are struggling. The vulnerability rate has been shown to be a strong predictor of future school success.

Map 1. Overall Vulnerability by Census Tract, Early Development Instrument 2018.



Source: EDI 2018 obtained through City of Hamilton, Children’s and Community Services Division.

Highlights from Ontario Parent Survey (Hamilton-Specific Results)

The Ontario Parent Survey aims to help understand how families and children have been affected by the lockdown due to Covid-19, and what services families and caregivers may need. Findings from the OPS Third Wave (2022) indicate COVID-19 has negatively impacted parents’ and children’s mental health and well-being. For example:

- 30% of parents reported a loss of income and 22% of families reported ‘moderate to major’ impact on their ability to meet financial obligations and essential needs
- 71% of parents reported significant depressive symptoms and 40% of parents reported needing help for mental health but did not seek help
- 39% sought professional care for child’s mental health
- 12% reported that their child needed help for mental health but did not seek help
- 31% indicated that COVID-19 had ‘a lot’ to ‘a great deal’ of negative impact on their children’s mental and emotional health

See Hamilton’s Early Years Community Plan 2023 Environmental Scan, section 3, for more on the health and well-being of children and families in Hamilton.

Hamilton’s Early Years System

The City of Hamilton’s Early Years System aims to make Hamilton the best place to raise a child and the best place to be a child. This involves ensuring that Hamilton families have access to high-quality, affordable, flexible and inclusive early years services and programs. This section provides a high-level overview of Hamilton’s Early Years System. For details, see section 4 of Hamilton’s Early Years Community Plan 2023 Environmental Scan.

Canada-Wide Early Learning and Child Care System

In March 2022, Ontario reached a \$13.2 billion agreement with the federal government on funding for and the terms of a CWELCC system. The new system will lower child care costs and improve access, quality and inclusion across Ontario’s child care and early years sector. In Hamilton, 96% (215) of eligible child care operators have opted in to CWELCC.

Early Years Funding and Budget

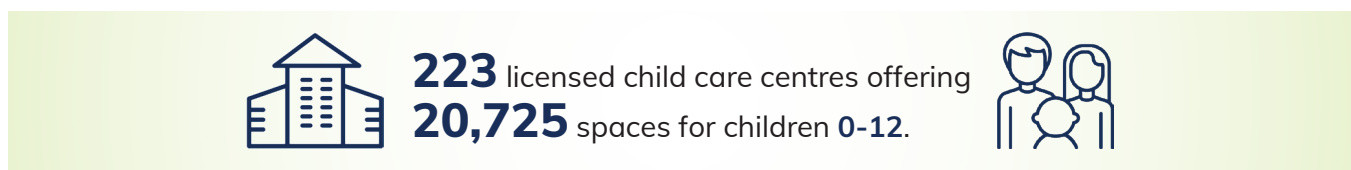
In 2022, Hamilton’s Early Years System had a total operating budget of \$104.3 million. The majority of the budget was allocated towards:

- Funding to support child care wages (**\$23.4M**)
- Child care fee subsidy (**\$21.7M**)
- Child care fee reduction through CWELCC (**\$21.4M**)

The remaining operating budget (**\$37.8M**) was allocated to Special Needs Resourcing, EarlyON Child and Family Centres, early years system priorities, administration, resource centres, and capacity and emergency supports.

Access to the Early Years System

Hamilton’s Licensed Centre-Based Child Care by the Numbers (March 2023)



This includes:

- **3** licensed French language licensed child care centres⁴ serving **280 spaces** (infant to school-age)
- **1** Indigenous-led child care centre⁵ serving **73 spaces** (infant to preschool)
- **59%** of licensed child care centres are located within a school
- **31%** of all spaces are for younger children (infants, toddlers and preschoolers) (Table 2)
- **11%** increase (1,975 spaces) in the number of licensed centre-based child care spaces between December 2019 and March 2023 (see Table 2) with the infant and toddler age groups seeing the highest percent increase.

4 Hamilton’s three French language child care centres are: La Garderie Le Petit Navire, Le Ballon Rouge De Hamilton, and Pavillon de la Jeunesse avant et après l’école.

5 Niwasa Kendaaswin Teg is a multi-service, Indigenous non-profit that provides services and supports to all people across the life cycle.

Table 2. Number of Licensed Centre-Based Child Care Spaces by Age Group in Hamilton, Dec 2019 vs Mar 2023

Child Care Age Group	Number of spaces in Hamilton	
	Dec. 2019	Mar. 2023
Infant (0-18 months)	379	546
Toddler (18-30 months)	1,782	2,094
Preschool (30 months to 4 years)	3,990	4,409
Kindergarten (4-5 years)	5,155	5,547
School Age (6-12 years)	7,444	8,129
TOTAL	18,750	20,725

Source: City of Hamilton Children's and Community Services Division (2022).

Hamilton's Licensed Home Child Care by the Numbers (March 2023)

- **3** home child care agencies ⁶
- **134** licensed home-based child care operators
- approximately **804** licensed-home child care spaces⁷

Child Care Expansion for Children 0 to 5 years Through an Access and Inclusion Framework

Child care spaces are not equitably distributed across the City of Hamilton and few wards are meeting the provincial child care access target of 37%.⁸ This is especially the case in parts of the lower city (Wards 3 and 4), central and east mountain (Wards 6 and 7) and to some extent in Glanbrook (Ward 11) (Refer to Table 3).

Under CWELCC, the City of Hamilton has been allocated 1,687 new child care spaces between 2022 and 2026 consisting of a total 254 new school-based spaces and 1,433 new community-based spaces, based on an access and inclusion framework.

Hamilton's child care expansion will focus on children with special needs, families with low income, those who are most vulnerable, children from diverse communities, Francophone children, and Indigenous children. Early analysis by the City has demonstrated a need to prioritize child care expansion in four city wards:

- **Ward 6:** East Mountain
- **Ward 7:** Central Mountain
- **Ward 3:** Hamilton Centre
- **Ward 4:** East Lower Hamilton

See Appendix A for the City of Hamilton's Access and Inclusion Framework.

⁶ Today's Family, Wee Watch Galbraith and Wee Watch Golfwood are Hamilton's three home child care agencies.

⁷ This is an estimated number based on potential availability given each licensed-home child care operator can provide care for up to 6 children. Actual numbers will differ based on operator actuals.

⁸ This is equivalent to there being one affordable child care space available for every 2.7 children aged 0-5 years.

Table 3. Licensed Child Care Capacity by Child Care Age Group and City Ward, City of Hamilton, February 2023

Ward	Infant Access Rate (%)	Toddler Access Rate (%)	Pre-school Access Rate (%)
Ward 1	13	59	65
Ward 2	13	50	84
Ward 3	4	31	37
Ward 4	3	17	33
Ward 5	7	30	42
Ward 6	0	9	18
Ward 7	1	21	34
Ward 8	0	47	72
Ward 9	9	52	70
Ward 10	11	52	53
Ward 11	4	17	32
Ward 12	6	36	58
Ward 13	0	39	45
Ward 14	15	67	102
Ward 15	15	59	80

Source: City of Hamilton Children’s & Community Services Division.

EarlyON Child and Family Centres

EarlyON Child and Family Centres (EarlyON CFC) offer free, high-quality programs for children from prenatal to 6 years old and their families where they can learn, grow and connect, together. At EarlyON CFC, families can learn and play with their child(ren), meet people, and get advice from early childhood educators and other professionals. Refer to Hamilton’s EarlyON CFC at a Glance chart on page 11 for details.

In 2023, the City of Hamilton initiated a review of their current EarlyON CFC funding model to ensure this system is inclusive, equitable, and responsive to the unique needs of its participants. Engagement and buy-in from Hamilton’s EarlyON CFC operators are important elements that were built into this process. We anticipate this funding review will be completed in early 2024 and that changes to programs and services resulting from this review will be implemented in January 2025.

HAMILTON'S EARLYON CHILD AND FAMILY CENTRES AT A GLANCE

- **8** agencies offering programs at **35** locations
- This includes Niwasa Kendaaswin Teg offering an early learning environment that follows Indigenous teachings and knowledge as well as Centre de Sante Communautaire – Hamilton/Niagara offering French language programming and supports.
- **6,926** unique parent and **9,062** unique children (ages 0 to 6 years) visited Hamilton EarlyON programs for a total of **70,175** parent and **92,808** child visits between May 2022 and April 2023.
- **1 in 4** children ages 0-4 years living in Hamilton visited an EarlyON CFC at least once from May 2022 – April 2023.
- **80-90%** of 1000+ Hamilton families agreed they had positive experiences visiting an EarlyON

Source: City of Hamilton Children's & Community Services Division.

Affordability of the Early Years System

Quality licensed child care often comes at a significant financial cost to families. In 2022, the average full time, full day rate for child care ages 0-6 in Hamilton was \$59.12. Child care daily rates are highest for infants and lowest for preschool age (Table 4).

Table 4. Average Daily Child Care Rates per Full Time, Full Day by Child Care Age Group, Hamilton 2022

Child Care Age Group	Pre-CWELCC Rate	Post-CWELCC Rate
Infant (0 to 18 months)	70.80	33.39
Toddler (18 to 30 months)	56.98	26.89
Preschool (30 months to 6 years)	49.59	23.41
Average (0 to 6 years)	59.12	27.90

Source: City of Hamilton Children's & Community Services Division

Fee Reduction and Subsidy for Families

- CWELCC funding aimed at reducing the cost of child care resulted in an estimated annual savings of per child for eligible families of approximately \$3,600 in 2022 and \$9,100 in 2023.
- An average of 4,200 children each month receive child care fee subsidy, which supports low-income parents.
- There are no children waiting for a fee subsidy approval in Hamilton.

Quality of the Early Years System

High quality early years services and programs substantially influence children’s development and well-being. Evidence shows that high quality early learning and child care programs support development and positively impact children.⁹

Hamilton Early Years Quality Program

The Hamilton Early Years Quality Program (HEYQP) cultivates high-quality, responsive and accountable relationships with the early years community at all levels of an organization for the benefit of children, educators and families. Quality directly impacts the services provided to families and children in the early years system and community. Participation in the quality program is a fundamental foundation for all early learning and child care operators that have funding agreements with the City of Hamilton. Hamilton’s early learning and child care community embraces, nurtures and commits to building meaningful, authentic opportunities for educators, families, children and communities for diverse, high-quality, inclusive learning, growth through continuous improvement.

HEYQP HIGHLIGHTS



2022 HEYQP Supports

- **73** City and Affiliated Services for Children and Youth (ASCY) quality visits were completed with operators
- **182** professional learning opportunities offered including workshops, podcasts, Infant and Early Years Mental Health Symposium, etc.
- **10,300+** participated in professional learning opportunities
- **45+** professionals participating in Side by Side mentorship



2022 HEYQP Accomplishments

- **360+** Early Years program sites participated in HEYQP
- **3%** of system sites experienced intensive quality monitoring to support change. This is down from 23% in 2017 and 21% in 2018 reflecting overall system quality improvements
- **99%** change was observed for those who experienced intensive monitoring for continuous improvement

Source: City of Hamilton Children’s & Community Services Division.

9 OECD. (2018). Early Learning Matters.

Early Years Workforce

A qualified, stable and well-compensated early years workforce is the foundation of high-quality early years services and programs. Historically, the early years system has experienced workforce challenges due to low compensation and working conditions. The cumulative impacts of responding to the COVID-19 pandemic have intensified the challenges.

- Currently, RECEs that work in the early years and child care sector earn an average of \$22.45/hour in Hamilton, compared to RECEs that work for the school boards which make an average of \$27/hour.
- In 2022, 1,723 child care staff received the Wage Enhancement Grant (WEG). Two thirds of recipients (66%) work in non-profit licensed child care centres and the remaining third work in for-profit licensed child care centres.
- Recent survey responses from a RECE professional learning event¹⁰ indicate the top factors in attracting and retaining a high quality, diverse workforce include:
 - Positive work conditions
 - Relationships with co-workers
 - Career growth
 - Good wages

Equity, Inclusion and Belonging

Early years services and programs play a critical role in supporting equity, diversity, inclusion and belonging (EDIB) in the early years and the community-at-large. Hamilton's early years system has set a goal of strengthening equity, diversity, inclusion and belonging in order to bring to life our vision that all children and families experience a real, lived sense of belonging in the early years system.

For several years, the Equity and Engagement Advisory Group has focused its efforts to support Hamilton's early years system, resulting in the completion of an action planning framework to guide activities being undertaken across the system by ensuring the needs and perspectives of diverse children and families are continually considered. Priority activities within this framework include:

- Implementing a survey to understand the composition of the local early years system workforce
- Prioritizing equity, diversity, inclusion and belonging learning and capacity building for early years staff and system leaders
- Updating the Hamilton Early Years Quality Program System Priority Template with an increased focus on Equity, Diversity and Inclusion
- Developing an Equity, Diversity, Inclusion and Belonging (EDIB) Policy Statement. (Refer to Appendix B - Draft EDIB Policy Statement)

10 It's Your Day! Embracing the Early Years Virtual Professional Learning Day on April 22

Special Needs Resourcing Program

The City of Hamilton is committed to delivering inclusive services where children with varying abilities are experiencing diverse, meaningful ways to participate and successfully learn. Community partners work together with early learning and child care providers, educators and professionals to ensure families and children have access to and experience diverse, inclusive learning communities.¹¹ Special Needs Resourcing funding supports the early years system with resources, equipment, supplies, professional development, such as Shelley Moore professional learning events, Tools for Life (TFL) for Early Years, and evidence-based pedagogical and inclusion practices to plan, inform and deliver high-quality, inclusive services for families with children who have varying abilities. The evidence demonstrates that diverse, inclusive learning communities where children experience a sense of belonging provide developmentally beneficial learning, growth and belonging for all children¹². See below for a snapshot of Hamilton's Special Needs Resourcing.

Special Needs Resourcing Snap Shot (2022)

- Each month, an average of **656** children ages 0 to 6 years and an average of **115** children ages 6 to 12 years receive special needs supports
- **1,237** unique children, ages 0 to 12 years, received special needs supports in 2022
- **331** licensed child care programs were supported with Special Needs Resourcing¹³
- Hamilton had **54** Resource Consultants, and Inclusion Facilitators and **48.40** FTEs
- Addition of a new Francophone Resource Consultant
- **200+** early years professionals attended Let's Talk Moore about Inclusion event
- Most educators in 2019/2020 were trained in TFL and more resources be available in 2023/2024
- In 2022, the City of Hamilton spent **\$5.48M** to support the inclusion of 1,237 children in 331 licensed child care programs

Source: City of Hamilton Children's & Community Services Division.

Early Years Mental Health System and Services

Through its [Infant and Early Years Mental Health System Support Committee](#)¹⁴, the City of Hamilton aims to facilitate an evidence-based, integrated and coordinated approach to cross-sector planning for infant and early years mental health services in Hamilton. This committee's work focuses on:

- Building awareness of infant and early years mental health in the community
- Increasing professional capacity and opportunities for continuous learning
- Identifying and developing appropriate care referral pathways and wait list strategies for children ages 0-6 and their families
- Improving coordination of services and support across the City of Hamilton

11 In Hamilton, the City works with community agencies for early learning and child care to provide early learning opportunities for children and their families. Agencies include: Affiliated Services for Children & Youth/Early Words; Community Living Hamilton; and Ron Joyce Children's Health Centre.

12 Underwood, K. (2013). Everyone is Welcome: Inclusive Early Childhood Education and Care. Think, Feel, Act.

13 This number represents duplicates due to the integrated special needs resourcing delivery model with one or more partners providing supports to the system.

14 For a complete list of Committee membership see: Infant and Early Years Mental Health System Support

An informal environmental scan¹⁵ of IEYMH committee members in Fall 2022 regarding emerging system trends and capacity found anecdotal reports of:

- Increased number of referrals received across member agencies
- Increasingly acute, multi-layered and complex cases encountered among children and youth, post-COVID
- Human resources shortages impacting services and community supports
- Increasing need to support families while waiting for assessment or entry to services
- Support to ensure children get the right level of care, at the right time

IEYMH COMMITTEE AT A GLANCE (2022-2023)

- **18** agency partners engaged as active members
- **170** participants from the early years community attended the April 2023 Symposium focused on early years mental health and staff wellbeing
- **0-3.8 year old** Infant and Early Mental Health Care Pathway launched in January 2023
- **3.9-6.0 year old** Infant and Early Mental Health Care Pathway currently under development

Source: City of Hamilton Children's & Community Services Division.

Newcomer Mental Health Needs

Children and families recently arriving to Canada, especially those who arrive as refugees, experience a range of stressors that place them at risk of poor mental health. A recent Hamilton study¹⁶ out of the Offord Centre for Child Studies at McMaster University examined newcomer mental health needs, barriers to care, and opportunities for improving mental health supports.

The study lays out seven recommendations¹⁷ for improving mental health supports for newcomer children and families. The following are instructive for Hamilton's Early Years System:

- **Newcomer Engagement:** Amplify and listen to newcomer voices at all stages of policy and program design and implementation.
- **Cultural Responsiveness:** Understand how culture and migration experiences shape mental health and work with newcomer families to develop culturally responsive interventions.
- **Workforce Diversity & Development:** Hire and support a more racially and culturally diverse workforce that better reflects newcomer communities.

¹⁵ City of Hamilton CCSD. IEYMH System Summary. January to March 2023

¹⁶ Sims, A. (2023). Thriving Together: Service provider and family perspectives on newcomer child and youth mental health and access to care. Offord Centre for Child Studies. McMaster University)

¹⁷ To learn more see: <http://cyrrc.org/2022/03/4j>

4. COMMUNITY CONSULTATIONS AND EMERGING INSIGHTS AND STRATEGIES

On April 25 and 26, 2023, the City of Hamilton's Children's and Community Services Division hosted three community engagement sessions to assist with the update of its Early Years Community Plan. A total of 217 community partners participated in and contributed to the important discussion which was focused on '**Mobilizing Equity, Diversity, Inclusion and Belonging in Hamilton's Early Years System**'. Participants included a variety of home, centre-based and co-op child care operators, EarlyON providers, City representatives and other early years system partners.

During these sessions, members of the Children's and Community Services Team provided an overview of the Equity, Diversity, Inclusion and Belonging (EDIB) Policy, developed by the Equity and Engagement Advisory Group, and Hamilton's CWELCC Access and Inclusion Framework. Through structured table discussions, participants were invited to provide input on the following:

Equity, Diversity, Inclusion & Belonging Policy

- What challenges do you see when implementing this policy?
- How can you/your organization contribute to implement this policy/work?
- Do you have any feedback on the policy?

Access and Inclusion Framework

- What elements of the framework are you most excited about and why?
- Are there any gaps or opportunities that we should address/include?

The level of engagement and rich discussion that took place during the facilitated table discussions was impressive. Several strategic insights emerged that will inform the work moving forward:

A FOCUS ON INCLUSION & BELONGING - The language and shared experience of 'belonging' resonated with the community. Groups identified opportunities to build capacity and enhance policies and practices to support inclusion, particularly with equity-deserving groups. One group discussion highlighted the following insight – *'If we can meet the unique needs of families, we can all grow, learn and better ourselves, putting biases aside to see every child/family as a human being (who is yearning to be seen, heard and understood) regardless of background/experience.'*

SHIFTING MINDSETS - The work ahead around EDIB and an Access and Inclusion Framework requires shifting mindsets by providing a clear rationale as to why this work is important and offering continuous learning opportunities to build capacity by challenging unconscious biases, sharing promising practices, and telling compelling change stories.

BALANCING CONSISTENCY AND FLEXIBILITY - There is a tension between the need for consistency (i.e., ensuring community standards and expectations across the system), and the desire for flexibility (i.e., opportunities to respond to local need and build on work already underway). Changes to the EDIB Policy and Access and Inclusion Framework and corresponding processes will work to strike this balance.

IMPLEMENTATION SUPPORTS - Dedicated resources are needed to enable progress and ensure success. Stakeholders emphasized the need for clear and transparent system-wide expectations (i.e., priorities and timelines), investments in workforce training and capacity building (e.g., communities of practice and a collaborative community response), data collection and accountability (to monitor progress and outcomes), and ongoing engagement of families and staff.

In subsequent discussions with the Children’s and Community Services team and, based on specific feedback the community provided regarding future opportunities to mobilize EDIB in Hamilton, it became clear that intentional and aligned strategies at the Individual, Community and Systems Level are required to shift mindsets and enable meaningful and transformative change. In the first phase, this work requires investing in champions, establishing mechanisms to build capacity at multiple levels across the system, and fueling the exchange of knowledge and promising practices. See Figure Appendix B - Draft EDIB Policy Statement.

Figure 2. SHIFTING MINDSETS AND ENABLING TRANSFORMATIVE CHANGE: Investing in Champions, Capacity Building and Knowledge Sharing



ENABLERS:

- Acknowledge that this is a change management process that will require time and effort, and not everyone is at the same starting place
- Align and coordinate efforts (both activities that are underway and new)
- Leverage what's already working
- Clarify roles and responsibilities to ensure mutual accountability (City, ASCY, Communities of Practice, Individual Champions, Organizational Champions)

It is important to acknowledge that ASCY has a broad professional learning lead role within the early years system. With respect to EDIB, Organizational Champions will bring specific expertise, credibility and relationships with priority populations/sectors, while ASCY contributes a system coordinating role (i.e. communicating with and convening community partners through system-wide training events to share promising practices and tell compelling change stories).

Organizing Structure and Ongoing Engagement Mechanisms

Feedback gathered in the survey distributed after the consultation events on April 25 and 26 suggested that while the current organizing structure is still relevant, it needs to continue to evolve in order to respond to changing community needs and system opportunities. Refer to Appendix C: Hamilton's Early Years Organizing Structure for additional details.

Recently, a focus on the "middle years" (children 7-14 years old and their families), was identified as an emergent need, to help ensure supports, resources and opportunities are available and a systems approach taken to help this age group grow, develop and succeed, based on our current early years approach.

Building on the [2022-2027 City of Hamilton's Youth Strategy](#), the Child and Youth Network will broaden to include youth partners. The focus will be on facilitating an improved alignment of priorities, continuity of care, enabling seamless transitions from birth to young adulthood, and by adapting a system-wide planning lens.

In addition, it will be important to ensure that the early years community continues to receive information and timely communication regarding the structure and membership of the structure so they can see themselves reflected in and contributing to the local early years system.

Ongoing mechanisms for community engagement/feedback are achieved through the organizing structure and its respective committees/advisories whose terms of reference commit to 'regular updates and opportunities to provide feedback on emerging issues/priorities'. Members also participate in an annual assessment/evaluation on Committee performance and effectiveness.

5. STRATEGIC AIM, ENABLING STRATEGIES, AND STRATEGIC PRIORITIES/ACTIONS

STRATEGIC AIM:

Moving from: Stabilization and sustainability of the early years system

Moving towards: System integration, transformation and seamless transitions for children, youth and families (from birth to young adulthood)




ENABLING STRATEGIES:



There are a number of cross-cutting supports/structures/programs that will enable our success with respect to the identified strategic priorities.

- **Quality:** Continue our current Hamilton Early Years Quality Program efforts and embed system-wide EDIB expectations
- **Continuous learning and improvement:** Continue to strengthen the system's commitment to generating and sharing data, research findings and promising practices to support evidence-informed planning decisions.
- **Ongoing communication and engagement:** Provide accessible and relevant information and opportunities for diverse stakeholders to identify their needs and experiences
- **High-level system-wide investments:** Resources and supports that will mobilize and coordinate community partners who will undertake key strategies/efforts

EMERGING PRIORITIES & ACTIONS:

Implementation of the following emerging priorities and actions will help move Hamilton's Early Years System closer to achieving the strategic aim and the City of Hamilton's vision to be the best place to raise a child and age successfully. These are intentionally high-level with room to refine as needed. We intend to use the existing Early Years Community Plan organizing structures and mechanisms to engage our community in thinking about how best to implement the plan over time. The emerging priorities and actions are intended to capture and reflect all components of Hamilton's Early Years System including: EarlyON Child and Families Centres, licensed centre-based child care, and licensed home child care, and system partners.

Emerging Priorities	What is it? Why is it important?	High Level Activities
 <p>1. EDIB and Access & Inclusion</p>	<p>System reflects the children and families we serve</p> <p>Focus on implementation, measurement, and follow-up</p> <p>This includes Access & Inclusion work, Special Needs Resourcing and Mental Health</p>	<ul style="list-style-type: none"> • EDIB System-Wide Policy/ Framework • Organizational Policies and Procedures • Increase in child care spaces/new funding agreements • Training, capacity building and resources for early years staff and system leaders • Evaluation/Measurement • Strengthening existing and establishing new partnerships • Review of EarlyON CFC funding model
 <p>2. HR work force</p>	<p>Continue to grow, attract, retain and enhance a high quality, diverse early years workforce in Hamilton</p>	<ul style="list-style-type: none"> • Recruitment and retention to build on efforts to retain high quality E.C.E.s • Mentorship opportunities at all levels (i.e., students, educators, and leaders) • Ongoing professional development and system-wide professional learning days • Advocacy to address wage disparities and full time work hours • Provision of workforce grants • Continued focus on workforce mental health and well-being • Expanded partnerships
 <p>3. Child care accessibility, affordability and expansion</p>	<p>Implementation of the national child care plan (CWELCC) in Hamilton</p> <p>Overlap with Access and Inclusion Framework (above)</p>	<ul style="list-style-type: none"> • System stabilization • Affordability • Child care expansion with a focus on priority populations • Implement the new provincial funding model

Emerging Priorities	What is it? Why is it important?	High Level Activities
 <p>4. Middle years system and supports</p>	<p>Explore how best to support the middle years and improve coordination across sectors (Age 7 to 14 years is currently a gap in system)</p> <p>Support successful, seamless transitions from birth to young adulthood</p>	<ul style="list-style-type: none"> • Bringing partners together to expand partnerships for this age group • Address Before and After School Program affordability and accessibility • Intentional/strategic coordination and collaboration with other community initiatives (i.e., The City of Hamilton's Community Safety and Well-Being Plan; youth prevention work through various collaborative networks; The Hamilton Drug Strategy) • Implementation and utilization of MDI (Middle Years Development Instrument) • Alignment with Hamilton's EYCP and Youth Strategy
 <p>5. System-wide coordination & partnerships</p>	<p>Working together differently – more coordination and collaboration to ensure seamless service experience</p> <p>Overarching community collaboration/relationships/system</p>	<ul style="list-style-type: none"> • Structures and enhanced processes to increase coordination and collaboration with key system partners • EDIB and Access & Inclusion - new funding and community 'champions' • Launch of Hamilton's Child and Youth Network • Refreshed focus on early literacy • Ongoing HR Workforce activities • Continued focus on infant and early years mental health activities

6. CONCLUDING REMARKS

We look forward to continuing to work collectively with our early years community and system partners to mobilize transformative, system-wide change and impact to ensure that the needs of all children and their families are met, and a sense of belonging is experienced by all those engaged in the early years system, and our city is the best place to raise a child and age successfully. The identified strategic aim, emerging priorities and actions outlined within this update will guide our work together moving forward. Through ongoing engagement and involvement, the early years community will contribute to refining and implementing the updated plan.

Appendix A



Appendix A: City of Hamilton’s Access and Inclusion Framework (CWELCC)

Canada-Wide Early Learning and Child Care Access and Inclusion Framework

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Canada-Wide Early Learning and Child Care (CWELCC) Overview

On March 28, 2022, the federal and provincial governments signed the [Canada-Wide Early Learning and Child Care \(CWELCC\) agreement](#) aimed at making child care more affordable for families and increasing the compensation for eligible child care staff.

Ontario's Ministry of Education's (MEDU) goals under the CWELCC agreement are similar to the [priorities for the Early Years System in Hamilton](#) — affordability, accessibility, inclusion and quality.

The Ministry of Education's and City of Hamilton's CWELCC goals align with a focus on:

1. **Quality:** ensuring the delivery of high-quality child care, as defined in the [Child Care and Early Years Act, 2014 \(CCEYA\)](#).
2. **Child and Family Focused:** increasing affordability for parents/guardians.
3. **Protection of For-Profit and Non-Profit Spaces:** protection of for-profit and non-profit child care spaces in the province.
4. **Efficient Administrative System:** an efficient administrative system, with collection of minimally necessary information from licensees, to support timely enrolment and implementation of the CWELCC system.

The CWELCC system is designed to provide high-quality, affordable, accessible and inclusive licensed child care programs to support Ontario's children, families, employers, early years professionals and the child care sector. The CWELCC agreement will provide funding to reduce child care fees for families with children 0 to 6 years of age to an average of \$12/day by September 2025.

In 2022, the City of Hamilton successfully implemented the first phase of the CWELCC system which included:

- Enrolling 214 of 223 of Hamilton's licensed child care programs into the system
- Lowering child care fees for participating providers by 52.75% from March 2022 rates
- Lowering child care contributions for families receiving financial support (subsidy) by 50%
- Issuing rebates of 25% of the costs of child care to eligible families, backdated to April 1, 2022
- Providing funding to child care providers to ensure Registered Early Childhood Educators (RECEs) receiving less than the wage floor, met the minimum standard under the agreement

Both 2022 and 2023 are considered transitional years in the implementation of CWELCC, while the Ministry of Education works to create a new funding formula that will be used across the province. CWELCC funding is designed to fully offset a licensee's potential reduction in revenue as a result of a reduced base fee and cost escalation.

Child Care Space Allocations

The Ministry of Education (MEDU) approved the following allocations for new childcare spaces for the City of Hamilton. These spaces support the Ministry’s directed growth plan under CWELCC, and we are pleased to note that we received an additional 170 spaces to meet the child care needs in Hamilton. The City of Hamilton’s MEDU allocations is as follows:

Total Space Allocation*					
Allocation	2022	2023	2024	2025	2026
Total Spaces	195	488	314	388	302
School-based	49	107	49	49	0
Community-based	146	381	265	339	302

* All numbers are subject to change based on Ministry of Education Approval

Under the new CWELCC funding guidelines, municipalities are required to maintain the Ministry of Education’s threshold for child care spaces which is currently 80% not-for-profit and 20% for-profit in the City of Hamilton.

Phase 1: Access, Socio-economic and Demographic Analysis

Hamilton’s Approach to Access and Inclusion

Ontario’s provincial target access rate (the ratio of child care spaces to children) is 37% by 2026. This is equivalent to one affordable child care space for every 2.7 children aged 0-5. Currently, the City of Hamilton has an access rate of 31% across full-day (infant, toddler and preschool) programs. With the current space allocation, city-wide the City of Hamilton is on track to exceed the 37% provincial target access.

The City of Hamilton is committed to ongoing engagement with families, child care providers, and other members of the community to ensure access and inclusion plans meet the needs of the community it’s intended to serve. Further analysis and engagement with key community partners in Hamilton will be required to ensure that neighbourhoods are precisely prioritized as the composition of wards vary greatly from one neighbourhood to another.

Access and inclusion considerations are as follows:

Access Equity: Provide comparable access to child care spaces across the City of Hamilton for the 0-3.8 age group by allocating spaces where the need is greatest.

Directed Spaces for Priority Population (in no particular order): As determined by the Ministry of Education, the City of Hamilton will ensure that child care spaces are allocated based on socio-economic factors to support child care needs in priority populations, including:

- Children living in low-income families
- Children of newcomers to Canada
- Official language minorities (Francophone)¹
- Children with special needs and children needing enhanced or individual supports
- Indigenous children, Black and other racialized children

1 A principal of access & inclusion to maintain or grow French language spaces for ages 0-5.

Accessibility: Providing a wide range of opportunities for learning, play and inquiry in physical and teaching environments across diverse, flexible settings and contexts.

Participation and Belonging: The intentional and instructional approach that enables children to actively engage in purposeful ways in all parts of the day including play, learning activities and social interactions.

Equity: Making sure everyone has what they need to succeed by removing barriers that disadvantage some groups over others. Children should have equitable access to early learning opportunities that support them in purposeful participation as engaged learners that are competent, capable of complex thinking, curious, and rich in potential.

Special Needs Resourcing (SNR): Ensuring that licensed child care programs across the City of Hamilton can deliver the appropriate level of service for children with special needs, including staff, adaptive equipment and resources. The City of Hamilton is committed to delivering responsive, high-quality, accessible and increasingly inclusive early-learning opportunities for children and their families.

Fee Subsidy: Child care fee subsidy helps families with the cost of licensed child care programs. It is an essential support for many parents and caregivers that helps to balance the demands of a career and family, enabling them to participate in the workforce or pursue education or training.

Workforce: The early years and child care sector continues to experience recruitment and retention challenges with Registered Early Childhood Educators (RECEs). A high-quality early years and child care system requires a comprehensive human resources workforce strategy, including fair compensation for RECEs.

The following guiding principles and foundational documents are embedded into all Children's and Community Services:

- Hamilton Early Years Equity, Diversity, Inclusion and Belonging Action Plan (In Development)
- [Hamilton Parent's Charter of Rights](#)
- [Charter of Rights for Children and Youth](#)
- [How Does Learning Happen: Ontario's Pedagogy for the Early Years](#)
- [Hamilton's Early Years Quality Program](#)

Priority Wards

In January 2023, the City of Hamilton determined priority wards based on identified socio-economic and demographic indicators, as well as the current licensed child care access rates for the 0-3.8 age group in each ward. All wards across Hamilton have been identified as needing child care spaces under the expansion plan. Expansion will be prioritized based on priority populations in identified wards.

The following child care space allocations are the results of the preliminary evaluation of child care space needs per ward. Further analysis of neighbourhoods within each ward will occur until 2026. It is important to note that there may be modifications to ward allocations as the analysis continues. Preliminary expansion plans** were submitted to the Ministry of Education and City Council, identifying child care space priorities across the city:

Name of priority neighbourhoods/areas	Community-based spaces 2023-2023 Allocations	Current Access rates
Ward 6 East Mountain	127	9.0%
Ward 7 Central Mountain	123	19.0%
Ward 3 Hamilton Centre	123	24.0%
Ward 4 East Lower Hamilton	112	17.0%
Ward 11 Glanbrook	101	19.0%
Ward 5 Redhill	101	25.0%
Ward 13 Dundas	96	27.0%
Ward 2 Downtown	80	39.0%
Ward 8 West-Central Mountain	75	39.0%
Ward 12 Ancaster - Flamborough West	75	36.0%
Ward 9 Upper Stoney Creek	69	32.0%
Ward 1 Chedoke-Cootes	64	43.0%
Ward 10 Lower Stoney Creek	59	50.0%
Ward 14 Far West Mountain	56	61.0%
Ward 15 Flamborough East-Waterdown	27	48.0%

**[Information Report](#), [Appendix A](#), [Appendix B](#)

Identifying Priority Neighbourhoods

The City of Hamilton’s goal is to ensure that each neighbourhood has a voice and their child care needs are met.

In order to identify priority neighbourhoods, City staff are identifying key services and resources in the neighbourhoods, such as community organizations, institutions, and associations. We completed this mapping for the top four priority wards (6, 7, 3, 4) identified in 2023.

After identifying priority neighbourhoods, City staff will be working directly with key community partners in these neighbourhoods through a community engagement process, expanded further below.

Phase 2: Community Engagement

Approach to Community Engagement

City staff have reached out to community partners that have existing relationships and connections with diverse communities to request they assist the city in gathering input from the families they serve. The goal is to better understand child care needs and identify barriers that may exist for these families. This community engagement process will help inform the application process inviting all child care licensees to submit their interest in operating new child care spaces at various locations. The application process will be opened up in mid-October 2023 with the goal of opening new community-based child care spaces by the end of 2023. It will also inform future city-wide directed growth through to 2026.

The City of Hamilton circulated the document found in Appendix A, to community partners to invite them to participate in the Community Engagement Partnership Opportunity. Currently, these engagements are being completed in the community with City staff awaiting the outcomes of the engagements.

This approach to community engagement is an integral part of implementing Hamilton's Access and Inclusion Framework at a local level, as it will assist with:

- Including the voices of the community and families to determine how child care services can meet their needs.
- Cultivating meaningful engagement experiences to authentically hear from the community and families.
- Focusing on the voices of diverse and underserved populations who were identified as priority populations.
- Collaborating efforts, which include engagement through multiple community-based organizations that have existing relationships with identified priority populations to provide authentic and meaningful engagement experiences.

Feedback gained from community engagement and families is valued and will inform child care expansion plans throughout the CWELCC implementation, as well as help to identify and address barriers to accessing child care.

Early Years Sector

The City of Hamilton commits to ongoing community engagement to ensure results and outcomes are consistent with child care expectations. This community engagement process will help inform responsible decision-making by inviting a range of perspectives, experiences and knowledge to support the creation of sustainable solutions.

Key Community Partners

The early years sector plays a key role in expansion. In phase one of the Access and Inclusion Framework, City staff consulted the following groups:

City of Hamilton

- Equity and Engagement Advisory Committee
- Consolidated Municipal Service Manager Advisory Committee
- Special Needs Resource Committee

Community Partners

- Hamilton School Boards
- Francophone Service Providers
- Indigenous Service Providers

Phase 3: CWELCC Application and Evaluation Process

The application and evaluation processes will enable CWELCC directed growth for new licensees to open new child care programs, or to expand current child care programs with existing licensees. The application and evaluation process are currently under development and will be shared when finalized. The application process will also include a section on start-up grants which are detailed in the next section.

The application will be made available mid-October 2023.

The application framework will entail the following details:

Inclusion policies:

- Do you have an inclusion policy?
- How will your program ensure that the needs of the priority populations are being met?
- How do you ensure hiring practices are inclusive and equitable?

Access policies:

- Proximity to transportation routes
- What types of resources does your organization have to support instructional and facility accessibility (i.e., barrier-free access)?
- How will you ensure your locations are accessible to priority populations? What are your strategies for barrier-free access to child care?

Budget information:

- Is your program financially viable?
- Do your base and non-base fees meet the Ministry of Education's [capped rates](#) as outlined in the Child Care Early Years Act?
- Staff salaries

Program information:

- How will the number of spaces and age groups you are offering meet the needs of the community and priority populations?
- Do you provide flexibility to families as it relates the days and hours offered for care?
- What are your plans to communicate, drive awareness and promote the child care program?

Quality:

- Do you have a quality framework?
- What is your strategy for integration? What community partners do you work with for resources and supports?
- What is your program statement? (vision/mission, values)
- How are you aligned with the principals of equity, diversity, inclusion and belonging?
- What are your staff recruitment and retention strategies?

Start Up Grants

Start up grants will support directed growth for the creation of new child care spaces based on the priority populations' needs.

Approved licensees participating in CWELCC are eligible to apply for start up grants as a part of their application. This will be an equitable and transparent process for licensees to apply.

Start-up grants must fund projects required for child care facilities to be created, retrofitted, renovated, and/or expanded to accommodate a maximum group size for each age grouping for children under the age of six.

City of Hamilton may enter into service agreements with licensees to flow start-up grant funding, regardless of head office location.

Eligible centre-based applicants will be able to receive a grant of up to \$90 per square foot of a new licensed space with a cap of \$350,000 for every 50 child care spaces created. Home child care licensee applicants will be able to receive grants of up to \$1,000 per CWELCC space created, to a maximum of \$6,000 per provider.

Accountability

In the application, the prospective licensee must include an estimated date for the new licensed full day spaces. This date should be within two years of the date of the application.

When approving applications for start up grants, the City will consider:

- cost effectiveness
- available operating funding
- capacity of program to access funds through other means
- program budget and financial history
- child care licensing history
- current licensed and operational capacity
- age groups
- long-term viability
- investment in quality programming

Upon Approval of Start Up Grant

City staff will work with the prospective licensees to provide funding. Once licensed, the licensee must enter into a funding agreement with the City of Hamilton.

To access funding for start up grants, the of City of Hamilton will require a commitment from the licensee to:

- Participate in CWELCC for the remainder of the current CWELCC agreement (March 31, 2026)
- Spend the start up grant within two years from the date of the application
- Prioritize the creation of, and access to, new licensed full day spaces for children 0-4 years for our priority populations as outlined in the City's Access and Inclusion Framework

The City of Hamilton will receive progressive updates on the use of these funds as intended within the two-year timeframe of the date of application.

If the applicant withdraws from CWELCC or ceases their operations, the City of Hamilton will recover the start up grant funding and return to the Ministry of Education as part of regular financial reporting processes.

Licensed Home Child Care

Home child care licensees must receive written confirmation from the City of Hamilton that the proposed child care homes are aligned with the directed growth approach and eligible for CWELCC funding.

Funding agreements for start up grants for home child care licensees must include a commitment from the licensee to maintain the number of approved child care spaces in the service area for the duration of the CWELCC agreement, even if the licensed capacity of the licensee changes prior to March 31, 2026.

Per Regulation Update 138/15, “Any unused capacity (i.e., inactive homes) will be designated as “unassigned capacity” and HCCAs² will not be permitted to open homes using their unassigned capacity. If licensees wish to open these homes, and they are enrolled in CWELCC, they will be required to demonstrate that a service system manager³ has advised that these homes will be eligible for CWELCC before they are assigned to a service system area.”

Phase 4: Space Creation and Evaluation

Phase 4 of the City of Hamilton Access and Inclusion Framework is not a stand-alone phase. It is an ongoing part of our Access and Inclusion Framework where we evaluate and monitor our framework.

The City of Hamilton is committed to ensuring the entirety of the allocated spaces to the City be utilized in the community.

Evaluation and Monitoring of the Framework

A research-based accountability (RBA) framework will be used to evaluate and monitor City of Hamilton’s Access and Inclusion Framework⁴. RBA provides a simple and action-based approach to community-based initiatives. In addition to mandated Ministry of Education data elements (i.e., counts and impact), the RBA framework outlined in the table below identifies how Hamilton will evaluate and monitor the access and inclusion goals during the implementation of CWELCC.

2 Home Child Care Agencies

3 City of Hamilton

4 Friedman, Mark (2005). Trying hard is not good enough. Victoria, BC: Trafford Pub.

What impact will Hamilton’s CWELCC Access and Inclusion Framework have?		
Population Indicator	Ratio of spaces to children 0-3.8 years of age in Hamilton	
Effort	Quantity	Quality
	<p>How much was completed?</p> <ul style="list-style-type: none"> # of new child care spaces and directed-growth spaces for priority groups in priority neighbourhoods # of new licensees joining Hamilton’s system # of licensees providing diverse, flexible and/or inclusive services # of families participating in CWELCC and # receiving special needs resourcing and fee subsidy # of children on waitlists for child care # of engagement activities with priority groups to inform expansion # of ECEs and non-ECE professionals in workforce and RECE salary ranges # of new community partnerships to cultivate diverse, flexible and inclusive child care 	<p>How well was it completed?</p> <ul style="list-style-type: none"> % change in ratio of spaces to children 0-3.8 years of age in Hamilton by type of care % change of new spaces based on priority neighbourhood targets by type of care % of Hamilton families with children 0-3.8 years participating in CWELCC including special needs resourcing and fee subsidy % change in children waiting for child care % of staff pressures in the system (operating capacity/licensee engagement) % of newly licensed operators participating in Hamilton’s Quality Program % change in ECE and non-ECE professionals in workforce and average RECE salary change % of third-party child care partnerships in the system that cultivate diverse, flexible and inclusive child care

How are Hamilton’s families, children, educators and early years system better off?	
Effect	<p>37% access rate (i.e., one affordable child care space for every 2.7 children ages 0-5 years)</p> <p>% of new spaces based on Ministry of Education priority neighbourhood targets by type of care</p> <p>% of priority populations access rates in priority neighbourhoods</p> <p>% of Francophone spaces in proportion to population is maintained or increased for ages 0-5</p> <p>Cost: Benefit for families in Hamilton participating in CWELCC including SNR and fee subsidy</p> <p>% of child care at full operating and/or licensed capacity in the system</p> <p>% of for-profit vs. not-for-profit enrolled in CWELCC</p> <p>Increase and retention in ECE and non-ECE workforce⁵ and % of RECE change in average salary over time.</p> <p>Diversity of workforce as indicated from Knowing Our Numbers⁶</p>

5 Early Years Community HR Workforce Committee. RBA population indicators. City of Hamilton: n.p.

6 Akbari & McCuaig (2023). Knowing our numbers: a community approach to understanding the ECE workforce. University of Toronto: n.p.

Appendix for City of Hamilton's Access and Inclusion Framework (CWELCC)

Community Engagement Partnership Opportunity

As part of the local implementation of the [Canada-Wide Early Learning and Child Care \(CWELCC\)](#) plan, the City of Hamilton's Children's and Community Services Division is seeking your assistance in reaching the community your organization serves to better support their child care needs. The CWELCC plan seeks to increase child care access and create new targeted child care spaces for identified priority populations. This work is guided through [Hamilton's Access and Inclusion Framework](#).

Through this collaborative effort, we would like to honour the relationship your organization has with these identified populations by inviting your organization to take the lead on this community engagement.

This will be a compensated opportunity to ensure your organization's efforts are acknowledged and respected.

Guidelines for Community Engagement

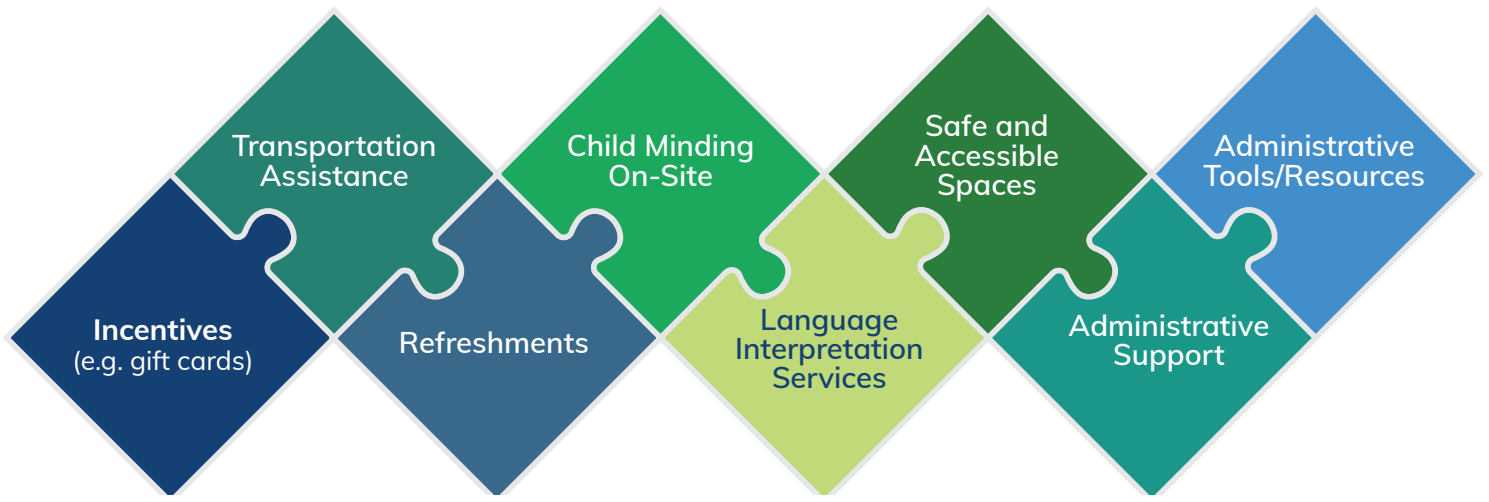
- Intended for families from priority populations serving children **below 6 years of age**.
- Engagement can be completed in any manner to best suit your organization's needs and the community you serve.
- Engagement must be completed using **informed consent** (e.g. written, verbal, or as relevant to the community you serve).
- In a collective commitment to **transparency**, the City of Hamilton and the partnering organization agree to share the outcome of this engagement and how it will be used.
- Engagement must be completed in a **safe and accessible** space.

The City of Hamilton is seeking the following information:

- Understanding child care needs (full or part-time, age of care, type of care)
- Types of child care preferences (home or centre-based)
- Resources that would better support finding or learning about child care options
- Previous attempts or challenges accessing quality child care
- Sense of belonging experienced in child care programs
- Culturally responsive programming
- Inclusion of children with differing abilities

City of Hamilton's Community Engagement Support

With your organization's guidance, we will make every effort to remove any possible barriers to community engagement based on your previous experiences with families, including:



After community engagement is completed, the City of Hamilton will:

- Accept and review the results of your engagement.
- Provide a report back to your organization and the families involved.
- Use the information to inform current and future child care expansion plans.

Organizational Considerations

- Do you have the willingness and capacity to take on this community engagement?
- Can you incorporate this engagement with an existing community event or initiative that is already scheduled to take place?
- What would you need from the City of Hamilton to make this a meaningful engagement opportunity for the population you serve?
- Can your organization commit to the timeline set out by the City of Hamilton?

Timeline

Our goal is to complete all community engagement by **October 2023**.

Next Steps

To move forward with this community engagement opportunity with us, please email cwelcc@hamilton.ca by end of day on **Monday, July 31, 2023**.

If you have additional questions or require further information please reach out to Kornelia Banach at Kornelia.Banach@hamilton.ca 905-546-2424 x 4881 or Brenda Bax at Brenda.Bax@hamilton.ca 905-546-2424 x 4120.

Thank you in advance for your consideration. We look forward to hearing from you.

Appendix B



Appendix B: City of Hamilton's Equity, Diversity, Inclusion and Belonging Policy

DRAFT COPY AS OF AUGUST 2023

The City of Hamilton's Early Years System Equity, Diversity, Inclusion and Belonging Policy

Policy Statement

The City of Hamilton's early years system believes that equity, diversity, inclusion and belonging is about creating a culture that embraces the uniqueness of individuals and is representative of Hamilton's population. We are committed to creating an inclusive environment that respects and honours the diversity in our community that includes but is not limited to citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity and gender expression. We acknowledge the history of colonialism, systemic racism and discrimination in Canada and will work to create an early years system where everyone can experience a sense of belonging.

Why is Equity, Diversity, Inclusion and Belonging Important?

By supporting equity, diversity, inclusion and belonging in the early years system, we will be able to bring to life our vision of having all children, families and members of the workforce (including front line staff and management) experience a real, lived and ongoing sense of belonging. Furthermore, we will be able to support and develop a positive organizational culture in which individual differences and the contributions of all team members are recognized and valued.

Purpose

An equity, diversity, inclusion and belonging policy is intended to promote equity, diversity, inclusion and belonging throughout the system. The City of Hamilton's early years system is committed to equity, diversity, inclusion and belonging by implementing these principles through our policies, procedures, and practices to ensure that all people who participate or have a purposeful role in the early years system experience a real, lived and ongoing sense of belonging.

Scope

This policy applies to all members of the early years system including the City of Hamilton's Children's Community Services Division, EarlyON Child and Family Centres and Child Care operators, staff, caregivers/families, system leaders, organizations working within the early years system and persons participating in the early years system (e.g. volunteer, visitor, service provider, contractor).

Guiding Principles

- Every person who participates or has a purposeful role in the early years system will be treated with dignity and respect
- Every individual's identity, strengths, needs and abilities will be honoured and appreciated
- Any form of discrimination will not be tolerated
- The principles of equity, diversity and inclusion will be embedded in the early years system to ensure that every person can experience a real, lived and ongoing sense of belonging

Expectations for The City of Hamilton Early Years System

- Any person who participates or has a purposeful role in the early years system must be accepted and respected for their entire identity.
- Any form of discrimination including the ones on the following protected grounds will not be tolerated: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity and gender expression.

Responsibilities

All members of the early years system share the responsibility for creating an equitable, diverse, inclusive and belonging environment.

The City of Hamilton's Children's and Community Services Division is committed to:

- Creating opportunities for professional learning on equity, diversity, inclusion, belonging and accessibility topics for all employees
- Developing inclusive policies, procedures and practices
- Ongoing communication and dialogue with the community to help inform our work
- Using data-driven information to make evidence-informed decisions
- Working to identify and remove systemic barriers for the workforce and families

The early years system's organizations are committed to:

- Developing inclusive policies, procedures and practices
- Embedding culturally responsive pedagogy into programming
- Establishing an inclusive environment that is free of discrimination and harassment
- Fostering a positive workplace culture where everyone can experience a real, lived and ongoing sense of belonging
- Inclusion of all children regardless of ability, needs, gender, race, ethnicity, creed, and socioeconomic status
- Ongoing communication and dialogue with families to create an inclusive and belonging environment
- Participating in professional learning opportunities on equity, diversity, inclusion, belonging and accessibility topics

Definitions

- **Accessibility:** Inclusive practice of ensuring everyone along the continuum of human ability and experience can acquire the same information, engage in the same interactions, and enjoy the same services in an equally effective and integrated manner with substantially equivalent ease of use.
- **Belonging:** When each individual is supported, respected, and valued for their identity and unique traits that make them different from each other.¹ Belonging is usually the result of the level of inclusion an individual feels in their environment.²

- **Colonialism:** The historical practice of European expansion into territories already inhabited by Indigenous peoples for the purposes of acquiring new lands and resources. This expansion is rooted in the violent suppression of Indigenous peoples' governance, legal, social and cultural structures. Colonialism attempts to force Indigenous peoples to accept and integrate into institutions that are designed to force them to conform with the structures of the colonial state. "Colonialism remains an ongoing process, shaping both the structure and the quality of the relationship between settlers and Indigenous peoples." (TRC Final Report, 2016 What We Have Learned: Principles of Truth and Reconciliation)
- **Discrimination:** Discrimination is an action or a decision that treats a person or a group badly for reasons such as their race, age or disability. These reasons, also called grounds, are protected under the Canadian Human Rights Act. ³
- **Diversity:** The presence of a wide range of human qualities and attributes within a group, organization or society. The dimensions of diversity include, but are not limited to, ancestry, culture, ethnicity, gender, gender identity, language, physical and intellectual ability, race, religion, sex, sexual orientation, and socio-economic status. ⁴
- **Ethnic origin:** Refers to the ethnic or cultural origins of the person's ancestors. An ancestor is usually more distant than a grandparent. ⁵
- **Equity:** A condition or state of fair, inclusive, and respectful treatment of all people. Equity does not mean treating people the same without regard for individual differences. (Source: City of Hamilton corporate NEO)
- **Gender expression:** How a person publicly presents or expresses their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways people express their gender. Others perceive a person's gender through these attributes. ⁶
- **Gender identity:** is each person's internal and individual experience of gender. It is a person's sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. ⁶
- **Inclusion:** is a collective term about creating a culture that strives for equity and embraces, respects, accepts and values difference. ⁷
- **Systemic Racism:** Systemic racism consists of organizational culture, policies, directives, practices or procedures that exclude, displace or marginalize some racialized groups or create unfair barriers for them to access valuable benefits and opportunities. This is often the result of institutional biases in organizational culture, policies, directives, practices, and procedures that may appear neutral but have the effect of privileging some groups and disadvantaging others. ⁸
- **Systemic Barriers:** Obstacles that exclude groups or communities of people from full participation and benefits in social, economic and political life. They may be hidden or unintentional but built into the way society works. Our assumptions and stereotypes, along with policies, practices and procedures, reinforce them. (City of Ottawa, Equity & Inclusion Lens Handbook, 2018)

Related Documents

Supporting documents:

- City of Hamilton Early Years System Equity, Diversity, Inclusion and Belonging Action Plan (in progress)

Complementary policies and procedures

- Inclusive Hiring Policy (to be developed)
- Anti-Discrimination and Anti-Harassment Policy (to be developed)
- Inclusion Policy (to be developed)

Relevant Legislation

- Charter of Human Rights
- Ontario Human Rights Code
- Accessibility for Ontarians with Disability Act
- City of Hamilton's Equity and Inclusion Policy
- Charter of Rights of Children & Youth
- Ensuring Equity for All Children and Families: An Equity and Engagement Framework
- City of Hamilton 2016 – 2025 Strategic Plan
- The Hamilton Early Years Community Plan 2016 – 2020

REFERENCES

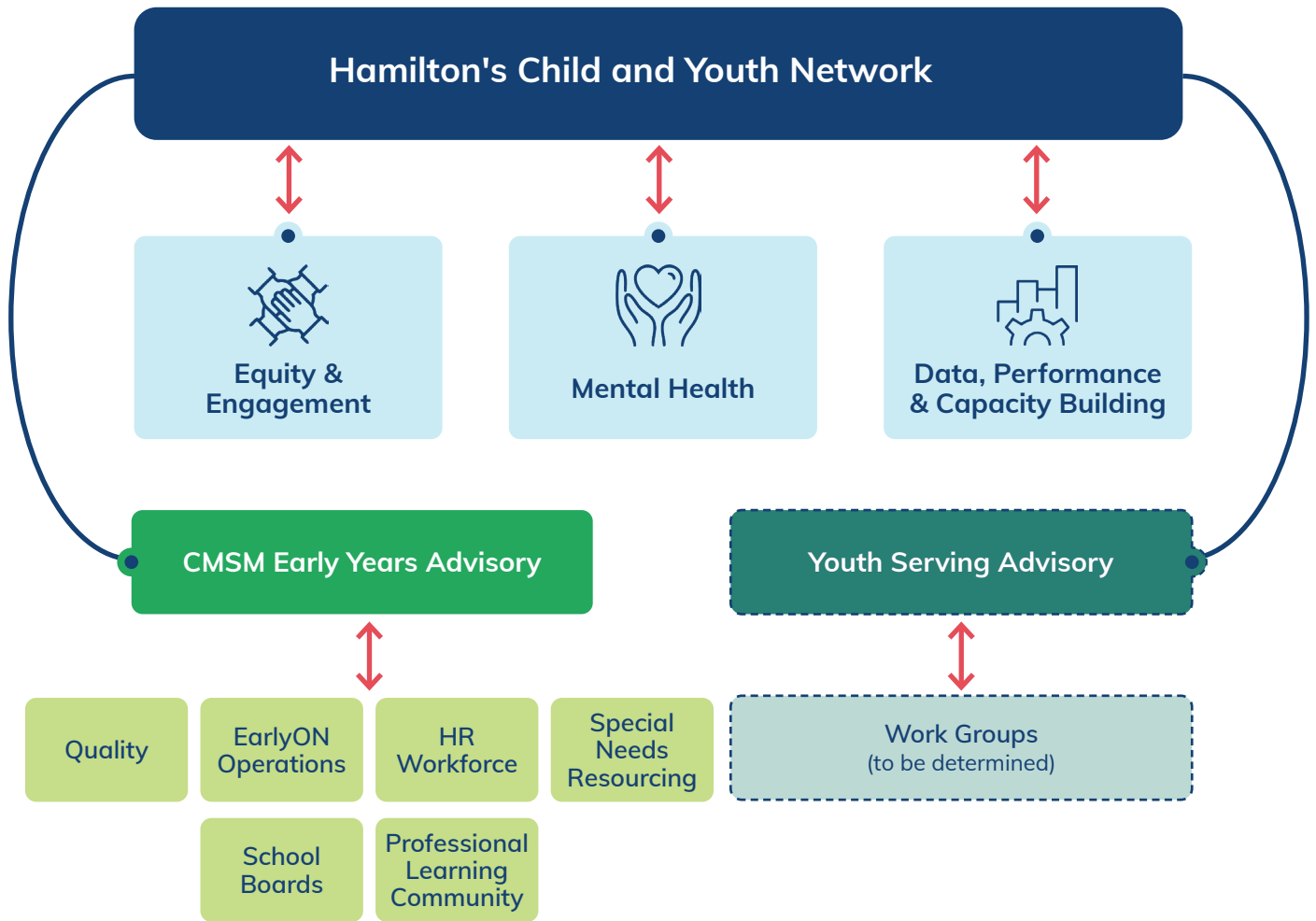
1. <https://policies.usask.ca/policies/health-safety-and-environment/fieldwork-and-associated-travel-safety.php#Purpose>
2. <https://peopleelement.com/overview-of-workplace-diversity-inclusion-and-belonging/>
3. <https://www.chrc-ccdp.gc.ca/en/about-human-rights/what-discrimination>
4. <https://www.ontario.ca/document/development-proposed-kindergarten-grade-12-k-12-education-standards-2022-final-recommendations/glossary-terms-and-definitions#foot-2>
5. <https://www23.statcan.gc.ca/imdb/p3Var.pl?Function=DEC&Id=103475>
6. <https://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression/appendix-b-glossary-understanding-gender-identity-and-expression>
7. <https://ccdi.ca/our-story/diversity-defined/>
8. <https://www.ontario.ca/document/data-standards-identification-and-monitoring-systemic-racism/glossary>

Appendix C



Appendix C: Hamilton's Early Years Organizing Structure

Proposed Early Years Organization Structure and Relationships



- Direct Reporting Relationship
- ↔ Indirect Relationship; alignment and support
- ⋯ Proposed Structure to Support Youth





Hamilton's Early Years Community Plan **2023 ENVIRONMENTAL SCAN**

1 INTRODUCTION & PURPOSE

This environmental scan report provides a description of Hamilton's children and families including key demographic, socio-economic, community health and early child development statistics and trends, based on available data sources. It also provides a current snapshot of Hamilton's early years system including centre-based, home-based, and co-operative licensed child care, EarlyON Child and Family Centres, Special Needs Resourcing and Mental Health services and resources, etc.

The purpose of the environmental scan is to ensure that local system and service planning and decisions, including updates to Hamilton's Early Years Community Plan, are informed by demographic changes and community trends as well as system trends and gaps in order to ensure an early years system that is relevant and responsive to the needs of Hamilton's children and their families. Together with Hamilton's Early Years Community Plan 2023 Update, this document is meant to provide a snapshot of Hamilton's children and families and its early years system.

The environmental scan data contained and referenced within this report is also an important resource for local community service providers and partners who utilize demographic and community trend data for their own program planning processes.

This report draws from several data sources including but not limited to the following:

- Statistics Canada's Census 2021 and 2016. The 2021 data reported are primarily at the City of Hamilton (Census Division) level. Non-standard Census data at the Census Tract level are still pending release from Statistics Canada. Census Tract level data is required to describe the social and demographic characteristics of Hamilton's neighbourhoods. At the time of publication, the City of Hamilton's [Ward Profiles](#) are the best available source of neighbourhood-level demographic data. 2021 Census data at the ward and Census Tract levels will be shared with the community following its release by Statistics Canada.
- Early Development Instrument (2018)
- Ontario Parent Survey (Third Wave), Hamilton findings (2022)
- City of Hamilton's Children's and Community Services Division's Early Years system data

2

DEMOGRAPHIC PORTRAIT OF CHILDREN AND FAMILIES IN THE CITY OF HAMILTON

KEY POPULATION AND GROWTH TRENDS OF CHILDREN AND FAMILIES

Hamilton’s Overall Population is Growing

The City of Hamilton’s population was 569,355 in 2021.

Between 2016 and 2021, the population of Hamilton grew by 32,435 individuals for a population growth of 6.0%, surpassing the provincial average of 5.8%¹.

Hamilton’s population is predicted to grow to approximately 809,660 individuals by 2046². This represents a population growth of approximately 38% over the next 25 years. This is in line with population growth projections for the province as a whole (38%).

Hamilton’s Child Population Continues to Grow

In 2021, Hamilton had 91,240 children aged 0 to 14 years of age. Table 1 provides a break down by age group for 2016 and 2021.

Between 2016 and 2021, Hamilton’s child population growth varied across the city. Parts of Glanbrook, Upper Stoney Creek, and Flamborough East experienced relatively large gains in the number of children 0 to 6 years of age compared to other areas of the city (see dark green areas in Figure 1) between 2016 and 2021.

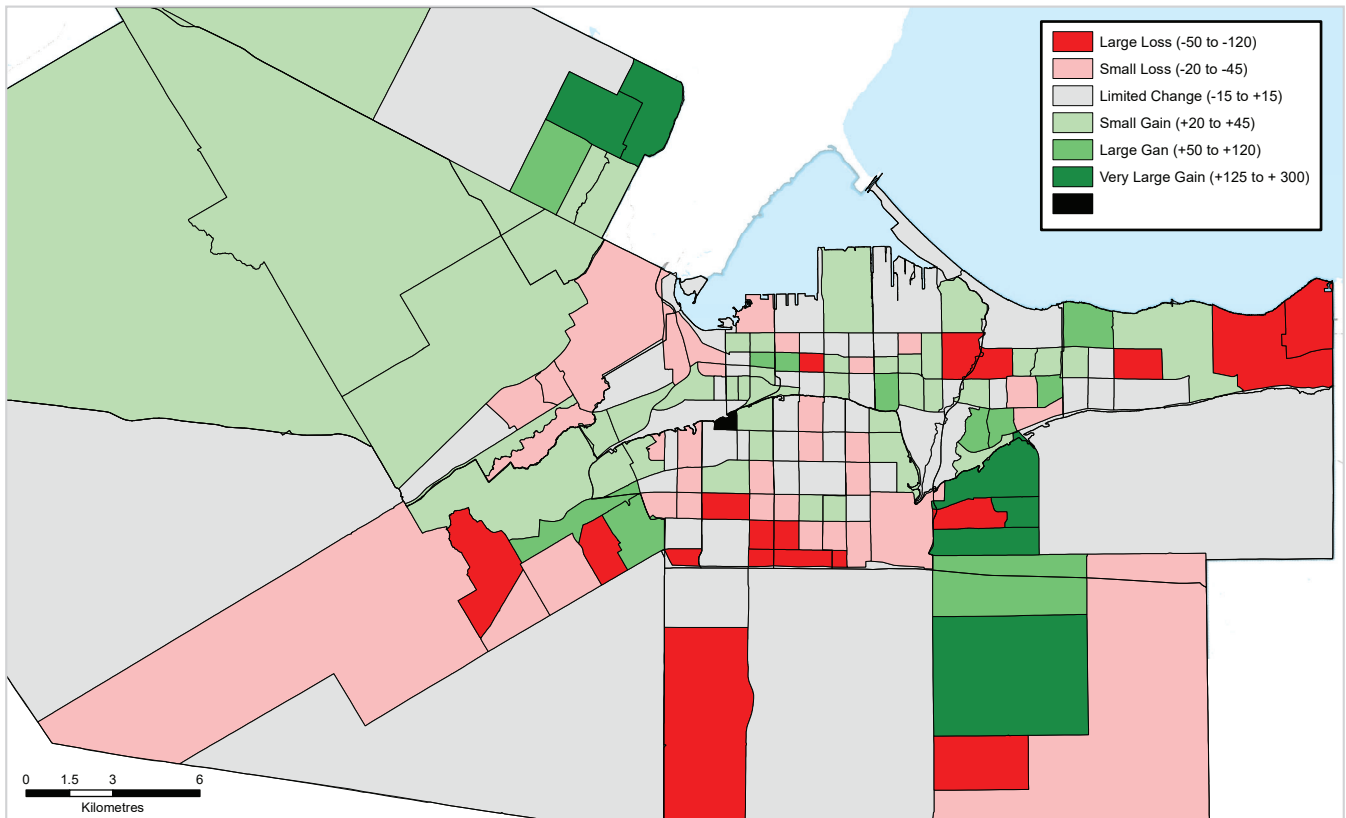
Table 1. Child Population by Age Group, City of Hamilton 2016 and 2021

Age Group (years)	2016	2021
0-4	28,275	29,100
5-9	29,355	30,695
10-14	29,485	31,445
TOTAL 0-14	87,115	91,240

Source: Statistics Canada Census data, 2016 and 2021 accessed through the City of Hamilton’s [City Dashboard](#).

1 Source: Data is derived from custom tabulations of Statistic Canada’s Census obtained by the City of Hamilton as a consortium member of the Canadian Community Economic Development Network (CCEDNet) Community Data Program.
 2 Ontario Ministry of Finance. [Ontario Population Projections Update, 2021-2046](#). Updated Summer 2022.

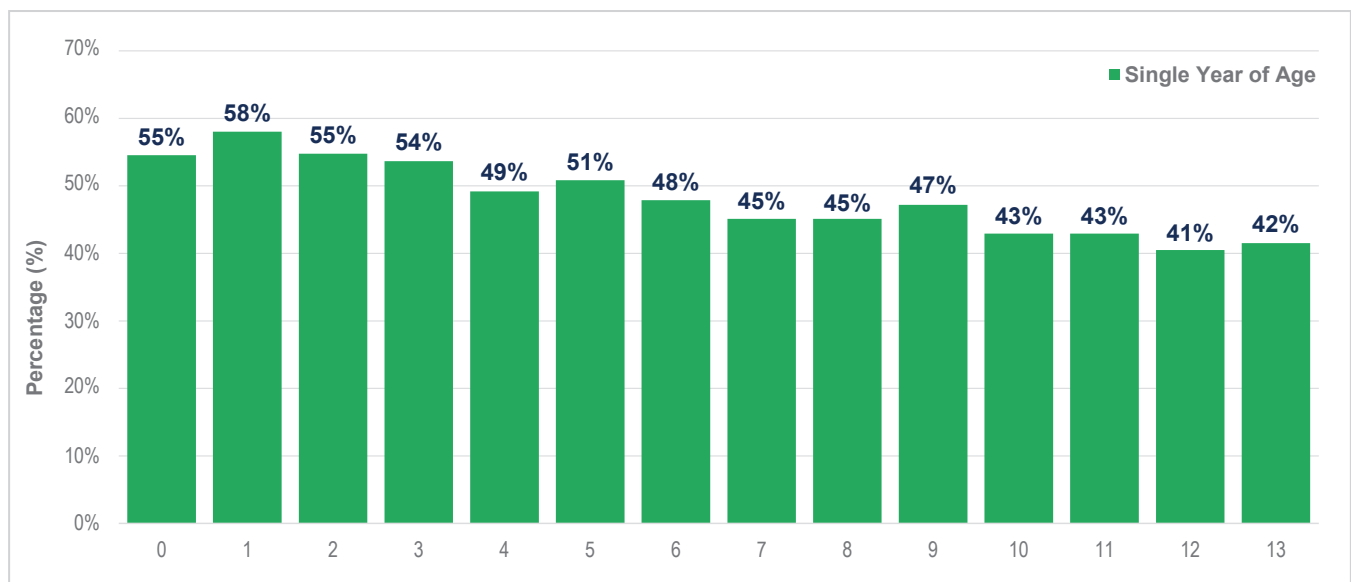
Figure 1. Gain/Loss Counts of Children Aged 0 to 6 Years from 2016 to 2021 by Census Tract, City of Hamilton



Source: Statistics Canada. Census 2016 and 2021. Obtained through City of Hamilton, Children’s and Community Services Division.

Hamilton is one of several areas in Ontario that is projected to see its population of children aged 0 to 14 years grow by over 35% over the next 25 years (from 2021 to 2046) (Figure 2).³

Figure 2. Projected Population Growth in Children Aged 0-14 by Census Division, 2021 to 2046



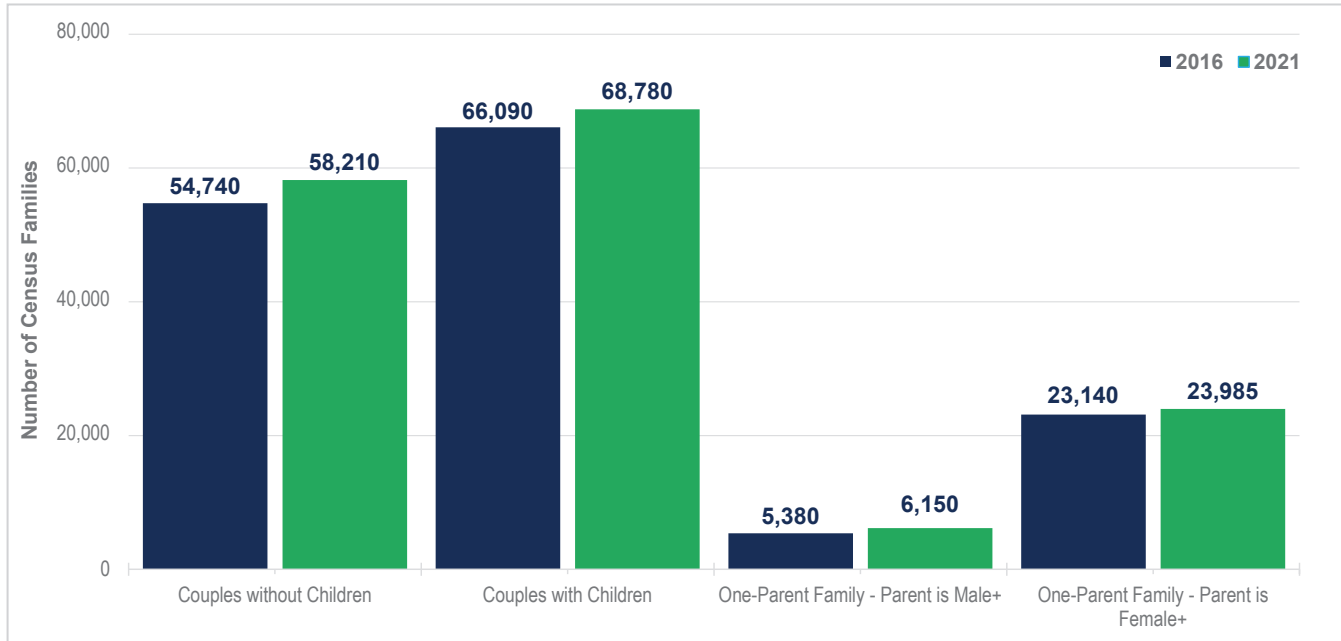
Source: Ontario Ministry of Finance. Ontario Population Projections Update, 2021-2046.

³ Ontario Ministry of Finance. [Ontario Population Projections Update, 2021-2046](#). Updated Summer 2022.

Families

In 2021, there were 98,915 families with children in Hamilton up from 94,610 in 2016 (Figure 3). Of these, 30.5% of families with children (30,135 families) were one-parent families (Figure 3).

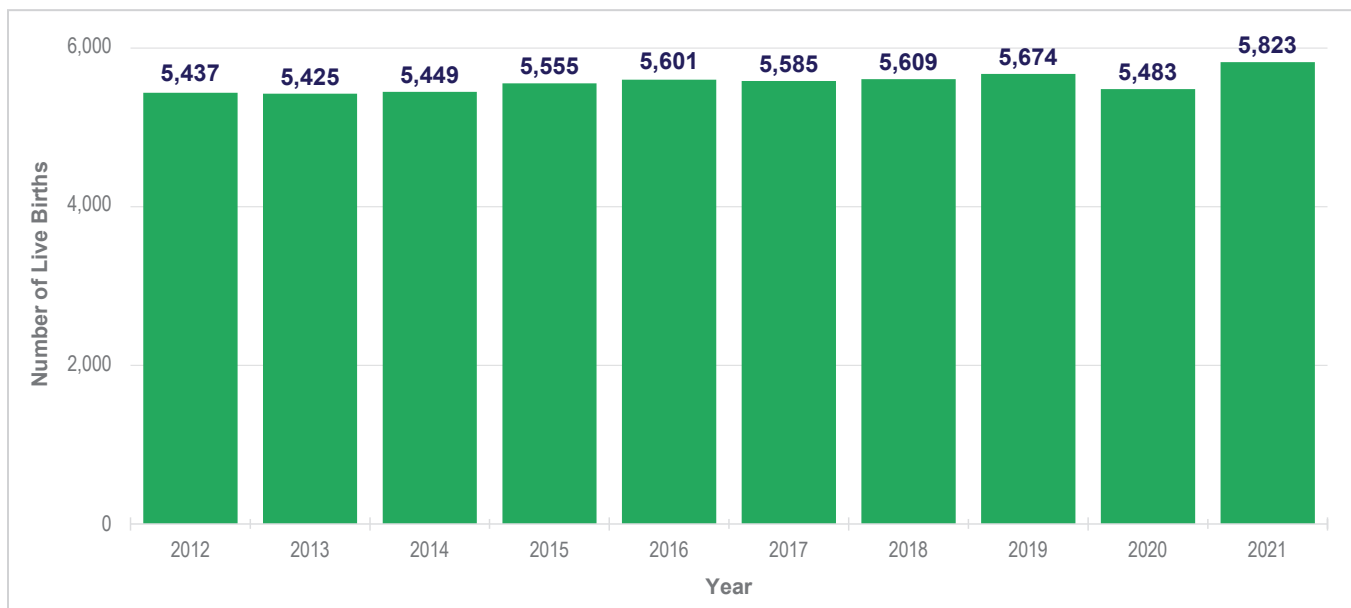
Figure 3. Number of Census Families by Census Family Type, Hamilton 2016 and 2021



Source: Statistics Canada Census data, 2016 and 2021 accessed through the City of Hamilton's [City Dashboard](#).

The number of live births in Hamilton has seen a recent increase reaching a 10 year high of 5,823 live births in 2021 (Figure 4).

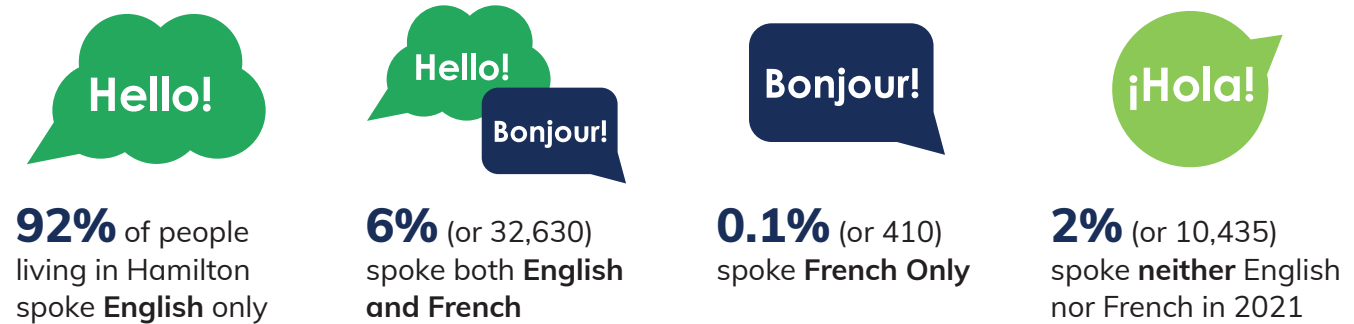
Figure 4. Number of Live Births by Year, Hamilton 2012 to 2021



Source: Ontario Agency for Health Protection and Promotion (Public Health Ontario). Snapshots: Reproductive health Snapshot: crude birth rate, 2020 [Internet]. Toronto, ON: Queen's Printer for Ontario; c2022. Accessed through the City of Hamilton's [City Dashboard](#).




DIVERSITY - KEY LANGUAGE, IMMIGRATION AND VISIBLE MINORITY TRENDS IN HAMILTON

Hamilton Residents Speak Many Different Languages.



- In 2021, the top 5 non-official languages spoken in Hamilton were:
 1. Arabic
 2. Italian
 3. Spanish
 4. Chinese languages
 5. Portuguese
- There were notable increases in the proportions of people reporting Arabic, Spanish, Punjabi and Tagalog as their mother tongues in Hamilton between 2016 and 2021. There were notable declines for Italian, Chinese languages, Portuguese, Polish, Serbian and German. These trends in local language diversity stem from recent immigration patterns.⁴

Hamilton's Population is Increasingly Diverse

-  In 2021, **28.2%** (or 158,185) of Hamilton residents were born outside of Canada compared to **25.9%** (or 136,590) in 2016.
-  In 2021, Hamilton was home to **20,145** recent immigrants⁵ and **12,640** non-permanent residents.
-  **25.1%** (or approximately 141,000) of Hamilton's population identified as belonging to a visible minority in 2021 compared to **19.0%** (or approximately 100,100) in 2016.

4 Workforce Planning Hamilton. (2022). Linguistic Profile of Hamilton, Ontario. [2021 Census of Population Infographics](#).

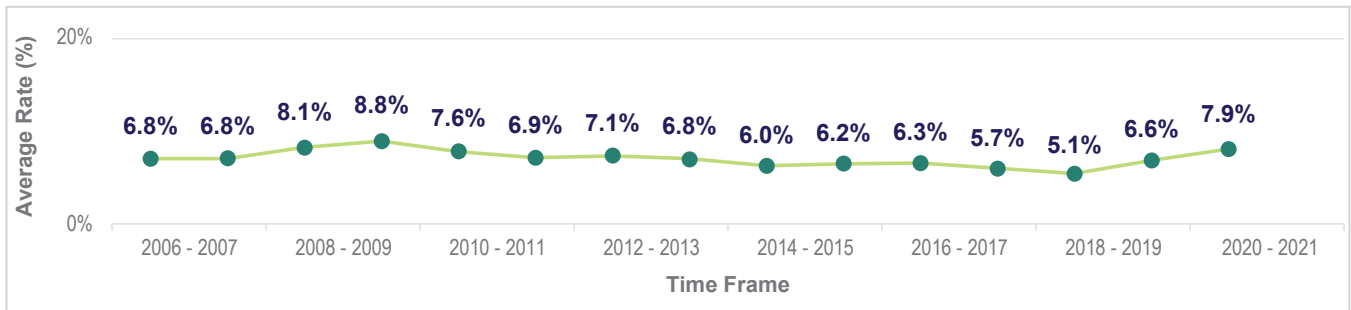
5 Recent immigrant refers to a person who obtained a landed immigrant or permanent resident status up to five years prior to a given census year.

EMPLOYMENT, INCOME & HOUSING STATUS IN HAMILTON

Unemployment in Hamilton

Hamilton's unemployment rate (2-year moving average) has seen a recent uptick from a low of 5.1% in 2018-2019 to 7.9% in 2020-2021 (Figure 5).

Figure 5. Unemployment Rate (2-year moving average), Hamilton 2006/2007 to 2020/2021



Source: Statistics Canada Labour Force Survey (LFS) accessed through the City of Hamilton's [City Dashboard](#).

Income

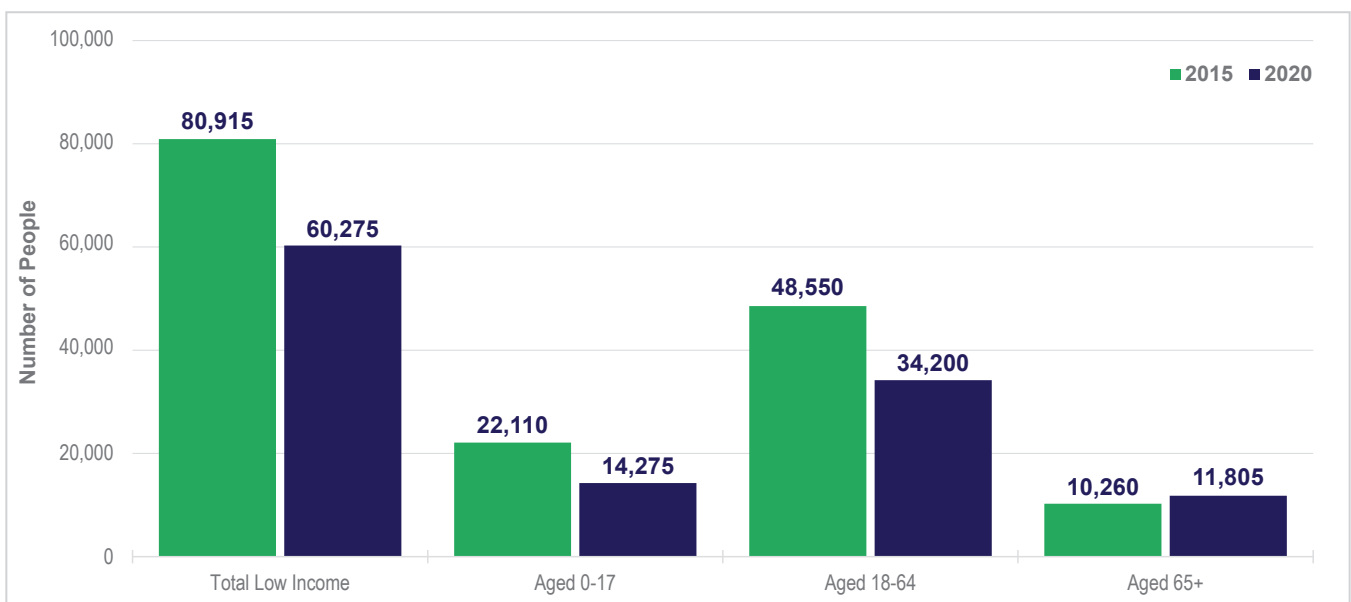
The average household income in Hamilton was \$108,700 in 2020 up from \$87,775 in 2015.

Eleven percent (or 60,275) individuals living in Hamilton reported low income status in 2020 down from 15% (or 80,915) in 2015.

In 2020, approximately 14,275 children aged 0-17 years were living with low income (Figure 6).

During the COVID-19 pandemic in 2020, loss in employment wages were offset by government transfers from COVID-19 income support programs (e.g. CERB). Household after-tax income increased for families with children and households in low income due to government transfers from COVID-19 relief programs for these groups. This subsequently resulted in decreases in low income rates, particularly amongst families and children in 2020.

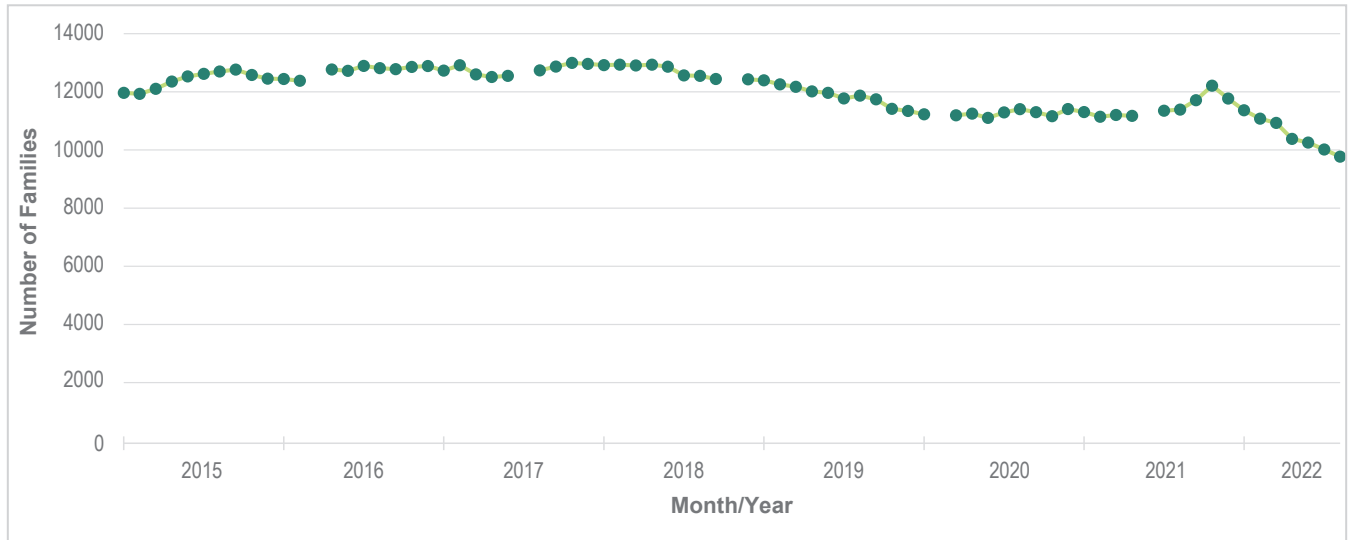
Figure 6. Number of People Reporting Low Income Status by Age Group, City of Hamilton 2015 and 2020



Source: Statistics Canada Census data, 2016 and 2021 accessed through the City of Hamilton's [City Dashboard](#).

In March 2023, approximately 10,260 families and 18,860 beneficiaries⁶ in Hamilton were supported by Ontario Works for basic food and shelter needs⁷. See Figure 7 for caseload trend between 2015 and 2023.

Figure 7. Number of Families on the Ontario Works Caseload, City of Hamilton, 2015-2022



Source: Ministry of Children, Community and Social Services (MCCSS) social assistance Operations Performance Reports. Accessed through the City of Hamilton’s [City Dashboard](#)

Housing Affordability

People in households that spend 30% or more of total household income on shelter expenses are defined as having a “housing affordability” problem. People who lack access to acceptable housing are more likely than those with adequate housing to experience physical and mental health problems.⁸

In Hamilton, 23% of households reported spending 30% or more of their total annual household income on shelter in 2021 down from 26% in 2016. Despite this, the rise in inflation increased the price of local housing from 2015 to 2022, effectively decreasing the value of the dollar and worsening the affordability of housing for households with moderate and low income.⁹

Housing affordability is more of an issue for renters compared to owners. Specifically, 38% of tenant households reported spending 30% or more on their annual household income on shelter in 2021 compared to 16% of owner households.

To learn more about Hamilton’s population visit the following City of Hamilton webpages:

hamilton.ca/citydashboard

hamilton.ca/wardprofile

hamilton.ca/opendata

6 The number of individuals (including dependent children) supported by Ontario Works.
 7 Source: Ministry of Children, Community and Social Services (MCCSS) social assistance Operations Performance Reports accessed via City of Hamilton Dashboard.
 8 Butler-Jones D. The Chief Public Health Officer’s Report on the State of Public Health in Canada, 2008.
 9 SHS Consulting and the City of Hamilton. [The City of Hamilton Housing Needs Assessment](#). December 12, 2022.

3

HEALTH & WELL-BEING OF CHILDREN & FAMILIES IN HAMILTON

Early Child Development

The Early Development Instrument (EDI) is a tool that is widely used around the world to monitor the state of early childhood development. The EDI questionnaire is completed by kindergarten teachers measuring children's ability to meet age-appropriate developmental expectations in five key domains:

- Language & Cognitive Development
- Emotional Maturity
- Social Competence
- Communication Skills & General Knowledge
- Physical Health & Wellbeing

The EDI is used to: help identify strengths and needs of children within the community; contribute to the planning of early childhood investment; and inform policy and program development decisions.

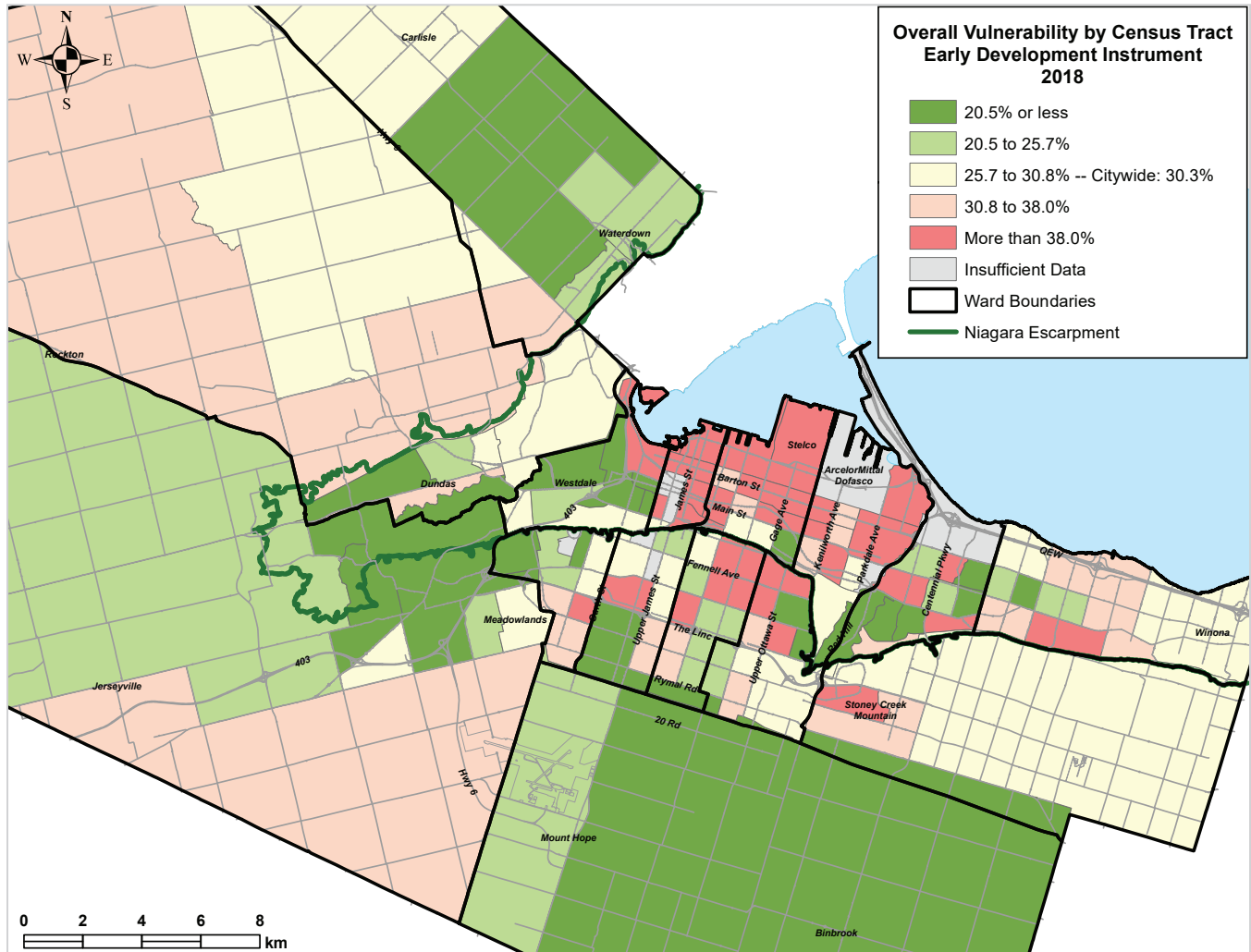
EDI *vulnerability* describes the children who score below a standard score in any domain. Higher vulnerability indicates a greater percentage of children are struggling. In general terms, an increase in vulnerability is bad and a decrease in vulnerability is good. The vulnerability rate has been shown to be a strong predictor of future school success.

In 2018, the EDI was implemented in Hamilton schools representing 4,972 Senior Kindergarten children.

EDI 2018 Highlights

- Almost 1 in 3 (30.3%) children in kindergarten in Hamilton were vulnerable in one or more areas of their development in 2018. This is a small decrease (an improvement) from 30.7% in 2015.
- Children in Hamilton scored slightly more vulnerable than the provincial average (30.3% vs 29.6%) in 2018.
- Vulnerability rates varied greatly (from 16% to 52%) across Hamilton's neighbourhoods in 2018.
- EDI vulnerability was highest (over 38%) in several lower city neighbourhoods (within Wards 2, 3 and 4 primarily) but also in pockets of Hamilton Mountain (north of the Linc). See dark red areas on Figure 8.

Figure 8. Overall Vulnerability on Early Development Instrument (EDI) by Census Tract, Hamilton 2018



Source: EDI 2018 obtained through City of Hamilton, Children’s and Community Services Division.

EDI data broken down by domain and Census Tract provides a sense of how and where children in Hamilton are most vulnerable as of 2018 (Figure 8).

For example:



Vulnerability is **highest** in **Physical Health and Well-being (17.0%)** and an issue across many Hamilton neighbourhoods.



Vulnerability is also **high** in the **Emotional Maturity (12.3%)** especially in lower city wards.



Vulnerability is **lowest** in the **Language and Cognitive Development (8.2%)** except amongst children in Ward 2 (downtown).

Physical Health & Well-being Vulnerability (EDI)

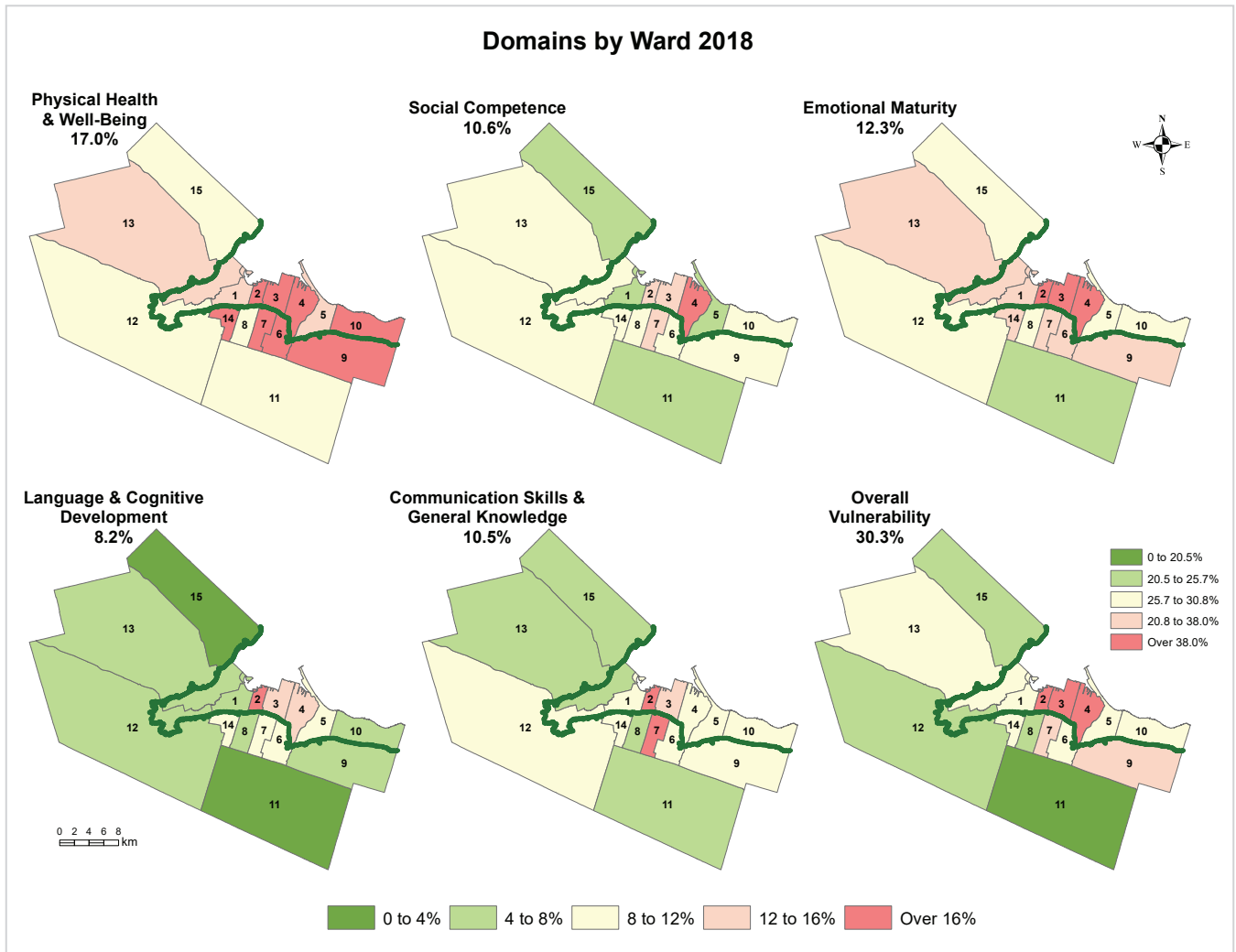
This domain measures children’s gross and fine motor skills, physical independence and readiness for the school day. Children with vulnerability in this area can experience a number of challenges during their day of learning including being dressed inappropriately, frequently late, hungry or tired. They may also experience challenges in tasks that require developed fine and gross motor skills.

Emotional Maturity Vulnerability (EDI)

Children who are identified as vulnerable on the Emotional Maturity domain experience a number of challenges related to emotional regulation. They may be more likely to have problems managing aggressive behaviour or be inattentive and impulsive.

Source: Human Early Learning Partnership. (2022). [Vulnerability on the EDI: Fact Sheet](#). University of British Columbia.

Figure 9. Percentage of Children Vulnerable on One or More (1+) Early Development Instrument (EDI) Domains by Neighbourhood, Hamilton 2018



Source: EDI 2018 obtained through City of Hamilton, Children’s and Community Services Division.

To learn more about the health and development of children in Hamilton visit the City of Hamilton’s [Child and Youth Health Atlas](#).

Highlights from Ontario Parent Survey (Hamilton-specific results)

The Ontario Parent Survey (OPS)¹⁰ aims to help understand how families and children have been affected by the lockdown due to Covid-19, and what services families and caregivers may need. Findings from the OPS Third Wave (2022) indicate COVID-19 has negatively impacted parents' mental health and financial security as well as negatively impacted children's mental health, behaviours and well-being.

Impacts on Financial Stability



- **30%** (a third) of parents reported a loss of income
- **22%** (a quarter) of families reported 'moderate to major' impact on their ability to meet financial obligations and essential needs
- **68%** of parents reported an increase in time caregiving for young children/school-aged children

Mental Health Impacts



- **71%** of parent reported significant depressive symptoms
- **40%** of parents reported needing help for mental health but did not seek help
- **12%** reported that their child needed help for mental health but did not seek help
- **39%** sought professional care for child's mental health
- **31%** of caregivers indicated that COVID-19 had 'a lot' to 'a great deal' of negative impact on their children's mental and emotional health

Parents Reported Moderate to High Levels of Concern About the Impact of COVID-19 on...



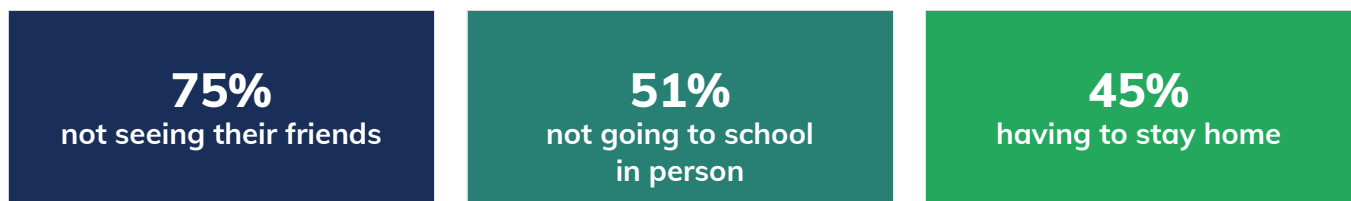
- **61%** managing screen time at home
- **62%** learning and education
- **51%** maintaining household routines, organization and meals
- **51%** balancing work while looking after children

Additional Concerns Include:



- **44%** managing their children's anxiety and stress
- **43%** amount of physical activity
- **31%** managing their child's behaviour

Top Three Events or Changes to Daily Life That Were Most Negative for Children:



10 Offord Centre for Child Studies. (2023) Ontario Parent Survey: Findings and Results from the Third Wave (Hamilton). McMaster University.

4 HAMILTON'S EARLY YEARS SYSTEM

SYSTEM OVERVIEW

The City of Hamilton's Early Years System aims to make Hamilton the best place to raise a child and the best place to be a child.

This involves ensuring that Hamilton families have access to high-quality, affordable, flexible and inclusive child care, early years programs and the availability of services for children and their families, prenatal and beyond. Accessing and experiencing early learning environments that encourage exploration, engagement, a sense of belonging, well-being and expression are essential to a child's physical, social, intellectual and emotional development. Having child care and early years programs and services available is also essential to parents and caregivers by providing the opportunity and flexibility to find and maintain employment, pursue an education, improve their parenting capacity, meet and connect with others people and families in their communities, and build a better life for their families.

Hamilton has a variety of early years services and programs designed to meet the diverse needs of Hamilton's children and families. This section provides a high level overview of Hamilton's Early Years System including snapshots of licensed centre-based care, licensed home child care, and EarlyON Child and Family Centres. Hamilton's wide range of Early Years System supports and resources are also described including Special Needs Resourcing, Child Care Fee Subsidy Program, wage grants, Infant and Early Years Mental Health System Support, and the Hamilton Early Years Quality Program.

Canada-Wide Early Learning and Child Care System

In March 2022, Ontario reached a \$13.2 billion agreement with the federal government on funding for and the terms of a Canada-wide Early Learning and Child Care (CWELCC) system. The new system will lower child care costs and improve access, quality and inclusion across Ontario's child care and early years sector.

Licensed child care operators were required to opt in or opt out of the CWELCC system by November 1, 2022. In Hamilton, 96% (215) of eligible child care operators (including both centre-based and licensed home childcare agencies) have opted in. New child care operators who wish to participate in the CWELCC program in 2023, will need to align with the Ontario Ministry of Education's direct growth approach, which seeks to create affordable childcare spaces in communities with populations who need them most.

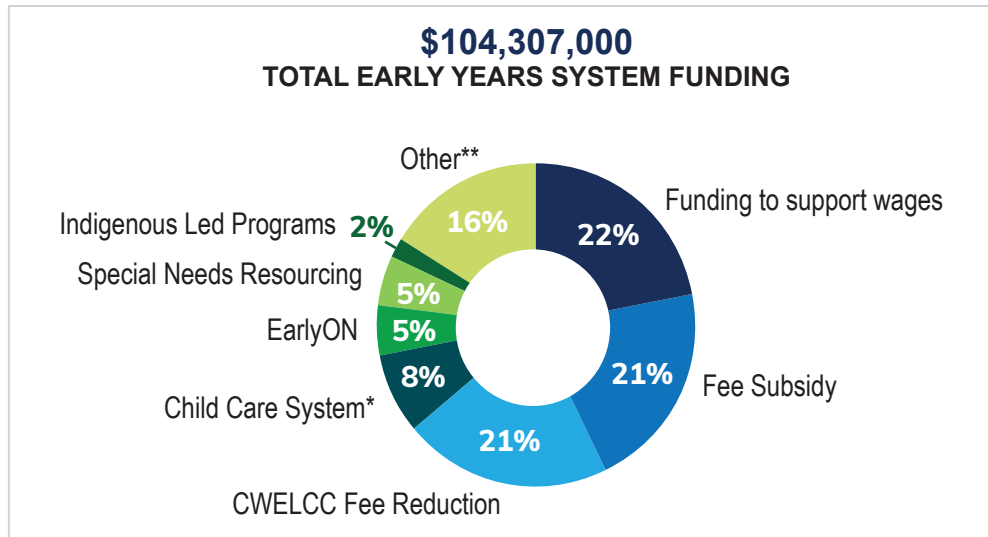
Early Years Funding and Budget

In 2022, Hamilton's Early Years System had a total operating budget of \$104.3 M. The majority of the budget is allocated towards:

- Funding to support child care wages (**\$23.4M**)
- Child care fee subsidy (**\$21.7M**)
- Child care fee reduction through CWELCC (**\$21.4M**)

See Figure 10 for distribution of Early Years System funding by category.

Figure 10. Early Years System Funding for Hamilton, 2022



* Child care system: system priorities, health & safety, capital & transformation.


** Other: admin, resource centres & capacity and emergency supports

Source: City of Hamilton Children’s and Community Services Division (2022).


ACCESS TO THE EARLY YEARS SYSTEM

Families need access to affordable, high-quality licensed child care so parents and caregivers can work or continue their education. Also, participation in quality early years programs (such as, those offered at EarlyON Child and Family Centres) has a positive impact on child development and well-being as well as family well-being.¹¹

Licensed Centre-Based Child Care by the Numbers (March 2023)



223 licensed child care centres offering
20,725 spaces for children 0-12.



This includes:

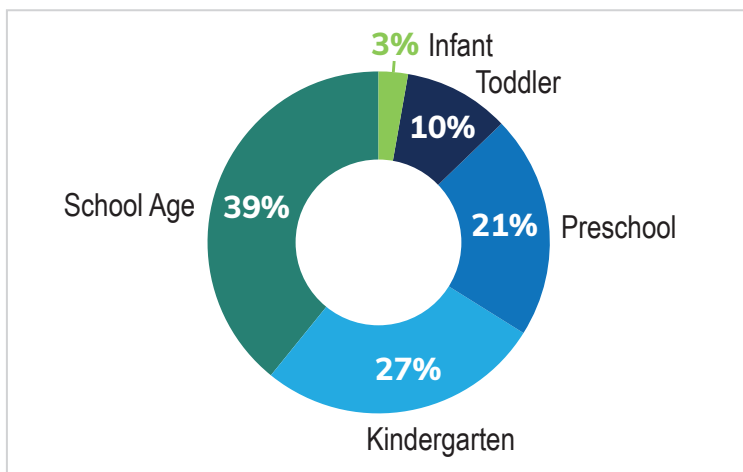
- **3** licensed French language licensed child care centres¹² serving **280 spaces** (infant to school-age)
- **1** Indigenous-led child care centre¹³ serving **73 spaces** (infant to preschool)
- **59%** (131 centres) of licensed child care centres are located within a school (but not necessarily operated by a school board)
- **7,049** spaces (a third of all spaces) in Hamilton are for younger children (infants, toddlers and preschoolers) (Figure 11)

11 OECD (2018). [Early Learning Matters](#)

12 Hamilton’s three French language child care centres are: La Garderie Le Petit Navire, Le Ballon Rouge De Hamilton, and Pavillon de la Jeunesse avant et après l’école.

13 Niwasa Kendaaswin Teg is a multi-service, Indigenous non-profit that provides services and supports to all people across the life cycle.

Figure 11. Percent of Licensed Centre-Based Child Care Spaces by Age Group in Hamilton, March 2023



Source: City of Hamilton Children’s and Community Services Division (2022).

Licensed Home Child Care by the Numbers (March 2023)

- **3** home child care agencies¹⁴
- **134** licensed home-based child care operators
- Approximately **804** licensed-home child care spaces¹⁵

Child Care Access Trends

- **11%** increase (1,975 spaces) in the number of licensed centre-based child care spaces in Hamilton from December 2019 to March 2023 (see Table 2).
- **Infant and toddler age groups** saw the largest increases in the number of licensed centre-based child care spaces between 2019 and 2023 (Figure 12)

Table 2. Number of Licensed Centre-Based Child Care Spaces by Age Group in Hamilton, Dec 2019 vs Mar 2023

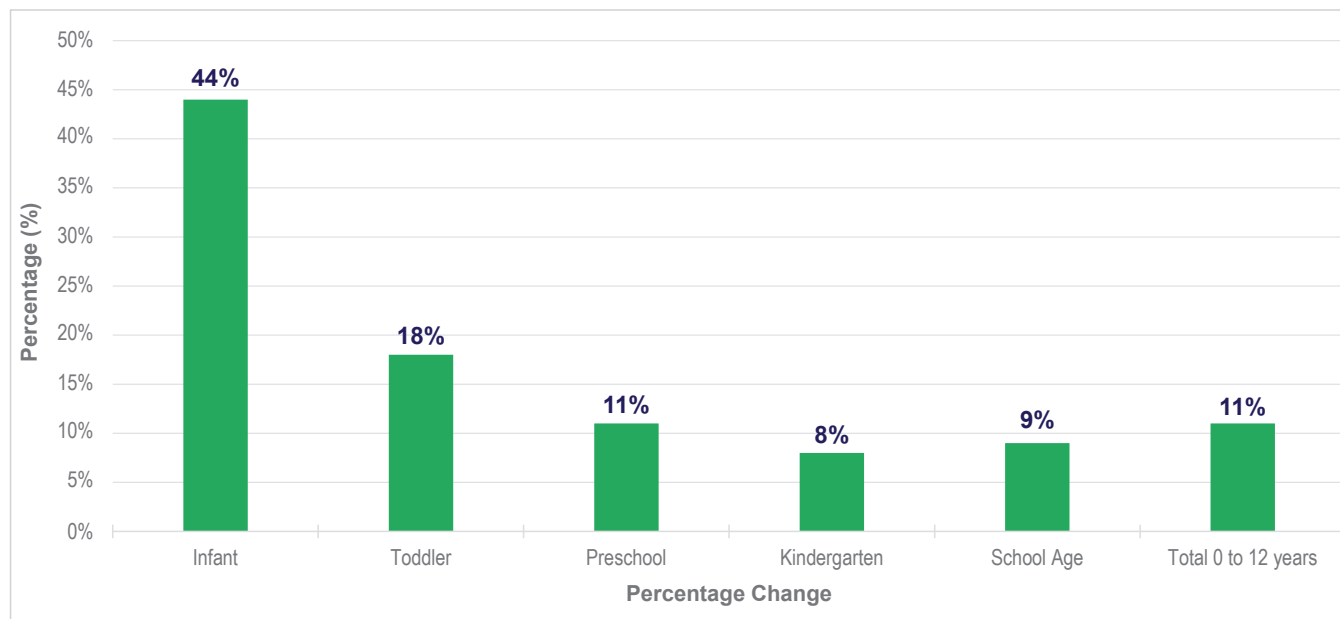
Child Care Age Group	Number of spaces in Hamilton	
	Dec. 2019	Mar. 2023
Infant (0-18 months)	379	546
Toddler (18-30 months)	1,782	2,094
Preschool (30 months to 4 years)	3,990	4,409
Kindergarten (4-5 years)	5,155	5,547
School Age (6-12 years)	7,444	8,129
TOTAL	18,750	20,725

Source: City of Hamilton Children’s and Community Services Division (2022).

14 Today’s Family, Wee Watch Galbraith and Wee Watch Golfwood

15 This is an estimated number based on potential availability given each licensed-home child care operator can provide care for up to 6 children. Actual numbers will differ based on how many children any given operator is currently providing care to.

Figure 12. Percentage Change in Number of Licensed Centre-Based Child Care Spaces by Age Group in Hamilton, December 2019 vs March 2023



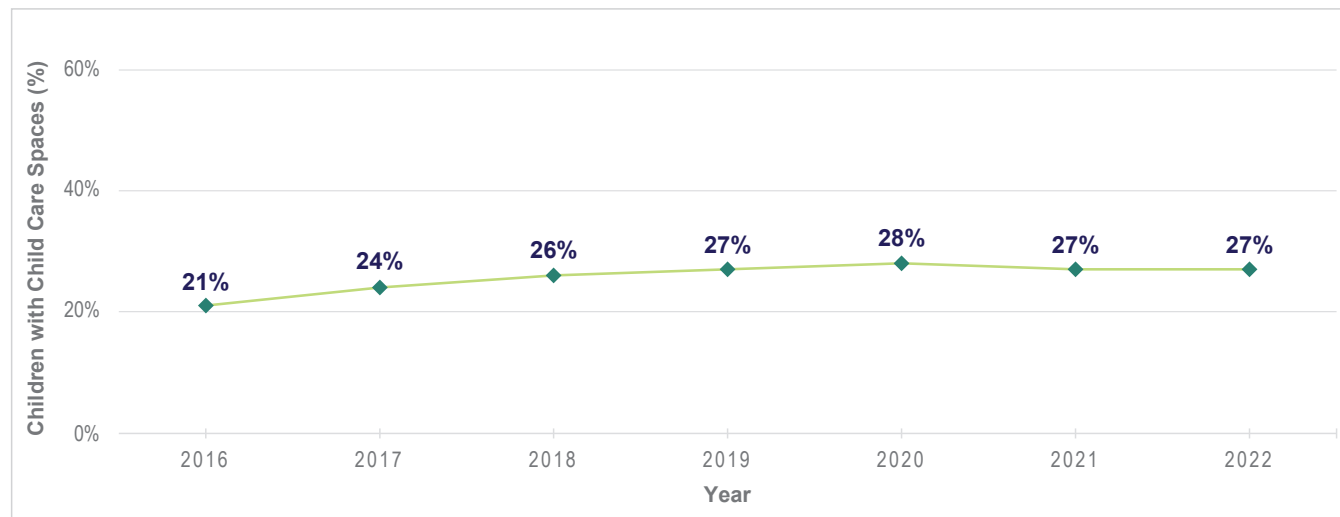
Source: City of Hamilton Children’s and Community Services Division (2022).

Child Care Expansion for Children 0 to 5 years Through an Access and Inclusion Framework

Under Ontario’s Access and Inclusion Framework 2022 (Ministry of Education) funding for spaces will be allocated to help each region progress towards a target provincial ratio of spaces to children, or access rate, of 37%. This is equivalent to there being one affordable child care space available for every 2.7 children aged 0-5 years. As of March 2023, the local access rate for infant, toddler and preschool age groups was 31%.

Hamilton monitors child care access for children aged 0-12 years. In 2022, Hamilton had enough licensed child care spaces for 27% of the child population up from 21% in 2016 (Figure 13).

Figure 13. Children (age 0-12 years) with a Child Care Space, Hamilton 2016 to 2022



Source: Statistics Canada (Census 2016 and 2021 population counts) and Ontario Municipal Child Care Management System (OCCMS) (child care spaces) accessed through the City of Hamilton’s [City Dashboard](#).

Child care spaces are not equitably distributed across the City of Hamilton. Access to licensed child care spaces varies significantly by age group and city ward. For example, licensed child care capacity is lowest for infants and highest for pre-school aged children (Table 3). Few wards across the City of Hamilton are meeting the provincial child care access target of 37%. This is especially the case in parts of the lower city (Wards 3 and 4), central and east mountain (Wards 6 and 7) and to some extent in Glanbrook (Ward 11) (Table 3).

Table 3. Licensed Child Care Capacity¹⁶ by Child Care Age Group¹⁷ and City Ward, City of Hamilton, February 2023

Ward	Infant Access Rate (%)	Toddler Access Rate (%)	Pre-school Access Rate (%)
Ward 1	13	59	65
Ward 2	13	50	84
Ward 3	4	31	37
Ward 4	3	17	33
Ward 5	7	30	42
Ward 6	0	9	18
Ward 7	1	21	34
Ward 8	0	47	72
Ward 9	9	52	70
Ward 10	11	52	53
Ward 11	4	17	32
Ward 12	6	36	58
Ward 13	0	39	45
Ward 14	15	67	102
Ward 15	15	59	80

Source: City of Hamilton Children's & Community Services Division.

Ontario's vision for the CWELCC system is that more families in Ontario have access to high quality, affordable, flexible, and inclusive early learning and child care no matter where they live. A focus will be given to creating affordable child care spaces in communities with populations who need them most. This targeted growth approach will support space creation in regions of the province that have had historically low rates of space availability.

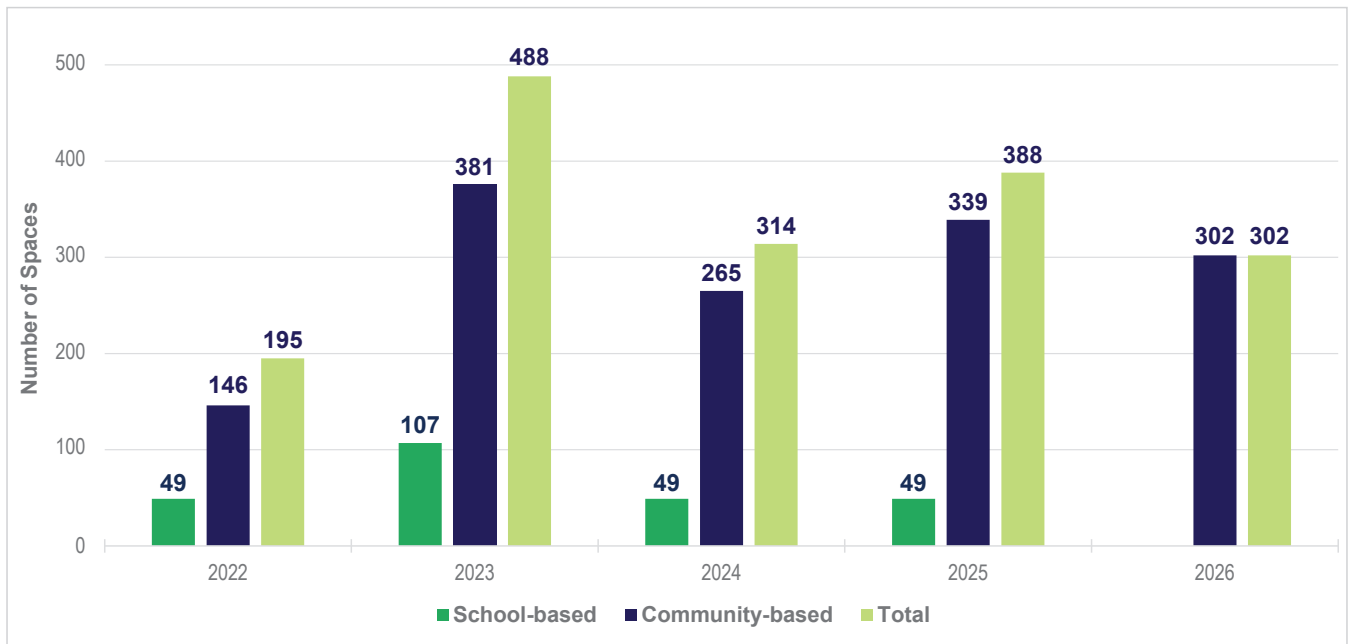
¹⁶ The access rate percentage is defined by the total number of licensed child care spaces divided by the population.

¹⁷ Child care age groups are: Infant = 0 to 18 months; Toddlers = 18 to 30 months; and Preschool = 30 months to 6 years.

The purpose of Ontario’s Access and Inclusion Framework is to support Consolidated Municipal Service Managers (CMSMs), like the City of Hamilton, with developing and implementing local service system plans with an increased focus on access as it relates to inclusion. This includes a focus on supporting child care access for low-income children, vulnerable children, children from diverse communities, children with special needs, Francophone and Indigenous children.

Under CWELCC, the City of Hamilton has been allocated 1,687 new child care spaces between 2022 and 2026 consisting of a total 254 new school-based spaces and 1,433 new community-based spaces (Figure 14).

Figure 14. Target Number of New Licensed Centre-Based Child Care Spaces Under CWELCC System for City of Hamilton, 2022 to 2026



Source: City of Hamilton Children’s and Community Services Division (2022).

Hamilton’s child care expansion, in keeping with the Ministry of Education’s Access and Inclusion Framework, will focus on children with special needs, families with low income, those who are most vulnerable, children from diverse communities, Francophone children, and Indigenous children. The Children’s and Community Services Division early analysis has demonstrated a need to prioritize child care expansion in four city wards. In 2023, Hamilton child care expansion will focus on:

- **Ward 6:** East Mountain
- **Ward 7:** Central Mountain
- **Ward 3:** Hamilton Centre
- **Ward 4:** East Lower Hamilton

It is important to note all wards in Hamilton have their own set of needs with respect to early learning and care. A deeper review of neighbourhood context and capacity as well as a phased approach to child care expansion will help to ensure each ward’s unique circumstances are taken into account during implementation of CWELCC.

EarlyON Child and Family Centres

EarlyON Child and Family Centres (EarlyON CFCs) offer free, high-quality programs for children from prenatal to 6 years old and their families where they can learn, grow and connect, together. At an EarlyON CFC, families can learn and play with their child(ren), meet people and get advice from early childhood educators and other professionals.

EARLYON CFCS BY THE NUMBERS (2023)

- **8** agencies offering programs at **35** locations across the City of Hamilton (see Appendix A for a complete list of locations). This includes Niwasa Kendaaswin Teg offering an early learning environment that follows Indigenous teachings and knowledge as well as Centre de santé communautaire – Hamilton/Niagara offering French language programming and supports.
- Ward 3 (Hamilton Centre) and Ward 4 (East Lower Hamilton) have the most sites while many suburban wards (such as, Wards 9, 10, 11, 12 and 14) have one location. For a map of all EarlyON CFC locations, see Appendix A.
- **6,926** unique parent and **9,062** unique children (ages 0 to 6 years) visited Hamilton EarlyON programs for a total of **70,175** parent and **92,808** child visits between May 2022 and April 2023.¹⁸
- The overall EarlyON participation rate¹⁹ for the City of Hamilton is **20.5%** (May 2022 to April 2023).
- Participation rates have **recovered** from a low of **3.5%** during March 2020 to April 2022²⁰ and are higher than the pre-pandemic participation rate of 12.1%.
- Over the past year, EarlyON participation rates were above the city average (**20.5%**) across several Wards including:
 - Upper Stoney Creek - Ward 9 (**31%**)
 - Hamilton Centre - Ward 3 (**25%**)
 - East Hamilton - Ward 4 (**25%**)
 - Chedoke-Cootes area - Ward 1 (**24%**)
 - Flamborough East - Ward 15 (**24%**)
- EarlyON participation rates were well below the city average (**20.5%**) across several Wards including:
 - Ancaster - Ward 12 (**13%**)
 - Hamilton Mountain West - Ward 14 (**14%**)
 - Glanbrook - Ward 11 (**15%**)

18 EarlyON visits counts include multiple visits on the same day, e.g., visiting multiple locations and/or different programs on the same day.

19 The EarlyON participation rate is determined by the number of unique children 0 to 6 years of age that attended an EOCFC in the time period, and identifying the census tract location of their home address; divided by the number of all population children (0 to 6) within each respective census tract provided by Statistics Canada, 2016 Census.

20 This was a period of COVID-19 related closures of in person EarlyON CFC locations.

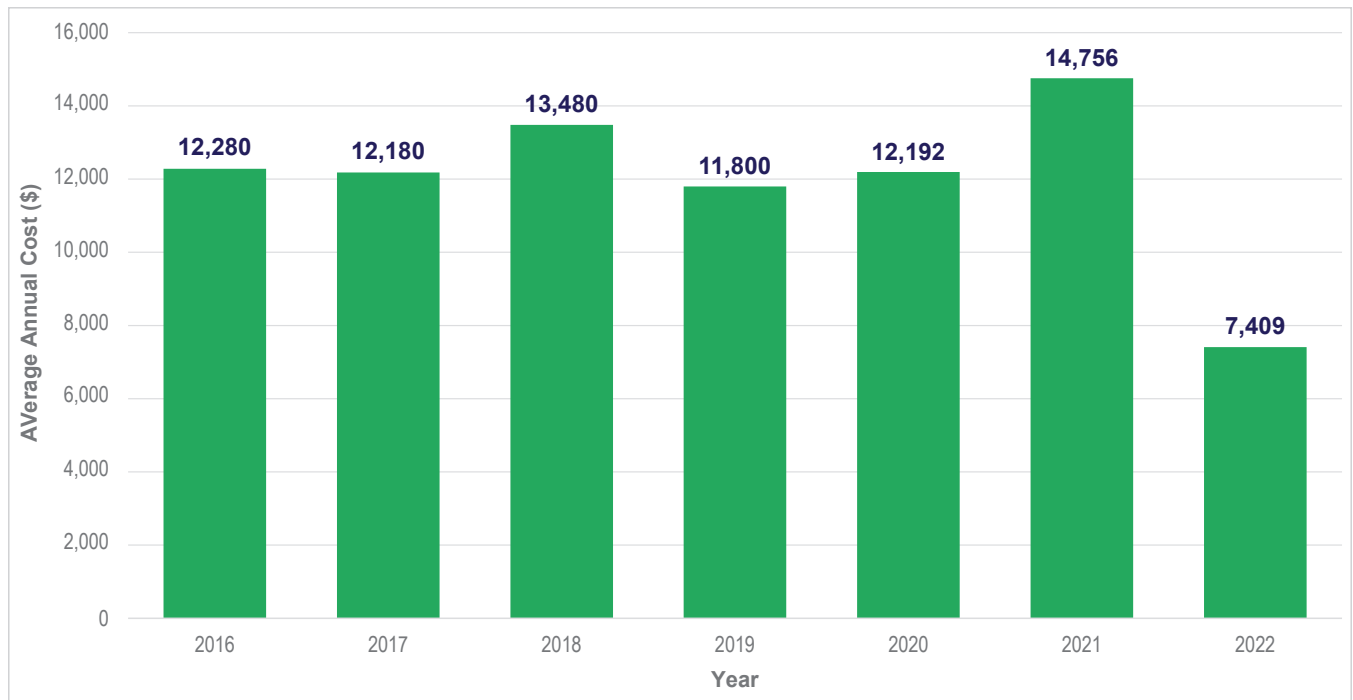
- **1000+** Hamilton families shared feedback about their experiences visiting EarlyON Child and Family Centres in 2023:
 - **80-90%** agreed they had positive experiences visiting an EarlyON CFC:
 - **80%** agreed that the KeyON registration/sign in was easy to use at the EarlyON CFC
 - Families indicated a preference for in-person, flexible programming hours (i.e., morning, afternoon and weekends) while also reporting a preference for on-line programming, especially evening hours

AFFORDABILITY OF THE EARLY YEARS SYSTEM

Child Care Costs

Quality licensed child care often comes at a significant financial cost to families. The average yearly child care costs for children ages 0 to 6 years in Hamilton increased by 20% from 2016 to 2021. Costs then dropped by 52.75% between 2021 and 2022 (Figure 15) due to CWELCC funding provided to child care operators in 2022 to reduce the costs of child care for eligible families. See below for further details regarding fee reductions.

Figure 15. Average Annual Child Care Cost (all age groups), Hamilton from 2016 to 2022



Source: City of Hamilton Children’s and Community Services Division (2022).

Table 4. Average Daily Child Care Rates per Full Time, Full Day by Child Care Age Group, Hamilton 2022


Child Care Age Group	Pre-CWELCC Rate	Post-CWELCC Rate
Infant (0 to 18 months)	70.80	33.39
Toddler (18 to 30 months)	56.98	26.89
Preschool (30 months to 6 years)	49.59	23.41
Average (0 to 6 years)	59.12	27.90

Source: City of Hamilton Children’s & Community Services Division

Fee Reduction for Families

The *Child Care Affordability Grant* began as a pilot project in July 2018 and continued to December 2022. Approximately 4,200 children in Hamilton benefitted. This fee reduction program was made available to all families regardless of income levels. The plan provided a \$10 per day reduction in child care costs, for parents of children up to four years of age who did not qualify for subsidized spots in licensed child-care facilities. Due to the implementation of CWELCC, this grant was discontinued in 2023.

CWELCC estimated annual savings per child (for eligible families)

\$3,600 (2022) 
\$9,100 (2023)

Fee Subsidy

The City of Hamilton provides financial assistance towards the cost of child care through a fee subsidy program. Eligibility is determined through an income test.

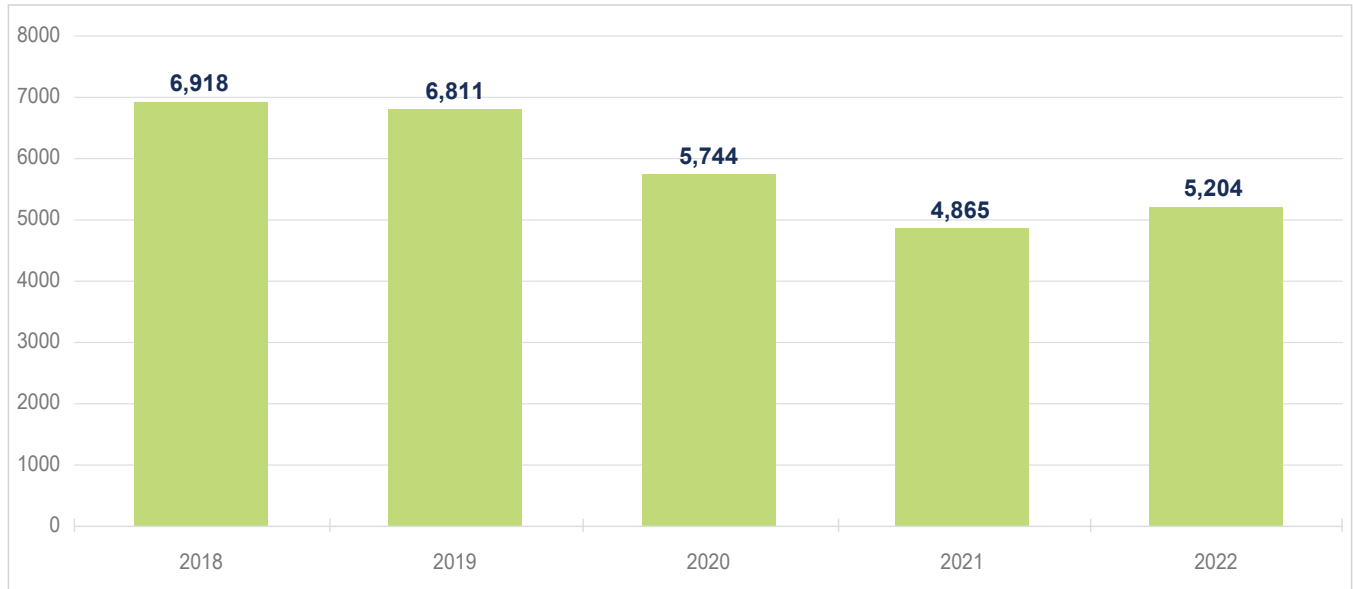
- The fee subsidy budget supports an average of 4,200 children monthly in Hamilton in 2022.
- Approximately 80.2% of both lone parent and/or two parent families receiving fee subsidy were from income brackets of \$40,000 or less²¹

The City of Hamilton will continue to provide the child care fee subsidy program. While it is good news for Hamilton families that licensed child care costs are reducing because of CWELCC funding, the fee subsidy program will continue to ensure families equitable access to licensed child care.

Figure 16 depicts the number of children receiving child care fee subsidy in Hamilton over the past five years.

²¹ City of Hamilton Children’s & Community Services Division

Figure 16. Number of Children Receiving Child Care Fee Subsidy, Hamilton 2018 to 2022



Source: City of Hamilton Children’s and Community Services Division (2022).

The child care fee subsidy waitlist has seen dramatic changes over the past 10 years. In 2013, the waitlist peaked at just over 2,100 families. Since then the waitlist has seen a steady decline with significant drops in 2013, 2015 and 2019 due a range of factors including increased fee subsidy funding and an updated waitlist management process. Hamilton has not had a Child Care Fee Subsidy Waitlist since 2019, this may be due in part to the ongoing recovery of the early years system and a gradual return to pre-pandemic capacity.

QUALITY OF THE EARLY YEARS SYSTEM

High quality early years services and programs substantially influence children’s development and well-being. Evidence shows that high quality early learning and child care programs support development and positively impact children.²²

Hamilton Early Years Quality Program

The Hamilton Early Years Quality Program (HEYQP) cultivates high-quality, responsive and accountable relationships with the early years community at all levels of an organization for the benefit of children, educators and families. Quality directly impacts the services provided to families and children in the early years system and community. Participation in the quality program is a fundamental foundation for all early learning and child care operators that have funding agreements with the City of Hamilton. Hamilton’s early learning and child care community embraces, nurtures and commits to building meaningful, authentic opportunities for educators, families, children and communities for diverse, high-quality, inclusive learning, growth through continuous improvement. (see next page for details).

22 OECD. (2018). [Early Learning Matters](#).

HEYQP HIGHLIGHTS



2022 HEYQP Supports

- **73** City and Affiliated Services for Children and Youth quality visits were completed with operators
- **182** professional learning opportunities offered including workshops, podcasts, Infant and Early Years Mental Health Symposium, etc.
- **10,300+** participated in professional learning opportunities
- **45+** professionals participating in Side by Side mentorship



2022 HEYQP Accomplishments

- **360+** Early Years program sites participated in HEYQP
- **3%** of system sites experienced intensive quality monitoring to support change. This is down from 23% in 2017 and 21% in 2018 reflecting overall system quality improvements
- **99%** change was observed for those who experienced intensive monitoring for continuous improvement

Source: City of Hamilton Children's & Community Services Division.

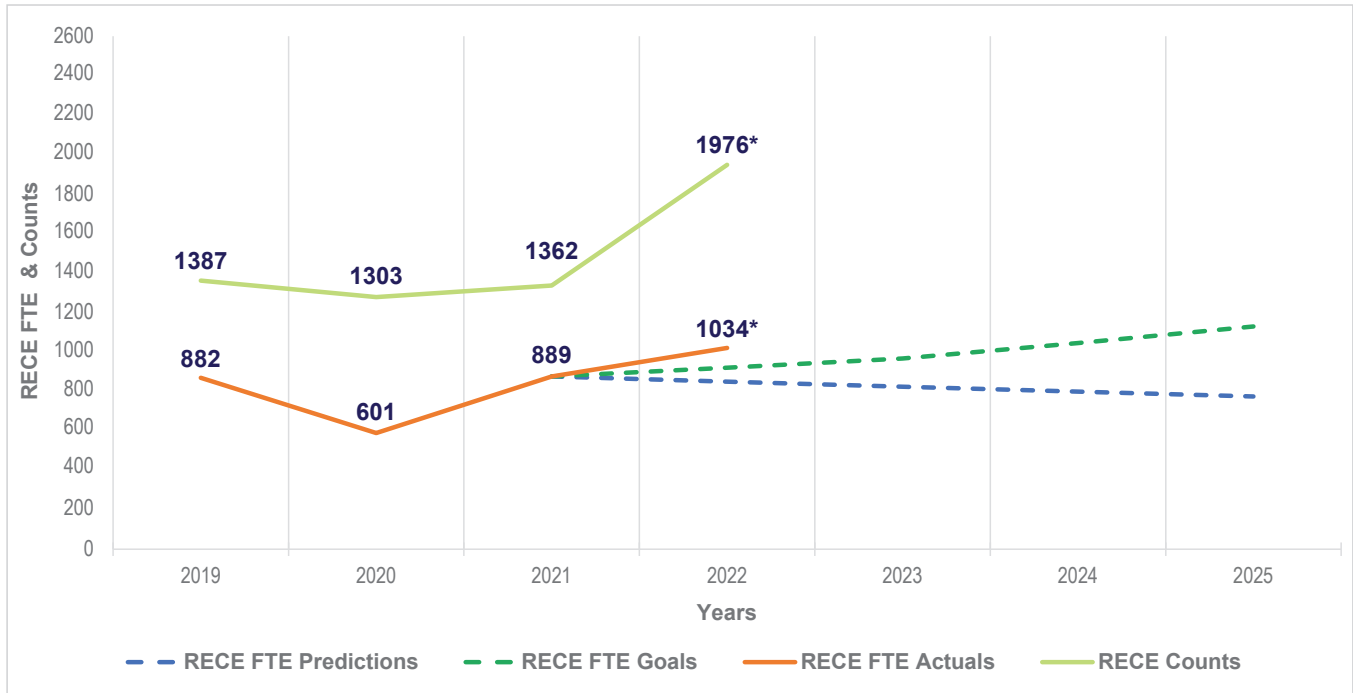
Early Years Workforce

A qualified, stable and well-compensated early years workforce is the foundation of high quality early years services and programs. Historically, the early years system has experienced workforce challenges due to low compensation and working conditions. Across the province, the early years sector continues to experience recruitment and retention challenges especially the recruitment and retention of Registered Early Childhood Educators (RECEs). Furthermore, the cumulative impacts of responding to the COVID-19 pandemic have intensified the workforce challenges.

During the COVID-19 pandemic (2019 to 2021), Hamilton experienced a decline in the number of RECEs (yellow dotted line, below) and RECE full-time equivalent (FTE) actuals (red dotted line). At the height of the pandemic, RECE counts dropped to 1,303 and RECE FTE actuals dipped to 601 in 2020 (Figure 17).

The local RECE workforce has started to rebound coming out of the pandemic. Specifically, the number of RECEs increased to 1,976 and RECE FTE actuals increased to 1,034 in 2022. This translates to a 45% increase in the number of RECEs and 6.3% increase in RECE FTE actuals in Hamilton from 2021 to 2022.

Figure 17. RECE Counts and RECE FTE Actuals from 2019 to 2022, Hamilton



Source: Hamilton Workforce Funding Project (2023). City of Hamilton Children’s and Community Services Division.

* Note: counts for 2022 were estimated based on Business Support counts at time of request and confirmation pending.

Unfortunately, not unlike other municipalities, Hamilton operators continue to report an insufficient number and diversity of early learning and child professionals to meet operational capacity in 2022/2023.

Hamilton’s Early Years HR Workforce Strategy will continue to expand and strengthen its mentorship program to support students towards employment transitions as well as work with early years operators to determine what makes a “good fit” when hiring a new professional.

Workforce Compensation

A high-quality early years system requires a comprehensive human resources workforce strategy, including fair compensation for RECEs.

- Currently, RECEs that work in the early years and child care sector earn an average of \$22.45/hour in Hamilton, compared to RECEs that work for the school boards which make an average of \$27/hour

CWELCC workforce compensation funding will be used to increase hourly wages of RECEs working in licensed child care. In 2022, the Ontario Ministry of Education established an \$18/hour wage floor for RECEs and a \$20/hour wage floor for supervisors. Going forward, RECEs and supervisors will receive a \$1 per hour wage increase each year from 2023 to 2026, up to a maximum of \$25/hour.

Wage grants, including the Wage Enhancement and Fee Stabilization funding, support the salaries of staff working in licensed child care settings and licensed home child care providers.

- In 2022, 1,723 child care staff received the Wage Enhancement Grant (WEG)
- Two thirds of recipients (66%) work in non-profit licensed child care centres and the remaining third work in for-profit licensed child care centres

Attracting & Retaining RECEs

Responses from a recent survey of RECE professionals attending a local professional learning event* indicated the top factors in attracting and retaining a high quality, diverse workforce include:



* It's Your Day! Embracing the Early Years Virtual Professional Learning Day. April 22, 2022.

EQUITY & BELONGING

Early years services and programs play a critical role in supporting equity, diversity, inclusion and belonging in the early years and the community-at-large. Hamilton's early years system has set a goal of strengthening equity, diversity and inclusion in order to bring to life the vision that all children and families experience a real, lived sense of belonging in the early years system.

Special Needs Resourcing Program

The City of Hamilton is committed to delivering inclusive services where children with varying abilities are experiencing diverse, meaningful ways to participate and successfully learn. Community partners work together with early learning and child care providers, educators and professionals to ensure families and children have access to and experience diverse, inclusive learning communities.²³ *Special Needs Resourcing* funding supports the early years system with resources, equipment, supplies, professional development, such as Shelley Moore, Tools for Life (TFL) for Early Years, and evidence-based pedagogical and inclusion practices to plan, inform and deliver high-quality, inclusive services for families with children who have varying abilities. The evidence demonstrates that diverse, inclusive learning communities where children experience a sense of belonging provide developmentally beneficial learning, growth and belonging for all children.²⁴

²³ In Hamilton, the City works with community agencies for early learning and child care to provide early learning opportunities for children and their families. Agencies include: Affiliated Services for Children & Youth / Early Words; Community Living Hamilton; and Ron Joyce Children's Health Centre

²⁴ Underwood, K. (2013). *Everyone is Welcome: Inclusive Early Childhood Education and Care*. [Think, Feel, Act](#).

Special Needs Resourcing by the Numbers (2022)

- Each month, an average of **656** children ages 0 to 6 years and an average of **115** children ages 6 to 12 years receive special needs supports.
- **1,237** unique²⁵ children (0 to 12 years) received special needs supports in 2022
- **331** licensed child care programs were supported with Special Needs Resourcing²⁶
- Hamilton had **54** Resource Consultants, and Inclusion Facilitators
- Addition of a new Francophone Resource Consultant
- **200+** early years professionals attended Let’s Talk Moore about Inclusion event
- Most educators in 2019/2020 were trained in TFL and more resources be available in 2023/2024
- In 2022, the City of Hamilton spent **\$5.48M** to support the inclusion of 1,237 children in 331 licensed child care programs

Special Needs Resourcing Trends

The number of children served through Hamilton’s Special Needs Resourcing (SNR) program dipped during the COVID-19 pandemic due to the mandated closure of child care centres and fewer spaces being available when the system re-opened. In 2022, the number of children supported through the SNR program began to return to pre-pandemic levels (Table 5).

The number of licensed child care programs supported through the SNR program sits at a five-year high of 331. This is despite a decrease in the number of Resource Consultants / Inclusion Facilitators available in the system (Table 5).

Table 5. Special Needs Resourcing Trends, Hamilton from 2018 to 2022

	2018	2019	2020	2021	2022
Monthly number of children served (0-6)	659	825	347	523	656
Monthly number of children served (6-12)	140	138	59	115	115
Number of unique children served	1,299	1,452	1,051	1,370	1,237
Number of licensed child care programs supported	293	303	289	288	331
Number of Resource Consultants / Inclusion Facilitators available to support children and child care programs	61	61	56	53	54
Full time equivalents (FTE) Resource Consultants/ Inclusion Facilitators available to support children and child care providers	50.82	53.46	48.98	48.40	48.40

Source: City of Hamilton Children’s and Community Services Division (2022).

²⁵ Each child is only counted once per year.

²⁶ This number represents duplicates due to the integrated special needs resourcing delivery model with one or more partners providing supports to the system.

Early Years Mental Health System and Services

Through its [Infant and Early Years Mental Health System Support Committee](#)²⁷, the City of Hamilton aims to facilitate an evidence-based, integrated and coordinated approach to cross-sector planning for infant and early years mental health services in Hamilton. This committee's work focuses on:

- Building awareness of infant and early years mental health in the community
- Increasing professional capacity and opportunities for continuous learning
- Identifying and developing appropriate care referral pathways and wait list strategies for children ages 0-6 and their families
- Improving coordination of services and support across the City of Hamilton
- An informal environmental scan²⁸ of IEYMH committee members in Fall 2022 regarding emerging system trends and capacity found anecdotal reports of: Increased number of referrals received across member agencies
- Increasingly acute, multi-layered and complex cases encountered among children and youth, post-COVID
- Human resources shortages impacting services and community supports
- Increasing need to support families while waiting for assessment or entry to services.
- Support to ensure children get the right level of care, at the right time

Newcomer Mental Health Needs

Children and families recently arriving to Canada, especially those who arrive as refugees, experience a range of stressors that place them at risk of poor mental health. A recent Hamilton study²⁹ out of the Offord Centre for Child Studies at McMaster University examined newcomer mental health needs, barriers to care, and opportunities for improving mental health supports.

Key study findings include:

- Only **2 out of 11** parents who reported their child experienced mental health difficulties since arriving in Canada sought help
- **85%** of parents said they knew nothing about child and youth mental health services in Hamilton
- The **family unit** is seen as the **primary source of help** for children's mental health difficulties. "The home is the foundation."

27 For a complete list of Committee membership see: [Infant and Early Years Mental Health System Support](#)

28 City of Hamilton CCSD. IEYMH System Summary. January to March 2023.

29 Sims, A. (2023). Thriving Together: Service provider and family perspectives on newcomer child and youth mental health and access to care. Offord Centre for Child Studies. McMaster University)

The study identified a range of intersecting barriers to care including:

- Structural or systemic barriers such as, complex and difficult to navigate systems and the lack of prevention and early identification
- Provider-level barriers such as, lack of representation and gaps in providers' cultural, language, and mental health knowledge and competencies
- Individual and family-level barriers such as, limited mental health literacy and knowledge of available supports as well as a seeking help only when child or family is in crisis

The study lays out seven recommendations³⁰ for improving mental health supports for newcomer children and families. The following three recommendations are instructive for Hamilton's Early Years System:

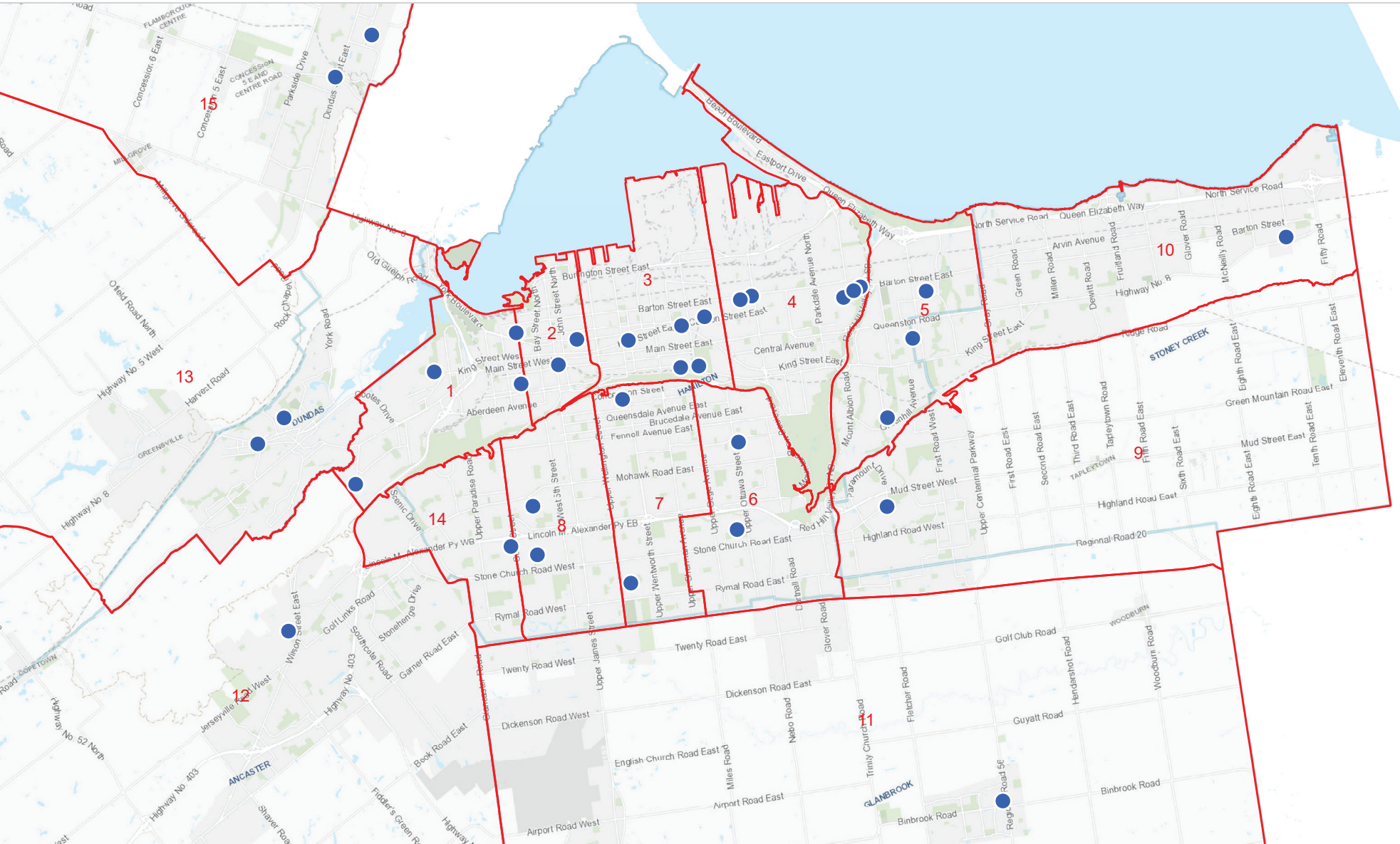
- **Newcomer Engagement:** Amplify and listen to newcomer voices at all stages of policy and program design and implementation
- **Cultural Responsiveness:** Understand how culture and migration experiences shape mental health and work with newcomer families to develop culturally responsive interventions
- **Workforce Diversity & Development:** Hire and support a more racially and culturally diverse workforce that better reflects newcomer communities

30 To learn more see: <http://cyrrc.org/2022/03/4j>

APPENDIX A



EarlyON Child and Family Centre Locations, City of Hamilton, as of June 2023



List of EarlyON Child and Family Centre Locations, City of Hamilton, as of June 2023

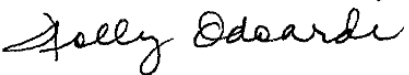
NAME	AGENCY	STREET ADDRESS	COMMUNITY	PROGRAM TYPE	WARD
Ryerson EarlyON	Today's Family	251 Duke St.	Hamilton	Indoor	1
1900 Main West EarlyON	Wesley	1900 Main Street West	Hamilton	Indoor	1
Churchill Park EarlyON	Wesley	167 Cline St. N.	Hamilton	Outdoor and Indoor	1
Queen Street EarlyON	Wesley	155 Queen St. North	Hamilton	Indoor	1
Beasley EarlyON	Wesley	145 Wilson St	Hamilton	Indoor	2
James Street EarlyON	YMCA	79 James St. S	Hamilton	Outdoor and Indoor	2
Bernie Morelli EarlyON	Boys and Girls Clubs of Hamilton	876 Cannon St. E.	Hamilton	Outdoor and Indoor	3
Sanford EarlyON	Boys and Girls Clubs of Hamilton	735 King St East	Hamilton	Indoor	3
Gage Park ON y va (French)	Centre de sante Communautaire – Hamilton/Niagara	1000 Main St E	Hamilton	Outdoor	3
On y va de Notre-Dame Hamilton	Centre de sante Communautaire – Hamilton/Niagara	400 Cumberland Ave	Hamilton	Outdoor and Indoor	3
Holy Name of Jesus EarlyON	Hamilton Wentworth Catholic Child Care Centres	181 Belmont Ave. N.	Hamilton	Indoor	3
St. Patick EarlyON	Hamilton Wentworth Catholic Child Care Centres	20 East Avenue South	Hamilton	Indoor	3
Ellis EarlyON	Boys and Girls Clubs of Hamilton	45 Ellis Ave	Hamilton	Outdoor and Indoor	4
Hillcrest EarlyON	Boys and Girls Clubs of Hamilton	40 Eastwood St	Hamilton	Indoor	4
Woodland at the Red Hill Valley Trail EarlyON	Boys and Girls Clubs of Hamilton	Melvin and Talbot	Hamilton	Outdoor	4
On y va du CSCHN rue Barton	Centre de sante Communautaire – Hamilton/Niagara	1320 Barton St. E.	Hamilton	Indoor	4
Niwasa Biindigen Hub EarlyON	Niwasa	785 Britannia Ave	Hamilton	Outdoor and Indoor	4
Woodland at Green Venture EarlyON	Boys and Girls Clubs of Hamilton	22 Veevers Dr.	Hamilton	Outdoor	5
St. David EarlyON	Hamilton Wentworth Catholic Child Care Centres	33 Cromwell Cres.	Hamilton	Outdoor and Indoor	5
Dominic Agostino Riverdale EarlyON	Wesley	150 Violet Dr.	Hamilton	Indoor	5

NAME	AGENCY	STREET ADDRESS	COMMUNITY	PROGRAM TYPE	WARD
Cecil B. Stirling EarlyON	Today's Family	340 Queen Victoria Drive	Hamilton	Indoor	6
Huntington Park EarlyON	Today's Family	87 Brentwood Drive	Hamilton	Indoor	6
George L. Armstrong EarlyON	Today's Family	460 Concession St.	Hamilton	Indoor	7
Helen Detwiler EarlyON	Today's Family	320 Brigade Dr.	Hamilton	Indoor	7
Gourley Park EarlyON	YMCA	142 Duncairn Crescent	Hamilton	Outdoor	8
N2N Athens Street EarlyON	YMCA	28 Athens St.	Hamilton	Indoor	8
Westmount EarlyON	YMCA	35 Lynbrook Drive	Glanbrook	Outdoor and Indoor	8
Valley Park EarlyON	Heritage Green	970 Paramount Dr.	Stoney Creek	Indoor	9
Winona EarlyON	Hamilton Wentworth Catholic Child Care Centres	255 Winona Rd	Stoney Creek	Outdoor and Indoor	10
Binbrook EarlyON	Hamilton Wentworth Catholic Child Care Centres	2600 Hwy 56	Binbrook	Outdoor and Indoor	11
Fieldcote EarlyON	Today's Family	64 Sulphur Springs Rd	Ancaster	Outdoor	12
Dundas Driving Park EarlyON	Today's Family	71 Cross St.	Dundas	Outdoor	13
Dundas Lions Memorial EarlyON	Today's Family	10 Market St. S.	Dundas	Indoor	13
Greendale EarlyON	Today's Family	44 Greendale Drive	Hamilton	Indoor	14
St. Thomas EarlyON	Hamilton Wentworth Catholic Child Care Centres	170 Skinner Rd	Waterdown	Indoor	15
Waterdown EarlyON	Today's Family	315 Dundas St E.	Waterdown	Outdoor and Indoor	15





CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Long-Term Care Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	October 19, 2023
SUBJECT/REPORT NO:	2023 Ministry of Long-Term Care Funding Enhancement (HSC23057(a)) (Wards 7 and 13)
WARD(S) AFFECTED:	Wards 7 and 13
PREPARED BY:	Jessica Finan (905) 546-2424 Ext. 5479 Holly Odoardi (905) 546-2424 Ext. 1906
SUBMITTED BY:	Holly Odoardi Senior Administrator, Long-Term Care Division Healthy and Safe Communities Department
SIGNATURES:	

RECOMMENDATION

- (a) That the General Manager of Healthy and Safe Communities Department, or their designate, be authorized to increase the Long-Term Care (LTC) Division's 2023 budgeted complement by 2.0 full-time equivalent permanent positions, for Allied Health Professionals, at an estimated annual gross cost of \$178,590, to be funded from Ministry of Long-Term Care, Allied Health funding that was effective April 1, 2023, resulting in a net cost of \$0 annually; and,
- (b) That the General Manager of Healthy and Safe Communities Department, or their designate, be authorized to increase the Long-Term Care Division's 2023 budgeted complement by 0.5 full-time equivalent permanent position for a Supervisor Administration, with an estimated gross cost of \$62,700, to be funded from Ministry of Long-Term Care, Level of Care funding that was effective April 1, 2023, resulting in a net cost of \$0 annually; and,
- (c) That the General Manager of Healthy and Safe Communities Department, or their designate, be authorized to increase the Long-Term Care Division's 2023 budgeted complement by 2.0 full-time equivalent permanent positions for Nurse Practitioners, at an estimated annualized cost of \$187,000 for salary and benefits and \$4,000 for overhead which will be partially funded from Ministry of Long-Term Care Hiring More Nurse Practitioners Funding, leaving an outstanding

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**SUBJECT: 2023 Ministry of Long-Term Care Funding Enhancement
HSC23057(a) (Wards 7 and 13) - Page 2 of 5**

balance of approximately \$33,000 which is to be absorbed by allied health professionals funding and any remaining balance to be funded from any in-year operating surplus, if required.

EXECUTIVE SUMMARY

As part of the continued Ministry of Long-Term Care's "A better place to live, a better place to work: Ontario's long-term care staffing plan", an increased financial commitment has been made by the province to support long-term care home licensees in hiring additional staff to increase direct hours of care provided to residents and enhance quality of care. This is to support the continuation of staffing initiatives and the provincial system-level average direct hours of care targets for fiscal 2023-2024 established in the *Fixing Long-Term Care Act, 2021* (the "Act").

The City of Hamilton will receive an additional \$178,590 for an additional 2.0 full-time equivalent to provide enhanced care and services seven days a week to the residents at both Macassa Lodge and Wentworth Lodge. The additional staff will be for allied health professionals across both Lodges. This enhanced provincial funding will cover the full cost of the increase confirmed until March 31, 2025 and is assumed to continue thereafter as base funding. Funding received effective November 1, 2021 is an annual allocation of \$582,770 that funded 5.6 full-time equivalent for allied health professionals, as approved in 2021 Ministry of Long-Term Care Funding Enhancement (HSC21052). This base funding effective November 1, 2021 is continuing in addition to the incremental increase of \$178,590 that was effective April 1, 2023.

In addition to Allied Health professionals funding, was an increase to the base level of care funding from the Ministry of Long-Term Care. To utilize this funding, an addition of 0.5 full-time equivalent Supervisor Administration position will provide enhanced support and customer service on-site at Wentworth Lodge and would allow for residents, families and staff to receive real time support. The current shared role across Macassa Lodge and Wentworth Lodge is already in the approved budgeted complement, is responsible for 430 residents and close to 900 staff from a staffing and scheduling perspective with most time being spent at Macassa Lodge. This model has been challenging and even more so during the pandemic with not being able to go between Homes during COVID-19 outbreaks. There have been learning lessons from the past three years that we need to action, with this being one of them. There would be weeks to months that a Home would be without the resource on-site that would put additional pressure on either nurse managers, the director of nursing or administrator to deal with resident issues or concerns and often not in a timely manner due to competing priorities. With an enhancement of a permanent 0.5 full-time equivalent, this will better align with Council priority of Responsiveness and Transparency specifically being able to prioritize customer service and proactive communication and continue to build a high performing public service.

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**SUBJECT: 2023 Ministry of Long-Term Care Funding Enhancement
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The Ministry of Long-Term Care Hiring More Nurse Practitioners Funding was announced April 2023. Both Macassa and Wentworth Lodge applications for funding were accepted and approved in 2023. The objective the Ministry of Long-Term Care Hiring More Nurse Practitioners Funding for Long-Term Care Homes is to increase the number of nurse practitioners working in Long-Term Care homes. Nurse practitioners will not only assist with health outcomes for our residents but also provide opportunities for growth and learning for staff within our long-term care homes.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City of Hamilton received an incremental increase of \$178,590 in funding from the Ministry of Long-Term Care to hire an additional 2.0 full-time equivalents related to Allied Health Professionals. The provincial funding from the Ministry of Long-Term Care will cover the full cost of this increase in staffing from April 1, 2023 to March 31, 2024 with no levy impact. In addition, an increase of permanent 0.5 full-time equivalent for a Supervisor Administration position at Wentworth Lodge with an annual gross cost of \$62,700, will be fully offset by additional Ministry of Long-Term Care funding effective April 1, 2023, with no levy impact.

An increase of permanent 2.0 full-time equivalent for Nurse Practitioner positions, one at Macassa Lodge and one at Wentworth Lodge with a total 2023 annualized approximate cost of \$187,000 for salary and benefits and approximately \$4,000 for overhead. This will be offset by Ministry of Long-Term Care Hiring More Nurse Practitioners Funding from the Ministry of Long-Term Care funding which was effective on each hiring date, in the amount of \$158,000, with the remainder absorbed by allied health professional funding and any remaining balance to be supported by any in-year operating surplus, if required. Ministry of Long-Term Care Hiring More Nurse Practitioners Funding is capped at a maximum of \$123,340 for salary and benefits and \$8,513 in overhead for each nurse practitioner for each 12-month period. It is anticipated all funding will continue, but if there are any changes, this will be addressed through the 2025 or future tax operating budget process.

Staffing: An additional permanent 2.0 full-time equivalent consisting of allied health professionals will be hired to increase direct hours of care and enhance Infection Prevention and Control practices provided to residents of Macassa and Wentworth Lodges. An additional permanent 0.5 full-time equivalent for Supervisor Administration will be hired at Wentworth Lodge. An additional

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permanent 1.0 full-time equivalent for Nurse Practitioner were hired for each Macassa and Wentworth Lodge for a total of 2.0 full-time equivalent.

Legal: Not applicable

HISTORICAL BACKGROUND

In December 2020, the Ministry of Long-Term Care released “A better place to live, a better place to work: Ontario’s long-term care staffing plan”. This staffing plan aims to make long-term care a better place for residents to live, and a better place for staff to work. The plan focuses on recruitment and retention of more staff, improving working conditions and driving effective and accountable leadership. To support implementation of the plan, provincial financial commitments have been made to improve Ontario’s long-term care sector by increasing staffing levels to support long-term care home licensees in hiring additional staff to increase direct hours of care provided to residents and enhancing the quality of care.

Effective November 1, 2021, the enhanced funding covered the full cost of the increase in staffing of 39.65 full-time equivalents from November 1, 2021 to March 31, 2022 with no levy impact. This funding continued for the next fiscal year April 1, 2022 to March 31, 2023 as base funding to support full-time equivalent as approved in HSC21052 2021 Ministry of Long-Term Care Funding Enhancement report. This funding supported both nursing staff and allied health professionals.

Over the past few years, a number of reports have been issued outlining systemic challenges in the long-term care sector. The two critical reports that were instrumental in highlighting the way forward for Long-Term Care in the recent, “A Better Place to Live, A Better Place to Work” report include the final report and recommendations of the Long-Term Care Homes Public Inquiry (July 2019) and the more recent recommendations by the Long-Term Care COVID-19 Commission (October 2020 and December 2020).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Recommendations have been made in consideration of the City of Hamilton’s Budgeted Complement Control Policy (CBP – 1).

RELEVANT CONSULTATION

The recommendations in this report are supported by Corporate Services, Financial Planning, Administration and Policy.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

The goal of this incremental enhanced staff funding is to support Long-Term Care home licensees to enable the hiring of more staff to increase direct hours of care provided to residents. Moving to a provincial average of four hours of care has been a long-standing advocacy priority for Long-Term Care ever since the target was identified in the government-commissioned Sharkey Report on long-term care in 2008.

The Ministry of Long-Term Care staffing plan focuses on six areas of action:

- #1. Increasing the hours of direct hands-on care provided by nurses and personal support workers, to an average of four hours per day per resident, including a significant increase in nursing care to reflect the acuity of long-term care residents and expanding resident access to allied health staff.
- #2. Accelerating and expanding educational pathways to help recruit the tens of thousands of new staff that will be needed.
- #3. Supporting continued development and professional growth for long-term care staff, which will also improve retention.
- #4. Improving working conditions for staff.
- #5. Building effective and accountable leadership in homes across the province to improve oversight within homes, guidance, and medical outcomes in long-term care homes.
- #6. Measuring progress against key performance indicators.

Staff have been working closely with Human Resources on recruitment strategies for ongoing recruitment as well as being prepared for multi-year recruitment.

Staff will ensure that these additional full-time equivalents are strategically determined to enhance services and quality of care through feedback, risk mitigation assessment and gap analysis through people leaders.

ALTERNATIVES FOR CONSIDERATION

Not applicable

APPENDICES AND SCHEDULES ATTACHED

None



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	October 19, 2023
SUBJECT/REPORT NO:	Service Manager Consent for Corktown Co-operative Homes Development of 221 and 223 Charlton Avenue (HSC23056) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Godfred Okyere-Koranteng (905) 546-2424 Ext. 7373 Brian Kreps (905) 546-2424 Ext. 1278
SUBMITTED BY:	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	<i>Michelle Baird</i>

RECOMMENDATION(S)

- (a) That Service Manager Consent be granted to Corktown Co-operative Homes Inc. to merge with Charlton Co-operative Homes Inc. to form a single co-operative housing provider named Corktown Co-operative Homes Inc.;
- (b) That Service Manager Consent be granted for Corktown Co-operative Homes Inc. to undertake the development of 17 affordable units at 221 and 223 Charlton Avenue including taking on a new loan to finance the project;
- (c) That the General Manager, Healthy and Safe Communities Department, or their designate be authorized and directed to execute and administer a Housing Charge subsidy for 5 units at Corktown Co-operative Homes' property at 221 and 223 Charlton in the amount of approximately \$21,000 to be added to and included in the 2025 Tax Operating Budget on such terms and conditions as provided for in the Term Sheet attached as Appendix "A" to report HSC23056 and along with any ancillary documentation and amendments in a form satisfactory to the City Solicitor;
- (d) That the General Manager, Healthy and Safe Communities Department, or their designate be authorized and directed to execute and administer an agreement

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**SUBJECT: Service Manager Consent for Corktown Development of 221 and 223
Charlton Avenue (HSC23056) (Ward 2) - Page 2 of 7**

for an annual operating subsidy, beginning in 2025, for Corktown Co-operative Homes' project at 221 and 223 Charlton in the amount of approximately \$420,000 to be included in the 2025 Tax Operating Budget on such terms and conditions as provided for in the Term Sheet attached as Appendix "A" to Report HSC23056 along with any ancillary documentation and amendments in a form satisfactory to the City Solicitor;

- (e) That the General Manager of Health and Safe Communities be directed to transfer and amend the Charlton Co-Operative Ontario Priorities Housing Initiative Contribution Agreement of the New Rental Housing Component Year 3 funding of \$822,495 to Corktown Co-operative Homes Inc, including all ancillary documents related to administration and funding of the Contribution Agreement; and
- (f) That the City consent to a partial discharge of the operating agreement registered as instrument number VM195526 from title to the portion of the lands municipally known as 200 Forest Avenue in Hamilton which are being conveyed to the City for road widening purposes, and that the City Solicitor or her designate be authorized to take all steps and sign all documents necessary to effect the partial discharge.

EXECUTIVE SUMMARY

Corktown Co-operative Homes Inc. (Corktown Co-op) is a 51-unit apartment complex located at 200 Forest Avenue in Hamilton, has been in operation for 33 years under the Housing Services Act. The Co-operative offers a significant amount of affordable housing with 45 Rent-Geared-to-Income subsidized units and 6 Market units.

Corktown Co-op has had long-standing plans to expand its housing to include smaller 1-bedroom accessible units for seniors and four- and five-bedroom units for larger households. In 2017, Corktown Co-op purchased 2 adjacent houses (221 and 223 Charlton Avenue East) to embark on this project to develop 17 new affordable rental housing units on the land to house seniors and larger households. The new building will target energy reduction of at least 25% below the National Energy Code for Buildings, surpassing the requirements of the Canada Mortgage Housing Corporation Co-investment Fund, and over 75% of the units will be fully accessible with the remaining units having full accessibility on the main floor of the unit.

Corktown retained the services of New Commons Development to undertake a feasibility study of their proposed development. That study led to a review of the project design and feasibility documents and as well as project accounting. New Commons Development concluded that with the support of the City of Hamilton, and Canada

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Mortgage Housing Corporation Co-Investment Fund financing, and appropriate rental income, the project would be feasible.

The current estimated cost of the development of the new 17 units project is \$11,542,794. The City of Hamilton approved \$822,495 from Ontario Priorities Housing Initiatives fund to Corktown Co-op toward development expenses relating to 221 and 223 Charlton Avenue. Now that the two Co-ops are merging, the agreement must be transferred to the new combined entity, Corktown Co-operative Homes Inc.

The project is expected to start in November 2023 after meeting all necessary consents, requirements and building permits from Canada Mortgage Housing Corporation and the City of Hamilton. As part of the approvals process, the City is requiring an increase to the property's road allowance along Charlton Avenue. Because the property is now part of a housing provider that is regulated under the Housing Services Act, the City must give consent to the change.

The development of 17 new apartment units increases the total number of units operated by Corktown Co-op to 68. Corktown Co-op will maintain the existing 45 rent-geared-to-income units at 200 Forest Avenue and add another 5 rent-geared-to-income units raising the number of subsidized rent-geared-to-income units to 50 subsidized units across both buildings operating under one legal name called Corktown Co-operative Homes Inc.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Currently, Corktown Co-op has a mortgage with Canada Mortgage Housing Corporation on their existing building in the amount of approximately \$212,000 as of March 2023 which will be paid off by April 2024. A service agreement and financial plan will be negotiated with Corktown Co-op for its property at 200 Forest Avenue.

The operating budget for the new project at 221 and 223 Charlton is separate from the original building. The annual operating subsidy required for the new project is calculated to be \$420,000. An additional rent-geared-to-income housing charge supplement is also required to cover the five deeply affordable units. The cost of this is estimated to be \$21,000 annually. The actual amount will vary depending on the incomes of the households occupying those units. This amount will also increase annually by the rent increase guideline issues by the Ministry of Municipal Affairs and Housing. Funding for both the housing charge and operating subsidy will be paid through an increase to the Tax Operating Levy in 2025 as

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**SUBJECT: Service Manager Consent for Corktown Development of 221 and 223
Charlton Avenue (HSC23056) (Ward 2) - Page 4 of 7**

requested in recommendations c) and d) of this report. If additional provincial funds are received to support the project, the subsidy provided will be adjusted accordingly.

Staffing: N/A

Legal: Legal Services would be required to prepare all necessary agreements. Since the purchase of Charlton Co-operative, Corktown Co-operative Homes Inc., has taken over the daily operating functions of Charlton Co-operative and the two co-ops will now operate one entity under the official name of Corktown Co-operative Homes Inc.

HISTORICAL BACKGROUND

Corktown Co-operative Homes Inc. (Corktown Co-op) was established in 1987. Located in the Corktown neighborhood of Hamilton, the Corktown Co-op owns and operates a 51-unit apartment complex at 200 Forest Avenue. Corktown Co-op has a long history in the neighborhood, being instrumental in the creation of Corktown Park across the road from the Co-op, which was previously an old railway yard and loading station.

In the early 2000s, Corktown Co-op decided to build a Phase II on the Co-op's parking lot to provide additional affordable housing for seniors and families, but the lot size was insufficient for new development. In 2017, 2 houses adjacent to the Co-op parking area were up for sale and Corktown Co-op purchased the 2 properties (221 and 223 Charlton Avenue E) for their expansion development. The City requested Corktown Co-op set up a new co-op for the purchase to avoid potential liability risks to the Co-op and City to ensure that the 2 properties would not be covered under the current operating agreement with the Province and City. In January 2018, Charlton Housing Co-operative Inc. was incorporated.

With the support of the City, Corktown Co-op was able to secure a loan of \$400,000 from the Hamilton Community Foundation to purchase the two properties (221 and 223 Charlton Avenue E) for their expansion plan. Initially, the two houses were rented, and the rental income was used to pay property tax, insurance and repairs for the two units. Corktown Co-op has been paying for the taxes and insurance on behalf of Charlton Housing Co-op.

Corktown Co-op has received funding of \$54,000 from the City of Hamilton in a pre-development grant and \$51,000 from CMHC for pre-development work on this project, consisting of a grant of \$11,000 and a low interest loan of \$40,000. Corktown Co-op has also received approval for \$822,495 from the Ontario Priorities Housing Initiative Contribution of the New Rental Housing Component Year 3 funding, \$175,000 from the

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Federation of Canadian Municipalities Sustainable Affordable Housing grant program, \$175,000 in a low-interest pre-development loan from the Canadian Co-operative Investment Fund and has applied for construction financing from Canada Mortgage Housing Corporation under the National Housing Strategy Co-Investment Fund program.

On July 30, 2023, Canada Mortgage Housing Corporation, issued a letter of intent for funding under the National Housing Co-Investment Fund Program to Corktown Co-operative Homes Inc. Based on information provided in their application, the Project was deemed to be eligible for a loan of up to \$10,285,083 that consists of a secured repayable loan of up to \$9,860,083 and a secured forgivable loan of up to \$425,000 for the purpose of construction of the Project and is based on the terms and conditions outlined. The Letter of Intent does not constitute final approval but rather sets out the requirements that must be met in order to receive final approval from Canada Mortgage Housing Corporation.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

One of the Housing and Homelessness Action Plan targets is the reduction of individuals on the Social Housing Assistance Centralized Waitlist. The additional 5 units increase by Corktown Co-op from the new building will be supported with rent-geared-to-Income subsidy and will be filled from the Access to Housing Centralized Waitlist and help to meet that goal.

The *Housing Services Act, 2011* (Act) requires that Service Manager Consent is needed by housing providers prior to selling or mortgaging a social housing project, this includes the increase in the road allowance.

RELEVANT CONSULTATION

Corktown Co-operative Homes Inc., along with their developing consultants, New Commons Development, has reviewed the funding and calculations and confirmed the information in this report.

Corktown Co-operative Homes Inc. requested a waiver of municipal property taxes on all its properties. This reduction in expense would also help support the project's pro forma. Based on discussions with Corporate Finance, it was decided that it would be more appropriate to support the development through an additional operating subsidy. This was based on concerns that exempting social/community housing projects from municipal property taxes as this approach permanently reduces municipal revenue.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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**SUBJECT: Service Manager Consent for Corktown Development of 221 and 223
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Corktown Co-op has deep connections in the Corktown neighborhood and is an important nonprofit housing operator in the area. Its vision for this project is to increase the amount of nonprofit owned, affordable rental housing in Hamilton and expand the housing that they manage to allow existing members to have accessible units and units for larger families, while also allowing new members to join the Co-op. By leveraging the adjacent properties and increasing the rental housing that is owned and managed by community, the new units will be maintained as affordable over the long-term.

Corktown Co-op's development was originally funded largely by the province of Ontario. Once their mortgage will be paid off in April 2024, the building will be debt free.

Corktown's board established Charlton Co-op as a separate non-profit co-op to limit risk to the existing co-op during the process to develop the new building. The Charlton Co-op has only one asset, the properties located at 221 and 223 Charlton Avenue. It also has debt associated with loans that were taken from Hamilton Community Housing of the Co-operative Housing Federation to purchase the properties.

Housing Services Division staff are supportive of the merger of the two organizations now that a clear plan has been presented for the development of the new property which would add a total of 17 more units to the City's community housing inventory. The new building will target energy reduction of at least 25% below the National Energy Code for Buildings, surpassing the requirements of the Canada Mortgage Housing Corporation Co-investment Fund, and over 75% of the units will be fully accessible with the remaining units having full accessibility on the main floor of the unit.

The \$11.5M project is being funded through various of sources including pre-development grants by City of Hamilton and Canada Mortgage Housing Corporation, Ontario Priorities Housing Initiatives, Federation of Canadian Municipalities Sustainable Affordable Housing grant, Canada Mortgage Housing Corporation National Housing Strategy Co-Investment Fund, Canadian Co-operative Investment Fund and bank loans leveraging their existing building.

The proforma, or budget, requires two forms of subsidy to make the project viable. The first is additional rent-geared-to-income subsidy in the form of housing charge supplements. The subsidy is based on the difference between what the tenant can pay, and the benchmarked rent established initially by the province. To produce sufficient revenue, the benchmark would be set at 80% Average Market Rent (AMR). A rent-geared-to-income housing charge subsidy of \$21,000 will be required to reduce rents in the five units to deeply affordable levels. An annual estimated operating subsidy of \$420,000 will be required to maintain the operations of the project.

A significant consideration is the risk any potential development would represent to the original project. Since the new loan is being secured against the existing building it

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could make it difficult to secure additional repair loans or grants which would be needed because Corktown does not have sufficient Capital Reserves to address all its upcoming repair needs. Corktown Co-operative and New Commons Development Inc. have developed a 15-year plan with Canada Mortgage Housing Corporation which considers potential loan, and grant funds from Canada Mortgage Housing Corporation Co-Investment Fund Repair and Renewal Stream funding and reserve funds, and Canada-Ontario Community Housing Initiative funding.

As noted in the History section of this report, the City of Hamilton provided Ontario Priorities Housing Initiative Contribution of the New Rental Housing Component Year 3 funding of \$822,495 to the project. The agreement was originally made with Charlton Co-operative and the merging of the two projects into one requires that the agreement be transferred to Corktown Co-operative Homes Inc.

ALTERNATIVES FOR CONSIDERATION

None

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC23056: Term Sheet for Housing Charge Supplement and Operating Subsidy Agreement

Term Sheet for Housing Charge Supplement and Operating Subsidy Agreement

221 & 223 Charlton Avenue

Landlord: Corktown Co-operative Homes, Inc.

Housing Charge Supplement & Operating Subsidy Conditions

1. The Housing Charge Supplements will be subject to the recipient entering into the City of Hamilton's standard housing charge supplement agreement ("HCSA") containing such terms and conditions as set out within this term sheet and such additional terms and conditions as determined by the General Manager of Healthy and Safe Communities Department ("GM") and in a form satisfactory to the City Solicitor.
2. The HSCA shall have a duration equivalent to the property's mortgage.
3. A resolution must be passed by Corktown Co-op's board affirming that housing charges will be set at 80% of Average Market Rent as calculated by Canada Mortgage and Housing Corporation.
4. The housing charge supplement assistance shall be provided to tenants of 221 and 223 Charlton Avenue who are deemed eligible and selected from the centralized waiting list (Access to Housing) maintained by the City of Hamilton.
5. The housing charge supplements shall only be used at the property currently municipally known as 221 & 223 Charlton Avenue unless written permission is given the by City of Hamilton for them to be applied elsewhere.
6. The level of financial assistance provided to members of Corktown Co-operative Homes, Inc. through the Housing Charge Supplement will be sufficient to meet the provincial service level standards as described in the *Housing Services Act, 2001* and associated regulations and will use Rent-Geared-to-income calculations or portable housing benefit calculations as determined by the City of Hamilton.
7. Corktown Co-operative Homes, Inc. will be responsible for determining eligibility for assistance of prospective members, calculating rent and collecting the member portion in the manner outlined in the City of Hamilton's standard RSA.
8. Corktown Co-operative Homes, Inc. will provide reports to the City of Hamilton in a manner outlined by the City of Hamilton in its standard HCSA or in such other manner as determined by the GM.
9. The agreement can only be transferred if the GM in their sole discretion and only in the following circumstances:

Appendix "A" to Report HSC23056**Page 2 of 2**

(a) the property is sold to another provider of "non-profit housing" who enters into an assignment agreement with the City and Corktown Co-operative Homes, Inc. agreeing to be subject to all of the terms and conditions of the HCSA for the remainder of the term of those agreements and such other terms and conditions as the GM and City Solicitor in their sole discretion deem appropriate.

10. Units subject to the HCSA may increase housing charges annually within a tenancy by the provincial Guideline amount as specified annually by the Ontario Ministry of Municipal Affairs and Housing. Higher increases may be permitted at the sole discretion of the GM following submission of a business case justifying the increase.

11. The operating subsidy must be used for the operations of Corktown Co-operative Homes, Inc. property at 221 and 223 Charlton Ave.

12. The operating subsidy will be increased annually by the rate of inflation for the prior year.

13. An audited financial statement must be prepared annually, approved by the board and submitted annually to the City of Hamilton five months following the end of its fiscal year.

14. Payments will be reconciled annually in a format acceptable to the GM of Healthy and Safe Communities.

15. Corktown Co-operative Homes, Inc. may request to retain any unused funds subject to a review and decision at the sole discretion of the GM of Healthy and Safe Communities.



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	October 19, 2023
SUBJECT/REPORT NO:	End of Mortgage Strategy and Implementation (HSC23050) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Elissa Press (905) 546-2424 Ext. 4234 Brian Kreps (905) 546-2424 Ext. 1782
SUBMITTED BY:	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	<i>Michelle Baird</i>

RECOMMENDATIONS

- (a) That the End of Mortgage Strategy, including the funding model, attached as Appendix "A" to report HSC23050 be approved and that the General Manager of the Healthy and Safe Communities Department or designate, be delegated the authority to modify the strategy so long as it supports the long-term sustainability of the social housing portfolio at End of Agreement/ End of Mortgage and does not negatively impact the City of Hamilton's budget;
- (b) That the General Manager of Healthy and Safe Communities or designate be authorized and directed to enter service and exit agreements with housing providers for projects under *Housing Services Act*, S.O. 2011, c. 6, Sched. 1, that reach End of Operating Agreement or End of Mortgage after 2023 and execute any ancillary agreements or documents in order to provide ongoing affordability for tenants and long-term sustainability for the project, in a form satisfactory to the City Solicitor;
- (c) That \$5.1M be referred to the Housing Services 2024 Tax Operating Budget process annually for the next four years to increase the levy base to \$20.4M, and that this enhancement be increased by inflationary factors, in order to provide an

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SUBJECT: End of Mortgage Framework and Implementation (HSC23050) (City Wide) - Page 2 of 13

ongoing base totalling \$153 million from 2023-2032 to address capital needs of Housing Projects that are at End of Mortgage/End of Agreement;

- (d) That at the end of the year, if the Housing Division's Net levy is in a surplus, that any unspent funds be transferred to the Social Housing Transition Reserve #112244 to be utilized in future years to fund capital grant requests;
- (e) That a Full Time Equivalent staffing position for a Capital Analyst be referred to the 2024 Housing Services Division complement at an approximate cost of \$111,289 annually for salary and benefits be included in the 2024 Tax Operating Budget;
- (f) That the temporary position of Senior Financial Analyst be converted into a permanent Full Time Equivalent position to be approved in the 2024 Corporate Services, Financial Planning, Administration and Policy Division, funded as reported in HSC22040 through the existing Social Housing investment program levy base.

EXECUTIVE SUMMARY

The social housing system is undergoing a fundamental transformation. Social housing refers to a series of programs that built deeply affordable housing from the 1950's to 1997. It is during this period that most rent-geared-to-income housing in Hamilton and across Ontario was built. Funding and obligations for housing providers were tied to mortgages. Agreements generally ended once mortgages were fully paid off. Depending on the government with whom agreements were originally established, the expiration of these agreements are either referred to as End of Agreement or End of Mortgage. End of Agreement refers to agreements originally signed between housing providers and the federal government that have come to an end. These agreements end once the mortgage is paid off and generally do not carry any obligations once ended. End of Mortgage refers to agreements signed between housing providers and the provincial government. These agreements do carry ongoing obligations to provide rent-geared-to-income housing once their mortgage ends.

Most mortgages for federally funded projects have ended in Hamilton. As reported in report HSC22040 - Service and Exit Agreements for Community Housing Providers at End of Mortgage (EOM) and Reinvestment of Mortgage Savings and brought forward to Emergency and Community Services Committee on August 11, 2022, 1647 federal units reached End of Agreement and left the system by the end of 2020. In 2021 the first wave of mortgages for provincially-funded housing providers in Hamilton began to

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end. Without the corresponding legislation in place for new service agreements, these projects continued to receive funding following the pre-existing *Housing Services Act* formula. This formula grossly underestimates the capital required to retain an aging housing stock. While all the provincially-funded projects that have already reached End of Mortgage have been retained so far, they require new agreements that sufficiently-fund these projects so that affordable housing is maintained.

End of Agreement and End of Mortgage present municipalities with a new challenge, the likes of which have not been previously encountered. Prior to the amendments made to the *Housing Services Act (2011)* in 2022, the funding framework of agreements and legislation governing the provision of social housing remained largely unaltered for decades. The provincially-prescribed funding formula assumed that once the mortgage was paid off, the project would continue to operate with sufficient revenue to meet operating expenses and capital repairs. Without continued financial assistance, many social housing providers will operate in a deficit or will have inadequate reserves to fund needed capital repairs.

In 2022, the province of Ontario amended the *Housing Services Act* to include updated Service and Exit Agreement requirements, detailing both a new regulatory framework and funding approach. The amended legislation provides two options for Housing Providers at End of Mortgage. Housing providers may continue to offer social and/or affordable housing under a new agreement within a new community housing framework or they must meet the prescribed requirements necessary to exit the community housing portfolio.

Central to new operating agreements is the financial plan, a joint endeavor between the Service Manager and Housing Provider that must be reviewed at least every five years and that outlines both the Housing Provider and Service Manager financial responsibilities to ensure that projects remain sustainable and affordable to tenants. At a minimum, the legislation requires that Housing Providers entering new agreements be funded the difference between what the rent-geared-to-income tenant pays for rent and what would otherwise be paid for that unit.

Authority to enter into new service and exit agreements with housing providers at End of Agreement and End of Mortgage was authorized by Council until the end of 2023 (Report HSC22040). It is recommended that authority be delegated to 2024 and beyond so that new agreements can be established.

New Service Agreement regulations allow the City of Hamilton to allocate funding based on housing providers' operational and capital needs. To ensure that the new agreements meet legislative expectations and adequately support the long-term viability

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of social housing units originally funded by the province, staff have developed a new End of Mortgage Renewal Strategy with guiding principles and policy recommendations, including a new funding model, (Appendix “A”). It is recommended that this strategy be approved.

The proposed strategy will apply equally to CityHousing Hamilton and non CityHousing Hamilton projects. However, given the City’s unique relationship and existing agreement with CityHousing Hamilton, projects at End of Agreement will be considered at the same time as projects at End of Mortgage for CityHousing Hamilton. Hamilton East Kiwanis and McGivney Homes also have agreements with the City to fund their federal projects using the funding formula for provincial projects and will have their End of Agreement projects reviewed with their End of Mortgage projects. For other non-CityHousing Hamilton Housing Providers, the initial focus will be confined to projects at End of Mortgage.

The strategy is defined by a key set of principles and guidelines to guide negotiation of new agreements with housing providers. The strategy also outlines a process for working with Housing Providers to review the viability of their projects from an operating and capital perspective to determine financial supports that may be required.

The strategy for new agreements is comprised of four components: a set of principles and guidelines, funding options, a process approach, and a financial model.

Viability analyses at End of Mortgage will be conducted to ensure that the project can function sufficiently to address both operational and capital needs. Investments to ensure that projects remain operationally viable have already been made to the budget through the retention of ‘mortgage savings’ and the approved levy base request for social housing projects reaching End of Mortgage. While funding is currently anticipated to be sufficient to remain within our base for operational requirements, projects will experience capital shortfalls.

In 2016, Building Condition Assessments were completed on all social housing provider properties. Building condition assessment reports detail the repairs required for the housing project in both the short and long term, along with the estimated cost of completing these repairs. In 2016 the estimated capital repair costs for social housing projects was \$643M. Updated Building Condition Assessments are currently in process and all social housing projects should have their new Building Condition Assessments completed by the end of 2024. Updated assessments will help update the cost differential between capital reserve funds and capital repair work required. It is anticipated that the cost of capital repairs will increase. Although capital repair costs are substantial and cannot solely be addressed through subsidies from the City of Hamilton,

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a significant municipal investment is required for the continued provision of social housing units. To address capital viability, Council has approved the 2023 budget for \$653,000 for annual municipal social housing capital repairs, roughly 1% of what is required for capital repairs based on the 2016 building condition assessments. It is recommended that funding up to 25% of the 2016 building condition assessments be provided by the municipality for capital funding to support the long-term financial sustainability of our social housing portfolio.

To achieve this objective, it is recommended that \$5.1M from the municipal tax levy be referred to the 2024 Tax Supported Capital Levy budget annually for four years to a cumulative total of \$20.4M, and that this enhancement increase by inflationary factors to provide an ongoing base to address capital needs of Housing Projects at End of Mortgage/End of Agreement. The other 75% needed for funding capital repair will be obtained through funding mechanisms available to the Housing Provider.

Given the volume of projects requiring review, and the attention that will be required to ensure capital funding sources are maximized and used efficiently a Full Time Equivalent staffing position for a Capital Analyst is needed to resource this work. It is recommended that this FTE be added to the 2024 Housing Services Division complement and that funding for a Capital Analyst at an approximate cost of \$111,289 annually for salary and benefits be referred to the 2024 tax operating budget.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: It is recommended that \$5.1M be added to the Housing Services 2024 Tax Operating Budget for the next four years to a cumulative total of \$20.4M, and that this enhancement provide an ongoing base to address capital needs of Housing Projects at End of Mortgage/End of Agreement. Given the timing to review and process requests, and the actual draw on the available funding within a given year, it is recommended that the Social Housing Transition Reserve #112244 be used to support the administration of the funding. The use of the reserve will allow the base to be maintained if not used within the current year due to the amount of time required to complete the analysis and funding agreements for providers.

Staffing: It is recommended that Council approve funding from the Municipal Tax Levy for a full-time equivalent staffing Capital Analyst position to be added to the 2024 Housing Services complement and that funding for a Capital

SUBJECT: End of Mortgage Framework and Implementation (HSC23050) (City Wide) - Page 6 of 13

Analyst at an approximate cost of \$111, 289 annually for salary and benefits be referred to the 2024 Tax Operating Budget.

To further ensure a sufficient staff to conduct the necessary financial analyses, the current temporary Business Support Services Coordinator position will be converted to a Senior Financial Analyst reporting to Corporate Services, Financial Planning and Administration to support the Housing Services Division in the financial and analytical work required in preparing and maintaining the financial component of the new End of Mortgage or End of Agreements contracts. The annual salary and benefit cost is funded from the reinvestment of Social Housing funding as reported in Council Report HSC220040. This position is currently being recruited.

Legal: Amendments to Ontario Regulation 367/11 of the *Housing Services Act*, 2011 establish baseline rules governing new Service and Exit agreements. Hamilton Legal Services has drafted new Exit and Operating agreements based on legislation and key agreement components.

New operating agreements are legally binding for a minimum of 10 years. New operating agreements require Service Managers to provide rent-geared-to-income assistance to cover what the rent-geared-to-income tenant pays to the Housing Provider and what would otherwise be received for that unit. In addition to ensuring affordability for existing tenants, Service Managers are legally bound to ensure that their agreements provide for the sustainability of the physical asset. Beyond these requirements, no funding formula is specified. In the absence of a new agreement, the existing *Housing Services Act* requirements remain in effect.

End of Mortgage does not impact the Service Managers' obligation to meet prescribed Service Level Standards.

HISTORICAL BACKGROUND

In 1997 the federal government devolved responsibility for social housing to the provinces.

In 2001, with the passing of the *Social Housing Reform Act*, the Province of Ontario transferred program administration and funding responsibilities to municipalities. The

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Social Housing Reform Act outlined the current social housing system framework, including the obligations of local Service Managers across the province.

In 2011, the Province enacted the *Housing Services Act* (the Act) and associated regulations to replace the *Social Housing Reform Act* with updated requirements for the funding and administration of transferred social housing projects. Information about Service Manager administrative obligations, including metric and key performance indicators for the City of Hamilton is detailed in the 2022 *Social Housing Annual Update*, Report HSC23016.

In July 2022, the Province amended Ontario Regulation 367/11 of the Act to allow for the creation of new service agreements between the Service Manager and the Housing Provider that stipulate the terms under which they will continue to provide rent-gear-to-income (RGI) housing.

Most of the original operating agreements that governed the provision of social housing originally funded by the federal government within the City of Hamilton's boundaries have already expired. Remaining mortgages for projects originally funded by the province are set to expire over the next few years as their mortgages are paid off. These projects will require new agreements to ensure that they remain sustainable and viable.

Previous reports to Council, including Report CES16064 Social Housing – End of Federal Operating Agreements Impact and Analysis (December 12, 2016) and Report HSC22040 – Service and Exit Agreements for Community Housing Providers at End of Mortgage (EOM) and Reinvestment of Mortgage Savings (August 11, 2022) provide detailed background information about the history of social housing and the impact that different legislation has had on both the oversight and administration of social housing. Report CES16064 highlighted actions that could be taken to preserve social housing in Hamilton as projects reached the end of their federal agreements. Report HSC22040 provided recommendations that were subsequently approved to retain 'mortgage savings' for social housing projects and provide a one-time enhancement to the Housing Services Division budget of \$1.1M for rent supplements, operating subsidy or capital funding for housing projects at end of Mortgage and End of Agreement.

As per Report HSC22040, Council endorsed the recommendation that staff develop a long-term strategy for funding Social Housing Providers at End of Operating Agreement/End of Mortgage and report back to Council.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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The new July 2022 Service Agreement amendments establishes minimum requirements for:

- Baseline provisions to continue funding rent-g geared-to income units;
- Setting a minimum term length of 10 years for the service agreement;
- Co-development of a Financial Plan that addresses the operating and capital needs of the project that is reviewed at least every five years;
- Selection rules for units where households will be receiving rent-g geared-to-income assistance, to align with existing selection and waitlist rules under the *Housing Services Act*;
- The inclusion of a process to manage issues of non-compliance and dispute resolution; and
- Participation in regulated Housing Services Corporation programs with current exemptions continuing.

The amended legislation provides two options for Housing Providers at End of Mortgage; continue to offer social and/or affordable housing under a new agreement within a new community housing framework or meet the prescribed requirements necessary to exit the community housing portfolio.

Housing Providers who have reached End of Mortgage but have yet to sign a new operating or exit agreement continue to be governed by the pre-existing Housing Services Act rules and funding formula.

Exit Agreements are required if a Housing Provider and/or a Service Manager do not wish to enter a 'new' community housing framework. Conditions for provincial projects to exit (i.e., those projects that have reached End of Mortgage) include the continued provision of rent-g geared-to-income for existing tenants and the continued operation of the project as an affordable housing project or the redevelopment of the project for affordable housing. For projects that are sold, reinvestment of the proceeds of the sale of the project must go towards affordable housing. Thus, Exit Agreements ensure that existing tenants are not displaced, and longstanding public investments are preserved.

For Housing Providers at End of Mortgage who wish to enter the 'new' community housing framework, the regulations require new operating agreements to provide for the sustainability of the physical asset and affordability for existing tenants. Under the amended regulations, the Service Manager is legislated to pay the difference between the portion the tenant pays for rent-g geared-to-income and what otherwise would be paid for that unit. No other funding criteria is specified.

Existing local policies governing tenancies such as unit occupancy and rent-g geared-to-income eligibility remain in effect and are not impacted by the new framework.

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As per provincial requirements, Service Managers are required to have 10-year Housing and Homelessness Action Plans. This plan, which received council endorsement in August 2020, lists as one of the strategies the need to “develop and implement a sustainable municipal funding source for social housing renewal”. Implementation actions listed in the Action Plan include developing a sustainable funding model and allocating the funds to community housing renewal projects through an allocation process that “maximizes efficiency and effectiveness”. Municipal investments are needed not only to meet the City’s Action Plan but also to meet the legislative requirements of the Housing Services Act to provide good quality and safe housing for people to live in.

The Housing Sustainability and Investment Roadmap four-pillar approach, which is complementary to the Housing and Homelessness Action Plan, also includes the retention of affordable housing units as one of their objectives. Retaining current units is timelier and more cost-effective than constructing new units. End of Mortgage provides an opportunity for the City of Hamilton to meet our Service Level Standard agreements and provide the requisite number of units that we are legislated to provide.

RELEVANT CONSULTATION

An End of Mortgage Renewal group was created in January 2022 with staff from Corporate Finance and Housing Services Division. The group was tasked with determining strategic direction and developing a financial analysis including potential End of Mortgage incentives, funding considerations and projections along with implications and costs of varying approaches.

Consultations with City of Hamilton Legal Services staff have been ongoing to ensure a consistent interpretation of the Act and to create exit and operating agreements. In 2022, Housing Services Division staff started meeting other Service Manager jurisdictions to discuss local interpretations, approaches and management of projects entering End of Mortgage.

Consultations with housing providers for End of Mortgage began as early as 2016 and have been conducted intermittently since. Housing Provider feedback was used to refine the proposed End of Mortgage principles and strategy.

In June 2023, Hamilton Housing Services Division staff conducted an environmental scan of the approaches and principles being used by other jurisdictions at End of Mortgage.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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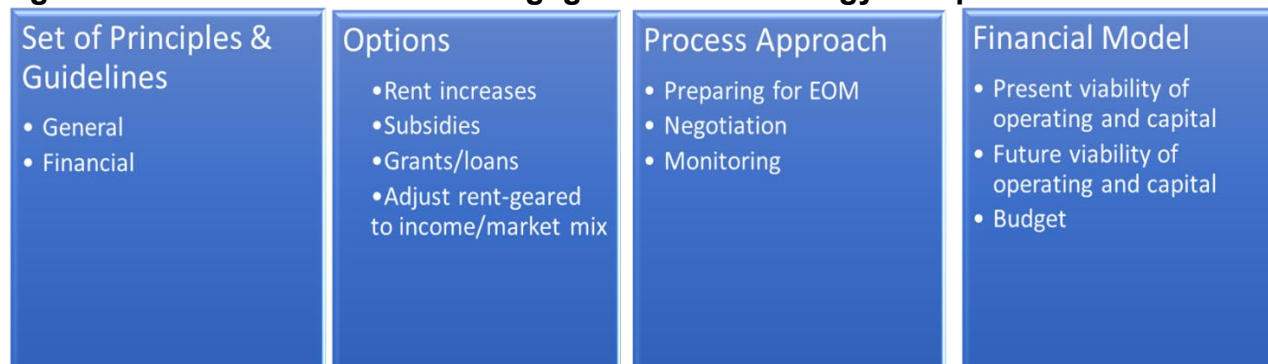
SUBJECT: End of Mortgage Framework and Implementation (HSC23050) (City Wide) - Page 10 of 13

In total, staff will work on new agreements under the proposed strategy for 128 multi-unit projects, which comprise the bulk of our units, and 610 additional units in single or semi-detached projects. The total number of units needing to be preserved in our social housing inventory is 10, 678. The way in which the actual number of projects is determined may vary depending on how best to configure the single and semi-detached units.

The environmental scan underscored a shared set of goals between municipalities such as building housing provider capacity and autonomy, ensuring housing unit affordability, raising rent to 80% of average market rent when advisable, and addressing current capital needs prior to leveraging new builds. While all Service Managers have or will be creating a financial modeling plan, expectations for surplus and capital requirements for housing projects varied. All municipalities were considering applying rent-geared-to-income subsidy as baseline as per legislative requirements. The Region of York and the City of Ottawa were considering a subsidy framework which is all-encompassing (i.e., one subsidy that factors in both rent-geared-to-income and capital).

The City of Hamilton strategy for new agreements is comprised of four components: a set of principles and guidelines, funding options, a process approach, and a financial model.

Figure I: Illustration of End of Mortgage Renewal Strategy Components



The principles and guidelines developed, along with a systematic approach for working with providers at End of Mortgage, and a transparent funding model create an overall strategy designed to encourage housing providers to continue to offer affordable housing, address the long-term financial sustainability of their portfolio, and ensure that projects are kept in a satisfactory state of repair. The combination of funding options will ultimately depend on the viability analyses and the housing project's unique circumstances based on their operating and capital needs. Further details about the

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strategy can be found in Appendix "A." A workplan and timelines for when projects reach End of Agreement/End of Mortgage can be found in Appendix "B."

At present, there is a single staff member who administers the totality of capital needs for all social housing. Given the detailed review required for the upcoming projects reaching End of Agreement/End of Mortgage, an additional capital incentives staff would be instrumental in analysing capital needs and ensuring that providers access available funding sources. Addressing capital remains the most complex of the End of Agreement/End of Mortgage issues. The amount of funding required by housing providers for capital needs far exceeds the amount that the City of Hamilton can provide. An additional capital analyst can ensure that resources are maximized for housing projects at End of Mortgage and that providers are best positioned to address their project's capital repair needs. Efforts are currently underway to also hire a temporary new senior financial analyst to help with reviewing the financial viability of projects requiring new agreements and assist with the development of funding agreements.

Based on a preliminary analysis, Housing Services Division Staff anticipate staying within the current operating base to support Housing Projects at End of Agreement and End of Mortgage. The analysis also suggests that additional municipal funding is required to help meet the extensive capital repair needs of our aging social housing stock. The majority of Social Housing Providers currently have an accumulated backlog of repairs requiring completion, reflecting the insufficiency of the previous funding formula. Based on 2016 Building Condition Assessments, reports that indicate repairs required for the housing project in both the short and long term, along with estimated cost of completing these repairs, the estimated amount for Social Housing Providers to address their capital costs is \$643M.

Recognizing that a substantial municipal investment is required to address a portion of the capital repair costs, while simultaneously acknowledging finite resources and the need for Housing Providers to obtain additional funding through various sources, the City of Hamilton is proposing to partially bridge the capital repair costs by contributing 25% of capital repair costs to support and maintain units. 24% or \$153M would be included in the levy based over the next 10 years, through an enhancement of 5.1M for four years to increase the base to 20.4M. It is recommended that this enhancement be increased annually by inflationary factors, in order to provide an ongoing base to address capital needs of Housing Projects that are at End of Mortgage/End of Agreement. The other 1% would be derived from the Annual Municipal Social Housing Capital Repairs and Regeneration funding. The remaining 75% would be funded by providers internal financing, through a bundle of options including Canada Mortgage and Housing Corporation (CMHC) loans/grant requests and other Provincial funding such as Canada-Ontario Community Housing Initiative (COCHI). The chart below

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details the funding request and the current funding sources available to Housing Providers at End of Mortgage.

Chart 1: Capital and Funding Request and Sources at End of Mortgage

	2023-2032	Notes
Capital		
Building Condition Assessments (BCAs)	643,000,000	Based on 2016 BCAs
Subtotal- capital needs	643,000,000	May vary based on updated BCAs
Funding Sources		
Provider – Capital Reserves		Will vary depending on base and financial situation
Provider- Loan/refinancing		Depends if eligible and advisable
Provider Grant/COCHI		Depends if eligible and awarded
Annual Municipal Social Housing Capital Repairs and Regen 6730041000	7,319,000	Approval pending through annual Capital budget process. \$7.319M is the cumulative projection of requests for 2023-2032
Levy Base Request in recommendation (c)	153,000,000	\$5.1M annual enhancement from 2024-2027, cumulative \$51M. Ongoing base of \$20.4M 2028-2032, cumulative \$102M *see Note 1 below
City of Hamilton Contribution at ~25%	160,319,000	~25% = 160,319,000/643,000,000

Note 1

Year	2024	2025	2026	2027	2028	2029	2030	2031	2032	Total
Levy Increase	\$5.1M	\$5.1M	\$5.1M	\$5.1M	0	0	0	0	0	\$20.4M
Levy Base	\$5.1M	\$10.2M	\$15.3M	\$20.4M	\$20.4M	\$20.4M	\$20.4M	\$20.4M	\$20.4M	\$153M

While legislation only requires Service Managers to fund rent-geared-to-income assistance and not capital repair costs, Service Managers are required to fund projects in a manner that ensures that the project can be sustained and is viable. Without sufficient funding from the municipality, the City of Hamilton risks losing more affordable housing within our geographical boundary.

ALTERNATIVES FOR CONSIDERATION

N/A

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC23050: End of Mortgage Strategy and Funding Model

Appendix "B" to Report HSC23050: End of Mortgage Workplan and Timelines

End of Mortgage Strategy and Funding Model

Introduction

The funding and governance of social housing is undergoing a fundamental shift in Ontario. Funding arrangements and obligations to provide rent-geared-to-income housing were contained in agreements that were tied to mortgages when social housing projects were built. Projects primarily funded by the federal government have almost no ongoing obligations once their mortgages end. Projects originally funded primarily by the provincial government must continue to provide rent-geared-to-income housing once their mortgage ends. The end of mortgage for these projects is accompanied by significant changes in their funding which creates uncertainty for the ongoing viability of their operations and capital asset.

The End of Mortgage Strategy developed by the City of Hamilton is defined by a key set of principles to guide negotiation of new agreements with housing providers. The strategy also outlines a process for working with Housing Providers to review the viability of their projects from an operating and capital perspective to determine financial supports that may be required.

The strategy for new agreements is comprised of four components: a set of principles and guidelines, funding options, a process approach, and a financial model.

Figure 1: Illustration of End of Mortgage Renewal Strategy Components



Strategy Principles

The principles explicitly acknowledge that the City of Hamilton will endeavor to retain all current social housing units. Through the establishment of principles and guidelines, the strategy aims to:

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- Incentivize Non-Profit and municipally owned affordable housing providers to remain within the community housing portfolio thereby protecting existing rent-geared-to-income tenancies/affordable housing
- Maximize funding for capital repair needs to address the growing gap between provider capital reserve funds and capital repair work required
- Support Exit and Service agreement negotiations
- Support the co-development of a financial plan that addresses both capital and operating needs of housing providers
- Support a new relationship with housing providers that is equitable and transparent

A full-list of the principles and guidelines developed to support this strategy are detailed below. ‘Subsidies’ specifically refer to City of Hamilton operating and capital subsidies, while ‘funding’ connotes multiple funding sources which could include, but is not limited to, the City of Hamilton:

General Principles

- Social housing is recognized as a valuable publicly funded asset.
- Efforts will be made by the City of Hamilton to retain all current social housing units at End of Agreement/End of Mortgage, and ideally increase the number of affordable housing units available.
- Funding arrangements will enable social housing to remain financially viable, affordable and in good repair.
- Subsidies must be flexible to adapt to varying realities and changing contexts.
- Subsidies will be based on demonstrated need and applied through a transparent funding approach.
- Subsidies will be distributed with consideration to both operating and capital needs and will be responsive to municipal financial constraints.
- Subsidies will incentivize Housing Provider investment and accountability to reduce operating costs (i.e., to maximize revenue sources/efficiencies).
- Subsidies will support housing provider accountability and autonomy.
- Equity will be directed to current project operating and capital needs prior to leveraging new builds. Surplus equity may be used to leverage development with Service Manager approval.

Funding Principles and Guidelines

- To address capital needs, multiple funding sources are required for the continuity of a social housing project.
- Financial viability is defined as a project having a surplus that can be used to address a portion of capital repair costs rather than breaking even.

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Based on the funding principles stated above, a comprehensive funding model was developed to support the long-term financial sustainability of social housing. Guidelines were created to develop a standardized approach for determining rent increases, housing provider capital reserve contributions, management and goals for operating surplus, funding mechanisms to increase housing provider revenue, and distribution of City of Hamilton subsidies. This model and the underlying assumptions on which it is based is used to assess both operational and capital viability of a housing project.

Guidelines for Rent-Geared-to-Income Rent

- Rent for rent-geared-to-income tenants will continue to be determined by either minimum rent, benefit unit max shelter or 30% of income (line 23600 of Notice Of Assessment)
- Calculating rent-geared-to-income rent based on maximum shelter allowance under social assistance rather than rent-geared-to-income rent scales will apply to and be piloted with new rent-geared-to-income tenants only.

Guidelines for Provider Capital Reserve Contribution

- The capital reserve contribution determined for each housing project will increase annually based on Statistics Canada Residential Construction Cost Index to keep up with inflating construction costs.
- Contributions to the capital reserve fund will be incorporated into the financial plan and adjusted every five years (or more often if deemed necessary) based on the Building Condition Assessments (BCAs) and reserve fund analysis.
- Initial anticipated contributions to the reserve fund are based on the current contribution amount plus the building condition assessment/reserve fund analysis.
- The City of Hamilton may provide a subsidy towards capital reserve funds based on Housing Provider needs and City of Hamilton fiscal constraints

Guidelines for Operating Surplus

- The target operating surplus for housing providers is 5% of revenue, calculated without any City of Hamilton subsidies.
- Housing Providers with a cumulative operating surplus of greater than 30% of revenue will be directed to contribute the remaining amount to capital reserves with consideration given to contributing an even larger portion of the surplus where possible.
- If capital reserves are sufficiently funded, City of Hamilton subsidies may be recovered or reallocated to new development projects.

Guidelines for Tax Exemptions

- CityHousing Hamilton projects that receive property tax exemptions will continue to receive these exemptions.
- In general, new property tax exemptions will not be considered for Housing Providers. Subsidy that includes the amount needed to cover property tax may be considered where need is demonstrated.

Options

Depending on the housing provider’s net operating income and capital reserves, the following bundle of options, further described in the guidelines below, may be explored and/or applied:

- Rent-Geared-to-Income Subsidy/ Rent supplement
- Rent increases
- Obtaining a loan or refinancing
- Other external funding options grants
- City of Hamilton operating subsidy
- City of Hamilton capital subsidy
- City of Hamilton one-time capital injection
- Adjust rent-geared-to-income/market mix

Subsidies

The forms of subsidy and funding listed above will be considered based on the viability analyses conducted for each project. As baseline, housing providers who sign new operating agreements with the City of Hamilton will receive City of Hamilton rent-geared-to-income subsidies as per legislative requirements. The combination of the options to be used will ultimately depend on the housing project’s unique circumstances.

Rent-Geared-to-Income Subsidy from City of Hamilton

- A rent-geared-to-income subsidy or rent supplement that covers the difference between what the tenant pays and what the housing provider would otherwise receive for that unit, will be paid for automatically as baseline funding for housing providers who enter into new operating agreements with the City of Hamilton.

Rent increases

- Market rent units will be maintained at levels that are affordable to low- and moderate-income households

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- Housing Providers will be encouraged to raise rents in housing projects with mixed market and rent-geared-to-income buildings to 80% of Average Market Rent (or higher as deemed necessary for viability and as is advisable based on anticipated tenant impact).

Refinancing/Grants/Loans

- All housing providers will be encouraged to apply for grants and encouraged to maximize multiple funding sources for viability
- Where it is advisable, the option of applying for mortgage refinancing will be recommended to housing providers who are eligible

City of Hamilton Operating Subsidy

- An operating subsidy above the rent-geared-to-income subsidy will be considered if deemed required with the expectation that the Housing provider will have a plan to become financially viable within a determined period of time to qualify. The additional subsidy is limited by the Housing Divisions Social Housing Providers Investment fund for Operating.

City of Hamilton Capital Funding

- The City of Hamilton will provide information to Housing Providers about funding mechanisms and programs that are available to the project.
- An additional one-time capital injection from the City of Hamilton will be considered where needed, based on the project's Proforma limited by the Housing Divisions Social Housing Providers Investment fund for Capital repairs.
- Capital needs far exceed available funding sources for most projects. Subsidies are intended to help bridge rather than close the gap. Opportunities for maximizing City of Hamilton administered capital funding will be explored.

Market/Rent-Geared-to-Income Mix

- Shifting current rent-geared-to-income and market mix is generally a last resort. The impact of changing targets will be considered with respect to the City of Hamilton's Service Level Standard obligations.
- For projects that are currently operating below rent-geared-to-income targets, an individualized approach will be implemented. Where feasible, projects will be brought up to target level.

The guideline below was developed to support vacancy loss and rent-geared-to-income reconciliation:

Vacancy Loss & Rent-Geared-to-Income reconciliation

- The Service Manager will pay for vacancy loss for a subsidized unit up to a one-month period. An annual reconciliation of vacancy loss and rent-geared-to-income subsidy will determine the amount to be recovered from or paid to the Housing Provider.

Approach

This section outlines the approach that will be used with each provider as they reach End of Mortgage. It is anticipated this process will be collaborative and supported by City of Hamilton staff.

Phase 1: Preparing for End of Mortgage

a) Education and Stakeholder Engagement

Housing Providers are expected to be knowledgeable about and prepared for End of Mortgage. Housing Providers are also expected to make sure that their members and or Board are equally well-versed on End of Mortgage issues. To ensure that housing providers are knowledgeable of End of Mortgage legislative changes, opportunities and how to prepare, the City of Hamilton sent End of Mortgage communique's to housing providers, hosted update and engagement sessions, and shared available resources. Housing Officers have also been doing ongoing outreach to housing providers to ensure that they, and their stakeholders, are aware of the End of Mortgage regulations and the End of Mortgage dates of their specific housing projects.

b) Review of organization's post-End of Mortgage vision and review of governance framework.

City Staff have encouraged Housing Providers to consider their organization's post-End of Mortgage vision and to review their governance framework. Although the role of the Board remains the same post-End of Mortgage, the new community housing legislation allows for greater partnership between the Service Manager and Housing Provider. This new framework enables the Board to make fresh decisions regarding the operations of their housing project. End of Mortgage also provides the opportunity for Boards to evaluate their capacity to continue as is or to take on planning or oversight of new or expanded activities.

c) Identify and resolve issues listed in the Operational Review and determine how successful practices can continue

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In preparation of End of Mortgage, Housing Officers are working with Housing Providers through their operational reviews to identify areas for improvement. As part of the Service Manager obligation to ensure that social housing providers are operating in compliance with the rules and regulations mandated by the Housing Services Act, Housing Administration Officers conduct operational reviews for each project every two to three years. This comprehensive review examines operating procedures including administration procedures, governance, financial management, resident relations, and maintenance management. Performance is measured against the requirements set out in the Housing Services Act and its associated regulations and rules. Discussions based on the results from the Operational Review enable Housing Providers to address how problematic difficulties can be resolved and how successful practices can continue, especially as projects approach End of Mortgage.

d) Ensure projects have updated Building Condition Assessments

To prepare for End of Mortgage, Housing Providers have been made aware that updated Building Condition Assessments are required. The City has administered \$200,000 to date through the Canada Ontario Community Housing Initiative (COCHI) to fund twenty-five building condition assessments. The remaining providers will be funded through this year's COCHI allocation once approved. A Building Condition Assessment (BCA) report indicates repairs required for the housing project in both the short and long term, along with estimated cost of completing these repairs. A Building Condition Assessment report is a valuable tool in helping to determine capital repair needs and capital repair reserve contributions. All projects that are entering End of Mortgage must have a Building Condition Assessment that was completed within the 3 years before project review. As part of the new Service Agreement, Building Condition Assessments need to be completed again before the 5-year financial review.

Phase 2: Negotiation

The following steps will be followed by Housing Services Division staff at End of Mortgage as they undertake the negotiation of new agreements with housing providers.

a) Review of portfolio and property financial health

Prior to conducting a viability analysis, Housing Services staff will review financial statements of the project with the Housing Provider to better understand sources of revenue and expenses. If the provider has external funding agreements for the project in question, the terms and conditions of these agreements will be reviewed and factored into the viability analysis.

b) Management of vacancies and rent

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Staff will review chronic vacancies with housing providers and identify needs to ensure that units remain available. Rent-geared-to-income and market rent units will be discussed along with plans for future rent revenue for these units.

c) Property development plans

Providers will be encouraged to identify their longer-term goals regarding project and/or portfolio development. Opportunities to address these goals will be discussed.

d) Viability analyses

Viability analyses will be conducted by City of Hamilton staff in conjunction with Housing Providers to determine both operational and capital viability. A more detailed overview of the viability analyses is included below under the financial model and analysis.

e) Five-year financial plan

Housing Services Staff and the Housing Provider will jointly develop a 5-year financial plan. This plan will address how the housing provider's revenues will meet expenditures for the housing project, including projected capital expenditures. The plan will also address how rent for units will be set and will detail the City of Hamilton's financial obligations towards the project.

f) Operating Agreement

A standard Operating Agreement template has been developed by Legal Services. The regulations state that the minimum duration is ten years and that the financial plan must be reviewed at least every five years.

Phase 3: Monitoring and Review

a) Housing Provider Review Process

In general, projects that have reached End of Mortgage will be reviewed in chronological order. Housing Providers with multiple projects at End of Mortgage will have all projects reviewed at the same time.

Housing Providers with projects reaching End of Mortgage in the upcoming year will be contacted in September of the prior End of Mortgage year with a template and instructions outlining the process and data submission requirements.

b) Individual Project Financial Review

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Housing Providers with multiple projects, i.e., a portfolio, typically pool their operating costs and capital reserves between projects. The viability analysis process requires a breakdown of finances on a per project basis. In recognition that our methodology for breaking down pooled costs may be imperfect, finance will review all portfolio projects at End of Mortgage after the first two years. As there is no perfect methodology to disaggregate costs for projects that are part of a portfolio, reviewing these projects within a two-year time frame will allow for the assumptions underpinning the model to be re-examined and adjusted as needed. For single project housing providers, the financial plan will be reviewed at the 5-year mark as per regulatory requirements. New Service Agreements will also contain the flexibility to re-visit the agreement earlier than obligated should the Service Manager feel this is required.

c) Budget Review

To ensure that our financial projections meet the needs of the City of Hamilton’s obligations under legislation, a review of the financial framework and funding model will occur after the first 5-year mark of this new framework, which aligns with the financial review of providers as per regulatory requirements.

Financial Model

This financial model, to be used during the negotiation phase, will guide the analyses of the housing project’s operating and capital viability.

Financial Model and Analysis

1) Determining the Financial State of a Project

Four factors will be reviewed to determine the financial state of the project at End of Mortgage:

- Revenue;
- Operating expenses;
- Current capital replacement reserve level; and
- Major costs of renovation/repair during the term of the agreement.

To help review the four factors listed above, the following information will be used:

- Building Condition Assessment;
- Assessment of rent-geared-to-income and market rents compared to average market rent;
- Financial statements for specific housing provider (e.g., Annual Information Returns, Rent rolls etc.); and,
- Debt-equity ratios to determine housing project eligibility and optimal loan amount for refinancing.

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Prior to entering a new Service Agreement project data from the last one to three years based on actual rather than benchmark operating and capital amounts will be used to conduct an in-depth analysis of the project's financial viability. The analysis will reflect three time periods (present, 5-year and 10-year) and spanning three scenarios:

Scenario 1 - The first scenario will review the project's financial viability with all subsidies from the City of Hamilton removed. While rent-geared-to-income subsidies will be provided for housing providers to retain their housing projects within the community housing portfolio, providers wishing to exit would first be required to demonstrate their viability to operate and provide rent-geared-to-income subsidy to tenants without City of Hamilton assistance.

Scenario 2 – In the second scenario, a rent subsidy would be applied to all rent-geared-to-income units. A rent-geared-to-income subsidy is the minimum subsidy required under the Housing Services Act. If providers are funded sufficiently for both operating and capital requirements, then no further subsidy will be provided.

Scenario 3 - For projects whose operating or capital is not viable even with rent-geared-to-income subsidy, other funding options including City of Hamilton subsidies may be applied. In general, options available to the housing provider to increase revenue will be explored prior to service manager funding options.

An assessment tool based on an existing End of Framework assessment tool originally developed by Steve Pomeroy for the Canadian Housing and Renewal Association was created to help assess the financial impact and viability of housing projects at End of Agreement/End of Mortgage.

The tool undertakes two types of assessment: a) is the project viable, i.e., does it generate the operating surplus needed to be viable? b) is the project's capital reserve adequate? If either operating or capital needs are not sufficiently viable, a bundle of options to increase revenue (as detailed above) will be reviewed with the Housing Provider.

Each scenario will be projected to five and ten years with inflation factors applied to determine funding needs. As per legislative requirements, rent increases will follow provincial rent increase guidelines. Assumptions have been made around inflationary factors to project revenues and expenses over the 10-year span. Revenues will be projected based on the 5-year historical average of provincial indices for rent-geared-to-income rent, market rent and vacancy loss. Expenses (excluding Capital Reserve Contribution) will be projected based on the 5-year historical average of the City of Hamilton budget guidelines. The Residential Statistics Canada Construction Cost Index will be used to determine capital reserve contribution. The benchmark formula in the Housing Services Act for housing projects that have not yet reached end of mortgage

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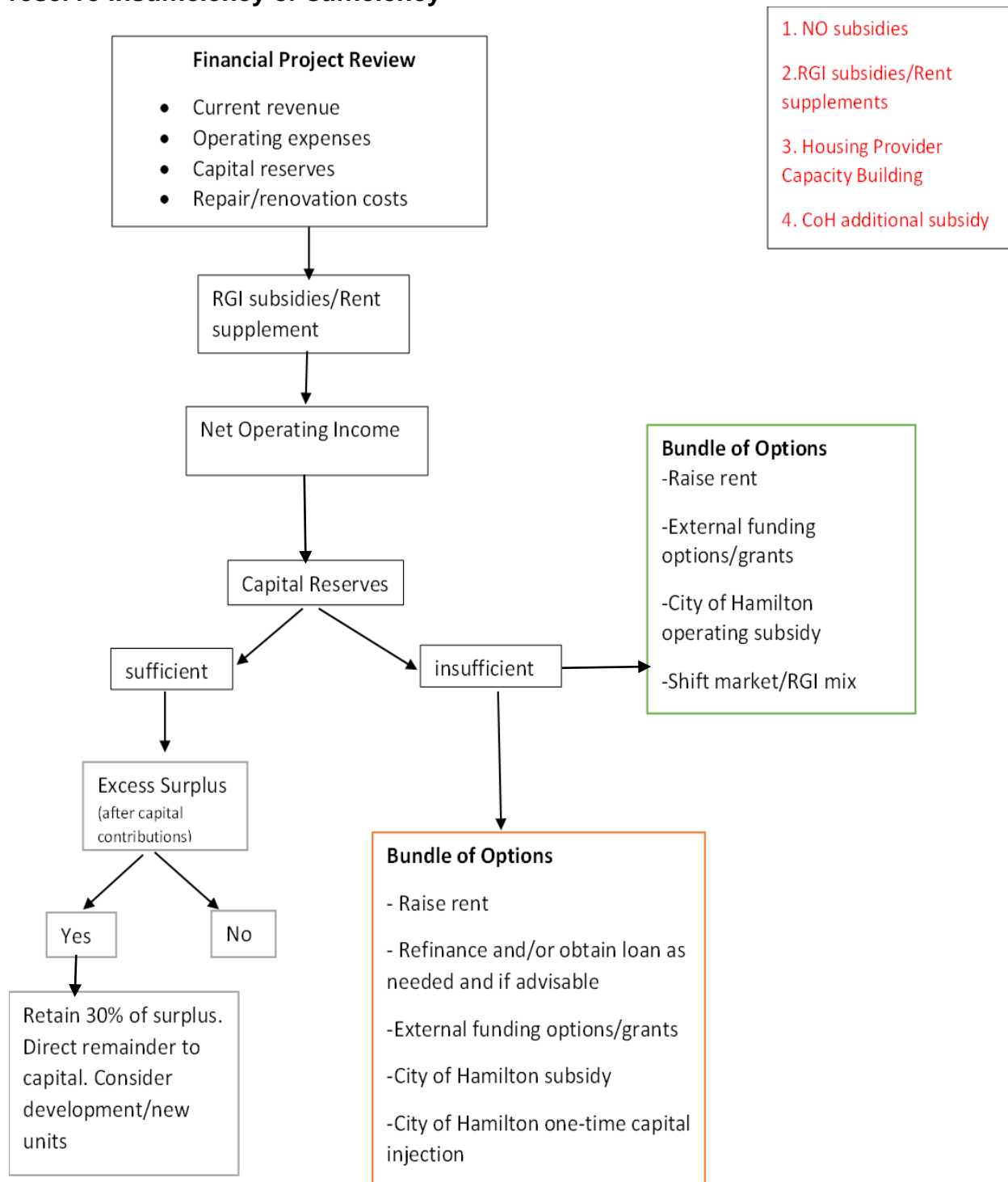
uses the Canadian Price Index. However, the Canadian Price Index is not as robust to inflationary changes as the Residential Statistics Canada Construction Cost Index. The Residential Statistics Canada Construction Cost Index is used by Housing Services Corporation who is legislated in the Housing Services Act to assist housing providers and service managers. The increased contribution requirement for Housing Providers to their capital reserve will result in greater expenses and potentially cause a greater operating deficit for the project. This deficit is funded by the City of Hamilton through a subsidy and agreement with the provider to increase rents to ensure long-term viability where applicable and following an impact assessment of rent increases.

The model assumes that 5% of revenue is a reasonable target for operating surplus. Five percent is assumed to help providers meet the threshold of being financially viable rather than simply breaking even. Having a small amount of operating surplus is required for projects to respond to operating expenses that may not have been budgeted such as insurance claims, lawsuits, and unanticipated maintenance. An operating surplus is allocated to the operating reserve up to a capped amount. Monetary funds exceeding this percentage will be directed to capital reserves. Based on preliminary financial modeling, 30% of revenue is assumed as a viable operating reserve to cover three months of unplanned expenses. A cumulative accumulated surplus of greater than 30% will be directed to capital reserves.

Capital reserves should not be greater than the amount required to fund major capital repairs and replacement over a ten-year horizon. If the reserve exceeds this amount, Housing Providers will no longer be required to transfer operating reserves to capital and the City of Hamilton will stop providing operating subsidies. Should capital reserves be sufficiently funded, Housing Providers will be encouraged to invest in new developments or additional units. Preliminary analyses indicate that no housing projects should have over-funded capital reserves based on the proposed model.

The flow chart below outlines the options that will be considered for Housing Projects after a rent-geared-to-income subsidy is applied if operating income or capital reserves are either insufficient or sufficient.

Flow Chart- Project review and considerations for operating income or capital reserve insufficiency or sufficiency



City of Hamilton Budget/ Finance Strategy

Corporate Finance analyzed social housing’s existing operating budget and projected a 10-year budget using a 5-year benchmark average. The base budget was then revised by the percentage of projects reaching End of Mortgage as these projects would be funded differently from those still under the previous Housing Services Act regulations. A rent-geared-to-income City of Hamilton subsidy was applied automatically to projects at End of Mortgage. Based on a preliminary generalized analysis, and attributing 5% for operating surplus per project, the City of Hamilton anticipates staying within the operating base budget.

Capital was then examined for the multi-unit projects reaching End of Mortgage and CityHousing multi-unit projects at both End of Mortgage and End of Agreement. Capital needs for the single and semi-detached units were not reviewed as building condition assessments for these properties were not available. Current projections are based on high level assumptions. As more sophisticated information is worked through forecasts may change. The analysis suggests that additional municipal funding is required to help meet the extensive capital repair needs of our aging social housing stock. The majority of Social Housing Providers currently have an accumulated backlog of repairs requiring completion, reflecting the insufficiency of the previous funding formula. Based on 2016 Building Condition Assessments, reports that indicate repairs required for the housing project in both the short and long term, along with estimated cost of completing these repairs, the estimated amount for Social Housing Providers to address their capital costs is \$643M.

Recognizing that a substantial municipal investment is required to address a portion of the capital repair costs, while simultaneously acknowledging finite resources and the need for Housing Providers to obtain additional funding through various sources, the City of Hamilton is proposing to partially bridge the capital repair costs by contributing 25% of capital repair costs to support and maintain units. Twenty four percent or 153M would be included in the levy based over the next 10 years, through an enhancement of 5.1M for four years to increase the base to 20.4 million. The other 1% would be derived from the Annual Municipal Social Housing Capital Repairs and Regeneration funding. The remaining 75% would be funded by providers internal financing, through a bundle of options including Canada Mortgage and Housing Corporation loans/grant requests and other Provincial funding such as Canada-Ontario Community Housing Initiative.

The chart below details the funding request and the current funding sources available to Housing Providers at End of Mortgage:

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Chart 1: Capital Needs, Funding Request and Sources at End of Mortgage

2023-2032		Notes
Capital		
Building Condition Assessments (BCAs)	643,000,000	Based on 2016 BCAs
Subtotal- capital needs	643,000,000	May vary based on updated BCAs
Funding Sources		
Provider – Capital Reserves		Will vary depending on base and financial situation
Provider- Loan/refinancing		Depends if eligible and advisable
Provider Grant/COCHI		Depends if eligible and awarded
Annual Municipal Social Housing Capital Repairs and Regen 6730041000	7,319,000	Approval pending through annual Capital budget process. \$7.319M is the cumulative projection of requests for 2023-2032
Levy Base Request in recommendation (c)	153,000,000	5.1M annual enhancement from 2024-2027, cumulative \$51M. Ongoing base of \$20.4M 2028-2032, cumulative \$102M *See Note 1 below
City of Hamilton Contribution at ~25%	160,319,000	~25% = 160,319,000/643,000,000

Note 1

Year	2024	2025	2026	2027	2028	2029	2030	2031	2032	Total
Levy Increase	\$5.1M	\$5.1M	\$5.1M	\$5.1M	0	0	0	0	0	\$20.4M
Levy Base	\$5.1M	\$10.2M	\$15.3M	\$20.4M	\$20.4M	\$20.4M	\$20.4M	\$20.4M	\$20.4M	\$153M

While legislation only requires Service Managers to fund rent-geared-to-income assistance and not capital repair costs, Service Managers are required to fund projects in a manner that ensures that the project can be sustained and is viable. Without sufficient funding from the municipality, the City of Hamilton risks losing more affordable housing within our geographical boundary.

End of Mortgage Workplan and Timelines

Housing Providers with City of Hamilton agreements that fund federal projects as provincial projects will have both their End of Mortgage and End of Agreement projects considered at the same time. This includes review of both End of Mortgage and End of Agreement projects for CityHousing Hamilton, Hamilton East Kiwanis and McGivney Homes. Due to our unique relationship with CityHousing Hamilton, this framework distinguishes CityHousing Hamilton projects from non-CityHousing Hamilton projects. Service Agreements negotiated in 2012 with CityHousing Hamilton outlined that *all* CityHousing Hamilton projects should be treated like provincial projects and funded to benchmark formulas. Moreover, City of Hamilton staff have been tasked with ensuring a sufficient budget for CityHousing Hamilton. CityHousing Hamilton has historically been underfunded resulting in deficits and not completing necessary maintenance and other repairs. Despite this separate approach, the principles underpinning our strategy will apply to all Housing Projects.

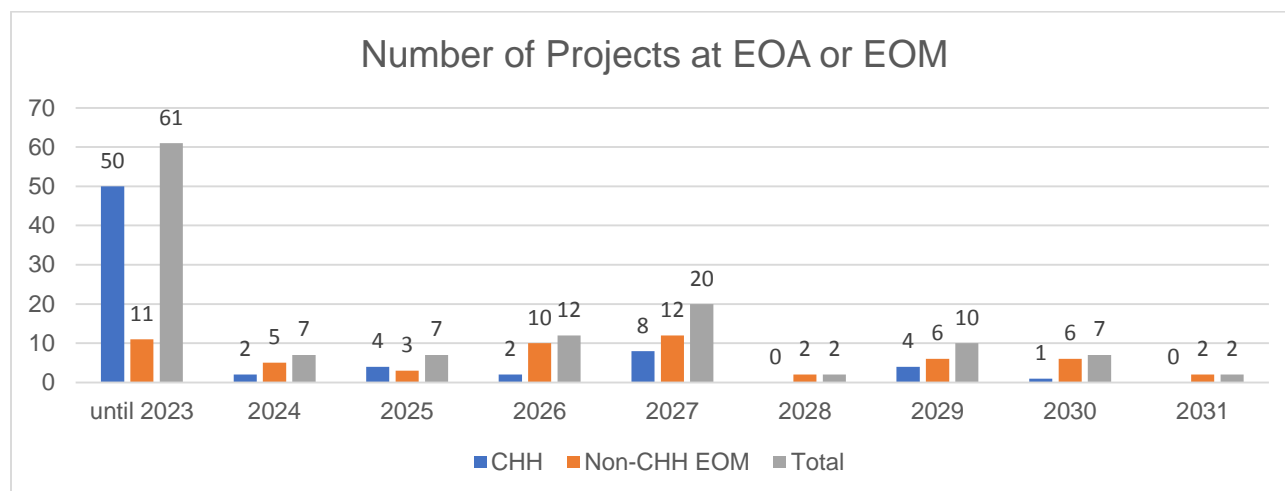
For non-CityHousing Hamilton projects, excluding Hamilton East Kiwanis and McGivney Homes where End of Agreement projects will be included, the initial focus will be on projects at End of Mortgage rather than projects at End of Agreement. This methodology excludes 13 non-CityHousing Hamilton multi-unit projects that have already reached End of Agreement and 244 single and scattered units from new negotiations. These 13 non-CityHousing Hamilton multi-unit projects are currently in receipt of rent supplements and have corresponding funding agreements in place. The 244 single and scattered units are either internally subsidized or have corresponding funding agreements in place. These federal projects will have their agreements revisited after the other agreements for the 738 projects are in place.

The bulk of multi-unit Housing Projects with End of Agreements have already expired, with currently only three End of Agreements remaining after 2023. These projects belong to CityHousing Hamilton and are set to expire between 2024 and 2026. These three projects account for 473 rent-geared-to-income units.

The graph below depicts multi-unit CityHousing Hamilton End of Mortgage and End of Agreement projects and non-CityHousing Hamilton End of Mortgage projects that require new agreements.

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Graph 1: Multi-unit project breakdown CityHousing Hamilton End of Agreement & End of Mortgage and non-CityHousing Hamilton End of Mortgage by year



Up until the end of 2023, 61 multi-unit projects will reach End of Agreement or End of Mortgage (48%). All 46 of the projects reaching End of Agreement are part of CityHousing Hamilton’s portfolio. The other fifteen projects are End of Mortgage, four of which are part of CityHousing Hamilton’s portfolio while eleven are non-CityHousing Hamilton provincial projects. From 2024-2027, 46 projects will reach End of Agreement or End of Mortgage (36%) and from 2028-2031, 21 projects will reach End of Mortgage (16%).

New operating agreements can help the City of Hamilton retain 10,678 affordable and deeply affordable units within the social housing portfolio. Of these units, 10,068 units belong to multi-unit projects. The chart below shows the breakdown of these units by End of Agreement and End of Mortgage time range.

Chart 1: Number of Multi-Unit Projects at End of Agreement and End of Mortgage and associated number of Units by Timeframe

Timeframe	Number of Projects	Target RGI Units	Market Units	Total Number of Units
2020-2023	61	4934	846	5780
2024-2027	46	2291	567	2858
2028-2031	21	1058	372	1430
Total	128	8,283	1,785	10,068

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The focus in 2023 will be on establishing new operating agreements with the eleven non-CityHousing Hamilton provincial projects distributed among six different housing providers, that have or will reach End of Mortgage by the end of 2023. For Hamilton East Kiwanis and McGivney, End of Agreement projects will be considered at the same time. No timeline is specified by the legislation or the expiring agreements regarding the timeframe for establishing a new agreement. Housing projects listed under the Housing Services Act waiting on new operating contracts continue to follow the pre-existing legislative funding requirements.

A separate CityHousing Hamilton approach will commence in 2025. Pushing the CityHousing Hamilton projects back will ensure that the volume of projects requiring review is manageable within the given year and without the additional staffing support in place. This timing supports CityHousing Hamilton’s request to delay review of their End of Agreement/End of Mortgage projects and allows for process revisions to occur should they be needed prior to entering into agreements for a larger number of properties at End of Agreement/End of Mortgage. For CityHousing Hamilton’s End of Agreement and End of Mortgage projects, projects will continue to be funded to benchmarks as per the 2012 Service Agreement and legislative requirements. As CityHousing Hamilton is our largest portfolio holder and given the City’s unique relationship with CityHousing Hamilton, a thorough review of CityHousing Hamilton will be conducted in 2024 to determine if the proposed methodology sufficiently addresses CityHousing Hamilton’s needs.