



## **City of Hamilton**

# **CITY COUNCIL AGENDA**

**23-001**

**Wednesday, January 25, 2023, 9:30 A.M.**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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### **Call to Order**

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

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

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

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

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

4.1 December 7, 2022

#### **5. COMMUNICATIONS**

5.1 Correspondence from Ontario's Big City Mayors (OBCM) respecting a request for an extension for all municipalities who received the Streamline Development Approval Fund.

Recommendation: Be received.

5.2 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing updating municipalities on key initiatives underway at the Ministry of Municipal Affairs and Housing to help meet the government's goal of building 1.5 million

new homes over the next 10 years.

Recommendation: Be received.

5.3 WITHDRAWN

5.4 Correspondence respecting Bill 23, More Homes Built Faster Act:

- a. Municipality of North Perth
- b. City of Kingston
- c. Northumberland County
- d. Greater Napanee
- e. Municipality of Marmora and Lake
- f. Norfolk County
- g. County of Brant

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

5.5 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to municipal feedback regarding the More Homes Built Faster Act, in particular, the suggested impact the legislation could have on the ability

of municipalities to fund infrastructure and services that enable housing.

Recommendation: Be received.

5.6 Correspondence from the Municipality of Tweed requesting support for their resolution petitioning the Ontario Energy Board to regulate natural gas bill costs to levels that are affordable and profitable as in jurisdictions

within Ontario that have lower costs.

Recommendation: Be received.



5.7 Correspondence from David Scott, Rosedale Tennis Club President requesting support in the form of a grant/loan in the amount of \$1,150,000 for the addition of a dome over 4 existing tennis courts, for the purpose of increasing tennis opportunities for

Hamilton youth, families, seniors, local schools and other community groups.

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

5.8 Correspondence from the City of Kingston requesting support for their resolution calling on the Provincial government to promptly pass an Administrative Penalties regulation under the Resource Recovery and Circular Economy Act, 2016.

Recommendation: Be endorsed.

5.9 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Greenbelt Amendments and Revocation of the Central Pickering Development Plan and O. Reg. 154/03.

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

5.10 Correspondence from the Township of Cramahe requesting support for their resolution requesting that the Government of Canada adequately fund and fully support VIA Rail Canada in increasing the frequency, reliability and speed of VIA rail services

in 2023 and successive years.

Recommendation: Be received.

5.11 Correspondence from Marie Keresztyen requesting the the City of Hamilton make waterfalls more accessible instead of blocking them off.

Recommendation: Be received.

5.12 Correspondence from Paul Dube, Ombudsman of Ontario respecting a closed meeting complaint respecting the meetings of the Working Group of the Physician Recruitment and Retention Steering Committee.

Recommendation: Be received.

5.13 Correspondence respecting the protection of short-term rentals in Hamilton:

- a. Sameera Prematilake
- b. Spencer Giles
- c. Scott Ramsay

- d. Jose Lopez
- e. Silvana Winton
- f. Patricia Bednarski
- g. Monica Fox
- h. Farzin Yazdanjou
- i. Hanen Kadhim
- j. Morgan Shoj
- k. Savinda Athuluwage

5.14 Resignation from Bernie Mueller from the Hamilton Waterfront Trust Board of Directors.

Recommendation: Be received.

5.15 Correspondence from Kim Zivanovich respecting the City's vaccination policy.

Recommendation: Be received.

## **6. COMMITTEE REPORTS**

6.1 General Issues Committee (Special) Report 22-024 - December 6, 2022

6.2 General Issues Committee (Special) Report 23-002 - January 12, 2023

6.3 General Issues Committee (Special) Report 23-003 - January 12, 2023

6.4 Board of Health Report 23-001 - January 16, 2023

6.5 Public Works Committee Report 23-001 - January 16, 2023

6.6 Planning Committee Report 23-001 - January 17, 2023

6.7 General Issues Committee Report 23-004 - January 18, 2023

6.8 Audit, Finance and Administration Committee Report 23-001 - January 19, 2023

6.9 Emergency and Community Services Committee Report 23-001 - January 19, 2023

- 6.10 General Issues Committee (2023 Tax Supported Capital Budget) Report 22-022 - November 25, 2022; December 5, 2022 and January 20, 2023

## **7. MOTIONS**

- 7.1 A Sustainable and Generationally Equitable Funding Formula for the City of Hamilton's Water, Wastewater and Stormwater System
- 7.2 Council Membership on Sub-Committees for the 2022-2026 Term of Council
- 7.3 Hamilton Library Board of Directors
- 7.4 Appointments to the Sole Voting Member of the Hamilton Tourism Development Corporation
- 7.5 Authorization to Execute Resolutions in Writing on Behalf of the City of Hamilton as the Sole Shareholder or Sole Voting Member
- 7.6 Amendment to Item 3 of Board of Health Report 22-008, respecting Physician Recruitment and Retention Steering Committee Report 22-002 – August 5, 2022, which was approved at Council on August 12, 2022
- 7.7 Amendment to Item 7 of Emergency and Community Services Committee Report 22-012 respecting the Adaptation and Transformation of Services for People Experiencing Homelessness Update 6 (HSC20020(f)) (City Wide) REVISED
- 7.8 Hamilton Waterfront Trust Board of Trustees
- 7.9 Amendment to the By-law 21-021, A By-law to Govern the Proceedings of Council and Committees of Council
- 7.10 Amendment to Item 4(a) of Public Works Committee Report 22-004, respecting Appropriation Transfer of Funds for Dewitt Road - Highway 8 to Barton Street (PW22014) (Ward 10)

## **8. NOTICES OF MOTIONS**

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

## **10. COUNCIL COMMUNICATION UPDATES**

- 10.1 December 2, 2022 to January 19, 2023

## **11. PRIVATE AND CONFIDENTIAL**

- 11.1 Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Round 3 (HSC20056(c)) (Referred to Council by the Emergency and Community Services Committee on January 19, 2023)

Pursuant to Section 9.3, Sub-section (h) and (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (h) and (i) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them and a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

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

- 12.1 001

To Amend City of Hamilton By-law No. 22-275, being a By-law to Impose Fees and Charges Respecting the Use of the City of Hamilton Sanitary Sewage System and to Implement a Wastewater Abatement Program

Ward: City Wide

- 12.2 002

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

Schedule 8 (No Parking Zones)

Schedule 12 (Permit Parking Zones)

Schedule 13 (No Stopping Zones)

Schedule 23 (Special Enforcement Area)

Ward: 1, 2, 3, 4, 5, 11, 12, 13

- 12.3 003

To Amend By-law No. 01-215, Being a By-law to Regulate Traffic

Schedule 27 (Truck Routes)

Ward: City Wide

- 12.4 004

To Establish City of Hamilton Land Described as Block 111, on Registered Plan 62M-965 as a Public Highway as part of Nashville Circle

Ward: 5

12.5 005

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

Schedule 32 (Short Term Rentals)

Ward: City Wide

12.6 006

To Amend By-law No. 21-021, a By-law to Govern the Proceedings of City Council and Committees of Council

Ward: City Wide

12.7 007

To Amend By-law No. 11-010 To Establish Retention Periods for Records of the City of Hamilton

Ward: City Wide

12.8 008

To Confirm the Proceedings of City Council

### **13. ADJOURNMENT**



## CITY COUNCIL MINUTES 22-024

9:30 a.m.

December 7, 2022

Council Chamber

Hamilton City Hall

71 Main Street West

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

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

### APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

#### 5. COMMUNICATIONS

##### Changes to the disposition:

- 5.4 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Municipal Housing Targets and Municipal Housing Pledges, City of Hamilton: 47,000.

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

- 5.5 Correspondence from Elizabeth and Roy Cabral respecting "Hats" at 647 Barton Street East.

Recommendation: Be **received.**

- 5.9 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting consultation on the proposed changes to the Greenbelt that would support municipal partners to plan for responsible growth and help build housing faster and in a targeted manner, while leading to an overall expansion of the Greenbelt.

Recommendation: Be **received**.

**Added Items:**

- 5.28 Correspondence from the City of Toronto respecting an Update on Bill 23 - *More Homes Built Faster Act, 2022*.

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

- 5.29 Correspondence from Shannon Kyles respecting Osler House, 30 South Street, Dundas.

Recommendation: Be received and referred to the consideration of Item 7. (c)(ii) of Planning Committee Report 22-016.

**7. MOTIONS**

- 7.7 Appointments to the Hamilton Conservation Authority Board of Directors – **REVISED**

- 7.12 Amendment to Appendix “A” of Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021 - **REVISED**

**8. NOTICES OF MOTION**

- 8.1 A Sustainable and Generationally Equitable Funding Formula for the City of Hamilton’s Water, Wastewater and Stormwater System
- 8.2 Grand River Conservation Authority Board of Directors
- 8.3 Impacts of Bill 23, *More Homes Built Faster Act, 2022*

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

- 275 A By-law to Establish the 2023 Water and Wastewater/Storm Fees and Charges for Services, Activities and Use of Property Provided by the City of Hamilton

**(Hwang/Francis)**

That the agenda for the December 7, 2022 meeting of Council be approved, as **amended**.

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

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

**DECLARATIONS OF INTEREST**

Councillor M. Wilson declared a non-disqualifying interest to Item 9 of Emergency and Community Services Committee the delegation by Medora Uppal, YWCA Hamilton, respecting housing and homelessness for women and gender diverse people, as the Hamilton Community Foundation, of which her partner is President and CEO.

**CEREMONIAL ACTIVITIES****3.1 Cheque Presentation from the Winona Peach Festival for Loan Repayment**

Robert (Bob) Lockwood, Winona Peach Festival President presented Mayor Horwath and Ward Councillor Jeff Beattie with a cheque for loan repayment.

**APPROVAL OF MINUTES OF PREVIOUS MEETING****4. September 28, 2022 (Item 4.1), November 16, 2022 – Inaugural (Item 4.2) and November 30, 2022 – Special (Item 4.3)****(Pauls/Hwang)**

That the Minutes of the September 28, 2022, November 16, 2022 and November 30, 2022, meetings of Council be approved, as presented.

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

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



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

## COMMUNICATIONS

### (M. Wilson/A. Wilson)

That Council Communications 5.1 to 5.29 be approved, as **amended**, as follows:

- 5.1 Correspondence from the Municipality of East Ferris requesting support for their resolution advocating for the Province of Ontario to address the child care workforce shortage in Ontario and for the launch and financial support for an accelerated Early childhood Education program.

Recommendation: Be received.

- 5.2 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to the Mayor's letter requesting additional financial support to address the housing crisis.

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

- 5.3 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023.

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

- 5.4 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Municipal Housing Targets and Municipal Housing Pledges, City of Hamilton: 47,000.

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

- 5.5 Correspondence from Elizabeth and Roy Cabral respecting "Hats" at 647 Barton Street East.

Recommendation: Be received.

- 5.6 Correspondence from Gerry Smallegange, Chair, Conservation Halton Board of Directors respecting the membership entitlement to the Conservation Halton Board of Directors for each municipality for 2023 onwards, increasing the City of Hamilton's Membership from two members to three members, also noting that the membership of the participating municipalities shall ensure that at least 70 per cent of its appointees are selected from among the members of the municipal council.

Recommendation: Be received.

- 5.7 Correspondence from the Honourable David Lametti, Minister of Justice and Attorney General of Canada in response to the Mayor's correspondence respecting Bill C-229, the *Banning Symbols of Hate Act*.

Recommendation: Be received.

- 5.8 Correspondence from Transport Canada respecting the Use of pleasure craft as commercial passenger vessels.

Recommendation: Be received.

- 5.9 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting consultation on the proposed changes to the Greenbelt that would support municipal partners to plan for responsible growth and help build housing faster and in a targeted manner, while leading to an overall expansion of the Greenbelt.

Recommendation: Be received.

- 5.10 Correspondence from the Ministry of Municipal Affairs and Housing requesting feedback on a proposal to revoke the Parkway Best West Plan.

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

- 5.11 Correspondence from the Township of Warwick requesting support for their resolution respecting CN Railway Contribution Requirements under the *Drainage Act* and Impacts on Municipal Drain Infrastructure in Ontario.

Recommendation: Be received ***and referred to the General Manager of Public Works for the preparation of a report.***

- 5.12 An invitation from Elysia Glover, United Nations Economic Commission for Europe for the City of Hamilton to join the Trees in Cities Challenge (UNECE).

Recommendation: Be received ***and referred to the General Manager of Public Works for the preparation of a report.***

- 5.13 Correspondence from Grant Bivol, NPCA Clerk respecting the extension of the deadline for comment on the Final Land Securement Strategy to November 18, 2022 in order to provide stakeholders with sufficient time to review and provide comments.

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

- 5.14 Correspondence from the Eowyn Spencer, Executive Assistant, Grand River Conservation Authority respecting the appointments to the Grand River Conservation Authority Board of Directors.

Recommendation: Be received.

- 5.15 Correspondence from Conservation Halton Board of Directors to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry and the Minister of the Environment, Conservation and Parks in response to Bill 23, the *More Homes Built Faster Act*.

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

- 5.16 Correspondence from Lisa Burnside, CAO, Hamilton Conservation Authority respecting the Hamilton Conservation Authority Board Resolution regarding the Ministry of Natural Resources and Forestry proposals in support of Bill 23 More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-23.

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

- 5.17 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing congratulating Mayor Horwath on her success in the recent municipal election.

Recommendation: Be received.

- 5.18 Correspondence from the Municipal of Lambton Shores respecting their concerns with Bill 23, *More Homes Built Faster Act, 2022*.

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

- 5.19 Correspondence from the City of Mississauga respecting the implications Bill 23 'More Homes Built Faster' will have on the City of Mississauga.

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

- 5.20 Correspondence from the Town of Aurora requesting support for their resolution respecting the modifications to York Region Official Plan.

Recommendation: Be received.

- 5.21 Correspondence from the Niagara Peninsula Conservation Authority respecting their comments on the Environmental Registry of Ontario Postings: 019-6160, 019-2927, 019-6141 and 019-6161.

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

- 5.22 Correspondence from the Town of Georgina respecting the impacts Bill 23, *More Homes Built Faster Act*, 2022 will have on the Town of Georgina.

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

- 5.23 Correspondence from Sam Jennings respecting the Burlington Street sewage spill.

Recommendation: Be received and referred to the consideration of Item 2 of Public Works Committee Report 22-015.

- 5.24 Correspondence from the Town of Plympton-Wyoming respecting Bill 23, *More Homes Built Faster Act*.

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

- 5.25 Correspondence from Conservation Halton respecting the City of Hamilton nomination for the Halton-Hamilton Source Protection Committee.

Recommendation: Be received and referred to the consideration of Item 7.2

- 5.26 Correspondence from Angie Nesci respecting 66-68 Charlton Avenue.

Recommendation: Be received and referred to the consideration of Item 7(a) of the Planning Committee Report 22-016.

- 5.27 Correspondence from Ijaz Ahmad respecting a request for genuine correction of Harmonized Sales Tax (HST) in Taxi Tariff/Fare.

Recommendation: Be received and referred to Item (d)(i) of Planning Committee Report 22-016.

- 5.28 Correspondence from the City of Toronto respecting an Update on Bill 23 - *More Homes Built Faster Act, 2022*.

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

- 5.29 Correspondence from Shannon Kyles respecting Osler House, 30 South Street, Dundas.

Recommendation: Be received and referred to the consideration of Item 7. (c)(ii) of Planning Committee Report 22-016.

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

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

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

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

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

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

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

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

**GENERAL ISSUES COMMITTEE (BUDGET) REPORT 22-019**

**(Clark/Cassar)**

That General Issues Committee (Budget) Report 22-019, being the meeting held on Monday, November 21, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on General Issues Committee (Budget) Report 22-019, CARRIED by a vote of 16 to 0, as follows:**

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

**GENERAL ISSUES COMMITTEE (SPECIAL) REPORT 22-020**

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

That General Issues Committee (Special) Report 22-020, being the meeting held on Thursday, November 23, 2022, be received.

**Result: Motion on General Issues Committee (Special) Report 22-020, CARRIED by a vote of 16 to 0, as follows:**

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

<b>BOARD OF HEALTH REPORT 22-010</b>
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**(M. Wilson/A. Wilson)**

That Board of Health Report 22-010, being the meeting held on Monday, November 28, 2022, be received and the recommendations contained therein be approved.

**(Kroetsch/Clark)**

That Item 4 of Board of Health Report 20-010, be **amended**, by adding sub-sections (c) and (d), to read as follows:

**4. Follow-up: Alcohol, Drug, & Gambling Services and Community Mental Health Promotion Budget 2022-2023 (BOH22012(b)) (City Wide)**

- (c) *That staff be given the authority to continue the program until April 30, 2023 with the continuation of the program costs be provided from the 2022 Year-End Surplus or Tax Rate Stabilization Reserve.***
- (d) *Direct the Medical Officer of Health or designate to report back on the budget impact of maintaining Alcohol, Drug, & Gambling Services and Community Mental Health Promotion Program and be referred to the 2023 Tax Supported Operating Budget.***

**Result: Amendment to Item 4 of the Board of Health Report 22-010, CARRIED by a vote of 16 to 0, as follows:**

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

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

**Result: Motion on the Board of Health Report 22-010, as Amended, CARRIED by a vote of 15 to 0, as follows:**

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

**PUBLIC WORKS COMMITTEE REPORT 22-015**

**(Nann/Pauls)**

That Public Works Committee Report 22-015, being the meeting held on Monday, November 28, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Public Works Committee Report 22-015, CARRIED by a vote of 15 to 0, as follows:**

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



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

<b>PLANNING COMMITTEE REPORT 22-016</b>
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**(M. Wilson/Tadeson)**

That Planning Committee Report 22-016, being the meeting held on Tuesday, November 29, 2022, be received and the recommendations contained therein be approved.

**(A. Wilson/Kroetsch)**

WHEREAS, Hamilton Municipal Heritage Committee (HMHC) deprioritized the Osler House property on the assumption that McMaster was proceeding as planned, however, since the HMHC November 2022 meeting, McMaster has announced the sale of the property.

THEREFORE, BE IT RESOLVED:

That Item 7(c)(ii) of the Planning Committee Report 22-016, be **amended** to read as follows:

**7. Hamilton Municipal Heritage Committee Report 22-010 (Item 9.6)****(c) Inventory & Research Working Group Meetings Notes – October 26, 2022 (Item 10.1)**

- (ii) Osler House - 30 South Street West, Dundas
  - (1) That 30 South Street, Dundas, be ~~added to the Municipal Heritage Register as a~~ **Non-Designated** **as a** Built Heritage Property; and
  - (2) That 30 South Street, Dundas, be given **high priority to be completed before December, 2024.**

**Result: Amendment to Item 7(c)(ii) of the Planning Committee Report 22-016, CARRIED by a vote of 16 to 0, as follows:**

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

YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 14 Councillor Mike Spadafora  
 YES - Ward 11 Councillor Mark Tadeson  
 YES - Ward 13 Councillor Alex Wilson  
 YES – Deputy Mayor - Ward 1 Councillor Maureen Wilson

**Result: Motion on the Planning Committee Report 22-016, as Amended, CARRIED by a vote of 16 to 0, as follows:**

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

<b>GENERAL ISSUES COMMITTEE REPORT 22-023</b>
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**(M. Wilson/A. Wilson)**

That General Issues Committee Report 22-023, being the meeting held on Wednesday, November 30, 2022, be received and the recommendations contained therein be approved.

**(Kroetsch/A. Wilson)**

That Item (j)(i) be lifted from the Information Section of the General Issues Committee Report 22-023, and added as Item 16 of General Issues Committee Report 22-023 as follows:

**16. Increase to Councillors' Office Budgets (Item 11.1)**

WHEREAS, residents of the City of Hamilton expect their elected representatives to deliver a high quality of service;

WHEREAS, residents of the City of Hamilton expect their elected representatives to communicate by phone, email, text, and through social media;

WHEREAS, in the current labour market competitive wages remain one of the most important ways to attract and retain qualified staff for Councillors' offices; and,

WHEREAS, the current City Councillor office budgets do not adequately enable all Wards to perform consistently to meet resident expectations equally.

THEREFORE, BE IT RESOLVED:

That all office budgets for City Councillors be equalized and increased to \$375,000 per calendar year, effective November 15, 2022.

**Result: Motion on the lifting of Item (j)(i) from the Information Section of the General Issues Committee Report 22-023, CARRIED by a vote of 16 to 0, as follows:**

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

**16. Increase to Councillors' Office Budgets (Item 11.1)**

**(Kroetsch/A. Wilson)**

WHEREAS, residents of the City of Hamilton expect their elected representatives to deliver a high quality of service;

WHEREAS, residents of the City of Hamilton expect their elected representatives to communicate by phone, email, text, and through social media;

WHEREAS, in the current labour market competitive wages remain one of the most important ways to attract and retain qualified staff for Councillors' offices; and,

WHEREAS, the current City Councillor office budgets do not adequately enable all Wards to perform consistently to meet resident expectations equally.

THEREFORE, BE IT RESOLVED:

That all office budgets for City Councillors be equalized and increased to \$375,000 per calendar year, effective November 15, 2022.

**(Kroetsch/A. Wilson)**

That Item 16 of General Issues Committee Report 22-023, be **amended** to read as follows:

**16. Increase to Councillors' Office Budgets (Item 11.1)**

WHEREAS, residents of the City of Hamilton expect their elected representatives to deliver a high quality of service;

WHEREAS, residents of the City of Hamilton expect their elected representatives to communicate by phone, email, text, and through social media;

WHEREAS, in the current labour market competitive wages remain one of the most important ways to attract and retain qualified staff for Councillors' offices. **and,**

~~**WHEREAS, the current City Councillor office budgets do not adequately enable all Wards to perform consistently to meet resident expectations equally.**~~

THEREFORE, BE IT RESOLVED:

~~**That all office budgets for City Councillors be equalized and increased to \$375,000 per calendar year, effective November 15, 2022.**~~

- (a) That office budgets for all City Councillors be increased by \$40,000 in 2023;**
- (b) That there be no increases, as a result of this resolution, to the salaries of individual members of City Council; and**
- (c) That this resolution be referred to the 2023 Tax Supported Operating Budget.**

**Result: Main Motion, as Amended, Item 16 of the General Issues Committee Report 22-023, CARRIED by a vote of 16 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls

YES - Ward 14 Councillor Mike Spadafora  
 YES - Ward 11 Councillor Mark Tadeson  
 YES - Ward 13 Councillor Alex Wilson  
 YES – Deputy Mayor - Ward 1 Councillor Maureen Wilson

**(Clark/Hwang)**

That sub-section (e) of Item 12 of the General Issues Committee Report 22-023, respecting Property & Liability Insurance Renewal (LS22036), be **amended**, to read as follows:

**12. Property & Liability Insurance Renewal (LS22036) (City Wide) (Item 10.8)**

(e) That the City Solicitor be granted delegated authority to renew the **Liability and** Property Insurance coverages ~~on an annual for 2023 basis~~ provided premiums do not exceed a ~~25%~~ **15%** increase from the expiring term, **and report back to the General Issues Committee.**

**Result: Amendment to Item 12 of the General Issues Committee Report 22-023, CARRIED by a vote of 16 to 0, as follows:**

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

**Result: Motion on the General Issues Committee Report 22-023, as Amended, CARRIED by a vote of 16 to 0, as follows:**

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

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

<b>AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-017</b>
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**(Kroetsch/Hwang)**

That Audit, Finance and Administration Committee Report 22-017, being the meeting held on Thursday, December 1, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Audit, Finance and Administration Committee Report 22-017, CARRIED by a vote of 16 to 0, as follows:**

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

<b>EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 22-014</b>
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**(Clark/Cassar)**

That Emergency and Community Services Committee Report 22-014, being the meeting held on Thursday, December 1, 2022, be received and the recommendations contained therein be approved.

**(Kroetsch/Nann)**

WHEREAS, the request for \$2.6 million for food security and staffing to achieve housing outcomes that keep women from remaining homeless was omitted from the motion approved at the December 1, 2022 Emergency and Community Services Committee meeting;

THEREFORE, BE IT RESOLVED:

That Item 9 of Emergency and Community Services Committee Report 22-014, be **amended**, to read as follows:

**9. Funding for YWCA Hamilton (Added Item 14.1)**

That the funding requests by ~~Medora Uppal~~, YWCA Hamilton **at the December 1, 2022 Emergency and Community Services Committee meeting** respecting housing and homelessness for women and gender diverse people, in the amount of a \$3.15 million capital contribution; **and** \$800,000 toward demolition and abatement **and \$2.6 million for food security and staffing to achieve housing outcomes that keep women from remaining homeless**, be referred to consideration of the 2023 **Tax Supported Operating** budget process in consultation with the YWCA.

**Result: Amendment to Item 9 of the Emergency and Community Services Committee Report 22-014, CARRIED by a vote of 16 to 0, as follows:**

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

**Result: Motion on the Emergency and Community Services Committee Report 22-014, As Amended, CARRIED by a vote of 16 to 0, as follows:**

YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 12 Councillor Craig Cassar  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 5 Councillor Matt Francis  
YES - Mayor Andrea Horwath  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls

- YES - Ward 14 Councillor Mike Spadafora
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson
- YES – Deputy Mayor - Ward 1 Councillor Maureen Wilson

**GENERAL ISSUES COMMITTEE (RATE BUDGET) REPORT 22-021**

**(Clark/Cassar)**

That General Issues Committee (Rate Budget) Report 22-021, being the meeting held on Thursday, November 24, 2022 and Friday, December 2, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on General Issues Committee (Rate Budget) Report 22-021, CARRIED by a vote of 16 to 0, as follows:**

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

**(M. Wilson/Pauls)**

That Council rise from Committee of the Whole.

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

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



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

<b>MOTIONS</b>
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### 7.1 Disbanding of the Mayor's Ukrainian Humanitarian Crisis and Response Advisory Committee

**(Danko/Horwath)**

WHEREAS, Council on March 30, 2022 approved the creation of the Mayor's Ukrainian Humanitarian Crisis and Response Advisory Committee; and

WHEREAS, City staff and Hamilton's partner organizations led by Hamilton Immigration Partnership Council (HIPC) have and continue to meet the demands.

THEREFORE, BE IT RESOLVED:

- (a) That the Mayor's Ukrainian Humanitarian Crisis and Response Advisory Committee, be disbanded **and transitioned to staff**,
- (b) That the General Manager of Healthy and Safe Communities, relevant HSC divisional Directors, the Senior HIPC Project Manager continue to work with Federal and Provincial government partners on a comprehensive settlement plan to welcome these Ukrainians to the City of Hamilton, that includes, but is not limited to:
  - (i) the necessary Provincial and Federally funded supports for housing, health, education, translation and labour services; and
- (c) That staff report back to the General Issues Committee with a progress update, the number of displaced Ukrainians that could be supported and any resource requirements.

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

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

YES - Ward 13 Councillor Alex Wilson  
YES – Deputy Mayor - Ward 1 Councillor Maureen Wilson

## 7.2 Halton-Hamilton Water Source Protection Committee

### (Pauls/Nann)

WHEREAS, Councillor A. Wilson was appointed to the Conservation Halton Board of Directors on November 16, 2022 and also put forward for consideration as the one representative who represents Hamilton, Grimsby and Niagara on the Halton-Hamilton Water Source Protection Committee; and

WHEREAS, the City of Hamilton has been advised as per Section 7(3) of Ontario Regulation 288/07 of the *Clean Water Act*, 2006, S.O. 2006, c. 22, that the source protection authority shall not appoint a person as a member of the source protection committee if the person is a member or employee of a conservation authority whose area of jurisdiction under the *Conservation Authorities Act* includes any part of the source protection area or source protection region, and every appointment made to the committee by the source protection authority is subject to the condition that the appointee must not be a member or employee of a conservation authority whose area of jurisdiction under the *Conservation Authorities Act* includes any part of the source protection area or source protection region; and

WHEREAS, Councillor A. Wilson, upon being advised of the conflict, wishes to remove his name for consideration as the one representative who represents Hamilton, Grimsby and Niagara on the Halton-Hamilton Water Source Protection Committee.

THEREFORE, BE IT RESOLVED:

That Councillor A. Wilson's name, be withdrawn for consideration as the one representative who represents Hamilton, Grimsby and Niagara on the Halton-Hamilton Water Source Protection Committee.

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

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

YES – Deputy Mayor - Ward 1 Councillor Maureen Wilson

**7.3 Amendment to Item 7 of Emergency and Community Services Committee Report 22-012 respecting the Adaptation and Transformation of Services for People Experiencing Homelessness Update 6 (HSC20020(f)) (City Wide)**

**(Clark/Cassar)**

WHEREAS, the General Manager of Healthy and Safe Communities Department requires direction and authorization to enter into, execute and administer the agreements and documents necessary to implement the grants that were outlined in recommendation (a) of Item 7 of Emergency and Community Services Committee Report 22-012 respecting the Adaptation and Transformation of Services for People Experiencing Homelessness Update 6 (HSC20020(f)) (City Wide);

THEREFORE, BE IT RESOLVED:

That Item 7 of Emergency and Community Services Committee Report 22-012 respecting the Adaptation and Transformation of Services for People Experiencing Homelessness Update 6 (HSC20020(f)) (City Wide), be **amended**, by adding a new sub-section (e), as follows:

**(e) *That the General Manager of the Healthy and Safe Communities Department be directed and authorized, to enter into, execute and administer all agreements and documents necessary to implement the grants outlined in Recommendation (a) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department and in a form satisfactory to the City Solicitor.***

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

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

**7.4 Amendment to Item 2 of the Emergency and Community Services Committee Report 21-006, respecting Service Manager Consent for CityHousing Hamilton to Sell Jamesville Property (HSC21011), which was approved by Council on June 9, 2021**

**(Clark/Cassar)**

WHEREAS, Council on June 9, 2021 approved rent subsidy funding provided to the new Jamesville building starting in 2023, through report HSC21011 respecting Service Manager Consent for CityHousing Hamilton to Sell Jamesville Property; and

WHEREAS, the capital renovations were delayed and the dates as stipulated by Council will not be met due to extenuating circumstances;

THEREFORE, BE IT RESOLVED:

That sub-section (c) of Item 2 of the Emergency and Community Services Committee Report 21-006, respecting Service Manager Consent for CityHousing Hamilton to Sell Jamesville Property, be **amended**, to read as follows:

**2. Service Manager Consent for CityHousing Hamilton to Sell Jamesville Property (HSC21011) (Ward 2) (Item 10.1)**

- (c) That the rent subsidy funding provided to the new Jamesville building starting in ~~2023~~ **2024** be increased annually by the allowable rent increase guideline set by the Ministry of Municipal Affairs and Housing.

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

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

**7.5 Amendment to Item 6.3 of the Council Meeting 21-024, respecting Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Project Stream Funding, which was approved by Council on December 15, 2021**

**(Clark/Cassar)**

WHEREAS, Council on August 9, 2021 approved funding of \$248K be referred to the 2023 Operating Budget for consideration, to fund rent subsidies for 49 units created under the Rapid Housing Initiative Round II for the required program affordability period of 20 years, through the HSC20056(a) report dated August 9, 2021 respecting Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Project Stream Funding;

WHEREAS, Council on December 15, 2021 approved funding 36 units created under the Rapid Housing Initiative Round II for the City's submitted projects required program affordability period of 20 years to be included in the 2023 operating budget for Council deliberation and approval, through the motion dated December 15, 2021 respecting Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Project Stream Funding;

WHEREAS, Council on March 30, 2022 approved the receipt of additional funding through Homelessness Prevention Program, through the HSC22005 report dated March 24, 2022 respecting Municipal Affairs and Housing Homelessness Prevention Program (HPP);

WHEREAS, the estimated subsidy of \$248K required for the 49 units created under the Rapid Housing initiative Round II, through report HSC20056(a), can be supported through the additional funding received by the province through report HSC22005; and

WHEREAS, the estimated subsidy required of \$150K required for 36 units created under the Rapid Housing Initiative Round II for City's submitted projects in the motion dated December 15 has increased to an estimate subsidy required of \$240K and can be met with the request presented in HSC20056(a) and the request for \$150K in the motion dated December 15<sup>th</sup> is no longer required as a council referred item.

THEREFORE, BE IT RESOLVED:

That Item 6.3 of the December 15, 2021 Council minutes, respecting Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Project Stream Funding, be **amended** by deleting sub-section (f) in its entirety and renumbering the remaining sub-section accordingly, to read as follows:

**6.3 Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Project Stream Funding**

- (a) That the General Manager of the Healthy and Safe Communities Department, or designate, be directed to accept the Rapid Housing Initiative Project Stream Funding allocation in an amount of up to \$10,305,844 for the creation of additional affordable housing units,

providing the City's submitted projects are selected by CMHC's evaluation team for funding under the Project Stream;

- (b) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to enter into the Rapid Housing Initiative Amending Letter dated December 6, 2021 with the Canada Mortgage and Housing Corporation (CMHC) to accept Rapid Housing Initiative Project Stream allocation in the amount of up to \$10,305,844 for the creation of up to 36 affordable housing units, in a form satisfactory to the City Solicitor;
- (c) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to administer projects selected through the Rapid Housing Initiative (RHI) Project Stream including: entering into any agreements and ancillary agreements on such terms as they consider appropriate; approving purchase orders; and taking other actions needed to ensure success, in a form satisfactory to the City Solicitor;
- (d) That Housing Services Division be directed to managed project overrun costs for the projects selected under RHI-2 Project Stream, and funds required to cover overruns of the RHI-2 Project Stream projects be brought forward to Council for approval with a funding source identified.
- (e) Pending CMHC's approval of the City's submitted projects for Project Stream Funding, Staff be directed to fund eligible Development Charges (DC), for approximately 12 units at an estimated cost of \$231 K, from the Tax Stabilization Reserve 110046 or other Council approved funding sources; and
- ~~(f) ***That an estimated increase of \$150 K to the Housing Services Division operating budget fund rent subsidies for 36 units created under the Rapid Housing Initiative Round II for the City's submitted projects required program affordability period of 20 years be included in the 2023 operating budget for Council deliberation and approval, and***~~
- (f) That the Housing Services Division report back to the Emergency and Community Services Committee, upon receiving CMHC's approval of RHI-2 projects under Project Stream as appropriate, on the City's progress with the Rapid Housing Initiative including both the first and second round of funding.

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

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

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

**7.6 Amendment to Item 6 of the Emergency and Community Services Committee Report 22-012, respecting Housing with Supports for Women, Transgender and Non-binary Community Members (Arkledun) (HSC22047), which was approved by Council on August 12, 2022**

**(Clark/Cassar)**

WHEREAS, Council on August 12, 2022 approved funding Good Shepherd's Arkledun Ave. project through a conditional grant of \$3.1M and program support costs for a 12-month period of November 2022 to October 2023 and approved any ancillary program support costs for the project beyond the first year of operating referred to the 2023 tax support operating budget process, through report HSC22047 respecting Housing with Supports for Women, Transgender and Non-binary Community Members (Arkledun) (HSC22047); and

WHEREAS, the capital renovations were delayed and the dates as stipulated by Council will not be met due to extenuating circumstances;

THEREFORE, BE IT RESOLVED:

That sub-sections (b), (d) and (e) of Item 6 of the Emergency and Community Services Committee Report 22-012, respecting Housing with Supports for Women, Transgender and Non-binary Community Members (Arkledun) (HSC22047), be **amended** by adjusting the dates to read as follows:

**6. Housing with Supports for Women, Transgender and Non-binary Community Members (Arkledun) (HSC22047) (Item 10.2)**

- (b) That the conditional grant be funded via an internal loan from the Investment Stabilization Reserve (#112300) to be repaid from the annual Housing Services tax supported operating budget over a term of fifteen years at an annual interest rate of 4.25%, resulting in a net tax levy impact of \$283,700 annually beginning in ~~2023~~ **2024**;
- (d) That staff be authorized to provide up to a maximum \$3.6 M of Program support costs to Good Shepherd's Arkledun Ave. project for the 12-month period of ~~November 2022 to October 2023~~ **January 2023 to December 2023** to be funded from any eligible funding programs made

available from senior levels of government or the City's COVID-19 Emergency Reserve (#110053);

- (e) That the financing strategy of any ancillary program support costs for the Arkledun Ave. project beyond first year of operations subject to the operating agreement established through recommendation (c) be referred to the ~~2023~~ **2024** tax supported operating budget process for Council's consideration; and,

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

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

**7.7 Appointments to the Hamilton Conservation Authority Board of Directors -  
 REVISED**

**(Nann/McMeekin)**

That Councillors Cassar, Clark, Francis, A. Wilson and M. Wilson, be appointed to the Hamilton Conservation Authority Board of Directors for the 2022-2026 Term of Council.

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

YES - Ward 10 Councillor Jeff Beattie  
 YES - Ward 12 Councillor Craig Cassar  
 YES - Ward 9 Councillor Brad Clark  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 5 Councillor Matt Francis  
 YES - Mayor Andrea Horwath  
 YES - Ward 4 Councillor Tammy Hwang  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 2 Councillor Cameron Kroetsch  
 YES - Ward 15 Councillor Ted McMeekin  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 7 Councillor Esther Pauls



YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES – Deputy Mayor - Ward 1 Councillor Maureen Wilson

**7.8 Amendment to the By-law 21-021, A By-law to Govern the Proceedings of Council and Committees of Council**

**(Spadafora/Jackson)**

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice, requires that public notice is required to advise of a Committee meeting to consider the enactment of a procedure bylaw in the form of one notice published in a newspaper a minimum of 14 days prior to the Committee meeting; and

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice also notes that Council may direct that other notice is to be given as Council considers adequate;

THEREFORE, BE IT RESOLVED:

That Council waive the notice provision within By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice in order for an amendment to be made to the Procedural By-law effective immediately.

**Result: Motion CARRIED by a 2/3rds vote of 14 to 1, as follows:**

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

**(Spadafora/Jackson)**

WHEREAS, the Mayor has chosen to Chair the General Issues Committee for the term of Council; and

WHEREAS, By-law 21-021 states that the Chair of the General Issues Committee be rotated amongst the Deputy Mayors.

THEREFORE, BE IT RESOLVED:

(a) That By-law No. 21-021, be **amended** as follows:

(i) **5.2 Appointment of Committee Chairs and Vice Chairs**

- (1) Each Standing Committee shall recommend to Council the appointment of a Chair, Vice Chair and, where applicable, 2<sup>nd</sup> Vice Chair for the required term.
  - (a) The term of the Chair, Vice Chair and 2<sup>nd</sup> Vice Chair shall be for a calendar year, or part of a calendar year in an election year.
  - (b) No Member of Council may serve as Chair, Vice Chair or 2<sup>nd</sup> Vice Chair of the same Standing Committee for more than one year in a Council term.
  - ~~(c) ***The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors.***~~
- (2) Despite subsections 5.2(1)(a) and (b):
  - (a) the Mayor shall stand as Chair for the term of Council for the Board of Health; and
  - (b) ***the Mayor may stand as the Chair of the General Issues Committee for the term of Council or the Chair of the General Issues Committee may be rotated amongst the Deputy Mayors.***
- (3) The Board of Health shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the Board of Health.
- (4) ***The Vice Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors when the Mayor is Chair of the General Issues Committee or the Deputy Mayor from the previous month shall be the Vice Chair of the General Issues Committee when the Chair of the General Issues Committee is rotated amongst the Deputy Mayors.***

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

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 8 Councillor John-Paul Danko
- YES - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang

YES - Ward 6 Councillor Tom Jackson  
YES - Ward 2 Councillor Cameron Kroetsch  
NO - Ward 15 Councillor Ted McMeekin  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
YES – Deputy Mayor - Ward 1 Councillor Maureen Wilson

**7.9 Terrapure Community Liaison Committee name change to the GFL Community Liaison Committee**

**(Clark/Cassar)**

WHEREAS, GFL Environmental Inc. acquired the Terrapure Environmental landfill site in Stoney Creek in 2021; and

WHEREAS, the acquisition also changed the name of the Community Liaison Committee.

THEREFORE, BE IT RESOLVED:

That all references to the Terrapure Community Liaison Committee be changed to the GFL Community Liaison Committee, effective immediately.

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

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

**7.10 Amendment to Item 5 of the Emergency and Community Services Committee Report 21-013, respecting Adaptation and Transformation of Services for People Experiencing Homelessness Update 4 (HSC20020(d)), which was approved by Council on December 15, 2021**

**(Clark/Cassar)**

WHEREAS, Council on December 15, 2021 approved funding YWCA Hamilton for capital renovations required to continue to operate Carol Anne's Place as a temporary drop in program for 22 single homeless women until June 30, 2022; and

WHEREAS, the capital renovations were delayed and the dates as stipulated by Council will not be met due to extenuating circumstances;

THEREFORE, BE IT RESOLVED:

That sub-section (b) of Item 5 of the Emergency and Community Services Committee Report 21-013, respecting Adaptation and Transformation of Services for People Experiencing Homelessness Update 4 (HSC20020(d)), be **amended** by adjusting the date to read as follows:

**5. Adaptation and Transformation of Services for People Experiencing Homelessness Update 4 (HSC20020(d)) (City Wide) (Item 8.2)**

- (b) That an additional grant in the approximate amount of \$500 K to the YWCA Hamilton for capital renovations required to continue to operate Carol Anne's Place as a temporary drop in program for 22 single homeless women until **March 31, 2023**, funded from the projected 2021 Housing Services Division surplus through the Tax Stabilization Reserve #110046 and if necessary, from in-year surpluses of the department; any unspent Housing Services Division 2021 surplus be transferred to the Housing Supplement/Housing Allowance Reserve, #112252 be approved;

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

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

NOT PRESENT – Deputy Mayor - Ward 1 Councillor Maureen Wilson

#### 7.11 CityHousing Hamilton Corporation Board of Directors

##### (McMeekin/Jackson)

WHEREAS Councillor McMeekin was appointed to the CityHousing Hamilton Corporation Board of Directors on November 16, 2022;

WHEREAS Councillor McMeekin at this time wishes to resign from the CityHousing Hamilton Corporation Board of Directors; and

WHEREAS Councillor Jackson wishes to replace Councillor McMeekin on the CityHousing Hamilton Corporation Board of Directors.

THEREFORE, BE IT RESOLVED:

- (a) That Councillor McMeekin's resignation, be received; and
- (b) That Councillor Jackson be appointed to the CityHousing Hamilton Corporation Board of Directors for the remainder of the 2022-2026 Term of Council.

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

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

#### 7.12 Amendment to Appendix "A" of Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021 - *REVISED*

##### (Pauls/Francis)

That Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021, be **amended** to read as follows:

#### 4.1 Mandatory COVID-19 Vaccination Verification Policy (HUR21008) (City Wide)

- (a) That Council approve the recommendation that the City implement the Mandatory COVID-19 Vaccination Verification Policy, attached hereto as Appendix "A", **as further amended**, requiring proof of vaccination in the workplace, including a comprehensive testing, education and communication plan for unvaccinated staff:
- (i) That Appendix "A", as amended, to Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy (HR-66-21), be **amended**, as follows:

- (a) That paragraphs one and two of the Scope section of Appendix "A", as amended, be **further amended** by deleting the words "of the City of Hamilton, including full-time, part-time, permanent, temporary, casual, volunteers; and students, and including Members of Council"; and by adding the words "**at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre**", to read as follows:

#### SCOPE

This policy applies to all employees of the City of Hamilton, including full-time, part-time, permanent, temporary, casual, volunteers; and students, and including Members of Council **at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre.**

New Employees **at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre** will be subject to this policy as a condition of their employment contract with the City of Hamilton. It requires Employees to be fully vaccinated against the COVID-19 virus and requires Employees to provide proof of vaccination satisfactory to the employer.

- (b) That the Operational Areas Subject to Differential Terms and Conditions Requirements for New Employees section of Appendix "A", as amended, be **further amended** by deleting bullet points 5 and 6, in their entirety, as follows:

#### Operational Areas Subject to Differential Terms and Conditions Requirements for New Employees

- ~~fully vaccinated or provide proof of valid exemption satisfactory to the employer prior to their start date. By signing the conditional offer letter, they acknowledge and agree to comply with~~

~~**any future vaccine policy requirements as an ongoing condition of employment at the City of Hamilton.**~~

- ~~• **All Members of Council are required to be fully vaccinated against COVID-19, unless subject to an approved exemption. Failure to comply will result in a condition of employment, new hires are required to provide proof that they are compliant to the Integrity Commissioner.**~~

- (c) That the Requirements for Members of Council Additional Provisions section of Appendix “A”, as amended, be **further amended** by adding the following words “**That for the**” and “**at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre who are still**” to the following bullet point, to read as follows:

#### **Requirements for Members of Council Additional Provisions**

1. Providing Proof of COVID-19 Vaccination Status
  - **That for the employees at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre** who are still required to provide proof of their vaccination series approved by Health Canada and recommended by Ontario Ministry of Health by providing one of the following:

- (d) That the Requirements for Members of Council Additional Provisions section of Appendix “A”, as amended, be **further amended** by deleting the words “and Members of Council” from the following bullet points:

#### **Requirements for Members of Council Additional Provisions**

2. Providing Proof of An Approved Exemption
  - The City will comply with its human rights obligations and accommodate Employees **and Members of Council** who are legally entitled to accommodation.
  - Employees **and Members of Council** are required to provide proof of their medical exemption by providing one of the following:

- (e) That the Compliance section of Appendix “A”, as amended, be **further amended**, by deleting the words “Non-compliance with the Policy by Members of Council will result in a complaint to the Integrity Commissioner”, as follows:

### COMPLIANCE

~~**Non-compliance with the Policy by Members of Council will result in a complaint to the Integrity Commissioner.**~~

- (b) That the Mandatory COVID-19 Vaccination Verification Policy applies to all **City employees at the Lodges, Hamilton Paramedic Service and the Red Hill Child Care Centre**; and,
- (c) That Appendix “B” to Report HUR21008, remain confidential and not be released publicly.

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

- (a) That the motion respecting an Amendment to Appendix “A” of Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021 – REVISED, be referred to the February 1, 2023 meeting of General Issues Committee for consideration;
- (b) That the Executive Director of Human Resources or their designate report back at the February 1, 2023 General Issues Committee meeting on the implications of the motion and alternatives for consideration;
- (c) That the Executive Director of Human Resources or their designate be directed to report back at the February 1, 2023 General Issues Committee meeting on the policies in place at other Ontario municipalities; and
- (d) That the City Solicitor or their designate be directed to report back at the February 1, 2023 General Issues Committee meeting on the implications of the motion and alternatives for consideration.

**Result: Motion CARRIED by a vote of 9 to 6, as follows:**

NO - Ward 10 Councillor Jeff Beattie  
 YES - Ward 12 Councillor Craig Cassar  
 YES - Ward 9 Councillor Brad Clark  
 NO - Ward 8 Councillor John-Paul Danko  
 NO - Ward 5 Councillor Matt Francis  
 YES - Mayor Andrea Horwath  
 YES - Ward 4 Councillor Tammy Hwang  
 NO - Ward 6 Councillor Tom Jackson  
 YES - Ward 2 Councillor Cameron Kroetsch  
 YES - Ward 15 Councillor Ted McMeekin



YES - Ward 3 Councillor Nrinder Nann  
NO - Ward 7 Councillor Esther Pauls  
NO - Ward 14 Councillor Mike Spadafora  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
NOT PRESENT – Deputy Mayor - Ward 1 Councillor Maureen Wilson

**7.13 Grand River Conservation Authority Board of Directors**

**(A. Wilson/Cassar)**

WHEREAS, Council on September 28, 2022, supported the use of the population-based formula for board composition for Conservation Authorities;

WHEREAS, the membership on the Grand River Conservation Authority Board of Directors, based on a population-based formula for board composition would be three members of Council and 1 citizen member;

WHEREAS, the Grand River Conservation Authority Board of Directors, has not had the opportunity to review their composition as per the *Conservation Act*;

WHEREAS, Council on November 16, 2022 appointed three members of Council to the Grand River Conservation Authority Board of Directors; and

WHEREAS, the Grand River Conservation Authority Board of Directors composition at this time is one member of Council;

THEREFORE, BE IT RESOLVED:

That Councillors C. Kroetsch and C. Cassar withdraw their names from the Grand River Conservation Authority Board of Directors.

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

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

**7.14 Impacts of Bill 23, *More Homes Built Faster Act, 2022*****(Francis/Beattie)**

WHEREAS, the changes in Bill 23 will significantly limit the City's ability to provide and make important housing-related infrastructure and service investments resulting in increased costs for Hamilton residents;

WHEREAS, the changes in Bill 23 will have an impact on the City's quality of life and revenues to support complete communities;

WHEREAS, the City has limited revenue sources and as result of Bill 23, residents may face higher property taxes and higher water, wastewater and stormwater bills;

WHEREAS, Bill 23 will also affect the City's ability to provide much needed capital infrastructure to support growth such as roads, parks, community centres and other community amenities; and

WHEREAS, Bill 23 received Proclamation and Royal Assent on November 28, 2022.

THEREFORE, BE IT RESOLVED:

- (a) That the Mayor and City Council in the City's initial response to Bill 23, request the province to:
  - (i) Repeal the amendments to the *Planning Act* and *Development Charges Act* as a result of Bill 23 with respect to the ability to regulate urban design and sustainable design features, parkland dedication and changes to the Development Charges regarding mandatory discounts for market rate development to facilitate responsible growth;
  - (ii) Request the Province of Ontario to extend the commenting period on Bill 23, *More Homes Built Faster Act, 2022* to at least January 31, 2023 to enable time for consultation, consideration of alternative options and thorough analysis of both short and long-term impacts;
  - (iii) Request the Province not to proceed with developing regulations, as per Bill 23, to limit the City of Hamilton's ability to protect and require the replacement of affordable and rental housing as a condition of development approvals;
  - (iv) Request the province to amend the *Planning Act* to enable the implementation of Inclusionary Zoning across the City and incorporate definitions of affordable rental housing that respond to low and moderate household income;
  - (v) Request the province to enact a Regulation to permit the use of conditional zoning, pursuant to Section 34(16) of the *Planning Act*;

- (vi) Request the province to include an “opt-out” provision for municipalities and applicants with respect to refunds for development applications and delay the implementation of refunds for development applications in light of the significant changes to the Planning regulations and internal City processes regarding development; and
  - (vii) Request that the Provincial government to provide funding and funding tools to the City matching the amount of revenue lost through development charges, community benefits charges, and Section 42 of the *Planning Act* in Bill 23 to ensure the services needed to facilitate responsible growth continue to be delivered;
- (b) That City Council work with the City Manager to make public through communications and letters to local Members of Parliament and Members of Provincial Parliament outlining the impacts of Bill 23 on specific growth enabling infrastructure projects and housing projects which will not proceed within the City of Hamilton.
- (c) That this resolution be forward to all Ontario municipalities for their support.

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

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

**7.15 Invitation to the Conservative MPPs to Discuss the Impacts of Bill 23, *More Homes Built Faster Act, 2022* on the City of Hamilton**

**(Danko/Francis)**

That invitations be extended to MPP Donna Skelly; MPP Neil Lumsden to appear at a future General Issues Committee meeting to discuss the impacts of Bill 23 on the City of Hamilton.

**Result: Motion CARRIED by a vote of 14 to 1, as follows:**

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

<b>NOTICES OF MOTION</b>
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**8.1 A Sustainable and Generationally Equitable Funding Formula for the City of Hamilton’s Water, Wastewater and Stormwater System**

Councillor A. Wilson on behalf of Councillor M. Wilson introduced the following Notice of Motion:

WHEREAS, the age and condition of Hamilton’s water/wastewater/stormwater systems requires ongoing investment;

WHEREAS, Hamilton’s discrepancy of wealth in terms of income means that there are members of our community who have an issue of affordability; and

WHEREAS, continuing to pursue a sustainable and generationally equitable funding formula for our water/wastewater/stormwater systems while providing a focused and intentional subsidy program will assist those made vulnerable by fulfilling this responsibility and maintain the City’s commitment to uphold the integrity of our systems.

THEREFORE, BE IT RESOLVED:

That staff be directed to assess the existing subsidy provision available to Hamilton residents in relation to the City’s water, wastewater and stormwater rate based services in order to enable the City of Hamilton to meet its existing and future asset management provisions to uphold the integrity of the infrastructure.

**8.2 Grand River Conservation Authority Board of Directors**

**(A. Wilson/Kroetsch)**

That the Rules of Order be waived to allow for the introduction of a motion respecting a Grand River Conservation Authority Board of Directors.

**Result: Motion CARRIED by a 2/3rds vote of 15 to 0, as follows:**

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

For further disposition of this matter, refer to Item 7.13

**8.3 Impacts of Bill 23, *More Homes Built Faster Act, 2022***

**(Francis/Beattie)**

That the Rules of Order be waived to allow for the introduction of a motion respecting the Impacts of Bill 23, *More Homes Built Faster Act, 2022*.

**Result: Motion CARRIED by a 2/3rds vote of 15 to 0, as follows:**

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

For further disposition of this matter, refer to Item 7.14

<b>STATEMENTS BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>COUNCIL COMMUNICATION UPDATES</b>
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**(A. Wilson/Cassar)**

That the listing of Council Communication Updates from September 28, 2022 to December 1, 2022, be received.

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

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

<b>BY-LAWS AND CONFIRMING BY-LAW</b>
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**(A. Wilson/Spadafora)**

That Bills No. 22-263 to No. 22-276, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 263 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
 Schedule 6 (Time Limit Parking)  
 Schedule 8 (No Parking Zones)  
 Schedule 10 (Alternate Side Parking)  
 Schedule 12 (Permit Parking Zones)  
 Schedule 13 (No Stopping Zones)  
 Schedule 14 (Wheelchair Loading Zones)  
 Schedule 20 (School Bus Loading Zones)  
 Ward: 1, 2, 3, 4, 7, 8, 9, 10, 13, 14, 15
- 264 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic  
 Schedule 2 (Speed Limits)  
 Ward: 11

- 265 To Establish City of Hamilton Land Described as Part of Block 193 on Plan 62M-987 as Part of Sandbeach Drive  
Ward: 5
- 266 Respecting Removal of Part Lot Control, Blocks 21 to 25 and 27 to 34 (inclusive) and Lots 1 to 13 and 15 to 19 (inclusive), Registered Plan of Subdivision No. 62M-1284, "Stonegate Park", Municipally Known As, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49 to 53, 55 to 70, 72, and 74 Genoa Drive, Hamilton; 88, 90, 92, 94, 95, 97, 99, 101 to 105, 107 to 111, 113, 115, 117, 119, 121, 123, 125, 127, 129 to 143, and 145 to 157 Aquasanta Crescent, Hamilton; and 3 to 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, and 45 Mia Drive, Hamilton  
Ward: 8  
PLC-22-017
- 267 To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council  
Ward: City Wide
- 268 To Authorize an Interim Tax Levy for 2023  
Ward: City Wide
- 269 To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2023  
Ward: City Wide
- 270 Respecting the Appointments of a Chief Building Official, Deputies and Inspectors and to Repeal By-law No. 22-112  
Ward: City Wide
- 271 Being a By-law to Appoint Hearing Officers pursuant to the Administrative By-law No. 17-225 and to Repeal By-law No. 19-172  
Ward: City Wide
- 272 To Amend By-law No. 15-058, a By-law Respecting Building Permits and Related Matters  
Ward: City Wide
- 273 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1020 Upper James Street, Hamilton  
Ward: 8  
ZAC-19-017
- 274 To Amend Zoning By-law No. 6593, Respecting Lands Located at 11 Springside Drive, Hamilton  
ZAC-19-056  
Ward: 8
- 275 A By-law to Establish the 2023 Water and Wastewater/Storm Fees and Charges for Services, Activities and Use of Property Provided by the City of Hamilton

276 To Confirm the Proceedings of City Council

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

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

**(Francis/Hwang)**

That, there being no further business, City Council be adjourned at 1:16 p.m.

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

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

Respectfully submitted,

Mayor Andrea Horwath

Andrea Holland  
City Clerk



**Pilon, Janet**

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**Subject:** OBCM Motion on Extension of SDAF

**From:** OBCM Info <[info@obcm.ca](mailto:info@obcm.ca)>

**Sent:** Friday, December 9, 2022 11:37 AM

**To:** [angela@obcm.ca](mailto:angela@obcm.ca)

**Subject:** Fwd: OBCM Motion on Extension of SDAF

Good morning,

Please see below an email sent to the Minister of Municipal Affairs and Housing regarding a Motion passed at the OBCM meeting on Fri. Dec. 2, 2022.

We ask that you send this motion to your clerk's office, it has already been sent to the Mayor's offices.

We have also attached OBCM's motion passed after the meeting earlier this week regarding Bill 23, and ask that you pass along this motion as well.

In the future we would like to be able to send out motions directly to the clerk's office, so if you can please send us the email address to send these motions to we would appreciate it.

Thank you,

Angela Trewartha

Operations and Communications Specialist | Ontario's Big City Mayors (OBCM)

[angela@obcm.ca](mailto:angela@obcm.ca)

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

----- Forwarded message -----

**From:** OBCM Info <[info@obcm.ca](mailto:info@obcm.ca)>

**Date:** Fri, 9 Dec 2022 at 10:38

**Subject:** OBCM Motion on Extension of SDAF

**To:** <[minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)>

**Cc:** <[ryan.amato@ontario.ca](mailto:ryan.amato@ontario.ca)>, OBCM Info <[info@obcm.ca](mailto:info@obcm.ca)>, <[amopresident@amo.on.ca](mailto:amopresident@amo.on.ca)>, <[info@rpco.ca](mailto:info@rpco.ca)>

Dear Minister Clark,

Please see attached a motion that was passed at the Ontario's Big City Mayors meeting on Fri. Dec. 2, 2022 regarding a request for an extension for all municipalities who received the Streamline Development Approval Fund.

We have also attached for reference the letters regarding this issue mentioned in our motion from Mayor Shaun Collier of Ajax and the Regional Planning Commissioners of Ontario (RPCO).

We look forward to hearing from you regarding this matter and please contact us with any questions or concerns you may have.

Sincerely,

--

Ontario's Big City Mayors (OBCM)

[info@obcm.ca](mailto:info@obcm.ca)

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

cc - OBCM Mayors, AMO, RPCO



**Office of the Mayor**

Tel. 905-683-4550

Fax. 905-683-8207

**TOWN OF  
AJAX**

65 Harwood Avenue  
South Ajax ON  
L1S 2H9

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July 13, 2022

Hon. Steve Clark  
Ministry of Municipal Affairs and Housing  
17th Floor, 777 Bay Street  
Toronto, ON M5G 2E5

Sent via email: [steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org)

Dear Minister Clark,

**Re: More time needed to maximize the Streamline Development Approval Fund**

---

On behalf of the Town, I would like to thank you and the Province of Ontario for helping to increase the housing supply through the Streamline Development Approval Fund. With these funds, Ajax is pursuing several innovations and staffing opportunities to improve our processes and timelines, although as a result of hiring challenges and economic factors beyond our control I am writing to advise that more time is needed to ensure we are receiving the full benefits of these funds.

Since 2019, construction value on developments in the Town of Ajax has topped \$1-billion. To help support with the incredible volume of building, development and engineering applications, I am pleased to share that we have already hired for four positions in Planning & Development Services to support the acceleration of approvals.

Work is underway to design and implement an online portal for the submission and monitoring of planning and development documents, and we are reviewing our Planning, Building & Development-related by-laws to ensure they are in line with provincial requirements and are competitive in the industry.

The Fund will also allow the Town to contract a Corporate Indigenous Advisor to organize our processes of indigenous consultation and engagement on all development projects as we continually build our relationship with First Nations communities. The Fund is also advancing our Sustainability Internship Program, which focuses on the

implementation of sustainability-related Green Design Standards and performance measures for all new development in the Town, including working directly with prospective developers.

To ensure the Town of Ajax is maximizing the benefits of the Streamline Development Approval Fund, I would ask that the deadline to spend the funds be extended to September 2023.

Should you require any additional information to support your decision, please do not hesitate to contact me.

Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Collier', written in a cursive style.

Shaun Collier  
Mayor & CEO - Town of Ajax

Cc/  
Ajax Council  
Patrice Barnes, MPP for Ajax  
Shane Baker, Chief Administrative Officer, Town of Ajax  
Geoff Romanowski, Director of Planning and Development Services, Town of Ajax  
Dianne Valentim, Director of Finance/Treasurer, Town of Ajax

## **OBCM Motion re: Bill 23, More Homes Built Faster Act, 2022**

**WHEREAS** the provincial government passed Bill 23, More Home Built Faster Act, 2022 on November 28, 2022 with regulations and changes to several provincial acts which will have a significant impact on municipalities in the province;

**WHEREAS** notwithstanding there are parts of Bill 23 that will help build homes faster, Ontario's Big City Mayors (OBCM) have written to Premier Doug Ford and Minister Steve Clark regarding their concerns with Bill 23, and have presented to the Standing Committee on Heritage, Infrastructure and Cultural Policy;

**WHEREAS** OBCM mayors have noted significant concerns relating to the impact on the collection of development charges and parkland levies, that will result in billions of dollars worth of infrastructure deficits that, without offsetting, will severely impact the current tax base as well as impact how municipalities will fund parkland spaces;

**WHEREAS** the impacts of this revenue shortfall will result in property tax increases and severely impact a municipality's ability to build the infrastructure needed to support the creation of new homes including roads, sewer and water systems, and supports for the delivery of fire and police services, delaying the building of new homes;

**WHEREAS** municipal audits announced by the province in selected municipalities will show how these reserve funds are allocated by each municipality to pay for the cost of this needed infrastructure, based on legislation from the province that strictly sets out their uses;

**WHEREAS** all partners in the homebuilding process, including municipalities who have responsibility for permitting, approvals and servicing, and developers who are responsible for getting shovels in the ground, can improve processes geared toward their part of creating a new housing supply;

**WHEREAS** while the municipal sector can help cut red tape and speed up the municipal approvals process, it is the responsibility of the province to look at delays within their ministries, and the responsibility of developers and home builders to further coordinate the building of homes in a timely manner once development approvals are in place;

**WHEREAS** the province has not identified accountability measures for all parties involved in creating housing, nor has the province identified annual targets to demonstrate incremental goals to build 1.5 million homes over the next decade;

**THEREFORE, BE IT RESOLVED THAT** OBCM mayors request the province immediately pause the implementation of changes to the development charges act and parkland fee reductions in Bill 23 until cities have been consulted on finding solutions to the impacts that these changes will have to our communities.

**THAT** the province put in place the Housing Supply Action Plan Implementation Table immediately and establish a terms of reference for the implementation table, and that Bill 23 is considered a priority in consultation with municipalities and other stakeholders in the home building industry;

**THAT** the province work with municipalities to re-open the discussion on a new long-term permanent municipal funding strategy to maintain services and fund critical infrastructure projects, and include the federal government to discuss joint solutions such as allocating a portion of the HST to cities, allowing

municipalities to build the housing that Ontarians need without having the burden fall on the existing property tax base;

**THAT** while this work on an additional long-term municipal funding strategy is underway, municipalities are made whole, dollar-for-dollar, by the province to eliminate the unintended consequences of revenue reductions associated with Bill 23 changes;

**THAT** OBCM requests all stakeholders (provincial ministries, municipalities, developers, and homebuilders) be held jointly accountable for their part of the home building process through the upcoming housing unit pledge exercise, due to the province by March 1<sup>st</sup>;

**THAT** OBCM requests the province work with each municipality and all other partners in the homebuilding process to identify annual targets, with agreed upon accountability measures and metrics put in place based on each partner's role in the homebuilding process;

**AND THAT** the Housing Supply Action Plan Implementation Table regularly identify to the Minister of Municipal Affairs and Housing legislative and regulatory amendments to mitigate or eliminate unintended consequences of Bill 23, inclusive of the effects of outside and market forces that may impact the achievement of these targets.



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

**OBCM Motion** - Maximizing the Streamline Development Approval Fund

Mayor Shaun Collier – Ajax, Seconded by Mayor Dave West – Richmond Hill

**WHEREAS** On January 19, 2022, the province announced \$45 million for the Streamline Development Approval Fund (SDAF) to help Ontario's 39 largest municipalities modernize, streamline and accelerate processes for managing and approving housing applications;

**AND WHEREAS** the deadline for municipalities to spend SDAF funds is February 2023;

**AND WHEREAS** municipal planning departments may be challenged to spend SDAF funds by the deadline in part due to province-wide staffing shortages, and the overlap of changes imposed by the More Homes for Everyone Act, 2022 and the More Homes Built Faster Act, 2022;

**AND WHEREAS** the Town of Ajax issued a letter to the Honourable Steve Clark, Minister of Municipal Affairs and Housing on July 13, 2022 requesting the deadline to spend the funds be extended to September 2023, and a similar letter was sent to the Minister by the Regional Planning Commissioners of Ontario on September 26, 2022;

**THEREFORE BE IT RESOLVED THAT**

1. Ontario Big City Mayors endorse the request for an extension for all municipalities who received the SDAF to September 2023; and
2. A copy of this motion be shared with the Honourable Steve Clark, Minister of Municipal Affairs and Housing, all OBCM members, the Association of Municipalities of Ontario, and the Regional Planning Commissioners of Ontario.

**Motion passed unanimously by OBCM Mayors at meeting on December 2<sup>nd</sup>, 2022**



# Regional Planning Commissioners of Ontario

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Please direct all correspondence to the office of the Chair

**Thom Hunt, MCIP, RPP, Chair**  
City of Windsor  
350 City Hall Square East  
Suite 320  
Windsor, ON N9A 6S1  
Tel: (519) 255-6543 ext. 6897  
Fax: (519) 255-6544

**Brian Bridgeman, MCIP, RPP, Vice-Chair**  
Regional Municipality of Durham  
605 Rossland Road East, 4<sup>th</sup> Floor  
P.O. Box 623  
Whitby, ON L1N 6A3  
Tel: (905) 668-7711 ext. 2535  
Fax: (905) 666-6208

**Steve Robichaud, MCIP, RPP, Vice-Chair**  
City of Hamilton  
71 Main Street West  
5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5  
Tel: (905) 546-2424 ext. 4281  
Fax: (905) 546-4202

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

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September 26, 2022

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
College Park, 17th Floor  
777 Bay Street  
Toronto, Ontario  
M5G 2E5

Re: Request for Provincial Extension to Municipal Streamlining Development Approval Fund (SDAF)

On behalf of the Regional Planning Commissioners of Ontario (RPCO), I am writing to request a Province-wide municipal extension to the funding deadline for the Streamlining Development Approval Fund (SDAF). We are very appreciative of the Province of Ontario making these funds available to municipalities.

RPCO is an organization whose members provide planning services and give planning advice to municipal Councils who represent over 75% of Ontario's population. As such, we are fully engaged on a daily basis in matters which are urban and rural; northern and southern; small town and big city. We also understand the universal importance of having a healthy development industry to support community vitality across Ontario.

There are three main reasons we see as supporting an extension to this very important Provincial Fund. The first is common to so many sectors of the Provincial economy, namely a shortage of people. Municipalities have been no exception to the dearth of people available over the past few years to support and improve the planning process, and we have heard from many communities that this has been the case. This people shortage has also affected the consulting industry that many municipalities rely on to effect change.

The second reason for an extension is the need to thoroughly develop and test options that may be the "right changes", and in some cases, to test detailed prototype solutions. In conjunction with this step is the need to continue collaboration with the development industry to "road test" potential solutions. This collaboration is essential before changes are agreed upon and implemented, especially systemic changes, to avoid unintended consequences.



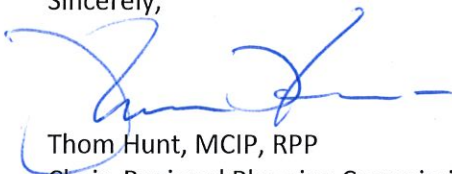
The third reason for an extension relates to the concurrent implementation of the requirements of Bill 109 and SDAF work. Municipalities continue to ready themselves for new rules coming into effect in January of 2023, and “in-house” resource use is ineligible for SDAF funding. What’s more, many of the same staff and consultants involved in SDAF-driven improvements are helping municipalities to implement their (Bill 109) development review process changes.

We have already reached out to the Ontario Home Builders’ Association’s new Chief Executive Officer (Mr. Luca Bucci) to request to meet and explore ongoing opportunities to make planning processes and outcomes better in a variety of ways. We are hopeful that our discussions will include new private-public sector partnerships wherein the development industry would build a range of affordable housing using new and scalable funding models. This was an opportunity we also included in our letter to you earlier this year (dated February 11, 2022) regarding the Housing Affordability Task Force findings. We have also reached out to Mr. David Wilkes, President and CEO of Building and Land Development Association (BILD), to engage in these discussions.

We appreciate that your Government is seeking improvements to be made by municipalities sooner rather than later. We would therefore suggest an extension of approximately six months (i.e. to the end of July 2023) for all municipalities in Ontario who received this funding. It would be unfortunate for the current shorter-term deadline (of February 2023) to pre-empt good outcomes like shorter processing times and improved tracking systems.

I am happy to discuss this matter further with you at your convenience. In the interim, please know that municipalities are appreciative and remain active in using the Fund to improve their systems and processes. This must include ongoing work with the development industry, and all in the interests of making a better Ontario.

Sincerely,



Thom Hunt, MCIP, RPP  
Chair, Regional Planning Commissioners of Ontario

Cc

Mr. Ryan Amato, Chief of Staff, MMAH  
Ms. Hannah Evans, Assistant Deputy Minister, Municipal Services Division, MMAH  
Mr. Colin Best, President, AMO  
Mr. Jae Truesdell, Office of the Premier  
Mr. Luca Bucci, Chief Executive Officer, OHBA  
Mr. David Wilkes, BILD  
Mr. Ed Archer, RSTCAO Chair  
RPCO Members

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

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

Bureau du ministre

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

Ontario

234-2022-5422

January 4, 2023

Dear Heads of Council,

I'm pleased to share an update on key initiatives underway at my ministry to help meet our government's goal of building 1.5 million new homes over the next 10 years.

The legislature recently passed our government's *More Homes Built Faster Act, 2022* which takes bold action to ensure that all communities can grow with a mix of ownership and rental housing types to meet the needs of all Ontarians.

Our government knows that building inspectors play a critical role in ensuring that new homes meet the public safety requirements set out in Ontario's Building Code. However, the capacity of municipal building departments has been impacted by recruitment challenges and the increasing number of building inspectors retiring from the profession. That's why, earlier this year, we took action to help municipalities address labour supply shortages in the building sector by amending the Building Code to provide a new model for municipal building departments to design and administer internship programs for building inspectors.

Effective July 1, 2022, municipal building departments can establish program entry criteria for interns that meet their own local recruitment and enforcement needs. This new internship model supports public safety by continuing to require that a qualified building inspector or Chief Building Official supervises the work of interns. The interns must also pass ministry technical and legal exams before being able to practice independently as building inspectors.

In the coming months, the ministry will develop guidance materials to support municipalities that are interesting in launching local programs to recruit new intern building inspectors. We look forward to working with municipalities to implement local internships.

Additionally, the ministry has engaged a consultant to identify opportunities for enhancements to the qualification program for building practitioners. We are seeking input from the public, including municipalities, building inspectors, designers, septic installers and building professionals not regulated by the ministry. This feedback will help guide future decisions on new approaches to qualification.

For more information and to review the discussion paper, please visit the Environmental Registry of Ontario (ERO) website at <https://ero.ontario.ca/notice/019-6433>.

In addition to this ongoing work, the ministry is modernizing the provincial Qualification and Registration Tracking System (QuARTS). QuARTS is used by over 7,000 building practitioners to update their qualification and registration information online and to help the government regulate safety and compliance in the Ontario building industry.

Modernizing QuARTS will create a more efficient and user-friendly system, allowing building officials to spend more time on the important task of reviewing and issuing building permits to support the government's key priority of increasing housing stock.

Finally, the ministry made the 2012 Building Code Compendium freely available in Adobe PDF format through the website (<https://www.ontario.ca/page/request-digital-copy-2012-building-code-compendium>). Since its launch in March 2022, the ministry has provided free copies to over 5,000 building professionals to reduce barriers and help accelerate the construction of new homes across the province. This initiative has enabled inspectors to access Building Code requirements while performing their work onsite in a more convenient format. Additionally, candidates studying for the ministry's exams are able to access and learn Building Code content in an easy to navigate, user-friendly manner.

As part of the plan to build 1.5 million homes over the next 10 years, the government looks forward to continuing consultations with municipalities, the building industry and the public to investigate further changes to Ontario's Building Code in order to create more housing and support public safety.

If you are interested in learning more about any of the ministry's initiatives related to the transformation of Building Code services in Ontario, please contact us at [BuildingTransformation@ontario.ca](mailto:BuildingTransformation@ontario.ca).

Thank you for your continued partnership as we work together to get more homes built faster for all Ontarians.

Sincerely,



Steve Clark  
Minister

c: Municipal Clerks



MUNICIPALITY OF  
**North Perth**  
[www.northperth.ca](http://www.northperth.ca)

A Community of Character

330 Wallace Ave. N., Listowel, ON N4W 1L3

Phone: 519-291-2950

Toll Free: 888-714-1993

To: Hon. Doug Ford, Premier  
 Hon. Steve Clark, Minister of Municipal Affairs and Housing  
 Hon. Michael Parsa, Associate Minister of Housing

December 6, 2022

**RE: Bill 23 More Homes Built Faster Act**

The Municipality of North Perth appreciates that housing is a top priority for the Province and shares the desire for more homes, especially affordable homes. However, following a high-level review of the proposed legislation, the Municipality of North Perth believes that Bill 23 will do little to accomplish this goal.

Firstly, we appreciate the opportunity to provide comments on this matter, but find it important to acknowledge that staff and Council of the Municipality require more than 30 days to digest and respond to a complex piece of legislation affecting nine existing Acts.

North Perth was disappointed to learn that Bill 23 received Royal Assent on November 28, 2022, despite the Province extending the comment period to December 9<sup>th</sup>. The Municipality feels that this further proves that although municipalities are the most informed on local housing issues, the Province does not view them as a strategic partner in solution finding and action. As outlined below, the Municipality of North Perth has several concerns to date with the legislation.

The bill, as it is currently written, would eliminate the charges that developers currently pay toward housing. This will eliminate hundreds of millions of dollars that municipalities rely on for housing programs and dramatically reduce municipal affordable housing efforts.

Development Charges (DC) are designed to help municipalities pay for a portion of the capital infrastructure required to support new growth, to ensure that existing taxpayers are not required to subsidize costs of the infrastructure or services needed to support new residents and businesses. Without a new revenue stream to offset DC payments, the legislation hampers the ability of



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municipalities to fund and deliver growth-related infrastructure. The changes to the Development Charges Act fundamentally impacts municipalities' ability to ensure growth pays for growth.

The changes to the various Acts have significant financial impacts on Ontario's municipalities along with their respective taxpayers. It is anticipated that these changes will put additional pressure on property taxes and water and wastewater rates. Property taxes and user fees are crafted to fund projects and programs that communities need, however adding more costs to existing property owners will increase their costs and could negatively impact their ability to keep their current housing affordable. Provincial legislation should not unduly burden homeowners and renters to guarantee the long-term success of solving the housing crisis.

Municipalities are extremely limited in the ways that they can collect revenue, relying on transfers from other levels of government to mitigate property tax rate increases, fund critical infrastructure and balance annual budgets. Municipalities already face an infrastructure funding gap that requires additional financial investments, resources and supports. Planning for increasing additional dwelling units will place more strain on water and wastewater systems which will require upgrading to increase capacity. This will require additional financial resources to manage, at a time when municipalities are already facing increased budgetary pressures due to inflationary costs, increased citizen expectations and the transfer of responsibilities from the Province. Without additional funding or resources from the Province to offset these costs, municipalities will have little option but to put these costs back on the taxpayer.

The amendment that all DC by-laws passed after January 1, 2022 (previously June 1, 2022) must be phased-in for the first five years that the by-law is in force will have an overall negative consequence to the goal of building more housing. The phase-in will delay necessary infrastructure projects to unlock growth while also providing incentives for development projects to be delayed until a new by-law is enacted.

Growth-related infrastructure often centres on the infrastructure itself, but a critical piece towards infrastructure is the land required to build. Land represents a significant cost for some municipalities in the purchase of property to provide





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Toll Free: 888-714-1993

services to new residents. This is a cost required due to growth and should be funded by new development. Studies, such as Official Plans, are required to establish when, where and how a municipality will grow. These growth-related studies should remain funded by growth. Master Plans and environmental assessments are essential to understand the servicing needs that development will place on hard infrastructure; again, these are necessary studies to inform the servicing required to establish the supply of lands for development. This would restrict the supply of serviced land and would contradict the province's intent to create additional housing units.

Parkland dedication levies exist to ensure that municipal park systems grow alongside other community developments. Increasing the supply and mix of housing is an important goal that we all share; however, sufficient access to parks and greenspace cannot be overlooked as we try to create meaningful alternatives to single-family dwellings. Municipalities already face challenges with the supply of adequate parkland due to the rising costs of land and current limitations under the Planning Act relative to municipal parkland standards. Upper-tier and single-tier municipalities across the province utilize DCs to help fund the construction of new affordable housing units with the goal of providing affordable housing to those in need. The removal of housing services and limiting the tools available to municipalities to support homeless and underhoused people and families will reduce municipality participation in creating affordable housing units, putting further burden on municipal taxpayers.

In order for the Province to successfully achieve the goal of building 1.5 million homes within the next ten years, municipalities must be viewed as strategic partners. As the frontline level of government, municipalities are also eager to resolve the housing crisis and are the most informed on what is needed to create complete communities that the people of Ontario want and expect.

Please consider revisions to the regulations in Bill 23 for more meaningful review and consultation with stakeholders and input from municipalities, and conduct thorough analyses of both short and long-term impacts. To ensure informed implementation of this proposal, alternatives to improve the legislation to effectively create more attainable housing for Ontario need to be considered.



MUNICIPALITY OF  
**North Perth**  
[www.northperth.ca](http://www.northperth.ca)

A Community of Character

330 Wallace Ave. N., Listowel, ON N4W 1L3

Phone: 519-291-2950

Toll Free: 888-714-1993

Sincerely,

Todd Kasenberg, Mayor  
Municipality of North Perth  
330 Wallace Ave. N Listowel, ON N4W 1L3  
[toddkasenberg@northperth.ca](mailto:toddkasenberg@northperth.ca)

CC:  
MPP Matthew Rae  
Environmental Registry of Ontario  
All Ontario Municipalities

## 5.4 (b)

December 19, 2022

Via email: [slord@wawa.cc](mailto:slord@wawa.cc)

Municipality of Wawa  
Attn: Maury O'Neill, CAO/Clerk  
40 Broadway Ave  
Wawa, ON P0S 1K0

Dear: Mayor and Council

**RE: Resolution of Support for Municipality of Wawa – re: Resolution regarding Bill 3, Strong Mayors, Building Homes Act, dated September 20, 2022**

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On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that the above-noted communication was presented at the last regularly scheduled Council meeting on December 13, 2022 and the following resolution was passed.

**“Resolution TC/42/2022**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby receives and supports the attached resolution from the Municipality of Wawa – re: Resolution regarding Bill 3, Strong Mayors, Building Homes Act, dated September 20, 2022.**

**AND FURTHER THAT this resolution be forwarded to the Municipality of Wawa, Premier of Ontario, the Minister of Municipal Affairs and Housing, Hon. Graydon Smith, MPP for Simcoe-Muskoka, the Association of Municipalities of Ontario, and other Municipalities in Ontario.**

**Carried.”**

In accordance with Council's direction, I am forwarding you a copy of the resolution for your reference. Please do not hesitate to contact me if you have any questions or require clarification.

Sincerely,



Carrie Sykes, *Dipl. M.A., CMO, AOMC,*  
Director of Corporate Services/Clerk

CS/lv

Copy to: Premier of Ontario  
Local member of Provincial Parliament  
Minister of Municipal Affairs and Housing  
Association of Municipalities  
Municipalities in Ontario

Enclosure: Municipality of Wawa Resolution





The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, September 20, 2022

<b>Resolution # RC22159</b>	<b>Meeting Order: 5</b>
<b>Moved by:</b> <i>Cathy Cannon</i>	<b>Seconded by:</b> <i>M. Hatfield</i>

**WHEREAS** the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

**AND WHEREAS** this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

**AND WHEREAS** this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

**AND WHEREAS** this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

**AND WHEREAS** these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

**AND WHEREAS** these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council; and

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Municipality of Wawa does hereby pass this resolution to petition the Government of Ontario that:

p.2...



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

1. These changes to the Municipal Act, 2001, are unnecessary and will negatively affect the Municipality of Wawa;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the Planning Act and funding of more affordable housing.

FURTHER, Council of the Corporation of the Municipality of Wawa directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", MPP for Algoma-Manitoulin – Kapuskasing, Michael Mantha, MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RESOLUTION RESULT		RECORDED VOTE		
<input checked="" type="checkbox"/>	CARRIED	MAYOR AND COUNCIL	YES	NO
<input type="checkbox"/>	DEFEATED	Pat Tait		
<input type="checkbox"/>	TABLED	Cathy Cannon		
<input type="checkbox"/>	RECORDED VOTE (SEE RIGHT)	Bill Chiasson		
<input type="checkbox"/>	PECUNIARY INTEREST DECLARED	Mitch Hatfield		
<input type="checkbox"/>	WITHDRAWN	Melanie Pilon		

Disclosure of Pecuniary Interest and the general nature thereof.

Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk: \_\_\_\_\_

MAYOR - PAT TAIT	CLERK - CATHY CYR

## Council Resolution

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Moved By OstranderAgenda Resolution Number  
Item 12.b 2022-12-14- 708Seconded By Logel

Council Date: December 14, 2022

Page 1 of 2

**Whereas** Northumberland County supports action to increase the supply of housing for Ontarians and specifically to address the affordable housing crisis in Ontario; and

**Whereas** The Government of Ontario introduced Bill 23, *More Homes Built Faster Act, 2022* on October 25, 2022 and the Bill received Royal Assent on November 28, 2022, providing insufficient time for newly elected municipal councils to provide fulsome feedback; and

**Whereas** Municipalities across the province have identified significant financial, environmental, public consultation, and heritage impacts related to the measures identified in Bill 23; and

**Whereas** The proposed change to subsection 2(4) of the *Development Charges Act, 1997* to remove "Housing Services" from the list of services that can be funded through development charges would result in the immediate removal of the housing services portion of the Northumberland County Development Charge and result in an estimated funding gap of approximately \$17 million over the next 7 years for financing an estimated 250 new affordable units; and

**Whereas** At current building levels, an estimated 27% increase to the County portion of property taxes would be required to maintain planned investments and services, with additional tax implications anticipated for local lower-tier municipalities;

**Be It Resolved That** the Council of the Corporation of the County of Northumberland calls upon the Government of Ontario to pause implementation of Bill 23, and engage in meaningful engagement with municipalities and other key stakeholders to address identified concerns in order to achieve the shared goal of increasing housing supply and improving affordability and sustainability; and

# Council Resolution

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Agenda Resolution Number  
Item 12.b 2022-12-14- 768

Council Date: December 14, 2022

Page 2 of 2

**Be It Further Resolved That** a copy of this resolution be sent to The Honourable Doug Ford (Premier of Ontario), The Honourable Steve Clark (Minister of Municipal Affairs and Housing), The Honourable Michael Parsa, (Associate Minister of Housing), the Honourable David Piccini (Minister of the Environment, Conservation and Parks and MPP for Northumberland - Peterborough South), the Association of Municipalities of Ontario (AMO), and to all Ontario municipalities; and

**Be It Further Resolved That** County Council direct staff to provide information on the County website regarding the estimated impacts of Bill 23 on the County levy."

Recorded Vote  
Requested by \_\_\_\_\_  
Councillor's Name

Deferred \_\_\_\_\_  
Warden's Signature

Carried *Wanda Piccini*  
Warden's Signature

Defeated \_\_\_\_\_  
Warden's Signature



Legislative Services  
99 Advance Ave Napanee, ON K7R 3Y5 TEL 613-354-3351 [www.greaternapanee.com](http://www.greaternapanee.com)

December 22, 2022

*via email*

*Hon. Doug Ford, Premier of Ontario*  
*Hon. Steve Clark, Minister of Municipal Affairs and Housing*

**Re: Opposition to Bill 23, More Homes Built Faster Act**

Further to the meeting on December 20, 2022, the Council of the Corporation of the Town of Greater Napanee passed the following motion:

Motion #516/22

Moved by *Councillor Pinnell Jr.*

Seconded by *Councillor Martin*

That the correspondence from Loyalist Township dated December 13, 2022, re: Repeal Bill 23 be received;

And further that the Council of the Town of Greater Napanee supports the resolution from Loyalist Township to request a repeal of Bill 23 until such time as a fulsome consultation can take place with Ontario's municipalities and other relevant stakeholders;

And further that this resolution be circulated to the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario, the Honorable Doug Ford, Premier of Ontario, and all Ontario Municipalities.

Yours truly,

Katy Macpherson  
Deputy Clerk

Copy: Association of Municipalities of Ontario (AMO)  
All Ontario Municipalities



The Corporation of Loyalist Township  
P.O. Box 70, 263 Main Street, Odessa, ON K0H 2H0  
t: 613-386-7351 f: 613-386-3833 www.loyalist.ca

---

December 13, 2022

**Via email only**

Premier's Office  
Room 281  
Legislative Building, Queen's Park  
Toronto, ON  
M7A 1A1

Dear Honourable Doug Ford,

**Re: Repeal Bill 23**

Please be advised that Council of Loyalist Township, at its meeting held on Monday, November 28, 2022 passed the following resolution:

**Resolution 2022.1.26**

Moved by Deputy Mayor Townend and Seconded by Councillor Proderick,

"Whereas Bill 23 proposes to shift the costs of growth onto existing property taxpayers; impacting the municipality's ability to finance planned capital works, particularly those that are growth related.

And whereas the passage of this legislation will undermine council's ability to reduce the already disproportionate burden on our residential tax base.

And whereas the increased cost burden on property taxpayers will be greatly felt in Loyalist, where residential growth is expected to climb at a quickened pace over an extended horizon.

Whereas the passage of this legislation will increase delays in housing construction because of the need for proponents and the municipality to obtain private, external, peer review services. These requirements carry the potential to strain constructive relationships between the municipality and developers, where Loyalist currently enjoys an effective process.



Whereas the passage of this legislation would remove the cost effective, timely, and objective peer review services that a public entity like Cataraqui Region Conservation Authority currently provides; and with whom Loyalist Township enjoys a very productive partnership.

Whereas the passage of this legislation would erode longstanding environmental protections which recognize the mutual interdependence between healthy human communities and local ecologies, watersheds; protections around which there has been venerable political consensus.

And whereas in February 2021 Loyalist Township passed its Climate Action Plan and is committed to implement policies and best practices in environmental sustainability and climate change mitigation.

Whereas Loyalist Township is home to a wealth of historic architecture and is one of Ontario's most historically significant regions. This legislation will make it substantially more difficult to protect and preserve the province's architectural, cultural heritage, notably disadvantaging sites of historical significance to Black, Indigenous, Franco-Ontarian, multicultural, and LGBTQ2SIA+ communities.

Whereas the federal, provincial, and municipal levels of government need to work collaboratively and constructively to address the housing crisis with a democratic and evidenced based approach.

And whereas this legislation was tabled during a municipal election, thereby preventing municipal councils from being able to meaningfully consult on such significant changes.

Be it resolved that Loyalist Township Council requests that the Government of the Province of Ontario repeal Bill 23 until such time as a fulsome consultation can take place, in good faith, with Ontario's municipalities and other relevant stakeholders.

And that a copy of this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, Ric Bresee, MPP Hastings, Lennox and Addington, the Honourable Parm Gill, Minister of Red Tape Reduction, Mike Schreiner, Leader of the Ontario Green Party and MPP Guelph, John Fraser, Interim Leader of the Ontario Liberal Party and MPP Ottawa South, Peter Tabuns, Interim Leader Ontario NDP Party and MPP Toronto-Danforth, The County of Lennox and Addington, Township of Stone Mills, Township of Addington Highlands, Town of Greater Napanee, Association of Municipalities of Ontario, the Eastern Ontario Wardens Caucus, and the Federation of Canadian Municipalities".



The Corporation of Loyalist Township  
P.O. Box 70, 263 Main Street, Odessa, ON K0H 2H0  
t: 613-386-7351 f: 613-386-3833 www.loyalist.ca

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Should you have any questions, please do not hesitate to contact this office.

Regards,

*B Teeple*

Brandi Teeple  
Deputy Clerk-Legislative Services  
Clerks Division/ Corporate Services Department  
Loyalist Township  
Building a Healthy, Engaged Community  
263 Main Street, Odessa, Ontario K0H 2H0  
613-386-7351 ext. 120  
[bteeple@loyalist.ca](mailto:bteeple@loyalist.ca)  
[loyalist.ca](http://loyalist.ca)

cc. The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Ric Bresee, MPP Hastings, Lennox and Addington  
The Honourable Parm Gill, Minister of Red Tape Reduction  
Mike Schreiner, Leader of the Ontario Green Party and MPP Guelph  
John Fraser, Interim Leader of the Ontario Liberal Party and MPP Ottawa South  
Peter Tabuns, Interim Leader Ontario NDP Party and MPP Toronto-Danforth  
The County of Lennox and Addington  
Township of Stone Mills  
Township of Addington Highlands  
Town of Greater Napanee  
Association of Municipalities of Ontario  
The Eastern Ontario Wardens Caucus  
The Federation of Canadian Municipalities





5.4 (e)

Hon. Doug Ford, Premier of Ontario  
Hon. Steve Clark, Minister of Municipal Affairs and Housing

SENT BY EMAIL

December 8, 2022

**Re: Opposition to Bill 23, More Homes Built Faster Act**

Further to the meeting on December 6, 2022, the Council of the Corporation of the Municipality of Marmora and Lake passed the following motion:

**MOTION2022-293**

Moved by Councillor Ron Derry  
Seconded by Deputy Mayor Mike Stevens

Be it resolved that the correspondence from the County of Norfolk and the Town of Aurora dated November 17th and November 23rd, 2022, Re Opposition to Bill 23, More Homes Built Faster Act, 2022 be received; and

Further that Council of the Municipality of Marmora and Lake supports the resolution from the County of Norfolk and the Town of Aurora to request that the Government of Ontario halt the legislative advancement of Bill 23, More Homes Built Faster Act, 2022 to enable fulsome consultation with Municipalities and to request the Ministry of Municipal Affairs and Housing extend the commenting period for all components of the proposed Bill 23 to at least January 15, 2023 to allow for a more informed consultation period; and

Further that this resolution be circulated to the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario, the Honourable Doug Ford, Premier of Ontario and all Ontario Municipalities.

**Carried**

I trust this is the information you require, however, should additional clarification be required do not hesitate to contact me at your convenience.

Sincerely,

Jennifer Bennett,  
Deputy Clerk/Communications Director  
613-472-2629 ext. 2232  
[jbennett@marmoraandlake.ca](mailto:jbennett@marmoraandlake.ca)

Copy: Association of Municipalities of Ontario (AMO)  
All Ontario Municipalities



## Clerks and Bylaw

November 17, 2022

SENT VIA E-MAIL TO:

Hon. Steve Clark  
Minister of Municipal Affairs and Housing  
[Steve.Clark@pc.ola.org](mailto:Steve.Clark@pc.ola.org)

Dear Minister Clark:

Re: Bill 23 "More Homes Built Faster Act, 2022"

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On behalf of the Council of The Corporation of Norfolk County, please be advised that Council passed the following resolution at the November 16, 2022 Council-in-Committee meeting:

**Resolution No. 13**

**Moved By:** Mayor Martin

**Seconded By:** Councillor Columbus

WHEREAS on October 25, 2022, the Provincial government introduced Bill 23 known as the "More Homes Built Faster Act, 2022";

AND WHEREAS the overall stated purpose of Bill 23 is to introduce several legislative changes to increase housing supply throughout Ontario and to achieve the province's goal of 1.5 million homes over the next ten years;

AND WHEREAS the proposed changes include significant changes to six pieces of legislation including but not limited to development charges reform, diminished role of conservation authorities, removal of legislated planning responsibilities from some upper-tier municipalities, removal of public consultation in relation to subdivisions, adjusting the rights of appeal by third parties, and adjusting how growth-related capital infrastructure is paid for;

AND WHEREAS commenting timelines for these new proposed changes is constricted with some comments due on November 24, 2022, for many of the proposed changes;

AND WHEREAS given the enormity of the proposed changes and potential long-term financial impacts to municipalities, including Norfolk County, additional time is needed to review, engage, and analyze the proposal to provide informed feedback;

NOW THEREFORE BE IT RESOLVED THAT

1. the County formally request the Ministry of Municipal Affairs and Housing extend the commenting period for all components of the proposed Bill 23 to at least January 15, 2023 to allow for a more informed consultation period.
2. That the Mayor be directed to submit a letter on behalf of Norfolk County Council to the Ontario Minister of Municipal and Affairs MP, and local MPP, expressing concerns with the proposed legislation as detailed in staff memo CD-22-110, and the letter be circulated to all municipalities in the Province of Ontario.

**Carried.**

Should you have any questions regarding this matter or should you require additional information, please contact the Office of the County Clerk at 519-426-5870 x. 1261, or email: [Clerks@norfolkcounty.ca](mailto:Clerks@norfolkcounty.ca).

Sincerely,

Teresa Olsen  
County Clerk  
Norfolk County

CC:

- Leslyn Lewis, M.P., Haldimand-Norfolk  
[leslyn.lewis@parl.gc.ca](mailto:leslyn.lewis@parl.gc.ca)
- Bobbi Ann Brady, M.P.P., Haldimand-Norfolk  
[BABrady-CO@ola.org](mailto:BABrady-CO@ola.org)
- All Ontario municipalities

The Honourable Doug Ford, Premier of Ontario  
Premier's Office, Room 281  
Legislative Building, Queen's Park  
Toronto, ON M7A 1A1

December 21, 2022

Dear Premier:

The Council of the County of Brant wishes to express our deep concern with the *More Homes Built Faster Act*, omnibus legislation known as Bill 23 that received royal assent only 31 days after its first reading. This legislation brought forward significant changes to the municipal planning and development framework with little regard for municipal implementation. These changes will restrict how municipalities manage growth and will impede the ability to provide essential infrastructure and community services to accommodate growth. This legislation will have negative impacts on the County of Brant's ability to provide housing to address the housing affordability and supply crisis at the local and provincial level. While change is needed to the functions of planning and development in order to address current issues, the changes made through Bill 23 will most certainly result in negative impacts to local communities.

Bill 23 proposes to freeze, remove, and reduce development charges, community benefits charges, and parkland dedication requirements. Each of these mechanisms is important for municipalities to not only manage and pay for growth, but to provide the services and amenities that residents, both present and future, wish to have in their complete communities.

Bill 23 will remove aspects of Site Plan Control, including the ability to regulate architectural details and aspects of landscape design, important components for municipalities to guide development with community character objectives that support their unique characteristics. For residential development of 10 units or less that are now exempt from Site Plan Control, the County will not be able to request green energy elements to reach net zero. The ability to guide development in this way is an important function for the identity and sustainability of individual municipalities who seek to attract and sustain businesses and residents.

Bill 23 will remove the ability of Conservation Authorities to support municipalities, by protecting the public from natural hazards while protecting natural areas, on a watershed level. Unintended consequences of Bill 23 will result in duplicate roles at conservation authorities and municipalities, with both agencies each having to have their own experts on natural hazards and natural heritage matters. Additional staff resources will be required, which could result in additional expense and delays in approving housing. For example, a conservation authority will need to review wetlands for hazards, while a municipality will require new expertise to review for water quality impacts and natural heritage.

Bill 23 could result in the further loss of wetlands, woodlands and wildlife habitat as a result of changes to the Ontario Wetland Evaluation System and permissions for environmental offsetting. The County of Brant encourages the Province to create stronger policies that result in the permanent protection of natural heritage systems and water resource systems and focus on solutions that direct development to



other areas such as through greyfield redevelopment. Natural areas are essential part of complete communities, contributing to our mental and physical well being as well as providing water resources for drinking water supply that supports population growth.

The County of Brant understands the urgent need to address the current housing affordability and supply crisis, and we see the detrimental impacts of this crisis at the local level in both rural and urban areas of Brant, Brantford and other neighbouring municipalities. However, we oppose the approach taken by *Bill 23, More Homes Built Faster Act, 2022* and the impacts it will have at the municipal level with the limited scope of addressing housing supply challenges.

Many additional components of this legislation await further implementation and we urge the Provincial government to meet with municipalities to discuss these impacts and future direction before further steps are taken. As a small rural municipality experiencing population and job growth, the County of Brant has big ideas about how to tackle our planning and development challenges in ways that meet both provincial and municipal objectives. We continue to engage with the Province of Ontario and submit constructive comments through the Environmental Registry postings. These ideas were also included in a draft version of a new Official Plan for the County of Brant, submitted to MMAH on August 17<sup>th</sup>, 2021, for the 90-day one window review and comment period under the Planning Act. The province's July 1<sup>st</sup>, 2022, deadline for our municipal Official Plan to be in conformity with the Growth Plan for the Greater Golden Horseshoe has come and gone, and the County of Brant is still awaiting direction from the Ministry of Municipal Affairs and Housing on several outstanding issues highlighted in our draft official plan submission, including both housing supply and affordability concerns at the local level.

While Bill 23 seeks to increase housing supply, it is being done without adequate consultation with municipal partners, Indigenous communities, and other stakeholders. These legislative changes will not result in creating affordable housing and will come at the expense of other important objectives such as environmental protection, mitigating climate change, heritage preservation, public participation, loss of farmland, the provision of future services, amenities, and infrastructure, and without regard to the negative impact it will have on residential tax rates and housing affordability in the long-run.

Please be advised that this matter was considered by the Council of the County of Brant at its meeting held on December 20, 2022, and in this regard, Council adopted the following resolution:

1. That report RPT-0711-22 regarding an overview of Bill 23, More Homes Built Faster Act, 2022 be received; and
2. That report RPT-0711-22 and attached comments be forwarded onto the Province of Ontario on Bill 23, More Homes Built Faster Act, 2022 and the associated consultations posted on the Environmental Registry and Ontario Regulatory Registry as appropriate; and
3. That the County of Brant request that the Province of Ontario commit to an enhanced municipal consultation process such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on further proposed policy changes as part of Bill 23, More Homes Built Faster Act, 2022; and
4. That report RPT-0711-22 be shared with the two Conservation Authorities having jurisdiction within the County of Brant, and

5. That report RPT-0711-22 be shared with the Ontario Professional Planners Institute.
6. That Council directs staff to translate RPT-0711-22 into a resident facing communication that specifically relates the impacts of Bill 23 to residents, and
7. That the County's treasurer be directed to summarize the implications of Bill 23 at an upcoming budget presentation

The Council approved report has been attached to this correspondence for your consideration and any attention deemed necessary.

Yours sincerely,



Alysha Dyjach  
Clerk and Director of Council Services  
The Corporation of the County of Brant

Att: County of Brant Report RPT-0711-22 – Bill 23 Update

Cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
MPP Will Bouma, Brantford-Brant  
MPP Ernie Hardeman, Oxford  
MPP Brian Riddell, Cambridge  
Ryan Amato, Chief of Staff – Ministry of Municipal Affairs and Housing  
Christ Polous, Director of Issues Management – Ministry of Municipal Affairs and Housing  
Association of Municipalities of Ontario (AMO)



## County of Brant Council Report

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**To:** To the Mayor and Members of County of Brant Council  
**From:** Jennifer Boyer, Manager of Policy Planning  
**Date:** December 20, 2022  
**Report #:** RPT-0711-22  
**Subject:** *Bill 23, More Homes Built Faster Act, 2022* – Legislative Update and Comments  
**Purpose:** For Information and Direction

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### Recommendation

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- 1) That report RPT-0711-22 regarding an overview of *Bill 23, More Homes Built Faster Act, 2022* be received; and
- 2) That report RPT-0711-22 and attached comments be forwarded onto the Province of Ontario on *Bill 23, More Homes Built Faster Act, 2022* and the associated consultations posted on the Environmental Registry and Ontario Regulatory Registry as appropriate; and
- 3) That the County of Brant request that the Province of Ontario commit to an enhanced municipal consultation process such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on further proposed policy changes as part of *Bill 23, More Homes Built Faster Act, 2022*; and
- 4) That report RPT-0711-22 be shared with the two Conservation Authorities having jurisdiction within the County of Brant, and
- 5) That report RPT-0711-22 be shared with the Ontario Professional Planners Institute.
- 6) That Council directs staff to translate this report into a resident facing communication that specifically relates the impact to the residents, and
- 7) That the County's treasurer be directed to summarize the implications of *Bill 23* at an upcoming budget presentation.

### Executive Summary

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Ontario's population will grow by more than two million people by 2031. The Province has confirmed that Ontario is in a housing crisis and is taking bold action to advance the plan to build 1.5 million homes over the next 10 years.

The Province recently released proposed legislative and regulatory changes under *Bill 23, More Homes Built Faster Act, 2022* on amendments to *the Planning Act, R.S.O. 1990, c. P.13, the Development Charges Act, 1997, S.O. 1997, c. 27, the Conservation Authorities*

Act, R.S.O. 1990, c. C.27, the Ontario Land Tribunal Act, 2021, S.O. 2021, c.4, Sched. 6, as well as several other pieces of legislation.

On November 22, 2022, Development Services presented RPT-0517-22 to Council, in which Council directed staff to forward comments to the Province on the proposed changes. Comments were submitted through the Environmental Registry of Ontario (ERO).

Subsequent to the November 22<sup>nd</sup> Council Report, the Province extended several commenting deadlines from November 24, 2022 to December 9, 2022. On November 29, 2022, [Bill 23, More Homes Built Faster Act, 2022 in Third Reading and received Royal Assent](#) (Attachment 1). Some provisions are immediately in force, while others will not come into effect until January 1, 2023, until proclaimed by the Lieutenant Governor at a later date, or until such time that the implementing regulation is in place.

This report provides a synopsis of the approved changes to date, in force dates, and implications to the County (Attachment 2). Watson & Associates Economists Ltd. continues to support the County of Brant and has provided correspondence outlining the changes and potential impacts (Attachment 3).

Other commenting timeframes related to larger policy proposals, are still due by December 30, 2022. Larger policy proposals included a review of:

- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (A Place to Grow) and the Provincial Policy Statement (PPS).
- Conserving Ontario's Natural Heritage.
- Proposed regulatory updates related to natural hazards pertaining to the role of Conservation Authorities.

Staff have conducted a detailed review of larger policy proposals as detailed in (Attachments 4, 5 and 6). Given that the proposed policy changes could have major implications for land use planning in the County, including the County's New Official Plan, staff are seeking direction from Council to submit formal comments to the Province.

## **Strategic Plan Priority**

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Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 2 – Effective Communications

Strategic Priority 5 - Healthy, Safe and Engaged Citizens

## **Impacts and Mitigation**

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### Social Impacts

There are many provisions in *Bill 23* that are expected to create more housing in an efficient manner. As-of-right permissions for three residential units per lot, in the fully serviced areas of Paris and St. George, should result in additional rental units including potential income support for home owners. Exempting residential development of up to 10 units from Site Plan Control will result in an efficient approval process to create more homes. Further changes to Site Plan Control, which the County may no longer review for architectural control, could reduce processing times and costs for applications.



Due to changes that no longer require public meetings for Plans of Subdivisions and prevent third-party *Ontario Land Tribunal* appeals on Consents and Minor Variances, there will be reduced opportunities for County of Brant residents to be involved in development application decisions. It will be important for the County to incorporate public comments as part of the development application review and decision process at the municipal level.

### Environmental Impacts

Creating policies that change the Ontario Wetland Evaluation System without oversight from the Ministry of Natural Resources and Forestry, may result in less wetlands being classified as provincially significant and greater loss of wetlands in Ontario. New permissions for removal of natural areas subject to environmental offsetting, is expected to result in more natural areas being proposed for removal. Provincially significant wetlands have had long standing policy protections in which development and site alteration have been prohibited; new policies could mean that they are no longer afforded permanent protection. While a net gain approach is proposed, it could take decades to achieve a net gain, as in the case of forests, new trees are not ecologically equivalent to mature trees removed.

County staff have conducted a detailed review of larger policy changes, such as the integration of A Place to Grow and the PPS, from an environmental lens. Where opportunities arise, staff will continue to provide input on responsible development that protects the natural features and supports safe and responsible development approvals.

### Economic Impacts

By expanding Development Charge exemptions, excluding expenses, and establishing a phase-in period, it is expected that *Bill 23* will see increased subsidization of development infrastructure costs by the tax levy. A financial impact analysis will be undertaken to assess the County's development charges and parkland dedication revenue losses directly resulting from *Bill 23*. Once an analysis has been completed staff will provide a summary to Council of the annual financial impact of *Bill 23* on the County. These changes could further negatively impact the County, local economy, and residents, as they come at a time of recovery from the COVID-19 Pandemic, higher inflation, and borrowing costs. At this time the province is not proposing to offset any revenue losses resulting from *Bill 23*.

Wetlands provide many benefits including economic benefits related to maintaining the quality and quantity of water on groundwater, which is essential for safe drinking water for humans, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands could have unintended economic impacts caused by impacts to groundwater that are costly to repair.

Additional staff expertise may be required related to the review and implementation of environmental offsetting, wetland evaluations, and reviewing impacts of development on the quality of water of streams and wetlands.

Changes to provincial policies through the integration of A Place to Grow with the PPS into one document, if implemented, will likely require significant staffing resources and additional public consultation to update the New Official Plan to ensure conformity with new policies. However, it is anticipated that the integration of these two provincial documents will result in a streamlined review of development applications.

Increased opportunities for additional residential units (ARU's), to be built faster, and create more development income, strengthening the County of Brant tax base.

## Report

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### Background

Tabled on October 25, 2022, as *Bill 23, More Homes Built Faster Act, 2022*, the Province is moving forward with proposed changes to legislation, regulations, policy and other matters as part of the *More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023*. The stated intent of these changes are to reduce red-tape by streamlining the development process to create more housing.

The Royal Assent of *Bill 23* and larger policy proposals are summarized below with greater detail provided in Attachments to this report.

### ***Bill 23* Receives Royal Assent on November 29, 2022**

On November 29, 2022, [\*Bill 23, More Homes Built Faster Act, 2022\* was passed in Third Reading and received Royal Assent](#). The approved *Bill 23* is attached to this Report.

After public hearings and debate, the Standing Committee proposed numerous revisions. Key changes approved as part of the final *Bill* are as follows:

- Third-party appeals to the Ontario Lands Tribunal (OLT) will continue to be permitted for Official Plan and Zoning By-Law Amendments. However, third-party appeals will not be permitted for Minor Variances or Consents.
- Previously *the Planning Act* did not permit Official Plan and Zoning By-Law's to be amended within the first 2 years of approval. The intent was to recognize and prevent changes to the new policy. This prohibition is no longer in force. As a result, once the County approves a new Official Plan, applicants could immediately apply for an Official Plan Amendment.
- Site Plan Control changes were proposed to restrict a municipality's ability to comment on exterior elements such as architectural design and landscaping. Site Plan Control is a tool that may be used to require green energy elements to reach net zero. Concerns were raised, and as a result, changes were made to allowing application of:
  - Matters related to green roofs;
  - Building construction requirements related to environmental conservation, where permitted, under the *Building Code Act*;
  - Exterior elements related to health, safety, accessibility or sustainable design.
- For the phase-in of Development Charges (DC's) over the first 4 years, the initial *Bill* was proposed to apply to existing DC By-Laws passed on or after June 1, 2022. The revised provisions now apply to DC By-Laws passed on or after January 1, 2022.

### **Policy Proposal - Review of A Place to Grow and Provincial Policy Statement**

The Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the PPS. It is posted on the ERO as [019-6177: Review of A Place to Grow and Provincial Policy Statement](#).

The Ministry is seeking feedback on how to create a streamlined province-wide land use planning document that would enable municipalities to approve housing faster and increase the supply and diversity of housing.

Currently, the PPS, issued under the authority of the *Planning Act*, is the primary provincial planning tool, which applies to all of Ontario. A Place to Grow was developed in 2005, intended to create more specific policy direction focused on the Greater Golden Horseshoe.

The current provincial land use planning framework has been developed over the last three decades. Due to ongoing updates to policies, the current system is complex, with overlapping policies that are similar but often contradictory and difficult to interpret. Integrating A Place to Grow with the PPS is intended to simplify the planning process.

The Province is seeking feedback on core elements related to residential land supply, attainable housing supply and mix, growth management, environment and natural resources, community infrastructure, and a streamlined planning framework. In addition, the ERO proposed five questions to generate feedback.

Attachment 4 includes details on the core areas of review and discussion topics, and an analysis conducted by policy planning.

### **Policy Proposal - Conserving Ontario's Natural Heritage**

In support of Ontario's commitment to build housing, the province is seeking feedback on a discussion paper entitled "Conserving Ontario's Natural Heritage." It is posted on the ERO as [019-6161: Conserving Ontario's Natural Heritage](#).

While it is recognized that natural heritage areas provide many benefits, conserving natural heritage has become challenging due to development pressures, climate change impacts on natural areas, and other threats that isolate and threaten preservation of wetlands, woodlands, and wildlife habitat.

Natural heritage conservation, as part of development, is primarily based on direction provided in the PPS and A Place to Grow. Protections vary greatly from prohibiting development in significant wetlands, to permissions in settlement areas for features such as significant woodlands subject to demonstration of no negative impacts, to policies outside of settlement areas that prohibit new development in or within 30 metres of certain features. Due to policies in the PPS, natural areas are particularly susceptible to development pressure within settlement areas.

The current provincial policy context does not contain provisions that require environmental offsetting, if natural areas are approved for development. For example, if part of a significant woodland is removed there is no requirement for replacement trees. Many Canadian provinces have developed offsetting policies for wetlands. Similarly, in Ontario some conservation authorities have developed policies that provide for removal of non-significant wetlands, subject to offsetting ecological and/or hydrological impacts.

A discussion paper has been provided to generate feedback on offsetting development pressures on wetlands, woodlands, and other wildlife habitat. To support this proposal, the Ministry of Natural Resources and Forestry is considering developing a policy that would require a net positive impact. The intent is to reverse the trend of natural heritage loss in Ontario.

The province is seeking feedback on what the County supports or disagrees with, and on recommendations that would support the growing need for housing while protecting and

benefiting from the important role that natural areas provide to our community. Attachment 5 includes details on information contained in the discussion paper, and an analysis conducted by Senior Environmental Planning staff.

### **Policy Proposal - Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario**

In support of Ontario's commitment to build housing, the province is seeking feedback on a discussion paper on natural hazards. It is posted on the ERO as [019-2927: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario](#).

The proposal focuses on regulatory changes to implement updates to the *Conservation Authorities Act*, and which are intended to streamline development approvals by providing a consistent approach to the review of natural hazards. For example, the ministry is proposing to make a single regulation for all conservation authorities which would replace the 36 separate regulations for each individual conservation authority.

A discussion paper has been released to seek feedback on providing a streamlined and consistent approach to natural hazards, such as:

- Notifying and consulting with the public on any significant changes to regulated mapping.
- Reducing lands regulated adjacent to significant wetlands from 120 metres to 30 metres.
- Consistent definitions for wetlands, hazardous lands, and watercourses.
- Maintaining the existing regulation of erosion hazard limits associated with river valleys.
- Exempting low-risk activities from permitting requirements if certain requirements are met.
- Limiting conditions an authority may require as part of a permit.
- Providing mapping that illustrates where permitting applies.

While not part of the regulatory proposal, as part of the discussion paper, the province is seeking advice on exempting development approved under the *Planning Act* (e.g. Plan of Subdivision containing hazardous lands) from also having to acquire additional approval as part of a permit under the *Conservation Authorities Act*.

Attachment 6 includes details on information contained in the discussion paper, and an analysis conducted by Senior Environmental Planning staff.

### **Analysis**

Overall, *Bill 23, More Homes Built Faster Act, 2022*, narrows the housing discussion to one of quantity and diminishes the critical role municipalities play in providing for quality and support for growth at a local community level. The approved and remaining proposed changes could lead to unintended consequences and implementation confusion. For example, higher taxes may be required to offset development charges, resulting in increased housing costs for all. Natural areas may become more prone to development subject to environmental offsetting, in lieu of finding creative solutions such as developing stronger environmental policies and focusing on redeveloping areas that are already disturbed.

Additional staff resources will be required to update the Official Plan, Zoning By-Law and related planning processes. Ongoing amendments may continue to be required, dependent

on the amount of legislation and regulatory changes. Expertise may be required on wetland evaluations and environmental offsetting. Continued education and learning will be required for all staff and the public on changes to legislation and policies, including the refined roles of conservation authorities.

With respect to policy changes proposed on provincial land use planning, natural heritage and natural hazards, more time is required to digest and discuss such significant changes that will have a long-term impact on communities. While the County supports a streamlined planning process, comprehensive consultation should be undertaken to ensure the interests of all stakeholders are taken into consideration.

Policy planning has conducted a high-level review of the proposed policy changes and it is recommended that the responses attached to this report be forwarded to the province as the County's feedback on the applicable ERO postings.

Given the implications to the County, it is further recommended that the County of Brant requests that the province commit to an enhanced municipal consultation process, such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on proposed policy changes as part of *Bill 23*.

### **Next Steps**

County of Brant staff will continue to provide updates to Council on proposed changes resulting from *Bill 23* that impact County resources accordingly.

The policy team will continue to analyze and implement planning tools necessary to respond to approved changes that are in-force, such as new exemptions on Site Plan Control for residential use and as-of-right permissions for three residential units per property.

It is unclear at this time how the proposed changes will impact the County's Draft New Official Plan. Staff have not yet received an update from the Ministry of Municipal Affairs and Housing (MMAH) on the County's Draft New Official Plan. Staff continue to connect with MMAH London to receive updates. Continued emphasis will be placed on incorporating legislative changes as the New Official Plan project moves forward.

### **Attachments**

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1. Bill 23 as approved through Royal Assent
2. Summary of Changes Approved and Implications of *Bill 23*
3. Watson and Associates Supporting Information, Nov. 29, 2022
4. County Response on *A Place to Grow* and *Provincial Policy Statement*
5. County Response on Conserving Ontario's Natural Heritage
6. County Response on Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.

### **Prepared By**

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## **Reviewed By**

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- 2. Darryl Lee, Interim Chief Administrative Officer
- 3. Senior Management Team (General Managers - all)
- 4. Alyssa Seitz, Planning Administrative Assistant/ Secretary Treasurer to the Committee of Adjustment
- 5. Mat Vaughan, Director of Development Planning
- 6. Stacey Ellins, Director of Parks and Recreation
- 7. Meghan Hunter, Manager of Parks and Forestry

By-law and/or Agreement

By-law Required No

Agreement(s) or other documents to be signed by Mayor and /or Clerk No

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO  
1 CHARLES III, 2022

## Bill 23

*(Chapter 21 of the Statutes of Ontario, 2022)*

**An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022**

**The Hon. S. Clark**

Minister of Municipal Affairs and Housing

1st Reading	October 25, 2022
2nd Reading	October 31, 2022
3rd Reading	November 28, 2022
Royal Assent	November 28, 2022







## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 23 and does not form part of the law.  
Bill 23 has been enacted as Chapter 21 of the Statutes of Ontario, 2022.*

### SCHEDULE 1 CITY OF TORONTO ACT, 2006

The Schedule amends section 111 of the *City of Toronto Act, 2006* to give the Minister the authority to make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under that section.

The Schedule also makes various amendments to section 114 of the *City of Toronto Act, 2006*. New subsections (1.2) and (1.3) are added to qualify the definition of “development” in subsection 114 (1). Amendments to subsection (6) and new subsection (6.1) limit the extent to which exterior design may be addressed through site plan control. Related amendments are also included.

### SCHEDULE 2 CONSERVATION AUTHORITIES ACT

The Schedule repeals and re-enacts subsections 21 (2) and (3) of the *Conservation Authorities Act* so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister's approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria. Sections 21.1.1 and 21.1.2 of the Act are also amended to provide that authorities may not provide a program or service related to reviewing and commenting on certain matters under prescribed Acts. A new section 21.3 is added to the Act authorizing the Minister to direct an authority not to change the fees it charges for a specified period of time.

The Act is amended to provide that certain prohibitions on activities in the area of jurisdiction of an authority do not apply if the activities are part of development authorized under the *Planning Act* and if other specified conditions are satisfied.

Sections 28.0.1 and 28.1.2 of the Act, which include provisions to require a conservation authority to issue a permission or permit where an order has been made under section 47 of the *Planning Act*, are amended to also apply to orders made under section 34.1 of the *Planning Act*.

Currently, several factors must be considered when making decisions relating to a permission to carry out a development project or a permit to engage in otherwise prohibited activities. The factors include the possible effects on the control of pollution and the conservation of land. The Act is amended to instead require consideration of the effects on the control of unstable soil or bedrock.

Regulation making powers are amended to provide that the Minister may make regulations limiting the types of conditions that may be attached to a permission or permit.

A new prohibition is added to prohibit a person from continuing to carry out a development project if they have not entered into an agreement by the timeline prescribed in the regulations.

Various other related and consequential amendments and corrections are made, and several regulations made under the Act are revoked.

### SCHEDULE 3 DEVELOPMENT CHARGES ACT, 1997

The Schedule makes various amendments to the *Development Charges Act, 1997*. Here are some highlights:

1. Subsection 2 (4) is amended to remove housing services as a service in respect of which a development charge may be imposed.
2. New sections 4.1, 4.2 and 4.3 provide, respectively, for exemptions from development charges for the creation of affordable residential units and attainable residential units, for non-profit housing developments and for inclusionary zoning residential units.
3. Changes are made to the method for determining development charges in section 5, including to remove the costs of certain studies from the list of capital costs that are considered in determining a development charge that may be imposed and to require development charges to be reduced from what could otherwise be imposed during the first four years a by-law is in force.
4. Currently, subsection 9 (1) provides that, unless it expires or is repealed earlier, a development charge by-law expires five years after it comes into force. The subsection is amended to extend this period to 10 years.
5. Section 26.2 is amended to provide that development charges in the case of rental housing development are reduced by a percentage based on the number of bedrooms. Transitional matters are provided for, including that the reduction applies

to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day the amendments came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed.

6. A new section 26.3 is added to provide a maximum interest rate for the purposes of sections 26.1 and 26.2. Complementary amendments are made to sections 26.1 and 26.2.
7. New subsections 35 (2) and (3) are added, which, for certain services, require a municipality to spend or allocate 60 per cent of the monies in the reserve funds required by section 33 annually.

**SCHEDULE 4  
MUNICIPAL ACT, 2001**

The Schedule amends section 99.1 of the *Municipal Act, 2001* to give the Minister the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under that section.

**SCHEDULE 5  
NEW HOME CONSTRUCTION LICENSING ACT, 2017**

The Schedule makes various amendments to the *New Home Construction Licensing Act, 2017*, including the following:

1. Sections 10 and 11, which relate to competency criteria and composition of the regulatory authority's board, are amended to provide for the Minister's powers to be exercised by order instead of by regulation.
2. Section 71 is amended to provide for higher maximum fines for subsequent convictions for offences.
3. Section 76 is replaced with a new section 76, with some changes. The purposes for which an administrative penalty may be imposed are extended to include compliance with the Acts, regulations and by-laws referred to in subsection 76 (1) and the conditions of a licence as well to prevent economic benefit from contraventions. The maximum amount of an administrative penalty is increased to \$50,000. New subsections 76 (15) and (16) allow administrative penalties to be imposed for contraventions that occurred between April 14, 2022 and the day section 76 comes into force.
4. Clause 84 (1) (i), which authorizes regulations specifying the purposes for which the regulatory authority may use funds that it collects as administrative penalties, is replaced with a new clause 84 (1) (i) that extends the authority to funds that the regulatory authority collects as fines.
5. New clause 84 (1) (i.1) authorizes regulations requiring the regulatory authority to establish, maintain and comply with a policy governing payments to adversely affected persons from funds the authority collects as fines and administrative penalties. New subsection 84 (7) allows such a regulation to provide for any aspect of the policy to be subject to the approval of the Minister.

**SCHEDULE 6  
ONTARIO HERITAGE ACT**

The Schedule amends the *Ontario Heritage Act*. Here are some highlights.

Section 25.2 of the Act currently permits the Minister to prepare heritage standards and guidelines for the identification, protection, maintenance, use and disposal of property that is owned by the Crown or occupied by a ministry or prescribed public body and that has cultural heritage value or interest. New subsection 25.2 (3.1) provides that the process for identifying such properties, as set out in the heritage standards and guidelines, may permit the Minister to review determinations made by a ministry or prescribed public body. New subsection 25.2 (7) authorizes the Lieutenant Governor in Council to, by order, exempt the Crown, a ministry or a prescribed public body from having to comply with the heritage standards and guidelines in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more provincial priorities, as specified.

Section 27 of the Act currently requires the clerk of each municipality to keep a register that lists all property designated under Part IV of the Act and also all property that has not been designated, but that the municipal council believes to be of cultural heritage value or interest. New subsection 27 (1.1) requires the clerk of the municipality to ensure that the information included in the register is accessible to the public on the municipality's website. Subsection 27 (3) is re-enacted to require that non-designated property must meet the criteria for determining whether property is of cultural heritage value or interest, if such criteria are prescribed. Current subsection 27 (13) is re-enacted to provide that, in addition to applying to properties included in the register on and after July 1, 2021, the objection process set out in subsections 27 (7) and (8) apply to non-designated properties that were included in the register as of June 30, 2021. New subsections 27 (14), (15) and (16) specify circumstances that require the removal of non-designated property from the register. New subsection 27 (18) prevents a council from including such non-designated property in the register again for five years.

Currently, subsection 29 (1.2) of the Act provides that, if a prescribed event occurs, a notice of intention to designate a property under that section may not be given after 90 days have elapsed from the prescribed event, subject to such exceptions as may be

prescribed. The subsection is re-enacted to also provide that the municipality may give a notice of intention to designate the property only if the property was included in the register under subsection 27 (3) as of the date of the prescribed event.

Subsection 41 (1) of the Act currently permits a council of a municipality to designate, by by-law, the municipality or any defined area of it as a heritage conservation district, if there is in effect in the municipality an official plan that contains provisions relating to the establishment of a heritage conservation district. The subsection is re-enacted to also require the municipality or defined area or areas to meet criteria for determining whether they are of cultural heritage value or interest, if such criteria are prescribed. New subsections 41 (10.2) and (10.3) require a council of a municipality wishing to amend or repeal a by-law made under the section to do so in accordance with such process as may be prescribed; similar rules are added to section 41.1.

Section 71 of the Act authorizes the Lieutenant Governor in Council to make regulations governing transitional matters to facilitate the implementation of the amendments made in the Schedule.

Other housekeeping amendments are made to the Act.

#### **SCHEDULE 7 ONTARIO LAND TRIBUNAL ACT, 2021**

The Schedule amends the *Ontario Land Tribunal Act, 2021*.

Subsection 19 (1) is amended to expand the Tribunal's powers to dismiss a proceeding without a hearing, on the basis that the party who brought the proceeding has contributed to undue delay. Section 19 of the Act is also amended to give the Tribunal the power to dismiss a proceeding entirely, if the Tribunal is of the opinion that a party has failed to comply with a Tribunal order. Section 20 is amended to give the Tribunal the power to order an unsuccessful party to pay a successful party's costs.

The regulation-making authority in section 29 is also amended. The Lieutenant Governor in Council is given authority to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings. The Minister is given authority to make regulations prescribing timelines that would apply to specified steps taken by the Tribunal in specified classes of proceedings. The implications of a failure of the Tribunal to comply with the timelines prescribed by the Minister are addressed, and the Minister is given authority to require the Tribunal to report on its compliance with the timelines.

A consequential amendment is made to subsection 13 (4).

#### **SCHEDULE 8 ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012**

The Schedule amends the *Ontario Underground Infrastructure Notification System Act, 2012*. Here are some highlights:

1. New subsection 2 (4.4) authorizes the Minister to appoint a chair of the board of directors.
2. New section 2.3 authorizes the Minister to appoint an administrator of the Corporation. This section sets out details of this appointment such as the term, powers and duties of the administrator and various rules with respect to liability. New section 2.5 sets out the conditions to be satisfied in order for the Minister to exercise this authority.
3. New section 2.4 sets out that the members of the board of directors of the Corporation cease to hold office during an administrator's tenure, unless otherwise specified. This section sets out the status of the board during an administrator's tenure.
4. New section 2.6 sets out that the Act, the regulations and Minister's orders prevail in the event of a conflict with the memorandum of understanding or the Corporation's by-laws and resolutions.

#### **SCHEDULE 9 PLANNING ACT**

The Schedule makes various amendments to the *Planning Act*. Here are some highlights:

1. The concept of parcels of urban residential land is added as well as rules respecting development on such parcels.
2. New subsections 16 (20) and (21) are added to require zoning by-laws to be amended to conform with certain official plan policies within one year of the policies coming into effect.
3. Currently, under subsection 45 (12), a person has the right to appeal a decision of the committee of adjustment if the person has an interest in the matter. Amendments are made to the subsection to add the requirement that the person also be a specified person listed in a new definition in subsection 1 (1). New subsections 45 (12.1) to (12.4) are added to provide transitional rules associated with this change, including its retroactive application. A similar amendment is made to appeal rights under subsections 53 (19) and (27).
4. Currently, subsections 22 (2.1) to (2.1.2) prohibit requests for official plan amendments to be made within two years of a new official plan or secondary plan coming into effect. The subsections are repealed. The prohibitions on applications to amend zoning by-laws in subsections 34 (10.0.0.1) and (10.0.0.2) and in relation to applications for a minor variance in subsections 45 (1.2) to (1.4) are similarly repealed.

5. Currently, section 23 of the Act enables the Minister to amend official plans by order where the plan is likely to adversely affect a matter of provincial interest. This section is re-enacted to, in particular, eliminate certain procedural steps to which the Minister's power to make orders is subject, as well as to remove the possibility of the Minister requesting that the Tribunal hold a hearing on a proposed amendment.
6. A new subsection 34 (19.9) is added to create an exception to subsection 34 (19.5), which prevents certain appeals of zoning by-laws related to protected major transit station areas if more than a year has passed since related official plan policies or amendments thereto came into effect.
7. Currently, subsection 37 (6) permits a municipality that has passed a community benefits charge by-law to allow an owner of land to provide the municipality facilities, services or matters required because of development or redevelopment in the area. A new subsection 37 (7.1) provides that a municipality may require such an owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters and new subsection (7.2) requires the agreement to be registered against the land.
8. Currently, subsection 37 (32) of the Act provides that the amount of a community benefits charge payable in any particular case shall not exceed the prescribed percentage of the value of the land as of the valuation date. The subsection is amended to require the amount to be multiplied by a ratio based on floor area.
9. Various amendments are made to section 41 of the Act with respect to site plan control areas. New subsections (1.2) and (1.3) are added to qualify the definition of "development" in section 41. Amendments to subsections (4) and (4.1) provide that exterior design is no longer a matter that is subject to site plan control. Similar changes are made to section 47.
10. Various amendments are made to section 42 of the Act with respect to parkland requirements, including the following:
  - i. Currently subsection 42 (1) provides that a council may require the dedication of land for park or other public recreational purposes as a condition of development or redevelopment and sets out maximum amounts based on the type of development or redevelopment. A new subsection 42 (1.1) is added to establish a maximum amount for development or redevelopment that will include affordable residential units, attainable residential units or residential units required to be affordable pursuant to an inclusionary zoning by-law. Similar changes are made to section 51.1.
  - ii. New subsections 42 (2.1) to (2.4) are added, which set out rules with respect to the timing of the determination of the amount of land for park or other public recreational purposes or payment in lieu that is required to be provided under a by-law under the section. Similar changes are made to section 51.1.
  - iii. Amendments are made in relation to the alternative requirement for parkland conveyances and payments in lieu, including to change the maximum rates and provide a maximum amount of land or value thereof that may be required to be provided. Similar changes are made to section 51.1.
  - iv. New subsections 42 (4.30) to (4.39) are added, which set out a framework for owners of land to identify land to be conveyed to satisfy requirements of a by-law passed under the section. The framework permits owners to appeal to the Tribunal if the municipality refuses to accept the conveyance of the identified land.
  - v. A new subsection 42 (16.1) is added, which requires a municipality to spend or allocate 60 per cent of the monies in the special account required by subsection 42 (15) annually.
11. Amendments to the exceptions to subdivision control and part-lot control under subsections 50 (3) and (5) of the Act are made in connection with land lease community homes. The exception doesn't apply in respect of land if any part of the land is in the Greenbelt Area. A complementary amendment is made to the definition of "parcel of land" in subsection 46 (1).
12. Section 51 is amended by repealing certain provisions respecting public meetings.
13. Section 70.12 is added to give the Minister the power to make regulations governing transitional matters.
14. The Act is amended to provide for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not. Various amendments are made to provide lower-tier municipalities with planning functions where, for municipal purposes, they form part of an upper-tier municipality without planning responsibilities. A new section 70.13 addresses various transitional matters which may arise where there is a change in the municipality that has planning responsibilities.

**SCHEDULE 10**  
**SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022**

The *Supporting Growth and Housing in York and Durham Regions Act, 2022* is enacted. Its purpose is to expedite the planning, development and construction of the proposed York Region sewage works project to expedite the improvement, enlargement and extension of the York Durham Sewage System to convey sewage to the Duffin Creek Water Pollution Control Plant. The Act also expedites the development, construction and operation of the Lake Simcoe phosphorus reduction project for the

capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River.

Certain orders and approvals under the *Environmental Assessment Act* are terminated, and the projects are exempted from the *Environmental Bill of Rights, 1993*.

Land required for the projects may be designated as project land, in which case certain work cannot be performed without a permit.

The Minister may require removal of obstructions to the projects.

Adjustments to the expropriation process under the *Expropriations Act* are set out, as are rules regarding compensation.

A number of the powers given to the Minister may be delegated to the Regional Municipalities of York or Durham, a lower-tier municipality or the Agency. Rules with regard to utility companies affected by the project are established.

Various provisions of an administrative nature are enacted.



**An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022**

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Schedule 9	Planning Act
Schedule 10	Supporting Growth and Housing in York and Durham Regions Act, 2022

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

**Short title**

**3 The short title of this Act is the *More Homes Built Faster Act, 2022*.**



**SCHEDULE 1  
CITY OF TORONTO ACT, 2006**

**1 Section 111 of the *City of Toronto Act, 2006* is amended by adding the following subsection:**

**Regulations**

(7) The Minister of Municipal Affairs and Housing may make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under this section.

**2 (1) Section 114 of the Act is amended by adding the following subsections:**

**Same**

(1.2) Subject to subsection (1.3), the definition of “development” in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

**Land lease community home**

(1.3) The definition of “development” in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1) of the *Planning Act*, on a parcel of land that will contain any number of residential units.

**(2) Subparagraph 2 iv of subsection 114 (5) of the Act is repealed and the following substituted:**

iv. matters relating to building construction required under a by-law referred to in section 108 or 108.1,

**(3) Subsection 114 (6) of the Act is amended by adding the following paragraph:**

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 iv of subsection (5).

**(4) Section 114 of the Act is amended by adding the following subsections:**

**Same**

(6.1) The appearance of the elements, facilities and works on the land or any adjoining highway under the City’s jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.

. . . . .

**Same**

(20) In respect of plans and drawings submitted for approval under subsection (5) before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force,

- (a) subparagraph 2 iv of subsection (5) as it read immediately before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force continues to apply;
- (b) paragraph 1.1 of subsection (6) does not apply; and
- (c) subsection (6.1) does not apply.

**Commencement**

**3 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**SCHEDULE 2  
CONSERVATION AUTHORITIES ACT**

**1 The definition of “Minister” in section 1 of the *Conservation Authorities Act* is repealed and the following substituted:**

“Minister” means the Minister of Natural Resources and Forestry or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

**2 (1) Clause 21 (1) (c) of the Act is amended by striking out “subject to subsection (2)” and substituting “subject to subsections (2) and (4)”.**

**(2) Subsections 21 (2) and (3) of the Act are repealed and the following substituted:**

**Notice to Minister**

(2) Subject to subsection (6), if the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without providing a written notice of the proposed disposition to the Minister at least 90 days before the disposition.

**Same**

(3) If an authority is required to consult the public and post a notice of proposed disposition under subsection (4), the notice to the Minister required under subsection (2) shall, at a minimum, describe how the comments received during the public consultation, if any, were considered by the authority prior to the disposition.

**Public consultation prior to disposition**

(4) Subject to subsection (6), an authority shall conduct a public consultation and post a notice of the consultation on its website if the authority proposes, under clause (1) (c), to sell, lease or otherwise dispose of land in respect of which the Minister has made a grant under section 39 and the land includes,

- (a) areas of natural and scientific interest, lands within the Niagara Escarpment Planning Area or wetlands as defined in section 1 of the *Conservation Land Act*;
- (b) the habitat of threatened or endangered species;
- (c) lands in respect of which the authority has entered into an agreement with the Minister in relation to forestry development under section 2 of the *Forestry Act*; or
- (d) land that is impacted by a type of natural hazard listed in subsection 1 (1) of Ontario Regulation 686/21 (Mandatory Programs and Services) made under this Act.

**Length of public consultation and content of notice**

(5) The public consultation under subsection (4) shall last for a minimum of 45 days and the notice of public consultation to be posted on the authority’s website prior to the proposed disposition shall include,

- (a) a description of the type of land referred to in clauses (4) (a) to (d) that the authority is proposing to dispose of;
- (b) the proposed date of the disposition; and
- (c) the proposed future use of the lands, if known.

**Exceptions**

(6) With regard to a disposition of land in respect of which the Minister has made a grant to an authority under section 39, the authority is not required to provide a notice to the Minister under subsection (2) or consult the public and post a notice under subsection (4) if,

- (a) the disposition is for provincial or municipal infrastructure and utility purposes;
- (b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and
- (c) the authority informs the Minister of the disposition.

**Minister’s direction on disposition proceeds**

(7) If the Minister receives a notice under subsection (2), the Minister may, within 90 days after receiving the notice, direct the authority to apply a specified share of the proceeds of the disposition to support programs and services provided by the authority under section 21.1.

**3 (1) Subsection 21.1.1 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning.**

**(2) Section 21.1.1 of the Act is amended by adding the following subsection:**

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

**4 (1) Subsection 21.1.2 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning.**

**(2) Section 21.1.2 of the Act is amended by adding the following subsection:**

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

**5 The Act is amended by adding the following section:**

**Minister’s direction re fee changes**

**21.3 (1)** The Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10) in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.

**Compliance**

(2) An authority that receives a direction under subsection (1) shall comply with the direction within the time specified in the direction.

**6 (1) Section 24 of the Act is amended by adding the following subsection:**

**Terms and conditions**

(8) The Minister may impose terms and conditions on an approval given under subsection (1).

**(2) Section 24 of the Act, as re-enacted by section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsection:**

**Terms and conditions**

(2) The Minister may impose terms and conditions on an approval given under subsection (1).

**7 (1) Subsection 28 (1) of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by striking out “Subject to subsections (2), (3) and (4) and section 28.1” at the beginning.**

**(2) Section 28 of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsections:**

**Same, *Planning Act***

(4.1) Subject to subsection (4.2), the prohibitions in subsection (1) do not apply to an activity within a municipality prescribed by the regulations if,

- (a) the activity is part of development authorized under the *Planning Act*; and
- (b) such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied.

**Same**

(4.2) If a regulation prescribes activities, areas of municipalities or types of authorizations under the *Planning Act* for the purposes of this subsection, or prescribes any other conditions or restrictions relating to an exception under subsection (4.1), the exception applies only in respect of such activities, areas and authorizations and subject to such conditions and restrictions.

**8 (1) Clause 28.0.1 (1) (a) of the Act is repealed and the following substituted:**

- (a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

**(2) The definition of “development project” in subsection 28.0.1 (2) of the Act is repealed and the following substituted:**

“development project” means development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority.

**(3) Clause 28.0.1 (6) (a) of the Act is repealed and the following substituted:**

- (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(4) Subsection 28.0.1 (9) of the Act is repealed and the following substituted:**

**Request for Minister’s review**

(9) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

**(5) Subsection 28.0.1 (16) of the Act is amended by striking out “conditions that the authority proposes to attach to a permission” and substituting “conditions attached by the authority to a permission”.**

**(6) Clause 28.0.1 (17) (a) of the Act is repealed and the following substituted:**

- (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(7) Subsection 28.0.1 (19) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

**Appeal**

(19) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Ontario Land Tribunal to review the conditions if,

**(8) Subsection 28.0.1 (20) of the Act is amended by striking out “proposed” and substituting “attached”.**

**(9) Section 28.0.1 of the Act is amended by adding the following subsection:**

**Same**

(26.1) If a regulation made under this section provides that a development project may begin prior to entering into an agreement under subsection (24), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until an agreement is entered into.

**(10) Clause 28.0.1 (28) (b) of the Act is repealed and the following substituted:**

- (b) subsection (26) or (26.1).

**(11) Subsection 28.0.1 (34) of the Act is repealed and the following substituted:**

(34) If the conditions attached to a permission granted under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

**(12) Clause 28.0.1 (35) (b) of the Act is amended by adding the following subclause:**

- (i.1) limiting the types of conditions that an authority may attach to a permission under this section,

**(13) Clause 28.0.1 (35) (e) of the Act is repealed and the following substituted:**

- (e) specifying lands or development projects to which this section does not apply;
- (e.1) exempting lands or development projects from subsection (5), (24) or (26), subject to such conditions or restrictions as may be specified;

**9 (1) Clause 28.1 (1) (a) of the Act is repealed and the following substituted:**

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(2) Clauses 28.1 (6) (a) and (b) of the Act are repealed and the following substituted:**

- (a) the authority shall not refuse the permit unless it is of the opinion that it is necessary to do so to control flooding, erosion, dynamic beaches or unstable soil or bedrock; and
- (b) despite subsection (4), the authority shall not attach conditions to the permit unless the conditions relate to controlling flooding, erosion, dynamic beaches or unstable soil or bedrock.

**(3) Subsection 28.1 (22) of the Act is amended by striking out “120” and substituting “90”.**

**10 (1) Clause 28.1.2 (1) (a) of the Act is revoked and the following substituted:**

- (a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

**(2) The definition of “development project” in subsection 28.1.2 (2) of the Act is repealed and the following substituted:**

“development project” means development activity as defined in subsection 28 (5) or any other act or activity that, without a permit issued under this section or section 28.1, would be prohibited under section 28.

**(3) Subsection 28.1.2 (5) of the Act is amended by striking out “permission” and substituting “permit”.**

**(4) Clause 28.1.2 (6) (a) of the Act is repealed and the following substituted:**

- (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(5) Subsection 28.1.2 (9) of the Act is repealed and the following substituted:**

### **Request for Minister's review**

(9) A permit holder who objects to any conditions attached to the permit by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

**(6) Subsection 28.1.2 (11) of the Act is amended by striking out “conditions that the authority proposes to attach to a permit” and substituting “conditions attached by the authority to a permit”.**

**(7) Clause 28.1.2 (12) (a) of the Act is repealed and the following substituted:**

- (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(8) Subsection 28.1.2 (14) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

### **Appeal**

(14) A permit holder who objects to any conditions attached to the permit by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Local Planning Appeal Tribunal to review the conditions if,

**(9) Subsection 28.1.2 (15) of the Act is amended by striking out “proposed” and substituting “attached”.**

**(10) Section 28.1.2 of the Act is amended by adding the following subsection:**

### **Same**

(19.1) If a regulation made under subsection 40 (4) provides that a development project may begin prior to entering into an agreement under subsection (17), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until such time the agreement is entered into.

**(11) Subsection 28.1.2 (20) of the Act is revoked and the following substituted:**

### **Conflict**

(20) If the conditions attached to a permit issued under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

**11 (1) Clause 30.2 (1.1) (a) of the Act is repealed and the following substituted:**

- (a) the entry is for the purpose of ensuring compliance with subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1), with a regulation made under section 28.5 or with the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);

**(2) Subclause 30.2 (1.1) (b) (i) of the Act is repealed and the following substituted:**

- (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

**12 (1) Subclause 30.4 (1) (a) (i) of the Act is repealed and the following substituted:**

- (i) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1) or a regulation made under section 28.5, or

**(2) Subclause 30.4 (1) (b) (i) of the Act is repealed and the following substituted:**

- (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

**13 (1) Clause 30.5 (1) (a) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is repealed and the following substituted:**

- (a) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1);

**(2) Clause 30.5 (1) (b) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is amended by striking out “subsection 28 (3) or (4)” substituting “subsection 28 (3), (4) or (4.1)”.**

**14 (1) Subsection 40 (1) of the Act is amended by adding the following clause:**

- (g) governing exceptions under subsection 28 (4.1) from the prohibitions set out in subsection 28 (1), including,
  - (i) prescribing municipalities to which the exception applies,
  - (ii) respecting any conditions or restrictions that must be satisfied to obtain the exception, or in carrying out the activity, including conditions or restrictions applying to the municipality in which the exception applies,

- (iii) prescribing activities, areas of municipalities, types of authorizations under the *Planning Act* and other conditions or restrictions for the purposes of subsection 28 (4.2),
  - (iv) governing transitional matters resulting from an exception under subsection 28 (4.1);
- (2) Clause 40 (3) (c) of the Act is amended by striking out “clause 21.1.1 (4) (b) and subsection 21.1.2 (2)” at the end and substituting “clauses 21.1.1 (4) (b) and 21.1.2 (3) (b)”.**
- (3) Subsection 40 (3) of the Act is amended by adding the following clause:**
- (c.1) prescribing Acts for the purposes of subsections 21.1.1 (1.1) and 21.1.2 (1.1);
- (4) Clause 40 (4) (b) of the Act is amended by striking out “may be attached” and substituting “may or may not be attached”.**
- (5) Clause 40 (4) (c) of the Act is repealed.**
- (6) Clause 40 (4) (e) of the Act is amended by adding the following subclause:**
- (i.1) limiting the types of conditions that an authority may attach to a permit under section 28.1.2;
- (7) Clause 40 (4) (h) of the Act is repealed and the following substituted:**
- (h) specifying lands or development projects to which section 28.1.2 does not apply;
  - (h.1) exempting lands or development projects from subsections 28.1.2 (5), (17) and (19), subject to such conditions or restrictions as may be specified;

***Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020***

**15 Subsection 16 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.**

**Revocation of Regulations**

**16 Ontario Regulations 97/04, 42/06, 146/06, 147/06, 148/06, 150/06, 151/06, 152/06, 153/06, 155/06, 156/06, 157/06, 158/06, 159/06, 160/06, 161/06, 162/06, 163/06, 164/06, 165/06, 166/06, 167/06, 168/06, 169/06, 170/06, 171/06, 172/06, 174/06, 175/06, 176/06, 177/06, 178/06, 179/06, 180/06, 181/06, 182/06 and 319/09 are revoked.**

**Commencement**

**17 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Sections 2 to 5 and subsections 6 (1) and 14 (3) come into force on the later of January 1, 2023 and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(3) Subsection 6 (2) comes into force on the later of the day section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(4) Sections 9 and 16 come into force on the later of the day section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(5) Section 10 comes into force on the later of the day section 17 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(6) Section 11 comes into force on the later of the day subsection 19 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(7) Section 12 comes into force on the later of the day subsection 20 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(8) Section 13 comes into force on the later of the day section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(9) Subsections 14 (4) to (7) come into force on the later of the day subsection 25 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(10) Section 7 and subsection 14 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 3  
DEVELOPMENT CHARGES ACT, 1997**

**1 Section 1 of the *Development Charges Act, 1997* is amended by adding the following definition:**

“rental housing development” means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises; (“aménagement de logements locatifs”)

**2 (1) Subsections 2 (3) and (3.1) of the Act are repealed and the following substituted:**

**Same**

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to permit the enlargement of an existing residential unit.

**Exemption for residential units in existing rental residential buildings**

(3.1) The creation of the greater of the following in an existing rental residential building, which contains four or more residential units, is exempt from development charges:

1. One residential unit.
2. 1% of the existing residential units.

**Exemption for residential units in existing houses**

(3.2) The creation of any of the following is exempt from development charges:

1. A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
2. A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

**Exemption for additional residential units in new residential buildings**

(3.3) The creation of any of the following is exempt from development charges:

1. A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.
2. A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.

**(2) Paragraph 17 of subsection 2 (4) of the Act is repealed.**

**(3) Section 2 of the Act is amended by adding the following subsection:**

**Deemed amendment of by-law**

(4.0.1) If a by-law under this section imposes development charges to pay for increased capital costs required because of increased needs for housing services, the by-law is deemed to be amended to be consistent with subsection (4) as it reads on the day subsection 2 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**3 The Act is amended by adding the following section:**

**Exemption for affordable and attainable residential units**

**Definitions**

4.1 (1) In this section,

“affordable residential unit” means a residential unit that meets the criteria set out in subsection (2) or (3); (“unité d’habitation abordable”)

“attainable residential unit” means a residential unit that meets the criteria set out in subsection (4). (“unité d’habitation à la portée du revenu”)

**Affordable residential unit, rented**

(2) A residential unit intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The rent is no greater than 80 per cent of the average market rent, as determined in accordance with subsection (5).
2. The tenant is dealing at arm’s length with the landlord.

**Affordable residential unit, ownership**

(3) A residential unit not intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The price of the residential unit is no greater than 80 per cent of the average purchase price, as determined in accordance with subsection (6).
2. The residential unit is sold to a person who is dealing at arm’s length with the seller.

**Attainable residential unit**

(4) A residential unit shall be considered to be an attainable residential unit if it meets the following criteria:

1. The residential unit is not an affordable residential unit.
2. The residential unit is not intended for use as a rented residential premises.
3. The residential unit was developed as part of a prescribed development or class of developments.
4. The residential unit is sold to a person who is dealing at arm’s length with the seller.
5. Such other criteria as may be prescribed.

**Average market rent**

(5) For the purposes of paragraph 1 of subsection (2), the average market rent applicable to a residential unit is the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the bulletin entitled the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin”, as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

**Average purchase price**

(6) For the purposes of paragraph 1 of subsection (3), the average purchase price applicable to a residential unit is the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin”, as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

**Arm’s length**

(7) For the purposes of this section, in the determination of whether two or more persons are dealing at arm’s length, section 251 of the *Income Tax Act* (Canada) applies with necessary modifications.

**Affordable residential unit, exemption from development charges**

(8) The creation of a residential unit that is intended to be an affordable residential unit for a period of 25 years or more from the time that the unit is first rented or sold is exempt from development charges.

**Same, agreement**

(9) A person who, but for subsection (8), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (8) applies to be an affordable residential unit for a period of 25 years.

**Attainable residential unit, exemption from development charges**

(10) The creation of a residential unit that is intended to be an attainable residential unit when the unit is first sold is exempt from development charges.

**Same, agreement**

(11) A person who, but for subsection (10), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (10) applies to be an attainable residential unit at the time it is sold.



**Standard form agreement**

(12) The Minister of Municipal Affairs and Housing may establish standard forms of agreement that shall be used for the purposes of subsection (9) or (11).

**Registration of agreement**

(13) An agreement entered into under subsection (9) or (11) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

**Transition**

(14) Subsection (8) does not apply with respect to a development charge that is payable before the day section 3 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Non-application of *Legislation Act, 2006***

(15) Part III (Regulations) of the *Legislation Act, 2006* does not apply to,

- (a) a bulletin referred to in this section; or
- (b) a standard form of agreement established under subsection (12).

**4 The Act is amended by adding the following sections:****Exemption for non-profit housing development****Definition**

**4.2** (1) In this section,

“non-profit housing development” means the development of a building or structure intended for use as a residential premises and developed by,

- (a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing, or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

**Exemption**

(2) A non-profit housing development is exempt from development charges.

**Transition**

(3) Subsection (2) does not apply with respect to a development charge that is payable before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Same**

(4) For greater certainty, subsection (2) applies to future instalments that would have been payable in accordance with section 26.1 after the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Exemption for inclusionary zoning residential units****Exemption**

**4.3** (1) The creation of a residential unit described in subsection (2) is exempt from development charges unless a development charge is payable with respect to the residential unit before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Application**

(2) Subsection (1) applies in respect of residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of that Act.

**5 (1) Paragraph 4 of subsection 5 (1) of the Act is amended by striking out “10-year period” and substituting “15-year period”.**

**(2) Section 5 of the Act is amended by adding the following subsection:**

**Transition, par. 4 of subs. (1)**

(1.1) For greater certainty, paragraph 4 of subsection (1), as it read immediately before the day subsection 5 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

**(3) Paragraph 1 of subsection 5 (3) of the Act is amended by adding “except in relation to such services as are prescribed for the purposes of this paragraph” at the end.**

**(4) Paragraphs 5 and 6 of subsection 5 (3) of the Act are repealed.**

**(5) Section 5 of the Act is amended by adding the following subsection:**

**Transition**

(3.1) For greater certainty, subsection (3), as it read immediately before the day subsection 5 (4) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

**(6) Subsection 5 (6) of the Act is amended by adding the following paragraph:**

4. In the case of a development charge by-law passed on or after the day subsection 5 (6) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, the rules must provide that,
  - i. any development charge imposed during the first year that the by-law is in force is no more than 80 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
  - ii. any development charge imposed during the second year that the by-law is in force is no more than 85 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
  - iii. any development charge imposed during the third year that the by-law is in force is no more than 90 per cent of the maximum development charge that could otherwise be charged in accordance with this section, and
  - iv. any development charge imposed during the fourth year that the by-law is in force is no more than 95 per cent of the maximum development charge that could otherwise be charged in accordance with this section.

**(7) Section 5 of the Act is amended by adding the following subsections:**

**Special rule**

(7) Subsection (8) applies to a development charge imposed by a development charge by-law passed on or after January 1, 2022 and before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, unless the development charge was payable before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Same**

- (8) The amount of a development charge described in subsection (7) shall be reduced in accordance with the following rules:
1. A development charge imposed during the first year that the by-law is in force shall be reduced to 80 per cent of the development charge that would otherwise be imposed by the by-law.
  2. A development charge imposed during the second year that the by-law is in force shall be reduced to 85 per cent of the development charge that would otherwise be imposed by the by-law.
  3. A development charge imposed during the third year that the by-law is in force shall be reduced to 90 per cent of the development charge that would otherwise be imposed by the by-law.
  4. A development charge imposed during the fourth year that the by-law is in force shall be reduced to 95 per cent of the development charge that would otherwise be imposed by the by-law.

**Same, interpretation**

(9) For the purposes of subsections (7) and (8), a development charge is deemed to be imposed on the day referred to in subsection 26.2 (1) that applies to the development charge.

**6 (1) Subsection 9 (1) of the Act is amended by striking out “five years” and substituting “10 years”.**

**(2) Section 9 of the Act is amended by adding the following subsection:**

**Transition**

(1.1) For greater certainty, subsection (1), as it reads on and after the day subsection 6 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, does not apply with respect to a development charge by-law that, before that day, had expired pursuant to subsection (1) as it read before that day.

**7 (1) Paragraphs 1 to 3 of subsection 26.1 (2) of the Act are repealed and the following substituted:**

1. Rental housing development.
2. Institutional development.

**(2) Subsection 26.1 (3) of the Act is repealed and the following substituted:**

**Annual instalments**

(3) A development charge referred to in subsection (1) shall be paid in equal annual instalments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.

**(3) Subsection 26.1 (7) of the Act is amended by striking out “not exceeding the prescribed maximum interest rate” at the end and substituting “not exceeding the maximum interest rate determined in accordance with section 26.3”.**

**8 (1) Subsection 26.2 (1) of the Act is amended by striking out “The total amount” at the beginning and substituting “Subject to subsection (1.1), the total amount”.**

**(2) Section 26.2 of the Act is amended by adding the following subsections:**

**Discount, rental housing development**

(1.1) In the case of rental housing development, the amount determined under subsection (1) shall be reduced in accordance with the following rules:

1. A development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent.
2. A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent.
3. A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent.

**Same, transition**

(1.2) Subject to subsection (1.3), subsection (1.1) does not apply in respect of a development charge for a development in respect of which a building permit was issued before the day subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force.

**Same, exception**

(1.3) Despite subsection (7), paragraphs 1 to 3 of subsection (1.1) apply to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day that subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed for the purposes of this subsection.

**(3) Subsection 26.2 (3) of the Act is amended by striking out “at a rate not exceeding the prescribed maximum interest rate” and substituting “at a rate not exceeding the maximum interest rate determined in accordance with section 26.3”.**

**9 The Act is amended by adding the following section:**

**Maximum interest rate**

**26.3 (1)** In this section,

“adjustment date” means January 1, April 1, July 1 or October 1; (“date de rajustement”)

“average prime rate”, on a particular date, means the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada. (“taux préférentiel moyen”)

**Same**

(2) For the purposes of subsections 26.1 (7) and 26.2 (3), the maximum interest rate that a municipality may charge shall be determined in accordance with the following rules:

1. A base rate of interest shall be determined for April 1, 2022 and for each adjustment date after April 1, 2022 and shall be equal to the average prime rate on,
  - i. October 15 of the previous year, if the adjustment date is January 1,
  - ii. January 15 of the same year, if the adjustment date is April 1,
  - iii. April 15 of the same year, if the adjustment date is July 1, and

- iv. July 15 of the same year, if the adjustment date is October 1.
- 2. The base rate of interest in effect on a particular date shall be,
  - i. the base rate for the particular date, if the particular date is an adjustment date, and
  - ii. the base rate for the last adjustment date before the particular date, otherwise.
- 3. The maximum rate of interest that may be charged, in respect of a particular day after June 1, 2022, shall be an annual interest rate that is one percentage point higher than the base rate of interest in effect for that day.

#### **Transition**

(3) Subsection (2) does not apply in respect of a development charge that was payable before the day section 9 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

#### **10 Section 35 of the Act is amended by adding the following subsections:**

##### **Requirement to spend or allocate monies in reserve fund**

(2) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the following services at the beginning of the year:

- 1. Water supply services, including distribution and treatment services.
- 2. Waste water services, including sewers and treatment services.
- 3. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be.

#### **Same**

(3) If a service is prescribed for the purposes of this subsection, beginning in the first calendar year that commences after the service is prescribed and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the prescribed service at the beginning of the year.

**11 (1) Subsection 44 (4) of the Act is amended by striking out “Subsection 2 (3.1) and section 4” at the beginning and substituting “Subsections 2 (3.3), 4.2 (2) and 4.3 (1) and section 4”.**

**(2) Subsection 44 (4) of the Act, as amended by subsection (1), is amended by adding “4.1 (8) and (10)” after “Subsections 2 (3.3)” at the beginning.**

**12 (1) Clauses 60 (1) (b) and (b.1) of the Act are repealed.**

**(2) Subsection 60 (1) of the Act is amended by adding the following clauses:**

- (d.2) prescribing developments and classes of developments for the purposes of paragraph 3 of subsection 4.1 (4);
- (d.3) prescribing criteria for the purposes of paragraph 5 of subsection 4.1 (4);

**(3) Subsection 60 (1) of the Act is amended by adding the following clause:**

- (l) prescribing services for the purposes of paragraph 1 of subsection 5 (3);

**(4) Clause 60 (1) (s.2) of the Act is repealed.**

**(5) Subsection 60 (1) of the Act is amended by adding the following clause:**

- (s.2.1) prescribing developments for the purposes of subsection 26.2 (1.3);

**(6) Subsection 60 (1) of the Act is amended by adding the following clause:**

- (s.4) prescribing one or more services for the purposes of subsection 35 (3);

**(7) Section 60 of the Act is amended by adding the following subsections:**

#### **Adoption by reference**

(1.1) A regulation under clause (1) (d.3) may adopt by reference, in whole or in part and with such changes as are considered necessary, any document and may require compliance with the document.

#### **Rolling incorporation by reference**

(1.2) The power to adopt by reference and require compliance with a document in subsection (1.1) includes the power to adopt a document as it may be amended from time to time.

#### **Revocation**

**13 Subsections 11.1 (1) and (3) of Ontario Regulation 82/98 are revoked.**

**Commencement**

**14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Section 3, subsection 11 (2) and subsections 12 (2) and (7) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 4  
MUNICIPAL ACT, 2001**

**1 Section 99.1 of the *Municipal Act, 2001* is amended by adding the following subsection:**

**Regulations**

(7) The Minister may make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under this section.

**Commencement**

**2 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**SCHEDULE 5**  
**NEW HOME CONSTRUCTION LICENSING ACT, 2017**

**1 (1) Subsection 10 (1) of the *New Home Construction Licensing Act, 2017* is amended by striking out “regulation” and substituting “order”.**

**(2) Subsection 10 (3) of the Act is amended by striking out “a regulation” and substituting “an order”.**

**2 (1) Subsection 11 (1) of the Act is amended by striking out “regulation” wherever it appears and substituting in each case “order”.**

**(2) Subsection 11 (2) of the Act is amended by striking out “a regulation” and substituting “an order”.**

**3 Subsection 14 (3) of the Act is amended by striking out “after this section comes into force” wherever it appears and substituting in each case “after February 1, 2021”.**

**4 Paragraph 6 of section 56.1 of the Act is repealed and the following substituted:**

6. Take further action as is appropriate in accordance with this Act, including, for greater certainty, make an order under section 76 imposing an administrative penalty or refer the matter, in whole or in part, to another assessor to consider whether such an order should be made.

**5 Subsection 71 (4) of the Act is repealed and the following substituted:**

**Penalties**

(4) A person or entity that is convicted of an offence under this Act is liable to,

(a) in the case of an individual,

- (i) on the first conviction, a fine of not more than \$50,000 or imprisonment for a term of not more than two years less a day, or both, and
- (ii) on each subsequent conviction, a fine of not more than \$100,000 or imprisonment for a term of not more than two years less a day, or both; or

(b) in the case of a person or entity that is not an individual,

- (i) on the first conviction, a fine of not more than \$250,000, and
- (ii) on each subsequent conviction, a fine of not more than \$500,000.

**Same, determining subsequent conviction**

(4.0.1) For the purpose of subsection (4), a conviction of a person or entity for an offence mentioned in subsection (1), (2) or (3) is a subsequent conviction if the person or entity has a previous conviction for an offence mentioned in any of those subsections.

**6 Section 76 of the Act is repealed.**

**7 The Act is amended by adding the following section:**

**Order**

**76 (1)** An assessor may, by order, impose an administrative penalty against a person in accordance with this section and the regulations made by the Minister if the assessor is satisfied that the person has contravened or is contravening,

- (a) a prescribed provision of this Act or the regulations;
- (b) a condition of a licence, if the person is the licensee;
- (c) a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it; or
- (d) a prescribed provision of the *Protection for Owners and Purchasers of New Homes Act, 2017* or the regulations made under it.

**Clarification re code of ethics**

(2) For greater certainty, provisions of the code of ethics established under clause 84 (1) (f) may be prescribed for the purpose of subsection (1).

**To whom payable**

(3) An administrative penalty is payable to the regulatory authority.

**Purpose**

(4) An administrative penalty may be imposed under this section for one or more of the following purposes:

1. To ensure compliance with the Acts, regulations and by-laws referred to in subsection (1) and the conditions of a licence.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening the Acts, regulations or by-laws referred to in subsection (1) or the conditions of a licence.

#### **Amount**

(5) Subject to subsection (6), the amount of an administrative penalty shall reflect the purpose of the penalty and shall be determined in accordance with the regulations made by the Minister, but the amount of the penalty shall not exceed \$50,000.

#### **Same, monetary benefit**

(6) The total amount of the administrative penalty referred to in subsection (5) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

#### **Form of order**

(7) An order made under subsection (1) imposing an administrative penalty against a person shall be in the form that the registrar determines.

#### **Service of order**

(8) The order shall be served on the person against whom the administrative penalty is imposed in the manner that the registrar determines.

#### **Absolute liability**

(9) An order made under subsection (1) imposing an administrative penalty against a person applies even if,

- (a) the person took all reasonable steps to prevent the contravention on which the order is based; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

#### **No effect on offences**

(10) For greater certainty, nothing in subsection (9) affects the prosecution of an offence.

#### **Other measures**

(11) Subject to section 78, an administrative penalty may be imposed alone or in conjunction with the exercise of any measure against a person provided by the Acts, regulations or by-laws referred to in subsection (1), including the application of conditions to a licence by the registrar, the suspension, immediate suspension or revocation of a licence or the refusal to renew a licence.

#### **Limitation**

(12) An order may not be made under subsection (1) more than two years after the day any assessor became aware of the contravention on which the order is based.

#### **No hearing required**

(13) Subject to the regulations made by the Minister, an assessor is not required to hold a hearing or to afford a person an opportunity for a hearing before making an order under subsection (1) against the person.

#### **Non-application of other Act**

(14) The *Statutory Powers Procedure Act* does not apply to an order of an assessor made under subsection (1).

#### **Transition — pre-commencement transition period**

(15) A regulation made under subclause 84 (1) (h) (0.i) and filed with the Registrar of Regulations in accordance with Part III (Regulations) of the *Legislation Act, 2006* on or before the last day of the pre-commencement transition period may prescribe a provision for the purpose of subsection (1) for all or part of the pre-commencement transition period and, for greater certainty, an assessor may impose an administrative penalty under subsection (1) for a contravention that occurred during that period.

#### **Same**

(16) In subsection (15),

“pre-commencement transition period” means the period starting on April 14, 2022 and ending on the day before section 7 of Schedule 5 to the *More Homes Built Faster Act, 2022* comes into force.

**8 Section 78 of the Act is amended by striking out “this Act” and substituting “an Act referred to in subsection 76 (1)”.**

**9 (1) Clause 84 (1) (f) of the Act is repealed and the following substituted:**

- (f) establishing a code of ethics for licensees;

**(2) Clause 84 (1) (i) of the Act is repealed and the following substituted:**



- (i) specifying the purposes for which the regulatory authority may use the funds that it collects as fines and administrative penalties;
- (i.1) requiring the regulatory authority to establish, maintain and comply with a policy, in accordance with any requirements in the regulations, to govern payments the regulatory authority makes, if any, from the funds the regulatory authority collects as fines and administrative penalties, to persons who have been adversely affected by contraventions in respect of which fines or administrative penalties can be imposed;

**(3) Section 84 of the Act is amended by adding the following subsection:**

**Regulations may require Minister's approval**

(7) A regulation made under clause (1) (i.1) may provide for any aspect of the policy required under that regulation to be subject to the approval of the Minister.

**Related repeal**

**10 Section 5 of Schedule 3 to the *More Homes for Everyone Act, 2022* is repealed.**

**Commencement**

**11 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Sections 4, 5, 7 and 8 come into force on the later of the day section 75 of Schedule 1 (*New Home Construction Licensing Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**SCHEDULE 6  
ONTARIO HERITAGE ACT**

**1 Subsection 1 (2) of the *Ontario Heritage Act* is repealed.**

**2 (1) Section 25.2 of the Act is amended by adding the following subsection:**

**Minister’s review of determination**

(3.1) If the process for the identification of properties referred to in clause (3) (a) permits a ministry or prescribed public body to determine whether a property has cultural heritage value or interest, the process may permit the Minister to review the determination, or any part of the determination, whether made before, on or after the day subsection 2 (1) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, and may permit the Minister to confirm or revise the determination or part of it.

**(2) Subsection 25.2 (6) of the Act is amended by adding “Subject to an order made under subsection (7)” at the beginning.**

**(3) Subsection 25.2 (7) of the Act is repealed and the following substituted:**

**Exemption re compliance**

(7) The Lieutenant Governor in Council may, by order, provide that the Crown in right of Ontario or a ministry or prescribed public body is not required to comply with some or all of the heritage standards and guidelines approved under this section in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more of the following provincial priorities:

1. Transit.
2. Housing.
3. Health and Long-Term Care.
4. Other infrastructure.
5. Such other priorities as may be prescribed.

**Not a regulation**

(8) The heritage standards and guidelines approved under this section and orders made under subsection (7) are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

**3 (1) Section 27 of the Act is amended by adding the following subsection:**

(1.1) The clerk of the municipality shall ensure that the information included in the register is accessible to the public on the municipality’s website.

**(2) Subsection 27 (3) of the Act is repealed and the following substituted:**

**Non-designated property**

(3) Subject to subsection (18), in addition to the property listed in the register under subsection (2), the register may include property that has not been designated under this Part if,

- (a) the council of the municipality believes the property to be of cultural heritage value or interest; and
- (b) where criteria for determining whether property is of cultural heritage value or interest have been prescribed for the purposes of this subsection, the property meets the prescribed criteria.

**Same**

(3.1) If property is included in the register under subsection (3), the register shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.

**(3) Subsection 27 (7) of the Act is amended by adding “or a predecessor of that subsection” after “subsection (3)”.**

**(4) Subsection 27 (13) of the Act is repealed and the following substituted:**

**Application of subss. (7) and (8)**

(13) In addition to applying to properties included in the register under subsection (3) on and after July 1, 2021, subsections (7) and (8) apply in respect of properties that were included in the register as of June 30, 2021 under the predecessor of subsection (3).

**Removal of non-designated property**

(14) In the case of a property included in the register under subsection (3), or a predecessor of that subsection, before, on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the

municipality shall remove the property from the register if the council of the municipality has given a notice of intention to designate the property under subsection 29 (1) and any of the following circumstances exist:

1. The council of the municipality withdraws the notice of intention under subsection 29 (7).
2. The council of the municipality does not withdraw the notice of intention, but does not pass a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8).
3. The council of the municipality passes a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8), but the by-law is repealed in accordance with subclause 29 (15) (b) (i) or (iii).

**Same**

(15) In the case of a property included in the register under subsection (3) on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day the property was included in the register.

**Same**

(16) In the case of a property included in the register under a predecessor of subsection (3), as of the day before subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

**Consultation not required**

(17) Despite subsection (4), the council of the municipality is not required to consult with its municipal heritage committee, if one has been established, before removing a property from the register under subsection (14), (15) or (16).

**Prohibition re including property in register, subss. (14) to (16)**

(18) If subsection (14), (15) or (16) requires the removal of a property from the register, the council of the municipality may not include the property again in the register under subsection (3) for a period of five years after the following date:

1. In the case of subsection (14), the day any of the circumstances described in paragraphs 1, 2 and 3 of that subsection exist.
2. In the case of subsection (15), the second anniversary of the day the property was included in the register.
3. In the case of subsection (16), the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

**4 (1) The French version of clause 29 (1) (a) of the Act is repealed and the following substituted:**

- (a) dans le cas où des critères permettant d'établir si un bien a une valeur ou un caractère sur le plan du patrimoine culturel ont été prescrits, le bien répond aux critères prescrits;

**(2) Subsection 29 (1.2) of the Act is repealed and the following substituted:**

**Limitation**

(1.2) The following rules apply if a prescribed event has occurred in respect of a property in a municipality:

1. If the prescribed event occurs on or after the day subsection 4 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the municipality may give a notice of intention to designate the property under subsection (1) only if the property is listed in the register under subsection 27 (3), or a predecessor of that subsection, as of the date of the prescribed event.
2. The council may not give a notice of intention to designate such property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed.

**5 (1) Subsection 41 (1) of the Act is repealed and the following substituted:**

**Designation of heritage conservation district**

(1) The council of the municipality may, by by-law, designate the municipality or any defined area or areas of it as a heritage conservation district if,

- (a) there is in effect in the municipality an official plan that contains provisions relating to the establishment of heritage conservation districts; and
- (b) where criteria for determining whether a municipality or an area of a municipality is of cultural heritage value or interest have been prescribed, the municipality or any defined area or areas of the municipality meets the prescribed criteria.

**(2) Section 41 of the Act is amended by adding the following subsections:**

**Amendment of by-law**

(10.2) If the council of a municipality wishes to amend a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed, which may require the municipality to adopt a heritage conservation district plan for the relevant district.

**Repeal of by-law**

(10.3) If the council of a municipality wishes to repeal a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed.

**6 (1) Section 41.1 of the Act is amended by adding the following subsection:****Same**

(5.1) Where criteria have been prescribed for the purposes of clause 41 (1) (b), the statement referred to in clause (5) (b) of this section must explain how the heritage conservation district meets the prescribed criteria.

**(2) Section 41.1 of the Act is amended by adding the following subsections:****Amendment of by-law**

(13) If the council of a municipality wishes to amend a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

**Repeal of by-law**

(14) If the council of a municipality repeals a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

**7 (1) Paragraph 4 of subsection 42 (1) of the Act is amended by striking out “whether or not the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1)” at the end.**

**(2) Subsection 42 (3) of the Act is amended by striking out “under subsection (2)” and substituting “under subsection (2.2)”.**

**8 Subsection 70 (1) of the Act is amended by adding the following clauses:**

(i.1) prescribing criteria for the purposes of clause 27 (3) (b);

. . . . .

(k.1) prescribing criteria for the purposes of clause 41 (1) (b);

**9 Section 71 of the Act is amended by striking out “and” at the end of clause (a) and by adding the following clauses:**

(c) facilitate the implementation of amendments to this Act made by Schedule 6 to the *More Homes Built Faster Act, 2022*;

(d) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of this Act by Schedule 6 to the *More Homes Built Faster Act, 2022*.

**Commencement**

**10 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Subsection 7 (1) comes into force on the day subsection 19 (1) of Schedule 11 to the *More Homes, More Choice Act, 2019* comes into force.**

**(3) Sections 2 and 3, subsection 4 (2) and sections 5, 6, 8 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 7  
ONTARIO LAND TRIBUNAL ACT, 2021**

**1 Subsection 13 (4) of the *Ontario Land Tribunal Act, 2021* is amended by striking out “a ground for setting aside a decision of the Tribunal on an application for judicial review or an appeal” at the end and substituting “a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal”.**

**2 (1) Subsection 19 (1) of the Act is amended by adding the following clause:**

- (b.1) if the Tribunal is of the opinion that the party who brought the proceeding has contributed to undue delay of the proceeding;

**(2) Section 19 of the Act is amended by adding the following subsection:**

**Same**

(1.1) Subject to subsection (4), the Tribunal may, on the motion of any party or on its own initiative, dismiss a proceeding if the Tribunal is of the opinion that a party has failed to comply with an order of the Tribunal in the proceeding.

**(3) Subsection 19 (4) of the Act is amended by adding “or (1.1)” after “subsection (1)”.**

**3 Section 20 of the Act is amended by adding the following subsection:**

**Same**

(2) Subsection (1) includes the power to order an unsuccessful party to pay a successful party’s costs.

**4 (1) Subsection 29 (1) of the Act is amended by adding the following clause:**

- (c) requiring the Tribunal to prioritize the resolution of specified classes of proceedings.

**(2) Clause 29 (2) (a) of the Act is repealed and the following substituted:**

- (a) governing the practices and procedures of the Tribunal, subject to the regulations made under clause (1) (c) and other than in relation to a consolidated hearing under section 21, which may include prescribing timelines that shall apply with respect to specified steps taken by the Tribunal in specified classes of proceedings, and governing any related transitional matters;

**(3) Section 29 of the Act is amended by adding the following subsections:**

**Timelines applicable to Tribunal**

(2.1) The failure of the Tribunal to comply with any timeline prescribed under clause (2) (a) with respect to a specified step in a proceeding does not invalidate the proceeding, and is not a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal.

**Same, reporting**

(2.2) The Tribunal shall, on the Minister’s request and in the time and manner specified by the Minister, report to the Minister on such matters as may be specified by the Minister respecting the Tribunal’s compliance with any timelines prescribed under clause (2) (a).

**(4) Subsection 29 (3) of the Act is amended by striking out “or clause (2) (a)” and substituting “or clause (1) (c) or (2) (a)”.**

**Commencement**

**5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 8**  
**ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012**

**1 Section 2 of the *Ontario Underground Infrastructure Notification System Act, 2012* is amended by adding the following subsection:**

**Chair**

(4.4) The Minister may appoint a chair of the board of directors from among the members of the board.

**2 The Act is amended by adding the following sections:**

**Minister's authority to appoint administrator**

**2.3** (1) Subject to section 2.5, the Minister may, by order, appoint an individual as an administrator of the Corporation for the purposes of assuming control of it and responsibility for its activities.

**Notice of appointment**

(2) The Minister shall give the Corporation's board of directors the notice that the Minister considers reasonable in the circumstances before appointing the administrator.

**Immediate appointment**

(3) Subsection (2) does not apply if there are not enough members on the board of directors to form a quorum.

**Term of appointment**

(4) The appointment of the administrator is valid until the Minister makes an order terminating it.

**Powers and duties of administrator**

(5) Unless the order appointing the administrator provides otherwise, the administrator has the exclusive right to exercise all the powers and perform all the duties of the directors, officers and members of the Corporation.

**Same**

(6) In the order appointing the administrator, the Minister may specify the administrator's powers and duties and the conditions governing them.

**Right of access**

(7) The administrator has the same rights as the board of directors in respect of the Corporation's documents, records and information.

**Report to Minister**

(8) The administrator shall report to the Minister as the Minister requires.

**Minister's directions**

(9) The Minister may issue directions to the administrator with regard to any matter within the administrator's jurisdiction, and the administrator shall carry them out.

**No personal liability**

- (10) No action or other proceeding shall be instituted against the administrator or a former administrator for,
- (a) any act done in good faith in the exercise or performance or intended exercise or performance of a duty or power under this Act, the regulations made under this Act, a Minister's order or the appointment under subsection (1); or
  - (b) any neglect or default in the exercise or performance in good faith of a duty or power described in clause (a).

**Crown liability**

(11) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (10) of this section does not relieve the Crown of liability to which it would otherwise be subject.

**Liability of Corporation**

(12) Subsection (10) does not relieve the Corporation of liability to which it would otherwise be subject.

**Status of board during administrator's tenure**

**2.4** (1) On the appointment of an administrator under section 2.3, the members of the board of directors of the Corporation cease to hold office, unless the order provides otherwise.

**Same**

(2) During the term of the administrator's appointment, the powers of any member of the board of directors who continues to hold office are suspended, unless the order provides otherwise.

**No personal liability**

(3) No action or other proceeding shall be instituted against a member or former member of the board of directors of the Corporation for any act, neglect or default done by the administrator or the Corporation after the member's removal under subsection (1) or while the member's powers are suspended under subsection (2).

**Crown liability**

(4) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (3) of this section does not relieve the Crown of liability to which it would otherwise be subject.

**Liability of Corporation**

(5) Subsection (3) does not relieve the Corporation of liability to which it would otherwise be subject.

**Conditions precedent**

**2.5** The Minister may exercise the power under subsection 2.3 (1) or any other prescribed provision only if the Minister is of the opinion that it is advisable to exercise the power in the public interest because at least one of the following conditions is satisfied:

1. The exercise of the power is necessary to prevent serious harm to underground infrastructure, public safety or to the interests of the public.
2. An event of force majeure has occurred.
3. The Corporation is facing a risk of insolvency.
4. The number of members of the board of directors of the Corporation is insufficient for a quorum.

**Conflict**

**2.6** The following rules apply respecting conflicts that may arise in applying this Act:

1. This Act and its regulations prevail over the memorandum of understanding and the Corporation's by-laws and resolutions.
2. A Minister's order made under this Act prevails over the memorandum of understanding and the Corporation's by-laws and resolutions.

**3 Section 20 of the Act is amended by adding the following clauses:**

- (0.a) defining words and expressions used in this Act that are not otherwise defined in this Act;
- (0.b) prescribing provisions for the purpose of section 2.5;

**Commencement**

**4 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**SCHEDULE 9  
PLANNING ACT**

**1 (1) Subsection 1 (1) of the *Planning Act* is amended by adding the following definitions:**

“parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

- (a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,
  - (i) a municipality,
  - (ii) a municipal service board established under the *Municipal Act, 2001*,
  - (iii) a city board established under the *City of Toronto Act, 2006*,
  - (iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or
  - (v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and
- (b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*; (“parcelle de terrain urbain d’habitation”)

“specified person” means,

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- (b) Ontario Power Generation Inc.,
- (c) Hydro One Inc.,
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- (f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,
- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; (“personne précisée”)

**(2) Subsection 1 (1) of the Act is amended by adding the following definitions:**

“upper-tier municipality without planning responsibilities” means any of the following upper-tier municipalities:

1. The County of Simcoe.
2. The Regional Municipality of Durham.
3. The Regional Municipality of Halton.
4. The Regional Municipality of Niagara.
5. The Regional Municipality of Peel.
6. The Regional Municipality of Waterloo.
7. The Regional Municipality of York.
8. Any other upper-tier municipality that is prescribed under subsection (6); (“municipalité de palier supérieur sans responsabilités en matière d’aménagement”)

“upper-tier municipality with planning responsibilities” means an upper-tier municipality that is not an upper-tier municipality without planning responsibilities; (“municipalité de palier supérieur avec responsabilités en matière d’aménagement”)

**(3) Subsection 1 (2) of the Act is amended by striking out “17 (24), (36), (40) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4)” and substituting “17 (24), (36) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4.1)”.**



**(4) Section 1 of the Act is amended by adding the following subsections:****Limitation**

(4.1) A reference to a person or public body in the following provisions does not include a conservation authority under the *Conservation Authorities Act* except where an appeal made under or referred to in one of those provisions relates to natural hazard policies in any policy statements issued under section 3 of the Act, except for those policies that relate to hazardous forest types for wildland fire:

1. Paragraph 1.1 of subsection 17 (24).
2. Paragraph 1.1 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

**Transition**

(4.2) Despite subsection (4.1), a conservation authority that was a party to an appeal under a provision listed in subsection (4.1) on the day before the day subsection 1 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force may continue as a party to the appeal after that date until the final disposition of the appeal.

**(5) Section 1 of the Act is amended by adding the following subsections:****Limitation**

(4.3) A reference to a person or public body in the following provisions does not include an upper-tier municipality without planning responsibilities:

1. Paragraphs 1.1 and 4 of subsection 17 (24).
2. Paragraphs 1.1 and 3 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

**Transition**

(4.4) Despite subsection (4.3), an upper-tier municipality without planning responsibilities listed in paragraphs 1 to 7 of the definition of “upper-tier municipality without planning responsibilities” in subsection (1) that was a party to an appeal under a provision listed in subsection (4.3) on the day before the day subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force or an upper-tier municipality without planning responsibilities prescribed under subsection (6) that

was a party to an appeal under a provision listed in subsection (4.3) on the day before the day the regulation prescribing the upper-tier municipality without planning responsibilities as such comes into force may continue as a party to the appeal after that date until the final disposition of the appeal, unless the appeal is deemed to be dismissed by application of subsection 45 (12.2) or 53 (19.2) or (27.0.2).

**(6) Section 1 of the Act is amended by adding the following subsection:**

**Regulations, upper-tier municipality without planning responsibilities**

(6) The Lieutenant Governor in Council may, by regulation, prescribe additional upper-tier municipalities for the purposes of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1).

**2 (1) Subsection 8 (1) of the Act is amended by striking out “upper-tier municipality” and substituting “upper-tier municipality with planning responsibilities”.**

**(2) Subsection 8 (2) of the Act is amended by striking out “The council of a lower-tier municipality” at the beginning and substituting “The council of a lower-tier municipality, the council of an upper-tier municipality without planning responsibilities”.**

**3 Section 15 of the Act is repealed and the following substituted:**

**Upper-tier municipalities, planning functions**

**15 (1)** The council of an upper-tier municipality with planning responsibilities, on such conditions as may be agreed upon with the council of a lower-tier municipality, may assume any authority, responsibility, duty or function of a planning nature that the lower-tier municipality has under this or any other Act.

**Same**

(2) The council of an upper-tier municipality, on such conditions as may be agreed upon with the council of a lower-tier municipality, may provide advice and assistance to the lower-tier municipality in respect of planning matters generally.

**4 (1) Subsection 16 (3) of the Act is repealed and the following substituted:**

**Restrictions for residential units**

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**Same, parking**

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

**Same, minimum unit size**

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

**Policies of no effect**

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

**(2) Subsection 16 (15) of the Act is amended by adding “or a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities” after “single-tier municipality” in the portion before clause (a).**

**(3) Subsection 16 (16) of the Act is amended by striking out “upper-tier municipality” in the portion before clause (a) and substituting “upper-tier municipality with planning responsibilities”.**

**(4) Section 16 of the Act is amended by adding the following subsections:**

### **Updating zoning by-laws**

(20) No later than one year after the official plan policies described in paragraph 1 or 2 of subsection (21) come into effect, the council of the local municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the policies.

### **Same**

(21) The official plan policies referred to in subsection (20) are as follows:

1. Policies listed in subsection 17 (36.1.4).
2. Policies set out in the official plan of a local municipality that,
  - i. delineate an area surrounding and including an existing or planned higher order transit station or stop, and identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area, and
  - ii. are required to be included in an official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1).

**5 (1) Subsection 17 (2) of the Act is amended by striking out “An upper-tier municipality” at the beginning and substituting “An upper-tier municipality with planning responsibilities”.**

**(2) Subsection 17 (4) of the Act is amended by striking out “an upper-tier municipality” and substituting “an upper-tier municipality with planning responsibilities”.**

**(3) Subsections 17 (6) and (12) of the Act are amended by striking out “accompanied by a written explanation for it” wherever it appears.**

**(4) Subsection 17 (13) of the Act is repealed and the following substituted:**

### **Mandatory adoption**

(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of,

- (a) an upper-tier municipality with planning responsibilities;
- (b) a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; and
- (c) any other local municipality that is prescribed for the purposes of this section.

**(5) Subsection 17 (14) of the Act is amended by striking out “municipality not prescribed under subsection (13)” and substituting “local municipality not described in clause 13 (b) or otherwise prescribed for the purposes of subsection (13)”.**

**(6) Subsection 17 (24.1) of the Act is repealed and the following substituted:**

### **No appeal re additional residential unit policies**

(24.1) Despite subsection (24), there is no appeal in respect of policies adopted to authorize the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**(7) Subsection 17 (36.1) of the Act is repealed and the following substituted:**

### **No appeal re additional residential unit policies**

(36.1) Despite subsection (36), there is no appeal in respect of policies adopted to authorize the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**6 (1) Subsections 22 (2.1) to (2.1.2) of the Act are repealed.**

**(2) Subsection 22 (2.2) of the Act is amended by striking out “subsection (2.1), (2.1.1) or (2.1.3)” and substituting “subsection (2.1.3)”.**

**(3) Clause 22 (7.2) (c) of the Act is repealed and the following substituted:**

- (c) amend or revoke policies adopted to authorize the use of,
  - (i) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit,
  - (ii) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units, or
  - (iii) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

**7 Section 23 of the Act is repealed and the following substituted:**

**Matter of provincial interest affected by official plan**

**23 (1)** The Minister may, by order, amend an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest.

**Effect or order**

(2) The Minister’s order has the same effect as an amendment to the plan adopted by the council and approved by the appropriate approval authority.

**Non-application of *Legislation Act, 2006*, Part III**

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1).

**8 (1) Subsections 34 (10.0.0.1) and (10.0.0.2) of the Act are repealed.**

**(2) Subsection 34 (19.1) of the Act is repealed and the following substituted:**

**No appeal re additional residential unit by-laws**

- (19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that are passed to permit the use of,
- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
  - (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
  - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**(3) Subsection 34 (19.5) of the Act is amended by striking out “subsections (19.6) to (19.8)” in the portion before clause (a) and substituting “subsections (19.6) to (19.9)”.**

**(4) Subsection 34 (19.6) of the Act is amended by striking out “lower-tier municipality only if the municipality’s official plan” and substituting “lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities only if the lower-tier municipality’s official plan”.**

**(5) Section 34 of the Act is amended by adding the following subsection:**

**Exception re non-compliance with s. 16 (20)**

(19.9) Subsection (19.5) does not apply to a zoning by-law that is passed more than one year after the later of the following comes into effect:

1. Official plan policies described in subsection 16 (15) or subclauses 16 (16) (b) (i) and (ii) for the protected major transit station area.
2. An amendment to the policies referred to in paragraph 1 of this subsection.

**9 Subsections 35.1 (1) and (2) of the Act is repealed and the following substituted:****Restrictions for residential units**

- (1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,
  - (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
  - (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
  - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**Same, parking**

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section.

**Same, minimum area**

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section.

**Provisions of no effect**

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section.

**Regulations**

- (2) The Minister may make regulations establishing requirements and standards with respect to,
  - (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
  - (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
  - (c) a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**10 (1) Section 37 of the Act is amended by adding the following subsections:****Agreement re facilities, services or matters**

(7.1) If the municipality intends to allow an owner of land to provide facilities, services or matters in accordance with subsection (6), the municipality may require the owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters.

**Registration of agreement**

(7.2) An agreement entered into under subsection (7.1) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

**(2) Subsection 37 (32) of the Act is amended by adding “Subject to subsection (32.1),” at the beginning.**

**(3) Subsection 37 (32) of the Act is repealed and the following substituted:**

**Maximum amount of community benefits charge**

(32) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land, as of the valuation date, multiplied by the ratio of “A” to “B” where,

“A” is the floor area of any part of a building or structure, which part is proposed to be erected or located as part of the development or redevelopment, and

“B” is the floor area of all buildings and structures that will be on the land after the development or redevelopment.

**(4) Section 37 of the Act is amended by adding the following subsection:**

**Discount**

(32.1) With respect to a development or redevelopment that includes affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the community benefits charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection (32) multiplied by the ratio of A to B where,

“A” is the floor area of all buildings that are part of the development or redevelopment minus the floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the floor area of all buildings that are part of the development or redevelopment.

**11 (1) Section 41 of the Act is amended by adding the following subsections:**

**Same**

(1.2) Subject to subsection (1.3), the definition of “development” in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

**Land lease community home**

(1.3) The definition of “development” in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1), on a parcel of land that will contain any number of residential units.

**(2) Subparagraph 2 (d) of subsection 41 (4) of the Act is repealed and the following substituted:**

(d) matters relating to building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001*,

**(3) Subsection 41 (4.1) of the Act is amended by adding the following paragraph:**

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 (d) of subsection (4).

**(4) Section 41 of the Act is amended by adding the following subsection:**

**Same**

(4.1.1) The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality’s jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.

**(5) Subsection 41 (9) of the Act is repealed and the following substituted:**

**Limitations on requirement to widen highway**

(9) An owner may not be required by a municipality, under paragraph 1 of clause (7) (a), or by an upper-tier municipality with planning responsibilities, under subclause (8) (a) (i), to provide a highway widening unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described.

**(6) Subsection 41 (9.1) of the Act is repealed and the following substituted:**

**Limitations on requirement to convey land**

(9.1) An owner of land may not be required by a municipality, under clause (7) (d), or by an upper-tier municipality with planning responsibilities, under clause (8) (c), to convey land unless the public transit right of way to be provided is shown on or described in an official plan.

**(7) Section 41 of the Act is amended by adding the following subsection:**

**Same**

(15.3) In respect of plans and drawings submitted for approval under subsection (4) before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force,

- (a) subparagraph 2 (d) of subsection (4), as it read immediately before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force, continues to apply;
- (b) paragraph 1.1 of subsection (4.1) does not apply; and
- (c) subsection (4.1.1) does not apply.

**12 (1) Subsection 42 (0.1) of the Act is amended by repealing the definition of “dwelling unit”.**

**(2) Subsection 42 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning.**

**(3) Section 42 of the Act is amended by adding the following subsection:**

**Same, affordable residential units**

(1.1) With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the number of residential units that are part of the development or redevelopment.

**(4) Section 42 of the Act is amended by adding the following subsection:**

**Exception, non-profit housing development**

(1.2) A by-law passed under this section does not apply to non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

**(5) Section 42 of the Act is amended by adding the following subsection:**

**Non-application, residential units**

(1.3) A by-law passed under this section does not apply to the erection or location of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**(6) Section 42 of the Act is amended by adding the following subsections:**

**When requirement determined**

(2.1) The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,

- (a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006* was made in respect of the development or redevelopment;
- (b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or
- (c) if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued.

**Same, if by-law not in effect**

(2.2) Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be.

**Same, more than one application**

(2.3) If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1).

**Exception, time elapsed**

(2.4) Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved.

**Transition**

(2.5) Subsection (2.1) does not apply in the case of an application made before the day subsection 12 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

**(7) Subsection 42 (3) of the Act is amended by striking out “for each 300 dwelling units” and substituting “for each 600 net residential units”.**

**(8) Section 42 of the Act is amended by adding the following subsections:**

**Transition**

(3.0.1) Subsection (3), as it read immediately before the day subsection 12 (8) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, a building permit has been issued in respect of the development or redevelopment.

**Net residential units**

(3.0.2) For the purposes of subsections (3) and (6.0.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the proposed development or redevelopment from the number of residential units that will be on the land after the proposed development or redevelopment.

**(9) Section 42 of the Act is amended by adding the following subsection:**

**Same, affordable residential units**

(3.0.3) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.2).

**(10) Subsection 42 (3.2) of the Act is repealed.**

**(11) Section 42 of the Act is amended by adding the following subsection:**

**Transition**

(3.5) Subsections (3.3) and (3.4) do not apply to land proposed for development or redevelopment if, before the day subsection 12 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, a building permit has been issued in respect of the development or redevelopment unless the land proposed for development or redevelopment is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

**(12) Subsection 42 (4.1) of the Act is amended by striking out “adopting the official plan policies described in subsection (4)” and substituting “passing a by-law under this section”.**

**(13) Subsection 42 (4.3) of the Act is repealed.**

**(14) Subclause 42 (4.27) (b) (i) of the Act is amended by striking out “only” at the end.**

**(15) Section 42 of the Act is amended by adding the following subsections:**

**Identification of land re conveyance to municipality**

(4.30) An owner of land proposed for development or redevelopment may, at any time before a building permit is issued in respect of the development or redevelopment, identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section.

**Same**

(4.31) Land identified in accordance with subsection (4.30) may include,

- (a) land that is,



- (i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane,
  - (ii) subject to an easement or other restriction, or
  - (iii) encumbered by below grade infrastructure; or
- (b) an interest in land other than the fee, which interest is sufficient to allow the land to be used for park or other public recreational purposes.

#### **Agreement re interest in land**

(4.32) If the municipality intends to accept the conveyance of an interest in land described in clause (4.31) (b), the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public recreational purposes.

#### **Registration of agreement**

(4.33) An agreement entered into under subsection (4.32) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

#### **Municipality refuses to accept identified land**

(4.34) If the municipality has decided to refuse to accept the conveyance of land identified in accordance with subsection (4.30) to satisfy a requirement of a by-law passed under this section, the municipality shall provide notice to the owner in accordance with such requirements as may be prescribed.

#### **Appeal**

(4.35) An owner of land who has received a notice under subsection (4.34) may, within 20 days of the notice being given, appeal the municipality's refusal to accept the conveyance to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged by the Tribunal.

#### **Record**

(4.36) If the clerk of the municipality receives a notice of appeal referred to in subsection (4.35) within the time set out in that subsection, the clerk of the municipality shall ensure that,

- (a) a record is compiled which includes the prescribed information and material;
- (b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed; and
- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

#### **Hearing**

(4.37) On an appeal, the Tribunal shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Tribunal may determine.

#### **Order by Tribunal**

(4.38) The Tribunal shall consider whether the land identified in accordance with subsection (4.30) meets the prescribed criteria and, if it does, the Tribunal shall order that the land,

- (a) be conveyed to the local municipality for park or other public recreational purposes; and
- (b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement set out in the by-law that is applicable to the development or redevelopment.

#### **Same, interest in land**

(4.39) If the Tribunal orders an interest in land referred to in clause (4.31) (b) to be conveyed to the local municipality under subsection (4.38), the Tribunal may require the owner of the land to enter in an agreement with the municipality that provides for the land to be used for park or other public recreational purposes and subsection (4.33) applies to the agreement with necessary modifications.

**(16) Subsection 42 (6.0.1) of the Act is amended by striking out “for each 500 dwelling units” and substituting “for each 1,000 net residential units”.**

**(17) Section 42 of the Act is amended by adding the following subsection:**

#### **Same**

(6.0.4) Subsection (6.0.1), as it read immediately before the day subsection 12 (17) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, in circumstances where the alternative requirement set out in subsection (3) applies, a building permit has been issued in respect of the development or redevelopment.

**(18) Section 42 of the Act is amended by adding the following subsection:**

**Requirement to spend or allocate monies in special account**

(16.1) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.

**13 (1) Subsections 45 (1.2) to (1.4) of the Act are repealed.**

**(2) Subsection 45 (12) of the Act is amended by striking out “the Minister or any other person or public body who has an interest in the matter” and substituting “the Minister or a specified person or public body that has an interest in the matter”.**

**(3) Section 45 of the Act is amended by adding the following subsections:**

**Transition**

(12.1) For greater certainty, subsection (12), as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the decision is made before that day.

**Same, retroactive effect**

(12.2) An appeal under subsection (12) made before the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (12) of this section as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (12) of this section in respect of the same decision to which the appeal relates.

**Same, hearing on the merits**

(12.3) For the purposes of clause (12.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

**Same**

(12.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

**14 The definition of “parcel of land” in subsection 46 (1) of the Act is amended by striking out “in clause 50 (3) (b) or clause 50 (5) (a)” at the end and substituting “in clause 50 (3) (b) or (d.1) or clause 50 (5) (a) or (c.1)”.**

**15 (1) Sub-subparagraph 1 ii D of subsection 47 (4.4) of the Act is repealed and the following substituted:**

D. matters relating to building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001* or section 108 or 108.1 of the *City of Toronto Act, 2006* as the case may be,

**(2) Subsection 47 (4.11) of the Act is amended by adding the following paragraph:**

- 1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in sub-subparagraph 1 ii D of subsection (4.4).

**16 (1) Section 50 of the Act is amended by striking out “under a project approved by the Minister of Natural Resources under section 24 of the Conservation Authorities Act and in respect of which” wherever it appears and substituting in each case “and”.**

**(2) Clause (a) of the definition of “consent” in subsection 50 (1) of the Act is repealed and the following substituted:**

- (a) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality with planning responsibilities, a consent given by the council of the upper-tier municipality,
- (a.1) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, a consent given by the council of the lower-tier municipality,

**(3) Subsection 50 (1.1) of the Act is amended by striking out “accompanied by a written explanation for it” in the portion before paragraph 1.**

**(4) Subsection 50 (3) of the Act is amended by adding the following clause:**

- (d.1) the land,
  - (i) is located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and

- (ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

**(5) Subsection 50 (5) of the Act is amended by adding the following clause:**

(c.1) the land,

- (i) is located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and
- (ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

**(6) Section 50 of the Act is amended by adding the following subsection:**

**Exception re Greenbelt Area, subss. (3) (d.1) and (5) (c.1)**

(6.1) Clauses (3) (d.1) and (5) (c.1) do not apply in respect of land if any part of the land is in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*.

**17 (1) Section 51 of the Act is amended by striking out “A person listed in subsection (48.3)” wherever it appears and substituting in each case “A specified person”.**

**(2) Subsections 51 (5) and (5.1) of the Act are repealed and the following substituted:**

**Upper-tier municipality with planning responsibilities**

(5) Subject to subsection (6), if land is in an upper-tier municipality with planning responsibilities, the upper-tier municipality is the approval authority for the purposes of this section and section 51.1.

**Upper-tier municipality without planning responsibilities**

(5.1) If land is in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, the lower-tier municipality is the approval authority for the purposes of this section and section 51.1.

**(3) Subsection 51 (11) of the Act is amended by,**

- (a) striking out “accompanied by a written explanation for it”; and
- (b) striking out “subsection (3.1), (4), (5), (6) or (7)” and substituting “subsection (3.1), (4), (5), (5.1), (6) or (7)”.

**(4) Subsections 51 (20) to (21.1) and (48.3) of the Act are repealed.**

**18 (1) Subsection 51.1 (0.1) of the Act is amended by repealing the definition of “dwelling unit”.**

**(2) Subsection 51.1 (1) of the Act is amended by adding “Subject to subsection (1.1),” at the beginning.**

**(3) Section 51.1 of the Act is amended by adding the following subsection:**

**Same, affordable residential units**

(1.1) With respect to land proposed for a plan of subdivision that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the number of residential units that are part of the development or redevelopment.

**(4) Section 51.1 of the Act is amended by adding the following subsection:**

**Exception, non-profit housing development**

(1.2) A condition under subsection (1) may not be imposed in relation to a subdivision proposed for non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

**(5) Subsections 51.1 (2) to (2.3) of the Act are repealed and the following substituted:**

**Other criteria**

(2) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and if the municipality in which the land is located has a by-law in effect under section 42 that provides for the alternative requirement authorized by subsection 42 (3), the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public

recreational purposes at a rate of one hectare for each 600 net residential units proposed or at such lesser rate as may be determined by the municipality.

**(6) Section 51.1 of the Act is amended by adding the following subsection:**

**Same, net residential units**

(3.0.1) For the purposes of subsection (2) and (3.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the draft plan of subdivision is approved from the number of residential units that are proposed to be on the land proposed to be subdivided.

**(7) Section 51.1 of the Act is amended by adding the following subsection:**

**Same, affordable residential units**

(3.0.2) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act, shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.1).

**(8) Subsection 51.1 (3.1) of the Act is amended by striking out “for each 500 dwelling units” and substituting “for each 1,000 net residential units”.**

**(9) Section 51.1 of the Act is amended by adding the following subsection:**

**Transition**

(3.2.1) Subsections (2) and (3.1), as they read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continue to apply to a draft plan of subdivision approved on or before that date, if,

- (a) the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality; and
- (b) subsection (2), as it read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies.

**(10) Subsection 51.1 (3.3) of the Act is repealed.**

**(11) Section 51.1 of the Act is amended by adding the following subsection:**

**Transition**

(3.5) Subsection (3.4) does not apply to a draft plan of subdivision approved before the day subsection 18 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless the land included in the plan of subdivision is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

**19 (1) Subsection 53 (12.1) of the Act is repealed and the following substituted:**

**Same**

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land. However, the council or the Minister may impose as a condition to the granting of a provisional consent that land be conveyed to the local municipality or dedicated for park or other public recreational purposes only in respect of the part of a parcel of land that is the subject of the application for consent unless the application for consent includes a request in accordance with subsection (42.1).

**(2) Subsection 53 (19) of the Act is amended by striking out “Any person or public body” at the beginning and substituting “The applicant, the Minister, a specified person or any public body”.**

**(3) Section 53 of the Act is amended by adding the following subsections:**

**Transition**

(19.1) For greater certainty, subsection (19), as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (17) of this section is completed before that day.

**Same, retroactive effect**

(19.2) An appeal under subsection (19) made before the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (19) of this section as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (19) of this section in respect of the same decision to which the appeal relates.

**Same, hearing on the merits**

(19.3) For the purposes of clause (19.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

**Same**

(19.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

**(4) Subsection 53 (27) of the Act is amended by striking out “Any person or public body” at the beginning and substituting “The applicant, the Minister, a specified person or any public body”.**

**(5) Section 53 of the Act is amended by adding the following subsections:**

**Transition**

(27.0.1) For greater certainty, subsection (27), as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (24) of this section is completed before that day.

**Same, retroactive effect**

(27.0.2) An appeal under subsection (27) made before the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (27) of this section as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (27) of this section in respect of the changed condition to which the appeal relates.

**Same, hearing on the merits**

(27.0.3) For the purposes of clause (27.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

**Same**

(27.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

**20 Subsection 54 (2) of the Act is repealed and the following substituted:**

**Delegation by lower-tier municipality**

(2) The council of a lower-tier municipality may, by by-law, delegate the authority for giving consents, or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment if,

- (a) the lower-tier municipality, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; or
- (b) the council of the lower-tier municipality has been delegated the authority under subsection (1).

**21 Paragraph 17 of subsection 70.1 (1) of the Act is repealed and the following substituted:**

- 17. prescribing local municipalities for the purposes of subsection 17 (13) and municipalities for the purposes of section 69.2;

**22 The Act is amended by adding the following section:**

**Regulations re transitional matters, 2022 amendments**

**70.12** (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before, on or after the effective date.

**Same**

(2) Without limiting the generality of subsection (1), a regulation made under that subsection may,

- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;

- (b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

**Conflict**

- (3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

**Definition**

- (4) In this section,

“effective date” means the day section 22 of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

**23 The Act is amended by adding the following section:**

**Transition, upper-tier municipalities without planning responsibilities**

- 70.13** (1) In this section,

“effective date” means,

- (a) in respect of an upper-tier municipality referred to in paragraphs 1 to 7 of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, and
- (b) in respect of an upper-tier municipality prescribed under subsection 1 (6) of this Act as an upper-tier municipality without planning responsibilities, the day on which the regulation prescribing the upper-tier municipality as such comes into force.

**Upper-tier official plans**

- (2) The portions of an official plan of an upper-tier municipality without planning responsibilities that are in effect immediately before the effective date and that apply in respect of any area in a lower-tier municipality are deemed to constitute an official plan of the lower-tier municipality, and this official plan remains in effect until the lower-tier municipality revokes it or amends it to provide otherwise.

**Official plans or amendments not yet in force**

- (3) If an upper-tier municipality without planning responsibilities has adopted an official plan or an amendment to its official plan and that official plan or amendment is not yet in force on the effective date, the following rules apply:

1. The plan or amendment shall be dealt with under this Act as it reads on and after the effective date.
2. If any portion of the plan or amendment applies in respect of an area in a lower-tier municipality, the lower-tier municipality is deemed to have adopted that portion of the plan or amendment.
3. Despite paragraphs 1 and 2, the upper-tier municipality remains responsible for doing any of the following, if it hasn’t been done before the effective date:
  - i. Giving notice under subsection 17 (23).
  - ii. Compiling and forwarding the record under subsection 17 (31), if the plan or amendment is not exempt from approval.
4. Despite paragraphs 1 and 2, the clerk of the upper-tier municipality remains responsible for compiling and forwarding the record under subsection 17 (29), if the plan or amendment is exempt from approval and a notice of appeal under subsection 17 (24) is filed before the effective date.

**Official plans and amendments in process**

- (4) If an upper-tier municipality without planning responsibilities has commenced procedures to adopt an official plan or an amendment to its official plan and that official plan or amendment has not been adopted on the effective date, any lower-tier municipality to which the plan or amendment would apply may continue with the procedures necessary to adopt the official plan or amendment to the extent that it applies to the lower-tier municipality.

**Requests for amendments to official plan**

- (5) If a request to amend the official plan of an upper-tier municipality without planning responsibilities has been made before the effective date and the request has not been finally disposed of by that date, every lower-tier municipality to which the amendment would apply may continue with the procedures necessary to dispose of the request for amendment to the extent that the amendment applies to the lower-tier municipality.

**Forwarding of papers and other documents**

- (6) The upper-tier municipality without planning responsibilities shall forward to the applicable lower-tier municipality all papers, plans, documents and other material that relate to any official plan, amendment or request under subsection (4) or (5).

**Conflict**

(7) In the event of a conflict, the portions of an official plan of an upper-tier municipality without planning responsibilities that are deemed under subsection (2) to constitute an official plan of the lower-tier municipality and an official plan or an amendment to an official plan that the lower-tier municipality is deemed to have adopted under subsection (3) prevail over an official plan of a lower-tier municipality that existed before the effective date.

**Plans of subdivision**

(8) If an application for approval of a plan of subdivision has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed plan of subdivision.

**Consents**

(9) If an application for a consent has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed consent.

**Regulations**

(10) The Minister may make regulations providing for transitional matters in respect of matters and proceedings that were commenced before, on or after the effective date.

**Same**

- (11) Without limiting the generality of subsection (10), a regulation made under that subsection may,
- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;
  - (b) for the purpose of subsection (10), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

***Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020***

**24 Section 26 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.**

**Commencement**

**25 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Subsections 1 (2), (5) and (6), sections 2 and 3, subsection 4 (2) and (3) and 5 (1) to (5), section 7, subsections 8 (4), 10 (2) and (4), 11 (5) and (6), 12 (2) and (3), (9) and (15), 16 (2) and (3), 17 (2) and (3) and 18 (2), (3) and (7) and sections 20 to 23 come into force on a day to be named by proclamation of the Lieutenant Governor.**

**(3) Subsections 1 (4) and 16 (1) come into force on January 1, 2023.**

**SCHEDULE 10  
SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022**

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**PART I  
INTERPRETATION**

**Definitions**

1 In this Act,

“2022 York Region Water and Wastewater Master Plan” means the master plan for York Region’s water and wastewater services titled “2022 York Region Water and Wastewater Master Plan” dated August 2022; (“2022 York Region Water and Wastewater Master Plan”)

“aboriginal or treaty rights” means the existing aboriginal or treaty rights recognized and affirmed in section 35 of the *Constitution Act, 1982*; (“droits ancestraux ou issus de traités”)

“Agency” means the Ontario Clean Water Agency; (“Agence”)

“building” has the same meaning as in the *Building Code Act, 1992*; (“bâtiment”)

“business day” means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*; (“jour ouvrable”)

“construct” has the same meaning as in the *Building Code Act, 1992*; (“construire”)

“delegate” means an entity to which a power or duty has been delegated under section 51; (“déléguataire”)

“environment” has the same meaning as in the *Environmental Assessment Act*; (“environnement”)

“Durham Region” means the Regional Municipality of Durham; (“région de Durham”)

“highway” has the same meaning as in the *Municipal Act, 2001*; (“voie publique”)

“immediate danger” means a danger or hazard that,

(a) poses an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project, or

(b) if construction is not underway but the start of construction is imminent, would pose an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project; (“danger immédiat”)

“Lake Simcoe phosphorus reduction project” means a sewage works for the capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River, including or excluding any associated or ancillary equipment, systems and technologies or things that may be prescribed; (“projet de réduction du phosphore dans le lac Simcoe”)

“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“Ministry” means the Ministry of the Minister; (“ministère”)

“permit” means a permit issued under section 17; (“permis”)

“person” includes a municipality; (“personne”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“preview inspection” means an inspection under section 34; (“inspection préalable”)

“project land” means land designated as project land under section 52; (“terre ou bien-fonds affecté à un projet”)

“regulations” means the regulations made under this Act; (“règlements”)

“sewage” has the same meaning as in the *Ontario Water Resources Act*; (“eaux d’égout”)

“sewage works” has the same meaning as in the *Ontario Water Resources Act*; (“station d’épuration des eaux d’égout”)

“stop-work order” means an order under section 38; (“arrêt de cessation des travaux”)

“Upper York Sewage Solutions Undertaking” means the undertaking described in York Region’s Upper York Sewage Solutions Environmental Assessment Report dated July 2014; (“entreprise de solutions pour la gestion des eaux d’égout dans Upper York”)

“utility company” means a municipality, municipal service board or other company or individual operating or using communications services, water services or sewage services, or transmitting, distributing or supplying any substance or form of energy for light, heat, cooling or power; (“entreprise de services publics”)

“utility infrastructure” means poles, wires, cables, including fibre-optic cables, conduits, towers, transformers, pipes, pipe lines or any other works, buildings, structures or appliances placed over, on or under land or water by a utility company; (“infrastructure de services publics”)

“YDSS Central system” means the sewage works described as “YDSS Central” in the 2022 York Region Water and Wastewater Master Plan; (“portion centrale du réseau d’égout de York-Durham”)

“YDSS North system” means the sewage works described as “YDSS North” in the 2022 York Region Water and Wastewater Master Plan; (“portion nord du réseau d’égout de York-Durham”)

“York Durham Sewage System” means the sewage works described collectively as the “YDSS North, YDSS Central, YDSS South, and YDSS Primary system” in the 2022 York Region Water and Wastewater Master Plan; (“réseau d’égout de York-Durham”)

“York Region” means the Regional Municipality of York; (“région de York”)

“York Region sewage works project” means the improvement, enlargement, extension and any other modifications of the York Durham Sewage System in York and Durham Regions to convey sewage, including sewage from the towns of Aurora, East Gwillimbury and Newmarket, for treatment at the Duffin Creek Water Pollution Control Plant in Durham Region and discharge into Lake Ontario, including or excluding any associated or ancillary equipment, systems and technologies or thing that may be prescribed. (“projet de station d’épuration des eaux d’égout dans la région de York”)

## PART II REVOCATIONS

### Revocations

2 (1) The following are revoked:

1. The order, dated October 1, 2004, with the file number ENV1283MC-2004-5305, in respect of the York-Durham Sewage System project that was issued by the Minister to the Region under section 16 of the *Environmental Assessment Act*, requiring the Region to comply with Part II of that Act before proceeding with the projects specified in the order.
2. The approval, dated March 11, 2010, with the file number 02-04-03, of the terms of reference that forms part of the application for the Upper York Sewage Solutions Undertaking approved under section 6 of the *Environmental Assessment Act*.
3. Any other prescribed document or instrument issued under the *Environmental Assessment Act* that is related to the York sewage works project or the Lake Simcoe phosphorus reduction project.

### Application withdrawn

(2) The application submitted for approval by York Region dated July 25, 2014 under section 6.2 of the *Environmental Assessment Act* shall be deemed to have been withdrawn and, for greater certainty, the Minister is not required to make a decision about that application.

### Exception

(3) For greater certainty, subsections (1) and (2) do not apply to any portion of the undertaking described in Order in Council 399/2018 made under the *Environmental Assessment Act*.

## PART III REQUIREMENTS TO PROVIDE SEWAGE WORKS

### Regions to construct sewage works project

3 (1) York Region and Durham Region shall, in accordance with subsections (2) and (3), work together to do everything in their respective powers to develop, construct and operate the York Region sewage works project.

### Specific requirements

(2) The York Region sewage works project must,

- (a) have sufficient capacity to meet the total combined average daily wastewater flows forecasted to flow to the Duffin Creek Water Pollution Control Plant and the Water Reclamation Centre in 2051 in figures 2.1 and 2.2 of Appendix A to the 2022 York Region Water and Wastewater Master Plan;
- (b) include improvements and upgrades to the YDSS North system to accommodate the flows described in clause (a);
- (c) include improvements and upgrades to the YDSS Central system, which, at a minimum, consist of upgrades and improvements to the Yonge Street trunk sewer between Bloomington Road and 19th Avenue to accommodate the flows described in clause (a);
- (d) meet all prescribed timelines for the development, construction and operation of all or part of the project;

- (e) improve, enlarge and extend the York Durham Sewage System in an efficient and cost-effective manner; and
- (f) be developed, constructed and operated in accordance with the regulations, if any.

**Consultation required, etc.**

(3) York Region and Durham Region shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the York Region sewage works project until,

- (a) the report required under section 4 has been completed to the Minister's satisfaction;
- (b) the consultation required under section 5 has been completed to the Minister's satisfaction; and
- (c) any other prescribed requirements have been completed.

**Report**

4 (1) Immediately following the coming into force of this subsection, York Region and Durham Region shall commence the preparation of a report, in accordance with subsection (2) and the regulations.

**Details in report**

- (2) The report required under subsection (1) must contain details of,
- (a) the work required to meet the requirements of section 3;
  - (b) any associated cost of the work that is required to be detailed under clause (a);
  - (c) the approvals required to meet the requirements of section 3;
  - (d) the impacts to the environment of the project and the mitigation of those impacts; and
  - (e) anything else required by the Minister.

**Report to be completed**

(3) The report required under this section must be completed before the date specified by the Minister.

**Report to be made public**

- (4) Promptly after completing the report required under this section, York Region and Durham Region shall,
- (a) provide the report to the Minister;
  - (b) make the report publicly available on their respective websites; and
  - (c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 5 (4) for the purposes of the consultation required under section 5.

**Revised report**

(5) The Minister may require York Region and Durham Region to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

**Revised report to be made public**

(6) Subsection (4) applies to a revised report required under subsection (5).

**Additional reports**

(7) The Minister may require York Region and Durham region to submit additional reports under this section for any part of the project, by the date specified by the Minister.

**Requirements for additional reports**

(8) Subsection 3 (3) and section 6 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

**Same**

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

**Additional consultation**

(10) Section 5 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

**Consultation**

5 (1) York Region and Durham Region shall, in accordance with this section and any regulations, consult with every Indigenous community that is identified on a list provided by the Minister under subsection (4) and with persons who, in the opinion of York Region and Durham Region, may be interested in the York Region sewage works project.

### **Commencement of consultation**

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

### **Indigenous communities**

(3) As part of the consultation, York Region and Durham Region shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

- (a) the contents of the report required by section 4;
- (b) any aboriginal or treaty rights that may be adversely impacted by the project;
- (c) any potential adverse impacts of the project on aboriginal or treaty rights; and
- (d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

### **List of Indigenous communities**

(4) Before commencing consultation under this section, York Region and Durham Region shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

### **Consultation to be completed**

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

### **Consultation report**

(6) Following the completion of consultation under this section, York Region and Durham Region shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

- (a) a description of the consultations carried out;
- (b) a list of the Indigenous communities or interested persons who participated in the consultations;
- (c) summaries of any comments submitted;
- (d) copies of all written comments submitted by Indigenous communities or other interested persons;
- (e) a summary of discussions that York Region and Durham Region had with Indigenous communities or other interested persons;
- (f) a description of what York Region and Durham Region did to respond to concerns expressed by Indigenous communities or other interested persons; and
- (g) any commitments made by York Region and Durham Region to Indigenous communities or other interested persons in respect of the York Region sewage works project.

### **Further consultation**

(7) Following the receipt of the report required under subsection (6), the Minister may require York Region and Durham Region to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

### **Modification**

(8) The report required under subsection (6) shall be modified by York Region and Durham Region to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

### **Consultation by Minister**

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

### **Notification by Minister**

6 The Minister shall promptly notify York Region and Durham Region and each Indigenous community identified on the list provided by the Minister under subsection 5 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 4.
2. The consultation required under section 5.

3. Any other requirements prescribed for the purpose of clause 3 (3) (c).

#### **Municipalities to construct Lake Simcoe phosphorus reduction project**

7 (1) Every municipality prescribed for the purposes of this subsection shall, in accordance with subsections (3) and (4), work together to do everything in their respective powers to develop, construct and operate the Lake Simcoe phosphorus reduction project.

#### **Municipalities that may be prescribed**

- (2) The following municipalities may be prescribed for the purposes of subsection (1):
  1. York Region.
  2. A lower-tier municipality within York Region.
  3. A lower-tier municipality within the County of Simcoe.

#### **Specific requirements**

(3) The Lake Simcoe phosphorus reduction project must be developed, constructed and operated in accordance with the regulations, if any, including meeting any prescribed timelines for all or part of the project.

#### **Consultation required etc.**

- (4) A municipality prescribed for the purposes of subsection (1) shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the Lake Simcoe phosphorus reduction project until,
  - (a) the report required under section 8 has been completed to the Minister's satisfaction;
  - (b) the consultation required under section 9 has been completed to the Minister's satisfaction; and
  - (c) any other prescribed requirements have been completed.

#### **Report**

8 (1) Immediately following the coming into force of this subsection, every municipality prescribed for the purposes of subsection 7 (1) shall commence the preparation of a report, in accordance with subsection (2) of this section and the regulations.

#### **Details in report**

- (2) The report required under subsection (1) must contain details of,
  - (a) necessary work required to meet the requirements of section 7;
  - (b) any associated cost of the work that is required to be detailed under clause (a);
  - (c) the approvals required to meet the requirements of section 7;
  - (d) the impacts to the environment of the project and the mitigation of those impacts; and
  - (e) anything else required by the Minister.

#### **Report to be completed**

(3) The report required under this section must be completed before the date specified by the Minister.

#### **Report to be made public**

- (4) Promptly after completing the report required under this section, each municipality prescribed for the purposes of subsection 7 (1) shall,
  - (a) provide the report to the Minister;
  - (b) make the report publicly available on its website; and
  - (c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 9 (4) for the purposes of the consultation required under section 9.

#### **Revised report**

(5) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

#### **Revised report to be made public**

(6) Subsection (4) applies to a revised report required under subsection (5).

**Additional reports**

(7) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to submit additional reports under this section for any part of the project, by the date specified by the Minister.

**Requirements for additional reports**

(8) Subsection 7 (4) and section 10 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

**Same**

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

**Additional consultation**

(10) Section 9 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

**Consultation**

9 (1) Every municipality prescribed for the purposes of subsection 7 (1) shall, in accordance with this section and any regulations, consult with every Indigenous community identified on the list provided by the Minister under subsection (4) of this section and with persons who, in the opinion of the municipality, may be interested in the Lake Simcoe phosphorus reduction project.

**Commencement of consultation**

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

**Indigenous communities**

(3) As part of the consultation, the municipality shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

- (a) the contents of the report required by section 8;
- (b) any aboriginal or treaty rights that may be adversely impacted by the project;
- (c) any potential adverse impacts of the project on aboriginal or treaty rights; and
- (d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

**List of Indigenous communities**

(4) Before commencing consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the phosphorus works project.

**Consultation to be completed**

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

**Consultation report**

(6) Following the completion of consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

- (a) a description of the consultations carried out;
- (b) a list of the Indigenous communities or interested persons who participated in the consultations;
- (c) summaries of any comments submitted;
- (d) copies of all written comments submitted by Indigenous communities or other interested persons;
- (e) a summary of discussions that the municipality had with Indigenous communities or other interested persons;
- (f) a description of what the municipality did to respond to concerns expressed by Indigenous communities or other interested persons; and
- (g) any commitments made by the municipality to Indigenous communities or other interested persons in respect of the Lake Simcoe phosphorus reduction project.

### **Further consultation**

(7) Following the receipt of the report required under subsection (6), the Minister may require the municipality to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

### **Modifications**

(8) The report required under subsection (4) shall be modified by the municipality prescribed for the purposes of subsection 7 (1) to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

### **Consultation by Minister**

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have existing aboriginal or treaty rights that may be adversely impacted by the Lake Simcoe phosphorus reduction project.

### **Notification by Minister**

10 The Minister shall promptly notify a municipality prescribed for the purposes of subsection 7 (1) and each Indigenous community identified on the list provided by the Minister under subsection 9 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 8.
2. The consultation required under section 9.
- 3 Any other requirements prescribed for the purpose of clause 7 (4) (c).

### **Agency**

11 (1) The Lieutenant Governor in Council may make an order requiring the Agency to undertake some or all of the work required under section 3 or 7, and the Agency shall comply with every such order.

### **Requirements**

(2) An order under subsection (1) may be subject to any requirements that the Lieutenant Governor in Council considers necessary or advisable.

### **Requirements under regulations**

(3) Any work the Agency is required to undertake under this section shall be done in accordance with the regulations.

### **Same**

(4) Sections 3, 4, 5 and 6 apply to work the Agency undertakes with respect to the York Region sewage works project, subject to any necessary modification.

### **Same**

(5) Sections 7, 8, 9, and 10 apply to work the Agency undertakes with respect to the Lake Simcoe phosphorus reduction project, subject to any necessary modification.

### **Agency's powers**

(6) For greater certainty, if an order is issued under this section, section 12 of the *Ontario Water Resources Act* applies.

### **Agency to act for municipality for approval of Tribunal**

(7) Where undertaking some or all of a project that a municipality is required to complete under this Part requires a municipality to obtain approval from the Ontario Land Tribunal, the Agency may apply on behalf of the municipality in respect of any part of the project that is subject to an order under subsection (1).

### **Delegation of authority**

(8) Section 50 of the *Capital Investment Plan Act, 1993* applies with necessary modifications to anything the Agency is required to do under this Act.

### **Prohibition**

(9) If an order is issued to the Agency under this section, no person, other than the Agency, shall undertake the work required by the order.

### **Payment of Agency costs**

(10) A municipality shall pay the costs incurred by the Agency in the implementation of an order in accordance with any regulations.



### **Municipalities may raise money for costs**

(11) For the purpose of making payments to the Agency under subsection (10), a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to develop, construct or operate, were developing, constructing or operating or had developed, constructed or operated all or part of a project.

### **Settlement of disputes re costs**

(12) In the event of any dispute arising in respect of an amount required to be paid under subsection (10) to the Agency by a municipality for the development, construction or operation of a project, the dispute shall be referred to a sole arbitrator appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Agency and the municipality.

### **Costs of arbitrator**

(13) The services of the arbitrator appointed under subsection (12) shall be paid in the amount directed by the Lieutenant Governor in Council and the whole costs of the arbitration shall be paid as directed by the arbitrator in the award.

### **Arbitration procedure**

(14) Except as otherwise provided in this section, the *Municipal Arbitrations Act* applies to any arbitration under subsection (12).

### **Additional requirements**

#### **Powers of Minister**

12 (1) The Minister may, for the purposes of this Act and the regulations, require a municipality required to complete a project under this Part to provide plans, specifications, reports or other information related to the project to the Minister by a specified date.

#### **Powers of Agency**

(2) Where undertaking some or all of a project that a municipality is required to complete under this Part, the Agency may require the municipality to provide plans, specifications, reports or other information related to the project to the Agency by a specified date.

## **PART IV EXEMPTIONS**

### **Exemption, York Region sewage works project**

13 The following are exempt from the *Environmental Assessment Act*:

1. The York Region sewage works project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

### **Exemption, Lake Simcoe phosphorus reduction project**

14 The following are exempt from the *Environmental Assessment Act*:

1. The Lake Simcoe phosphorus reduction project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

## **PART V PROJECT LAND CONTROL**

### **PROJECT LAND DEVELOPMENT PERMIT**

#### **Permit required**

15 (1) No person shall carry out the following work without a permit:

1. Building, altering or placing a building or other structure that is wholly or partially on, under or within 30 metres of project land.
2. Grading, dewatering or excavating conducted wholly or partially on, under or within 30 metres of project land.
3. Building, altering or constructing a highway that is wholly or partially on, under or within 30 metres of project land.

4. Building, altering or placing utility infrastructure that would require grading, dewatering or excavation wholly or partially on, under or within 10 metres of project land.
5. Prescribed work.
6. Work that is subject to a notice under subsection 19 (2).

**Exception**

(2) Paragraph 1 of subsection (1) does not apply to utility infrastructure that does not require grading, dewatering or excavation.

**Crown**

(3) This section does not apply to the Crown.

**Exception, emergencies**

(4) A municipality, municipal service board or utility company may perform work that would otherwise be prohibited under this section to address an emergency that may impact the health and safety of any person or that would disrupt the provision of a service provided by the municipality, municipal service board or utility company.

**Notification**

(5) A municipality, municipal service board or utility company that performs work described in subsection (4) shall provide the Minister with a notice in writing providing details about the nature, location and duration of the work being conducted.

**Application for permits**

**16** (1) An application for a permit or an amendment to a permit shall be in writing, prepared in accordance with the regulations, if any, and submitted to the Minister.

**Additional requirements**

(2) The Minister may require an applicant for a permit or an amendment to a permit to submit any plans, specifications, reports or other information related to the application.

**Issuance of permits**

**17** (1) After considering an application for the issuance of a permit, the Minister may,

- (a) issue a permit with or without conditions; or
- (b) refuse to issue a permit.

**Submissions**

(2) A person to whom a permit is issued under subsection (1) may make submissions in writing to the Minister about the permit within 15 days of receiving the permit.

**Confirmation, etc.**

(3) After considering any submissions provided under subsection (2), and the needs and timelines of the project to be constructed within project lands, the Minister may, in writing,

- (a) confirm the permit issued or the refusal to issue the permit;
- (b) re-issue the permit with amended conditions; or
- (c) revoke the permit.

**Amendment application**

(4) A person to whom a permit is issued may apply, in writing and in accordance with the regulations, if any, to the Minister to have the permit amended.

**Amendment decision**

(5) After considering a request under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may,

- (a) amend the permit; or
- (b) refuse to amend the permit.

**Terms and conditions**

(6) A permit is subject to any terms and conditions that may be prescribed.

**Revocation, amendment and suspension**

**18** (1) The Minister may revoke a permit in whole or in part, with or without issuing a new permit, amend a permit or suspend a permit in whole or in part, if,

- (a) a stop-work order has been issued in respect of any work subject to the permit; or
- (b) the Minister is of the opinion that the revocation, amendment or suspension is necessary.

**Notice**

(2) Before revoking, amending or suspending a permit pursuant to subsection (1), the Minister shall provide notice in writing to the permit holder.

**Submissions**

(3) The permit holder to whom a notice under subsection (2) is provided may make submissions to the Minister about the notice within 15 days of receiving the notice.

**Confirmation, etc.**

(4) After considering any submissions made by the permit holder, the Minister may revoke, amend or suspend the permit in accordance with subsection (1).

## DEVELOPMENT IN PROCESS

**Exception to permit requirement**

**19** (1) Subject to subsections (2) to (4), a person does not require a permit to carry out work described in subsection 15 (1) if the person has obtained all authorizations required at law to perform the work before the requirement to have a permit under section 15 applies to the person.

**Imposition of requirement**

(2) Despite subsection (1), the Minister may require, by notice, a person described in that subsection to obtain a permit for any work described in that subsection that is not completed within six months of the issuance of the notice.

**Requirement in notice**

(3) The notice issued under subsection (2) shall be in writing and shall include the following information:

1. A description of the work to be completed.
2. The date by which the work must be completed.
3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
4. Contact information for further information about the notice.

**Submissions**

(4) A person to whom a notice is issued under subsection (2) may make submissions in writing to the Minister within 15 days of receiving the notice.

**Extension**

(5) After considering any submissions provided under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may extend the six-month time period set out in the notice issued under subsection (2).

## OBSTRUCTION REMOVAL

**Notice of obstruction removal**

**20** (1) Subject to subsection (3), the Minister may issue a notice requiring the owner of any of the following things that are wholly or partially on, under or within 30 metres of project land to remove or alter the thing within the time specified in the notice:

1. A building or other structure.
2. A tree, shrub, hedge or other vegetation.
3. A prescribed thing.

**Application**

(2) Subsection (1) applies regardless of whether a permit was required in respect of the thing.

**Exception**

- (3) A notice under subsection (1) shall not be issued in respect of,
- (a) utility infrastructure; or
  - (b) a highway that belongs to the Crown or other Crown property.

**Requirements for notice**

- (4) A notice issued under subsection (1) shall be in writing and include the following information:
1. A description of the thing to be altered or removed.
  2. The date by which the removal or alteration must be completed.
  3. An indication that the Minister may carry out the removal or alteration work if the removal or alteration is not completed within the time specified in the notice.
  4. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
  5. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the removal or alteration of the thing.
  6. Contact information for further information about the notice.

**Submissions**

- (5) A person to whom a notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice.

**Minister's decision**

- (6) After considering any submissions provided under subsection (5), the Minister may, in writing,
- (a) confirm the issuance of the notice;
  - (b) issue an amended notice; or
  - (c) revoke the notice issued under subsection (1).

**Date of amended notice**

- (7) If an amended notice is issued under subsection (6), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

**Minister may remove obstruction**

**21** (1) Where a notice is issued under section 20 (1) or amended under subsection 20 (6), the Minister may cause any work required by the notice to be done if,

- (a) the person required by the notice to do the work,
  - (i) has not completed the work, or in the Minister's opinion is not likely to complete the work, within the time specified in the notice,
  - (ii) in the Minister's opinion, is not conducting or has not completed the work in a competent manner, or
  - (iii) requests the assistance of the Minister in complying with the notice; or
- (b) a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5).

**Notice of intent to cause things to be done**

- (2) The Minister shall give notice of an intention to cause work to be done under subsection (1),
- (a) to each person required by a notice issued under section 20 to remove an obstruction; and
  - (b) if a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5), to the receiver or trustee in bankruptcy.

**Permission required**

- (3) A person who receives a notice under subsection (2) shall not do the work referred to in the notice without the permission of the Minister.

**Person liable unknown**

**22** Where the Minister is authorized by section 20 to issue a notice requiring a person to remove or alter an obstruction, and the identity of the person cannot be ascertained, the Minister may cause the obstruction to be removed or altered without notice.

**Advance notice**

**23** (1) The Minister shall provide notice in advance of any work to be done pursuant to section 21 to the person to whom the notice was issued and anyone occupying the property.

**Contents**

(2) The notice shall be in writing and include the date and approximate time of the work.

**Additional requirement**

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

**Compensation**

**24** (1) Except as provided under subsection (2), no compensation is payable by the Minister or the Crown to any person for anything done under section 20, 21 or 22.

**Where compensation payable**

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 37 to the owner of any thing that was altered or removed under section 20, 21 or 22 for the following:

1. The work required to be done under the notice, if that work was not undertaken by the Minister.
2. The value of any thing that was required to be removed under the notice.
3. The value of the part of the thing that was altered or removed pursuant to the notice.
4. Any damage to the person's property necessary to carry out the work required under the notice.

**Exception**

(3) Subsection (2) does not apply to anything restored pursuant to section 25.

**Restoration**

**25** (1) If the Minister carried out the work under section 21 or 22, the Minister shall make reasonable efforts to restore any part of the property that was not altered or removed to its condition prior to the work having been completed.

**Exception**

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

**Loss of compensation entitlement**

**26** (1) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, to a person who hinders, obstructs or otherwise interferes with any work done under section 20, 21 or 22.

**Where laws not complied with**

(2) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

## CONSTRUCTION DANGER INSPECTION AND ELIMINATION

**Construction danger inspection**

**27** (1) The Minister may, without notice, cause an inspection of any of the following things that are wholly or partially on, under or within 30 metres of project land if the Minister is of the opinion that the thing may pose an immediate danger:

1. A building or other structure.
2. A tree, shrub, hedge or other vegetation.
3. A prescribed thing.

**Exception**

(2) Subsection (1) does not apply in respect of,

- (a) utility infrastructure; or
- (b) a highway that belongs to the Crown or other Crown property.

**Additional requirement**

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

### **Construction danger elimination**

**28** (1) If, upon inspection, the Minister confirms that a thing described in subsection 27 (1) poses an immediate danger, the Minister may cause work to be undertaken to remove or eliminate the immediate danger posed by the thing.

#### **Advance notice**

(2) The Minister shall make reasonable efforts to notify the property owner or occupant before the inspection under section 27 or removal or elimination under subsection (1) of this section takes place.

#### **Additional requirement**

(3) Subsection (2) applies in addition to any requirements that apply to entry to the property under section 56.

#### **Informing owner afterwards**

**29** As soon as practicable after an inspection has taken place under section 27 or the carrying out of work under section 28, the Minister shall make reasonable efforts to notify the owner of,

- (a) the inspection;
- (b) any work undertaken to eliminate an immediate danger;
- (c) the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection or work; and
- (d) the procedure for determining compensation.

#### **Loss of compensation entitlement**

**30** Section 31 does not apply to a person who hinders, obstructs or interferes with an inspection under section 27 or any work carried out under section 28 or 32.

#### **Compensation**

**31** (1) Except as provided under subsection (2), no compensation is payable by the Minister to any person for anything done under section 28.

#### **Where compensation payable**

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of a property upon which work was carried out by the Minister under section 28 for the following:

1. The value of any thing that was eliminated.
2. The value of any part of the thing that was eliminated.
3. Any other damage to the person's property resulting from the work carried out.

#### **Exception**

(3) Subsection (2) does not apply to anything restored pursuant to section 32.

#### **Restoration**

**32** (1) The Minister shall make reasonable efforts to restore any part of a property damaged in the course of any work carried out under section 28 to its condition prior to the work having been started.

#### **Exception**

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

#### **Reduced compensation**

**33** The Minister may reduce the amount of compensation otherwise payable under section 31, or pay no compensation, if the thing eliminated or the person's property that was damaged was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

## **PREVIEW INSPECTION**

#### **Preview inspection**

**34** (1) The Minister may carry out an inspection on property that is on or within 30 metres of project land for the purposes of carrying out due diligence in planning, developing and constructing the York Region sewage works project and the Lake Simcoe phosphorus reduction project, including,

- (a) making records of the property and surrounding area; and

- (b) taking samples and conducting tests.

**Exception**

- (2) Clause (1) (b) does not apply in respect of utility infrastructure.

**Same**

- (3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

**Compensation**

**35** (1) Except as provided under subsection (2) no compensation is payable by the Minister to any person for anything done under section 34.

**Where compensation payable**

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of the property for any damage resulting from any test conducted or sample taken under section 34 that is not restored under section 59.

**Reduced compensation**

**36** The Minister may reduce the amount of compensation otherwise payable under section 35, or pay no compensation, if the thing that was damaged in an inspection pursuant to section 34 was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

**Advance notice**

**37** (1) The Minister shall provide notice of a preview inspection to the property owner or occupant at least 30 days in advance of the preview inspection.

**Additional requirement**

- (2) Subsection (1) applies in addition to any requirements that apply to entry to the property under section 56.

**Contents**

(3) The notice shall be in writing and include the following information:

1. The intended date and approximate time of the inspection.
2. The approximate duration of the inspection.
3. The purpose of the inspection.
4. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection.
5. Contact information for further information.

**STOP-WORK ORDERS**

**Stop-work order**

**38** (1) The Minister may make an order requiring a person to stop engaging in or to not engage in work described in section 15 if,

- (a) the Minister has reasonable grounds to believe that the person is engaging in the work, or is about to engage in the work, for which a permit is required but has not been obtained; or
- (b) the Minister is of the opinion that the work is being conducted pursuant to a permit but continuing the work would obstruct or delay the construction of the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

**Information to be included in order**

(2) The stop-work order shall include,

- (a) a reference to the requirement under this Act to have a permit to undertake the work, if the order is issued under clause (1) (a);
- (b) a brief description of the work that is required to be stopped and its location; and
- (c) the consequences of failing to comply with the order, including the associated offence and potential fine.

**Exception**

- (3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

**Enforcement through court**

39 A stop-work order may be filed in the Superior Court of Justice and enforced as if it were an order of that court.

**COMPENSATION****Compensation**

40 (1) This section sets out the procedure for determining any compensation payable under this Part.

**Particulars**

(2) A person applying to the Minister for compensation shall provide proof of the person's interest in the property and the rationale for the claim, including details supporting the amount claimed, to the satisfaction of the Minister.

**Determination**

(3) After considering the information provided under subsection (2), the Minister shall determine whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

**Notice**

(4) The Minister shall notify the person who applied to the Minister of the Minister's determination under subsection (3).

**Compensation dispute**

(5) A person who receives a notification under subsection (4) may, within 6 months of the receipt of the notification, apply to the Ontario Land Tribunal for determination by the Tribunal of whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

**Order by the Tribunal**

(6) The Tribunal may order the amount of compensation to be paid to the person, including interest on any compensation payable from when the work began at the prescribed rate, if there is a prescribed rate.

**Exception to interest**

(7) Despite subsection (6),

- (a) if the Minister determined under subsection (3) compensation greater than the amount determined by the Tribunal, no interest may be ordered after the date that the person received the notice described under subsection (4); and
- (b) if the Tribunal is of the opinion that any delay in determining the compensation is attributable in whole or in part to the person, the Tribunal may refuse to order interest for the whole or any part of the time for which the person might otherwise be entitled to interest, or may order interest at such rate less than the prescribed rate as appears just.

**Municipality or local board**

41 No compensation is payable under this Part to a municipality or a local board within the meaning of the *Municipal Act, 2001* or the *City of Toronto Act, 2006*.

**No expropriation, etc.**

42 Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

**PART VI  
EXPROPRIATION PROCESS****Application**

43 This Part applies to an expropriation by a municipality or the Agency for the purposes of developing, constructing or operating the York Region sewage works project and the phosphorus recovery project, but, for greater certainty, does not apply in respect of anything to which section 42, 50 or 54 applies.

**No hearings of necessity**

44 (1) Subsections 6 (2) to (5) and sections 7 and 8 of the *Expropriations Act* do not apply to any expropriation of land within the meaning of that Act if,

- (a) all or part of the land is project land; and
- (b) the expropriation is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

**Approving authority**

(2) An approving authority to whom an application for expropriation has been made under subsection 4 (1) of the *Expropriations Act* in relation to the York Region sewage works project or the Lake Simcoe phosphorus reduction project shall approve or not approve the proposed expropriation as submitted, or approve the proposed expropriation with such modifications



as the approving authority considers proper, but an approval with modifications does not affect lands that are not part of the application.

#### **Consideration of comments**

(3) Before an approving authority approves a proposed expropriation under subsection (2), the authority shall consider any comments received under the process, if any, established under section 45.

#### **This section prevails**

(4) This section applies despite subsection 2 (4) of the *Expropriations Act*.

#### **Alternative process**

45 (1) The Minister may establish a process in writing for the receipt and consideration of comments from property owners about an application for an expropriation made under subsection 4 (1) of the *Expropriations Act* that is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

#### **Publication**

(2) The Minister shall publish the details of the process established under subsection (1) on a website maintained by the Ministry and in any other format the Minister considers advisable.

### **PART VII UTILITY COMPANY CO-OPERATION**

#### **Notice to utility company**

46 (1) The Minister may by notice require a utility company to take up, remove or change the location of utility infrastructure if, in the opinion of the Minister, the taking up, removing or changing in location is necessary for the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

#### **Requirements for notice**

(2) The notice issued under subsection (1) shall be in writing and include the following information:

1. A description of the work to be carried out.
2. The date by which the work must be completed.
3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice.
4. Contact information for further information about the notice.

#### **Submissions**

(3) The utility company to which the notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice, including submissions in respect of any technical or other difficulties with meeting the date for completion of the work in the notice.

#### **Minister's decision**

(4) After considering any submissions provided under subsection (3), the Minister may, in writing,

- (a) confirm the notice;
- (b) issue an amended notice; or
- (c) revoke the notice.

#### **Date in amended notice**

(5) If an amended notice is issued under subsection (4), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

#### **Minister may take up, remove or change the location**

47 (1) Where a notice is issued under section 46 (1) or amended under subsection 46 (4), the Minister may cause any work required by the notice to be done if the utility company required by the notice fails to do the work.

#### **Notice of intent to cause work to be done**

(2) The Minister shall provide notice, in advance of any work to be done pursuant to subsection (1), to the utility company to whom the notice was issued and anyone occupying the property.

#### **Contents**

(3) A notice under subsection (2) shall be in writing and include the date and approximate time of the work.

### **Compensation by Minister**

**48** If the utility company completes the work required by the notice issued under subsection 46 (1), the Minister shall compensate the utility company for the work, unless otherwise agreed.

### **Compensation by company**

**49** (1) If the Minister completes work pursuant to subsection 47 (1), the utility company shall compensate the Minister for the value of any loss or expense incurred by the Minister resulting from the failure of the utility company to comply with the notice.

### **Includes cost of work**

(2) For greater certainty, subsection (1) includes the cost of doing the work required by the notice.

### **No expropriation, etc.**

**50** Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

## **PART VIII ADMINISTRATION**

### **DELEGATION**

#### **Delegation**

**51** (1) The Lieutenant Governor in Council may, by order, delegate any of the powers and duties conferred or imposed on the Minister under Parts V and VII of this Act, in whole or in part, to any of the following entities, subject to any limitations, conditions and restrictions set out in the order:

1. York Region.
2. Durham Region.
3. A municipality prescribed for the purposes of subsection 7 (1).
4. The Agency.

#### **Compensation**

(2) If an obligation to pay compensation under this Act is delegated to an entity described in subsection (1), the delegate is responsible for the payment of all of the compensation, unless the Minister and the delegate agree otherwise.

### **DESIGNATIONS**

#### **Designating project land**

**52** The Lieutenant Governor in Council may, by order,

- (a) designate any area of land or water as project land for the development, construction, and operation of the York Region sewage works project or the Lake Simcoe phosphorus reduction project; and
- (b) amend or revoke a designation made under clause (a) at any time.

#### **Notice**

**53** (1) When land has been designated as project land, or the designation of land has been amended or revoked, the Minister shall make reasonable efforts to provide notice to,

- (a) all owners or occupiers of land, any part of which is on or within 30 metres of project land;
- (b) every utility company having utility infrastructure any part of which is located on, under or within 10 metres of project land; and
- (c) each municipality, local board, municipal planning authority and planning board having jurisdiction in the area which is the subject of the project land.

#### **Registration**

(2) The Minister shall either,

- (a) register or cause to be amended or removed from the registry, as appropriate, a notice of designation in the proper land registry office on the title of each property any part of which is project land or any part of which is located within 30 metres of project land; or
- (b) carry out a prescribed public notice process with respect to the property described in clause (a).

**No expropriation, etc.**

54 The designation of land or water under section 52 does not constitute an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

**PART IX  
COMPLIANCE AND ENFORCEMENT**

**Inspection**

55 (1) An enforcement officer may conduct an inspection of a place for the purpose of determining any person's compliance with this Act or the regulations if the enforcement officer reasonably believes that,

- (a) the place contains documents or data relating to the person's compliance; or
- (b) an activity relating to the person's compliance is occurring or has occurred at the place.

**Designation of enforcement officers**

(2) The Minister may designate one or more of the following as enforcement officers to exercise the powers under subsection (1):

- 1. Public servants employed under Part III of the *Public Service of Ontario Act, 2006* who work in the Ministry or the members of classes of such public servants.
- 2. Any other persons or the members of any other classes of persons.

**Restriction**

(3) When making the designation, the Minister may limit the authority of an enforcement officer in the manner that the Minister considers necessary or advisable.

**Powers of entry**

56 (1) The powers of entry provided under this section apply to a person undertaking the following:

- 1. Work undertaken under section 21 or 22.
- 2. An inspection undertaken under section 27.
- 3. Work undertaken under section 28 or 47.
- 4. A preview inspection under section 34.
- 5. An inspection undertaken pursuant to section 55.

**Entry without warrant**

(2) A person who has the authority to engage in an activity referred to in subsection (1) may enter a place without a warrant if the entry is made in respect of that activity.

**Restriction**

(3) Subsection (2) authorizes a person to enter a place only if it is owned or occupied by a person who owns or occupies land any part of which is located within project land or any part of which is located within 30 metres of project land.

**Dwellings**

(4) A person shall not exercise a power conferred by this section to enter, without the occupier's consent, a room that is actually used as a dwelling, except under the authority of an order issued under section 57.

**Time of day**

(5) Subject to subsection (6), entry to a place and any related work or inspection referred to in subsection (1) may be carried out at any reasonable time.

**Dwellings**

- (6) Entry to a place and any related work or inspection on property that contains a dwelling shall take place,
- (a) at any time during daylight hours after having given the occupier at least two days notice; or
  - (b) at any other time with the occupier's consent.

**Powers**

(7) A person may do any one or more of the following in the course of entering a place and conducting work or an inspection related to the purpose of the entry,

- (a) undertake work;

- (b) make reasonable inquiries of any person, orally or in writing;
- (c) take samples for analysis;
- (d) conduct tests or take measurements;
- (e) make a record of anything by any method;
- (f) examine, record or copy any document or data, in any form, by any method;
- (g) require the production of any document or data, in any form, required to be kept under this Act and any form of other document or data related to the purpose of the entry; and
- (h) remove from the place, for the purpose of making copies, documents or data produced under clause (g).

#### **Limitation**

(8) A record made under clause (7) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

#### **Records in electronic form**

(9) If a record is retained in electronic form, a person exercising a power of inspection may require that a copy of it be provided to them on paper or electronically, or both.

#### **Limitation re removal of documents**

(10) A person shall not remove documents or data under clause (7) (h) without giving a receipt for them and shall promptly return them to the person who produced them.

#### **Power to exclude persons**

(11) A person exercising a power of inspection who exercises the power set out in clause (7) (b) may exclude any person from the questioning, except counsel for the individual being questioned.

#### **Order for entry, work or inspection**

**57** (1) A justice of the peace may issue an order authorizing a person to do anything referred to in subsection 56 (1) or (7) if the justice is satisfied, on evidence under oath by the person that will be engaging in the activity, that there are reasonable grounds to believe that,

- (a) it is appropriate for the person to do anything set out in subsection 56 (1) or (7) for the purpose of determining a person's compliance with this Act or the regulations; and
- (b) the person may not be able to carry out his or her duties effectively without an order under this section because,
  - (i) no occupier is present to grant access to a place that is locked or otherwise inaccessible,
  - (ii) another person has prevented or may prevent the person from doing anything referred to in subsection 56 (1) or (7),
  - (iii) it is impractical, because of the remoteness of the property to be entered or because of any other reason, for a person to obtain an order under this subsection without delay if access is denied,
  - (iv) an attempt by a person to do anything referred to in subsection 56 (1) or (7) without the order might not achieve its purpose without the order, or
  - (v) it is more reasonable to carry out anything referred to in subsection 56 (1) or (7) at times other than those referred to in subsection 56 (6).

#### **Same**

(2) Subsections 56 (7) to (11) apply to an activity engaged in pursuant to an order issued under this section.

#### **Expiry**

(3) Unless renewed, an order under this section expires on the earlier of the day specified for the purpose in the order and the day that is 30 days after the date on which the order is made.

#### **Renewal**

(4) An order under this section may be renewed in the circumstances in which an order may be made under subsection (1), before or after expiry, for one or more periods, each of which is not more than 30 days.

#### **When to be executed**

(5) Unless the order provides otherwise, everything that an order under this section authorizes must be done between 6 a.m. and 9 p.m.

**Application without notice**

(6) An order under this section may be issued or renewed on application without notice.

**Application for dwelling**

(7) An application for an order under this section authorizing entry to a dwelling shall specifically indicate that the application relates to a dwelling.

**Other terms and conditions**

(8) An order may contain terms and conditions that the justice considers advisable in the circumstances.

**Identification**

**58** On request, a person who exercises a power of entry under this Act shall identify themselves as a person so authorized, either by the production of a copy of the authorizing document or in some other manner, and shall explain the purpose of the exercise of the power.

**Restoration**

**59** (1) If a place is entered under section 34 or 55 for the purposes of an inspection, the person entering the place, in so far as is practicable, shall restore the property to the condition it was in before the entry.

**Exception**

(2) Subsection (1) does not apply if the thing requiring restoration was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

**Detention of copies, samples**

**60** A person who exercises a power under section 56 or 57 may detain copies or samples obtained under those sections for any period and for any purpose relating to enforcing this Act and the regulations.

**Calling for assistance of member of police force**

**61** A person who enters a place to exercise a power of inspection and who is authorized by an order under section 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required, and it is the duty of every member of a police force to render the assistance.

**Confidentiality of information**

**62** (1) In this section,

“law enforcement proceeding” means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed; (“procédure d’exécution de la loi”)

“peace officer” means a person or a member of a class of persons set out in the definition of “peace officer” in section 2 of the *Criminal Code* (Canada). (“agent de la paix”)

**Secrecy and permissible disclosure**

(2) A person entering a place pursuant to section 56 or 57 shall preserve secrecy with respect to any information obtained in respect of all matters that come to their knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,

- (a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act and the regulations;
- (b) to the Minister, the Ministry or an employee or agent of the Ministry;
- (c) to a delegate or an employee or agent of the delegate;
- (d) to a peace officer, as required under a warrant, to aid an inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (e) with the consent of the person to whom the information relates;
- (f) to the counsel of the person to whom the information relates;
- (g) to the extent that the information is required or permitted to be made available to the public under this Act or any other Act; or
- (h) under further circumstances that are prescribed.

**Testimony in civil suit**

(3) Except in a proceeding under this Act or the regulations, no person entering a place pursuant to section 56 or 57 shall be required to give testimony with regard to information obtained by them in the course of any survey, examination, test or inquiry under this Act or the regulations.

**Successors and assigns**

**63** (1) A notice under section 20 or 46 and an order under section 38 is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.

**Limitation**

(2) If, pursuant to subsection (1), an order is binding on an executor, administrator, administrator with the will annexed, guardian of property or attorney for property, their obligation to incur costs to comply with the order is limited to the value of the assets they hold or administer, less their reasonable costs of holding or administering the assets.

**Receivers and trustees**

(3) A notice under section 20 or 46 and an order under section 38 that relates to property is binding on a receiver or trustee that holds or administers the property.

**Limitation**

(4) If, pursuant to subsection (3), an order is binding on a trustee, other than a trustee in bankruptcy, the trustee's obligation to incur costs to comply with the order is limited to the value of the assets held or administered by the trustee, less the trustee's reasonable costs of holding or administering the assets.

**Exception**

(5) Subsection (3) does not apply to an order that relates to property held or administered by a receiver or trustee in bankruptcy if,

- (a) within 10 days after taking or being appointed to take possession or control of the property, or within 10 days after the issuance of the order, the receiver or trustee in bankruptcy notifies the Minister that they have abandoned, disposed of or otherwise released their interest in the property; or
- (b) the order was stayed under Part I of the *Bankruptcy and Insolvency Act* (Canada) and the receiver or trustee in bankruptcy notified the person who made the order, before the stay expired, that they abandoned, disposed of or otherwise released their interest in the property.

**Extension of period**

(6) The Minister may extend the 10-day period for giving notice under clause (5) (a), before or after it expires, on such terms and conditions as the Minister considers appropriate.

**Notice under subs. (5)**

(7) Notice under clause (5) (a) or (b) must be given in the prescribed manner.

**PART X  
OFFENCES**

**Obstruction, etc.**

**64** (1) No person shall hinder or obstruct any one or more of the following persons or entities in the performance of their duties under this Act or the regulations,

- (a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or
- (b) a delegate or an officer, employee or agent of a delegate.

**False information**

(2) No person shall give or submit false or misleading information, orally, in writing or electronically, in any statement, document or data in respect of any matter related to this Act or the regulations to,

- (a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or
- (b) a delegate or an officer, employee or agent of a delegate.

**Same**

(3) No person shall include false or misleading information in any document or data required to be created, stored or submitted under this Act.

**Refusal to provide information**

- (4) No person shall refuse to provide information required for the purpose of this Act or the regulations to,
- (a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or
  - (b) a delegate or an officer, employee or agent of a delegate.

**Offences**

**65** (1) Every person who contravenes or fails to comply with section 64 is guilty of an offence.

**Offence re orders**

(2) Every person who contravenes or fails to comply with a stop-work order is guilty of an offence.

**Limitation**

(3) No proceeding under this section shall be commenced more than two years after the day on which evidence of the offence first came to the attention of a provincial offences officer within the meaning of the *Provincial Offences Act*.

**Penalties**

**66** A person who is guilty of an offence under section 65 is liable on conviction,

- (a) in the case of an individual,
  - (i) for a first offence, to a fine of not more than \$50,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences, or
  - (ii) for a second or subsequent conviction for that offence, to a fine of not more than \$100,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences; or
- (b) in the case of a corporation,
  - (i) for a first offence, to a fine of not more than \$500,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences, or
  - (ii) for a second or subsequent conviction for that offence, to a fine of not more than \$1,000,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences.

**PART XI  
MISCELLANEOUS**

***Capital Investment Plan Act, 1993***

**67** Section 51 of the *Capital Investment Plan Act, 1993* does not apply to work undertaken under this Act by or on behalf of the Minister.

**Providing a document**

**68** (1) Any notice, order or other document that is required to be provided to a person under this Act is sufficiently provided if it is,

- (a) delivered directly to the person;
- (b) left at the person's last known address, in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older;
- (c) sent by regular mail to the person's last known address;
- (d) sent by commercial courier to the person's last known address;
- (e) sent by email to the person's last known email address; or
- (f) given by other means specified by the regulations.

**Deemed receipt**

(2) Subject to subsection (3),

- (a) a document left under clause (1) (b) is deemed to have been received on the first business day after the day it was left;
- (b) a document sent under clause (1) (c) is deemed to have been received on the fifth business day after the day it was mailed;
- (c) a document sent under clause (1) (d) is deemed to have been received on the second business day after the day the commercial courier received it;

- (d) a document sent under clause (1) (e) is deemed to have been received on the first business day after the day it was sent; and
- (e) a document given under clause (1) (f) is deemed to have been received on the day specified by the regulations.

**Failure to receive document**

(3) Subsection (2) does not apply if the person establishes that he or she, acting in good faith, did not receive the document or received it on a later date because of a reason beyond the person's control, including absence, accident, disability or illness.

**Non-application of the *Statutory Powers Procedure Act***

**69** The *Statutory Powers Procedure Act* does not apply to,

- (a) any decision made,
  - (i) in respect of permits, notices or stop-work orders under Part V,
  - (ii) under a process for receiving and considering comments about a proposed expropriation under section 45,
  - (iii) in respect of a notice under Part VII, or
  - (iv) in respect of compensation under this Act; or
- (b) establishing a process for receiving and considering comments about a proposed expropriation under section 45.

**Regulations, contracts and agreements**

**70** (1) The Lieutenant Governor in Council may, in order to facilitate the development, construction and operation of a sewage works under this Act, make regulations that prescribe any contract or agreement that relates to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

**What regulation may contain**

- (2) A regulation made under subsection (1) may,
  - (a) terminate the prescribed contract on a date provided for in the regulation;
  - (b) suspend all or part of the prescribed contract on the dates provided for in the regulation; and
  - (c) amend all or part of the prescribed contract as specified in the regulation.

**Deemed termination, suspension, amendment**

(3) A contract or agreement or part of a contract or agreement prescribed under subsection (1) is deemed to have been terminated on a date or dates provided for in the regulations, or, if the regulations so provide, is deemed to have been amended or suspended, as the case may be, as provided for in the regulations.

**No compensation**

(4) Unless provided for in the regulations, no compensation shall be paid to any person in connection with a termination, amendment or suspension under this section.

**No cause of action, Crown, etc.**

**71** (1) No cause of action arises against the Crown, the Agency, any current or former member of the Executive Council or any current or former employee, officer or agent of or advisor to the Crown or the Agency as a direct or indirect result of,

- (a) the enactment, amendment or repeal of this Act;
- (b) anything done under Part III;
- (c) the making, amendment or revocation of a regulation under this Act;
- (d) the issuance, amendment or revocation of a permit or notice under Part V;
- (e) the issuance, amendment or revocation of a stop-work order under section 38;
- (f) the making, amendment or revocation of an order designating project land under section 52;
- (g) the enactment or repeal of the *York Region Wastewater Act, 2021*;
- (h) anything done or not done under the authority of or in reliance on the *York Region Wastewater Act, 2021*, whether before or after section 4 of that Act came into force; or
- (i) any representation or other conduct that is related, directly or indirectly, to the application for the Upper York Sewage Solutions Undertaking, whether made or occurring before or after section 4 of the *York Region Wastewater Act, 2021* came into force.



**Proceedings barred**

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

**Application**

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

**Retrospective effect**

(4) Subsections (2) and (3) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day this subsection came into force.

**Proceedings set aside**

(5) Any proceeding referred to in subsection (2) or (3) commenced before the day this subsection came into force shall be deemed to have been dismissed, without costs, on the day this subsection came into force.

**No cause of action, certain delegates**

72 (1) No cause of action arises against an entity to whom the Lieutenant Governor in Council delegates a duty or power, in whole or in part, pursuant to paragraphs 1, 2, and 3 of subsection 51 (1), or any current or former employee, director, officer, member of council or agent as a direct or indirect result of anything referred to in clause 71 (1) (d) or (e).

**Proceedings barred**

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

**Application**

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

**Delegate not a Crown agent**

73 A delegate described in paragraph 1, 2 or 3 of subsection 51 (1) is not a Crown agent for any purpose.

**Crown not liable for delegate's acts**

74 No action or other proceeding shall be instituted against the Crown or any current or former Member of the Executive Council or employee, officer, agent or advisor of the Crown for any act of a delegate or an employee, director, officer, member of council, agent or advisor of a delegate in the execution or intended execution of a power or duty delegated under this Act or for an alleged neglect or default in the execution or intended execution of a power or duty delegated under this Act.

**Protection from personal liability**

75 (1) No action or other proceeding may be instituted against the following persons for any act done in good faith in the execution or intended execution of any duty or power under this Act or for any alleged neglect or default in the execution in good faith of such a duty or power:

1. Any current or former Member of the Executive Council or employee, officer, agent of or advisor to the Crown.
2. Any current or former employee, director, officer, member of council, agent or advisor of a delegate.

**Crown not relieved of liability**

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in paragraph 1 of subsection (1) to which it would otherwise be subject.

**Delegates**

(3) Subsection (1) does not relieve a delegate of any liability to which it would otherwise be subject to in respect of an act or omission of a person mentioned in paragraph 2 of subsection (1).

**Aboriginal or treaty rights**

76 Section 71 does not apply to a cause of action that arises from any aboriginal or treaty right.

### **No compensation or damages**

77 Except as otherwise provided under sections 24, 31, 35 and 48, no person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of this Act or for anything done or any actions taken under this Act.

### ***Environmental Bill of Rights, 1993***

78 Part II of the *Environmental Bill of Rights, 1993* does not apply to the issuance, amendment or revocation of an instrument related to or necessary for the construction of the York Region sewage works project and the Lake Simcoe phosphorus reduction project, despite it having been classified under a regulation made under that Act.

### ***Ontario Water Resources Act, s. 57***

79 Section 57 of the *Ontario Water Resources Act* does not apply in respect of the York Region sewage works project and the Lake Simcoe phosphorus reduction project.

### **Conflict with other legislation**

80 In the event of a conflict between any provision of this Act or the regulations and any other Act or regulation in respect of the development, construction or operation of the projects required by Part III of this Act, the provision of this Act or the regulations shall prevail, despite anything in the other Act or regulation.

### **Regulation making powers re projects**

81 (1) The Lieutenant Governor in Council may make regulations governing the development, construction and operation of,

- (a) the York Region sewage works project; and
- (b) the Lake Simcoe phosphorus reduction project.

### **Matters that may be included**

(2) Without limiting the generality of subsection (1), a regulation made under that subsection may include,

- (a) requirements that a municipality and the Agency meet prescribed dates for completing all or part of the development, construction and operation of a project;
- (b) requirements that a municipality and the Agency report to the Ministry on anything related to a project;
- (c) requirements that a municipality and the Agency do anything the municipality has the power to do under this or any other Act for the purposes of developing, constructing and operating a project;
- (d) requirements that the project incorporate any prescribed thing or meet any prescribed criteria;
- (e) requirements that all or part of the project be within a specified area;
- (f) prohibitions preventing a municipality and the Agency from doing anything in respect of the project;
- (g) designations of which parts of the development, construction and operation of a project each municipality is responsible for;
- (h) designations of the share of the costs of developing, constructing and operating a project each municipality is responsible for;
- (i) requirements respecting the payment of costs to the Agency or to any other person or body specified by the regulations, including prescribing the amounts or the method of calculating the amounts to be paid, and governing the procedure for the payment;
- (j) the prescribing of any matter that the Lieutenant Governor in Council considers necessary or advisable to ensure that the Agency can effectively carry out its powers and duties under section 11;
- (k) the governance of the winding up of the Agency's role in a project and the transfer of any assets, liabilities, rights and obligations to a municipality.

### **Regulations, general**

82 The Lieutenant Governor in Council may make regulations,

- (a) respecting anything that under this Act may or must be prescribed, done or provided for by regulation or in accordance with the regulations and for which a specific power is not otherwise provided;
- (b) defining or clarifying the meaning of any words or expressions used in this Act that are not defined in this Act;
- (c) clarifying or modifying the definition of any defined term whose definition is expressed as being subject to the regulations;
- (d) exempting any person or entity from a provision of this Act or the regulations and setting conditions for the exemption;
- (e) respecting and clarifying the application of this Act with respect to a delegate;

- (f) respecting the process of applying for and issuing permits, notices and orders;
- (g) respecting the inclusion of terms and conditions in permits and notices;
- (h) respecting the process for and payment of compensation under this Act, including,
  - (i) rules to be applied in determining the amount of compensation payable,
  - (ii) criteria that must be met or circumstances that must apply in order for compensation to be paid, and
  - (iii) the circumstances in which the Minister is required to make adjustments to the amount of compensation that would otherwise be required to be paid, which may include requiring the Minister to decrease the amount or prohibiting the Minister from paying any amount;
- (i) prescribing documents or data required to be created, stored and submitted by any person and the methods of creating, storing and submitting the documents and data;
- (j) prescribing the location at which documents or data must be created or stored;
- (k) providing for the inspection and examination of documents and data;
- (l) providing for the preparation and signing of documents by electronic means, the filing of documents by direct electronic transmission and the printing of documents filed by direct electronic transmission;
- (m) providing for forms and their use;
- (n) providing for the method of providing any document required to be provided given or served under this Act;
- (o) respecting transitional matters arising from the enactment of this Act;
- (p) providing for any other matters to carry out this Act.

#### **Retroactivity**

**83** A regulation made under this Act is, if it so provides, effective with reference to a period before it is filed.

#### **Adoption by reference**

**84** (1) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any document, including a code, formula, standard, protocol or procedure, and may require compliance with any document so adopted.

#### **Rolling incorporation by reference**

(2) The power to adopt by reference and require compliance with a document includes the power to adopt a document as it may be amended from time to time.

#### **When adopted**

(3) The adoption of an amendment to a document that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in The Ontario Gazette or in the registry under the *Environmental Bill of Rights, 1993*.

## **PART XII AMENDMENTS TO THIS ACT**

#### **Amendments to this Act**

**85** (1) Subsection 44 (1) of this Act is amended by striking out “7 and 8” in the portion before clause (a) and substituting “7, 8 and 8.1”.

(2) Section 61 of this Act is repealed and the following substituted:

#### **Calling for assistance of member of police service**

**61** A person who enters a place to exercise a power of inspection and who is authorized by an order under 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the police service in the area where the assistance is required, and it is the duty of every member of a police service to render such assistance.

## **PART XIII REPEAL**

#### **Repeal**

**86** The *York Region Wastewater Act, 2021* is repealed.

**PART XIV  
COMMENCEMENT AND SHORT TITLE**

**Commencement**

**87 (1)** Except as otherwise provided in this section, the Act set out in this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

**(2)** Sections 7 to 10, subsection 11 (5) and section 14 come into force on a day to be named by proclamation of the Lieutenant Governor.

**(3)** Subsection 85 (1) comes into force on the later of the day subsection 44 (1) of this Act comes into force and the day section 2 of Schedule 5 to the *Accelerating Access to Justice Act, 2021* comes into force.

**(4)** Subsection 85 (2) comes into force on the later of the day section 61 of this Act comes into force and the day section 42 of Schedule 4 to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

**Short title**

**88** The short title of the Act set out in this Schedule is the *Supporting Growth and Housing in York and Durham Regions Act, 2022*.

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<b>Bill 23 - Schedule 9, Planning Act</b>					
<b>November 28, 2022</b>	<p><b>Site Plan Control Exemption Up to 10 Residential Units</b></p> <ul style="list-style-type: none"> <li>- Residential development of up to 10 units will be exempt from Site Plan Control.</li> </ul>	<ul style="list-style-type: none"> <li>- Efficient approvals, as applicants will be able to apply for a building permit without Site Plan Control. A more detailed review of building permits will be required, such as related to zoning.</li> <li>- The County may not be able to review for important issues such as stormwater management and impacts to the environment.</li> <li>- Stormwater management may need to be addressed on a broader scale to prevent localized flooding.</li> <li>- Zoning provisions may need to be updated should there be important matters that would typically dealt with through Site Plan Control that could be covered through zoning.</li> <li>- The County may want to consider updating the Natural Heritage Zone, as a stop-gap measure, prior to finalization of a New Official Plan and considering the reduced role of Conservation Authorities (CAs). Currently, only wetlands and flooding and erosion hazards regulated by CAs are zoned Natural Heritage. If natural areas such as significant woodlands, areas of natural and scientific interest, and buffers are not within a floodplain or erosion hazard, they are typically not zoned Natural Heritage. Many municipalities have an overlay whereby an Environmental Impact Study may be required prior to considering development.</li> </ul>	<ul style="list-style-type: none"> <li>- Review County of Brant Site Plan Control By-Law 157-03 to determine whether updates are required.</li> <li>- Work with the Building Division to ensure detailed review of developments consisting of 10 units or less.</li> <li>- Work with the Development Engineering Division to ensure detailed review of lot grading and drainage and stormwater management for developments consisting of 10 units or less.</li> <li>- Review Zoning By-Law to determine provisions that could be added that were previously dealt with through Site Plan Control.</li> <li>- Review Natural Heritage Zone with respect to natural areas not included in the Zone such as woodlands, areas of natural and scientific interests and adjacent lands.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division – Review of Site Plan Control By-Law 157-03</li> <li>- Review of Zoning By-Law</li> </ul> <p>Coordinate with:</p> <ul style="list-style-type: none"> <li>-Development Planning Division</li> <li>- Building Division</li> <li>- Development Engineering Division</li> </ul>	<ul style="list-style-type: none"> <li>- Now and ongoing into 2023</li> </ul>
<b>November 28, 2022</b>	<p><b>Site Plan Control Exemption Exterior Elements</b></p> <ul style="list-style-type: none"> <li>- Municipalities may no longer comment on exterior design related to the character, scale, appearance, and design of a site. This is</li> </ul>	<ul style="list-style-type: none"> <li>- Will result in more efficient approvals.</li> <li>- The County will not be able to include architectural design elements in Urban Design Guidelines.</li> <li>- To maintain the character of heritage areas, the County would need to consider creating Heritage Conservation Districts or transitioning to a Community Planning Permit System (CPPS).</li> </ul>	<ul style="list-style-type: none"> <li>- Revise the draft new official plan to remove reference to Design Guidelines as a tool to assist in with Site Plans.</li> <li>- Review Site Plan Control By-Law 157-03 to determine whether updates are required.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Development Planning Division</li> <li>- Parks and Forestry Division</li> </ul>	<ul style="list-style-type: none"> <li>- Ongoing 2023</li> <li>- Some of these items such as HCDs and CPPS will be developed following approval</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	<p>primarily related to architectural design and landscaping.</p> <ul style="list-style-type: none"> <li>- Exterior design elements are required for building construction where required under a by-law created under Section 97.1 of the <i>Municipal Act</i> in accordance with provisions of the <i>Building Code Act</i>.</li> <li>- Exterior design may apply as related to exterior access to a building with affordable housing.</li> <li>- The appearance of the elements, facilities and works is not subject to Site Plan Control except where related to matters of health, safety, accessibility, sustainable design, or the protection of adjoining lands.</li> </ul>	<ul style="list-style-type: none"> <li>- Consideration should be given to developing green building standards, which would be permitted under this legislation, based on expertise at the County.</li> </ul>	<ul style="list-style-type: none"> <li>- Review internal applications, checklists, and forms utilized for Site Plan Control review to remove reference to align with revised wording on exterior design related to health, safety, accessibility, sustainable design, or the protection of adjoining lands.</li> <li>- Policies have been included within the County’s draft new official plan to consider creating Heritage Conservation Districts (HCDs) or transitioning to a Community Planning Permit System (CPPS).</li> <li>- Develop green building standards, which would be permitted under this legislation, based on expertise at the County. Determine next steps in the creation of this tool.</li> </ul>		<p>of a new Official Plan</p>
<p><b>November 28, 2022</b></p>	<p><b>Gentle Density (Additional Residential Units)</b></p> <ul style="list-style-type: none"> <li>- Within fully serviced areas (Paris, St. George), 3 dwelling units per lot are permitted as-of-right wherever residential uses are permitted as a principal use, regardless of provisions in</li> </ul>	<ul style="list-style-type: none"> <li>- Property owners may apply for a building permit for up to 3 units, without triggering a Zoning By-Law Amendment.</li> <li>- An increase in Minor Variances is anticipated relating to front yard setbacks, landscaped open space requirements, and parking to accommodate units.</li> <li>- Residential zoning provisions will need to be reviewed to analyze impacts, such as side yard access and parking provisions. New subdivision design does not lend itself to accommodate additional units, so they need to be</li> </ul>	<ul style="list-style-type: none"> <li>- Future Housekeeping Amendments to update the current Official Plan and Zoning By-Law to avoid confusion.</li> <li>- Revisions to County brochures relating to ARU implementation to reflect changes.</li> <li>- Comprehensive Review of County Parking Standards.</li> <li>- Public education on parking permissions.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Building Division</li> <li>- Communications Division</li> <li>- Development Planning Division</li> <li>- Finance Division</li> </ul>	<ul style="list-style-type: none"> <li>- Housekeeping Amendments – 2023 Date TBD.</li> <li>- Revised ARU brochures – Completed December 2023.</li> <li>- Comprehensive Review of County</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	<p>Official Plans or Zoning By-Laws.</p> <ul style="list-style-type: none"> <li>- Residential uses include detached houses, semi-detached houses or rowhouses.</li> <li>- 3 units may be permitted: <ul style="list-style-type: none"> <li>- As 3 units within a building.</li> <li>- 2 units within a building, and 1 unit in an accessory building.</li> </ul> </li> <li>- Only 1 parking space is required for a residential unit.</li> <li>- New units will be exempt from DCs, CBCs, and Parkland Dedication.</li> <li>- There is no appeal right in respect of policies adopted to implement these permissions.</li> </ul>	<p>considered from the design stage and solutions for in-progress development will need to be clear from the outset.</p> <ul style="list-style-type: none"> <li>- A Housekeeping Amendment to update the Zoning By-Law to avoid confusion, will be required.</li> <li>- As part of the review of parking standards, more units will need to be considered through better design.</li> <li>- Public education on parking permissions will be required.</li> <li>- There could be greater demand in rural areas with residents wanting similar permissions, but these provisions only apply to Paris and St. George.</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure DCs, CBCs, and parkland are consistent with new rules.</li> </ul>		<p>Parking Standards – Ongoing/2023.</p> <ul style="list-style-type: none"> <li>- Public Education on Parking Permissions – 2023 Date TBA.</li> </ul>
<p><b>November 28, 2022</b></p>	<p><b>Public Meetings for Plans of Subdivisions</b></p> <ul style="list-style-type: none"> <li>- Public meetings will no longer be required for Draft Plans of Subdivision.</li> </ul>	<ul style="list-style-type: none"> <li>- Most Plans of Subdivisions have a related zoning application. As such, public feedback to Council may be coordinated as part of the zoning review.</li> <li>- Public consultation will need to focus on written comments submitted to the County and coordination with the lead Planner on the file.</li> </ul>	<ul style="list-style-type: none"> <li>- Planner on the file to coordinate all comments received on applications for Plans of Subdivisions and Zoning By-Law Amendments.</li> <li>- Public education on when and how to participate in the <i>Planning Act</i> Process for Plans of Subdivision and Zoning By-Law Amendment applications.</li> </ul>	<ul style="list-style-type: none"> <li>- Development Planning Division</li> </ul>	<ul style="list-style-type: none"> <li>- Ongoing – Planner on the file will continue to coordinate all correspondence received on applications.</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<b>November 28, 2022</b> <b>TBD for regulations</b>	<b>Rental Replacement</b> - The Province will be able to create regulations related to the replacement of rental housing when it's proposed to be demolished or converted as part of a proposed development.	- Until any new regulations are developed, staff are unable to determine implications.	- Continue to monitor potential implications of these changes.	- Policy Planning Division	- Waiting on implementing regulation.
<b>November 28, 2022</b>	<b>Parkland Dedication</b> - Maximum parkland dedication conveyed and/or as cash-in-lieu has been capped. - Parks Plans must be completed prior to Parkland Dedication By-Laws, as opposed to part of the Official Plan Review process. - Municipalities must spend or allocate 60% of parkland reserve funds at the start of each year.	- Parkland changes are related to high density development, intended to cap parkland. It is not anticipated this will have an impact on parkland in the County at this time. - County will need to prepare a Parks Plan, prior to any new by-law. - Determine if there is a need for Community Benefit Charges By-law through a study to determine the need. - Establish the maximum alternative rate for parkland dedication. - Cap the alternative rate where land proposed for development or redevelopment is 5 hectares or less.	- Ensure New Official Plan policies are consistent with new parkland provisions and dedication by-law. - Prepare a County-wide Parks Master Plan. - Ensure by-law and practices are in line with changes. - Coordinate with Finance for cash in lieu of Parkland related to Parkland Dedication. - Ensure 60% of parkland reserve funds allocated in annual capital budget.	- Policy Planning Division - Development Planning Division - Parks and Recreation Division - Facilities and Special Projects Division - Finance Division	- Policy Planning following up with Community Services Dept. for amending of Parkland Dedication By-law and status of Parks Plan. - Finance Division in process of ensuring Planning Act financial changes in effect
<b>November 28, 2022</b>	<b>New Official Plans and updates to Comprehensive Zoning By-Laws</b> - Comprehensive Zoning By-Laws must be amended to conform to Official Plan policies within one year of coming into effect.	- <b>This has implications for the County's New Official Plan.</b> - <b>This has implications on the timing of updating the Comprehensive Zoning By-law</b> - Prior to this <i>Planning Act</i> change, after a New Official Plan was approved by the Province, there were no appeal rights for two years.	- <b>The County's New Official Plan will be open to appeals upon approval from the Minister</b> - Policy Planning Division to update the Comprehensive Zoning By-Law once a New Official Plan is approved within one year.	- Policy Planning Division. - Development Planning Division.	- Ongoing 2023 - Updates to the County of Brant Zoning By-Law are undertaken annually through Housekeeping's.



**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	<ul style="list-style-type: none"> <li>- Previously, once a new Official Plan, Secondary Plan or Zoning By-Law came into effect, applications could not propose to amend or request a Minor Variance to such documents unless agreed to by the municipality. These provisions are repealed.</li> </ul>	<ul style="list-style-type: none"> <li>- Once a New Official Plan is approved by the Province, either the County or applicants could submit an Official Plan Amendment or Appeal the New Official Plan.</li> <li>- Prior to this <i>Planning Act</i> change, after a New Official Plan or OPA/Conformity was approved by the Province, a municipality had three (3) years to update the Comprehensive Zoning By-law.</li> </ul>			<p>A Comprehensive Review of the County of Brant Zoning By-Law will be undertaken following approval of a new Official Plan.</p>
<b>TBD</b>	<p><b>Parkland Locations</b></p> <ul style="list-style-type: none"> <li>- Encumbered parkland as well as privately owned publicly accessible spaces will be eligible for parkland.</li> </ul>	<ul style="list-style-type: none"> <li>- The County will need to change any criteria relating to what an applicant may provide as parkland.</li> <li>- Applicants will have more say in how parkland is provided.</li> <li>- For larger Plans of Subdivision, the County may not be able to require parkland that is central to the community.</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure New Official Plan policies are consistent with any new parkland provisions.</li> <li>- Prepare a County-wide Parks Master Plan.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Parks and Recreation Division</li> <li>- Facilities and Special Projects Division</li> </ul>	<ul style="list-style-type: none"> <li>- Waiting for implementation date.</li> </ul>
<b>Bill 23, Schedule 2 - Conservation Authorities Act amendments</b>					
<b>January 1, 2023</b>	<p><b>Conservation Authorities Core Mandate</b></p> <ul style="list-style-type: none"> <li>- Clear limits are proposed on what Authorities are permitted to comment on as part of the <i>Planning Act</i> process, which will keep their focus on natural hazards and flooding.</li> </ul>	<ul style="list-style-type: none"> <li>- Major implications are not anticipated, as the County has taken the lead on natural heritage since creation of the Senior Environmental Planner position.</li> <li>- Conservation Authorities will only be able to comment on matters related to their core mandate on natural hazards.</li> <li>- They may no longer comment on matters related to pollution of land, conservation of land or natural heritage.</li> <li>- At this time, Grand River Conservation Authority, has advised that there will no changes with respect to services provided to the County.</li> <li>- Many other changes to <i>the Conservation Authorities Act</i> require implementing regulations and are the focus of the discussion paper entitled “Conserving Ontario’s Natural Heritage”, with a commenting deadline of December 30, 2022 and posted on the EBR as <a href="#">019-6161: Conserving Ontario's Natural Heritage</a>. Given that there could be</li> </ul>	<ul style="list-style-type: none"> <li>- Senior Environmental Planner to remain as lead on Natural Heritage matters.</li> <li>- If role of Conservation Authorities change, work with the Development Engineering Division to ensure detailed review of lot grading, drainage and stormwater management for pollution of land.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Development Planning Division</li> <li>- Development Engineering Division</li> </ul>	<ul style="list-style-type: none"> <li>- Waiting on implementing regulation and further direction from conservation authorities.</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
		changes based on consultation and an implementation date is unknown, details are not provided in this table. See Attachment 6 for details.			
<b>Bill 23 – Schedule 3, Development Charges Act Amendments</b>					
<b>TBD</b>	<b>Affordable &amp; Attainable Housing Exemptions</b> - Affordable housing, priced at no more than 80% of the average price/rent in the year the unit is rented or sold, will be exempt from development charges and parkland dedication fees - Sale of Attainable Housing as to be prescribed will be exempt from development charges and parkland dedication fees. - To remain affordable/attainable for 25 years	- It is unknown what the financial implications will be, as it will be based on uptake on creating affordable housing. The County may need to determine alternative funding such as through grants, and/or taxes. - An administrative process will be needed to review housing rental and sale prices for eligibility. - Where parkland is dedicated as part of the Plan of Subdivision process, staff will need to determine how this is applied. - An upper limit of 5% of the total number of units in a development that can be required to be affordable as part of inclusionary zoning - 25-year agreement between County and owner registered on title	- Ensure by-laws and practices are in keeping with new rules. - Update educational materials. - Continue to monitor potential implications of these changes with respect to ongoing and proposed affordable housing projects. - Monitor rents, sale, and resale of properties with affordable housing agreements to ensure rent and resale at 80% as determined by Provincial Bulletin for Affordable Residential Units - Staff report to determine funding for exemptions	- Policy Planning Division - Development Planning Division - Building Division - Finance Division - Legal Division	- Ongoing
<b>November 28, 2022</b>	<b>Discount for purpose built Rental Housing</b> - 3+ bedrooms, 25% reduction - 2 bedrooms, 20% reduction - Less than 2 bedrooms, 15% reduction	- Depended on uptake discount will need to be funded from other sources - No agreement required; concern units will stay as rental units	- Staff report to determine funding for exemptions	- Building Division - Finance Division	- Ongoing 2023

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<b>November 28, 2022</b>	<p><b>Phase-in of new DC rates</b></p> <ul style="list-style-type: none"> <li>- Five-year phase-in of DC rate increases, beginning with a 20% reduction in the first year, with the reduction decreasing by 5% each year until year five when the full new rate applies.</li> <li>- This is proposed to apply to all new DC By-Laws passed since Jan. 1, 2022</li> </ul>	<ul style="list-style-type: none"> <li>- The County’s Development Charge bylaw was passed in August 2019 and amended in December 2021. The County is <u>not currently</u> impacted by the five-year phase-in.</li> </ul>	<ul style="list-style-type: none"> <li>- Plan for phase-in in next DC update</li> </ul>	<ul style="list-style-type: none"> <li>- Finance Division</li> <li>- Building Division</li> </ul>	<ul style="list-style-type: none"> <li>- Ongoing now</li> </ul>
<b>November 28, 2022</b>	<p><b>DC By-law Expiry</b></p> <ul style="list-style-type: none"> <li>- DC By-Laws will expire every 10 years, instead of every 5 years.</li> <li>- By-Laws can still be updated any time.</li> </ul>	<ul style="list-style-type: none"> <li>- Bill 23 extends the expiry date of DC background studies and bylaws to 10 years. The County’s current bylaw now expires August 31<sup>st</sup>, 2029.</li> <li>- Consistent with the existing legislation, municipalities may still amend or update their DC By-laws on a more frequent basis, but updates on a shorter term will be impacted by the new mandatory phase-in for years one through four of the DC by-law term. Municipalities are therefore incentivized to pass 10-year DC By-laws to capture full rates applied to housing units in year five onwards of the DC By-law term.</li> </ul>	<ul style="list-style-type: none"> <li>- Review implications if an early update of the bylaw is being considered; phase-in costs vs rate increase to include updated list of capital projects &amp; costs.</li> </ul>	<ul style="list-style-type: none"> <li>- Finance Division</li> </ul>	<ul style="list-style-type: none"> <li>- Noted</li> </ul>
<b>November 28, 2022</b>	<p><b>Mandatory allocation of DC reserves</b></p> <p>Municipalities will be required to spend or allocate at least 60% of DC reserves for priority services (i.e., water, wastewater, and roads).</p>	<ul style="list-style-type: none"> <li>- DC funds are allocated to growth related projects included in the DC background study. As these are the first services required for development to proceed there is no concern with the County’s ability to allocate 60% of the reserve balances.</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure by-laws and practices are in line with approved changes.</li> <li>- Review County’s Servicing Allocation Strategy for Paris and St. George</li> </ul>	<ul style="list-style-type: none"> <li>- Finance Division</li> <li>- Operations Department</li> <li>- Development Services</li> </ul>	<ul style="list-style-type: none"> <li>- Noted</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<b>November 28, 2022</b>	<b>Service Changes</b> <ul style="list-style-type: none"> <li>- Exclude the cost of “certain” studies (including background studies) from recovery through DCs</li> <li>- Remove Housing as a service DCs can be collected</li> <li>- Level of Service calculation extended to 15 years from 10 years</li> </ul>	<ul style="list-style-type: none"> <li>- Bill 23 reduces certain types of eligible capital costs that a municipality can recover through DCs. Costs for housing services and the costs to complete the DC background study/other studies no longer qualify for recovery by municipalities through their DC by-laws.</li> <li>- There is also a change to the historical service level horizon used to calculate eligible capital costs from 10 years to 15 years (save for certain exceptions).</li> </ul>	<ul style="list-style-type: none"> <li>- Seek clarification of which “certain” studies are excluded</li> <li>- Review growth-related capital projects to determine studies included</li> <li>- Immediately discontinue collection of DC for Housing Service</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Finance Division</li> </ul>	<ul style="list-style-type: none"> <li>- Ongoing</li> </ul>
<b>TBD</b>	<ul style="list-style-type: none"> <li>- New regulation authority to set services for which land costs would not be an eligible capital cost recoverable through DCs.</li> </ul>	<ul style="list-style-type: none"> <li>- Awaiting further direction on how this will be implemented to determine impact to funding of growth-related capital projects.</li> </ul>	<ul style="list-style-type: none"> <li>- TBD</li> </ul>	<ul style="list-style-type: none"> <li>- TBD</li> </ul>	<ul style="list-style-type: none"> <li>- TBD</li> </ul>
<b>Bill 23, Schedule 7 - Ontario Land Tribunal Act amendments</b>					
<b>November 28, 2022</b>	<b>Ontario Lands Tribunal (OLT) - Third-Party Appeals</b> <ul style="list-style-type: none"> <li>- Only the applicant, municipality, specified public bodies (e.g., utility companies), and the Minister will be permitted to appeal Minor Variance and Consent decisions.</li> <li>- Existing third-party appeals with no hearing date will be dismissed.</li> </ul>	<ul style="list-style-type: none"> <li>- Public consultation for Consents and Minor Variances will be restricted to commenting to the County as part of the development application review process.</li> <li>- Expected to result in fewer OLT appeals.</li> <li>- Notices need to be updated regarding appeal rights.</li> </ul>	<ul style="list-style-type: none"> <li>- Revisions to <i>Planning Act</i> Applications and notices required to amend current wording relating to appeals.</li> <li>- Public Education on when third party appeals are permitted and for what application types.</li> </ul>	<ul style="list-style-type: none"> <li>- Development Planning Division</li> <li>- Legal Division</li> <li>- Policy Planning Division</li> </ul>	<ul style="list-style-type: none"> <li>- Revisions to <i>Planning Act</i> Applications and notices – Completed December 2023.</li> <li>- Public Education – Ongoing 2023.</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
<p><b>All OLT Act changes not yet in force - TBD</b></p>	<p><b>OLT - Awarding Costs</b></p> <ul style="list-style-type: none"> <li>- OLT will have increased permissions to award costs against a party that loses a hearing.</li> </ul>	<ul style="list-style-type: none"> <li>- The County could be liable for costs, where an appeal is lost at OLT.</li> <li>- To mitigate losses and as part of new <i>Planning Act</i> timelines under <i>Bill 109</i>, it will be important to avoid non-decisions on applications.</li> <li>- To mitigate losses, it will be important to ensure that decisions on <i>Planning Act</i> applications are reviewed and assessed on planning merits as per provincial and municipal legislation, policies, and plans.</li> <li>- Could result in less frivolous appeals.</li> <li>- An example of costs awarded in the past, relate to frivolous appeals on aggregate applications where there were no expert witnesses to defend opposition of proposed operation.</li> </ul>	<ul style="list-style-type: none"> <li>- Review internal development application review processes to ensure efficiency and tight timelines are met (beginning January 1<sup>st</sup>, 2023).</li> <li>- Education and training on how land use decisions are made relating to municipal and provincial policies.</li> <li>- Review public education materials on development review and land use planning.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Development Planning Division</li> <li>- Legal Division</li> <li>- Communications Division</li> <li>- Finance Division</li> </ul>	<ul style="list-style-type: none"> <li>- Waiting on implementing regulation.</li> <li>- Review internal development application review process – completed Fall 2023 – Implementation of revised processes will be ongoing into 2023.</li> </ul>
<p><b>All OLT Act changes not yet in force - TBD</b></p>	<p><b>OLT - Other</b></p> <ul style="list-style-type: none"> <li>- The Tribunal will be able to dismiss appeals for undue delay.</li> <li>- Regulations may be established to give priority to hearing times for specified matters.</li> </ul>	<ul style="list-style-type: none"> <li>- Could result in less frivolous appeals.</li> <li>- Appeals related to important matters such as housing, could be given priority and prompt hearing dates.</li> </ul>	<ul style="list-style-type: none"> <li>- Review legal process with regards to appeals that may be related to undue delay.</li> </ul>	<ul style="list-style-type: none"> <li>- Legal Division</li> </ul>	<ul style="list-style-type: none"> <li>- Waiting on implementing regulation.</li> <li>- Legal Division to remain lead on all OLT appeals.</li> </ul>
<p><b>Bill 23 – Schedule 6 - Ontario Heritage Act</b></p>					
<p><b>Not yet in force - TBD</b></p>	<ul style="list-style-type: none"> <li>- When <i>Planning Act</i> applications are received on property that has potential heritage values, municipalities will not be able to issue a notice to designate unless the</li> </ul>	<ul style="list-style-type: none"> <li>- If an application under the <i>Planning Act</i> is received, the County cannot issue a notice of intention to designate as a reaction to the application. This is because the County of Brant does not have any properties ‘listed’ as part of the municipal heritage register.</li> </ul>	<ul style="list-style-type: none"> <li>- Review of heritage conservation program through a municipal benchmarking and audit report to the municipal heritage committee</li> <li>- Undertaking an Arts, Culture and Heritage strategy that considers the relationship of heritage conservation with planning and</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Planning Division</li> <li>- Economic Development Division</li> </ul>	<ul style="list-style-type: none"> <li>- Waiting on implementing regulation.</li> <li>- Preliminary training and discussion in January 2023 with</li> </ul>

**Summary of Implementation Dates, Changes Approved, and County Implications**  
**Bill 23, More Homes Built Faster Act, 2022**

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	<p>property is listed on the municipal register.</p> <ul style="list-style-type: none"> <li>- Regulations may be established on criteria for HCD Plans, and a process is proposed that will allow amendments to such plans once approved.</li> </ul>	<ul style="list-style-type: none"> <li>- Listing a property now has similar requirements to designating a property, creating a redundancy in the process.</li> <li>- As a better use of limited resources, the County may want to focus on creating HCDs to protect heritage properties and provide guidance on heritage-related character rather than focusing on individual designations.</li> <li>- More information on this topic will be provided through the County of Brant Municipal Heritage Committee, once discussed with the committee after its inaugural meeting in January 2023.</li> </ul>	<p>development to help the County of Brant prioritize objectives and determine an appropriate implementation plan.</p> <ul style="list-style-type: none"> <li>- Policies have been included within the County's draft new official plan to consider creating Heritage Conservation Districts (HCDs) or transitioning to a Community Planning Permit System (CPPS).</li> <li>- Education will be provided to the municipal heritage committee on recent legislative changes.</li> </ul>		<p>the municipal Heritage Committee.</p>

November 29, 2022

Dear Clients:

Re: *More Homes Built Faster Act*

In our continued efforts to keep our clients up to date on the legislative amendments resulting from Bill 23 (*More Homes Built Faster Act*), we are writing to inform you that Bill 23 received Royal Assent on November 28, 2022. This letter highlights the changes that were introduced with the Second Reading of the Bill and identifies the amendments that are currently in effect for the *Development Charges Act* (D.C.A.), as well as section 37 (community benefits charges (C.B.C.s)) and section 42 (parkland dedication) of the *Planning Act*.

### ***Development Charges Act***

- Second Reading of the Bill introduced two substantive modifications to the proposed changes, including:
  - For the phase-in of the charges over the first four years of a development charges (D.C.) by-law, under First Reading the transition provisions only applied to existing D.C. by-laws passed on or after June 1, 2022. These rules now apply to a D.C. by-law passed on or after January 1, 2022.
  - The discount for rental housing developments is applicable to a D.C. payable under a section 27 agreement, for prescribed developments that were entered into before the *More Homes Built Faster Act* received Royal Assent. These discounts do not apply to payments made under the agreement prior to this date.
- All sections of Schedule 3 of the *More Homes Built Faster Act* are in effect as of November 28, 2022 (date of Royal Assent) with the exception of:
  - Subsection 4.1 of the D.C.A., which provides exemptions for affordable and attainable residential units;
  - Rules under front-ending agreements with respect to affordable and attainable residential units; and
  - Regulation powers related to defining attainable housing and criteria for arm's length transactions.

These exceptions will come into effect on the date of proclamation. As of the date of this letter, proclamation has not been given.

### **Section 37 of the *Planning Act* – Community Benefits Charges**

- Second Reading of the Bill introduced an additional change to the proposed C.B.C. amendments under section 37 of the *Planning Act*. The change allows a municipality to enter into an agreement with a landowner for the provision of in-



kind contributions. It also allows for this agreement to be registered on title of the land to which the charge applies.

- Section 10 of Schedule 9 of the *More Homes Built Faster Act* is in effect as of November 28, 2022 (date of Royal Assent) with the exception of:
  - Subsection 37 (32.1) of the *Planning Act*, which provides reductions in the maximum charge for developments containing affordable and attainable residential units.

This subsection of the *Planning Act* will come into effect on the date of proclamation. As of the date of this letter, proclamation has not been given.

### **Section 42 of the *Planning Act* – Parkland Dedication**

- No additional changes or modifications were made since First Reading of the Bill with respect to the parkland dedication amendments under section 42 of the *Planning Act*.
- Section 12 of Schedule 9 of the *More Homes Built Faster Act* is in effect as of November 28, 2022 (date of Royal Assent) with the exception of:
  - Subsections 42 (1.1) and 42 (3.0.3) of the *Planning Act*, which provide reductions in the standard and alternative parkland dedication requirements for affordable and attainable residential unit developments; and
  - Subsections 42 (4.30) through 42 (4.39) of the *Planning Act* which allow a landowner to identify the land for parkland conveyance under the by-law.

These subsections of the *Planning Act* will come into effect on the date of proclamation. As of the date of this letter, proclamation has not been given.

We would be pleased to discuss the changes resulting from the *More Homes Built Faster Act* with you in further detail at your convenience.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

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# County of Brant Feedback on: Review of A Place to Grow and Provincial Policy Statement

ERO Posting #019-6177; Comment period open until December 30, 2022

## Discussion Questions

### General Comments

Given the implications to municipalities, it is recommended that the Province commit to an enhanced municipal consultation process, such as by establishing in-person technical working groups with rural and urban municipalities, Indigenous communities, and other applicable stakeholders.

At a high-level, the County of Brant supports the integration of the A Place to Grow and the Provincial Policy Statement (PPS) into one province-wide policy document, which is intended to simplify the land use planning process by eliminating duplicate policies that are often similar but conflicting and confusing to interpret.

Creating one set of policies that provides clear direction on where development may or may not be permitted to create complete communities that protects the environment, cultural heritage and public health would streamline the development approvals to create more housing.

### Question 1

**What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use planning policy instrument?**


Proposed Core Elements	County Response
<b>TIMELY IMPLEMENTATION OF THIS POLICY PROPOSAL</b>	<b>While we appreciate the Province giving the opportunity for municipalities to provide feedback on this policy proposal, this specific proposal merging the PPS and A Place to Grow is imperative to our New Official Plan. We request that the Province make a decision and provide an updated integrated Provincial Policy document as soon as possible.</b>

<p><b>Settlement Area Boundary Expansions</b></p>	<p>As a rural community that relies heavily on the agricultural land base for food production and the agri-food network, the County of Brant would support strict limits on the expansion of settlement area boundaries where increasing density within existing boundaries and incentivizing would address a large portion of the need for housing and mixed use developments and set growing municipalities up for efficient land use, transportation and resource protection over the long-term.</p> <p>Streamlined and simplified policy direction that enables municipalities to expand their settlement area boundaries in a coordinated manner with infrastructure planning, in response to changing circumstances, local contexts and market demand to maintain and unlock a sufficient supply of land for housing and future growth.</p>
<p><b>Growth Forecasting Schedules Schedule 3, A Place to Grow</b></p>	<p>Schedule 3 of the Growth Plan establishes minimum long-term population and employment forecasts for upper-tier and single-tier municipalities in the G.G.H. to the year 2051.</p> <p>The Ministry of Finance (M.O.F.) also establishes long-term population forecasts for all Ontario Census Divisions (C.D.s), which typically represent upper-tier municipalities, separated municipalities, and single-tier municipalities. The M.O.F. forecasts are not recognized as official forecasts for planning purposes in Ontario; however, they are updated annually and can be used to inform population forecasts in Official Plans. Under a consolidated Growth Plan and P.P.S., consideration would need to be given to the role and source of growth forecasts established by the Province for all Ontario municipalities.</p> <p><b>Schedule 3 Growth Plan: Will this Schedule be kept for those GGH municipalities NOT on the Housing Target List?</b></p> <p>Alternatively, will you be asking Outer Ring Municipalities in the GGH to provide Residential Housing numbers? This information was in our draft MCR.</p> <p>What about Employment Land Forecasts and job Forecasts?</p>
<p><b>Land Needs Assessment Methodology for the Greater Golden Horseshoe, 2020 Section 2.2.1.5 A Place to Grow</b></p>	<p>The Growth Plan requires that upper- and single-tier municipalities in the Greater Golden Horseshoe use this methodology to assess the quantity of land required to accommodate forecasted growth. This document requires to</p>

	<p>be referenced as our draft Municipal Comprehensive Review has been calculated on this methodology.</p> <p>Ensuring key growth management and Land Needs Assessment tools are available to properly plan for growth. The County of Brant has a revised Schedule 3 Forecasts to 2051 in which our draft New Official Plan has been calculated using the Provinces’ Land Needs Assessment methodology, 2020.</p> <p>All other Ontario municipalities rely on the 1995 Provincial Projection Methodology Guidelines (P.P.M.G.) for guidance regarding the technical approach to growth forecasts and urban land need assessments. These are out of date.</p> <p>The methodology requires guidance on Community Area Land Needs Assessment and Employment Area Land Needs Assessment. This document cannot be forgotten with the removal of the Growth Plan. It is also tied to Housing Supply Potential and Allocation of Housing Needs.</p> <p>The County of Brant recommends that the municipalities in the GGH continue to utilize this methodology and the integrative policy document reference this document.</p>
<p><b>A Place to Grow, Section 2</b> <b>Where and How to Grow</b></p>	<p>Include a new section in the integrated policy document specific for rural municipalities with limited or partial or no water/sewer infrastructure. Include a section specific to the Outer Ring Municipalities of the GGH.</p> <p>Acknowledge many rural municipalities do not have mass transit.</p> <p>Include a section on Managing Growth and where to direct the majority of growth.</p> <p>Include further policy direction on Complete Communities, Housing mixes and ranges, and affordable housing.</p>
<p><b>Excess Lands Policy – GGH Outer Ring Municipalities</b> <b>Section 2.2.1.6 A Place to Grow</b></p>	<p>Please advise on the intent of this policy in the lack of clear direction from the Province and no response on our draft Official Plan that declared Excess Lands.</p> <p>This policy states for Outer Ring Municipalities, if there is a residential surplus of land, then these municipalities WILL prohibit development on all excess lands to the horizon of this plan.</p>

<p><b>A Place to Grow, Section 2.2.2</b></p> <p><b>Delineated Built Up Areas (b)</b></p> <p><b>Density and Intensification Targets</b></p>	<p>The Growth Plan has specific Density and Intensification Targets listed for Outer Ring Municipalities of the GGH. The County of Brant has a minimum of 40 r&amp;j per ha; and 15% Intensification rate.</p> <p>Through the County’s draft New Official Plan, submitted to the Province August 2021 for review, we recommended an increase Density of 50 residents and Jobs per ha; and an Intensification Target of 20% in our urban settlement areas of Paris and St. George.</p> <p>The P.P.S. does not prescribe minimum density targets for Ontario municipalities but does require municipalities to establish density targets for areas adjacent, or in proximity, to Major Transit and corridors.</p> <p>The P.P.S. also requires municipalities to establish residential intensification targets but does not prescribe minimum density targets for Ontario municipalities. Furthermore, the P.P.S. does not require municipalities to delineate built area boundaries in Official Plans.</p> <p>Under a consolidated Growth Plan and P.P.S., a standardized approach to minimum density requirements and residential intensification targets would be required for all Ontario municipalities.</p> <p>The County of Brant requests the removal of the Delineated Built Up Areas of Paris, St. George and Burford.</p>
<p><b>Rural Housing</b> – policy direction that responds to local circumstances and provides increased flexibility to enable more residential development in rural areas, including rural settlement areas.</p>	<ul style="list-style-type: none"> <li>- The County supports permitting rural housing in rural settlement areas that are designated in Official Plans, and offers the following comments: <ul style="list-style-type: none"> <li>- Where housing is created on private servicing, the quality and quantity of drinking water must be protected. In support of new development, a hydrogeological study should be required. To streamline this process, the Province should develop term of reference guidelines on the preparation of such studies.</li> <li>- To help protect the quality and quantity of groundwater and surface water in water resource systems, all key hydrologic features should be</li> </ul> </li> </ul>

	<p>protected with a vegetation protection zone should be required that is no less than 30 metres.</p> <ul style="list-style-type: none"><li>- To protect natural areas that are an important part of biodiversity and complete communities, it is recommended that development and site alteration not be permitted in key natural heritage features. Vegetation protection zones should be established to protect features based on specific features.</li><li>- Public acquisition that provides for the permanent protection of natural areas should be encouraged as part of complete communities, as natural areas provide recreational opportunities that contribute to the mental and physical well-being of residents, while building resiliency to climate change.</li><li>- The County of Brant supports limited rural housing in agricultural areas and offers the following comments:<ul style="list-style-type: none"><li>- Section 2.3.4.1 c) 2. of the PPS on surplus dwelling lots, appears to prohibit a residential dwelling on the retained farm parcel. The result of this policy is creating farmland where there is no housing for a farming operator and employees to live, while operating a farm. Housing should be permitted on all farmland to support agricultural operations. Housing could be located such that it would not fragment farmland near existing clusters of buildings, an existing laneway and/or by locating near the road or lot line. To prevent multiple severances and loss of farmland, surplus dwelling creation could be limited to one per farming lot.</li><li>- New housing should not prevent agricultural operations from being able to expand. As such, new housing should only be permitted as infill development in an existing cluster of homes, where it would not result in further Minimum Distance Separation (MDS) restrictions. The Provincial MDS guidelines should be revised.</li></ul></li></ul>
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	<ul style="list-style-type: none"> <li>- Rural subdivisions should not be permitted outside of settlement areas. Any new housing should be limited to infill within an existing cluster of non-farm residential lots, such as between two existing non-farm residential lots. The depth should be limited from the road (e.g. 100 m deep), such as not to fragment farmland. See illustration:</li> </ul>  <ul style="list-style-type: none"> <li>- As with the above, it is important to ensure the protection of the quality and quantity of water, through hydrological studies, and policies that provide for the clear protection of water resource systems and natural heritage systems.</li> </ul>
<p><b>Employment Land Area Conversions</b> – streamlined and simplified policy direction that enables municipalities to promptly seize opportunities to convert lands within employment areas for new residential and mixed-use development, where appropriate.</p>	<p>An identified area of the Growth Plan and P.P.S. review is to provide policy direction to streamline and simplify the conversion of Employment Areas to new residential and mixed-use development, where appropriate.</p> <p>The County of Brant supports creating policies that would permit mixed-use development, where compatible, such as in areas that allow commercial and office type uses. In such instances, the first-storey should remain employment with residential uses being permitted above. Mixed-use development should be encouraged along arterial roads, and in urban growth centres, strategic growth areas, and downtown areas.</p> <p>Given the potential impacts of employment land conversions, standard criteria and principles should be developed at a provincial level to allow municipalities to evaluate proposals on a case by case basis, outside of a Municipal</p>

	Comprehensive Review, and determine whether a conversion is appropriate.
<p><b>Housing Mix</b> – policy direction that provides greater certainty that an appropriate range and mix of housing options and densities to meet projected market-based demand and affordable housing needs of current and future residents can be developed, including ground-related housing, missing middle housing, and housing to meet demographic and employment-related needs.</p>	<ul style="list-style-type: none"> <li>- The County of Brant supports the creation of policies to provide a range and mix of housing options and densities to meet existing and future community needs, especially in the form of affordable housing, missing middle housing, and housing to meet demographic and employment-related needs.</li> <li>- It is suggested that clear definitions relating to both Affordable and Attainable housing be established to eliminate confusion on what it is intended when these terms are used in relation to housing. Too often these terms are used interchangeably despite having completely different meanings. We suggest that the current provincial definition of Affordable housing be maintained and remain based on household income not on market rates. Market rates fluctuate constantly and do not necessarily reflect nor support the most marginalized demographic of society, who are in the greatest need of affordable housing options.</li> <li>- Possible suggestion for Attainable housing definition: <ul style="list-style-type: none"> <li>- <b>Attainable Housing:</b> A wider-spread equity of housing options, to allow for households to enter and graduate to successively higher levels of the local housing market, recognizing that housing prices have been growing faster than household incomes, creating opportunities for households who have been priced out of the market or are struggling with higher rents.</li> </ul> </li> <li>- Consideration should be given to shifting emphasis from specific housing typologies to density, including unit size and count, to assist in providing a more flexible approach to provision of housing. Strict definitions and housing types within policy documents can be very restrictive and discouraging in achieving complete community housing options and creative solutions to housing needs. Removing these barriers would help ensure a range and mix of housing can be provided without the need for amendments and public process. Focus should be placed on developing relationships between municipal planners</li> </ul>

	<p>who have a strong knowledge of community needs and developers to build creative housing solutions.</p> <ul style="list-style-type: none"><li>- We suggest including provincial minimum ratios to benchmark a mix and range of housing. Having density ratios for developments/redevelopments could help ensure a broader mix of housing is provided (not just singles and townhomes). Housing still seems to be largely segregated, with affordable housing here and high end there – whereas a true mix of affordability, density, and typologies within an area or building would help ensure communities are both complete and supported. More diverse areas, buildings, and communities (ranging in ages, densities, incomes, housing typologies, etc.) help provide important community supports (childcare, aging in place, etc.) throughout all stages of life. Diverse communities also help reduce social barriers and fears by creating a better understanding of different cultures, circumstances, and people. Policies which support updating ratios in relation to changing community needs would also be helpful to ensure an appropriate mix and range of housing options is provided.</li><li>- Provision of housing that is affordable and accessible to low- and moderate-income households shall be a priority. Affordable housing definitions should be based on income, as opposed to market value which may fluctuate greatly and is often subjective.</li><li>- Consideration should be given to including stronger policies relating to retaining existing affordable housing/units and rental housing/units to protect against deficits and assist in meeting community needs. Loss of affordable housing/units hinders the ability of municipalities to meet growing community needs, strategic housing goals, and provide housing options for all demographics. It is counter intuitive to establish affordable housing/units while at the same time allowing for existing affordable housing/units to be removed, often at a faster rate. Policies for the preservation of existing affordable housing/units and rental housing/units should be included to assist in provision of housing options, meeting community needs, and building complete communities.</li></ul>
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	<ul style="list-style-type: none"> <li>- Ensuring all forms of housing (accessible, supportive, etc.) are encouraged and provided throughout all areas is integral to ensuring complete community function. Creating or retaining policies which discriminate against housing forms and types, either directly or indirectly, only contribute to the housing crisis and gaps in housing options.</li> <li>- Housing policies should be as flexible as possible to allow for implementation based on community needs and support (not just market rates or trends) and encourage all forms of housing to be integrated within existing and proposed developments.</li> <li>- Equitable housing options need to be encouraged and provided. Too often and especially in the case of affordable housing equity is an afterthought in the development, provision, or redevelopment of housing. Equity needs to be considered when choosing the location of affordable and attainable housing, designing size of units, proximity to amenities and community support, and community need (accessible, household size, etc.). Providing equitable housing for everyone is a significant piece of the housing puzzle and can help ensure a better quality of life for all.</li> <li>- In terms of density, it is recommended that densities within designated greenfield areas be increased to a minimum of 60 residents and jobs combined per hectares for areas with full municipal services. The current target of 40 is low, and will not result in a mix of housing types.</li> <li>- Creative interventions to provide additional housing supply in rural areas should also consider supporting rural amenities and how to overcome servicing limitations in rural settlements. In prime agricultural areas, housing policies should address farm succession, appropriate clustering, strict limitations, MDS priority and opportunities for shared / condominium ownership of a farm compound with multiple clustered residences.</li> <li>- The County looks forward to further government funding/granting to support development of housing options (affordable, additional, attainable, etc.) within</li> </ul>
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	<p>outer ring/rural municipalities experiencing continued population growth and migration.</p>
<p><b>Major Transit Station Areas</b> – policy direction that provides greater certainty that major transit station areas would meet minimum density targets to maximize government investments in infrastructure and promote transit supportive densities, where applicable across Ontario.</p>	<ul style="list-style-type: none"> <li>- Recognizing the benefits of locating/integrating housing and transit, the County of Brant supports policy direction to ensure Major Transit Station Areas meet minimum density targets to capitalize on investment, infrastructure, and promote transit supportive housing options. Integrating housing and transit where possible assists in mitigating climate change and helps to meet carbon neutral goals.</li> <li>- Consideration should be given to how growing municipalities can consider a similar policy application prior to the creation of larger scale transit systems. For example, as the County of Brant considers how to best connect its communities and the communities of the GGH area with transit opportunities, being able to invest in certain areas to create logical transit station areas over the next 30 years would be beneficial.</li> <li>- The County looks forward to further government funding/granting to support development of housing options (affordable, additional, attainable, etc.) within outer ring/rural municipalities experiencing continued population growth and migration.</li> </ul>
<p><b>Urban Growth Centres</b> – policy direction that enables municipalities to readily identify centres for urban growth (e.g., existing or emerging downtown areas) as focal points for intensification and provides greater certainty that a sufficient amount of development , in particular housing, will occur.</p>	<ul style="list-style-type: none"> <li>- The County of Brant agrees that municipalities should be able to identify centres for urban growth as focal points for intensification, including mixed-use development.</li> </ul>
<p><b>Intensification</b> – policy direction to increase housing supply through intensification in strategic areas, such as along transit corridors and major transit station areas, in both urban and suburban areas.</p>	<ul style="list-style-type: none"> <li>- Policy direction should be included that would increase housing supply in strategic areas, such as along major arterial roads and intersections, allowing for mixed-use in commercial corridors.</li> <li>- The County supports policies which allow for intensification within different areas (existing and new communities) to help increase housing options,</li> </ul>

	encourage mixed use development, and integrate rather than segregate uses.
<p><b>Large and Fast-growing Municipalities</b> – growth management policies that extend to large and fast-growing municipalities both inside and outside of the Greater Golden Horseshoe, including the coordination with major provincial investments in roads, highways and transit.</p>	<ul style="list-style-type: none"> <li>- Provincial projects on roads, highways and transit should be integrated through official plans by designating lands where needed for future use. As part of the Provincial review process, it is recommended that the Province provide specific feedback for the County to integrate community planning with provincial projects. For example, requirements of the Ministry of Transportation could be added to official plans.</li> </ul>
<p><b>Agriculture</b> – policy direction that provides continued protection of prime agricultural areas and promotes Ontario’s Agricultural System, while creating increased flexibility to enable more residential development in rural areas that minimizes negative impacts to farmland and farm operations.</p>	<ul style="list-style-type: none"> <li>- Agriculture is an important part of the economy in the County of Brant. Feedback received as part of the official plan review and through development is that existing farms need to be able to expand without being hindered by non-farm residential lots. Currently, MDS is based on agricultural structures that exist, but does not take into account future expansion plans for farming operations. As such, any new residential dwelling could hinder future operations. The MDS formulae should be updated to give permit expansions of farming operations on any farmland within the agricultural land base.</li> <li>- As noted above, limited flexibility could be provided for new lots in areas that are already impacted by existing strip development. Creative interventions to provide additional housing should also be considered that consider farm succession, clustering, and opportunities for shared / condominium ownership of a farm compound with multiple clustered residences.</li> <li>- The County supports policies that would allow housing for farm workers on-site.</li> <li>- Maintaining policies which direct new residential development to established residential areas (within the rural and urban areas) would also assist in protecting agricultural areas from encroaching residential development.</li> </ul>
<p><b>Natural Heritage</b> – streamlined policy direction that applies across</p>	<ul style="list-style-type: none"> <li>- Clear direction should be implemented on where development and site alteration may or may not be</li> </ul>

the province for Ontario's natural heritage, empowering local decision making, and providing more options to reduce development impacts, including offsetting/compensation  
**(Proposed Updates to the Ontario Wetland Evaluation System)**

permitted. The PPS has had long standing protection for provincially significant wetlands, which is a clear policy that results in protection of wetlands. However, the test of no negative impacts in the PPS is ambiguous, often resulting in removal of natural areas due to development pressure and differing opinions. An Environmental Impact Study often needs to be completed, which may require four season surveys, adding additional review time and delay to the process. There may be differing opinions on what constitutes a significant woodland and what would be considered a negative impact, as the direction is not clear. Determining significant wildlife habitat is a complex process requiring specialized expertise and delays in the process.

- In contrast, outside of the settlement areas A Place to Grow provides stronger direction, in that no development is permitted in key hydrologic features (e.g. any wetland regardless of significance, permanent streams, intermittent streams). At a minimum a 30 metre vegetation protection zone is required. In addition, development is not permitted in key natural heritage features where they are part of the Natural Heritage System for the Growth Plan. Provincial mapping of the Natural Heritage System when it was in place clearly identified areas where the policies applied. However, when the Growth Plan changed the mapping to natural heritage systems identified in an official plan, applicants have argued that woodlands not specifically called a 'natural heritage system' did not need to be protected. When policies create ambiguity, it is difficult to protect important natural areas, resulting in significant staff resources to defend terminology in policies and ultimately delaying approval of new homes.
- Similar to the Growth Plan, Greenbelt Plan, Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan policies should be provided that do not permit development in and/or adjacent to key natural heritage and hydrologic features. The Province should identify and map core areas and linkages to be protected within and outside of settlement areas. Having policies and mapping that are easy to interpret would streamline the development process, by avoiding contentious debates

	<p>on environmental protection and directing housing to more suitable locations.</p> <ul style="list-style-type: none"> <li>- While stronger protection for natural areas has typically been afforded to features outside of settlement areas, it is imperative to protect natural areas in settlement areas. Public access to nature contributes to the physical and mental well-being of communities while mitigating for climate change. Many settlement areas have lost the majority of natural areas, degrading the quality of life for residents and resulting in significant costs for infrastructure due to environmental damage.</li> <li>- The Province should set science based targets for natural area coverage for features such as wetlands, woodlands and grasslands. Environment Canada’s ‘How Much Habitat is Enough’ recommends that a municipality have 30% to 50% forest cover, and that streams have a minimum naturally vegetated buffer of 30 metres on each side.</li> <li>- The new policy should incorporate minimum standards and targets. Protection should focus on protecting natural heritage systems and water resources systems. Environmental offsetting should only be considered outside of core areas and linkages and/or where a municipality is above science based targets. For example, if a municipality has less than 30% forest cover, all significant woodlands should be protected.</li> <li>- Direction on provincial and federal requirements should include the <i>Migratory Birds Convention Act</i>. This is federal legislation, which may have requirements beyond the PPS and <i>Endangered Species Act</i>. For example, there are 18 species that are protected all year long. To ensure that development and site alteration will not contravene this legislation, it should be added to provincial policy.</li> </ul>
<p><b>Natural and human-made hazards</b> - streamlined and clarified policy direction for development in hazard areas, while continuing to protect people and property in areas of highest risk.</p>	<ul style="list-style-type: none"> <li>- Legislation and regulations in the <i>Planning Act</i> and <i>Conservation Authorities Act</i> should be consistent to avoid confusion on what may or may not be permitted, resulting in a more efficient review process.</li> <li>- The way policies in the PPS is worded, is somewhat confusing. Section 3.1.1 states that development shall ‘generally’ be directed outside of..., while Section 3.1.2</li> </ul>

	<p>states that development and site alteration shall not be permitted in...</p> <ul style="list-style-type: none"> <li>- Clear direction should be provided on when development and site alteration must be directed outside of hazardous areas. For example, new development should not be permitted within and/or adjacent to steep slopes.</li> <li>- Requiring minimum setbacks from the top of valley that includes an emergency access allowance of at least 6 metres, would streamline the process by providing obvious direction. As an example, some conservation authorities have set minimum setbacks of 15 metres for major valleys and 7.5 metres for minor valleys, from the top of a slope; having specific setbacks results in clear direction and a more efficient approval process while protecting natural hazards and natural areas.</li> <li>- While the policies do not permit development and site alteration in a floodway, the reality is, is that many conservation authorities permit site alteration and minor development such as in the form of additions, which seems contrary to this policy. Direction should be provided on when minor development could be considered.</li> <li>- The County has a Special Policy Area (SPA) that was created in 1987. The terminology and policies are out of date. The definition of development is very vague, and as such there are not many restrictions on density, potentially increasing risks to more lives. The policy prohibits new residential units above existing commercial, however a new residential building could be built where there was no prior commercial use. We have had businesses request to build new residential units above store fronts, which would provide income opportunities in addition to housing. However, the PPS requires any updates to a SPA to be approved by the Province, which is an expensive and lengthy process requiring technical studies without any guarantee of approvals. The County should not have to undertake such studies, if we are simply updating definitions or proposing development no greater than what would be permitted by the 1987 policies. In attempting to update the policies through the municipal comprehensive review, the County</li> </ul>
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	<p>has received major opposition from the Ministry of Natural Resources and Forestry and the conservation authority. For example, the County wanted to permit mixed-use development up to three storeys, which will not be considered unless complex studies are completed. The County recommends updating SPA policies to create a simplified process for updating outdated policies.</p>
<p><b>Aggregates</b> – streamlined and simplified policy direction that ensures access to aggregate resources close to where they are needed.</p>	<ul style="list-style-type: none"> <li>- The County recognizes that aggregates are an important part of building homes and associated infrastructure.</li> <li>- Concerns of the County relate to allowing below water extraction, as it hinders future ability to return lands to prime agricultural use. Consideration should be given to not permitting below water extraction in prime agricultural areas. Further consideration should be given to directing aggregates outside of serviced areas, such as to make the best use of municipally serviced lands for housing.</li> <li>- Another common concern for aggregates is building too close to existing residential areas. Typically, only a 30 metre setback is provided between operations and existing residential development, which appears to be based on Provincial Standards. The County recommends establishing minimum setbacks from existing residential subdivisions, which would streamline the process by addressing a contentious issue.</li> </ul>
<p><b>Cultural heritage</b> – policy direction that provides for the identification and continued conservation of cultural heritage resources while creating flexibility to increase housing supply (<b><u>Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022</u></b>)</p>	<ul style="list-style-type: none"> <li>- The <i>Planning Act</i> and <i>Ontario Heritage Act</i> should be consistent to avoid confusion and provide for easy interpretation.</li> <li>- Policy direction must be flexible to support varying levels of available resources at municipalities. Cultural heritage, both tangible and intangible, is an important aspect of the character-defining elements of complete communities.</li> <li>- Improved directions should include: <ul style="list-style-type: none"> <li>o An efficient and clear inventory and identification process that offers various levels of protection, prioritization, and appropriate timelines for evaluation to be completed. This evaluation should balance individual objectives (monies</li> </ul> </li> </ul>

	<p>made from re-development) with community objectives (character defining elements). There should also be a clear funding mechanism and resources for this inventory process to be applied in municipalities with varying levels of resources.</p> <ul style="list-style-type: none"><li>○ Broad application that protects resource clusters in built-up areas that are seeing development pressures but is easier to implement than a Heritage Conservation District. These areas could be identified in an Official Plan as areas of potential cultural heritage value where conservation values and strategies are applied specifically (to certain resource types) or broadly (across multiple areas). This could be implemented through zoning or the community planning permit system and should incentivize the municipality's preferred interventions, fast tracking developments that meet the general conservation objectives. Ideally, the process would provide opportunities to identify and evaluate resources and offering clear protection to certain types of resources based on the identified Provincial and municipal priorities. The implementation of these policies must find a better balance between (re)development desires and the desire to conserve cultural heritage value. Consider additional resources / templates for implementation, flexibility, and pro-active evaluation opportunities.</li><li>○ Conservation opportunities that clearly integrate the renovation and repair of existing buildings, including incentivization through taxes and reduced fees. Consider how to incentivize developments that adapt, reuse, and convert existing building stock. Data from the Canadian Home Builder's Association shows that home renovations in Canada generate more financial investment and jobs annually than new construction. One of the main concerns expressed by the public is the importance of protecting the unique architectural design associated with existing heritage buildings, particularly in</li></ul>
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	<p>downtown areas and rural settlement areas. In essence, communities want to be able to manage their change (not prohibit, just manage).</p> <ul style="list-style-type: none"> <li>- It is the interpretation of the County that the recent changes to the Ontario Heritage Act through Bill 23 continue to apply a one-size fits all approach to heritage conservation. This fails to account for needs and desires of individual communities that have engaged with stakeholders to determine local objectives and does not allow municipalities enough flexibility to create locally based solutions. More specifically,</li> <li>- The criteria for designation have been made more difficult with Bill 23 <ul style="list-style-type: none"> <li>o Requiring a property to meet two of the legislated criteria for designation, instead of one, will make it challenging to protect humble smalltown buildings/ reflect rural life and places associated with the historic contributions of Black, Indigenous, multicultural, and 2SLGBTQIA+ communities (who may have less recorded/ preserved archival materials).</li> </ul> </li> <li>- The changes do not acknowledge how consideration for heritage is changing <ul style="list-style-type: none"> <li>o From when the Heritage Act first appeared to today the idea of what might be considered heritage has expanded. No longer is it simply significant landmark buildings.</li> </ul> </li> <li>- The <i>Ontario Heritage Act</i> and Bill 23 overly simplifies Ontario heritage, which it should not do. <ul style="list-style-type: none"> <li>o We need to consider Indigenous Reconciliation, new immigrant communities and the diversity of our communities. We cannot speak to Ontario heritage without respecting the diversity that exists in our culture, and the need for dialogue on heritage values.</li> </ul> </li> <li>- The recent changes to the listing process for non-designated properties on the heritage register has created a level of redundancy that does not support heritage conservation efforts. <ul style="list-style-type: none"> <li>o It requires much effort that affords very little protection and as a small municipality, we need opportunities for simple implementations that offer better results. Alteration is not prohibited, demolition requests are timed, resources for</li> </ul> </li> </ul>
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	<p>inventorying are limited, the ability to be reactive is limited, and the system prioritizes individual desires (often rooted in economic gain) at the cost of community character objectives. The County of Brant supports heritage conservation tools that allow a municipality the flexibility to set up a clear but simple control system to address and balance the desires noted above.</p> <ul style="list-style-type: none"> <li>○ If heritage properties are not properly protected in the County this will be a lead to a substantial loss of character, loss of unique identity, and therefore damage to tourism economy.</li> </ul> <p>- Much of the heritage work done in smaller municipalities is done by volunteers and these new updates could be discouraging to the volunteer base. The feel more restrictive and less like the community can make a difference in their local heritage preservation. Finding a balance between opportunities to conserve heritage / community character (various options to protect, preserve, rehabilitate and restore older buildings) and promoting healthy change will be key. In the words of Jane Jacobs, “new ideas need old buildings”.</p>
<p><b>Infrastructure Supply and Capacity</b> – policy direction to increase flexibility for servicing new development (e.g., water and wastewater) and encourage municipalities to undertake long-range integrated infrastructure planning.</p>	<p>- While municipalities must be responsible for long range planning of infrastructure to accommodate planned growth, ensuring Development Charges are collected (development pays for development) is an essential component in the provision of municipal infrastructure (ex. water, wastewater).</p>
<p><b>School Capacity</b> – coordinated policy direction that ensures publicly funded school facilities are part of integrated municipal planning and meet the needs of high growth communities, including the Ministry of Education’s proposal to support the development of an urban schools’ framework for rapidly growing areas.</p>	<ul style="list-style-type: none"> <li>- The County supports policy direction that ensures school facilities form part of the community planning process at the municipal level to help meet community needs and support growing communities.</li> <li>- Identifying sites to accommodate school facilities early in the community planning process is essential to ensuring complete community design and community support. Locating school facilities within safe walking distance of planned communities also assists in alleviating traffic, parking, and transportation issues.</li> </ul>

	<ul style="list-style-type: none"> <li>- Integrating other community supportive uses (ex. childcare services) on the same site or in close proximity to school facilities where appropriate also assists in complete community design and support.</li> </ul>
<p><b>Outcomes-Focused</b> – streamlined, less prescriptive policy direction requiring fewer studies, including a straightforward approach to assessing land needs, that is focused on outcomes.</p>	<ul style="list-style-type: none"> <li>- In terms of the natural environment, more prescriptive policy direction could significantly streamline the process. Less studies would be required if clear mapping and policies were provided that prevents development in natural heritage and water resource features, areas, and systems. Setting required vegetation protection zones could reduce the need for studies on adjacent lands.</li> <li>- Where studies are required, the Province could assist in developing templates or guidelines for Terms of References, such that there are the same standards throughout the Province. In many instances, consultants must adjust to differing requirements of municipalities. Provincial standards would expedite the process for rural municipalities that do not have staff to prepare such guidelines.</li> </ul>
<p><b>Relevance</b> – streamlined policy direction that focuses on the above-noted land use planning matters and other topics not listed that are also key to land use planning and reflect provincial interests.</p>	<ul style="list-style-type: none"> <li>- The County agrees that clear and streamlined policy direction is needed to reflect provincial interests and meet community needs.</li> <li>- For example, in creating complete communities with a mix of uses, minimum ratios or targets could be established for affordable housing, different housing typologies, green space, schools, and supportive nearby commercial uses. These would help ensure complete community design.</li> </ul>
<p><b>Speed and Flexibility</b> – policy direction that reduces the complexity and increases the flexibility of comprehensive reviews, enabling municipalities to implement provincial policy direction faster and easier.</p>	<ul style="list-style-type: none"> <li>- Updates to policy need to be simplified. While it is important to update provincial policy to be in line with emerging trends and issues, it is difficult for municipalities to be constantly updating documents such as official plans, zoning by-laws, site plan control by-laws and parkland dedication by-laws. Templates at the provincial level would assist when new changes are introduced. For example, when additional residential units were first permitted, developing official plan and zoning by-law templates for policies may have assisted municipalities in updating their planning documents. This</li> </ul>

would be especially helpful for as of right policy provisions.

## Question 2

### What land use planning policies should the government use to increase the supply of housing?

- The County supports core elements related to flexible housing policies (ex. housing within different areas and in creative forms) and employment conversions in commercial areas that would allow mixed-use development. In addition, creating policies that require higher density within strategic growth areas, along major arterial roads and intersections would assist. Similar to allowing three units per lot, as of right permissions could be created in certain areas. Policies that require greyfield and brownfield development, prior to considering settlement boundary expansions, should be considered.
- Policies should require that new developments, particularly in greenfield areas, be built to accommodate additional residential units (two to three residential units per property). In Surrey, British Columbia, many new homes are built such they can easily be converted to two to three units. For example, they have exterior stairs that go to a basement suite and/or garages that can accommodate a unit above the garage. There is also similar legislative changes which have been enacted in New Zealand within the past year to assist in providing more housing options as of right. In contrast, many homes in Ontario would require expensive renovations to add additional residential units (ex. install separate access), and in many cases would not be able to accommodate additional units (either internal or external) due to the size of the lot, which already struggle to accommodate air conditioners, parking, and proper grading and drainage. Creating policies that change the way new subdivisions are designed is one of the simplest ways to increase housing options in greenfield areas.
- Implementing a simplified process to address outdated floodplain Special Policy Areas would assist in creating limited housing options above commercial uses in downtown areas (ex. downtown Paris Ontario). Increased housing options within downtown areas would also assist in creating complete communities by contributing to walkability, live/work opportunities, and sense of place.

## Question 3

### How should the government further streamline land use planning policy to increase the supply of housing?

- In addition to the integration of the PPS and Growth Plan, the government could consider integrating an official plan with a zoning by-law or the community planning permit system, such that there is only one planning document at the municipal level. Multiple levels of land use planning policies increase confusion, review time, complexity in interpretation, and planning applications. For example, a person may need to amend an official plan and zoning by-law for a proposal to increase housing options, which creates duplication in process, review, costs, and

time, often affecting feasibility of the project, either resulting in the project not being constructed or priced at an extremely high rate for the potential owner or occupant.

- The Niagara Escarpment Commission has a simple planning process, which is based on the Niagara Escarpment Plan and a Development Permit System. The plan has objectives, criteria for determining designations, policies and development criteria. Through the Development Permit process, development is reviewed on meeting the general intent of the plan, as opposed to being focused on specific setbacks in a zoning by-law. A site plan for development is submitted which is reviewed in context of the Plan. It is similar to the Community Planning Permit System, however, only requires one land use planning policy document instead of two.
- Provincial mapping of strategic growth areas, with municipal input, could assist in identifying areas where mixed-use intensification could occur and should be encouraged.
- Provincial mapping and policies, inside and outside of settlement areas, that provide for the permanent protection of a natural heritage system and water resources system including natural hazards would provide clear direction on where development is not permitted and where it may be considered. By establishing where development may not be permitted, development efforts could be focused on revitalizing underutilized land.

#### **Question 4**

**What policy concepts from the Provincial Policy Statement and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new document?**

- Minimum density targets have assisted with increasing density in greenfield areas. Where specific targets are provided, it is easy to implement policy, and targets are often achieved. However, as recommended above density targets should be increased to help achieve a mix and range of housing options to address community needs.
- Strong settlement area boundaries and built-up areas are important in the balance between greenfield development and intensification as well as the protection of other resources (natural, agricultural etc.). Density is an important aspect of the provision of sufficient housing supply and the creation of complete communities and transport network options and relies heavily on limiting the ability to grow out.

#### **Question 5**

**What policy concepts in the Provincial Policy Statement and a Place to Grow should be streamlined or not included in the new policy document?**

- Sections 2.15 and 2.18 of the PPS that do not permit development in and/or adjacent to specified natural heritage features unless it is demonstrated that there are no negative impacts, should be re-written. Clearer policies, such as that from Sections 4.2.2, 4.2.3, and 4.2.4 in the Growth Plan should be used, inside and outside of settlement areas.

- Similarly, Section 2.2 of the PPS on Water includes vague policies on improving the quality and quantity of water. Minimum criteria should be provided such as requiring the protection of key hydrologic features with specified vegetation protection zones.
- A Place to Grow and the PPS focus on watershed and subwatershed planning, which is a long complex process that results in delays in building homes. One of the issues is, is that small municipalities do not have expertise to undertake and implement watershed and subwatershed planning. To speed up housing and protect the environment, greater assistance from the Provincial level is needed in terms of creating clearer policies and/or providing experts to lead watershed and subwatershed planning. The County recommends that conservation authorities lead the process as they are watershed based and could rely on monitoring data undertaken by the conservation authority.
- Consider integrating clear heritage conservation policies from the OHA into the new policy document in a way that prioritizes the protection of cultural heritage resources, honours existing community character, and incentivizes renovations and adaptive reuse that improves housing supply and mixes uses in existing neighbourhoods.
- Section 2.2.6 Housing of A Place to Grow provides strong direction to municipalities for inclusion of a range and mix of housing. Section 2.2.6.5 should be revised to include stronger language for inclusion of affordable and attainable housing options (as defined) when settlement areas are expanded to accommodate development within the Greenfield Areas.
- Section 2.2.7.1 should be revised to require new development within designated greenfield areas to include affordable and attainable housing (by definition) based on current and projected community needs. There could also be language included to have the developer build/provide these forms of housing/units or land to the municipality or monetary contribution to support future housing builds within the community.
- With changes to DCs through Bill 23 which will negative impact municipal affordable housing projects inclusion of policies to require mandatory provision of affordable and attainable housing/units by developers (either through developer led builds, land donation, or monetary contributions) within provincial land use planning documents would be extremely helpful.
- Section 7 Definitions “Affordable” this terminology should remain unchanged and based on annual household income not market rates. Additionally, it is suggested that a defined term for “Attainable” in relation to housing should be added to provide clear intent of what is meant when this term is used and avoid confusion in relation to Affordable and Attainable housing which are often used interchangeably, despite having two very different meanings. Section 6 Definitions of the PPS could be merged with Section 7 of A Place to Grow.
- Sections 1.1.3.6, 1.1.3.7, 1.1.3.9, 1.1.4, and 1.1.5 should be revised to include affordable and attainable housing (as defined) as part of new development within designated growth areas and targets to meet projected needs.
- Section 1.3 Employment and 1.3.2 Employment Areas may need to be revised to include clarification on mixed uses encouraged within these areas, pending proposed changes to allow residential uses within employment areas where appropriate.

- Section 1.4 Housing needs to be revised to provide direction for the mandatory inclusion of affordable and attainable housing (by definition) within new development and redevelopment to assist in meeting current and projected community needs.
- Suggested inclusion of wording to prioritize affordable and attainable housing within a new integrated provincial policy document and provide special consideration for the relief of parking and regulatory development standards (similar to the provincial approach with ARUs through Bill 23) where appropriate.



# County of Brant Feedback on: Conserving Ontario's Natural Heritage

ERO Posting #019-6161; Comment period open until December 30, 2022

We want to hear what you think about our proposals.

Which do you support or disagree with?

Do you have any suggestions that would enable Ontario to support development and the growing demand for housing while ensuring that we continue to benefit from the important role that wetlands, woodlands and other natural wildlife habitat play in our communities?

## Discussion Topics

### General Comments

- The County of Brant shares the concern that conserving Ontario's natural heritage has become more difficult due to development pressures, climate change and other threats that isolate and threaten wetlands, woodlands, and other natural wildlife habitat.
- Planning policies play a key role in protecting natural areas. With the exception of significant wetlands, the Provincial Policy Statement (PPS) permits development in important features such as woodlands, wildlife habitat, and areas of natural and scientific interest if it is demonstrated that there will be no negative impacts. In addition, there are also no minimum vegetation protection zone for important features such as wetlands and streams. Due to pressure for development and differing opinions on the test of no negative impacts, it is difficult to protect natural features in settlement areas. Time consuming and costly environmental studies are often required, resulting in delays in the planning process, and possibly expensive OLT hearings to resolve differing opinions.

In contrast, outside of settlement areas A Place to Grow does not permit new development in or within 30 metres of key hydrologic features (e.g. any wetland regardless of significance, permanent and intermittent streams). New development is also not permitted in key natural heritage features that are part of a natural heritage system, and a 30 metre buffer is required for



significant woodlands. Policies that do not permit development result in greater protection of natural heritage and hydrologic features, areas and systems.

While a net gain approach is preferred over the current test of no negative impacts in the PPS, the County is concerned that such a permissive approach would continue to result in the significant loss of natural areas, in addition to new losses on significant.

Of particular concern to the County would be the reversal of providing policy protection for significant wetlands, which was initially enacted in the PPS to stop the loss of wetlands in Ontario. Wetlands provide many important functions for wildlife, mitigating climate change and providing clean drinking water. In addition, wetlands provide economic benefits related to maintaining the quality and quantity of groundwater that is essential for safe drinking water for human, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands from 120 m to 30 m could have unintended economic impacts caused by impacts to groundwater, which will be costly to repair.

More research should be provided on the economic and environmental impacts of the proposed environmental offsetting proposal.

The County is also concerned about additional staffing resources that would be required to review offsetting proposals, find land, and monitor restoration areas.

The County recommends that the Province create stronger policies inside and outside of settlement areas, which provide for the permanent protection of key natural heritage and hydrologic features, areas and systems. This would streamline the process by directing housing to areas that are already disturbed through redevelopment.

Similar to Natural Core Areas and Natural Core Areas in the Oak Ridges Moraine Conservation Plan, natural heritage systems should be identified throughout the Greater Golden Horseshoe within and outside of settlement areas, in which policies would provide for permanent protection of a connected system by prohibiting development and site alteration.

Providing transparent policies and mapping that are easy to interpret would result in a more efficient planning process, while avoiding the need for expensive and time consuming studies and differing opinions that delay housing approvals.

**The Ministry of Natural Resources and Forestry is considering development an offset policy that would require a net positive impact.**

- If environmental offsetting is to be considered, the County supports a Province wide approach that sets minimum standards for offsetting. An offsetting policy must provide clear and non-ambiguous direction which is easy to implement for non-experts. Differing policies may need to be considered for different geographic areas as based on natural areas remaining.
- To better understand the province's proposal on conserving natural heritage, a draft offset policy should be provided for comment. Prior to developing such a document technical working groups

should be established with stakeholders from municipal government, conservation authorities, Indigenous communities, environmental consultants and developers.

**Ontario is considering the following principles in the development of an offsetting policy:**

**Net Gain.** The goal of the offsetting policy should be net gain with respect to the extent and quality of natural heritage features or their functions, within a reasonable period of time.

**Avoidance first.** Offsetting should be the last step after other options to avoid and mitigate any impacts on natural heritage are considered.

**Informed.** Offsetting should consider the best available science, and knowledge, including Traditional Ecological Knowledge.

**Transparency and accountability.** The offsetting policy should incorporate provisions for oversight, tracking and public reporting on the effectiveness of implementation.

**Limits to Offsets.** Some wetlands, like coastal wetlands, bogs and fens in southern Ontario, and other areas that historically have been important for recreation and tourism should be ineligible for offsetting.

- The County agrees that a net gain should be required for all development proposals. However, clearly defining such a term could be difficult. Where new terms are introduced they need to be easy to interpret and leave little room for disagreement.
- Criteria and policies should be established, based on science and best practices, on features that must be protected. If avoidance is not required and wording such as 'where feasible is used', it will be difficult to protect features through the development process.
- Environment Canada's How Much Habitat is Enough establishes targets for conserving biodiversity, which are based on science. For example, targets on forest cover range from 30% to 50% depending on the desired biodiversity to be achieved. How Much Habitat is Enough recommends that 30 metres on each side of a stream have a naturally vegetated riparian area to provide and protect aquatic habitat, in which 75% of the stream length should be vegetated. Targets are also provided on percentage wetland coverage. Similarly, minimum targets should be established for Ontario such as on percentage woodland, wetland, grassland and other habitats. Targets could be based on municipal boundaries, subwatersheds, or ecodistricts. For example, if a municipality has wetland or forest coverage above the desired percentage, then removal of the most isolated and least significant features could be considered. Different targets could be established inside and outside of settlement areas. In settlement areas with few natural areas remaining, individual trees and small urban forests may form an important role in climate change, cooling temperatures in the summer, and providing recreational and physical health benefits to the community. To streamline the process, the Province could map provincially important Natural Core Areas and Linkages inside and outside of settlement areas, which would identify areas that could not be considered for offsetting.

- New development and associated site alteration, and hence environmental offsetting, should not be permitted within:
  - o Natural Heritage Systems and Water Resource Systems.
  - o Life Science Areas of Natural and Scientific Interest.
  - o Woodlands of a specified size based on forest cover and/or targets established by the offsetting policy. Different sizes should be established in urban settlements, rural settlements, and agricultural areas.
  - o Riparian areas and valleylands.
  - o Wetlands, permanent streams, intermittent streams, seepages and springs.

In addition to the above, required vegetation protection zones should be established specific to features based on science.

As noted above, provincial mapping of Natural Core Areas and Linkages, both inside and outside of settlement areas, would assist in identifying a connected provincial system that must be permanently protected.

Outside of the significant features and hydrologic features listed above, criteria should be developed on significant wildlife habitat that may and may not be considered for offsetting. For example, riparian areas and vegetation protection zones could be enhanced with native species that would enhance habitat for birds and butterflies. Habitats such as grasslands and wildflowers can be established in a short amount of time. In contrast it could take decades to replace the ecological value provided by mature trees through planting of replacement trees.

- In recognition of existing development, consideration could be given to minor expansions to existing buildings subject to environmental offsetting, provided it is not in or within a specified distance of a within key hydrologic features. Accessory structures could be considered where in close proximity to existing buildings and there is no other alternative. Clear limits should be set on the maximum area of disturbance.
- Consideration should be given to permitting low-risk activities such as passive trails for recreation in certain features. Clear limits should be set on the maximum area of disturbance.
- To balance preservation of natural areas with housing, environmental offsetting could be considered for non-significant features such as individual trees and small urban forests. Criteria should be established on what could be considered for offsetting based on best practices. For example, in urban areas with few natural areas remaining, small forests could provide stepping stones needed to maintain biodiversity.
- The County agrees with accountability and transparency, however are concerned about staffing resources required to review and monitor environmental offsetting proposals.

### **Implementation – Assessment of Features**

The first step in determining an offset is assessing the natural heritage features that would be impacted by development. The baseline assessment would consider the area, location, scale, function, and values of the feature.

Next, the policy would apply an offset ratio to achieve a net gain in natural heritage. Different ratios could be used for certain functions. For example, some functions could be offset at a different scale than others. Higher offset ratios could be required for natural heritage features that provide multiple ecological, cultural, and recreational benefits.

- To understand the proposed assessment approach, a draft policy should be provided for review. It will be challenging to develop clear direction that is not subjective and open to interpretation. Disagreements on the values of a feature could result in delays in the planning process.
- If this approach is used, a standard terms of reference should be established on information requirements. Minimum qualifications should be specified on experts that may assess features.
- The province should develop education and a certification program, similar to the Ontario Wetland Evaluation System.
- Clarification should be provided on who would be responsible for conducting and reviewing assessments. To implement the program at the County level, additional staff with specialized expertise in a variety of ecological and hydrological disciplines, would be required to review assessments and implement offsetting programs. Rather than each municipality having to have their own experts, an independent peer review body at the inter-provincial level such as through the ministry of natural resources and forestry or conservation authorities, may be of assistance. Any such reviewer must be able to conduct site visits to verify the accuracy of information.

### **Implementation – Compensation**

In some cases, the baseline assessment and offset ratios would also be used to determine a compensation amount that would be paid to a fund that could be used to implement an offset, including construction, monitoring and adaptive management. Ideally, offsets should be located in the same watershed; however, offsets outside the watershed could be considered where there is opportunity for greater conservation outcomes.

This approach could also enable opportunities to pool funds to support large, strategic projects rather than re-creating small, isolated offsets. A fund could also invest in areas of the province where natural heritage loss has been the greatest.

- To understand the proposed assessment approach, a draft policy should be provided for review.
- While the County appreciates the benefits of such a program, the County is concerned about additional staffing that would be required in a variety of environmental disciplines, and the amount of time that would be required to administer this program. If clear direction is not provided, it is anticipated that disagreements in assessments and related compensation amounts, could result in delays in the planning process.

- Clarification should be provided on who would be responsible for determining and reviewing compensation amounts, cost estimates, locating suitable lands, conducting restoration work and monitoring.
- Will an independent body be created to oversee the pooling of funds and determine strategic projects? Consideration should be given to working with established environmental organizations such as land trusts, Ducks Unlimited and Ontario Nature.
- The County recommends that offsets be within the same subwatershed.



## County of Brant Feedback on:

# Updates to the regulation of development for the protection of people and property from natural hazards in Ontario

ERO Posting #019-2927; Comment period open until December 30, 2022

### Discussion Topics

**The ministry is proposing to make a single regulation to ensure clear and consistent requirements across all conservation authorities.**

- The County of Brant supports the consolidation of the regulations pertaining to 36 conservation authority into one regulation as it will provide a consistent approach to regulating hazards.

**The proposed regulation would focus permitting decisions on matters related to the control of flooding and other natural hazards, and the protection of people and property.**

- The County of Brant recommends that municipalities continue to have the option through an agreed upon memorandum of understanding to use the expertise of conservation authorities on matters such as conservation of land, pollution of land, and natural heritage and water resource planning that would not fall under their core mandate.
- Focusing the role of conservation authorities on natural hazards could have unintended consequences that does not result in faster decision making. The proposed changes could result in duplication of roles between conservation authorities and municipalities, with municipalities having to retain additional expertise. Having experts at the watershed level that municipalities may share, avoids the need for each municipality having to retain their own expert. Where municipalities require peer review due to lack of expertise and are unable to rely on conservation authorities, additional time may be required to coordinate the review of development applications. With labour shortages in many disciplines, municipalities could have difficulty acquiring the necessary expertise to ensure that development occurs in a sustainable manner.
- There is considerable overlap between natural hazards, and natural heritage and water resource features, areas, and systems. Wetlands are considered a natural hazard, a natural heritage

feature, and a hydrologic feature. If a conservation authority is already confirming wetland boundaries for the purposes of natural hazards and has ecologists qualified in the Ontario Wetland Evaluation System, it makes sense for conservation authorities to also review for significance and wildlife habitat. Currently, conservation authorities also play a key role in reviewing stormwater management with respect to water quality and quantity impacts on wetlands. Requiring municipalities to review for natural heritage and conservation authorities to review for natural hazards will result in duplicate roles with each organization will need their own expert, at a higher cost to the development industry and/or tax payers, which could in turn result in higher housing costs. The County recommends having the option to continue with the current system whereby municipal levies may be pooled throughout a watershed to hire wetland experts at the conservation authority.

- Trees and woodlands help to stabilize steep slopes and prevent erosion. Natural areas mitigate risks to flooding, as vegetation absorbs water and slows down surface water flows. Where natural features are removed, it results in increased sediment to streams, which may negatively impact water quality and quantity, fish habitat and drinking water. Historically, conservation authorities have been able to review for natural hazards in addition to pollution and conservation of land, resulting in an efficient process. Conservation authorities should be able to review for conservation of land and natural heritage, where removal of features could impact natural hazards. Research should be provided as part of the discussion paper on the co-relation of preservation of natural heritage features to natural hazards prevention. Eliminating this role from conservation authorities and preventing the abilities of municipalities to enter into memorandums of understanding will require duplicate roles with additional staffing expertise at the municipal level.
- The County is concerned about the diminished role of conservation authorities in watershed and subwatershed planning. As conservation authorities are watershed based and monitor the watershed, it makes sense for conservation authorities to lead watershed and subwatershed planning. Financial resources could be pooled between municipalities to fund important studies. Small municipalities often don't have staffing or financial resources to complete watershed and subwatershed planning. Having these studies completed in advance of development would streamline the process while helping to ensure sustainable development.

**Defining wetlands and hazardous lands and development activity as per the existing definitions in the *Conservation Authorities Act*. Updating the definition of 'watercourse' from an identifiable depression to a defined channel having a bed, and banks or sides.**

- The County supports having consistent definitions for all conservation authorities.
- To provide for consistent interpretation, the County recommends that definitions in the *Conservation Authorities Act* and associated regulations be consistent with definitions in provincial land use planning documents such as the Provincial Policy Statement (PPS) and A Place to Grow. Currently, the definition of development is significantly different, resulting in a different review process and different recommendations on conservation authority permits versus *Planning Act* applications. The definition of development in the *Conservation Authorities Act*

includes the construction, reconstruction, erection or placing of a building or structure of any kind, whereas under the PPS it means the creation of a new lot, a change in land use or the construction of buildings and structure requiring approvals under the *Planning Act*. Under the *Conservation Authorities Act* development does not include the creation of a new lot. Accordingly, a conservation authority could support lot creation in a floodplain based on the *Conservation Authorities Act*, which would be contrary to the *Planning Act*.

- The definition proposed for hazardous lands is less detailed than that provided in the PPS. As such, it could be open to wide interpretation, resulting in a different review of a planning application versus a permit under the *Conservation Authorities Act*.

### **Updating “other areas” in which the prohibitions on development apply to within 30 metres of all wetlands.**

- The County has concerns with reducing the regulatory area from 120 to 30 metres, particularly with respect to provincially significant wetlands and wetlands that have not been evaluated for significance. The 120 m distance provides an important screening tool for development that could have a negative impact on wetlands. This distance is consistent with the Growth Plan which recommends that a natural heritage and hydrology evaluation be required for development within 120 m of key hydrologic features. Many municipalities use this as a screening tool in their official plans to determine when an Environmental Impact Study may be required.
- More research should be provided on the economic and environmental impacts of the proposed reduction in the regulated area. Wetlands provide economic benefits related to maintaining the quality and quantity of groundwater that is essential for safe drinking water for human, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands from 120 m to 30 m could have unintended economic impacts caused by impacts to groundwater, which will be costly to repair.
- Outside of settlement areas, the Growth Plan requires a minimum vegetation protection zone of 30 metres for new development and site alteration adjacent to wetlands, permanent streams, intermittent streams, and seepages and springs. It is recommended that conservation authority legislation and regulations be consistent with this Growth Plan requirement. The County recommends that a minimum vegetation protection zone of 30 metres be required for new development and site alteration both inside and outside of settlement areas. In recognition of existing development, criteria could be established on permissions for minor additions and low-risk activities. Vegetation protection zones are important for wildlife habitat and to protect the quality and quantity of water in wetlands.
- Having regulations under the *Conservation Authorities Act* pertaining to wetlands that are inconsistent with the Growth Plan, has resulted in confusion and differing opinions on development applications issued by the County and conservation authorities. Consistent policies that protect wetlands based on best practices, is key to implementing a streamlined process.



- Establishing clear regulations on areas where development is prohibited would streamline the process, by focusing development in areas that would not impact natural areas.
- The County has historically relied on the ability of conservation authorities to screen building permits for impacts on wetlands. If approved, municipalities will need time to update their zoning by-laws.

**River and stream valley limits which are impacted by erosion hazards.**

- The County is unclear on what the regulated area is proposed to be for river and valley systems, such as the Grand River.
- Similar to the above comments on wetlands, legislation and regulations should be consistent with provincial policies and plans. The County recommends minimum setbacks of 30 metres for new development from key hydrologic features. In recognition of existing development, exemptions could be provided for minor addition and low-risk activities.
- The County recommends that minimum setbacks be established from the top of a valley to allow for emergency access and to mitigate risks from erosion hazards. Of concern to the County, are buildings built immediately adjacent to steep slopes, which causes erosion and slope failure, thereby enhancing risks to life and property. As an example, it is the understanding of staff that Conservation Halton specifies a minimum setback of 7.5 metres for minor valley and a setback of 15 m for major valleys, from the top of slope. Providing minimum setbacks mitigates risks with respect to natural hazards, while streamlining development activities, by providing clear direction on where development is not permitted. Within settlement areas, the setback areas are often used for trails, as part of active transportation and contributing to completed communities. Other benefits include protection of a connected natural heritage system and water resource systems, to protect wildlife habitat and the quality and quantity of water while building resiliency to climate change.

**Streamlining approvals that would exempt low-risk activities from requiring a permit if certain conditions are met.**

- Where low risk activities are permitted, consistent permissions should be provided in the PPS and A Place to Grow. Currently, the PPS states that development and site alteration are not permitted in a floodway. Therefore, where development constitutes a change in land use or buildings requiring authorization under the *Planning Act* (e.g. site plan control), the use would not be permitted. The proposal to permit low-risk activities could be interpreted as being inconsistent with the PPS leading to confusion in interpretation.
- The County supports proposed wording that would not permit many low-risk activities within hazardous land, watercourses and wetlands. To protect vegetation associated with streams and wetlands that enhances water quality and fish and wildlife habitat, it is recommended that vegetation protection zones be established that are science based. For example, How Much

Habitat is Enough by Environment Canada, recommends a 30 metre wide buffer on each side of a stream whereby at least 75% of the area must consist of self-sustaining vegetation.

**Requiring Conservation Authorities to request any information or studies needed prior to confirmation of a complete application.**

- The County agrees that information and studies, with clear information requirements should be requested early in the development process.
- The province should consider developing terms of reference documents to be used throughout the province such that there are consistent study requirements. Terms of references could be developed specific to the watershed, subwatershed, ecodistrict or ecoregion level. To streamline the process, it would help to have templates for environmental impact studies, stormwater management plans, hydrologic evaluation, slope stability assessments, geotechnical, flood plain delineation etc. Currently, much time review is spent on developing terms of reference for each development proposal and ensuring that adequate information is provided for agencies to review in the context of current legislation and regulations. Further study requirements may vary greatly based on differing municipal or conservation authority requirements.

**Limiting site-specific conditions, a conservation authority may attach to a permit for matters dealing with natural hazards and public safety.**

- Having a standard set of conditions throughout the province would provide transparency and predictability on costs associated with developing near and/or within hazardous lands.
- The list of site-specific conditions should be expanded to include impacts related the quality and quantity of water on valleys, streams and wetlands. More specifically, it is recommended that conservation authorities be able to continue to review stormwater management, hydrologic evaluations and similar studies with respect to both impacts on water quality and quantity where agreed upon with a municipality.

**Service Delivery Standards – Mapping of areas where development or other activities are prohibited**

- The County supports the proposal that would require public consultation, where regulated areas are enlarged based on new information. As part of this process, conservation authorities should be required to notify municipalities, such that municipalities can update mapping in official plans and zoning by-laws. Owners and potential purchasers often rely on zoning schedules to determine permissions on their property. Given implications for development, accurate mapping is necessary to create a transparent process and to prevent development in hazardous lands.

- Publicly accessible mapping is an imperative part of identifying and preventing development in hazardous areas. In addition to identifying the regulated boundary, mapping should illustrate the hazard for which the mapping applies. Mapping should illustrate the approximate location of:
  - o Erosion hazards including an erosion access allowance
  - o Flooding hazards
  - o Hazardous sites
  - o Wetlands, seepages and springs
  - o Permanent streams and intermittent streams
  - o Regulation limits
- While mapping has historically focused on erosion and flooding hazards, there appears to be gaps in the identification of hazardous sites. It is recommended that funding be provided to fill this gap.

**For Discussion: Improved coordination between *Conservation Authorities Act* regulations and municipal planning approvals.**

*Bill 23* provides for the ability to exempt development authorized under the *Planning Act* from requiring a permit under the *Conservation Authorities Act*. The exemption would only apply to municipalities set out in the regulation. Exemptions could be subject to certain conditions set out in regulation. Conservation authorities would continue to permit activities not subject to municipal authorization.

The Ministry has not proposed a regulation utilizing this exemption as part of this regulatory proposal, but is requesting initial feedback on how it could be used in the future to streamline the process.

Considerations for the use of this tool include:

- In which municipalities should the exemption apply? How should this be determined?
- Which *Planning Act* authorizations should be required for the exemption to apply?
- Should a municipality be subject to any requirements or conditions where this type of exemption is in place?
- Are there any regulated activities to which this exemption shouldn't apply?

- Currently as part of a subdivision that contains hazardous lands an applicant would need approval of a development application under the *Planning Act* and of a permit under the *Conservation Authorities Act*. This results in duplicate process and potentially municipalities and conservation authorities reviewing and approving different plans.
- The County agrees that development under the *Planning Act* and *Conservation Authorities Act* should be streamlined. Conditions that would be part of a permit could be implemented as part of the municipal planning process. Historically, when conservation authorities did not regulate areas adjacent to slopes and wetlands, they used the planning process to address natural hazards.

- One potential issue is that conservation authority comments may end up not being properly implemented or could be disregarded in the planning process. Political pressure for development could result in development being approved in floodplain areas.
- Another issue is that approving development in flooding and erosion hazards, could create new hazards and aggravate existing hazards beyond the development, such as increased flooding downstream. Accordingly, decisions made by one municipality could result in unintended consequences for another municipality. For this reason, conservation authorities are best equipped to review natural hazards on a watershed basis.
- Checks and balances would need to be in place to ensure conservation authority recommendations are implemented through the planning process. Unintended consequences could be conservation authorities having to appeal decisions to the Ontario Land Tribunal, resulting in additional delays and cost of development.
- One option to deal with differing opinions, is to have an appeal provision for conservation authorities whereby they could appeal municipal decisions to a conservation authority board for that watershed.
- In terms of determining which municipalities this should apply to, one option could be requiring any municipality that is interested in the option, to enter into a memorandum of understanding with the applicable conservation authority. Standard memorandums of agreement could be developed by the Province. The agreements could be reviewed on a yearly basis.

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

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

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

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



Ontario

**5.5**

234-2022-5612

December 22, 2022

Andrea Holland  
Clerk  
City of Hamilton  
[clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Dear Ms. Holland:

I am writing to you today in the spirit of the long-standing partnership between Ontario and the City of Hamilton in response to a recent letter that was sent to MPPs Donna Skelly and Neil Lumsden.

Since the day our government took office, we have been steadfast in our support and empowerment of our municipal partners. Working together, Ontario has provided tens of billions of dollars in new funding to support municipal services and build critical infrastructure, spurring job creation and creating the conditions for long-term economic growth. We have also been clear about the importance of working together to tackle Ontario's housing supply crisis and build the homes Ontarians need.

I am writing today to address municipal feedback regarding the *More Homes Built Faster Act*. In particular, I would like to address the suggested impact the legislation could have on the ability of municipalities to fund infrastructure and services that enable housing.

The central intention of the *More Homes Built Faster Act* is to build more homes that are attainable for our growing population. We are doing this in part by discounting and exempting municipal fees and taxes for affordable, non-profit and purpose-built rental housing, and new homebuyers who otherwise face these significant costs. For example, municipal fees and taxes currently add more than \$61,000 to the cost of an average single-family home in Hamilton before a single shovel is in the ground, a cost that is putting the dream of homeownership out of reach for far too many Hamiltonians.

I know councillors and residents of Hamilton share our goal of building communities that are welcoming to all residents, including new Canadians – towns and cities where everyone can have a place to call home. That is why our decision to rein in unsustainable and out-of-control municipal fees on new homebuyers is the right thing to do, and that is why our position on Bill 23 will not waver.

.../2

At the same time, it is critical that municipalities are able to fund and contract road, water, sewer, and other housing enabling infrastructure and services that our growing communities need. There should be no funding shortfall for housing enabling infrastructure as a result of Bill 23, provided municipalities achieve and exceed their housing pledge levels and growth targets.

As we undertake this work together, we are committing to ensuring municipalities are kept whole for any impact to their ability to fund housing enabling infrastructure because of Bill 23.

Furthermore, as good partners and in recognition of most municipalities making best efforts to accelerate the issuance of housing permits and approvals to meet and exceed their pledge targets, the government will introduce legislation that, if passed, would delay the implementation of development application refund requirements set out in Bill 109 by six months, from January 1, 2023, to July 1, 2023.

The federal government shares our objective of building 1.5 million homes in Ontario over the next 10 years, particularly at a time when it has set ambitious new targets for immigration. The majority of these newcomers will be welcomed to Ontario in search of jobs and opportunity. To this end, the province looks forward to working with our municipal partners to ensure we receive a proportional share of the federal government's new \$4 billion national Housing Accelerator Fund. We also expect that all municipalities will make an application to the federal Housing Accelerator Fund for funding that will support housing enabling infrastructure and relieve municipal charges levied on new homebuyers.

Together, we will ensure we can achieve our shared goal of building desperately needed homes. A strong partnership between the Province of Ontario and municipalities is critical if we are to solve our housing supply crisis – and we look forward to continuing our work together.

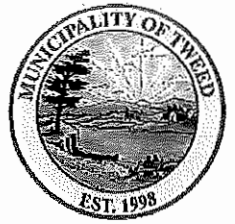
Sincerely,



Steve Clark  
Minister

- c. Donna Skelly, MPP Flamborough – Glanbrook [Donna.Skelly@pc.ola.org](mailto:Donna.Skelly@pc.ola.org)  
The Honourable Neil Lumsden, MPP Hamilton East – Stoney Creek  
[Neil.Lumsden@pc.ola.org](mailto:Neil.Lumsden@pc.ola.org)

Municipality of Tweed Council Meeting  
Council Meeting



Resolution No. 1743.  
Title: Resolution Re: Natural Gas Prices  
Date: Wednesday, December 14, 2022

5.6

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Moved by J. Flieler  
Seconded by J. DeMarsh

WHEREAS the price of natural gas is critical to the day-to-day cost of living for many residents of Ontario;  
AND WHEREAS the price of natural gas plays a large role in establishing a competitive business climate;  
AND WHEREAS some residents in Ontario consistently experience higher natural gas bills that are a result of transporting fuel and forecasted pricing models;  
AND WHEREAS the Ontario Energy Board (OEB) has the authority to regulate natural gas prices;  
NOW THEREFORE BE IT RESOLVED that the Council for the Municipality of Tweed hereby petitions the Ontario Energy Board to regulate natural gas bill costs to levels that are affordable and profitable as in jurisdictions within Ontario that have lower costs;  
AND FURTHER, that Council directs the Clerk to ensure that a copy of this Resolution be provided to the Premier of Ontario, the Minister of Energy, all Ontario Municipalities (for support), the Ontario Energy Board, Enbridge Gas Inc., and the Association of Municipalities of Ontario (AMO);  
AND FURTHER, that all Resolutions of support received by the Municipality of Tweed be submitted to the Ontario Energy Board (OEB) and Enbridge Gas Inc.

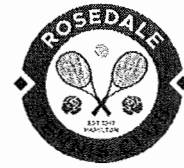
Carried

Don DeMora  
Mayor

Dec 20, 2022

Hamilton City Hall

Attn: Ms. Holland, City Clerk



RE: UNSOLICITED LOAN REQUEST-Rosedale Tennis Club  
2023 City of Hamilton Budget

Dear Mayor Horwath and Member of Council,

Rosedale Tennis Club located in Gage Park, Hamilton since 1919 and operating as a community tennis club since 1923 are requesting support in the form of a loan and/or grant in the amount of \$1,150,000 for the addition of a dome over 4 existing tennis courts, for the purpose of increasing tennis opportunities for Hamilton youth, families, seniors, local schools, and other community groups.

Over the past number of years Rosedale has been operating at or near capacity and have had to put a limit on memberships during the indoor tennis season. Our youth programs are full and court usage is at or near 80 %. We have been working with our tennis community and the staff at the city to consider options and how to increase tennis opportunities.

We have completed a solid business plan for the implementation and funding of the purchase and construction of the dome. Our intention is to contribute up to \$600,000 towards the initial cost, apply for funding through the Tennis Canada/Rogers Program to have more covered courts during winter seasons in the amount of \$200,000 and as well pursue other funding sources. Our business plan also includes repayment of the loan from the City of Hamilton.

We can make our team of volunteers and committee members available to present on this matter to answer questions.

Thank you for your consideration and we look forward to working together to support the City of Hamilton Vision **"To be the best place to raise a child and age successfully"** and to Live, Work, Play.

Please contact us at [info@rosedaletennisclub.ca](mailto:info@rosedaletennisclub.ca) or 905-545-5205

Best Regards,

David Scott,

Rosedale Tennis Club President.





Office of the City Clerk

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December 15, 2022

Via email: [premier@ontario.ca](mailto:premier@ontario.ca)

**The Honourable Doug Ford**  
**Premier of Ontario**  
Legislative Building  
Toronto, ON M7A 1A1

Dear Premier:

**Re: Kingston City Council Meeting, December 6, 2022 – New Motion 5 –  
Resource Recovery and Circular Economy Act, 2016**

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At the regular meeting on December 6, 2022, Council approved New Motion 5 with respect to request to the Resource Recovery and Circular Economy Act, 2016. At the same meeting, the following resolution was approved:

**Whereas** Municipal governments support the Province's implementation of outcomes-based policies to move responsibility for end-of-life management of designated products and packaging to producers who are the most able to affect system change; and

**Whereas** these policies can improve environmental outcomes, provide new jobs and grow Ontario's economy; and

**Whereas** outcomes-based policies require clear consequences for non-compliance that can be administered in an effective and efficient manner; and

**Whereas** Administrative penalties are a cost-effective tool for the regulator to hold polluters accountable, so there is less burden on the courts and taxpayers; and

**Whereas** the Resource Productivity and Recovery Authority does not have Administrative Penalties which is impacting the ability of the regulator to ensure compliance with the regulations under the Resource Recovery and Circular Economy Act, 2016; and

**Whereas** data provided by Resource Productivity and Recovery Authority shows there is a currently a backlog of over 2,000 cases of potential non-compliance and almost 200 known instances of non-compliance; and

**Whereas** the Resource Productivity and Recovery Authority has found battery producers non-compliant for collection accessibility and processing; and

**Whereas** the largest waste diversion program, the Blue Box, sees the first communities transition in a few months, ensuring the Regulator has appropriate enforcement tools to ensure servicing and outcomes are met is critical for a smooth transition for Ontarians;

**Therefore Be It Resolved That** the City of Kingston calls on the Provincial government to promptly pass an Administrative Penalties regulation under the Resource Recovery and Circular Economy Act, 2016; and

**That** this resolution be circulated to the Premier of Ontario, the Minister of the Environment, Conservation and Parks, MPP Ted Hsu, MPP John Jordan, the Association of Municipalities of Ontario, and all Municipalities in Ontario for their consideration and support.

Yours sincerely,



John Bolognone  
City Clerk  
/nb

C.C. Minister of the Environment, Conservation & Parks  
Ted Hsu, MPP for Kingston & the Islands  
John Jordan, MPP for Kingston, Frontenac Lanark  
AMO  
All Ontario Municipalities



December 16, 2022

Dear Head of Council, Municipal Chief Executive Officer and Clerk, and AMO Staff

**Re: Greenbelt Amendments and Revocation of the Central Pickering Development Plan and O. Reg. 154/03**

The government is committed to taking bold action to address Ontario's housing supply crisis by building 1.5 million homes over the next 10 years.

That is why the government has taken further action to support this goal by making changes to the Greenbelt and revoking the Central Pickering Development Plan and the associated Minister's Zoning Order (O. Reg. 154/03) to help build at least 50,000 new homes, while leading to an overall expansion of the Greenbelt by approximately 2,000 acres.

Further to the letters sent on Nov 4, 2022 regarding proposed amendments to the Greenbelt and the letter on October 25, 2022 regarding the proposed revocation of the CPDP, I am writing to provide an update that the government has approved Amendment No. 3 to the Greenbelt Plan (by OIC 1745/2022), amended the Greenbelt Area boundary (O. Reg. 59/05), and revoked the Central Pickering Development Plan (by OIC 1746/2022). The amendments were approved as proposed without modifications.

As Minister, I approved the related amendments to the Oak Ridges Moraine Conservation Plan (O. Reg. 140/02) and revoked the Central Pickering Development Planning Area and the related Minister's Zoning Order (O. Reg. 154/03).

Information on the Greenbelt Area boundary regulation, and the Oak Ridges Moraine Conservation Plan, and the revocation of the Central Pickering Development Plan and Minister's Zoning Order can be found at:

- Designation of Greenbelt Area (O. Reg. 567/22) - <https://www.ontario.ca/laws/regulation/r22567>
- Oak Ridges Moraine Conservation Plan (O. Reg. 568/22) - <https://www.ontario.ca/laws/regulation/r22568>
- Zoning Area - Regional Municipality of Durham, Part of The City of Pickering (O. Reg. 566/22) - <https://www.ontario.ca/laws/regulation/r22566>

Further details on these changes, including updated mapping, will be available online soon.

Thank you to those municipalities who provided feedback. The province looks forward to continued collaboration with municipal partners to get more homes built faster.

Sincerely,



Steve Clark

Minister

- c. Kate Manson-Smith, Deputy Minister, Municipal Affairs and Housing  
Sean Fraser, Assistant Deputy Minister, Municipal Affairs and Housing, Planning and Growth Division  
Hannah Evans, Assistant Deputy Minister, Municipal Services Division



**5.10**

**January 10<sup>th</sup>, 2023**

Attn: Tatiana Dafoe (Clerk)  
The City of Stratford  
City Hall, P.O. Box 818  
Stratford ON N5A 6W1

Please be advised that at the December 20th, 2022, Township of Cramahe Council Meeting the following resolution was passed with respect to supporting The City of Stratford's petition regarding funding and support of Via Rail services.

**Resolution No. 2022-319**

**Moved by** Councillor Van Egmond  
**Seconded by** Deputy Mayor Arthur

**BE IT RESOVLED THAT** Council support the City of Stratford's resolution passed at their November 14th, 2022, meeting on the Funding and Support for VIA Rail Services; and

**THAT** the Council of the Township of Cramahe recommend to the Government of Canada to adequately fund and fully support VIA Rail Canada in increasing the frequency, reliability, and speed of VIA real services in 2023 and successive years, specifically train #651 in Cobourg Ontario.

**CARRIED**

Sincerely,

Holly Grant  
Municipal Clerk  
Township of Cramahe  
[holly@cramahe.ca](mailto:holly@cramahe.ca)

CC: Premier Doug Ford  
MPP David Piccini  
MP Philip Lawrence  
Association of Municipalities of Ontario  
Federation of Canadian Municipalities  
All Ontario Municipalities

**The Corporation of the Township of Cramahe**

1 Toronto Street, P.O. Box 357, ON K0K 1S0 • Tel 905-355-2821 • [www.visitcramahe.ca](http://www.visitcramahe.ca)

**Pilon, Janet**

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**Subject:** Please make our waterfalls more accessible instead of blocking them off!

**From:** Marie Keresztyen

**Sent:** January 11, 2023 12:03 PM

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

**Subject:** Please make our waterfalls more accessible instead of blocking them off!

To Andrea Horwath, and councillors,

Hamilton is blessed to have over 100 waterfalls, but the bylaw enforcement of popular falls is holding them back from the potential they have.

The previous council approved this pilot in 2021, which continued into 2022. It's expected you will debate whether it'll be permanent beyond 2023.

While parking enforcement should continue, visitors should be able to access the bottom of the falls, particularly Albion and Smokey Hollow, without worrying about a \$75 trespassing ticket.

Current bylaws prohibiting access aren't effective, as people regularly ignore the signs and go off trail anyway. A google search of Albion, Chedoke, etc.. will give you tons of pictures down there.

At the same time this punishes responsible hikers who previously hiked down with no issues, but can't anymore due to the new rules. This petition with 2590 signatures also wants access to be improved: <https://change.org/dontblockthefalls>

The base provides the best views, views the viewing platforms simply don't have. If the viewing platforms had the best views, you wouldn't have people constantly going off-trail.

Global News found the enforcement last year costing \$360,000. This money shouldn't be spent on guards patrolling the waterfall, and should instead fund programs that allow viewers to safely access the falls' base.

A guided/self guided tour to the bottom every couple of weeks would allow viewers to legally access the bottom, and is cheaper than building infrastructure like stairs. It could be done on days where there's no flash flood chance, and only done in the summer/fall months.

Visitors could pay \$5-10 to be part of the tour group, and sign a waiver to protect the city's liability. That is much better than a \$75 ticket.

This could be first piloted where Albion falls' base is open to the tour, and if the program is successful, expand it to other off-limits falls like Chedoke, or even Tews/Websters if the HCA is on board.

The program can ensure visitors have the right equipment to hike these areas, as well as hazards to look out for. With proper education and programs, these areas can be safely hiked.

Covid taught us to embrace our natural areas, as they're essential for one's mental health and wellbeing. For some, it's as simple as hearing the falls up close and feeling the mist of the water.

If the enforcement program remains unchanged, expect the same result where people keep ignoring signage, and bylaw struggling to keep them out. This will get worse over time, as the GTA/Hamilton area keeps growing and blogs further advertise these locations.

I appreciate you taking the time to hear my concerns. With the right ideas, we can safely improve the access of our waterfalls, and make Hamilton a more liveable city.

Regards  
M Keresztyen

## BY EMAIL

January 18, 2023

Council for the City of Hamilton  
c/o Mayor Andrea Horwath  
Hamilton City Hall  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Mayor Horwath,

### **Re: Closed meeting complaint**

My Office received a complaint alleging that the Working Group (the “Working Group”) of the Physician Recruitment and Retention Steering Committee (the “Steering Committee”) violated the open meeting rules in the *Municipal Act, 2001*<sup>1</sup> (the “Act”) when it held meetings on January 12, September 14, October 14, October 29, November 23, and December 14, 2021. The complaint alleged that the meetings were improperly closed to the public because there was no notice of the meetings, the public could not attend the meetings, and the meeting agendas and minutes were not public.

I am writing to share the outcome of my review of this complaint. For the reasons set out below, I have concluded that the Working Group is not subject to the open meeting rules in the Act.

### **Ombudsman’s role and authority**

As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public. Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own. My Office is the closed meeting investigator for the City of Hamilton.

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<sup>1</sup> SO 2001, c 25.



My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman's decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: [www.ombudsman.on.ca/digest](http://www.ombudsman.on.ca/digest).

## Review

My Office reviewed relevant documentation including the City's procedural by-law, the Steering Committee and Working Group's terms of reference, correspondence from the City, the City's website, meeting records for the six meetings, and a report authored by the Working Group titled "Proposal to Transfer Program into the Greater Hamilton Health Network & Formalize Existing Funding Relationships". We also spoke with the City's Legislative Coordinator.

## Background

The Steering Committee is responsible for providing the overall direction for the City's Physician Recruitment and Retention Program (the "Program"). The Steering Committee reports to council through the City's Board of Health. The Steering Committee is composed of seven members, three of whom are City councillors.

The Working Group is responsible for providing the Program with operational support and oversight. The Working Group reports to the Steering Committee.

According to its terms of reference, the Working Group advises Program staff, reviews budgets, and brings information on matters pertaining to physician recruitment to the Steering Committee, either on an as-required basis or on an annual basis. The Working Group provides support and guidance to the Director of Physician Recruitment on issues including performance, budget, funding, conferences/events, contracts, economic climate, Ministry and Ontario Medical Association policies, and local factors influencing physician recruitment.

Four members of the Steering Committee sit on the Working Group, one of whom is a City councillor.



## Analysis

*The Physician Recruitment and Retention Steering Committee is a committee subject to the open meeting rules*

In order to assess whether the Working Group is subject to the open meeting rules, my Office first examined whether the Steering Committee is a committee that is subject to the open meeting rules.

Under s. 238 of the Act, a committee is “any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards[.]” My Office has found that a body can also be a committee if deemed so by municipal by-law,<sup>2</sup> and that a body may also be subject to the open meeting requirements if it is a committee as defined in the municipality’s procedural by-law<sup>3</sup> or if it is considered by the municipality to be a committee.<sup>4</sup>

Under its terms of reference, the Steering Committee’s membership is made up of seven members, only three of whom are City councillors. Based on its terms of reference, the committee does not meet the Act’s 50% membership threshold.

The City’s procedural by-law defines committee and sub-committee as:

“Committee” means a Standing Committee, Sub-Committee, Selection Committee or an Advisory Committee or Task Force established by Council from time to time.

“Sub-committee” means a Committee established by Council, comprised of some- Members of Council and in certain circumstances also citizen members. Sub-committees report up to an assigned Standing Committee with members of Sub-committees being appointed by Council.

We were advised by the City that it classifies the Steering Committee as a sub-committee of the Board of Health and that it is subject to the open meeting rules. Accordingly, the Steering Committee meets the definition of a “committee” under the City’s procedural by-law and is subject to the open meeting rules.

<sup>2</sup> *Hamilton (City of) (Re)*, 2021 ONOMBUD 9, online: <<https://canlii.ca/t/jfi02>>.

<sup>3</sup> *Niagara (Regional Municipality of) (Re)*, 2015 ONOMBUD 37, online: <<https://canlii.ca/t/gtp7n>>; *Ibid.*

<sup>4</sup> *Hornepayne (Township of) (Re)*, 2016 ONOMBUD 20, online: <<https://canlii.ca/t/h2st9>>.

*The Working Group is not a committee subject to the open meeting rules*

The Working Group does not meet the Act's 50% membership threshold, as only one of its four members is a City councillor.

The City's procedural by-law does not include working groups in the definition of committee, nor is the term contemplated in the procedural by-law. There is no other by-law that deems the Working Group to be a committee or that requires it to hold open meetings.

My Office has previously considered whether working groups are committees under the Act.

In assessing if a body is a "committee," my Office may also consider its role and function, as the Act defines a committee as an advisory or other committee or similar entity. My Office has found that a body that exercises delegated authority from council to make decisions or recommendations is likely to be a committee.<sup>5</sup> A body is not likely to be a committee if it serves an administrative purpose, merely exchanges information, or advances previously decided positions.<sup>6</sup>

In a 2017 report to the Town of Deep River, my Office found that a police service consultation working group was not a committee of council and was therefore not subject to the open meeting rules.<sup>7</sup> In arriving at this conclusion, my Office noted that despite being made up entirely of members of council, the working group did not advance council business, nor did it lay the groundwork for such.<sup>8</sup> Instead, my Office found that the working group exercised an administrative function and assisted in implementing a consultation plan that had been previously approved by council.<sup>9</sup>

In a report to the City of Kawartha Lakes, my Office found that an "off-road vehicle task force" was a committee and obligated to comply with the open meeting rules.<sup>10</sup> The task force did not meet the membership threshold of 50% under the Act. However, it was mandated to provide advice and recommendations to council on off-road vehicle usage. Further, the task force was designated as a committee of council by the municipality's procedural by-law.

In this case, the Working Group does not function as a committee. The Working Group does not exercise delegated authority to make decisions or recommendations to council – rather, the Steering Committee exercises delegated authority from council to direct the Physician Recruitment and Retention Program. The Working Group implements the Steering Committee's directions, and functions in an information-gathering role for the Steering

<sup>5</sup> *West Parry Sound (Heads of Council in) (Re)*, 2015 ONOMBUD 38, online: <<https://canlii.ca/t/gtp7q>>.

<sup>6</sup> *Ibid*; *Hamilton (City of) (Re)*, 2014 ONOMBUD 11, online: <<https://canlii.ca/t/gtmh8>>; *Deep River (Town of) (Re)*, 2017 ONOMBUD 17 [*Deep River*], online: <<https://canlii.ca/t/hqspf>>.

<sup>7</sup> *Deep River*, *supra* note 6.

<sup>8</sup> *Ibid* at para 62.

<sup>9</sup> *Ibid*.

<sup>10</sup> *Kawartha Lakes (City of) (Re)*, 2022 ONOMBUD 6, online: <<https://canlii.ca/t/jnnx9>>.

Committee, either on an as-required or on an annual basis, but it does not have any authority to make decisions.

Similar to the working group in the Town of Deep River, the Working Group's primary role is administrative: Providing the Program with operational support and oversight by advancing previously decided positions.

As such, the Working Group is not a committee, and is therefore not subject to the open meeting rules of the Act. Accordingly, the Working Group did not contravene the Act when it met on January 12, September 14, October 14, October 29, November 23, and December 14, 2021.

## Conclusion

The Working Group of the Physician Recruitment and Retention Steering Committee is not subject to the open meeting rules. Under the circumstances, my Office will not be taking further steps regarding this complaint.

I would like to thank the City for its co-operation during my review. The Clerk confirmed that this letter will be included as correspondence at an upcoming meeting of council.

Sincerely,



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Paul Dubé

Ombudsman of Ontario

cc: Andrea Holland, Clerk, City of Hamilton

**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Sameera Prematilake

**Sent:** January 17, 2023 9:51 AM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

I'm a homeowner near the border of Hamilton and Stoney creek. I thank the City of Hamilton for creating a safe and accommodating city for everyone (residents and visitors alike). I live and host a portion of my home (a studio apartment) as a short term rental (STR) unit. Since I'm renting my primary residence most of the restrictions suggested by report PED17203(c) do not affect my STR operation but there are three sections that do. See below list of the sections and why they hinder STR operation.

Section 4.1: Fees of over \$300 just to start a STR would leave home owners like myself debating if it is worth the investment of retrofitting unused portions of the home for STR.

Section 4.8: 120 nights per year limit would mean the STR unit is empty for over half the year which would contribute negatively towards the housing crisis in Hamilton.

Section 4.9: 2 adults per sleeping area means families with children older than 2 years of age will not be able to use STRs in the City of Hamilton! This is a restriction that will be felt deeply by families visiting as they oftentimes can not find a safe, private, affordable and large enough accommodation through other means (Hotels and Motels).

Furthermore I would like to point out below paragraph from Lou Piriano's (President of REALTORS® Association of Hamilton-Burlington) letter:

"While we can appreciate the City's overall goal to protect the rental housing stock, there must be a fair and equitable regulatory oversight rather than restrictive and punitive regulations. In our opinion, the proposed plan to regulate short-term rentals is overly prohibitive and infringes on homeowner and property rights. In particular, we believe that limiting short-term rentals to primary residences and implementing a cap on consecutive and total annual days are unjustly proscriptive. Furthermore, by imposing these restrictions, the City risks losing jobs related to the short-term rental industry, such as property management companies. Additional potential consequences may include a reduction in federal HST collection, reduced tourism and a burden for people travelling to Hamilton for medical reasons."

In conclusion, as per the three limiting by-law terms (Section 4.1, 4.8, 4.9) I mentioned above and Lou's letter, the suggested STR by-law is not suitable for a city as large and diverse as Hamilton. I would recommend looking into reducing some of the restrictions suggested by report PED17203(c) to allow STRs to operate.

Sincerely,  
Sameera Prematilake

## 5.13 (b)

**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Spencer Giles

**Sent:** January 17, 2023 9:51 AM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

I am writing you to discuss the proposed bylaw. We have been hosting in the Hamilton area for over 3 years now. Hosting has allowed us to offer our home to many travelers, business and working professionals and families in need of short term housing.

This has also provided us an income to help put food on the table. The 120 day cap and primary residence rule would severely limit the ability to continuing to do this.

Not only is there an extremely strong economic benefit to being able to host short term rentals for the city, it also provides us landlords much more protection vs the tenancy laws in Ontario as they are in extreme favour of the tenant has put people at risk and has costed many thousands of dollars due to tenants taking advantage of the system.

We ask that you simply put guidelines in place to ensure that they are run/managed correctly. We completely understand the public concern with Short term rentals having a bad name due to bad guests, but we shouldn't let a few poorly managed properties bring down the rest of us that are managing and vetting our guests properly.

Having a license and demerit point system like other municipalities such as: The Blue Mountains, St Catharines, and Niagara on the Lake are all great examples of progressive cities looking to please both sides and coming to a fair and successful solution.

For reference, we have a strict no party rule in all of our properties. We have installed exterior cameras and decibel reading noise sensors in all of our properties to protect against any guests that may disrupt the neighbourhoods. This has been a tried and tested method that works fantastic as we truly respect our neighbours and their peace/privacy.

We kindly ask that you consider these suggestions and put more onus on the property owner managing the short term rental properly to ensure all neighbourhoods are being respected.

This will allow more homes to be opened up to visitors/working professionals exploring and spending money in the city, boosting the economy and supporting local businesses. It will provide an income source/more protection for landlords and lastly will provide strict guidelines to ensure each property is being managed properly to respect all residence of each and every neighbourhood.

Sincerely,  
Spencer Giles

**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Scott Ramsay

**Sent:** January 17, 2023 9:52 AM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

I will be submitting a longer letter to the meeting Tuesday Jan 17. I just wanted to say that any decisions made on how businesses are run without without the input and collaborartion of those business owners is not how the city should be conducting themselves.

I fully support regulating all Airbnbs and other STRs. I strongly disagree with a ban on non primary homes and the 120 cap.

I run a 5 star reviewed property in the Strathcona area that has the full support of neighbours and local business. Our guests are treated to small discounts at local stores and restaurants. We promote many local businesses in our guide book.

In speaking with our guests, which include film producers, casting agents, families and business professionals, most do not want to stay in hotels, want to be in the community, be close to family, and have a home away from home. They also don't want to share a home, they prefer a non primary stay.

Many are choosing Hamilton because Toronto has become too expensive to stay, as Hotels again hold a monopoly over the accommodation industry. It is next to impossible to find a place under 400/night in the downtown area. This is a massive opportunity for the city of Hamilton to capatilize on Toronto's mistake in limiting STRs.

The short sightedness of the plan is head scratching. Hamilton sits in the middle of Niagara and Toronto and has become in demand for places to stay. New technology makes it much easier to prevent and even eliminate parties (which I speak to in my letter to the committee).

I fully support licensing for all STR owners. But instead of limiting and banning some rentals, why not start with strict fines, suspensions and loss of licences for the bad apples. Implement the use of cameras and noise monitors. Don't punish those of us who provide a wonderful service that helps promote the city, its tourism, and there local businesses. Allow the city to grow its tourism on all fronts.

Banning non primary rentals will also do nothing for the rental market. The LTB is keeping owners away from LTRs. Look at what has happened in Toronto since 2021. Rents are sky high and the rental shortage has not improved at all. I urge you to take the lead in how cities work with STRs instead of following city's plans that did not work as intended and are frankly, outdated.

People who travel gravitate towards airbnbs not out of necessity but because they prefer it. By limiting STRs you are limiting the amount of people that stay in the city, thus affecting local businesses already struggling after covid.

I am including a few reviews from our place as well...

"Incredibly beautiful house that looks even better in real life. Loved the well maintained backyard, the neighborhood,

and the overall aesthetic of the place, highly recommended for a stay in Hamilton!"

"This is a lovely sanctuary in Hamilton - close to all the nice spots. It was lovely to work out of the little office during the day and relax in the nice backyard at night. This is a must stay place when you visit Hamilton! Scott is the fastest in follow up and kindest person. And the art is beyond gorgeous!"

"Scott's place was wonderful—thoughtfully designed, cozy and quiet. Loved the neighborhood; went for nice runs by the harbor every morning and stopped by the market at the corner for healthy breakfasts. Conveniently located, and easy to get around Hamilton (and surrounding cities)."

"Scott's home is bright, beautiful, clean and tastefully decorated. The area is very quiet and comes with a private backyard. It was a great home base for a few days. The kitchen also comes stocked with a spice cabinet and coffee. There is a nice market at the corner where you can pick up freshly brewed coffee, delicious fresh bread, pastries or made to order sandwiches. It also has a nice variety of fresh produce and specialty items. Heading in the opposite direction is a park, all within walking distance to the home. I wouldn't hesitate to stay here if Hamilton is your destination."

"Scott's place was perfect for our week stay in Hamilton. The space is warm and cozy while being immaculately clean and brand new. We loved the fully stocked kitchen and great decor. The kids loved the backyard too! Easy access to the highway and downtown Hamilton and we highly recommend the bread/pastries at the market on the corner! Scott was very responsive. Would definitely stay again!"

I urge you to be proactive in working with us, not against us so that we can all help the community grow in a positive way.

Sincerely

Scott Ramsay

Sincerely,  
Scott Ramsay

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**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Jose Lopez

**Sent:** January 17, 2023 9:54 AM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

The proposed rules for short term rentals are too restrictive and unbalanced.

I have recent experience managing a furnished apartment for a friend (the owner) who has temporarily moved away for work related reasons. Most of the guests who have stayed in the suite have been people in need of temporary housing for the same reason that the unit is rented out (temporary work in the Hamilton area). I have hosted people coming to do business in Brantford, Hamilton, and one person working on a film. During their stay in the apartment many have decided to also have their family visit them in Hamilton which has resulted in spending at local businesses. One couple stayed for 4 months while the construction of their home (delayed due to the pandemic) was being completed after they sold their current home.

Short term rentals allow for this type of transitional housing to be provided at low cost to the host homeowners. Most Airbnb hosts I know, either share a space in their home or have created some form of secondary space to accommodate guests. For them as well as for me, this generally represents a side gig which provides supplementary income to cover rising costs and unexpected bills.

I agree that some form of regulation is required to avoid the creation of 'ghost hotels' (professional companies owning multiple units in the tens), but at present the proposed rules are a catch-all in the sense that they will also restrict gig economy income for individual homeowners. I don't think it is fair to restrict the commercial activity of mom-and pop level entrepreneurs. Unless there is credible evidence that the new rules will have any significantly measurable change in home affordability and availability, this is probably not the most sound policy. The biggest beneficiary will be the local hotel industry, but there could be unintended negative effects such as loss of tourism and temporary workers in Hamilton.

Restricting the use of short term rental platforms may also have the unintended effect of pushing rental prices higher for smaller units, as more expensive units formerly on Airbnb and VRBO start to enter a very tight rental market. What Hamilton really needs is more purpose built affordable rental units to be built, and yes some rules for 'ghost hotels' that don't punish small entrepreneurs.

Thank you for your consideration,

Sincerely,  
Jose Lopez

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**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Silvana Winton

**Sent:** January 17, 2023 9:55 AM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

Why I host is bc when I travel I enjoy having my own space and feeling comfortable a foreign place. Hosing was inspiring to me to give this opportunity to other when they visit the city I love and was born and raised in. I love giving back to the community hosting allows Hamiltonians and people from all over the world to explore our beautiful city. Our night life and entertainment has grown immensely over the last few years and I hope it continues as it was once so long ago

Hosting benefits me bc it is a secure way to pay my mortgage without being trapped with a tenant who doesn't pay or can not pay. I work full time and can not afford a large loss. And nor should I be forced to. It allows me to keep the property clean and maintained and grants me access at any time

Sincerely,

Silvana Winton

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**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Patricia Bednarski

**Sent:** January 17, 2023 9:55 AM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

Hello,

I appreciate what the City is trying to do for its community by trying to stop the people who rent out whole apartments and houses and I can get behind that, however, I strongly oppose you going after the primary residence operators. As an operator, I also live on the property and therefore I am monitoring the possibility of excessive noise, and how many people enter my residence. I am a responsible operator and I feel that you need to focus on residences that do not have primary residence and an operator as a short term rental. Thank you.

Sincerely,

Patricia Bednarski

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**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Monica fox

**Sent:** January 17, 2023 9:56 AM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

Thursday, January 12, 2023

To: City of Hamilton, Planning Committee

Re: Short Term Rental Accommodations Proposal

I have been a resident of the City of Hamilton all my life. I have worked, lived, and raised my children in this community. We support our local shops. We contribute to and enjoy our community.

We own two properties; one is our primary residence, and the second we run short term rentals. We use the latter property for our personal use part of the year and rent short-term for the remainder of the year. Having this second property has allowed us to use it for personal purposes when needed while still providing a service for guests in need of housing through short-term rental.

We have never had an issue or complaint about any of our guests from neighbours. We have had guests from all over the world stay with us. They have enjoyed exploring the Hamilton area, shopping, hiking, etc. Some of our guests, those who were in-between homes, were grateful to have found our property which they could make home for that time. During COVID, we hosted a guest who had to quarantine from his elderly father while working in healthcare. We have had guests with families who needed a kitchen to prepare meals. We have had guests here to celebrate weddings, anniversaries and birthdays — those who were looking for a comfortable place to share time together, a home rather than a hotel.

Running our Airbnb has allowed me to stay home to raise our children while still providing an income for our family. We pay our taxes on the property and on the income we receive from renting.

The severe restrictions which the city of Hamilton is considering for short term rentals are over reaching and unfair. This is our home and property and we should decide how best to run it.

We disagree with this proposal and say NO to the 120 day limit on STR, and NO to only primary residence for STR.

Monica Fox

Sincerely,  
Monica fox

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**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Farzin Yazdanjou

**Sent:** January 17, 2023 4:26 PM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

This is just unacceptable. There are many hosts who have built a business over the years and have a solid operation. It's one thing to say permits will be required and to collect a tax, but to shut down an entire sector is taking freedom away. Me, along with many other investors would stop investing money in Hamilton.

Sincerely,  
Farzin Yazdanjou

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**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Hanen kadhim

**Sent:** January 17, 2023 4:27 PM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

I urge you to please help protect our livelihood. We've had tenants in our property that stopped paying rent and it took a year to get them out. Being forced to rent our property rather than Airbnb doesn't make any sense. The regulations to protect landlords are lacking.

Sincerely,  
Hanen kadhim

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**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Mojgan shoj

**Sent:** January 17, 2023 4:28 PM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

I almost lost my investment property because it took over 12 months to get rid of a non paying tenant. I will not be renting to long term tenants if you take away airbnb. You have no right eliminating airbnb before making some rules to protect landlords from abusive tenants.

Sincerely,  
Mojgan shoj

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**Pilon, Janet**

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**Subject:** Protect short-term rentals in Hamilton

**From:** Savinda Athuluwage

**Sent:** January 18, 2023 9:44 AM

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

**Subject:** Protect short-term rentals in Hamilton

Dear Town Clerk Town Clerk,

These are my reasons for hosting guests on Airbnb at my property. I understand that there may be concerns about short-term rentals and their impact on the community, but I assure you that my situation is unique and I believe it is beneficial for both myself and my guests.

Firstly, hosting guests on Airbnb helps me cover my living expenses. I lost my job recently due to the current economic conditions and it has been difficult to make ends meet. Renting out my basement unit (starting in 2022) on Airbnb allows me to generate some additional income to help me get by.

Secondly, I only own one property and this is not a business for me. I do not own multiple properties or have any other source of income from hosting guests. This is simply a way for me to make use of the extra space I have and earn some extra money to offset the rising cost of living. My mortgage has gone up substantially with the recent rate hikes. I've been living in hamilton since 2012 and since 2019 in this current property.

Thirdly, I used to rent out my basement unit to a long-term tenant but they left after causing too much damage to the unit and not making rent payments on time. Having my basement unit listed on Airbnb helps maintain the unit as it gets cleaned and looked after, after every guest. This way I don't have to worry about the damage caused by a long-term tenant.

Lastly, I believe that hosting guests on Airbnb is a great way for them to experience our city and all it has to offer. It allows them to stay in a comfortable and convenient location, and it also supports local businesses as they explore the area.

I understand that there are concerns about short-term rentals and their impact on the community. However, I believe that my situation is unique and that hosting guests on Airbnb is beneficial for both myself and my guests. I would be happy to work with the city to ensure that my listing is in compliance with all local regulations and that it does not disrupt the community.

Thank you for your time and consideration.

Sincerely,  
Savinda Athuluwage

Sincerely,  
Savinda Athuluwage

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Hamilton

**LOCAL BOARD MEMBER RESIGNATION FORM**

I Bernie Mueller, would like to submit my resignation, effective January 5, 2023, from the Hamilton Waterfront Trust Board of Directors, for the following reason(s):

- My circumstances have changed and I no longer have the time to effectively participate on the local board.
- Personal reasons.
- Other (please explain briefly):

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Additional Comments (optional)

As a result of the other citizen appointee not being replaced after his resignation in early 2022, and the loss of all three city councillors on the board after the election, I was left the only board member for a significant period of time, at a time of great upheaval in the Hamilton Waterfront Trust and facing multiple challenges that I could not address. I would recommend the structure of the board be re-assessed to avoid this situation from occurring again. Thank you

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**Bernie Mueller**

January 19, 2023

Signature

Date

Please scan and email this page to your Staff Liaison. Thank you!

**Pilon, Janet**

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**Subject:** When Is The City Going To Rescind Their "Must Be Vaccinated" To Apply For A Job?

**From:** KK Z

**Date:** January 19, 2023 at 4:47:56 PM EST

**To:** "Cassar, Craig" <[Craig.Cassar@hamilton.ca](mailto:Craig.Cassar@hamilton.ca)>, Office of the Mayor <[Officeofthe.Mayor@hamilton.ca](mailto:Officeofthe.Mayor@hamilton.ca)>

**Cc:** Ward 1 Office <[ward1@hamilton.ca](mailto:ward1@hamilton.ca)>, Ward 2 <[ward2@hamilton.ca](mailto:ward2@hamilton.ca)>, Office of Ward 3 City Councillor Nrinder Nann <[ward3@hamilton.ca](mailto:ward3@hamilton.ca)>, Ward 4 <[ward4@hamilton.ca](mailto:ward4@hamilton.ca)>, "Francis, Matt" <[Matt.Francis@hamilton.ca](mailto:Matt.Francis@hamilton.ca)>, "Jackson, Tom" <[Tom.Jackson@hamilton.ca](mailto:Tom.Jackson@hamilton.ca)>, "Pauls, Esther" <[Esther.Pauls@hamilton.ca](mailto:Esther.Pauls@hamilton.ca)>, Ward 8 Office <[ward8@hamilton.ca](mailto:ward8@hamilton.ca)>, "Clark, Brad" <[Brad.Clark@hamilton.ca](mailto:Brad.Clark@hamilton.ca)>, "Beattie, Jeff" <[Jeff.Beattie@hamilton.ca](mailto:Jeff.Beattie@hamilton.ca)>, "Tadeson, Mark" <[Mark.Tadeson@hamilton.ca](mailto:Mark.Tadeson@hamilton.ca)>, Ward 13 <[ward13@hamilton.ca](mailto:ward13@hamilton.ca)>, "Spadafora, Mike" <[Mike.Spadafora@hamilton.ca](mailto:Mike.Spadafora@hamilton.ca)>, "McMeekin, Ted" <[Ted.McMeekin@hamilton.ca](mailto:Ted.McMeekin@hamilton.ca)>

**Subject:** Fwd: When Is The City Going To Rescind Their "Must Be Vaccinated" To Apply For A Job?

Dear Mayor and Councillor/s:

It has been brought to my attention that the City still requires a person to be fully vaccinated against COVID-19 in order to apply for a job and work for the city. At this point in time, knowing that the vaccines do not prevent infection, transmission, illness or death, I am dumbfounded that this is still a requirement to apply for a job. The evidence is now quite clear. This policy is discriminatory and for no rationally justifiable reason.

I quote the following from the Applying for a Job website and emphasized in bold the discrimination given the known effect of the vaccine:

The City of Hamilton is an **equal opportunity** employer committed to hiring for **diversity** and **inclusivity**. We welcome applications from qualified individuals for any full-time, part-time, temporary, seasonal, and summer student jobs.

Consistent with our Values and Corporate Culture Pillars, the City of Hamilton is committed to **providing equitable treatment** to all with respect to **barrier-free employment** and **accommodation without discrimination**. *The City will provide accommodation for applicants in all aspects of the hiring process, up to the point of undue hardship. If you have an accommodation need, please contact Human Resources as soon as possible to make appropriate arrangements.*

I italicize the above to ask these questions: Is a candidate who is applying for a job and who is fully qualified in all aspects, other than being fully vaccinated, required to ask for an accommodation? And on what basis? And for what purpose? Is preference given to someone that was injured from the vaccine after the first dose and now has a disability and can not take a second dose? What is the definition of fully vaccinated? I think you get the picture.

It is time to remove this discriminatory policy. I am willing to meet with your Human Resources personnel to discuss at their convenience. Thank you for your attention and expedience with this.

Sincerely,

Kim Zivanovich, Ancaster





## **SPECIAL GENERAL ISSUES COMMITTEE REPORT 22-024**

9:30 a.m.

December 6, 2022

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

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

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 22-024 FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

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

The agenda for the December 6, 2022 special General Issues Committee meeting, was approved, as presented.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) PRIVATE & CONFIDENTIAL (Item 3)**

**The following Motion was DEFEATED:**

**(i) Role of the Integrity Commissioner and the Code of Conduct and Review of the Municipal Conflict of Interest Obligations (Item 3.1)**

That Committee move into Closed Session respecting Item 3.1, pursuant to Section 9.5 of the City's Procedural By-law 21-021, as amended, and Section 239(3.1) of the *Ontario Municipal Act*, 2001, as amended, as the

subject matter pertains to a meeting of Council or a Committee that may be closed to the public if: (a) it is held for the purposes of educating or training Council members; and, (b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

In Open Session, Janice Atwood, Integrity Commissioner, provided the training respecting the Role of the Integrity Commissioner and the Code of Conduct and Review of the Municipal Conflict of Interest Obligations, and answered questions of Committee.

The training presentation respecting the Role of the Integrity Commissioner and the Code of Conduct and Review of the Municipal Conflict of Interest Obligations, was received.

**(d) ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee adjourned at 1:05 p.m.

Respectfully submitted,

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Mayor Andrea Horwath  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk



## SPECIAL GENERAL ISSUES COMMITTEE REPORT 23-002

1:30 p.m.

January 12, 2023

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

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

**Absent:** Councillor T. McMeekin - Personal

### THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 23-002 AND RESPECTFULLY RECOMMENDS:

1. **Emergency Operations Centre (EOC) Training - Emergency Management Orientation (Item 4.1)**
  - (a)
    - (i) That the Medical Officer of Health or designate be directed to investigate the thresholds of opioid deaths and overdoses that would enable the declaration of a state of emergency and report back to the Board of Health; and,
    - (ii) That staff be directed to include in their report the response required to address such an emergency; and available sources of funding to enable an effective response by the City of Hamilton.
  - (b) 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.

- (c) That staff be directed to identify an approach to integrate equity into the Emergency Plans to ensure residents made vulnerable or disproportionately impacted by social determinants of health are included and report back to the General Issues Committee with any resource implications.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

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

The agenda for the January 12, 2023 Special General Issues Committee meeting, was approved, as presented.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) PRIVATE & CONFIDENTIAL (Item 3)**

**(i) Emergency Operations Centre (EOC) Training - Emergency Management Orientation (Item 4.1)**

The Emergency Operations Centre (EOC) Training - Emergency Management Orientation, was conducted in Open Session.

Fire Chief Dave Cunliffe; Connie Verhaeghe, Senior Emergency Management Coordinator; and Kirsten Marples, Emergency Management Coordinator, provided the training respecting the Emergency Operations Centre (EOC) - Emergency Management Orientation, and answered questions of Committee.

The training presentation respecting the Emergency Operations Centre (EOC) - Emergency Management Orientation, was received.

For disposition of this matter, refer to Item 1.

**(d) ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee adjourned at 12:00 p.m.

Respectfully submitted,

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Councillor Maureen Wilson  
Acting Deputy Mayor, General Issues  
Committee

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Angela McRae  
Legislative Coordinator  
Office of the City Clerk





## **SPECIAL GENERAL ISSUES COMMITTEE REPORT 23-003**

1:30 p.m.

January 12, 2023

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

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

**Absent:** Councillor T. McMeekin – Personal  
Councillor C. Kroetsch – City Business

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 23-003 AND RESPECTFULLY RECOMMENDS:**

#### **1. Joint Stewardship Board (JSB) Training (Item 4.1)**

- (a) That staff be directed to release the Joint Stewardship Board (JSB) Training materials, excluding Section 4 – pages 72 – 77 which contain Confidential legal advice, publicly following Council approval.

#### **FOR INFORMATION:**

##### **(a) APPROVAL OF AGENDA (Item 1)**

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

The agenda for the January 12, 2023 Special General Issues Committee meeting, was approved, as presented.

##### **(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) PRIVATE & CONFIDENTIAL (Item 3)**

**(i) Joint Stewardship Board (JSB) Training (Item 4.1)**

Committee moved into Closed Session respecting Item 4.1, pursuant to Sections 9.3 and 9.5 of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (f) and Section 239(3.1) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and as the meeting is being held for the purposes of educating or training members; and, at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

For disposition of this matter refer to Item 1.

**(d) ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee adjourned at 3:46 p.m.

Respectfully submitted,

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Mayor Andrea Horwath  
Chair, General Issues Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



## **BOARD OF HEALTH REPORT 23-001**

**9:30 a.m.**

**Monday, January 16, 2023**

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

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

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### **THE BOARD OF HEALTH PRESENTS REPORT 23-001 AND RESPECTFULLY RECOMMENDS:**

**1. Board of Health Orientation Part 2: Population Health Assessment and Public Health Priorities (BOH23002) (City Wide) (Item 8.1)**

That Report BOH23002, respecting the Board of Health Orientation Part 2: Population Health Assessment and Public Health Priorities, be received.

**2. Pharmacies and Spatial Mapping: Influenza and COVID-19 Vaccinations (BOH23004) (City Wide) (Item 9.1)**

That Report BOH23004, respecting Pharmacies and Spatial Mapping: Influenza and COVID-19 Vaccinations, be received.

**3. Cold Alert Thresholds and Response Process (BOH23005) (City Wide) (Item 9.2)**

That Report BOH23005, respecting Cold Alert Thresholds and Response Process, be received.

**4. Ministry of Health Funding and Accountability Report: 2021 Annual Report and Attestation (BOH23001) (City Wide) (Item 10.1)**

That the Board of Health authorize and direct the Medical Officer of Health to submit the 2021 Annual Report and Attestation to the Ministry of Health in keeping with the information outlined in Board of Health Report BOH23001.

**5. Appointment of an Associate Medical Officer of Health (BOH23003) (City Wide) (Item 14.1)**

- (a) That the direction to staff respecting Report BOH23003, Appointment of an Associate Medical Officer of Health, be approved; and,
- (b) That Report BOH23003, respecting the Appointment of an Associate Medical Officer of Health, remain confidential until approved by Council.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**5. COMMUNICATIONS**

- 5.3 Correspondence from Loretta Ryan, Executive Director, Association of Local Public Health Agencies (alpha), respecting 2023 Budget Consultations

Recommendation: Be received.

**6. DELEGATION REQUESTS**

- 6.1 Delegations respecting Item 8.1 – Report BOH23002, Board of Health Orientation Part 2: Population Health Assessment and Public Health Priorities

- 6.1.a. Kojo Dampthey, Executive Director, Hamilton Centre for Civic Inclusion

- 6.1.b. Lyndon George, Hamilton Anti-Racism Resource Centre

The agenda for the January 16, 2023 Board of Health was approved, as amended.

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

There were no declarations of interest.

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

**(i) November 28, 2022 (Item 4.1)**

The Minutes of November 28, 2022 meeting of the Board of Health were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

- (i) The following items were approved, as presented:
- (a) Correspondence from Loretta Ryan, Executive Director, Association of Local Public Health Agencies (aLPHa), respecting Governance Toolkit for Ontario Boards of Health (Item 5.1)  
  
Recommendation: Be received
  - (b) Correspondence from Dr. Penny Sutcliffe, Medical Officer of Health and Chief Executive Officer, Public Health Sudbury & Districts, respecting Physical Literacy for Healthy Active Children (Item 5.2)  
  
Recommendation: Be received
  - (c) Correspondence from Loretta Ryan, Executive Director, Association of Local Public Health Agencies (aLPHa), respecting 2023 Budget Consultations (Item 5.3)  
  
Recommendation: Be received
- (ii) Finance staff were directed to review the Daily School Route (DRS) proposal and provide direction on how to initiate that program, as per Item 5.2, Correspondence from Dr. Penny Sutcliffe, Medical Officer of Health and Chief Executive Officer, Public Health Sudbury & Districts, respecting Physical Literacy for Healthy Active Children.

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

- (i) The following delegation requests respecting Item 8.1, Report BOH32002, Board of Health Orientation Part 2: Population Health Assessment and Public Health Priorities, were approved for the January 16, 2023 Board of Health meeting:
- (i) Kojo Dampsey, Executive Director, Hamilton Centre for Civic Inclusion (Item 6.1 (a))
  - (ii) Lyndon George, Hamilton Anti-Racism Resource Centre (Item 6.1 (b))

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

**(i) Delegations respecting Board of Health Orientation Part 2: Population Health Assessment and Public Health Priorities (BOH23002) (City Wide) (Item 8.1)**

The following Delegations addressed the Board:

- (i) Kojo Dampthey, Hamilton Centre for Civic Inclusion (Item 7.1)
- (ii) Lyndon George, Hamilton Anti-Racism Resource Centre (Item 7.2)

The following delegations respecting Item 8.1, Report BOH32002, Board of Health Orientation Part 2: Population Health Assessment and Public Health Priorities, were received:

- (i) Kojo Dampthey, Executive Director, Hamilton Centre for Civic Inclusion (Item 7.1)
- (ii) Lyndon George, Hamilton Anti-Racism Resource Centre (Item 7.2)

For disposition of this matter, please refer to Item 1.

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

**(i) Board of Health Orientation Part 2: Population Health Assessment and Public Health Priorities (BOH23002) (City Wide) (Item 8.1)**

Dr. Richardson, Medical Officer of Health, Kevin McDonald, Director, Healthy Environments, Jen Vickers-Manzin, Director, Healthy Families, and Julie Prieto, Director, Epidemiology & Wellness, addressed the Board with a presentation respecting Board of Health Orientation Part 2: Population Health Assessment and Public Health Priorities.

The Presentation respecting Board of Health Orientation Part 2: Population Health Assessment and Public Health Priorities (BOH23002), was received.

For disposition of this matter, please refer to Item 1.

**(ii) Respiratory Diseases Update (Item 8.2)**

Kevin McDonald, Director, Communicable Disease Control, addressed the Board with a presentation respecting a Respiratory Diseases Update.

The Respiratory Diseases Update, was received.

**(h) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Appointment of an Associate Medical Officer of Health (BOH23003)  
(City Wide) (Item 14.1)**

The Board determined that discussion of Item 14.1 was not required in Closed Session.

For disposition of this matter, please refer to Item 5.

**(i) ADJOURNMENT (Item 15)**

There being no further business, the Board of Health adjourned at 1:03 p.m.

Respectfully submitted,

Mayor Andrea Horwath,  
Chair, Board of Health

Matt Gauthier  
Legislative Coordinator  
Office of the City Clerk



**PUBLIC WORKS COMMITTEE  
REPORT 23-001**

1:30 p.m.

Monday, January 16, 2023  
Council Chambers  
Hamilton City Hall  
71 Main Street West

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**Present:** Councillors J. Beattie, C. Cassar, J. P. Danko, M. Francis, T. Jackson, C. Kroetsch, T. McMeekin, N. Nann, E. Pauls, M. Spadafora, A. Wilson, M. Wilson

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**THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 23-001 AND  
RESPECTFULLY RECOMMENDS:**

**1. Accessible Transportation Services Performance Report (PW22079(a)) (City Wide) (Item 9.1)**

That Report PW22079(a), respecting Accessible Transportation Services Performance Report, be received.

**2. 2023 Volunteer Committee Budget - Keep Hamilton Clean and Green Committee (PW23002) (City Wide) (Item 11.1)**

That the Keep Hamilton Clean and Green Committee's 2023 base budget submission, attached as Appendix "A" to Public Works Committee Report 23-001, in the amount of \$18,250 representing a zero-net levy impact from the previous year budget, be referred to the 2023 operating budget process for consideration.

**3. Funds Required for Award of Tender C15-01-22 (P) Mountain Brow Trail Initiative #4 (PW23003) (Ward 14) (Item 11.2)**

- (a) That the budget for Mountain Brow Trail Initiative #4 project (#4401756703) be increased by \$436,914.50; and
- (b) That the requested increase be funded by an appropriation transfer from the previously approved HRTMP Initiative 7-1 Limeridge Hydro Trail project (#4401956929).



**4. Truck Route By-law Amendment (PW23005) (City Wide) (Outstanding Business List) (Item 11.3)**

That the draft Amending By-law, attached as Appendix “A” to Report PW23005 (which amends the City of Hamilton Traffic By-law 01-215), which has been prepared in a form satisfactory to the City Solicitor, be approved.

**5. Improvements to Hampton Park, 28 Lupin Avenue, Hamilton (Ward 6) (Item 12.1)**

WHEREAS, the play structures at Hampton Park, 28 Lupin Avenue, Hamilton have become worn out;

WHEREAS, a new Hampton Park Citizens Committee (HPCC) has been established, and is working with the Ward 6 Councilor’s office to support and inform improvements to Hampton Park;

WHEREAS, these community amenities are valuable recreation opportunities for children,youth and families within the Hampton Heights Neighbourhood, and the greater Ward 6 community; and

WHEREAS, this project will be added to the Parks & Cemeteries work plan, with community engagement for the play structure replacement commencing in 2023.

THEREFORE, BE IT RESOLVED:

- (a) That replacement of the existing play structures at Hampton Park, 28 Lupin Avenue, Hamilton, at a cost of \$250,000 including contingency, to be funded from the Ward 6 Special Capital Re-Investment Reserve (#108056), be approved; and
- (b) That the Mayor and City Clerk authorized and directed to approve and execute any and all required agreements and ancillary documents, in relation to the replacement of play structures at Hampton Park, 28 Lupin Avenue, Hamilton, with such terms and conditions satisfactory to the City Solicitor.

**6. Removal of Berms at Bernie Morelli Recreation Centre and Bernie Custis Secondary School, 1089 King Street East, Hamilton (Ward 3) (Item 12.2)**

WHEREAS, Report PW22082, respecting the Berms at the Bernie Morelli Recreation Centre and Bernie Custis Secondary School (Joint City – Hamilton-Wentworth District School Board Report), was received at the Hamilton-Wentworth District School Board Liaison Subcommittee meeting on September 12, 2022;

WHEREAS, the Hamilton-Wentworth District School Board staff have confirmed that they have authority to cover \$32,500, or 50% of the funds required for removal of the berms;

WHEREAS, the City does not have a funding source to cover the remaining 50%, or \$32,500; and

WHEREAS, removal of these berms enables the green space between both facilities to be more conducive to multi-use, outdoor activity that would benefit student physical activity and education throughout the school year, and enable diverse programming for all ages in the summer at the recreation centre.

THEREFORE, BE IT RESOLVED:

- (a) That the Berm Removal project for Bernie Morelli Recreation Centre and Bernie Custis Secondary School, located at 1089 King Street East, Hamilton, to be funded from the Ward 3 Capital Discretionary Account 3302109300, at an upset limit, including contingency, not to exceed \$32,500, be approved;
- (b) That staff be authorized and directed to enter into a cost sharing agreement with the Hamilton-Wentworth District School Board to confirm the conditions of the funding, the removal of the berms and the ongoing maintenance at Bernie Morelli Recreation Centre and Bernie Custis Secondary School, located at 1089 King Street East, Hamilton; and,
- (c) That the Mayor and City Clerk be authorized and directed to approve and execute any and all required agreements and ancillary documents in relation to the removal of berms at Bernie Morelli Recreation Centre and Bernie Custis Secondary School, located at 1089 King Street East, Hamilton, with such terms and conditions satisfactory to the City Solicitor.

**FOR INFORMATION:**

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

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

**6. DELEGATION REQUESTS**

- 6.1 Lindsay Mordue respecting Downtown Traffic Conditions and Two Way Streets (for today's meeting)

The Agenda for the January 16, 2023 Public Works Committee meeting was approved, as amended.

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

Councillor J.P. Danko declared a non-disqualifying interest respecting Item 12.2 - Removal of Berms at Bernie Morelli Recreation Centre and Bernie Custis Secondary School, 1089 King Street East, Hamilton (Ward 3), as his wife is Chair of the Hamilton-Wentworth District School Board.

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

**(i) November 28, 2022 (Item 4.1)**

The Minutes of the November 28, 2022 meeting of the Public Works Committee were approved, as presented.

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

The following Delegation Request was approved for today's meeting:

- (i) Lindsay Mordue respecting Downtown Traffic Conditions and Two Way Streets (Item 6.1)

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

**(i) Lindsay Mordue respecting Downtown Traffic Conditions and Two Way Streets (Item 7.1)**

Lindsay Mordue provided a verbal presentation expressing concerns respecting downtown traffic conditions and two way streets in Hamilton.

The verbal presentation from Lindsay Mordue respecting Downtown Traffic Conditions and Two Way Streets, was received.

**(f) DISCUSSION ITEMS (Item 11)**

**(i) 2023 Volunteer Committee Budget - Keep Hamilton Clean and Green Committee (PW23002) (City Wide) (Item 11.1)**

Staff were directed to report back to the Public Works Committee respecting the annual expenses for litter collection outside of regularly scheduled Waste Management efforts, including the factors that inform the

planning and scheduling of public litter collection in public spaces across the City of Hamilton, by the end of 2023.

For further disposition of this matter, please refer to Item 2.

**(g) GENERAL INFORMATION / OTHER BUSINESS (Item 14)**

**(i) Amendments to the Outstanding Business List (Item 14.1)**

The following amendments to the Public Works Committee's Outstanding Business List, were approved.

**(1) Items Considered Complete and Needing to be Removed (Item 14.1(a))**

- (i) Truck Route By-law Amendment (Item 14.1(a)(a))**  
Addressed as Item 11.3 on today's agenda - Report PW23005 (City Wide)  
Item on OBL: ACI

**(2) Items Requiring a New Due Date (Item 14.1(b))**

- (i) Traffic Calming Management Policy (Item 14.1(b)(a))**  
Item on OBL: NA  
Current Due Date: December 6, 2021  
Proposed New Due Date: Q3 2023
- (ii) Winterizing Public Washrooms (Item 14.1(b)(b))**  
Item on OBL: ABV  
Current Due Date: Q2 2023  
Proposed New Due Date: July 12, 2023
- (iii) Accessible Transportation Services Performance Report (Item 14.1(b)(c))**  
Item on OBL: ACU  
Addressed as Item 9.1 on today's agenda -Report PW22079(a) (City Wide)  
Proposed New Due Date: Q2 2023
- (iv) Redevelopment / Reuse of the former King George School Site, at 77 Gage Avenue North (Item 14.1(b)(d))**  
Item on OBL: V  
Current Due Date: March 1, 2023  
Proposed New Due Date: June 14, 2023

**(g) ADJOURNMENT (Item 16)**

There being no further business, the meeting adjourned at 2:53 p.m.

Respectfully submitted,

Councillor Nann, Chair,  
Public Works Committee

Carrie McIntosh  
Legislative Coordinator  
Office of the City Clerk

# **CITY OF HAMILTON**

**2023**

**ADVISORY COMMITTEES**

**BUDGET SUBMISSION FORM**

**KEEP HAMILTON CLEAN & GREEN ADVISORY COMMITTEE**

## **PART A: General Information**

### **ADVISORY COMMITTEE MEMBERS – 2022 Membership:**

<b>Brenda Duke (Chair)</b>
<b>Paulina Szczepanski (Vice Chair &amp; HWCDSB Youth Representative)</b>
<b>Marisa DiCenso (HWCDSB Representative)</b>
<b>Heather Donison</b>
<b>Lennox Toppin</b>
<b>Felicia Van Dyk</b>
<b>Jen Baker (Environmental Representative - Non-voting)</b>
<b>Alison Kopoian (Staff Liaison - City Staff - Non-voting)</b>
<b>Florence Pirrera (Project Manager - City Staff - Non-voting)</b>
<b>Theresa Phair (Community Liaison - City Staff - Non-voting)</b>
<b>Diana Meskauskas (resigned)</b>
<b>Michelle Tom (resigned)</b>
<b>Leisha Dawson (resigned)</b>
<b>Kerry Jarvi (BIAAC Representative) (resigned)</b>

### **MANDATE:**

Reporting through the Public Works Committee, the Keep Hamilton Clean & Green (KHCG) Committee will provide input and advice to staff and Council on engaging citizens to take greater responsibility for improving our community environments. The KHCG's focus is to encourage behaviours and attitudes conducive to a clean, healthy and safe community through leadership and action.

The KHCG Committee will provide input and guidance to City staff, Council and other stakeholders on community involvement, private sector involvement and identification of resources to sustain Clean & Green Hamilton programs and initiatives that aim to beautify our community, promote environmental stewardship and prevent litter, illegal dumping and graffiti.

**PART B: Strategic Planning**

**STRATEGIC OBJECTIVES:**

- Litter
- Support the development and marketing of a coordinated cigarette litter prevention program.
  - Lead the promotion and collaboration with community partners for the ongoing operation of Team Up to Clean Up.
  - Support and promote City and community litter remediation and prevention initiatives.
- Illegal Dumping
- Support the development of educational and communication tools to prevent illegal dumping.
- Graffiti
- Support stakeholder engagement strategies and victim assistance initiatives with prevention and remediation tools.
- Beautification
- Recognize volunteer contributions to beautification initiatives and projects that support the Clean & Green Hamilton Strategy.
  - Support neighbourhood beautification and greening initiatives as needed.
- Environmental Stewardship
- Support and promote the engagement of citizen volunteers in programs and initiatives that encourage ecological integrity and minimize human impact on natural habitats and ecosystems on public and private properties.

**ALIGNMENT WITH CORPORATE GOALS:**

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
<b>1) Community Engagement &amp; Participation</b>	✓	<b>2) Economic Prosperity &amp; Growth</b>	
<b>3) Healthy &amp; Safe Communities</b>	✓	<b>4) Clean &amp; Green</b>	✓
<b>5) Built Environment &amp; Infrastructure</b>	✓	<b>6) Culture &amp; Diversity</b>	
<b>7) Our People &amp; Performance</b>			



**PART C: Budget Request**

**INCIDENTAL COSTS:**

Administration and Meeting Costs	\$600.00
Transportation Supports	\$550.00
Training and Development	\$650.00
<b>SUB TOTAL</b>	<b>\$1,800.00</b>

**SPECIAL EVENT/PROJECT COSTS:**

Cigarette Litter Prevention	\$2,250.00
Team Up to Clean Up	\$6,000.00
Graffiti Remediation	\$1,200.00
Volunteer Recognition	\$1,000.00
Clean & Green Neighbourhood Grants	\$6,000.00
<b>SUB TOTAL</b>	<b>\$16,450.00</b>

<b>TOTAL COSTS</b>	<b>\$18,250.00</b>
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<b>Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)</b>	<b>\$0.00</b>
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<b>TOTAL 2023 BUDGET REQUEST (net of reserve funding)</b>	<b>\$18,250.00</b>
<b>PREVIOUS YEAR (2022) APPROVED BUDGET (2022 Request \$)</b>	<b>\$18,250.00</b>

**CERTIFICATION:**

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

**Representative's Name:** Brenda Duke

**Signature:** 

**Date:** December 2, 2022

**Telephone #:** 289-933-4810



**PLANNING COMMITTEE  
REPORT  
23-001**

**January 17, 2023**

**9:30 a.m.**

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

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

**Also in Attendance:** Councillors T. Jackson, B. Clark

**Absent with Regrets:** Councillor T. McMeekin - Personal

**THE PLANNING COMMITTEE PRESENTS REPORT 23-001 AND RESPECTFULLY RECOMMENDS:**

1. **To Extend and Open a Portion of Lands as Public Highway being Nashville Circle by By-Law (PED23025) (Ward 5) (Item 9.1)**
  - (a) That the lands identified as Block 111 on Registered Plan 62M-965 be established as a public highway to form part of Nashville Circle;
  - (b) That the By-Law to incorporate the lands to form part of Nashville Circle be prepared to the satisfaction of the City Solicitor and be enacted by Council;
  - (c) That the City Solicitor, or designate, be authorized and directed to register the By- law.
  
2. **Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3250 and 3260 Homestead Drive (PED23002) (Ward 11) (Item 10.1)**
  - (a) That Official Plan Amendment Application UHOPA-22-010, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner)

to redesignate lands municipally known as 3250 Homestead Drive from “District Commercial” to “Mixed Use – Medium Density” on Schedule E-1 in the Urban Hamilton Official Plan and from “District Commercial” to “Mixed Use – Medium Density” in the Mount Hope Secondary Plan, to permit a three storey, 40 unit multiple dwelling on the subject lands and abutting lands, known as 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23002, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-22-020, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner) for a change in zoning from the District Commercial (C6, 344) Zone to the Mixed Use Medium Density (C5, 823) Zone and from the Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone, to permit a three storey, 40 unit multiple dwelling for lands located at 3250 and 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

**3. Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) (Item 10.2)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, to redesignate lands in the Nash Neighbourhood Secondary Plan from “Neighbourhood

Park” to “Natural Open Space”; to redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”; to redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”; to redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”; to redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”; to remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2’ and “Low Density Residential 2h” designations; to realign “Proposed Road”; to remove the “Hedge Row” identification on lands; and to identify the subject lands as a Site Specific Policy Area to permit a decrease in density in order to permit the development of the subject lands for 25 single detached dwellings (Lots 1 to 25), a Neighbourhood Park (Block 26), 51 townhouse dwellings (Blocks 27 and 28), 29 street townhouse dwellings (Blocks 29 to 34), Utilities (Block 35 to 37), Natural Open Space (Blocks 38 and 39) and the extension of a public road (Street “A”), on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change is zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4” Zone (Block 1), Single Residential “R4-39” Zone, Modified (Block 2); Multiple Residential “RM2-47” Zone, Modified (Block 3); and Multiple Residential “RM3-72(H)” Zone, Modified, Holding (Block 4); to permit the development of 25 single detached dwellings, 29 street townhouse dwellings, 51 townhouse dwellings and the extension of a public road (Street “A”), on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4(H1)", "R4-39(H1)", "RM2-47(H1)" and "RM3-72"(H1, H2)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the R4(H1)", "R4-39(H1)", "RM2-47(H1)" and "RM3-72(H1, H2)" Zone provisions in Section 2 above, upon completion of the following:

- (H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.
- (H2) That the owner demonstrates the following:
- (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street 'A' in line with a low point on Street 'A' without having any impact on Block 27 and 28;
  - (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB's shall be designed considering 50% blockage conditions;
  - (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37;
  - (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);

all to the satisfaction of the satisfaction of Director of Growth Management, Growth Management Division.

- (iii) That the proposed change in zoning are consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan and Niagara Escarpment Plan;
- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment brow and to establish lands for a connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “D” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:
    - “140. Notwithstanding Sections 7.1 and 7.5 of this By-law, on those lands zoned Neighbourhood Park (P1, H140) Zone and Conservation/Hazard Land (P5, H140), identified on Map Nos. 1353 and 1354 of Schedule “A” – Zoning Maps and described as 15 Ridgeview Drive, no development shall be permitted until such time as:
      - (a) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and Niagara Escarpment Plan;

- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That Draft Plan of Subdivision Application 25T-201701, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED, subject to the following:
  - (i) That this approval apply to the Draft Plan of Subdivision “City View Estates” 25T-2017001, certified by Nicholas P. Muth, O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street “A”) attached as Appendix “F” to Report PED23003, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED23003;
  - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.
- 4. **Licensing Short-Term Rental (STR) Accommodations (PED17203(c)) (City Wide (Outstanding Business List Item) (Item 11.1))**
  - (a) That Report PED17203(c), Licensing Short-Term Rental (STR) Accommodations, to license and regulate Short-Term Rentals in Hamilton, be approved;
  - (b) That the By-law to amend the Licensing By-law 07-170 with respect to Short-Term Rental (STR) Accommodations outlined in Revised Appendix “D”, with the annual 120 day rental cap removed, to Report PED17203(c),



which has been prepared in a form satisfactory to the City Solicitor, be approved subject to approval of items (i), (ii), (iii), (iv) and (v) below:

- (i) That the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Short-Term Rental Licensing Fee Schedule attached as Appendix "B" to Report PED17203(c);
  - (ii) That the request for 2.25 Full Time Equivalent (FTEs), with no net levy impact in the Licensing & By-law Services Division to support Licensing Short-Term Rentals Accommodations, be approved;
  - (iii) That an additional vehicle, including vehicle maintenance costs, at an estimated cost of \$42,000 be approved for Licensing and By-law Services for enforcing the Short-Term Rental Licensing program;
  - (iv) That subject to approval of (ii) and (iii) implementation costs be funded through an internal loan plus interest over a two-year term from the Investment Stabilization Reserve (112300) to be repaid once revenues are collected.
  - (v) That the Director of Licensing and By-law Services be authorized to sign any agreements between the City of Hamilton and Short-Term Rental Broker as required pursuant to the Licensing By-law 07-170 in a form satisfactory to the City Solicitor;
- (c) That Council endorse the implementation plan as detailed in Report PED17203(c) to develop, administer and enforce the licensing of Short-Term Rentals units;
  - (d) That, subject to the approval of Recommendation (b), Licensing and By-law Services be directed to work with Legal Services to obtain approval for set fines with the Ministry of the Attorney General, and create administrative penalties to amend By-law 17-225 (Administrative Penalties By-law); and,
  - (e) That Item 22P respecting Licensing Short-Term Rental (STR) Accommodations be identified as complete and removed from the Planning Committee's Outstanding Business List.

**5. Demolition Permit for 820 Rymal Road East, Hamilton (Added Item 12.1)**

WHEREAS, the owner of the above-mentioned property would like to demolish the existing dwelling without having to obtain a Building Permit for the proposed 14 unit townhome plan prior to receiving a demolition permit at 820 Rymal Road East, Hamilton; and,

WHEREAS, there have been ongoing issues for approximately six years with the vacant single-family home being repeatedly trespassed and vandalized, creating ongoing safety and security concerns for the surrounding neighbours and owner;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 820 Rymal Road East, Hamilton, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with the conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

**6. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment ZAC-22-025 for Lands located at 1019 Wilson Street West (LS21023(a)) (Ward 12) (Added Item 15.1)**

- (a) That the directions to staff in closed session respecting Confidential Report LS21023(a) be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal.
- (b) That the balance of this Confidential Report LS21023(a) remain confidential.

**7. Appeal to the Ontario Land Tribunal for Official Plan Amendment and Zoning By-law Amendment Applications for Lands Located at 405 James Street North (LS23012) (Ward 2) (Added Item 15.2)**

- (a) That the directions to staff in closed session respecting Confidential Report LS23012 be released to the public, following approval by Council; and
- (b) That the balance of Confidential Report LS23012 remain confidential.

**FOR INFORMATION:**

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

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

**6. DELEGATION REQUESTS**

6.1 Delegation Requests respecting Short Term Rental Licensing (Item 11.1) (For today's meeting)

- (iv) ~~Lilli Jones (in-person)~~ WITHDRAWN
- (v) Kwasi Obeng (pre-recorded)
- (vi) Cliff Lloyd (in-person)
- (vii) Norah McIntyre (in-person)
- (viii) Hamza Patel (in-person)
- (ix) Ben Oburota (virtual)
- (x) Adam Wayland, Ontario Short-term Rental Hosts Association ~~(in-person)~~ (VIRTUAL)
- (xi) Bryan and Natascha DiFrancesco (pre-recorded)
- (xii) John Thistlethwaite (in-person)
- (xiii) Bob Tyrrell (in-person)
- (xiv) Scott Ramsay (virtual)
- (xv) Melina Trindale (in-person)
- (xvi) Sally Lloyd (in-person)
- (xvii) James Buren (in-person)
- (xviii) Emily Power ~~(in-person)~~ (VIRTUAL)
- (xix) Kevin Marczi (in-person)
- (xx) Andrew Robertson (in-person)
- (xxi) Shannon Roberts (pre-recorded)
- (xxii) Sameera Prematilake (virtual)

**10. PUBLIC HEARINGS**

10.2 Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9)

- (a) Written Submissions
  - (i) Raivo Uukkivi

**11. DISCUSSION ITEMS**

11.1 Licensing Short-Term Rental (STR) Accommodations

(PED17203(c)) (City Wide)

(a) Written Submissions

- (iii) Lou Piriano, Realtors Association of Hamilton-Burlington
- (iv) Steven Devisser
- (v) Mark Krikke
- (vi) Gabrielle Marchese
- (vii) Hamza Patel
- (viii) Omo Aisosa-igiebor
- (ix) Bryan Adlam
- (x) Shalaine Ritchie
- (xi) Kirby Wilkins
- (xii) Alex Poliakov
- (xiii) Matthew Ferro
- (xiv) Adam Oldfield
- (xv) Paul Bellavia
- (xvi) Holly Jespersen
- (xvii) Gillian Fletcher
- (xviii) Bryan DiFrancesco
- (xix) Monica Fox
- (xx) Scott Ramsay
- (xxi) Connie Kidd
- (xxii) Toni Daramola
- (xxiii) Lynn Mackey
- (xxiv) Cale McKenna
- (xxv) Mark Wessman
- (xxvi) Sameera Prematilake
- (xxvii) Helene Ladouceur

**13. NOTICES OF MOTION**

13.1 Demolition Permit for 820 Rymal Road East, Hamilton

**15. PRIVATE AND CONFIDENTIAL**

15.1 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment ZAC-22-025 for Lands Located at 1019 Wilson Street West (LS21023(a)) (Ward 12)

15.2 Appeal to the Ontario Land Tribunal for Official Plan Amendment and Zoning By-law Amendment Applications for Lands Located at 405 James Street North (LS23012) (Ward 2)

The agenda for the January 17, 2023 Planning Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) November 29, 2022 (Item 4.1)**

The Minutes of the November 29, 2022 meeting were approved, as presented.

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

**(i) Various Delegation Requests (Items 6.1 and 6.2)**

The following Delegation Requests, were approved:

- (i) Delegation Requests respecting Short Term Rental Licensing (Item 11.1) (For today's meeting) (Item 6.1)
  - (i) Laura Qusen (in-person)
  - (ii) Cayley Stephenson (in-person)
  - (iii) Mark Krikke (in-person)
  - (iv) ~~Lilli Jones (in-person)~~ WITHDRAWN
  - (v) Kwasi Obeng (pre-recorded)
  - (vi) Cliff Lloyd (in-person)
  - (vii) Norah McIntyre (in-person)
  - (viii) Hamza Patel (in-person)
  - (ix) Ben Oburota (virtual)
  - (x) Adam Wayland, Ontario Short-term Rental Hosts Association (~~in-person~~) (VIRTUAL)
  - (xi) Bryan and Natascha DiFrancesco (pre-recorded)
  - (xii) John Thistlethwaite (in-person)
  - (xiii) Bob Tyrrell (in-person)
  - (xiv) Scott Ramsay (virtual)
  - (xv) Melina Trindale (in-person)
  - (xvi) Sally Lloyd (in-person)
  - (xvii) James Buren (in-person)
  - (xviii) Emily Power (~~in-person~~) (VIRTUAL)
  - (xix) Kevin Marczi (in-person)
  - (xx) Andrew Robertson (in-person)
  - (xxi) Shannon Roberts (pre-recorded)
  - (xxii) Sameera Prematilake (virtual)

- (ii) Frank Lenarduzzi respecting Expansion of Permitted Uses for P4 Zoning (For the January 31st meeting) (Item 6.2)

**(e) DELEGATIONS (Item 8)**

**(i) Delegations respecting Short Term Rental Licensing (Item 11.1)  
(Added Item 8.1)**

Chair M. Wilson advised that the in-person and virtual delegations would all be heard before the pre-recorded submissions.

The following Delegations were not in attendance when called upon:

- (ii) Cayley Stephenson
- (v) Kwasi Obeng
- (viii) Hamza Patel
- (ix) Ben Oburota (virtual)
- (xii) John Thistlethwaite (in-person)
- (xiv) Scott Ramsay (virtual)
- (xix) Kevin Marczi (in-person)

The following Delegations addressed the Committee respecting Short Term Rental Licensing (Item 11.1):

- (i) Laura Qusen (in-person)
- (iii) Mark Krikke (in-person)
- (vi) Cliff Lloyd (in-person)
- (vii) Norah McIntyre (in-person)
- (x) Adam Wayland, Ontario Short-term Rental Hosts Association (virtual)
- (xiii) Bob Tyrrell (in-person)
- (xv) Melina Trindale (virtual)
- (xvi) Sally Lloyd (in-person)
- (xvii) James Buren (in-person)
- (xviii) Emily Power (virtual)
- (xx) Andrew Robertson (in-person)
- (xxii) Sameera Prematilake (virtual)
- (xxi) Shannon Roberts (pre-recorded)
- (xi) Bryan and Natascha DiFrancesco (pre-recorded)

The time limit for the Delegation from Bryan and Natascha DiFrancesco was extended to sixteen minutes to allow for the playing of their pre-recorded submission.

The following Delegations respecting Short Term Rental Licensing (Item 11.1), were received:

- (i) Laura Qusen (in-person)
- (iii) Mark Krikke (in-person)
- (vi) Cliff Lloyd (in-person)
- (vii) Norah McIntyre (in-person)
- (x) Adam Wayland, Ontario Short-term Rental Hosts Association (virtual)
- (xiii) Bob Tyrrell (in-person)
- (xv) Melina Trindale (virtual)
- (xvi) Sally Lloyd (in-person)
- (xvii) James Buren (in-person)
- (xviii) Emily Power (virtual)
- (xx) Andrew Robertson (in-person)
- (xxii) Sameera Prematilake (virtual)
- (xxi) Shannon Roberts (pre-recorded)
- (xi) Bryan and Natascha DiFrancesco (pre-recorded)

The Committee recessed until 12:32 p.m.

**(f) PUBLIC HEARINGS (Item 10)**

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

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

**(i) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3250 and 3260 Homestead Drive (PED23002) (Ward 11) (Item 10.1)**

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Matt Johnston with Urban Solutions, was in attendance and indicated support for the staff report.

The delegation from Matt Johnston with Urban Solutions, was received.

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

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

For disposition of this matter, refer to Item 2.

**(ii) Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) (Item 10.2)**

Michael Fiorino, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Franz Kloibhofer with AJ Clarke & Associates, was in attendance and indicated support for the staff report.

The delegation from Franz Kloibhofer with AJ Clarke & Associates, was received.

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

- (a) The following written submission regarding this matter was received and considered by the Committee;
  - (i) Raivo Uukkivi, in opposition to the proposal
- (b) The public meeting was closed.
- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, to



redesignate lands in the Nash Neighbourhood Secondary Plan from “Neighbourhood Park” to “Natural Open Space”; to redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”; to redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”; to redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”; to redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”; to remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2” and “Low Density Residential 2h” designations; to realign “Proposed Road”; to remove the “Hedge Row” identification on lands; and to identify the subject lands as a Site Specific Policy Area to permit a decrease in density in order to permit the development of the subject lands for 25 single detached dwellings (Lots 1 to 25), a Neighbourhood Park (Block 26), 51 townhouse dwellings (Blocks 27 and 28), 29 street townhouse dwellings (Blocks 29 to 34), Utilities (Block 35 to 37), Natural Open Space (Blocks 38 and 39) and the extension of a public road (Street “A”), on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change is zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4” Zone (Block 1), Single Residential “R4-39” Zone, Modified (Block 2); Multiple Residential “RM2-47” Zone, Modified (Block 3); and Multiple Residential “RM3-72(H)” Zone, Modified, Holding (Block 4); to permit the development of 25 single detached dwellings, 29 street townhouse dwellings, 51 townhouse dwellings and the extension of a public road (Street “A”), on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “RM3-72”(H)” by this By-law, the Holding symbol (H) may be removed and thereby give effect to the “RM3-72(H)” Zone provisions in Section 2 above, upon completion of the following:

- (1) That the owner demonstrates the following:
  - (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street ‘A’ in line with a low point on Street ‘A’ without having any impact on Block 27 and 28;
  - (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB’s) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB’s shall be designed considering 50% blockage conditions;
  - (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street ‘A’ and Block 37;
  - (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);

all to the satisfaction of the satisfaction of Director of Growth Management, Growth Management Division.

- (iii) That the proposed change in zoning are consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan and Niagara Escarpment Plan;
  - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment brow and to establish lands for a connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and Niagara Escarpment Plan;
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That Draft Plan of Subdivision Application 25T-201701, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “City View Estates” 25T-2017001, certified by Nicholas P. Muth,

O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street "A") attached as Appendix "F" to Report PED23003, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix "G" to Report PED23003;

- (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

The recommendations in Report PED23003 respecting the Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek, were **amended**, as follows:

- (a) To add new sub-sections (b) (ii) (H1) and (H2) as follows:
  - (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:

~~Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM3-72"(H)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the "RM3-72(H)" Zone provisions in Section 2 above, upon completion of the following:~~

***Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “R4(H1)”, “R4-39(H1)”, “RM2-47(H1)” and “RM3-72”(H1, H2)” by this By-law, the Holding symbol (H) may be removed and thereby give effect to the R4(H1)”, “R4-39(H1)”, “RM2-47(H1)” and “RM3-72(H1, H2)” Zone provisions in Section 2 above, upon completion of the following:***

***(H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.***

***~~(1) That the owner demonstrates the following:~~***

***(H2) That the owner demonstrates the following:***

- (aa)*** That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street ‘A’ in line with a low point on Street ‘A’ without having any impact on Block 27 and 28;
- (bb)*** That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB’s) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB’s shall be designed considering 50% blockage conditions;
- (cc)*** That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street ‘A’ and Block 37;
- (dd)*** Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all

approval agencies with jurisdiction (MECP, City, NEC, HCA);

- (b) To add new sub-sections (c) (ii) and renumber the balance accordingly, as follows:
- (c) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment brow and to establish lands for a connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) ***That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:***
- “140. Notwithstanding Sections 7.1 and 7.5 of this By-law, on those lands zoned Neighbourhood Park (P1, H140) Zone and Conservation/Hazard Land (P5, H140), identified on Map Nos. 1353 and 1354 of Schedule “A” – Zoning Maps and described as 15 Ridgeview Drive, no development shall be permitted until such time as:***
- (a) ***That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.***

~~(ii)~~**(iii)** That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and Niagara Escarpment Plan;

~~(iii)~~**(iv)** That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;

For disposition of this matter, refer to Item 3.

**(g) DISCUSSION ITEMS (Item 11)**

**(i) Licensing Short-Term Rental (STR) Accommodations (PED17203(c)) (City Wide) (Outstanding Business List Item) (Item 11.1)**

Ben Spychaj, Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

**(a)** The staff presentation was received.

**(b)** The following written submissions (Item 11.1 (a)), were received:

- (i) Lilli Jones
- (ii) Norah McIntyre
- (iii) Lou Piriano, Realtors Association of Hamilton-Burlington
- (iv) Steven Devisser
- (v) Mark Krikke
- (vi) Gabrielle Marchese
- (vii) Hamza Patel
- (viii) Omo Aisosa-igiebor
- (ix) Bryan Adlam
- (x) Shalaine Ritchie
- (xi) Kirby Wilkins
- (xii) Alex Poliakov
- (xiii) Matthew Ferro
- (xiv) Adam Oldfield
- (xv) Paul Bellavia
- (xvi) Holly Jespersen
- (xvii) Gillian Fletcher
- (xviii) Bryan DiFrancesco
- (xix) Monica Fox
- (xx) Scott Ramsay
- (xxi) Connie Kidd

- (xxii) Toni Daramola
- (xxiii) Lynn Mackey
- (xxiv) Cale McKenna
- (xxv) Mark Wessman
- (xxvi) Sameera Prematilake
- (xxvii) Helene Ladouceur

- (c)
  - (a) That Report PED17203(c), Licensing Short-Term Rental (STR) Accommodations, to license and regulate Short-Term Rentals in Hamilton, be approved;
  - (b) That the By-law to amend the Licensing By-law 07-170 with respect to Short-Term Rental (STR) Accommodations outlined in Revised Appendix “D”, with the annual 120 day rental cap removed, to Report PED17203(c), which has been prepared in a form satisfactory to the City Solicitor, be approved subject to approval of items (i), (ii), (iii), (iv) and (v) below:
    - (i) That the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Short-Term Rental Licensing Fee Schedule attached as Appendix “B” to Report PED17203(c);
    - (ii) That the request for 2.25 Full Time Equivalents (FTEs), with no net levy impact in the Licensing & By-law Services Division to support Licensing Short-Term Rentals Accommodations, be approved;
    - (iii) That an additional vehicle, including vehicle maintenance costs, at an estimated cost of \$42,000 be approved for Licensing and By-law Services for enforcing the Short-Term Rental Licensing program;
    - (iv) That subject to approval of (ii) and (iii) implementation costs be funded through an internal loan plus interest over a two-year term from the Investment Stabilization Reserve (112300) to be repaid once revenues are collected.
    - (v) That the Director of Licensing and By-law Services be authorized to sign any agreements between the City of Hamilton and Short-Term Rental Broker as required pursuant to the Licensing By-law 07-170 in a form satisfactory to the City Solicitor;



- (c) That Council endorse the implementation plan as detailed in Report PED17203(c) to develop, administer and enforce the licensing of Short-Term Rentals units;
  - (d) That, subject to the approval of Recommendation (b), Licensing and By-law Services be directed to work with Legal Services to obtain approval for set fines with the Ministry of the Attorney General, and create administrative penalties to amend By-law 17-225 (Administrative Penalties By-law); and,
  - (e) That Item 22P respecting Licensing Short-Term Rental (STR) Accommodations be identified as complete and removed from the Planning Committee's Outstanding Business List.
- (d) That the above motion be amended to include an annual 180 day rental cap.

The Motion in sub-section (d) was DEFEATED.

For disposition of this matter, refer to Item 4.

**(h) NOTICES OF MOTION (Item 13)**

**(i) Demolition Permit for 820 Rymal Road East, Hamilton (Added Item 13.1)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit for 820 Rymal Road East, Hamilton.

For disposition of this matter, refer to Item 5.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 14)**

**(i) General Manager's Update (Added Item 14.1)**

Jason Thorne, General Manager of Planning and Economic Development advised the Committee of staff changes and the implementation of Planning process changes.

The General Manager's Update was received.

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

Committee moved into Closed Session for Items 15.1 and 15.2 pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(i) Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment ZAC-22-025 for Lands located at 1019 Wilson Street West (LS21023(a)) (Ward 12) (Added Item 15.1)**

For disposition of this matter, refer to Item 6.

**(ii) Appeal to the Ontario Land Tribunal for Official Plan Amendment and Zoning By-law Amendment Applications for Lands Located at 405 James Street North (LS23012) (Ward 2) (Added Item 15.2)**

For disposition of this matter, refer to Item 7.

**(k) ADJOURNMENT (Item 16)**

There being no further business, the Planning Committee adjourned at 5:05 p.m.

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Councillor M. Wilson  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator





## GENERAL ISSUES COMMITTEE REPORT 23-004

9:30 a.m.

January 18, 2023

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

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

**Absent:** Councillor T. McMeekin – Personal

### THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 23-004 AND RESPECTFULLY RECOMMENDS:

1. **Correspondence from Janice M. Shearer, Director, Chair of the Board of Directors, Dr. Bob Kemp Hospice Foundation Inc., respecting to officially move into an exploratory phase by Dr. Bob Kemp Hospice, and with city staff, to examine the viability of the acquisition of land at 41 South St. W (rear), Dundas, to build a “Campus of Care” for a pediatric hospice and centre of excellence for grief and bereavement that will serve Southwestern Ontario. (Added Item 5.2)**

WHEREAS, the City of Hamilton (the “City”) is the owner of the lands municipally located at 41 South Street West, Dundas;

WHEREAS, on February 22, 2017, Council approved a report (CM17003) that identified a rear portion of the 41 South Street West lands (the “Subject Site”) as surplus to the operational requirement of Wentworth Lodge;

WHEREAS, on January 24, 2018 (in approving GIC Report 18-002 (Item18)), a number of properties, including the Subject Site, were declared surplus for disposition for affordable housing purposes. Additionally, staff were authorized to undertake suitable consultation with private, not-for-profit; and public organizations to determine appropriate consideration of disposition of the properties;

WHEREAS, on August 12, 2019, General Issues Committee deferred consideration of a report entitled “Disposition Strategy – Portion of the Wentworth Lodge Lands (PED19138)”, and on December 15, 2021, Council received the report;

**Council - January 25, 2023**

WHEREAS, the Dr. Bob Kemp Hospice has approached the City with the objective of securing property on which to build a “Campus of Care” for a pediatric hospice and centre of excellence for grief and bereavement that will serve Southwestern Ontario; and,

WHEREAS, the Dr. Bob Kemp Hospice has submitted a written request to explore the possibility of and initiate due diligence to examine the viability of the acquisition of land at 41 South St. W (rear), Dundas, to build the proposed “Campus of Care”:

THEREFORE, BE IT RESOLVED:

- (a) That Dr. Bob Kemp Hospice be granted permission to explore the possibility of acquiring the vacant surplus lands at 41 South St. W (rear), Dundas (the “Subject Site”), including conducting due diligence on the viability and development potential for the proposed “Campus of Care”, and be required to undertake public engagement and consultation toward the potential opportunity, all at its sole cost and expense;
- (b) That staff be directed to undertake the due diligence required to determine the feasibility of the proposed disposition of the Subject Site to the Dr. Bob Kemp Hospice, including but not limited to valuation, tenure, land use, and maximization of site utilization;
- (c) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as property owner, be authorized to provide any consents, approvals, and notices that may be required for any due diligence activities conducted by Dr. Bob Kemp Hospice; and,
- (d) That staff report back to the General Issues Committee with recommendations respecting a land disposition strategy for the Subject Site.

**2. Human Resources Recruitment and Retention Strategy (HUR23002) (City Wide) (Item 14.5)**

- (a) That the directions provided to staff in Closed Session, respecting Report HUR23002 Human Resources Recruitment and Retention Strategy be approved; and
- (b) That Report HUR23002, respecting the Human Resources Recruitment and Retention Strategy remain confidential.

**3. Economic Development Manufacturing Strategy Update (PED23005) (City Wide) (Item 8.1)**

That Report PED23005, respecting the Economic Development Manufacturing Strategy Update, be received.

**4. Residential Vacant Unit Tax Program Framework (FCS21017(c)) (City Wide) (Item 8.2)**

- (a) That the Residential Vacant Unit Tax program framework as detailed in Appendix "A" to General Issues Committee Report 23-004 be approved;
- (b) That the City Solicitor be authorized and directed to prepare all necessary by-laws for the purposes of levying and collecting the Residential Vacant Unit Tax for the 2023 reference year;
- (c) That any annual net operating revenues of the Residential Vacant Unit Tax Program be transferred to a new Affordable Housing Reserve for affordable housing initiatives after the implementation costs are repaid to the Investment Stabilization Reserve 112300;
- (d) That a late mandatory declaration fee under the Residential Vacant Unit Tax Program of \$250 be charged; and,
- (e) That staff be directed to report back with the findings from the first year of the Residential Vacant Unit Tax as part of an annual reporting requirement.

**5. Business Improvement Areas (BIAs) Revised Board of Management (Items 9.2 to 9.8)**

**(a) Westdale Village Business Improvement Area (BIA) Revised Board of Management (PED23006) (Ward 1) (Item 9.2)**

That the following individuals be appointed to the Westdale Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Robert Crockford, Westdale Theatre;
- (ii) Ron Gabor, HPL Westdale Branch;
- (iii) Jordan Geertsma, Snooty Fox;
- (iv) Biyao Hu, Second Cup Westdale;
- (v) Paul Milki, Cupcakes of Westdale;
- (vi) Ilona Santa, Casual Gourmet;
- (vii) Anita Shilliday, Pace Credit Union;
- (viii) Isha Soni, Pizzaioli;

(ix) David Simpson, Simpson Wellenreiter Law.

**(b) Waterdown Village Business Improvement Area (BIA) Revised Board of Management (PED23008) (Ward 15) (Item 9.3)**

That the following individuals be appointed to the Waterdown Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Amanda Groves, Groves Law;
- (ii) Shari Stolpmann, BLR LLP;
- (iii) Sheila Locke, Re/Max Smart Realty;
- (iv) Buket Necip, Free2Be Wellness;
- (v) Christina Birmingham, Birmingham Consulting Inc;
- (vi) Shari Reaume, Turkstra Lumber;
- (vii) Jenn Calvano, Rockhaven Realty;
- (viii) Cat McCrimmon, Rustic Daisy's;
- (ix) Krista Allan, The Wine Shop.

**(c) Ottawa Street Business Improvement Area (BIA) Revised Board of Management (PED23011) (Wards 3 and 4) (Item 9.4)**

That the following individuals be appointed to the Ottawa Street Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Michael Carruth, Down The Street Food Co;
- (ii) Ariane Terveld, Obskurrah Bazaar;
- (iii) Eva Grad, Revolving Closet;
- (iv) Justin Abbiss, Ottawa Market;
- (v) Mark Baker, Merk;
- (vi) Wes Fletch, Wick'd Wax;
- (vii) Sean Querob, Nova Sewing Centre;
- (viii) Thomas Lute, The Argyle;
- (ix) Blaze Forgie, Community Rep.

**(d) International Village Business Improvement Area (BIA) Revised Board of Management (PED23013) (Ward 2 and 3) (Item 9.5)**

That the following individuals be appointed to the International Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Herb Wodehouse, Whitley Wodehouse CPA;
- (ii) Maja Prvanovic-Kogut, property owner of 203 King St E;
- (iii) Peter Quaglia, Dodsworth & Brown Funeral Home;
- (iv) Jessica Maurice, Community Rep;

- (v) Melanie Lourenco, Circle Studios;
- (vi) Clay Burns, Studio 205;
- (vii) Kristin Kusterin, Seasoned Restaurant.

**(e) Concession Street Business Improvement Area (BIA) Revised Board of Management (PED23015) (Ward 7) (Item 9.6)**

That the following individuals be appointed to the Concession Street Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Brandon Eyre, Investment Planning Counsel;
- (ii) Sean Keast, The Dirty South;
- (iii) Sarah Maticic, White Rabbit;
- (iv) David Andrews, Community Rep;
- (v) Kat Goegan, At Your Service;
- (vi) Eva Martens, Restorative Mobility;
- (vii) Darryl Howe, Stage Diner.

**(f) Ancaster Village Business Improvement Area (BIA) Revised Board of Management (PED23017) (Ward 12) (Item 9.7)**

That the following individuals be appointed to the Ancaster Village Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Jason Wynne, Wynne, Pringle, Jeske & Kovacs;
- (ii) Ryan MacDonald, Ancaster Mill;
- (iii) Jane Steinberg, Total Hearing Centre;
- (iv) Joel Newman, Community Rep;
- (v) Milap Bedi, Ancaster Cheese;
- (vi) Patricia Rastin, Rastins Pharmacy;
- (vii) Diane Price, Ancaster Realtor / Lucido Global;
- (viii) Dean Hodge, Coach and Lantern.

**(g) Stoney Creek Business Improvement Area (BIA) Revised Board of Management (PED23018) (Ward 5) (Item 9.8)**

That the following individuals be appointed to the Stoney Creek Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

- (i) Tina Fougere, Canadian National Autism Foundation;
- (ii) Suzanne Glinka, The Lucky Gem;
- (iii) Natashi Guidi, Trinity Natural Health;
- (iv) Daniel Trombetta, Titan Mortgage Group;
- (v) Paolo Rispoli, Comic 1 Books;



- (vi) Sandy Pavao, Cake Empire;
- (vii) Mary Terziev-Clifford, The Village Restaurant;
- (viii) Sean Kosak, Hudson Integrative Health Care;
- (ix) Matthew Trombetta, Simnat Consulting Inc.

**6. BIA Sub-Committee Report 22-009 – December 13, 2022 (Item 10.1)**

**(a) Appointment of Chair and Vice-Chair for 2022 - 2023 (Item 1)**

- (i) That Susie Braithwaite be appointed as Chair of the Business Improvement Area Sub-Committee for 2022 - 2023.
- (ii) That Susan Pennie be appointed as Vice-Chair of the Business Improvement Area Sub-Committee for 2022 - 2023.

**7. Advisory Committee for Persons with Disabilities (ACPD) Report 22-012 - October 11, 2022 (Item 10.2)**

**(a) Selection Process for the one Citizen Appointment to the Hamilton Police Services Board (Item 7.8)**

- (i) That the Committee Against Racism and the Hamilton Anti-Racism Resource Centre be requested to consider a member of the Advisory Committee for Persons with Disabilities as one of the six community representatives for appointment to the Hamilton Police Services Board Selection Committee for the recruitment of one citizen appointment to the Hamilton Police Services Board for the 2022-2026 term of Council; and,
- (ii) That a copy of this resolution and the name of the member recommended by the Advisory Committee for Persons with Disabilities, attached as Confidential Appendix “A” to Advisory Committee for Persons with Disabilities Report 22-012, be forwarded to the Committee Against Racism and the Hamilton Anti-Racism Resource Centre for their consideration.

**(b) Proposed Changes to the Advisory Committee for Persons with Disabilities Terms of Reference 2022 – 2026 Term of Council (Deferred from the September 13, 2022, meeting) (Item 10.1)**

That the proposed changes to the Advisory Committee for Persons with Disabilities to the Terms of Reference for the 2022-2026 Term of Council, attached as Appendix “B” to General Issues Committee Report 23-004, be approved.

**8. Advisory Committee for Persons with Disabilities Report 22-014 -  
December 13, 2022 (Item 10.3)**

**(a) Snow Clearing By-Law Review (Item 12.2)**

WHEREAS, Section 130 of the Municipal Act, Chapter 25, S.O. 2001, provides that a municipality may regulate matters related to the health, safety, and well-being of the inhabitants of the municipality;

WHEREAS, according to the City of Hamilton Snow Clearing By-Law 03-296, "Consecutive winter storm events" refers to any precipitation and/or accumulation of snow or ice from the beginning of the original winter snow event, and any subsequent storm events occurring within a 24-hour period of the cessation of the previous storm event;

WHEREAS, according to the City of Hamilton Snow Clearing By-Law 03-296, "Winter Storm Event" refers to any precipitation and/or accumulation of snow or ice;"

WHEREAS, the City of Hamilton Snow Clearing By-Law 03-296 defines street as "Highway," meaning a common and public highway under the jurisdiction of the City of Hamilton, and includes a street, sidewalk, boulevard whether paved or not paved, an unopened road allowance, and any portion of the land situated between street lines;"

WHEREAS, according to the City of Hamilton Snow Clearing By-Law 03-296, "The provisions of this By-law shall apply to all lands within the boundaries of the City, except for those areas designated as being exempt by the Director;"

WHEREAS, the City of Hamilton Snow Clearing By-Law 03-296 is inconsistent in its obligations of property owners in relation to the forgoing by requiring that "That every occupant or owner shall, within 24 hours of the cessation of a Winter Storm Event, or within 24 hours of the cessation of a series of Consecutive winter storm events, remove and clear all snow and ice from sidewalks abutting the highways in front of, or alongside, or at the rear of any occupied or unoccupied lot, or vacant lot;"

WHEREAS, the City of Hamilton Snow Clearing By-Law 03-296 is ambiguous and no longer meets the needs of persons with disabilities, nor is it consistent with Council-approved plans for referring persons with disabilities away from DARTS and onto HSR conventional transit; and,

WHEREAS, the City of Hamilton Snow Clearing By-Law 03-296 makes no mention of any obligation on the part of a property owner or the City to ensure a clear pathway between sidewalk curb cuts and roadways, which

would ensure safe and unobstructed travel between roads and sidewalks for persons with disabilities;

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities respectfully requests Council approve the following:

- (i) That staff be directed to review, in collaboration with the Advisory Committee for Persons with Disabilities, City of Hamilton Snow Clearing By-Law 03-296, so that it may be revised to meet the needs of all persons with disabilities in preparation for the 2023/24 winter season; and,
- (ii) That staff report back to the Public Works Committee with recommendations for revisions to the City of Hamilton Snow Clearing By-Law 03-296 by the early fall of 2023.

**9. Grant Increase to an Existing Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Approval, 555 Sanatorium Road, Hamilton, ERG-18-05 (PED19101(a)) (Ward 14) (Item 10.5)**

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-18-05, submitted by Chedoke Redevelopment Corporation (Starward Homes/Marz Homes), owner of the property at 555 Sanatorium Road, Hamilton, for an ERASE Redevelopment Grant not to exceed an additional \$315,363, for a total maximum grant of \$5,043,587, payable over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the General Manager of the Planning and Economic Development Department be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to give effect to the ERASE Redevelopment Grant for Chedoke Redevelopment Corporation (Starward Homes/Marz Homes), owner of the property 555 Sanatorium Road, Hamilton in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including but not limited to: deciding on actions to take in respect of events of default and executing any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as

approved by City Council, are maintained and that any applicable Grant Amending Agreements are undertaken in a form satisfactory to the City Solicitor.

**10. Revitalizing Hamilton Tax Increment Grant - 129 Wellington Street North, Hamilton (PED23004) (Ward 2) (Item 10.6)**

- (a) That a Revitalizing Hamilton Tax Increment Grant Program (RHTIG) Application submitted by WQ (Wellington St N) GP Inc. (Brendan Morley), for the property at 129 Wellington Street North, Hamilton, estimated at \$110,638.98 over a maximum of a four year period, and based upon the incremental tax increase attributable to the redevelopment of 129 Wellington Street North, Hamilton, be authorized and approved in accordance with the terms and conditions of the RHTIG;
- (b) That the General Manager of the Planning and Economic Development Department be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to give effect to the RHTIG for WQ (Wellington St N) GP Inc. (Brendan Morley) for the property known as 129 Wellington Street North, Hamilton, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including, but not limited to, deciding on actions to take in respect of events of default and executing any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the RHTIG Program, as approved by City Council, are maintained and that any applicable Grant Amending Agreements are undertaken in a form satisfactory to the City Solicitor.

**11. Business Improvement Areas (BIAs) Proposed Budget and Schedule of Payments (Item 10.7 to 10.13)**

- (a) **Westdale Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23007) (Ward 1) (Item 10.7)**
  - (i) That the 2023 Operating Budget for the Westdale Village Business Improvement Area attached as Appendix "C" to General Issues Committee Report 23-004, in the amount of \$128,125 be approved;
  - (ii) That the levy portion of the Operating Budget for the Westdale Village Business Improvement Area in the amount of \$128,125 be approved;

(iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Westdale Village Business Improvement Area;

(iv) That the following schedule of payments for 2023 be approved:

(1)	February	\$64,062.50
(2)	June	\$64,062.50

**(b) Waterdown Village Business Improvement Area (BIA) Proposed Budget & Schedule of Payments (PED23009) (Ward 15) (Item 10.8)**

(i) That the 2023 Operating Budget for the Waterdown Village Business Improvement Area, attached as Appendix “D” to General Issues Committee Report 23-004, in the amount of \$362,735 be approved;

(ii) That the levy portion of the Operating Budget for the Waterdown Village Business Improvement Area in the amount of \$270K be approved;

(iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Waterdown Village Business Improvement Area;

(iv) That the following schedule of payments for 2023 be approved:

(1)	February	\$135,000
(2)	June	\$135,000

**(c) Ottawa Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23010) (Wards 3 and 4) (Item 10.9)**

(i) That the 2023 Operating Budget for the Ottawa Street Business Improvement Area, attached as Appendix “E” to General Issues Committee Report 23-004, in the amount of \$187,875 be approved;

(ii) That the levy portion of the Operating Budget for the Ottawa Street Business Improvement Area in the amount of \$133K be approved;

(iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law

pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Ottawa Street Business Improvement Area;

(iv) That the following schedule of payments for 2023 be approved:

(1)	February	\$66,500
(2)	June	\$66,500

**(d) International Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23012) (Ward 2 and 3) (Item 10.10)**

(i) That the 2023 Operating Budget for the International Village Business Improvement Area, attached as Appendix “F” to General Issues Committee Report 23-004, in the amount of \$238,400 be approved;

(ii) That the levy portion of the Operating Budget for the International Village Business Improvement Area in the amount of \$197,700 be approved;

(iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the International Village Business Improvement Area;

(iv) That the following schedule of payments for 2023 be approved:

(1)	February	\$98,850
(2)	June	\$98,850

**(e) Concession Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23014) (Ward 7) (Item 10.11)**

(i) That the 2023 Operating Budget for the Concession Street Business Improvement Area, attached as Appendix “G” to General Issues Committee Report 23-004, in the amount of \$247,544 be approved;

(ii) That the levy portion of the Operating Budget for the Concession Street Business Improvement Area in the amount of \$130K be approved;

(iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Concession Business Improvement Area;

(iv) That the following schedule of payments for 2023 be approved:

(1)	February	\$65,000
(2)	June	\$65,000

**(f) Ancaster Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23016) (Ward 12) (Item 10.12)**

(i) That the 2023 Operating Budget for the Ancaster Village Business Improvement Area, attached as Appendix “H” to General Issues Committee Report 23-004, in the amount of \$116,950 be approved;

(ii) That the levy portion of the Operating Budget for the Ancaster Village Business Improvement Area in the amount of \$110K be approved;

(iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Ancaster Village Business Improvement Area;

(iv) That the following schedule of payments for 2023 be approved:

(1)	February	\$55,000
(2)	June	\$55,000

**(g) Stoney Creek Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23019) (Ward 5) (Item 10.13)**

(i) That the 2023 Operating Budget for the Stoney Creek Business Improvement Area, attached as Appendix “I” to General Issues Committee Report 23-004, in the amount of \$83,940 be approved;

(ii) That the levy portion of the Operating Budget for the Stoney Creek Business Improvement Area in the amount of \$72,440 be approved;

(iii) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law

pursuant to Section 208, The *Municipal Act, 2001*, as amended, to levy the 2023 Budget for the Stoney Creek Business Improvement Area;

(iv) That the following schedule of payments for 2023 be approved;

(1)	February	\$36,220
(2)	June	\$36,220

**12. Local Tree Planting Initiatives (PW23006) (Ward 12) (Item 10.14)**

- (a) That Council approve the acceptance of the 2 Billion Trees funding through Green Communities Canada, CanPlant, and Canadian Geographic which will fund in part the participation of the City of Hamilton in the National Mini-Forest Project and that the General Manager, Public Works Department be authorized to enter into and execute an Agreement and any necessary agreements and ancillary documents required to give effect thereto, all in a form satisfactory to the City Solicitor; and
- (b) That staff accept the grant in the amount of \$10,000 as well as the possible additional grant funds of \$4,000 which may be accessed for tree planting within publicly owned Greenbelt lands, to be deposited into the existing Tree Planting project ID 4450053001.

**13. Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) (City Wide) (Item 10.15)**

- (a) That the Climate Change Advisory Committee be established;
- (b) That the Climate Change Advisory Committee Terms of Reference attached as Amended Appendix "J" to General Issues Committee Report 23-004, to include one regulated health professional to the voting members of the Committee, be approved;
- (c) That the budget for the Climate Change Advisory Committee in the amount of \$9,000 for 2023 be approved, and funded through the Climate Change Reserve Account 108062;
- (d) That the Climate Change Advisory Committee be directed to submit an annual operating budget through the General Issues Committee using the standard templates for the 2024 budget approval process;
- (e) That the Outstanding Business List (OBL) Item LL of the General Issues Committee on August 8, 2022, Item 1(d), that staff be directed to prepare a Draft Terms of Reference for a Climate Change Advisory Committee of Council for the 2022-2026 Term of Council, that will help guide the



implementation of the City's Climate Action Strategy, and which includes a composition that ensures a diverse representation of Hamilton's community, be removed.

**14. Hamilton Ukrainian Humanitarian Crisis Response Update and Recommendation (HSC22029(b)) (City Wide) (Item 10.16)**

- (a) That staff be directed to continue responding to the Ukraine Crisis, including but not limited to short-term and temporary accommodations and wrap around supports, with an extended timeframe to June 30, 2023 and with an upset spending limit of \$500,000 to be funded from the Corporate Financials – Expenditures/Non-Program Dept ID; and,
- (b) That staff be directed to continue to work with the Greater Toronto Hamilton Area (GTHA) Committee on a regional approach to pursuing full recovery from senior levels of government for the costs associated with the City's response to the Ukraine Crisis.

**15. Outcomes and Findings of the Encampment Facilitated Sessions (HSC23009) (City Wide) (Item 10.17)**

That Report HSC23009 respecting the Outcomes and Findings of the Encampment Facilitated Sessions, be received.

**16. 2023 Insurance Renewals - Cyber & Paramedics Medical Malpractice (LS22036(a)) (City Wide) (Item 10.20)**

- (a) That the Paramedic Medical Malpractice Insurance Policy for the term January 30, 2023, to January 30, 2024 in the amount of \$5 Million at a cost of \$64,000 (plus applicable taxes) be approved and funded through the 2023 Risk Management Services Budget.
- (b) That the update on the Cyber Insurance renewal be received as information.
- (c) That the 2023 insurance renewal of the property insurance coverages be received as information.
- (d) That the City Solicitor be authorized to execute all associated documents related to the renewal of the Paramedic Medical Malpractice coverage for the term January 30<sup>th</sup>, 2023 to January 30<sup>th</sup>, 2024, through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. on behalf of the City.

**17. Stormwater Rate Review (Item 11.1)**

WHEREAS, in December 2021, Council directed staff, through Report PW21074 to report back to the Public Works Committee with a review of the benefits and challenges of various stormwater program funding options including water rates, a dedicated stormwater fee or tax levy or any other options and provide a recommendation for the preferred financing model for the City's stormwater programs, including a preliminary plan and any resource requirements necessary to conduct a detailed review of the preferred financing model;

WHEREAS, in June 2022, Council approved Report FCS22043 - Stormwater Funding Review that directed staff to report back to the General Issues Committee to provide Guiding Principles for consideration that will direct the evaluation of alternative stormwater rate funding structures as part of the Stormwater Funding Review;

WHEREAS, Report FCS22043 Stormwater Funding Review outlined three phases for the project with an estimated timeline for completion of all three phases of January 2026;

WHEREAS, Report FCS22043(a) Stormwater Funding Review on the November 30, 2022 General Issues Committee (GIC) agenda recommends a set of guiding principles for council to consider;

WHEREAS, Report FCS22043(a) Stormwater Funding Review highlights that Phase 1 of the project was completed three months earlier than originally planned;

WHEREAS, a new Utility Billing System is required to be in place at the expiry of the current contract with Alectra expected at December 31, 2024; and;

WHEREAS, synergies could be achieved if a new Stormwater Funding model could be integrated into a new Utility Billing System;

**THEREFORE, BE IT RESOLVED:**

- (a) That staff be directed to report back to the General Issues Committee in the second quarter of 2023 on the steps and resources required to implement a dedicated user fee for stormwater services, with an implementation date no later than January 2025; and,
- (b) That, in addition to the guiding principles that may be adopted by Council through Report FCS22043(a), staff be directed to include all aspects of the City's stormwater services to be funded from the revenues associated with this dedicated user fee.

**18. Audit of the 2022 Municipal Elections in the City of Hamilton (Item 11.2)**

WHEREAS, the City Clerk has responsibility under the *Municipal Elections Act* for conducting elections within the city of Hamilton;

WHEREAS, Council is responsible for providing funding for the conduct of municipal elections, the use of City resources during an election, the methods used for voting and the passing of by-laws related to election signs; and,

WHEREAS, there have been concerns raised including, but not limited to, the use of vote by mail ballots, elector privacy, timely distribution of information to electors and candidates, as well as voting delays during the 2022 municipal elections in the city of Hamilton;

THEREFORE, BE IT RESOLVED:

- (a) That the City Auditor be directed to:
  - (i) undertake and oversee, an audit of the administration of the 2022 municipal election in the city of Hamilton and report back in May of 2023 to Audit, Finance and Administration Committee on the findings of the audit to ensure that sufficient systems, resources, vendors and vendor agreements, and policies and procedures are in place to comply with the provisions of the *Municipal Elections Act*;
  - (ii) produce an actionable set of recommendations focused on improving the administration of the City of Hamilton's elections for the 2026 municipal election; and,
  - (iii) and make recommendations to Council with regards to suggested legislative reforms to the *Municipal Elections Act*; and,
- (b) That the audit process, of the 2022 municipal election in the city of Hamilton, include the retention of an election expert, and the solicitation of feedback from electors and candidates.

**19. Council Priorities Workshop (Item 11.3)**

WHEREAS, Hamiltonians will benefit most from a council that, as a whole, sets out clear priorities,

WHEREAS, urgent needs in our communities will be addressed more quickly and efficiently by a council that is working together to make tangible progress on our most pressing challenges and opportunities,

WHEREAS, this council will be able to more effectively direct staff work and get results for Hamiltonians by setting out clear priorities for the term,

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to work with the Mayor, Councillor M. Wilson, Councillor Beattie, and Councillor Jackson, to plan a workshop for council at which Council as a whole will set priorities as a group for the 2022 – 2026 term of office; and,
- (b) That the workshop and final council product be completed by March 31st 2023.

**20. Establishment of a Mayor's Task Force on Transparency, Access and Accountability (Item 11.4)**

WHEREAS, Hamiltonians have articulated concerns about issues of transparency, access, and accountability at City Hall; and,

WHEREAS, Council is committed to ensuring that Hamiltonians feel confident that their elected officials have heard their concerns and will endeavor to address them.

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton establish a diverse Mayor's Task Force on Transparency, Access and Accountability to be tasked with undertaking a comprehensive review of public concerns regarding access, transparency, and accountability at City Hall;
- (b) That staff, in consultation with the Mayor, develop and report back with a Terms of Reference for the Mayor's Task Force on Transparency, Access and Accountability, that includes a one year term with a regular reporting schedule and that the meetings be chaired by two Co-Chairs, appointed by the Mayor;
- (c) That the Mayor's Task Force on Transparency, Access, and Accountability provide actionable recommendations to the General Issues Committee to address these concerns and improve public access, transparency and accountability at Hamilton City Hall including the suggested measurements for success linked to each recommendation; and,
- (d) That the Mayor's Task Force on Transparency, Access, and Accountability at City Hall be provided with a budget of up to \$50,000 for the purpose of soliciting input and feedback from Hamiltonians to inform their work, and that this be funded through the Tax Stabilization Reserve 110046.

**21. Collective Bargaining Mandate (HUR23001) (City Wide) (Item 14.2)**

- (a) That the directions provided to staff in Closed Session, respecting Report HUR23001, Collective Bargaining Mandate, be approved; and,
- (b) That Report HUR23001, respecting the Collective Bargaining Mandate, remain confidential.

**FOR INFORMATION:**

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

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

**5. COMMUNICATION ITEMS**

- 5.2 Correspondence from Janice M. Shearer, Director, Chair of the Board of Directors, Dr. Bob Kemp Hospice Foundation Inc., respecting to officially move into an exploratory phase by Dr. Bob Kemp Hospice, and with city staff, to examine the viability of the acquisition of land at 41 South St. W (rear), Dundas, to build a “Campus of Care” for a pediatric hospice and centre of excellence for grief and bereavement that will serve Southwestern Ontario.

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

- 5.3 Correspondence from Rachel Lamont, MD, FRCPC, Psychiatrist, Assistant Professor McMaster University, respecting the Encampment Pilot Evaluation Report

Recommendation: Be received and referred to the consideration of Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)).

- 5.4 Correspondence from Marijke Jurriaans, Greater Hamilton Health Network, respecting the proposed Climate Change Advisory Committee Terms of Reference

Recommendation: Be received and referred to consideration of Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028).

- 5.5 Correspondence from David Inkley and Jeffrey Cowan, Hamilton Community Enterprises, respecting Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee - PED23028

Recommendation: Be received and referred to consideration of Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028).

**6. DELEGATION REQUESTS**

6.2 Ian Borsuk, Environment Hamilton, respecting Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton (For today's meeting)

6.3 Delegation Requests respecting Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide), from the following individuals:

6.3(a) Marcie Mcilveen, Hamsmart

6.3(b) Gessie Stearns

6.3(c) Koubra Haggar

6.3(d) Katherine Walker-Jones

6.3(e) Amanda Nemec-Bakk

6.3(f) Tanya Collins

6.3(g) Joanna Aitcheson

6.3(h) Elia Hamelin

**8. STAFF PRESENTATIONS**

8.2 Residential Vacant Unit Tax Program Framework (FCS21017(c)) (City Wide) (Formerly Item 10.4)

**10. DISCUSSION ITEMS**

10.20 2023 Insurance Renewals - Cyber & Paramedics Medical Malpractice (LS22036(a)) (City Wide)

**CHANGE TO THE ORDER OF ITEMS:**

That Item 14.5 respecting Report HUR23002, Human Resources Recruitment and Retention Strategy be moved up on the agenda to be considered immediately following the consideration of the Delegations (Item 7) as there are external consultants in attendance for this item.

The agenda for the January 18, 2023 General Issues Committee meeting, was approved, as amended.

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

Councillor B. Clark declared a disqualifying pecuniary interest to Item 14.4, Report LS16029(h), respecting an Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion as the principle planner of Urban Solutions, who is believed to be representing some landowners in this appeal, has a retail business interest with his son.

Mayor A. Horwath declared a disqualifying interest to Item 8.2, Report FCS21017(c), Residential Vacant Unit Tax Program Framework as she has a vacant property.

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

The following minutes of the General Issues Committee were approved, as presented:

- (i) November 30, 2022 (Item 4.1)
- (ii) December 6, 2022 – Special (Item 4.2)

**(d) COMMUNICATIONS (Item 5)**

Communications Items 5.1, 5.3 to 5.5, were approved, as presented, as follows:

- (i) Correspondence from Joanne Cohen respecting CBC: Hamilton Mayor Orders Audit of Hamilton Municipal Election Practices and Concerns Re Voter Lists (Item 5.1)

Recommendation: Be received and referred to consideration of Item 11.2 - Audit of the 2022 Municipal Elections in the City of Hamilton

- (ii) Correspondence from Rachel Lamont, MD, FRCPC, Psychiatrist, Assistant Professor McMaster University, respecting the Encampment Pilot Evaluation Report (Added Item 5.3)

Recommendation: Be received and referred to the consideration of Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)).

- (iii) Correspondence from Marijke Jurriaans, Greater Hamilton Health Network, respecting the proposed Climate Change Advisory Committee Terms of Reference (Added Item 5.4)

Recommendation: Be received and referred to consideration of Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028).

- (iv) Correspondence from David Inkley and Jeffrey Cowan, Hamilton Community Enterprises, respecting Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee - PED23028 (Added Item 5.5)

Recommendation: Be received and referred to consideration of Item 10.15 - Draft Terms of Reference for a Climate Change Advisory Committee (PED23028).

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

The Delegation Requests, were approved as follows:

- (i) Julie Alexander, Enbridge Gas on behalf of Enbridge Gas and ArcelorMittal Dofasco, respecting an upcoming project in the City of Hamilton (For the February 1, 2023 Meeting) (Item 6.1)
- (ii) Ian Borsuk, Environment Hamilton, respecting Item 10.15 Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton (For today's meeting) (Added Item 6.2)
- (iii) Delegation Requests respecting Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide), for today's meeting, from the following individuals:
  - (1) Marcie Mcilveen, Hamsmart (Added Item 6.3(a))
  - (2) Gessie Stearns (Added Item 6.3(b))
  - (3) Koubra Haggar (Added Item 6.3(c))
  - (4) Katherine Walker-Jones (Added Item 6.3(d))
  - (5) Amanda Nemec-Bakk (Added Item 6.3(e))
  - (6) Tanya Collins (Added Item 6.3(f))
  - (7) Joanna Aitcheson (Added Item 6.3(g))
  - (8) Elia Hamelin (Added Item 6.3(h))

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

- (i) Ian Borsuk, Environment Hamilton, respecting Item 10.15 Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton (Added Item 7.1)**

Ian Borsuk, Environment Hamilton, addressed the Committee respecting Item 10.15 Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton.

The Delegation from Ian Borsuk, Environment Hamilton, respecting Item 10.15 Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) on behalf of Environment Hamilton, was received.



**(ii) Delegations Respecting Item 10.18 - Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (Added Item 7.2)**

The following individuals addressed the Committee respecting Item 10.18 – Report HSC20038(e) / PED21188(b), Encampment Pilot Evaluation:

- (1) Marcie Mcilveen, Hamsmart (Added Item 7.2(a))
- (2) Gessie Stearns (Added Item 7.2(b))
- (3) Koubra Haggar (Added Item 7.2(c))
- (4) Katherine Walker-Jones (Added Item 7.2(d))
- (5) Amanda Nemec-Bakk (Added Item 7.2(e))
- (6) Tanya Collins (Added Item 7.2(f))
- (7) Joanna Aitcheson (Added Item 7.2(g))
- (8) Elia Hamelin (Added Item 7.2(h))

The following delegations respecting Item 10.18 – Report HSC20038(e) / PED21188(b), Encampment Pilot Evaluation, were received:

- (1) Marcie Mcilveen, Hamsmart (Added Item 7.2(a))
- (2) Gessie Stearns (Added Item 7.2(b))
- (3) Koubra Haggar (Added Item 7.2(c))
- (4) Katherine Walker-Jones (Added Item 7.2(d))
- (5) Amanda Nemec-Bakk (Added Item 7.2(e))
- (6) Tanya Collins (Added Item 7.2(f))
- (7) Joanna Aitcheson (Added Item 7.2(g))
- (8) Elia Hamelin (Added Item 7.2(h))

**(g) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Human Resources Recruitment and Retention Strategy (HUR23002) (City Wide) (Item 14.5)**

Consultants Terry Curtis and Melissa Merkley from Optimus SBR; and Elizabeth Hill from Pesce & Associates; were permitted to attend the Closed Session portion of the meeting with respect to Report HUR23002, Human Resources Recruitment and Retention Strategy.

Committee moved into Closed Session to discuss Item 14.5, pursuant to Section 9.3, Sub-section (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to labour relations or employee negotiations.

For disposition of this matter, refer to Item 2.

**(h) STAFF PRESENTATIONS (Item 8)**

**(i) Economic Development Manufacturing Strategy Update (PED23005) (City Wide) (Item 8.1)**

Norm Schleeahn, Director, Economic Development introduced Clark Savolaine and Marina Vukusic from KPMG, who addressed the Committee with an update on the Economic Development Manufacturing Strategy.

The presentation respecting PED23005, Economic Development Manufacturing Strategy Update, was received.

For disposition of this matter, please refer to Item 3.

Mayor A. Horwath relinquished the Chair to Deputy Mayor J.P. Danko due to a declared a conflict to Item 8.2.

**(ii) Residential Vacant Unit Tax Program Framework (FCS21017(c)) (City Wide) (Item 8.2)**

Kirk Weaver, Manager, Budgets and Financial Policy and Gloria Rojas, Senior Tax Policy Advisor addressed the Committee with a presentation on the Residential Vacant Unit Tax Program Framework.

The presentation respecting Report FCS21017(c), Residential Vacant Unit Tax Program Framework, was received.

For disposition of this matter, please refer to Item 4.

Mayor A. Horwath assumed the Chair.

**(i) CONSENT ITEMS (Item 9)**

**(i) Arts Advisory Commission Various Minutes:**

The following minutes of the Arts Advisory Commission, were received:

- (1) January 25, 2022 (Item 9.1(a))
- (2) March 22, 2022 (Item 9.1(b))
- (3) May 24, 2022 (Item 9.1(c))
- (4) July 26, 2022 (Item 9.1(d))
- (5) September 27, 2022 (Item 9.1(e))

(j) **DISCUSSION ITEMS (Item 10)**

(i) **Draft Terms of Reference for a Climate Change Advisory Committee (PED23028) (City Wide) (Item 10.15)**

That sub-section (b) to Report PED23028, Draft Terms of Reference for a Climate Change Advisory Committee, ***be amended***, by adding ***“to include one regulated health professional to the voting members of the Committee”***, as follows:

- (b) That the Climate Change Advisory Committee Terms of Reference attached as ***Amended*** Appendix “A” to Report PED23028, ***to include one regulated health professional to the voting members of the Committee***, be approved;

For further disposition of this matter, refer to Item 13.

(ii) **Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) (Item 10.18)**

The following was deferred to the February 1, 2023 General Issues Committee meeting:

- (a) That Council approve the extension of the encampment response pilot to the end of April 2023 to be structured and funded as outlined in HSC20038(d) / PED21188(a) and PED22088 at an approximate cost of \$350,000.
- (b) That, as the pilot program for the Coordination Response Team (CRT) ended on December 31, 2022, a permanent, dedicated CRT to coordinate response and service delivery related to encampments throughout the City, on a housing-outreach first approach, supported by a secondary role for enforcement only when needed, be established;
- (c) That, in order facilitate the permanent Coordination Response Team, the respective General Manager, or their designate, be authorized and directed to:
- (i) Increase the Healthy and Safe Communities Department, Housing Services Division’s budgeted complement by the following two full-time, permanent positions:
- (1) Manager of Housing-focused Street Outreach, at an annual cost of approximately \$149,000 for salary, benefits and ancillary charges;

- (2) Project Manager of Housing-focused Street Outreach, at an annual cost of approximately \$102,000 for salary, benefits and ancillary charges;
- (ii) Increase the Public Works Department, Parks Section's budgeted complement by one full-time permanent position:
  - (1) Supervisor, at an annual cost of approximately \$124,000 for salary, benefits and ancillary charges;
- (iii) Increase the Planning and Economic Development Department budgeted complement by two full-time, permanent positions:
  - (1) Two Municipal Law Enforcement Officers, at an annual cost of approximately \$138,500 each (\$277,000 for both) for salary, benefits, and ancillary charges;
- (d) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent of 3.5 seconded Street Outreach Workers, at an approximate cost of \$61,500 each (total for 3.5 FTEs \$216,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or designate, and in a form satisfactory to the City Solicitor;
- (e) That, based on last year's costing as an indicator, the Public Works Department's operating budget be increased by \$200,000 annually, to be used for ad hoc clean up or other costs incurred as a result of encampments on City property;
- (f) That, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so, an additional 2 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of \$268,646 for salary, benefits and one-time costs of \$30,000 for ancillary equipment, to be fully funded by the City from Dept ID 673247; and,
- (g) That Report HSC20038(e) / PED21188(b), respecting the Encampment Pilot Evaluation, in its entirety, be referred to the 2023

Operating Budget process (February 7, 2023 GIC) for consideration.

**(iii) Recess**

The General Issues Committee recessed for 20 minutes until 6:20 p.m.

**(iv) Disposition of the Balance of the Agenda**

(a) That the following Items be DEFERRED to the February 1, 2023 General Issues Committee meeting:

- (i) Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) (Item 10.18)
- (ii) Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(h)) (City Wide) (Item 14.4)
- (iii) Encampment Litigation Update (LS20023(e)) (City Wide) (Item 14.6)

(b) That Outcomes and Findings of the Encampment Facilitated Sessions (HSC23009) (City Wide) (City Wide) (Item 10.17), be included as an appendix to Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) on the February 1, 2023, General Issues Committee meeting agenda for information.

(c) That there be no further in-person or virtual delegations respecting the Encampment Reports at the February 1, 2023, General Issues Committee meeting;

(d) That comments respecting the Encampment Reports be limited to written submissions.

(e) That the following Item be DEFERRED to the February 15, 2023, General Issues Committee meeting:

- (i) Media Relations Program Review – Update to Media Relations Policy (CM23007) (City Wide) (Item 10.19)

**(k) MOTIONS (Item 11)**

Mayor A. Horwath relinquished the Chair to Deputy Mayor J.P. Danko to introduce the following motions:

**(i) Audit of the 2022 Municipal Elections in the City of Hamilton (Item 11.2)**

For disposition of this matter, refer to Item 18.

**(ii) Council Priorities Workshop (Item 11.3)**

For disposition of this matter, refer to Item 19.

**(iii) Establishment of a Mayor's Task Force on Transparency, Access and Accountability (Item 11.4)**

For disposition of this matter, refer to Item 20.

Mayor A. Horwath assumed the Chair.

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

**(a) Amendments to the Outstanding Business List (Item 13.1)**

The following amendments to the General Issues Committee's Outstanding Business List, were approved:

**(1) Items to be Removed (Item 13.1.a.)**

- (a) Local Tree Planting Initiatives**  
Date Added: February 16, 2022 (GIC Report 22-005 - Item 13)  
Date Completed: January 18, 2023 (Item 10.21)
- (b) Stormwater Funding Review**  
Addressed at the November 30, 2022 GIC - FCS22043(a)
- (c) Status Update respecting the Equity, Diversity and Inclusion Roadmap and Implementation Plan**  
Date Completed: November 30, 2022 (Item 9.2)

**(2) Proposed New Due Dates (Item 13.1.b.)**

- (a) Annual Update - Implementation of the Public Art Master Plan**  
Current Due Date: November 30, 2022  
Proposed New Due Date: September 20, 2023
- (b) Updated Hamilton Tourism Strategy 2021 to 2025**  
Current Due Date: November 30, 2022  
Proposed New Due Date: March 22, 2023
- (c) Hamilton Region Decarbonization Hub**  
Current Due Date: January 18, 2023  
Proposed New Due Date: April 19, 2023

- (d) Update on Request for Information – Downtown Parking Structure (PED16105 and PED15183)  
Current Due Date: January 18, 2023  
Proposed New Due Date: March 22, 2023
- (e) Report Card on the City's Climate Change Abatement and Mitigation  
Current Due Date: January 18, 2023  
Proposed New Due Date: October 4, 2023
- (f) Commonwealth Games2030 Update (PED19108(h))  
Current Due Date: January 18, 2023  
Proposed New Due Date: February 15, 2023

**(m) PRIVATE & CONFIDENTIAL (Item 14) (Continued)**

**(i) Closed Session Minutes – November 30, 2022 (Item 14.1)**

- (a) The Closed Session Minutes of the November 30, 2022 General Issues Committee meeting, were approved; and,
- (b) The Closed Session Minutes of the November 30, 2022 General Issues Committee meeting remain confidential.

**(ii) Confidential Appendix "A" to Item 1 of ACPD Report 22-012 - October 11, 2022 (Item 14.3)**

For disposition of this matter, please refer to Item 7.

Committee moved into Closed Session to discuss Item 14.2, pursuant to Section 9.3, Sub-section (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (d) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations.

For disposition of this matter, please refer to Item 21.

**(n) ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee adjourned at 8:38 p.m.

Respectfully submitted,

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Mayor Andrea Horwath  
Chair, General Issues Committee

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Angela McRae  
Legislative Coordinator  
Office of the City Clerk



## Residential Vacant Unit Tax Program Framework

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### OVERVIEW

Under O. Reg 458/22, the City of Hamilton has been granted authority by the Government of Ontario to impose a residential Vacant Unit Tax (VUT) under Part IX.1 of the *Municipal Act, 2001* on vacant units that are classified in the residential property class and that are taxable under the Act for municipal purposes.

The VUT is an annual tax payable by the owner of an eligible property that has been vacant for more than 183 days in the previous calendar year. All owners of eligible properties must submit an annual mandatory declaration on the status of their property. Failure to submit a mandatory declaration will result in the property being deemed vacant and made subject to the VUT.

Where an eligible property has more than one residential unit, a mandatory declaration will be required for each unit and the property will be deemed vacant if one or more of the residential units were vacant for more than 183 days in the previous calendar year. The VUT will be adjusted based on the number of vacant units on the property.

With the submission of an annual mandatory declaration, a principal residence will not be subject to the VUT.

Vacant residential land in the residential property tax class and residential properties with seven or more units assessed in the Multi-Residential and New Multi-Residential classes **are not subject to the VUT**.

**Table A  
Program Timeline**

<b>Date</b>	<b>Action</b>
Early November (*)	By-law approval*
Mid-December	Mandatory declarations are mailed
January 1	Mandatory declaration platform opens
March 31	Mandatory declaration deadline
April 1 to April 30	Late mandatory declarations will be accepted with a fee
First week of June	Tax bills are mailed
June 30	First payment due
July 2	Complaint period begins
September 30 <sup>th</sup>	Second payment due

\* For reference years beyond 2023, it is recommended that the by-law be passed at an earlier date.

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**Residential Vacant Unit Tax Program Framework**

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**DEFINITIONS**

**Eligible Property:** Means property or a portion of a property which:

- is classified in the residential property class on the assessment roll;
- is assessed by Municipal Property Assessment Corporation (MPAC) in one of the property codes set out in Table “B”; and
- is taxable under the *Municipal Act*.

**Residential Unit:** A residential unit is a dwelling unit as delineated by the assessment of the property.

**Vacant Residential Unit:** A residential unit that has been unoccupied for more than 183 days during the previous calendar year or is deemed vacant by the City of Hamilton.

**Unoccupied Property:** A residential unit is unoccupied when it is not the principal residence of the owner or a permitted occupier and is not occupied for residential purposes by one or more tenants for more than 183 days during the previous calendar year.

**Principal Residence:** A property which is the housing unit where the person is ordinarily resident. An individual can only have one principal residence.

**Deemed Vacant:** A property may be deemed vacant by the City and subject to the VUT if the owner:

- failed to make a mandatory declaration by the prescribed deadline;
- made a false mandatory declaration;
- failed to provide information or to submit any evidence required by the City; or
- provides false information or submits false evidence to the City; and
- if at least one unit within the eligible property is unoccupied.

**Program Administrator:** A City employee responsible for the VUT Program including reviewing a list of the properties, or portions of properties, that are under dispute.

**Appellate Authority:** A City employee responsible for hearing any appeals of the Program Administrator’s eligibility decision under the Dispute Resolution process.

## Residential Vacant Unit Tax Program Framework

**Table B  
Eligible Property Codes**

<b>Property Code</b>	<b>Code Description</b>
301	Single family detached (not on water)
302	More than one structure used for residential purposes with at least one of the structures occupied permanently
303	Residence with a commercial unit
304	Residence with a commercial/industrial use building
305	Link home - homes linked together at the footing or foundation by a wall above or below grade
309	Freehold townhouse / row house - more than two units in a row with separate ownership
311	Semi-detached residential - two residential homes sharing a common centre wall with separate ownership
313	Single family detached on water - year-round residence
322	Semi-detached residence with both units under one ownership - two (2) residential homes sharing a common centre wall
332	Typically, a Duplex - residential structure with two self-contained units
333	Residential property with three (3) self-contained units
334	Residential property with four (4) self-contained units
335	Residential property with five (5) self-contained units
336	Residential property with six (6) self-contained units
350	Row Housing, with three (3) to six (6) units under single ownership
360	Rooming or boarding house - rental by room / bedroom; tenant(s) share a kitchen, bathroom and living quarters
366	Student housing (off campus) - residential property licensed for rental by students
370	Residential condominium unit
471	Retail or office with residential unit(s) above or behind – less than 10,000 s.f. gross building area (GBA), street or onsite parking, with six (6) or less apartments, older downtown core
473	Retail with more than one non-retail use
476	Commercial condominium (live / work)

**TAX RATE**

The amount of the annual VUT payable for a taxation year will be calculated as 1.0% of the assessed value (Current Value Assessment or CVA) of the residential property upon which the residential unit is located, on the most recently returned assessment roll.

**EXEMPTIONS**

If any of the following circumstances exist during the previous calendar year, a vacant residential unit shall be exempt from the VUT for that year.

**Death of an owner:** The exemption applies to the year of death plus one subsequent year only.

## Residential Vacant Unit Tax Program Framework

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**Major renovations:** Major renovations or redevelopment make occupation of a unit impossible for more than 183 days in the same calendar year, provided a building permit has been issued under the *Building Act*.

**Sale of the property:** The VUT shall not apply in the year of the sale, provided that the transfer is to an arm's length transferee.

If any of the following circumstances exist during the previous calendar year, the residential unit shall not be considered vacant during the exempt period.

**Principal Resident is in care, institutionalized or hospitalized:** Period when the principal resident of a residential unit resides in a hospital, long-term or supportive care facility.

**Court Order:** Court order prohibiting occupancy of the residential property is in effect.

### FEES, FINES, PENALTIES AND OFFENCES

**Late Mandatory Declaration Fee:** \$250

**Penalties and Interest:** The VUT charge is considered a lien on the property and will be subject to the same penalty and interest as property taxes. According to By-law No. 13-136, By-law to Impose Late Payment Charges for Non-Payment of Taxes, the penalty is 1.25% on the first day of default and interest is 1.25% per month.

**Other Offences:** Offences will be set in the following cases:

- making a false mandatory declaration;
- providing insufficient or false information or evidence;
- failure to Provide information or evidence requested; and
- otherwise violating the By-law containing the provisions of the VUT.

**Other:** Unpaid VUT will be added to the tax roll and collected in the same manner as property taxes.

### AUDITS

The Program Administrator will conduct regular audits to ensure the accuracy of the mandatory declarations and compliance with the program. Audits regarding the status of a property could be conducted for the current reference year plus the two most recent previous reference years. The City will audit mandatory declarations for accuracy on an annual basis. Audits will be conducted in the following scenarios:

- Properties that report an exemption;
- Properties declared occupied that were vacant the year previous;

## Residential Vacant Unit Tax Program Framework

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- A complaint or tip;
  - Random selection;
  - Targeted audit campaigns; and
  - Properties reported vacant in the Vacant Building Registry (registered and unregistered)
- If as a result of an audit, the property is deemed vacant, the property will be subject to the VUT. A notice of determination will be issued prior to the bill declaring the property as vacant.

Fines and penalties for non-compliance with the audit will apply as per provisions contained under the Fees, Fines, Penalties and Offenses section of this document.

### DEMAND FOR INFORMATION

The Program Administrator may require an owner to provide information and evidence in support of a status mandatory declaration at any time and for a period of up to two years after the applicable taxation year, respecting the following:

- the eligible property;
- the identity and address of the owner or any person occupying the eligible property, including tenants;
- the nature and duration of the occupancy of the eligible property during the relevant taxation year; and
- the nature of any exemption to the VUT.

Documents that may be required to support the mandatory declaration include, but are not limited to:

- Copies or certified copies of:
  - Ontario vehicle registration and vehicle insurance documentation of any occupant and owner;
  - Government-issued personal identification, including without limitation, driver's license and Ontario Identity Card of any occupant and owner;
  - Income tax returns and income tax notices of assessment of any occupant and owner;
  - Lease agreements for the property;
  - Death certificate;
  - Employment contracts, pay statements or records of employment of any occupant or owner;
  - Verification of residence in hospital, long term or supportive care facility in respect of an occupant or owner,
  - Court orders prohibiting the rental of the property;
  - Insurance certificates for homeowners or tenants' insurance; and
  - Agreement of Purchase and Sale.
- Statutory mandatory declarations or affidavits regarding the status of the property.

### DISPUTE RESOLUTION

### Residential Vacant Unit Tax Program Framework

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The VUT will have a two-tier appeal mechanism. The first tier will be a complaint process and the second tier will be an appeal process.

A property owner that has been charged the VUT may submit a notice of complaint in the following cases:

- If the City made an error or omission that resulted in the imposition of the VUT; or
- If the Owner made an error or omission in completing the property mandatory declaration that resulted in the imposition of the VUT.

A property owner who believes they have been charged the VUT in error will have 60 days after the tax bill or the audit determination notice has been received to submit a notice of complaint. The notice of complaint form will be available on the City's website.

Upon receipt of a complaint, the Program Administrator may request additional information to support the claim. The complaint will only be considered if the requested information is received within a specified period.

If the complaint is successful, the City will issue a notice of determination and the VUT, including any penalties and interest, will be rescinded.

Property owners whose complaint has been denied can appeal the decision to the Appellate Authority within 60 days of the denial of the notice of complaint by submitting a Request for Review. The Appellate Authority will review the request and issue a decision within 60 days of receipt of the Request for Review or receipt of additional information requested by the Appellate Authority. A notice of determination issued by the Appellate Authority shall be final.

#### **REPORTING**

An annual report of the Program will be required.

# **Proposed Changes to the Advisory Committee for Persons with Disabilities Terms of Reference 2022 – 2026 Term of Council**



Hamilton

## **ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES**

### **Mission Statement:**

The Advisory Committee for Persons with Disabilities (ACPD) in the City of Hamilton assists the work of City Council by identifying accessibility barriers and making recommendations with regard to barrier removal and prevention in compliance with the Accessibility for Ontarians with Disabilities Act and the Ontario Human Rights Code.

The work of Committee encompasses the broadest possible scope of services, facilities, policies and practices affecting the lives of all persons with disabilities in the City.

### **Vision Statement**

Hamilton is an inclusive community where ALL people can live, work, play and participate fully, free from barriers or discrimination.

*Proposed changes – October 11, 2022*

*As approved by Council on November 23, 2016 as part of GIC Report 16-029, November 16, 2016*

*As amended by Council on September 25, 2019 as part of GIC Report 19-017, September 18, 2019*

*As Amended by Council on February 26, 2020 as part of GIC Report 20-007, February 19, 2019*

## **Values**

Accountability  
Cooperation  
Dignity  
Equity  
Excellence  
Honesty

Inclusiveness  
Innovation  
Leadership  
Respect  
Teamwork  
Tolerance

## **Mandate:**

The Advisory Committee for Persons with Disabilities advises Council on providing full accessibility and inclusion of persons with disabilities in the City related to City goods and services and City-owned facilities and spaces and recommends to the City of Hamilton policies, procedures, standards and guidelines.

## **Composition:**

The Advisory Committee for Persons with Disabilities shall be comprised of up to 18 citizen members and two Members of Council.

The ACPD shall be comprised of membership in accordance with the Accessibility for Ontarians with Disabilities Act (AODA), 2005, including that the majority of the members shall be persons with disabilities.

The membership should reflect a wide range of disabilities and and represent the interests of all persons with disabilities.

Membership should fully represent the community arising from an equity, diversity, and inclusive lens.



## Terms of Reference:

1. In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), Ontario Human Rights Code (OHRC), and all applicable legislation, regulations, standards, policies and guidelines:
  - (i) Advise Council and staff on barriers affecting full participation of persons with disabilities in the City.
  - (ii) Advise Council and staff, annually about the preparation, implementation, and effectiveness of its accessibility plan required pursuant to the AODA.
  - (iv) Ensure that the right of access for persons with disabilities to programs and services provided by the City is sustained, maintained, and/or improved.
  - (v) Review and comment to Council and other levels of government on pertinent reports, proposed legislation and studies which affect all persons with disabilities, where appropriate.
  - (vi) Provide a forum where persons with disabilities and service representatives can express their concerns, identify barriers, share information and recommend improvements to the existing level of City services, goods, facilities and spaces, for persons with disabilities, while taking into consideration a wide spectrum of disabilities in discussions and decision making.
  - (vii) Educate and increase awareness to City Council and staff on issues which affect people with disabilities.

- (viii) Regularly review the progress and measure the success of the committee and its activities.
2. The Chair and Vice-Chair of the Advisory Committee for Persons with Disabilities may serve for more than one year in a Council term.
  3. Members are expected to attend all meetings. If a member misses more than three consecutive (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.
  4. Members are to adhere to the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards.

### **Working Groups:**

The ACPD shall consider establishing, at the outset of each four-year term, Working Groups tasked with the conduct of much of the work of the ACPD.

The ACPD may establish, from time to time any Working Group tasked to complete specific business on behalf of the ACPD and may be established for a time limited period.

Every member of the ACPD is expected to be a member of no less than one (1) Working Group and encouraged to limit membership to no more than three (3) Working Groups.

Members are strongly encouraged to fully participate and contribute to discussion and debate at the full ACPD and its Working Groups.

**Westdale Village Business Improvement Area  
Budget 2023**

**Revenue:**

\$128,125 – 2023 Tax Levy

**Expenses:**

*Staffing*

\$43,000

*Special Events*

\$34,000

*Marketing*

\$31,125

*Office Expenses*

\$1,000

*Beautification*

\$15,000

*Casual Labour*

\$2,000

*Contingency*

\$2,000

2023

# Waterdown BIA Annual Budget

REVENUES

EXEPNSES

	2022 BUDGET	2022 Proj. ACTUALS	2023 BUDGET	2022-2023 Budget \$ CHANGE	2022-2023 Budget % CHANGE
Tax Levy, City of Hamilton	260,000	260,000	270,000	10,000	3.85
Supplementary Taxes	-	-	-	-	-
Property Tax Adjustments	(15,500)	(1,6,885)	(5,000)	(10,500)	(67.74)
Vendor Fees	15,000	16,000	15,000	0	0
Grants	6,500	6,600	6,500	0	0
Event Revenues (Sponsorships	6,000	12,250	10,500	4,500	75.00
Transfer from Surplus	42,100	28,885	39,535	(2,565)	(6.09)
Other (ticket sales, donations, etc.)	1,000	200	200	(800)	(80.00)
Marketing Reserve Contribution	10,000	20,000	10,000	0	0
HST Refund	15,000	15,990	16,000	1,000	6.67
<b>TOTAL REVENUE</b>	<b>340,100</b>	<b>343,040</b>	<b>362,735</b>	<b>22,635</b>	<b>6.66</b>
Admin & Operations	155,365	145,060	169,800	14,435	9.29
Beautification	81,500	79,800	84,500	3000	3.68
Farmers' Market	28,980	28,150	25,535	(3,445)	(11.89)
Events & Prmotions	22,500	27,030	28,750	6,250	27.78
Marketing & Advertising	30,750	37,000	33,350	2,600	8.46
Member Engagement	2,500	1,500	2,000	(500)	(20)
HST Paid	15,000	15,000	15,000	0	0
Non-refundable	3,500	3,500	3,800	300	8.57
Additions (Capitalized)	0	6,000	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>340,095</b>	<b>343,040</b>	<b>362,735</b>	<b>22,640</b>	<b>6.66</b>

**BIA BUDGET 2023**

Income
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	BIA Levies	City Hall	OSFM	Sew Hungry	Total
BIA Levies	133,000				133,000
Market Rent			3375		3375
Parking Rev		16,000			16,000
CIP		13,500			13,500
Decorative Light Grant		1000			1000
Sew Hungry				21,000	21,000
<b>Total</b>	<b>133,000</b>	<b>30,500</b>	<b>3375</b>	<b>21,000</b>	<b>187,875</b>

Expenses
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	Bia Levies	City Hall	OSFM	Sew Hungry	Total
Insurance	2100				2100
Office Facilities	27,350		3375		30,725
Contract (Employees)	39,000				39,000
Occasional Employees					
Administration Expenses	4250				4250
Beautification	18,900	14,500			33,400
Advertising	23,500	16,000			39,500
Events / Operational	15,700				15,700
Sew Hungry	2200			21,000	23,200
<b>Total</b>	<b>133,000</b>	<b>30,500</b>	<b>3375</b>	<b>21,000</b>	<b>187,875</b>

**Admin Services Include:**

Meeting Expenses \$500  
OBIAA Membership & Conference \$350  
Chamber Awards of Excellence \$0  
Book Keeping \$3000  
Audit \$400  
**Total \$4250**

**Office Facilities Include:**

Washroom/Office Supplies \$ 2400  
Utilities \$2000  
Rent \$20,400  
Cleaning Services & Supplies \$1000  
Phone/Internet \$1550  
**Total \$27,350**



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## 2023 Proposed Budget (Detailed Breakdown)

### **BIA Administration: \$148,300**

- Wages (\$130,000)
- Source Deductions/WSIB/Benefits (\$13,500)
- Bank Charges and Book-keeper (\$4,800)

### **Office Expenses: \$32,800**

- Rent (\$18,000)
- Supplies (\$3,000)
- Repairs/Equipment/Telephone/Website (\$5,400)
- Insurance (\$4,400)
- Meeting Expenses (\$2,000)

### **Promotions/Marketing (\$40,500)**

### **Beautification & Maintenance (\$3,800)**

### **Member Events & Contact (\$8,000)**

### **Contingency (\$5,000)**

### **Revenue:**

### **2023 BIA Levy: \$197,700**

Parking Revenue: \$13,400 (Based on 2022)

CIP Operating Funds: \$7,300 (Based on 2022)

Contribution from BIA Reserve Fund: \$20,000

Total Budget: \$238,400

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**CONCESSION STREET  
BUSINESS IMPROVEMENT AREA (BIA)  
PROPOSED 2023 OPERATING BUDGET**

<b>Revenue</b>	
BIA Levy	<b>\$130,000</b>
<b><i>Contingency Funds</i></b>	
HST Refund	\$9,902
Carryover 2020 Bank Balance	\$107,642
<b>Total Revenues</b>	<b>\$247,544</b>
<b>Expenses</b>	
<b><u>Operations</u></b>	
Admin Support	\$1,200
Website/Tech/Cell Phone	\$2,200
Rent	\$8,000
Insurance (Director Liability)	\$5,100
Auditor	\$450
Utilities (Hydro)	\$1,200
Book Keeper	\$4,000
<b><i>SUBTOTAL</i></b>	<b>\$22,150</b>
<b><u>Payroll</u></b>	<b>\$52,000</b>
CPP + EI	\$7,800
<b><i>SUBTOTAL</i></b>	<b>\$59,800</b>
<b><u>Marketing</u></b>	
Advertising/Promotion	\$25,000
Sidewalk Sounds	\$8,500
Streetfest	\$15,000
Fallfest	\$500
<b><i>SUBTOTAL</i></b>	<b>\$49,000</b>
<b><u>Beautification</u></b>	
City Flower Contract	\$6,500
Banners	\$5,000
On-Street Patio/Overflow Parking for Patio Season	\$5,000
Winter Inserts	\$2,000
<b><i>SUBTOTAL</i></b>	<b>\$18,500</b>
<b><i>TOTAL LEVY ALLOCATION</i></b>	<b>\$130,000</b>
<b><i>Contingency (from non-BIA Revenue)</i></b>	<b>\$107,642</b>
HST REFUND	\$9,902
<b>Total Expenses</b>	<b>\$247,544</b>



2023 Ancaster Village BIA Budget

**Ancaster BIA 2023 Budget**

BIA Contingency	\$ 5,000
AdminServices	\$ 42,500
Aesthetics	\$ 13,000
Marketing	\$ 36,450
Events	<u>\$ 20,000</u>
<b>Totals</b>	<b><u>\$ 116,950</u></b>
Cash Drawdown from BIA Account	<u>(\$6,950.00)</u>
<b>BIA Levies TOTAL</b>	<b><u><u>\$110,000</u></u></b>

**Appendix "I" to Item 11 of GIC Report 23-004**  
**Page 1 of 1**

**2023 Stoney Creek Budget**

**2023 proposed**

**Revenue**

Opening Bank Balance	<u>10,040</u>
BIA Tax Levy	54,000
HST Refund	10,400
A/R	0
	<u>74,440</u>

**Expenditures**

**Streetscape**

Banner Installation	0
Planters	5,250
Christmas Wreath Installation	<u>5,300</u>
	10,550

**Promotion**

Web Page Hosting	500
Santa Claus Parade	<u>500</u>
	1000

**Administration**

Executive Director	\$25,630
Student (Less Grant)	500
Meeting Expense	400
Office Supplies	350
Liability Insurance	2,200
OBIAA Membership	250
Bank Charges	60
Audit Fees and Accounting	2,500
	<u>31,890</u>

**Events**

Strawberry Fest	9,000
PumpkinFest	9,000
Stoney Creek Sparkles	3,000
Jazz in the Creek	5,000
Market	9,000
Kringlein the Creek	3,000
AppleFest	3,000
Revenue -Vendors, sponsors	-9,000
- City Enrichment Fund	<u>-3,000</u>
	<u>\$29,000</u>

**Total Expenditures**

**\$72,440**

**Other Revenue**

Operating Grant	8,200
Christmas Grant	1,300
Assoc Memberships	0
	<u>\$9,500</u>

Net Expenditures

Reserve Fund \$11,500

## Climate Change Advisory Committee Terms of Reference

*Established by Council on (date)*

### Purpose

To provide advice to Council and City Staff on the prioritization, implementation and monitoring of Hamilton’s Climate Action Strategy, through an equitable and inclusive manner and a climate justice lens, that responds to the perspectives and needs of all, while transitioning to a prosperous, healthy and vibrant net-zero greenhouse gas community that is a national leader in climate adaptation.

### Scope

The Climate Change Advisory Committee will achieve its purpose by completing the following in scope objectives:

- Provide recommendations on prioritization and implementation of actions in Hamilton’s Climate Action Strategy;
- Advise on developing a ‘City and Community Climate Change Report Card’ that tracks meaningful targets, indicators and timelines for monitoring that is transparent and easily accessible;
- Identify, support and enhance existing climate positive actions across the community, within the municipal government, and at other levels of government to accelerate meaningful climate action, in a manner that supports existing efforts of other organizations and avoids duplication of efforts;
- Work together to better understand the diverse perspectives across Hamilton’s community to better provide advice and recommendations to Council and to City staff to ensure no one is left behind;
- Support and advise on protecting biodiversity through the integration of western science combined with Traditional Ecological Knowledge and other sources of lived experiences with Mother Earth; and
- Provide advice to City staff and Council on other matters related to climate change and actions to address climate change, as may be identified from time-to-time by Council or City staff.

### Authority

The Climate Change Advisory Committee forwards recommendations for approval to the General Issues Committee and when directed by Council provides input and advice on topics that are in scope of the Climate Change Advisory Committee’s objectives as outlined above.

## Membership

The Climate Change Advisory Committee will be comprised of 15 to 20 voting and non-voting members representing both professional and personal lived experience with climate or social issues, striving for a balance of representation from the sectors that represent the major sources of greenhouse gas (GHG) emissions and those working within the fields of climate change, and other applicable fields (i.e. energy, planning, engineering, sustainability, agriculture, natural environment etc.), as follows:

### Voting Members:

- One to two (1-2) members from the academic community focusing on pragmatic research and innovation on climate change action;
- **One (1) member that is a regulated health professional;**
- One to two (1-2) members from the agricultural/food sector with knowledge and experience in local food production and/or distribution;
- Two to three (2-3) community/citizen members with either education or personal, lived experience with climate and/or social issues;
- Two (2) members that represent Indigenous Peoples; - OR - Two (2) members that represent local Indigenous organizations and communities.
- Three to four (3-4) Industry/Business members that represent the industrial, buildings and transportation sectors. An additional attribute would include members that can mobilize and/or communicate with industry and businesses across Hamilton;
- Three to four (3-4) Non-Government members that can equally represent the environment and social issues related to climate change. An additional attribute would include members that can mobilize and/or communicate with other organizations or community groups across Hamilton; and
- One to two (1-2) Youth members with either experience, passion or personal lived experience in climate change issues who are 30 years of age or younger at the start of the term of this committee.

### Non-Voting members:

- Two (2) City Councillors with one representing an urban ward and one representing a rural ward; and
- Additional Resource Members as decided by the Climate Change Advisory Committee to help provide expert advice and collaboration with organizations across Hamilton.

Membership will include the following Equity, Diversity, and Inclusion objectives as outlined in the Government of Canada’s 50-30 Diversity Challenge:

- 50% gender diversity; and
- 30% representation from equity-deserving groups such as:
  - Indigenous Peoples (2 seats reserved)
  - Black and/or racialized Community Members;
  - Recent Immigrants;

- People with Disabilities; or
- 2SLGBTQ+.<sup>1</sup>

## **Roles & Responsibilities**

Members of the Climate Change Advisory Committee shall endeavor to work collectively to achieve the purpose and objectives of this committee. Members shall make themselves familiar with the committee’s Terms of Reference.

General expectation for the members includes the following:

- Act as advisors to the City on effective implementation of Hamilton’s Climate Action Strategy, specifically on community-wide greenhouse gas (GHG) emission reductions and climate resiliency with a focus on equity;
- Review data and information presented from City Staff and other sources of trusted climate change information to make informed decisions and recommendations;
- Make a commitment to attend meetings and actively participate in respectful discussion with diverse perspective while being accountable to other members and to the broader community;
- Identify emerging issues and other important information in order to share, lead and mobilize their respective communities and sectors to accelerate climate action to reduce GHG emissions, and build climate resiliency through a climate justice lens; and
- Submit an annual progress report on the Committee’s activities each calendar year to the General Issues Committee and consider various options to keep Council up to date on the Committee’s activities

## **Chair/Co-Chair**

The Climate Change Advisory Committee meetings will be chaired by two Co-Chairs, to be appointed at the beginning of each term by this Committee.

## **Term of Membership**

The Climate Change Advisory Committee members are appointed for four (4) years coinciding with the term of Council or until such time as a successor is appointed by Council.

Members of the Climate Change Advisory Committee are to adhere to the City of Hamilton Procedural By-law and the Advisory Committee Procedural Handbook.

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<sup>1</sup>Government of Canada. (2022). The 50 – 30 Challenge: Your Diversity Advantage. Retrieved from: <https://ised-isde.canada.ca/site/ised/en/50-30-challenge-your-diversity-advantage>

## Staff Resources

Staff Liaison(s) will be assigned from the Climate Change Office, Planning and Economic Development Department to support the ongoing functions of the Climate Change Advisory Committee. Given the complexity of climate change, additional staff resources may be required to help to support and provide advice to this committee.

## Meeting and Time Commitments

The Climate Change Advisory Committee shall meet a minimum of every three months, or approximately four times a year. The meetings will be scheduled and based on the availability of the majority of committee members, while working together to identify and reduce any barriers for each member. An annual meeting schedule will be presented for committee approval at the first meeting of the year.

From time to time, members of the Climate Change Advisory Committee may also be asked to participate in smaller working groups to complete necessary tasks.

When the Climate Change Advisory Committee holds a ‘meeting’ as that term is defined in the *Municipal Act, 2001*/the City’s Procedure By-law, the local board must comply with the open meeting provisions of the *Municipal Act, 2001* and the City’s Procedure By-law as applicable.

## Supports

In order to reduce barriers for participation support will be made to all members where there is an identified barrier. This could include compensation for care of children or other dependents during meetings, transportation costs reimbursements, translation services, accessibility support, as well as cultural and other support that may be identified.

## Reporting

The Climate Change Advisory Committee will report to Council, through the General Issues Committee.

## Review

The Terms of Reference are to be reviewed annually, any revisions for approval are to be presented to the General Issues Committee, through a Citizen Committee Report.

Revisions approved by Council (date(s)):



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 23-001**

**9:30 a.m.**

**January 19, 2023  
Council Chambers  
Hamilton City Hall**

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

**Also Present:** Councillor T. Jackson

### **THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 23-001 AND RESPECTFULLY RECOMMENDS:**

**1. 860 Rymal Rd E - Wentworth Condominium Corporation (WCC) #128  
Wastewater/Storm Sewer Credit (Item 7.1)**

WHEREAS, 860 Rymal Rd E is an 87-unit townhome complex that experienced a sharp increase in their wastewater / storm bills during 2022 that was attributable to a private watermain break in a driveway and a service line break under the basement floor of a unit;

WHEREAS, prior to 2022 the typical monthly water billings averaged approximately 1,500m<sup>3</sup> in consumption with total water and wastewater/storm monthly bills of about \$6,000 and the period of high consumption related to the service line leaks of January 4, 2022 to October 3, 2022 amounted to 50,317m<sup>3</sup> equating to total water and wastewater/storm charges of \$190,299.32;

WHEREAS, Hamilton Water reviewed the private watermain break and concluded that given the location of the leak and the fact that the leaking water remained underground, it appears that the leaking water ended up underground and likely did not enter the City's sanitary or storm sewer systems.

WHEREAS, the wastewater portion associated with the excess water consumption related to the service line leak at 860 Rymal Road amounts to \$65,900.

**THEREFORE BE IT RESOLVED:**

That staff be directed to provide a credit adjustment in the amount of \$65,900 to the Wentworth Condominium Corporation (WCC) #128 for excess wastewater/storm sewer charges located at 860 Rymal Rd E, for the billing period from January 4, 2022 to October 3, 2022.

**Council – January 25, 2023**

**2. 2022 City of Hamilton External Audit Plan (FCS23008) (City Wide) (Item 8.1)**

- (a) That Appendix “A” attached to Audit, Finance and Administration Committee Report 23-001, prepared by KPMG, be received.
- (b) That staff be directed to work with the external auditor to develop an executive summary of the financial audit to make it more accessible to the public, utilising clear writing standards, to be included as part of the final audit report.

**3. Water Meter Program Audit and Water Billing Service Transition Project (AUD23002) (City Wide) (Item 8.2)**

- (a) That Report AUD23002, and Appendices “B” and “C” attached to Audit, Finance and Administration Committee Report 23-001, be received;
- (b) That staff be directed to amend the Management Responses, as detailed in Appendix “B” to Report AUD23002, to indicate approval of the Office of the City Auditor’s Recommendation 5, and that the revised Appendix “B” to Report AUD23002, attached hereto as Appendix “D,” be approved;
- (c) That the General Manager of Public Works be directed to implement the Management Responses and report back to the Audit, Finance and Administration Committee by July 2023 on the nature and status of actions taken in response to the audit report; and
- (d) That the General Manager of Public Works, in conjunction with the General Manager of Finance and Corporate Services, be directed to conduct a fulsome risk assessment for the Water Billing Service Transition Project; and
- (e) That staff ensure a privacy impact assessment is completed for the water billing service transition project.

**4. Hamilton Municipal Cemeteries Trust Funds Audit (AUD23001) (City Wide) (Item 8.3)**

- (a) That Report AUD23001 and Appendix “E” attached to Audit, Finance and Administration Committee Report 23-001, respecting the Hamilton Municipal Cemeteries Trust Funds Audit be received;
- (b) That the Management Responses, as detailed in Appendix “F” to attached to Audit, Finance and Administration Committee Report 23-001, be approved;
- (c) That the General Managers of Public Works, and Finance and Corporate Services be directed to implement the Management Responses (attached as Appendix “F” attached to Audit, Finance and Administration Committee Report 23-001) and report back to the Audit, Finance and Administration Committee by December 2023 on the nature and status of actions taken in response to the audit report; and



- (d) That the confidential Appendix “C” to Report AUD23001, respecting Hamilton Municipal Cemeteries Trust Funds Audit Report: Cash Handling Audit, remain confidential and restricted from public disclosure.

**5. Utility Billing Transition Project Procurement Plan (FCS21082(d)) (City Wide) (Item 10.1)**

- (a) That the single source procurement with Olameter Inc. to provide manual water meter reading services for the City of Hamilton, pursuant to Procurement Policy #11 – Non-competitive Procurements, be approved;
- (b) That the General Manager, Public Works, be authorized to negotiate, enter into and execute a contract and any ancillary documents required to give effect thereto to provide manual water meter reading services for the City of Hamilton for a term of two years with a one-year term extension at the City’s sole option, commencing from when the City assumes responsibility for utility billing from Alectra Utilities, in a form satisfactory to the City Solicitor.

**6. 2023 Budget Submission – Committee Against Racism (CM23003) (City Wide) (Item 10.2)**

That the Committee Against Racism 2023 base budget attached as Appendix “G” attached to Audit, Finance and Administration Committee Report 23-001, in the amount of \$8,900, be approved and referred to the 2023 budget process for consideration.

**7. 2023 Budget Submission – Advisory Committee for Immigrants and Refugees (CM23006) (City Wide) (Item 10.3)**

That the Advisory Committee for Immigrants and Refugees 2023 base budget submission attached as Appendix “H” attached to Audit, Finance and Administration Committee Report 23-001, in the amount of \$3,500.00, be approved and referred to the 2023 budget process for consideration.

**8. 2023 Budget Submission: Mundialization Committee (CM23004) (City Wide) (Item 10.4)**

- (a) That Appendix “I” attached to Audit, Finance and Administration Committee Report 23-001, respecting the Mundialization Committee’s 2023 base budget submission be approved in the amount of \$5,890.00; and
- (b) That Mundialization Committee’s 2023 budget submission be referred to the 2023 budget process.

**9. 2023 Budget Submission Hamilton Women and Gender Equity Committee (CM23002) (City Wide) (Item 10.5)**

That the Hamilton Women and Gender Equity Committee 2023 base budget submission attached as Appendix “J” attached to Audit, Finance and

Administration Committee Report 23-001, in the amount of \$3,500.00, be approved and referred to the 2023 budget process for consideration.

**10. Recording of Advisory Committee Meetings (FCS21054(a)) (Item 10.6)**

- (a) That Council approve the recording and retention of all Virtual, Hybrid and In Person Advisory Committee meetings;
- (b) That subject to the approval of recommendation (a) to this report, the draft by-law, entitled "To Amend By-law No. 11-040 To Establish Retention Periods for Records of the City of Hamilton" (the "Records Retention By-law"), attached as Appendix 'A' to Report FCS21054(a)), be enacted by Council;
- (c) That subject to the approval of recommendation (a) to this report, the recruitment advertising for Advisory Committee Membership include notice that all Advisory Committee meetings will be livestreamed and recorded for future viewing; and
- (d) That subject to the approval of recommendation (a) to this report, all Council appointed Advisory Committee members be required to sign the Acknowledgement Form prior to each member attending their first meeting, as acknowledgement of the livestreaming and recording of all meetings.

**11. Road Maintenance Small Tools and Equipment Inventory Audit and Follow up to Audit Report AUD11006 (AUD21010): Management Update (PW23004) (City Wide) (Item 10.7)**

That Report PW23004, respecting Road Maintenance Small Tools and Equipment Inventory Audit and Follow up to Audit Report AUD11006 (AUD21010): Management Update, be received.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**6. DELEGATION REQUESTS**

- 6.1 Angelo Cristofaro, Consilium Public Sector Services Inc., respecting Fairness of procurement process for contract number C5-09-22 - Development of a Multi-Year Plan to Build Safer Communities (For a future meeting).

**10. DISCUSSION ITEMS**

- 10.7 Road Maintenance Small Tools and Equipment Inventory Audit and Follow up to Audit Report AUD11006 (AUD21010): Management

Update (PW23004) (City Wide)

**11. MOTIONS**

- 11.1 Development Charge Demolition Charge Credit Extension for 708 Rymal Road East, Hamilton, Ontario – **WITHDRAWN**

**12. NOTICES OF MOTION**

- 12.1 Delegated Authority to Staff relating to Water Service Line Leaks

The agenda for the January 19, 2023 Audit, Finance and Administration Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) December 1, 2022 (Item 4.1)**

The Minutes of the December 1, 2022 meeting of the Audit, Finance and Administration Committee was approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i) Correspondence from Khursheed Ahmed, respecting their resignation from the Immigrant and Refugee Advisory Committee (Item 5.1)**

The correspondence from Khursheed Ahmed, respecting their resignation from the Immigrant and Refugee Advisory Committee, was received.

**(e) DELEGATION REQUEST (Item 6)**

**(i) Angelo Cristofaro, Consilium Public Sector Services Inc., respecting Fairness of procurement process for contract number C5-09-22 - Development of a Multi-Year Plan to Build Safer Communities (For a future meeting) (Added Item 6.1)**

The delegation request from Angelo Cristofaro, Consilium Public Sector Services Inc., respecting Fairness of procurement process for contract number C5-09-22 - Development of a Multi-Year Plan to Build Safer Communities, was approved for a future meeting.

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

**(i) Patricia Ford, Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., respecting a water service line leak (Item 7.1)**

Patricia Ford, Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., addressed Committee respecting a water service line leak.

**(ii) Staff Supporting Documentation respecting a water service line leak at Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., (Item 7.1(a))**

(a) The delegation from Patricia Ford, Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., respecting the water service line leak, was received; and

(b) The Staff Supporting Documentation respecting the water service line leak at Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., was received.

For further disposition of this matter, refer to Item 1.

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

**(i) 2022 City of Hamilton External Audit Plan (FCS23008) (City Wide) (Item 8.1)**

Paul Ciapanna, KPMG, addressed the Committee respecting 2022 City of Hamilton External Audit Plan, with the aid of a presentation.

The presentation from Paul Ciapanna, KPMG, respecting the 2022 City of Hamilton External Audit Plan, was received.

For further disposition of this item, refer to Item 2.

**(ii) Water Meter Program Audit and Water Billing Service Transition Project (AUD23002) (City Wide) (Item 8.2)**

Brigette Minard, Deputy City Auditor, and Melissa Fournier, John Asher and Mike Cunningham, BDO, addressed the Committee respecting Water Meter Program Audit and Water Billing Service Transition Project, with the aid of a presentation.

(a) The presentation from Brigette Minard, Deputy City Auditor, and Melissa Fournier, John Asher and Mike Cunningham, BDO, respecting Water Meter Program Audit and Water Billing Service Transition Project, was received.

- (b) Subsection (b) of Report AUD23002, respecting the Water Meter Program Audit and Water Billing Service Transition Project, was *amended* as follows:
  - (b) That ***staff be directed to revise*** the Management Responses, as detailed in Appendix “B” to Report AUD23002, ***to indicate approval of the Office of the City Auditor’s Recommendation 5, and that the revised Appendix “B” to Report AUD23002,*** be approved;
  - (c) Report AUD23002, respecting the Water Meter Program Audit and Water Billing Service Transition Project, was further *amended* to add a new subsection (e), as follows:
    - (e) ***That staff ensure a privacy impact assessment is completed for the water billing service transition project.***

For further disposition of this item, refer to Item 3.

**(iii) Hamilton Municipal Cemeteries Trust Funds Audit (AUD23001) (City Wide) (Item 8.3)**

Charles Brown, City Auditor addressed the Committee respecting Hamilton Municipal Cemeteries Trust Funds Audit, with the aid of a presentation.

The presentation from Charles Brown, City Auditor, respecting Hamilton Municipal Cemeteries Trust Funds Audit, was received.

For further disposition of this item, refer to Item 4.

**(g) CONSENT ITEMS (Item 7)**

The Committee Against Racism Minutes of April 26, 2022, were received.

**(h) NOTICES OF MOTION (Item 12)**

**(i) Delegated Authority to Staff relating to Water Service Line Leaks (Added Item 12.1)**

Councillor Hwang introduced the following Notice of Motion:

WHEREAS, individual community members, corporations, non-profit organizations, and all other resident entities can delegate to the Audit Finance and Administration Committee to ask for Council consideration for bill adjustments and waiving of penalties, fees, interest accrued relating to charges for water and wastewater services;

WHEREAS, some properties with water meters located at the property line may experience increased water and wastewater/storm billings related to downstream water service line leaks;

WHEREAS, there is no Council approved policy/by-law authority for staff to address water service line leaks and their associated costs to claimants;  
and

WHEREAS, staff are better equipped to respond to technical and other considerations related to decision making with respect to water service line leaks than members of Council;

THEREFORE, BE IT RESOLVED:

That staff report back to the Audit, Finance and Administration Committee with a Water Service Line Leak Wastewater Bill Adjustment Policy to provide delegated authority for staff to make decisions on bill adjustments, waiving of fees/penalties, or enforcement of fees associated with water service line leaks; such policy to include an evaluation framework that would allow staff to determine the validity of water service line leak claims and appeals.

**(i) ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee, was adjourned at 12:57 p.m.

Respectfully submitted,

Councillor Cameron Kroetsch, Chair  
Audit, Finance and Administration  
Committee

Tamara Bates  
Legislative Coordinator  
Office of the City Clerk



# The Corporation of City of Hamilton

**External Financial Audit Planning Report  
for the year ended December 31, 2022**

*KPMG LLP*

Prepared December 9, 2022 for presentation to the Audit,  
Finance and Administration Committee on January 19, 2023

[kpmg.ca/audit](https://kpmg.ca/audit)





# KPMG contacts

## Key contacts in connection with this engagement



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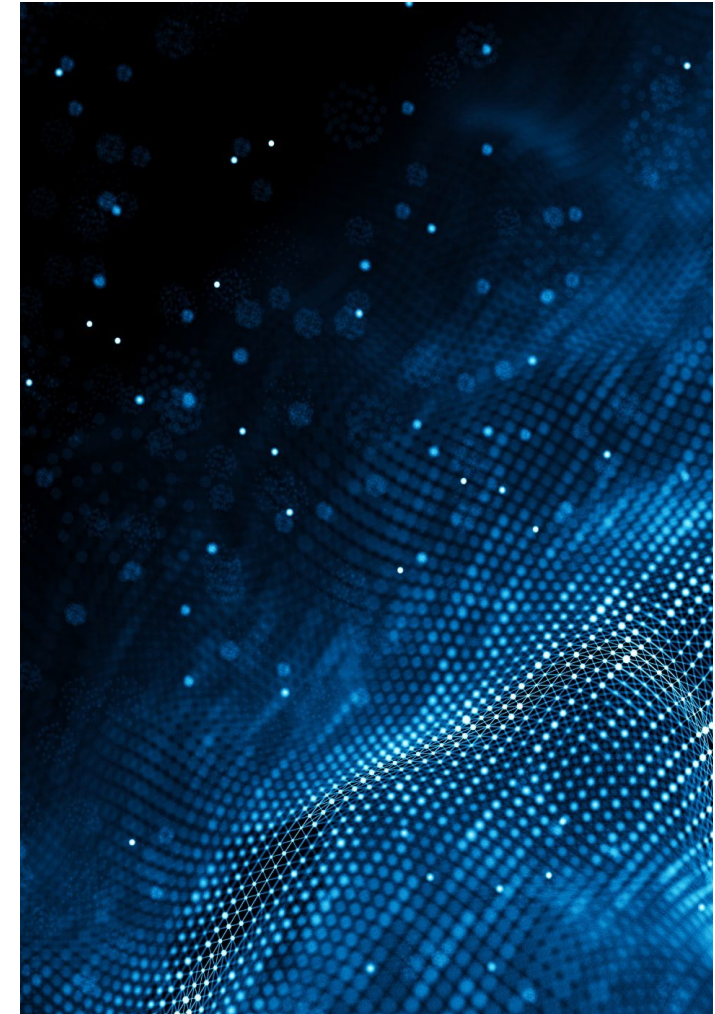
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This report to the Audit, Finance and Administration Committee is intended solely for the information and use of management and the Committee, and should not be used for any other purpose or any other party. KPMG shall have no responsibility or liability for loss or damages or claims, if any, to or by any third party as this report to the Committee has not been prepared for, and is not intended for, and should not be used by, any third party or for any other purpose.

## Digital use information

This Audit Planning Report is also available as a “hyper-linked” PDF document.

If you are reading in electronic form (e.g. In “Adobe Reader” or “Board Books”), clicking on the home symbol on the top right corner will bring you back to this page.



Click on any item in the table of contents to navigate to that section.

# Audit Quality: How do we deliver audit quality?

**Quality** essentially means doing the right thing and remains our highest priority. Our **Global Quality Framework** outlines how we deliver quality and how every partner and staff member contribute to its delivery.

'**Perform quality engagements**' sits at the core along with our commitment to continually monitor and remediate to fulfil on our quality drivers.

Our **quality value drivers** are the cornerstones to our approach underpinned by the **supporting drivers** and give clear direction to encourage the right behaviours in delivering audit quality.

We define 'audit quality' as being the outcome when:

- audits are **executed consistently**, in line with the requirements and intent of **applicable professional standards** within a strong **system of quality controls**; and
- all of our related activities are undertaken in an environment of the utmost level of **objectivity, independence, ethics** and **integrity**.



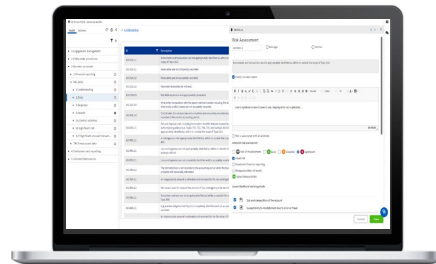
**Doing the right thing. Always.**



# Our audit platform - KPMG Clara

Building upon our sound audit quality foundations, we are making significant investments to drive consistency and quality across our global audit practices. We've committed to an ongoing investment in innovative technologies and tools for engagement teams, such as KPMG Clara, our smart audit platform.

## KPMG Clara workflow



### Globally consistent execution

A modern, intuitively written, highly applicable audit methodology that allows us to deliver globally consistent engagements.

[▶ Learn more](#)

## KPMG Clara for clients

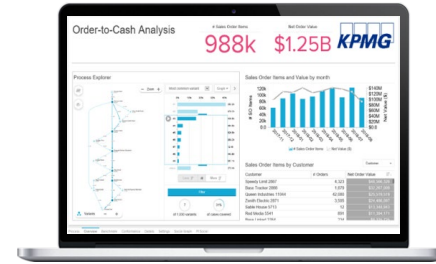


### Real-time collaboration and transparency

Allows the client team to see the real-time status of the engagement and who from our KPMG team is leading on a deliverable.

[▶ Learn more](#)

## KPMG Clara analytics



### Insights-driven efficient operations

Using the latest technologies to analyze data, KPMG Clara allows us to visualise the flow of transactions through the system, identify risks in your financial data and perform more specific audit procedures.

[▶ Learn more](#)

## Advanced Technologies

To ensure quick and efficient access to data, we use one of our available data extractions tools such as **DataShare**. DataShare is a data extraction tool that enables easy and reliable data extraction from compatible accounting systems to support our audit work by fully automating the extraction process.



[Click to learn more](#)

# Highlights

## Scope of the audit

Our audit of the consolidated financial statements (“financial statements”) of The City of Hamilton (“the City”) as of and for the year ending December 31, 2022, will be performed in accordance with Canadian generally accepted auditing standards (CASs).



### Significant risks

We have identified significant risks of material misstatement for the audits including:

- Risk of fraud over revenue recognition
- Risk of fraud related to management override of controls

See pages 12 to 13.

### Required communications

See Appendix A: Other required communications

### Other areas of audit focus

We have identified other areas of focus including:

- Government Grants
- Investment and Related Income
- Employee Future Benefits
- Landfill Liability & Contaminated Sites
- Tangible Capital Assets
- Operating Expenditures Including Payroll

See pages 14 to 18.

### Materiality

Materiality has been established by considering various metrics that are relevant to the users of the financial statements, including total revenues and total expenses. Materiality has been determined based on prior period total revenues. We have determined group materiality to be \$64.4 million (PY \$50.3 million). See page 8.

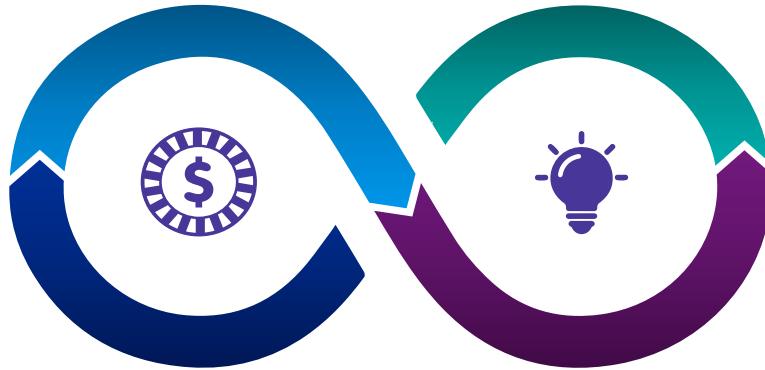
We have reviewed the scope of work across segments and business across the group. Materiality will be set at lower thresholds where necessary to meet requirements of various funding agencies. See page 9.

### Newly effective auditing standards

Please refer to page 10 and Appendix C for auditing changes relevant to the City, specifically on CAS 315 (Revised) *Identifying and Assessing the Risks of Material Misstatement*.



# Materiality



We **initially determine materiality** at a level at which we consider that misstatements could reasonably be expected to influence the economic decisions of users. Determining materiality is a matter of **professional judgement**, considering both quantitative and qualitative factors, and is affected by our perception of the common financial information needs of users of the financial statements as a group. We do not consider the possible effect of misstatements on specific individual users, whose needs may vary widely.

We **reassess materiality** throughout the audit and revise materiality if we become aware of information that would have caused us to determine a different materiality level initially.

## Plan and perform the audit

We **initially determine materiality** to provide a basis for:

- Determining the nature, timing and extent of risk assessment procedures;
- Identifying and assessing the risks of material misstatement; and
- Determining the nature, timing, and extent of further audit procedures.

We design our procedures to detect misstatements at a level less than materiality in individual accounts and disclosures, to reduce to an appropriately low level the probability that the aggregate of uncorrected and undetected misstatements exceeds materiality for the financial statements as a whole.

## Evaluate the effect of misstatements

We also use materiality to evaluate the effect of:

- Identified misstatements on our audit; and
- Uncorrected misstatements, if any, on the financial statements and in forming our opinion.

# Materiality – Consolidated Financial Statements



# Materiality - Components


KPMG will audit the following components that are consolidated into the City of Hamilton financial statements using their stand-alone materiality as separate financial statements are required:




<b>Components</b>
CityHousing Hamilton Corporation
Hamilton Utilities Corporation ("H.U.C.")
Hamilton Enterprises Holdings Corporation ("H.E.H.C.O")
Hamilton Renewable Power Inc. ("H.R.P.I.")
Hamilton Public Library Board
Hamilton Business Improvement Areas (BIAs)
Hamilton Farmers Market



# Updates to our prior year audit plan



## New significant risks

 <p>New significant risks</p>	➔	No new significant risks have been identified in the current year.
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## Other significant changes

 <p>Other significant changes</p>	➔	No significant changes to the audit plan.
--	---	---

 <p>Newly effective auditing standards</p>	➔	<ul style="list-style-type: none"> <li>• <b>CAS 315 (Revised) <i>Identifying and Assessing the Risks of Material Misstatement</i></b> Please see Appendix C for a detailed description of the revised standard.</li> </ul>	<p>Newly effective auditing standards</p> 
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 <p>Newly effective accounting standards</p>	➔	<p>There are no new or amended accounting standards effective for the City's 2022 consolidated financial statements.</p> <p>Please see Appendix B for all the upcoming standards and amendment changes that will be effective in future periods.</p>	<p>Newly effective accounting standards</p> 
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Audit Quality

KPMG Clara

Highlights

Audit Plan

Audit Risks

Key Milestones and Deliverables

Independence

Appendices



# Involvement of others

Involved party	Nature and extent of planned involvement	Involvement In
<b>KPMG Actuarial Specialists</b>	We involve actuarial specialists as part of our audit procedures to perform an assessment of the assumptions and methods used in the valuation of employee future benefits obligation and related disclosures.	Audit of financial statements

Audit Quality	KPMG Clara	Highlights	Audit Plan	<b>Audit Risks</b>	Key Milestones and Deliverables	Independence	Appendices	
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# Significant risks

	<b>Risk of fraud over revenue recognition</b>	RISK OF  FRAUD
<b>Estimate?</b>	<b>Significant risk</b>	<b>New or changed?</b>
No	Yes	No

## Relevant inherent risk factors affecting our risk assessment

We have identified the following areas where this presumed fraud risk is relevant:

- Government grants
- Development charges

Government grant revenue recognition is dependent on the terms of the grant and can be complex depending upon the terms. The City receives many different types of grants with different terms and conditions. Fraud could include misapplying expenditures to incorrect grant funded programs in order to maximize returnable funding. The nature of development charges and their use create complexity in the timing of revenue recognition.

## Our audit approach

To address the fraud risk from revenue recognition, our audit approach will consist of the following:

- test of journal entries and other adjustments;
- substantively test revenues (both recognized and amounts held as deferred at year end); and
- recalculate management's determination of deferred revenue – obligatory reserve funds through auditing management's methodology.

Audit Quality	KPMG Clara	Highlights	Audit Plan	<b>Audit Risks</b>	Key Milestones and Deliverables	Independence	Appendices	
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# Significant risks (continued)

	<b>Risk of fraud over management override of controls</b>	<b>RISK OF FRAUD</b>
<b>Estimate?</b>	<b>Significant risk</b>	<b>New or changed?</b>
No	Yes	No

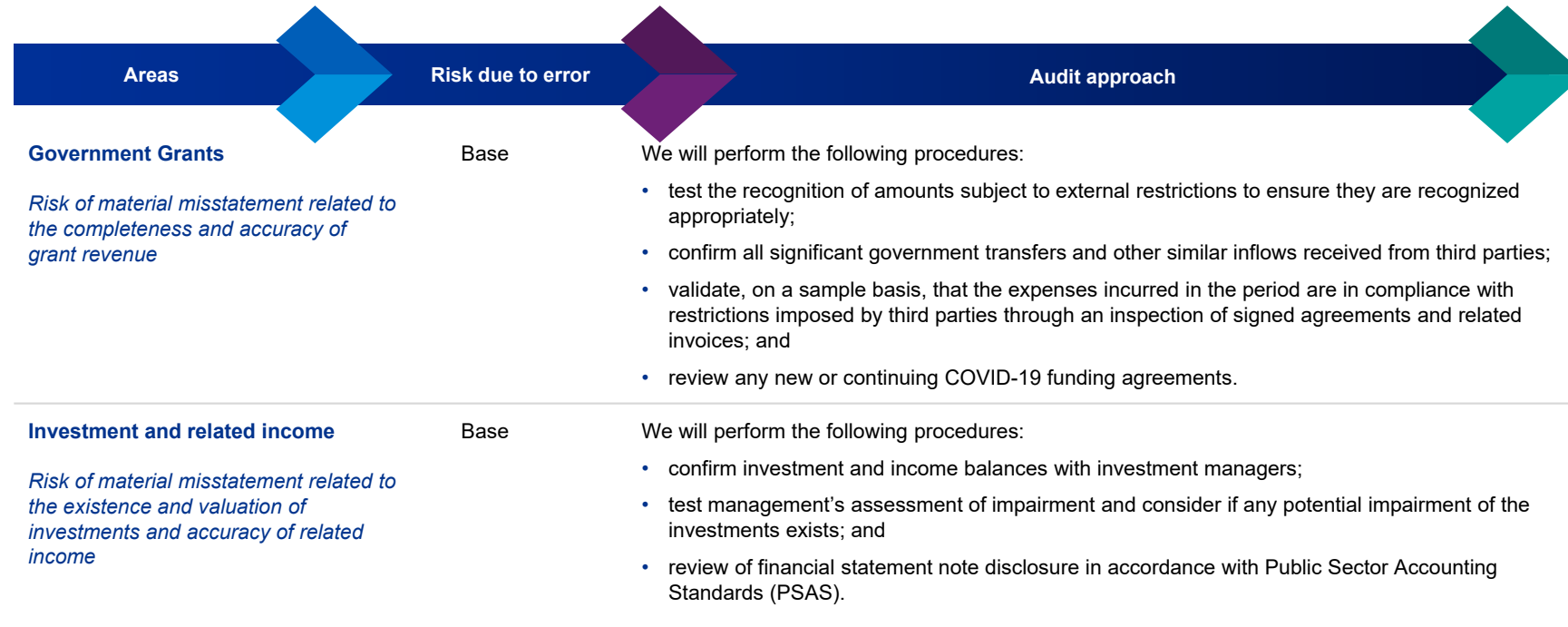
### Relevant inherent risk factors affecting our risk assessment

Under CAS, there is a presumed risk of fraud of management override of controls. We have not identified any specific additional risks of management override relating to this audit. Management is in a unique position to perpetrate fraud because of management’s ability to manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. Although the risk of management override of controls will vary from entity to entity, the risk is nevertheless present in all entities.

### Our audit approach

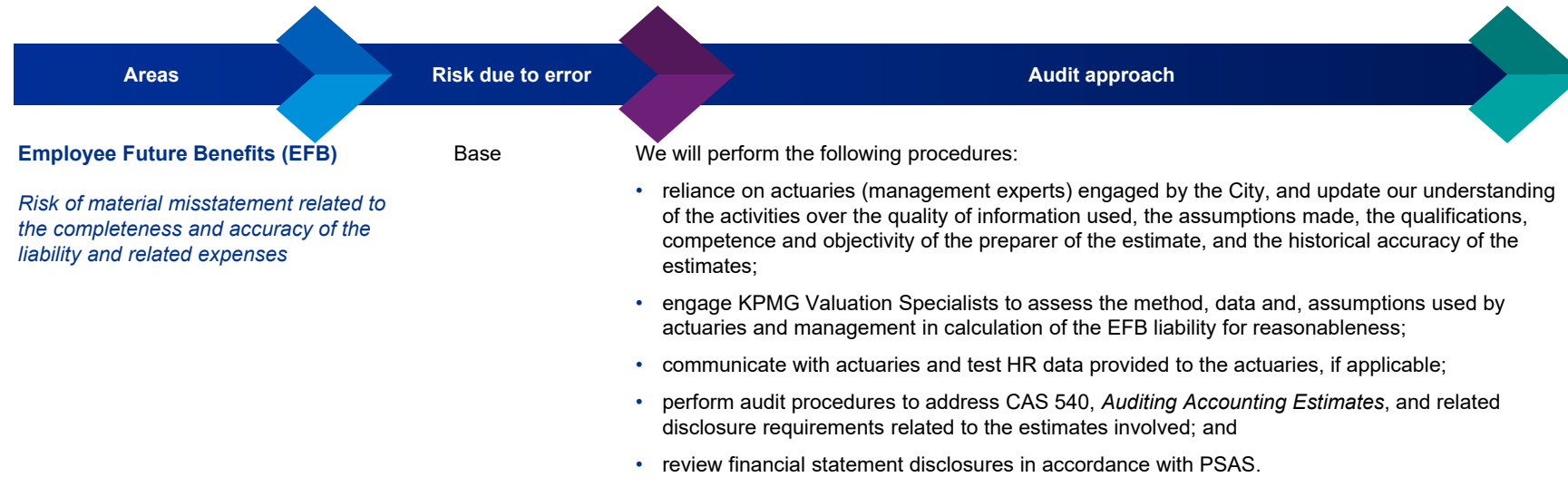
- Our audit approach will consist of the following steps to address this risk as required under professional standards:
- evaluate the design and implementation of controls surrounding journal entries and other adjustments;
  - determine criteria to identify high-risk journal entries and other adjustments; and
  - test high-risk journal entries and other adjustments made at the end of the reporting period.

# Other areas of focus\*

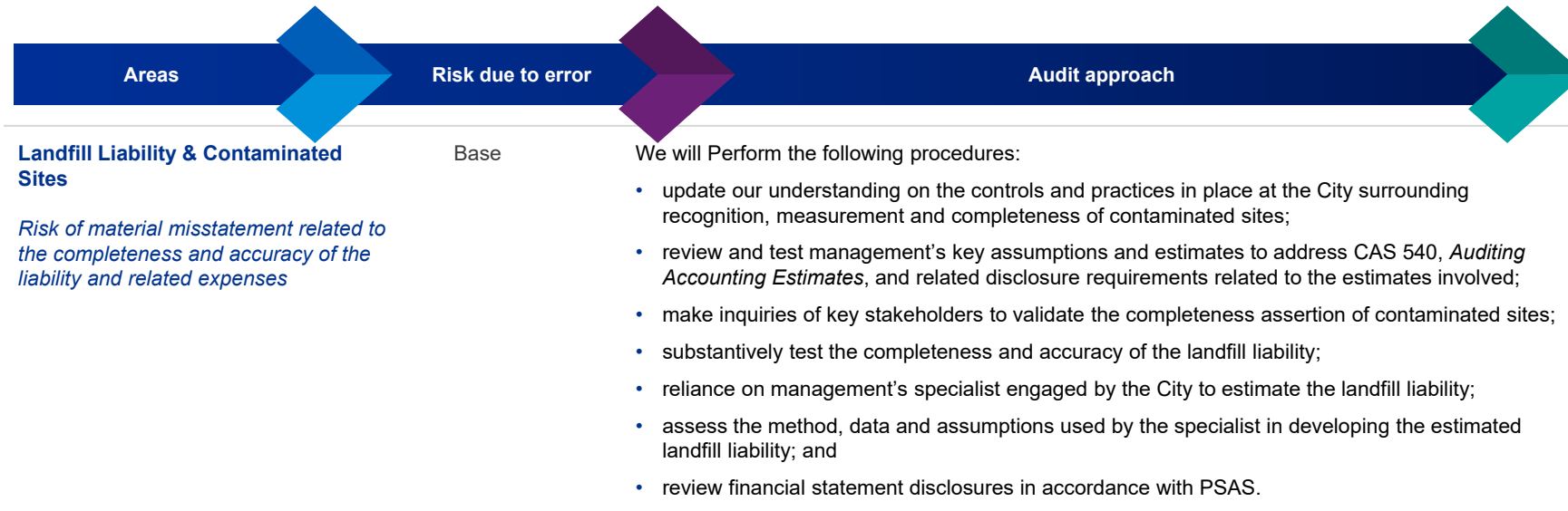


\*Risk assessment may change as we work through implementation of the new auditing standard and we will communicate any changes in our audit findings report.

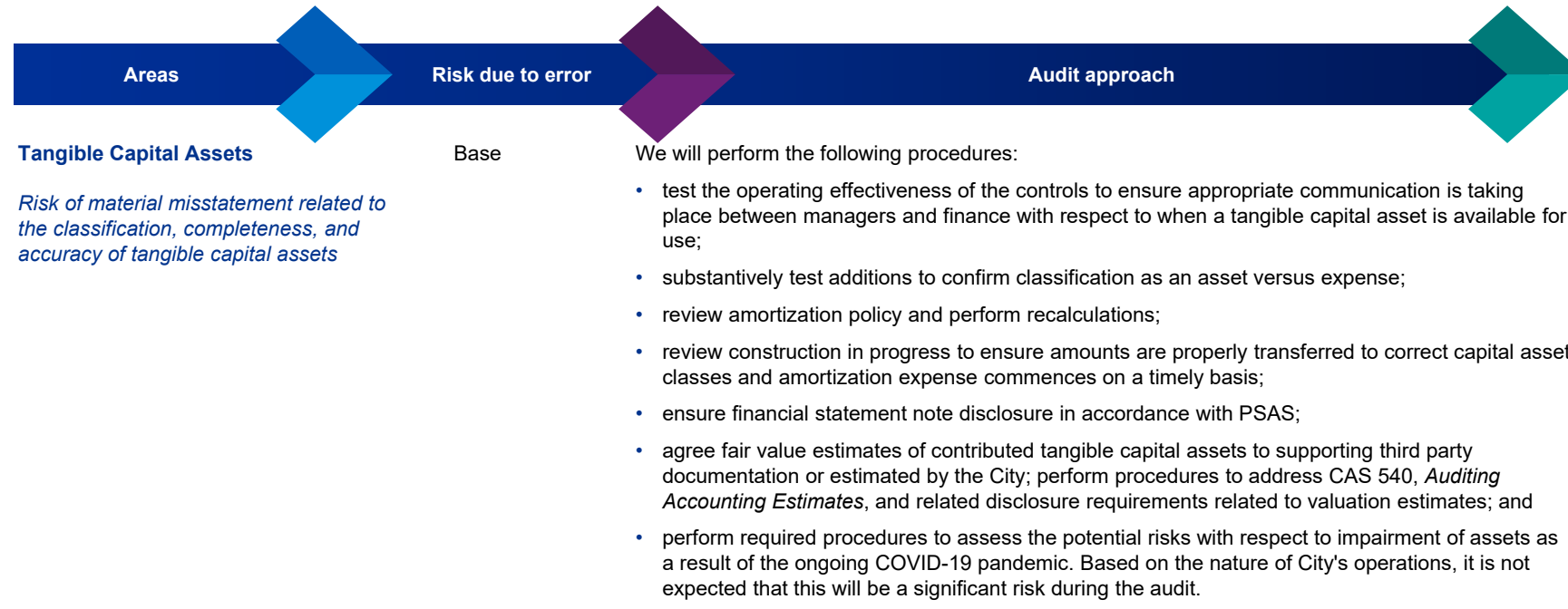
# Other areas of focus (continued)



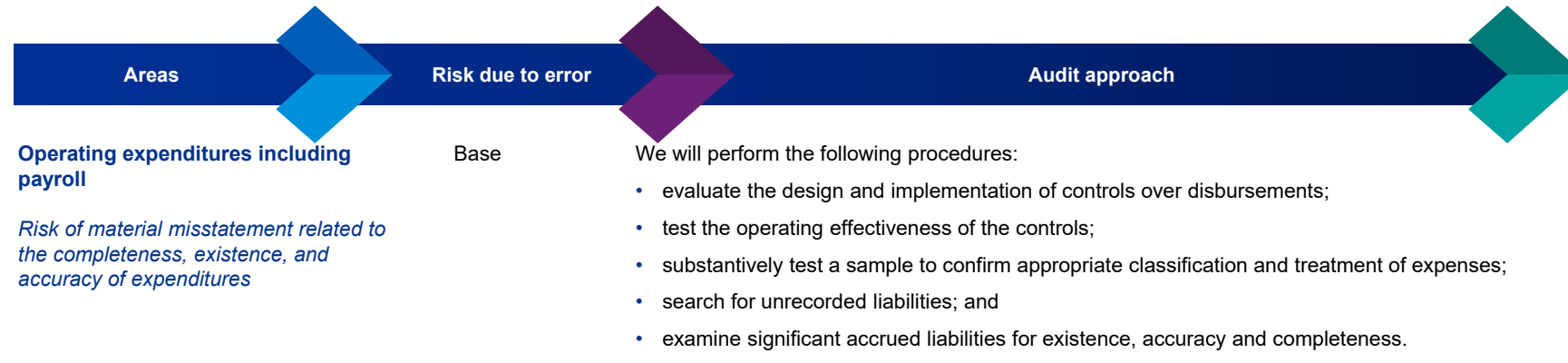
# Other areas of focus (continued)



# Other areas of focus (continued)

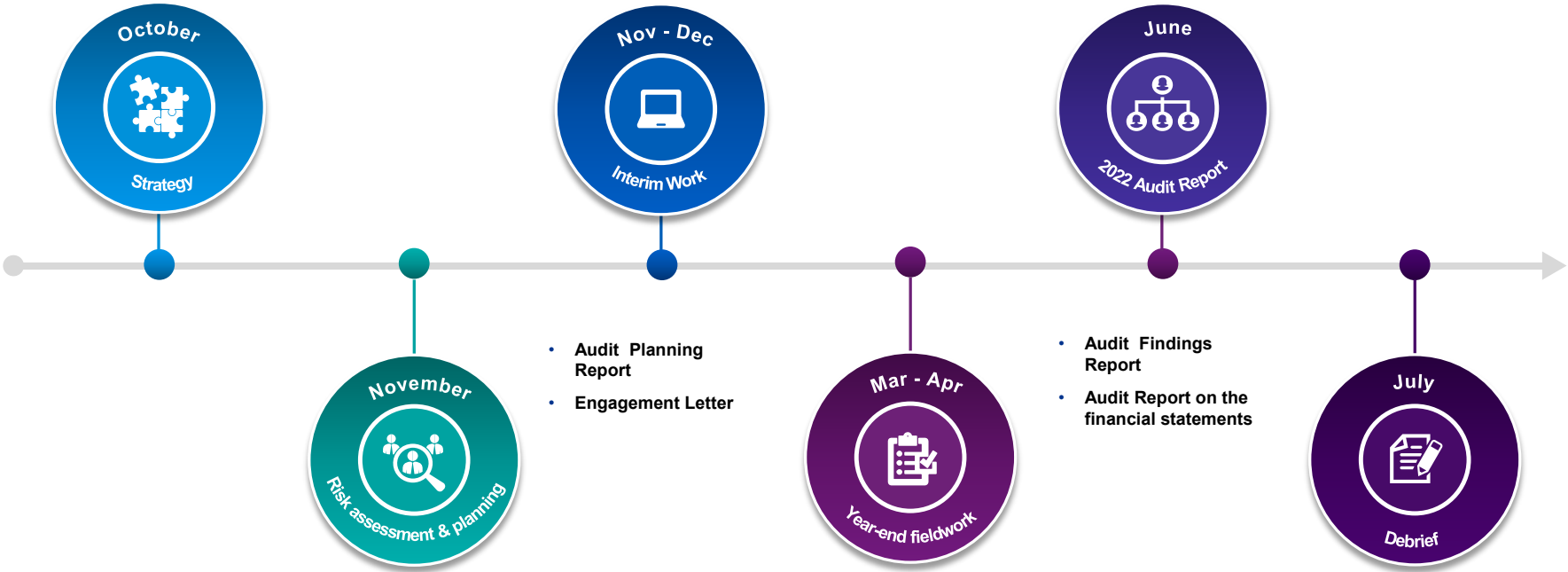


## Other areas of focus (continued)





# Key milestones and deliverables



Audit Quality	KPMG Clara	Highlights	Audit Plan	Audit Risks	Key Milestones and Deliverables	<b>Independence</b>	Appendices	
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# Independence



We are independent and have extensive quality control and conflict checking processes in place. We provide complete transparency on all services and follow Finance and Administration Committee approved protocols.



# Appendices



Other required communications



Audit and assurance insights



Changes in accounting standards



Insights to enhance your business



Newly effective auditing standards



# Appendix A: Other required communications



## CPAB communication protocol

The reports available through the following links were published by the Canadian Public Accountability Board to inform Audit Committees and other stakeholders about the results of quality inspections conducted over the past year:

- [CPAB Audit Quality Insights Report: 2021 Annual Inspections Results](#)
- [CPAB Audit Quality Insights Report: 2022 Interim Inspections Results](#)
- The 2022 Annual Inspection Results will be available in March 2023

Audit Quality	KPMG Clara	Highlights	Audit Plan	Audit Risks	Key Milestones and Deliverables	Independence	Appendices	
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# Appendix B: Changes in accounting standards

Standard	Summary and implications
<b>Asset retirement obligations</b>	<ul style="list-style-type: none"> <li>• The new standard PS 3280 <i>Asset retirement obligations</i> is effective for fiscal years beginning on or after April 1, 2022.</li> <li>• The new standard addresses the recognition, measurement, presentation and disclosure of legal obligations associated with retirement of tangible capital assets. Retirement costs will be recognized as an integral cost of owning and operating tangible capital assets.</li> <li>• The asset retirement obligations (“ARO”) standard will require the public sector entity to record a liability related to future costs of any legal obligations to be incurred upon retirement of any controlled tangible capital assets (“TCA”). The amount of the initial liability will be added to the historical cost of the asset and amortized over its useful life if the asset is in productive use.</li> <li>• As a result of the new standard, the public sector entity will:             <ul style="list-style-type: none"> <li>• Consider how the additional liability will impact net debt, as a new liability will be recognized with no corresponding increase in a financial asset;</li> <li>• Carefully review legal agreements, senior government directives and legislation in relation to all controlled TCA to determine if any legal obligations exist with respect to asset retirements;</li> <li>• Begin considering the potential effects on the organization as soon as possible to coordinate with resources outside the finance department to identify ARO and obtain information to estimate the value of potential ARO to avoid unexpected issues.</li> </ul> </li> </ul>



## Appendix B: Changes in accounting standards (continued)

Standard	Summary and implications
<b>Financial instruments and foreign currency translation</b>	<ul style="list-style-type: none"> <li>The new standards PS 3450 <i>Financial instruments</i>, PS 2601 <i>Foreign currency translation</i>, PS 1201 <i>Financial statement presentation</i> and PS 3041 <i>Portfolio investments</i> are effective for fiscal years beginning on or after April 1, 2022.</li> <li>Equity instruments quoted in an active market and free-standing derivatives are to be carried at fair value. All other financial instruments, including bonds, can be carried at cost or fair value depending on the public sector entity's choice and this choice must be made on initial recognition of the financial instrument and is irrevocable.</li> <li>Hedge accounting is not permitted.</li> <li>A new statement, the Statement of Remeasurement Gains and Losses, will be included in the financial statements. Unrealized gains and losses incurred on fair value accounted financial instruments will be presented in this statement. Realized gains and losses will continue to be presented in the statement of operations.</li> <li>PS 3450 <i>Financial instruments</i> was amended subsequent to its initial release to include various federal government narrow-scope amendments.</li> </ul>
<b>Revenue</b>	<ul style="list-style-type: none"> <li>The new standard PS 3400 <i>Revenue</i> is effective for fiscal years beginning on or after April 1, 2023.</li> <li>The new standard establishes a single framework to categorize revenue to enhance the consistency of revenue recognition and its measurement.</li> <li>The standard notes that in the case of revenue arising from an exchange transaction, a public sector entity must ensure the recognition of revenue aligns with the satisfaction of related performance obligations.</li> <li>The standard notes that unilateral revenue arises when no performance obligations are present, and recognition occurs when there is authority to record the revenue and an event has happened that gives the public sector entity the right to the revenue.</li> </ul>

# Appendix B: Changes in accounting standards (continued)

Standard	Summary and implications
<b>Purchased Intangibles</b>	<ul style="list-style-type: none"> <li>• The new Public Sector Guideline 8 <i>Purchased intangibles</i> is effective for fiscal years beginning on or after April 1, 2023 with earlier adoption permitted.</li> <li>• The guideline allows public sector entities to recognize intangibles purchased through an exchange transaction. The definition of an asset, the general recognition criteria and GAAP hierarchy are used to account for purchased intangibles.</li> <li>• Narrow scope amendments were made to PS 1000 <i>Financial statement concepts</i> to remove the prohibition to recognize purchased intangibles and to PS 1201 <i>Financial statement presentation</i> to remove the requirement to disclose purchased intangibles not recognized.</li> <li>• The guideline can be applied retroactively or prospectively.</li> </ul>
<b>Public Private Partnerships</b>	<ul style="list-style-type: none"> <li>• The new standard PS 3160 <i>Public private partnerships</i> is effective for fiscal years beginning on or after April 1, 2023.</li> <li>• The standard includes new requirements for the recognition, measurement and classification of infrastructure procured through a public private partnership.</li> <li>• The standard notes that recognition of infrastructure by the public sector entity would occur when it controls the purpose and use of the infrastructure, when it controls access and the price, if any, charged for use, and it controls any significant interest accumulated in the infrastructure when the public private partnership ends.</li> <li>• The public sector entity recognizes a liability when it needs to pay cash or non-cash consideration to the private sector partner for the infrastructure.</li> <li>• The infrastructure would be valued at cost, which represents fair value at the date of recognition with a liability of the same amount if one exists. Cost would be measured in reference to the public private partnership process and agreement, or by discounting the expected cash flows by a discount rate that reflects the time value of money and risks specific to the project.</li> <li>• The standard can be applied retroactively or prospectively.</li> </ul>

# Appendix B: Changes in accounting standards (continued)

Standard	Summary and implications
<b>Concepts Underlying Financial Performance</b>	<ul style="list-style-type: none"> <li>• The revised conceptual framework is effective for fiscal years beginning on or after April 1, 2026 with earlier adoption permitted.</li> <li>• The framework provides the core concepts and objectives underlying Canadian public sector accounting standards.</li> <li>• The ten chapter conceptual framework defines and elaborates on the characteristics of public sector entities and their financial reporting objectives. Additional information is provided about financial statement objectives, qualitative characteristics and elements. General recognition and measurement criteria, and presentation concepts are introduced.</li> </ul>
<b>Financial Statement Presentation</b>	<ul style="list-style-type: none"> <li>• The proposed section PS 1202 <i>Financial statement presentation</i> will replace the current section PS 1201 <i>Financial statement presentation</i>. PS 1202 <i>Financial statement presentation</i> will apply to fiscal years beginning on or after April 1, 2026 to coincide with the adoption of the revised conceptual framework. Early adoption will be permitted.</li> <li>• The proposed section includes the following: <ul style="list-style-type: none"> <li>• Relocation of the net debt indicator to its own statement called the statement of net financial assets/liabilities, with the calculation of net debt refined to ensure its original meaning is retained.</li> <li>• Separating liabilities into financial liabilities and non-financial liabilities.</li> <li>• Restructuring the statement of financial position to present total assets followed by total liabilities.</li> <li>• Changes to common terminology used in the financial statements, including re-naming accumulated surplus (deficit) to net assets (liabilities).</li> <li>• Removal of the statement of remeasurement gains (losses) with the information instead included on a new statement called the statement of changes in net assets (liabilities). This new statement would present the changes in each component of net assets (liabilities), including a new component called “accumulated other”.</li> <li>• A new provision whereby an entity can use an amended budget in certain circumstances.</li> <li>• Inclusion of disclosures related to risks and uncertainties that could affect the entity’s financial position.</li> </ul> </li> <li>• The Public Sector Accounting Board is currently deliberating on feedback received on exposure drafts related to the reporting model.</li> </ul>



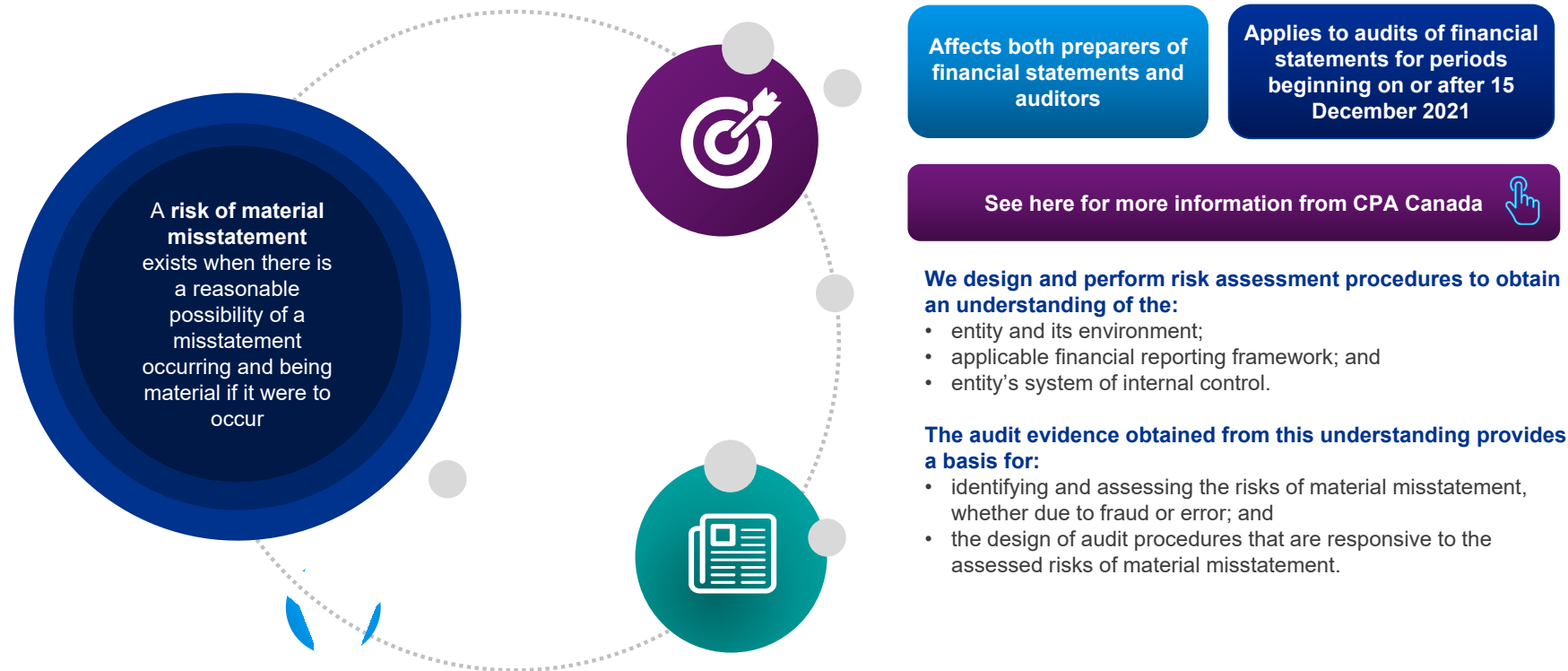


# Appendix B: Changes in accounting standards (continued)

Standard	Summary and implications
<b>Employee benefits</b>	<ul style="list-style-type: none"> <li>• The Public Sector Accounting Board has initiated a review of sections PS 3250 <i>Retirement benefits</i> and PS 3255 <i>Post-employment benefits, compensated absences and termination benefits</i>.</li> <li>• The intention is to use principles from International Public Sector Accounting Standard 39 <i>Employee benefits</i> as a starting point to develop the Canadian standard.</li> <li>• Given the complexity of issues involved and potential implications of any changes that may arise from the review of the existing guidance, the new standards will be implemented in a multi-release strategy. The first standard will provide foundational guidance. Subsequent standards will provide additional guidance on current and emerging issues.</li> <li>• The proposed section PS 3251 <i>Employee benefits</i> will replace the current sections PS 3250 <i>Retirement benefits</i> and PS 3255 <i>Post-employment benefits, compensated absences and termination benefits</i>. It will apply to fiscal years beginning on or after April 1, 2026. Early adoption will be permitted and guidance applied retroactively.</li> <li>• This proposed section would result in public sector entities recognizing the impact of revaluations of the net defined benefit liability (asset) immediately on the statement of financial position. Organizations would also assess the funding status of their post-employment benefit plans to determine the appropriate rate for discounting post-employment benefit obligations.</li> <li>• The Public Sector Accounting Board is in the process of evaluating comments received from stakeholders on the exposure draft.</li> </ul>

# Appendix C: Newly effective auditing standards

**CAS 315 (Revised) Identifying and Assessing the Risks of Material Misstatement** has been revised, reorganized and modernized in response to challenges and issues with the previous standard. It aims to promote consistency in application, improve scalability, reduce complexity, support a more robust risk assessment and incorporate enhanced guidance material to respond to the evolving environment, including in relation to information technology. Conforming and consequential amendments have been made to other International Standards on Auditing.



# Appendix C: Newly effective auditing standards (continued)

Key change	Impact on the audit team	Impact on management
<p><b>Overall, a more robust risk identification and assessment process, including:</b></p> <ul style="list-style-type: none"> <li>• New requirement to take into account how, and the degree to which, 'inherent risk factors' affect the susceptibility of relevant assertions to misstatement</li> <li>• New concept of significant classes of transactions, account balances and disclosures and relevant assertions to help us to identify and assess the risks of material misstatement</li> <li>• New requirement to separately assess inherent risk and control risk for each risk of material misstatement</li> <li>• Revised definition of significant risk for those risks which are close to the upper end of the spectrum of inherent risk</li> </ul>	<p>When assessing inherent risk for identified risks of material misstatement, we consider the degree to which inherent risk factors (such as complexity, subjectivity, uncertainty, change, susceptibility to management bias) affect the susceptibility of assertions to misstatement.</p> <p>We use the concept of the spectrum of inherent risk to assist us in making a judgement, based on the likelihood and magnitude of a possible misstatement, on a range from higher to lower, when assessing risks of material misstatement</p> <p>The changes may affect our assessments of the risks of material misstatement and the design of our planned audit procedures to respond to identified risks of material misstatement.</p> <p>If we do not plan to test the operating effectiveness of controls, the risk of material misstatement is the same as the assessment of inherent risk.</p>	<p>If the effect of this consideration is that our assessment of the risks of material misstatement is higher, then our audit approach may increase the number of controls tested and/or the extent of that testing, and/or our substantive procedures will be designed to be responsive to the higher risk.</p> <p>We may perform different audit procedures and request different information compared to previous audits, as part of a more focused response to the effects identified inherent risk factors have on the assessed risks of material misstatement.</p>

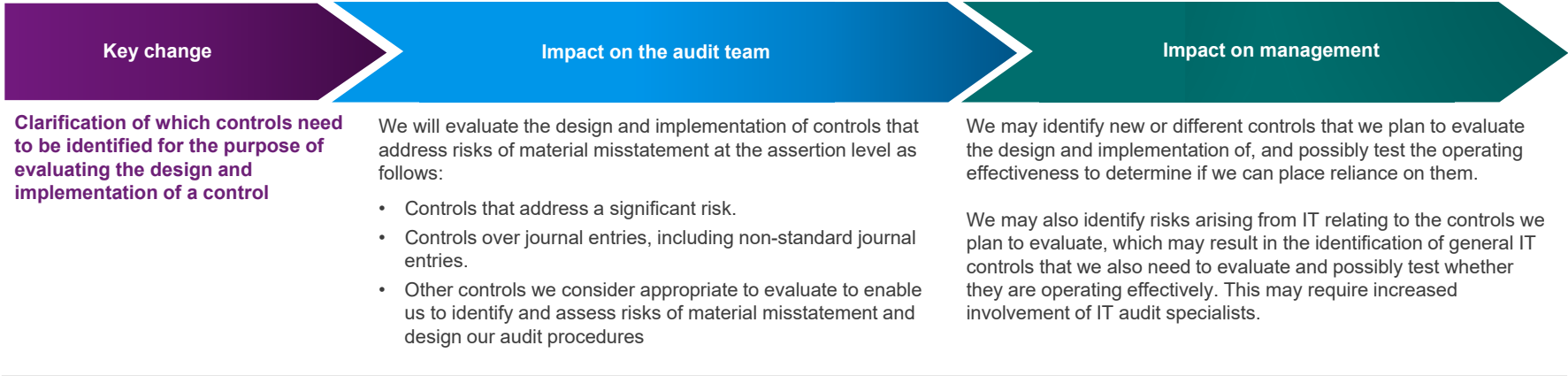
# Appendix C: Newly effective auditing standards (continued)

Key change	Impact on the audit team	Impact on management
<p><b>Overall, a more robust risk identification and assessment process, including evaluating whether the audit evidence obtained from risk assessment procedures provides an appropriate basis to identify and assess the risks of material misstatement</b></p>	<p>When making this evaluation, we consider all audit evidence obtained, whether corroborative or contradictory to management assertions. If we conclude the audit evidence obtained does not provide an appropriate basis, then we perform additional risk assessment procedures until audit evidence has been obtained to provide such a basis.</p>	<p>In certain circumstances, we may perform additional risk assessment procedures, which may include further inquires of management, analytical procedures, inspection and/or observation.</p>
<p><b>Overall, a more robust risk identification and assessment process, including performing a 'stand back' at the end of the risk assessment process</b></p>	<p>We evaluate whether our determination that certain material classes of transactions, account balances or disclosures have no identified risks of material misstatement remains appropriate.</p>	<p>In certain circumstances, this evaluation may result in the identification of additional risks of material misstatement, which will require us to perform additional audit work to respond to these risks.</p>

# Appendix C: Newly effective auditing standards (continued)

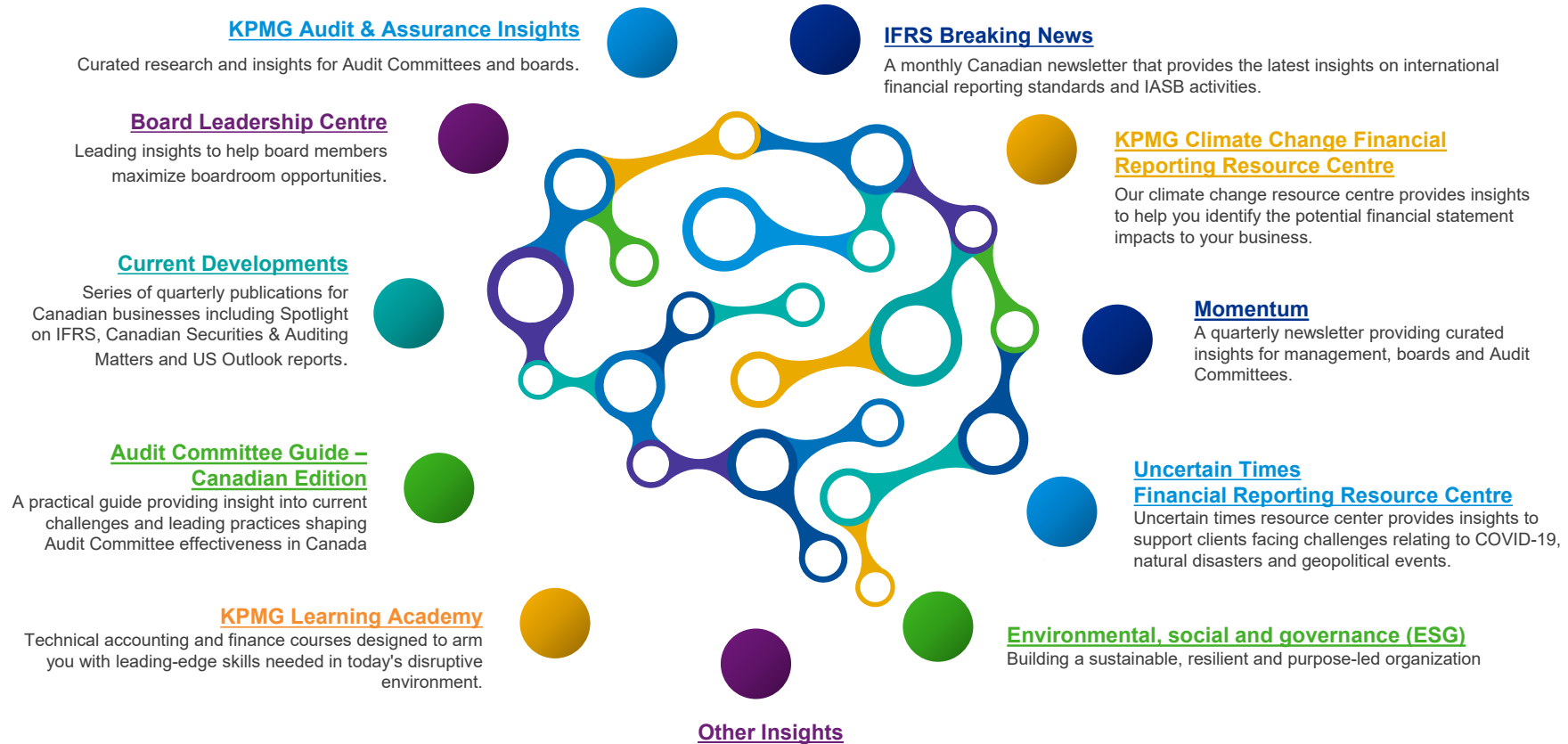
Key change	Impact on the audit team	Impact on management
<p><b>Modernized to recognize the evolving environment, including in relation to IT</b></p>	<p>New requirement to understand the extent to which the business model integrates the use of IT.</p> <p>When obtaining an understanding of the IT environment, including IT applications and supporting IT infrastructure, it has been clarified that we also understand the IT processes and personnel involved in those processes relevant to the audit.</p> <p>Based on the identified controls we plan to evaluate, we are required to identify the:</p> <ul style="list-style-type: none"> <li>IT applications and other aspects of the IT environment relevant to those controls</li> <li>related risks arising from the use of IT and the entity's general IT controls that address them.</li> </ul> <p>Examples of risks that may arise from the use of IT include unauthorized access or program changes, inappropriate data changes, risks from the use of external or internal service providers for certain aspects of the entity's IT environment or cybersecurity risks.</p>	<p>We will expand our risk assessment procedures and are likely to engage more extensively with your IT and other relevant personnel when obtaining an understanding of the entity's use of IT, the IT environment and potential risks arising from IT. This might require increased involvement of IT audit professionals.</p> <p>Changes in the entity's use of IT and/or the IT environment may require increased audit effort to understand those changes and affect our assessment of the risks of material misstatement and audit response.</p> <p>Risks arising from the use of IT and our evaluation of general IT controls may affect our control risk assessments, and decisions about whether we test the operating effectiveness of controls for the purpose of placing reliance on them or obtain more audit evidence from substantive procedures. They may also affect our strategy for testing information that is produced by, or involves, the entity's IT applications.</p>
<p><b>Enhanced requirements relating to exercising professional skepticism</b></p>	<p>New requirement to design and perform risk assessment procedures in a manner that is not biased toward obtaining audit evidence that may be corroborative or toward excluding audit evidence that may be contradictory. Strengthened documentation requirements to demonstrate the exercise of professional scepticism.</p>	<p>We may make changes to the nature, timing and extent of our risk assessment procedures, such as our inquires of management, the activities we observe or the accounting records we inspect.</p>

# Appendix C: Newly effective auditing standards (continued)



# Appendix D: Audit and assurance insights

Our latest thinking on the issues that matter most to Audit Committees, board of directors and management.



# Appendix E: Insights to enhance your business

We have the unique opportunity as your auditors to perform a deeper dive to better understand your business processes that are relevant to financial reporting.

[▶ Learn more](#)

## Lean in Audit

Lean in Audit™ is KPMG’s award-winning methodology that offers a new way of looking at processes and engaging people within your finance function and organization through the audit.

By incorporating Lean process analysis techniques into our audit procedures, we can enhance our understanding of your business processes that are relevant to financial reporting and provide you with new and pragmatic insights to improve your processes and controls.

Clients like you have seen immediate benefits such as improved quality, reduced rework, shorter processing times and increased employee engagement.

We look forward to using this approach on your audit this year and will work with you to select the appropriate process(es).

## How it works

<p><b>Standard Audit</b></p>	<p>Typical process and how it's audited</p>	
<p><b>Lean in Audit™</b></p>	<p>Applying a Lean lens to perform walkthroughs Typically 95% + is considered redundant through a customer's lens</p>	
<p><b>How Lean in Audit helps businesses improve processes</b></p>	<p>Make the process more streamlined and efficient for all</p>	

- **Value:** what customers want (maximize)
- **Necessary:** required activities (minimize)
- **Redundant:** non-essential activities (remove)

- 🔒 Process controls
- ✔ Key controls tested

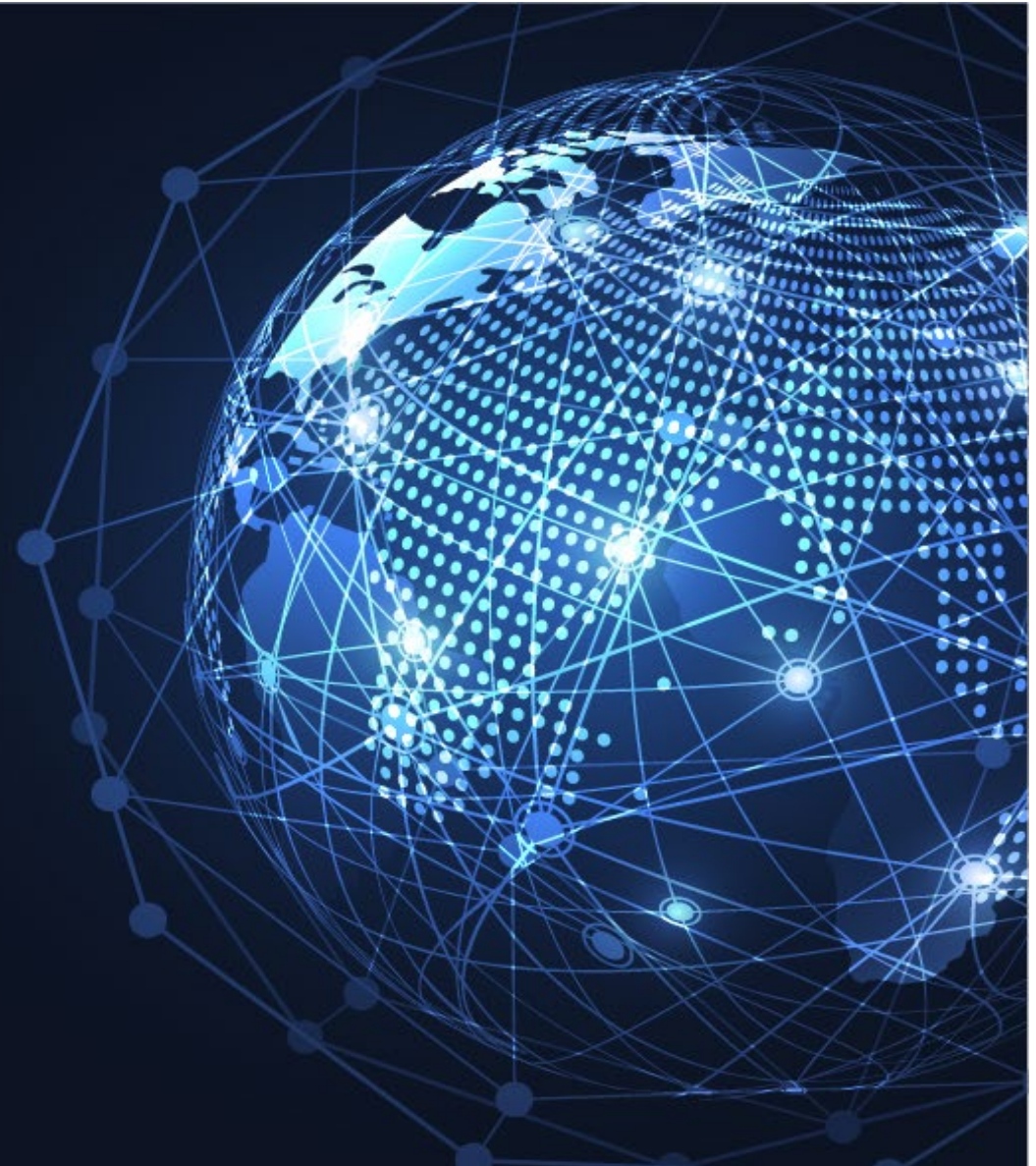




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# AUDIT OF HAMILTON WATER METER PROGRAM

## CITY OF HAMILTON, OFFICE OF THE CITY AUDITOR

DECEMBER 16, 2022

FINAL REPORT

## Publication History

Version	Date	Description
DRAFT 0.1	October 21, 2022	Draft for review by the City of Hamilton, Office of the City Auditor
DRAFT 0.2	November 17, 2022	Draft to incorporate City of Hamilton, Office of the City Auditor feedback
FINAL	December 16, 2022	Draft to incorporate City of Hamilton, Hamilton Water – Meter Operations feedback

Document Date: December 16, 2022

File Name: Audit of the Hamilton Water Meter Program

Status & Version: Final

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# EXECUTIVE SUMMARY

## Introduction

Hamilton Water is responsible for the City of Hamilton's (the "City") Water Meter Program (the "Program") which includes the installation, testing, monitoring, repairing, and replacing of approximately 156,000 water meters. The main purpose of the Water Meter Program is to ensure the efficient, timely and accurate metering and billing for water that is used by the City's customers. Through the operation and monitoring of these meters, the program generates approximate \$240 million in revenue each year.

Hamilton has two (2) contractors who are engaged in the delivery of the Program:

1. Alectra Utilities Corporation ("Alectra"), who provides meter reading, customer service, reporting and billing services on behalf of the City, through Corporate Finance; and
2. Neptune Technologies ("Neptune"), who provides meter operations services to the City, including but not limited to meter installation, meter repair, and meter maintenance, through Hamilton Water, Public Works Department.

Since 2019, there have been a number of significant events that have impacted the Water Meter Program's effectiveness, including at least five major billing adjustments totaling approximately \$2 million since June 2021.

## Audit Objective and Scope

The objective of this audit was to identify strengths and weaknesses of the City's Water Meter Program. This included a review of various aspects of the Program and assessing them against existing policies and procedures. In addition, a review of the Program against industry best practices was conducted to identify strengths, gaps, and opportunities for improvement regarding program delivery as well as existing policies and operational procedures. An assessment of the efficiency and effectiveness of program areas, as well as the identification of areas for improvement was also conducted.

The scope of the audit included reviewing the various aspects of the Water Meter Program and comparing them against existing corporate and departmental policies and procedures, as well as against industry best practices to identify strengths and potential gaps that may not currently be addressed in existing policies and procedures. The following Program areas were considered during the conduct of the audit:

- Effectiveness of recent corrective actions taken to address 2021-22 large billing issues;
- Applicable operational processes and procedures to verify completeness and gaps;
- Data transfer processes between the City, Alectra and Neptune;



- Work order creation, management and resolution including the transfer of work between Neptune, the City and Alectra;
- Management of consecutively estimated accounts;
- Management of account setup, transfer, and closure;
- Effectiveness of asset management of water meters, preventative/reactive maintenance, and asset renewal;
- Contractor management including inspections by City staff;
- Contractor invoicing;
- Review of program metrics and key performance indicators;
- Handling of soft and hard customer refusals;
- Handling of private plumbing issues affecting meter maintenance activities;
- Management of vacant properties;
- Management of flat rate accounts;
- Process for Large Valve Maintenance (broken valves on private property);
- Billing inquires/complaints process;
- Management of Master/Satellite meters (sub-metering);
- Top 100 Reporting process and procedure; and
- Comparison of meter programs from three (3) comparator municipalities to identify best/comparative practices.

The scope of the audit did not include policies, procedures or processes developed internally by City of Hamilton Water Meter Program vendors for the purposes of managing and overseeing their contractually obligated responsibilities under their respective City of Hamilton Water Meter Program agreements.

## Audit Conclusion

The City of Hamilton's Water Meter Program is undergoing a period of rapid transformation, both in response to the 2021-22 large billing issues and the fact that their billing agent, Alectra, has notified the City that they are discontinuing their water billing services. Although these issues have brought on a wide array of challenges, they have also presented new opportunities to increase the operational effectiveness and efficiency of the Program as a service provider to the residents of the City of Hamilton.

The audit has identified opportunities for improvement for Hamilton's Water Meter Program. Although the Program has documented a strong operational procedure framework that clearly defines roles and responsibilities, the audit identified gaps in the policy framework that should be aligned to current procedures and practices. Further, the Program has begun to use data to support the management and oversight of operations through the development of key program metrics. However, program

reporting and key program metrics lack contextualization against established targets, baselines, outcomes, timelines, as well as lack clear methods for collection, reporting, and related accountabilities.

A noted strength of the Program includes the implementation of a proactive maintenance program, which is on target to achieve the expected number of completed annual proactive maintenance work orders for 2022 and the execution of two pilot projects to test new meter technology with a view to modernizing the Program, further aligning with industry best practices.

The audit observed ineffective, and in some cases, insufficient contract management mechanisms with regards to the City’s billing agent, as evidenced by the absence of a contractor performance management framework, a sufficient governance structure, and a dedicated contract manager. It was also found that there is little to no contract mechanisms in place to identify, manage, and rectify poor vendor performance.

The Program has experienced high levels of staff turnover, both at the supervisory and frontline levels. This, combined with inefficient manual data transfer and reporting processes, has created a processing backlog of key operational reporting. This backlog increases the risk of inaccurate bills being sent to customers which in-turn could increase the risk of customer complaints and reputational damage to the City of Hamilton’s Water Meter Program.

Lastly, in response to the identified 2021-2022 large billing issues, a root-cause analysis was performed by Hamilton Water that identified and implemented corrective and preventative actions to address the root causes. Overall, the actions implemented by the City support the correction of issues that contributed to the billing variances and the prevention of future issues; however, it should be noted that for some corrective and preventative actions, the audit was unable to fully assess effectiveness in preventing future billing issues due to the recentness of their implementation and lack of measurable results as of the period of the audit. As such, these actions should be reviewed by the City in the future to ensure that they are in fact effective in addressing root causes. Moreover, gaps were noted in the root-cause analysis which indicates that the corrective and preventative actions identified by Hamilton Water are incomplete and therefore not fully effective in eliminating the risk of future large billing issues. One such example includes the fact that there are some water meters being estimated at zero consumption which may mean that these meters are being improperly billed for their actual consumption. As such, the City should take action to ensure these accounts are being appropriately billed.

## Recommendations and Management Responses

The following recommendations have been made to address the areas for improvement noted above:

Recommendation	Priority
<b>Recommendation 1:</b> The City should perform a job evaluation review of the key administrative, supervisory, and	<b>High</b>

<p>superintendent roles within the Program to validate the appropriateness of competency requirements, job descriptions and compensation level within the organization structure of the program.</p>	
<p><b>Recommendation 2:</b> The City should review its program policy and procedures framework to address identified gaps, as well as identify opportunities to strengthen the framework and enhance authorities to better meet the needs of the City and support appropriate enforcement action.</p>	<p><b>Medium</b></p>
<p><b>Recommendation 3:</b> The City should develop and implement their program performance management regime by ensuring that each key metric has documented baselines, targets, timeframes for measurement and an outline of how/when the metric would be measured, including the applicable data source and accountabilities.</p>	<p><b>Medium</b></p>
<p><b>Recommendation 4:</b> The City should ensure that all vendor contracts establish performance management frameworks, including minimum standards, KPIs and performance reporting; and have sufficient contract mechanisms, including corrective actions clauses where performance does not meet minimum standards, to oversee vendor performance. This includes establishing a dedicated and experienced contract manager tasked with the responsibility of managing and overseeing contract and vendor performance.</p>	<p><b>High</b></p>
<p><b>Recommendation 5:</b> The City should implement a regular operational meeting attended by all relevant program stakeholders to ensure consistency and alignment of information and progress to support program oversight and delivery.</p>	<p><b>Medium</b></p>
<p><b>Recommendation 6:</b> The City should develop a Program KPI to track City inspections of Contractor (Neptune) activities.</p>	<p><b>Medium</b></p>
<p><b>Recommendation 7:</b> The City should develop a report of all intermediate and large meter assets that are currently being estimated at zero consumption to identify, prioritize, and investigate any accounts that are at risk of being improperly billed.</p>	<p><b>High</b></p>
<p><b>Recommendation 8:</b> The City should perform follow-up assessments of the effectiveness of implemented corrective and preventative actions on at least an annual basis to ensure they are effectively addressing identified root causes of 2021-22 large billing issues.</p>	<p><b>Medium</b></p>



**Recommendation 9:** Where possible, the City should examine opportunities to automate the processing and transfer of key data and information from program reporting into the City's asset management system, which is currently being manually performed by WOCs. Further, the implementation of formalized data validation tools would support accuracy of data and reporting. Opportunities to automate the processing, transfer, and validation of Water Meter Program data into the City's asset management system should be evaluated as a part of requirements for the procurement of a new billing solution/service provider.

**High**

# 1 BACKGROUND

## General

Hamilton Water is responsible for the City of Hamilton's (the "City") Water Meter Program (the "Program"), which includes the installation, testing, monitoring, repairing, and replacing of approximately 156,000 revenue water meters. The main purpose of the Water Meter Program is to ensure the efficient, timely and accurate metering and billing for water that is used by the City's customers. Through the operation and monitoring of these meters, the Program generates approximate \$240 million in revenue each year.

The City has two (2) contractors who are engaged in the delivery of the Program:

- Alectra Utilities Corporation ("Alectra"), who provides meter reading, customer service, reporting and billing services on behalf of the City, through Corporate Finance; and
- Neptune Technologies ("Neptune"), who provides meter operations services to the City, including but not limited meter installation, meter repair, and preventative meter maintenance, through Hamilton Water, Public Works Department

The main purpose of the Water Meter Program is to ensure the efficient, timely and accurate metering and billing for water that is used by the City's customers. There are many factors that can interfere with this process such as faulty/damaged meters, vandalism or tampering, property or meter access issues, and incorrect or untimely data transfer between the City and its contractors. These issues can lead to accounts being estimated based on historical usage for long periods of time, resulting in significant over or under billing.

Over the years, there have been a number of processes developed to help identify potential issues as well as deal with them in a timely and consistent manner, ranging from official City policies to documented standard operating procedures.

## Discontinuation of Water Billing Services by Alectra

On August 6, 2021, the City was advised at their May 21, 2021, board meeting that Alectra's Board of Directors approved an Alectra staff recommendation to discontinue water billing services. Alectra has committed to upholding the Water Billing Services Agreement (Service Agreement) that is currently in place with a focus on winding-down providing water billing services to the City at the time of the current contract expiry, being December 31, 2024.

Alectra has advised it will support the City to facilitate a smooth transition to a new billing supplier by:

- Providing support through established joint working teams to assist with the transition of services and related municipal data to a new billing provider; and

- Working closely with the City on joint communications, through multiple communication channels, to help water billing customers manage the related change with the transition to a new billing provider.

The City is currently working with other municipalities also affected by Alectra's discontinuation of water billing services and has engaged external consulting support to gather business requirements and assess future-state water billing service options.

## 2021-22 Large Billing Issues

Since 2019, there have been a number of significant events that have impacted the Program's effectiveness. Of note, these include several changes and turnover of key management and supervisory positions within Hamilton Water. In addition, it was identified that individuals who were Acting in supervisory/management roles were not provided with adequate process documentation to inform them of their roles.

During this same period, Alectra switched their billing management system from Daffron to Oracle Utilities Customer Care and Billing (CC&B), resulting in reporting changes and delays in sending/receiving data to and from Hamilton Water, as well as data accuracy. Following this, in 2020 the COVID-19 pandemic struck, severely limiting the City's ability to complete required field work for the Program (e.g. entering properties/sites to access water meters for maintenance).

The culmination of these events has resulted in at least five (5) major billing adjustments of over \$100,000 each, for a total of just under \$2 million in billing adjustments made since June 2021.

In response to these large billing adjustments, Hamilton Water conducted a root-cause analysis that identified the following findings:

1. The historical Consecutive Estimate (CE) reporting data process used prior to 2019 from Infor Public Sector (IPS) Hansen, the City of Hamilton's asset management system, stopped in 2019 because of data transfer issues when Alectra moved from Daffron to Oracle Utilities Customer Care and Billing (CC&B). As a result, there was no quality assurance (QA) / quality control (QC) in place to catch errors in the Alectra Utilities Corporation (AUC) Daily Report Processing.
2. High turnover of supervisors and lack of critical processes documentation provided to the supervisors who were an acting capacity.
3. When data transfer issues were identified with Alectra, there was no resolution implemented in a timely manner (data transfer issues were present from 2019 to June 2022).
4. The CE procedure was updated to use AUC Daily Report for CE review, there was a gap in controls to identify errors in the AUC Daily Report for report processing.
5. The AUC Daily Report included identification of CE service orders; however, this identification was stopped in December 2020 by Alectra.

It was noted that a vendor non-conformance (NC) for Neptune was completed and sent to City of Hamilton procurement on March 22, 2022. The NC was for 165 Barton St East

(Barton St Jail) and 50 Charlton Ave East (St Joes Hospital). The vendor failed to program the meter correctly, failed to network the register heads and touch pads correctly, failed to provide the production report within 7 days of service, failed to provide the City with a reading to ensure successful operations, and failed to provide details regarding multiplication factors on the production report. Further, Hamilton Water issued a Self-Declared non-conformance on March 7, 2022.

Overall, this has raised concerns regarding the current effectiveness of the City's Water Meter Program. While both the City, and its contractor (Alectra), have conducted their own analysis and identified preventative and corrective actions, the City believed an independent audit of the City's Water Meter Program was necessary.

## 2 AUDIT OBJECTIVE AND SCOPE

### Audit Objective

The objective of this audit was to identify strengths and weaknesses of the City's Water Meter Program. This included a review of various aspects of the program and assessing them against existing policies and procedures. In addition, a review of the program against industry best practices was conducted to identify strengths, gaps, and opportunities for improvement regarding existing policies and operational procedures. An assessment of the efficiency and effectiveness of program areas, as well as identification of areas for improvement was also be conducted.

### Audit Scope

The scope of the audit included reviewing the various aspects of the Water Meter Program and comparing them against existing corporate and departmental policies and procedures, as well as against industry best practices to identify strengths and potential gaps that may not currently be addressed in existing policies and procedures. The following Program areas were considered during the conduct of the audit:

- Effectiveness of recent corrective actions taken to address 2021-22 large billing issues;
- Applicable operational processes and procedures to verify completeness and gaps;
- Data transfer processes between the City, Alectra and the City's Contractor;
- Work order creation, management and resolution including the transfer of work between Neptune, the City and Alectra;
- Management of consecutively estimated accounts;
- Management of account setup, transfer, and closure;
- Effectiveness of asset management of water meters, preventative/reactive maintenance, and asset renewal;
- Contractor management including inspections by City staff;

- Contractor invoicing;
- Review of program metrics and key performance indicators;
- Handling of soft and hard customer refusals;
- Handling of private plumbing issues affecting meter maintenance activities;
- Management of vacant properties;
- Management of flat rate accounts;
- Process for Large Valve Maintenance (broken valves on private property);
- Billing inquires/complaints process;
- Management of Master/Satellite meters (sub-metering);
- Top 100 Reporting process and procedure; and
- Comparison of meter programs from three (3) comparator municipalities to identify best/comparative practices.

The scope of the audit did not include policies, procedures or processes developed internally by City of Hamilton Water Meter Program vendors for the purposes of managing and overseeing their contractually obligated responsibilities under their respective City of Hamilton Water Meter Program agreements.

Please refer to Appendix B for alignment between the audit scope areas and coverage as part of the audit criterion.

## Approach and Methodology

The audit was planned and performed to obtain reasonable assurance that the audit objective was achieved. During the conduct phase, BDO systematically administered the audit program, which included a combination of interviews, documentation review, file testing, and benchmarking. The structure of these activities was tailored to directly inform and conclude on each audit control objective as well as their associated audit criteria. This comprised the following:

- Reviewing key documentation;
- Conducting interviews with key stakeholders;
- Conducting benchmarking / comparative practices assessment (see Appendix A for the results of this assessment);
- Conducting a site visit office to meet with program management, operational supervisors, and frontline roles. This visit included:
  - A walkthrough of the Water Operations Clerk (WOC) daily responsibilities and a systematic review of the program's asset management system.
  - The observation of field activities with Meter Technicians/Investigators (MTIs), which included the execution of three different work order types.

### 3 OBSERVATIONS

This section presents the findings from the audit, which are based on evidence and analysis identified through the audit procedures performed in accordance with the audit program and work plan.

Please refer to Appendix B for the Audit Control Assessment Scale and Appendix C for the results of the Audit Control Assessment.

#### Finding 1: Resource Management

##### ***Staff turnover and vacancies within the Program have strained program operations.***

There has been a significant amount of turnover in manager, supervisor and frontline employee roles within the Program. There are two (2) main supervisor positions as part of the Program, including the Supervisor of Dispatch and Operations Support, and the Supervisor of Meter Operations and Cross Connection Control. These supervisor positions primarily provide oversight, support, and coordination of the three (3) key Program frontline positions, including the Scheduler/Dispatchers, the WOCs and the MTIs. Scheduler/Dispatchers and WOCs report into the Supervisor of Dispatch and Operations Support, while MTIs report into the Supervisor of Meter Operations and Cross Connection Control.

In addition, both supervisors are responsible for the overall oversight and management of their respective Program areas. As a part of this, supervisors are responsible for attending and providing operational status updates at the Program's weekly and monthly Meter Operations Update Meetings.

While the Supervisor of Meter Operations and Cross Connection Control position has remained consistent, the Supervisor of Dispatch and Operations Support has experienced a significant level of instability with three (3) Acting Supervisors having been in the position between late 2019 until February 2022. Moreover, the Manager of Customer Service and Community Outreach (CS&CO) position has seen five (5) different individuals in the role since 2019. This issue was manifested during Hamilton Water's recent billing issues and self-declared non-conformance, the root-cause analysis of which identified that high turnover of supervisors and lack of critical processes documentation provided to the Supervisors who were in an Acting capacity was a contributing factor.

There are two (2) full-time and two (2) part-time Scheduler/Dispatcher positions within the Program. Up until September 2022, all positions were filled, but there has since been turnover in one of the part-time positions resulting in a vacancy. There are two (2) full-time and one (1) part-time WOC positions within the Program. The part-time position has not been filled for a significant period of time and has historically seen a lot of turnover. Most recently, one of the existing fulltime WOCs has left their position, leaving only one (1) WOC within the Program. There are currently only two (2) MTIs employed by the City, although there are three (3) full-time positions available in the Program.

Staff retention is an issue that many organizations face today and Hamilton Water is no exception. The CS&CO Sectional Annual Report 2021 stated that *“for the duration of 2021, there was on average one out of five position vacant, in other words there were four people doing the work of five people throughout the year”*. The culmination of these staff challenges has resulted in various areas of the Program struggling to manage their workload.

Perhaps the most pertinent example of this is the role of the WOC. WOCs are responsible for processing daily Neptune and Alectra reports, tasking and closing out work orders to MTIs and Neptune, sending letters to customers and generally managing the process flow of program data and information. Over the years, the number of customer accounts has grown and with that, so have the responsibilities of WOCs. Given the critical nature of the WOC role in relation to the success of the Program, as well as the turnover in this role, concerns have been raised by program management as to whether the current role is appropriately aligned to the related duties and responsibilities within the Program. In part, this is because WOCs need to have an in-depth knowledge of program operations (i.e., understand how different meters and their components work, understand the work orders notes from MTIs, etc.) to be successful in their role. The role of the WOC is less clerical and data entry driven, and much more program coordination and operational analysis.

Program management should take steps to address the retention challenges that the Program currently faces. This should include reviewing key program roles to ensure that job descriptions and compensation levels match the actual responsibilities they are required to execute.

#### RECOMMENDATION 1:

The City should perform a job evaluation review of the key administrative, supervisory, and superintendent roles within the Program to validate the appropriateness of competency requirements, job descriptions and compensation level within the organization structure of the program.

**Priority:** High

## Finding 2: Procedure and Policy Framework

***The Water Meter Program has a strong procedure framework which clearly defines program roles and responsibilities to City staff. However, some policy and procedure gaps were identified.***

The Program’s procedure framework guides all program activities. There are over 40 procedures in place and stored in the main document control database for the Program, Intellex. Intellex acts as a document quality management system, allowing for the controlled access of pertinent program documents, including program procedures. When a new document is added to the system, the Quality Assurance (QA) Analyst for CS&CO ensures that management reviews it for approval. Once approved, it is then made accessible for program staff and obsolete documents are removed.

The *Control of Documents* procedure details the process to manage the issuance, change, and approval of documents, ensuring that only relevant and approved documents are used by the Hamilton Water Division. It also ensures that staff can locate and access internal and external controlled documents relevant to their work, in the format most suitable to their work. Key features of this procedure include a requirement for a unique title and/or document number for all documents, guidance on document management practices for controlled documents, as well as minimum time intervals for document updates. Procedures are reviewed at a minimum of every three (3) years and Intalex will automatically flag documents when they are due for review.

All program staff are required to review procedures through the City's Learning Management System, which includes the completion of related assessments to test their knowledge and comprehension. The QA Analyst for CS&CO tracks training and awareness progress of CS&CO staff, and ensures they review new or updated procedures as required.

Few gaps were noted in the Program's procedure framework, where nearly every task and activity within the Program is documented through an associated procedure. Each procedure defines the associated roles and responsibilities of program staff, which provides a clear reference for all program areas and positions regarding required activities. However, worth noting is that the Program's comprehensive procedure framework results in a large volume of Program documentation for staff, making it difficult to distinguish between critical and non-critical tasks.

Further, in response to high turnover in some supervisory roles within the Program and a high volume of documented Program procedures, a *Meter Operations Critical Tasks* procedure was created in April 2022 to identify critical tasks related to meter operations and to ensure that there is frequent oversight of these critical tasks. The content of this procedure differs from most, as it does not outline instructions or workflows to complete Program activities. Instead, it acts as a reference document and provides an overview of critical tasks, as well as related procedures and assigned responsibilities for supervisory roles within the Program. This includes the two (2) supervisor positions, Superintendent of Service Coordination, Project Manager of Service Coordination, Manager of CS&CO and QA Analyst of CS&CO. Annually, the staff listed above are expected to meet and review the list of critical tasks to ensure that they remain relevant, as well as the frequency of the task to be completed and related output. Given that there is such a large volume of procedures within the Program, this streamlined approach is an effective way to ensure that the highest-risk areas are being appropriately prioritized for management oversight. In addition, if turnover continues in the supervisory roles of the Program, this procedure acts as an effective tool to introduce incoming supervisors to critical Program tasks.

The audit assessed the design effectiveness of the *Meter Operations Critical Tasks* procedure, whereby the six (6) tasks and accompanying procedures were confirmed to be those considered critical for those in supervisory roles to understand and execute. Although the audit did not test the operating effectiveness of the *Meter Operations Critical Tasks* procedure (which was not feasible due to the nature of the procedure as a reference document), the audit did review each of the identified procedures for critical Program tasks. This included testing the effectiveness of the *Water Meter 38mm Above*,



*Processing ICI Meter Issue Letters, and Large Meter 5 Year Program* procedures. This testing found that the procedures identified in the *Meter Operations Critical Tasks* procedure are designed and operating effectively.

Overall, this program procedure framework is expansive and effectively covers most areas of the Program; however, the following points are identified as inconsistencies between these established procedures and related City policies as well as some policy and procedure gaps that have been identified.

### ***Master/Satellite Meter Maintenance***

From a procedure standpoint, one gap that was identified relates to Master/Satellite meter maintenance. Since work associated with these meters tends to be more complex, the Program has opted to conduct maintenance on Master/Satellite meters “in-house”, although this has not been formally documented. It may be beneficial to formally document this approach in a program procedure, including instructions on how to calculate new meter reads once a satellite meter is installed to ensure that maintenance is effectively carried out.

### ***Water and Wastewater Consecutive Estimated Accounts Policy***

From a policy perspective, a noted gap relates to the *Water and Wastewater Consecutive Estimated Accounts Policy*, which details the protocol followed by Hamilton Water and Alectra in rendering estimated accounts where actual water consumption cannot be confirmed due to City’s inability to obtain access to a water meter or water metering equipment, for the purpose of meter reading, installation, inspection, maintenance, or repair of utility property. This policy clearly outlines the protocol for both single residential and multi-residential/Industrial, Commercial and Institutional (ICI) properties for each consecutive month of estimates.

For single residential properties, the policy states that Alectra creates work orders after the second consecutive estimate, which triggers the process to investigate, triage and/or fix the issue that is causing the meter to be consecutively estimated. If the property is still being estimated after four (4) consecutive months, the policy states that Alectra is to issue a letter acknowledging their right to put them on double historical consumption billing.

After six (6) months of consecutive meter estimation, Hamilton Water issues a letter notifying the customer that they are being put on triple historical consumption billing and at the twelve-month mark and thereafter, Hamilton Water can shut off water in certain circumstances. For multi-residential/ICI properties, the process is the same except that after twelve months, Hamilton Water is not allowed to turn off water.

Notwithstanding the documented escalation process described above, and as per the *Processing Consecutive Estimates* procedure and the *Escalated Billing Procedure* implemented by Hamilton Water, the Program has adopted an approach of creating consecutive estimate work orders after three (3) months, not two (2) months as detailed in the *Water and Wastewater Consecutive Estimated Accounts Policy*. Although this is a relatively minor misalignment, Program procedures should be aligned with City policies

to avoid any confusion among staff and to ensure that the quality of services provided by the City of Hamilton is maintained.

### ***Processing ICI Meter Issue Letters Procedure***

A more significant gap noted regarding the alignment of policies and procedures concerns the *Processing ICI Meter Issue Letters* procedure. This procedure describes the required steps for notification, distribution and follow up for ICI property owners that are required to make repairs at their own expense before the City can repair or replace their water meter. The procedure outlines that Hamilton Water will send out two letters to the customer, each 30 days apart. 30 days after the second letter is sent, the customer will be moved to double historical billing consumption.

Although compliance testing against this procedure found that the Program was following the procedure as designed in all cases reviewed, it was noted that there is no policy instrument that provides Hamilton Water with the authority to move ICI customer accounts to double historical consumptions (such as in the case of Consecutive Estimates under the *Water and Wastewater Consecutive Estimated Accounts Policy*) when customers do not address their private plumbing issues in a timely manner.

In these cases, City Finance is required to reimburse customers put on multiple historical billing consumption after their repairs have been made. It is also worth noting that in the cases reviewed, only 22% of instances where customers were put on multiple historical billing consumption resulted in customers addressing their private plumbing issues, which suggests that the procedure itself may not be working as intended.

Aside from the potential ineffectiveness of the procedure as designed, the implication of not having the authority to move customers onto double historical consumption is that it creates inefficient billing processes and increases the risk of reputational damage in the event that customers question the City of Hamilton's authority in these situations.

Based on the best practices assessment, it was found that some comparative municipalities have opted to transfer similar cases to municipal by-law officers who can issue fines to property owners for not completing the required repair work requested by the municipality in accordance with the authority granted in their by-laws. This type of enforcement option should be considered by the City of Hamilton, especially as the City is currently in the process of reviewing its own *Waterworks By-Law*.

Lastly, it should be noted that the majority of Program policies and procedures contain language and direction that is specific to the current Program operating context (i.e., Alectra as City's billing service provider). However, upon the expiry of the current service agreement with Alectra in 2024, policies and procedures will need to be updated to reflect the operational realities of the new Program billing solution/service provider.

### **RECOMMENDATION 2:**

The City should review its program policy and procedures framework to address identified gaps, as well as identify opportunities to strengthen the framework and

enhance authorities to better meet the needs of the City and support appropriate enforcement action.

**Priority:** Medium

### Finding 3: Program Reporting and Metrics

***Hamilton Water has begun to adopt a data driven approach to program management and oversight; however, data insights and key program performance metrics require enhancement.***

The main governance mechanism within the Water Meter Program is the internal weekly and monthly Meter Operations Update Meetings, which are attended by representatives of all pertinent functions of the CS&CO group, including the Manager of CS&CO and the Superintendent of Service Coordination. Both weekly and monthly Meter Operations Update Meetings are guided by the contents of the current week's Meter Operations Update Report. This report outlines various meter operations metrics, key action items, meter operations commitments, and major initiative updates.

Meter operations metrics have been developed pursuant of improvements in accuracy, effectiveness, and efficiency of Program operations. This is aligned with the Program's purpose of ensuring the efficient, timely, and accurate metering and billing for water that is used by the City's customers.

For each meter operations metric, related information is presented through a visual aid. Meter operations metrics are created by manually exporting data and information from a variety of Program reports and IPS Hansen into Excel, where visual aids are manually created and updated as required. Metrics presented as a part of Meter Operations Update Report include production report backlog, consecutive estimates, Alectra daily report backlog, no problem found work orders, status of Top 100 consumption accounts, unactioned Alectra work orders, properties on two times consumption and aging work orders. As of September 14, 2022, the Program is reviewing additional metrics to include to this reporting, such as vacant properties, volume of emails in the meter operations inbox and curb stops.

It was noted that the metrics included as a part of this reporting have evolved significantly during 2022, in an effort to effectively track and report the most critical metrics to Program operations. As a part of this, a number of metrics have been refined, including categorization of Large Meter Valve Replacement Program progress, aging work orders and the consecutive estimate metrics. The adoption of a continuous improvement approach to program metrics by management is a program management strength that should be upheld. It is also noted that, compared to other municipalities that were engaged as part of the best practices assessment (please refer to Appendix A), Hamilton's Water Meter Program use of program data and metrics appears to be above the industry standard.

Notwithstanding, there are opportunities to further enhance the use of program data and metric design. It was noted that there are no established targets, baselines, or desired outcomes for any of the meter operations metrics currently tracked and reported. For

example, while tracking the number of properties on double historical consumption is important, it is unclear what the Program's risk tolerance is for this metric (i.e., the point at which the number of properties on double historical consumption is so high that the potential impacts are beyond what the Program is willing to risk and therefore mitigating action is required by management).

Without clearly defined and documented targets, baselines, and desired outcomes, it is unclear whether the Program is achieving its goals. By addressing this gap, management will be able to enable more effective decision making and take a more proactive approach to mitigating Program risks.

### RECOMMENDATION 3:

The City should develop and implement their program performance management regime by ensuring that each key metric has documented baselines, targets, timeframes for measurement and an outline of how/when the metric would be measured, including the applicable data source and accountabilities.

**Priority:** Medium

## Finding 4: Proactive Maintenance

***The City has an effective proactive maintenance program in place for large meters, as well as pilot projects to test new meter technology (e.g., Mach 10 and Cellular Meter Interface Unit) to evolve the program and align with industry best practices.***

Large meters present the highest risk of creating large billing discrepancies as they have the highest rates of consumption. The Hamilton Water Meter Program is currently undertaking two large meter proactive maintenance (PM) initiatives:

- The *Large Meter 5 Year Program*, which includes the annual testing and maintenance of large meters to ensure that every large meter within the Program's jurisdiction is scheduled for testing and maintenance within a five-year cycle.
- The *2022 Large Meter Inspection Project*, which was created in response to the Barton Street billing issues with the objective to review all large meters to ensure accuracy of meter programming and networking to identify accounts currently being billed incorrectly.

Given that large meter PM is conducted on a five-year cycle and there are 640 large meters in Hamilton, it is expected that 128 large meters (20% of all large meters) are tested/inspected per year. As of June 30, 2022, the Program appears to be on track to reach their 2022 targets as they have completed 60 work orders out of 128 expected for the year, demonstrating a completion rate of 47% for the first six months of 2022. It should be noted, however, that this data combines work order completion rates for the *Large Meter 5 Year Program* and the *2022 Large Meter Inspection Project*. This is because the *2022 Large Meter Inspection Project* is a top priority of the Program to ensure there are no additional large billing issues and the meters being inspected under

this program are mutually exclusive from those tested under the *Large Meter 5 Year Program*.

Based on the comparative practices assessment, the City of Hamilton's large meter PM initiatives exceeds industry best practice. Comparator municipalities generally did not have an implemented large meter PM program and do not proactively test their meters, but rather they have meter replacement cycles and conduct testing as new meters are installed. Further, Hamilton's Water Meter Program proactively tracks progress against their large meter PM program as part of weekly and monthly status updates through the "Physical Inspections" metric, which is a strong management oversight practice.

In addition to the large meter PM programs outlined above, Hamilton's Water Meter Program is also currently running two pilot programs for new meter technology, namely the *Mach 10 Project* and the *Cellular Meter Interface Unit (CMIU) Project*.

Hamilton's current compound meters have two register heads, which require more complicated programming to read correctly, and two Meter Interface Units (MIU) to be read with an Advanced Metering Infrastructure (AMI) system. Due to the complexities associated with these compound meters, there have been many problems with meter reading and billing customers with compound meters (exemplified by the Barton Street billing issue).

Solid State meters, such as Ultrasonic Flow meters, do not have any moving parts and therefore the accuracy does not degrade over time and have guaranteed accuracy for 10 years. This means they will have much lower maintenance and repair costs, and a longer life span. The Neptune Mach 10 have a much greater flow range than a turbine meter and can accurately read both high and low flow rates, meaning they can replace both turbine and compound meters.

Additionally, since one Ultrasonic meter utilizes one register head instead of two, the programming and reading issues that compound meters experience could be solved with the replacement. Hamilton Water is currently installing 14 of these meters within the City as part of the Mach 10 Pilot Project, which will be monitored for a one-year period to determine if this is the correct path forward. As of September 14, 2022, 10 Mach 10 meters have been installed (71%). The CMIU Pilot Project is also being undertaken to enable cellular reading devices for meters where live reads are sent directly to the Neptune 360 asset management system without the need for a physical read from the meter pad.

Some comparable municipalities consulted as part of the audit had already implemented similar technology as part of their respective water meter programs, while one was still in the process of piloting this technology. As such, Hamilton's Water Meter Program is not exceeding industry best practices with regards to modernization and digitization, but they are aligned and should continue to work towards implementing modern meter technology.

## **Finding 5: Work Order Management**

***The Water Meter Program has established processes and procedures to manage work orders (i.e., creation, execution, and verification of work) to facilitate the***

***completion of program operations. Although there are some opportunities for improvement, work order management is operating effectively.***

Hamilton's Water Meter Program uses work orders to manage all program operations/activities, including proactive and corrective meter maintenance, meter changeouts, customer service requests, pad relocations and replacements, meters investigations, inspections of contractor work, etc. There are several documented procedures that detail the processes for managing different work order types and there is a work order management system in place called IPS/Hansen with access management controls based on program roles and responsibilities.

The *Water 38mm Above Procedure* outlines the process whereby intermediate and large meter work orders are created, executed, and closed out. Alectra is responsible for generating work orders to the City when they cannot obtain a read from a given meter or if they observe an issue with a meter. The City's MTIs will then investigate the meter based on the information contained in the work order. MTIs will fix the issue during the investigation, if possible, otherwise they will assign the work order to Neptune who will address the issue and close-out the work order. When Neptune completes the work order, MTIs will then inspect their work to ensure it is done properly.

The audit assessed compliance against the *Water 38mm Above Procedure*, as it is the primary procedure that guides work order management of the highest risk assets (i.e., most consumption and highest revenue-generating), including those that were the root of the identified billing issues. In assessing this, it is worthy to note that Hamilton Water does not conduct inspections of Neptune's work on meters smaller than 38mm so this assessment tested to ensure that City inspections were being appropriately executed on meters larger than 38mm as per the procedure.

The results of this assessment demonstrated that in all cases where the audit team expected to see an MTI investigation work order, a Neptune work order, and an MTI inspection work order, the work orders had all been appropriately initiated, executed, and closed out. Some exceptions were noted; however, reasonable justification was provided. For example, cases where no problem was found during investigation, cases where small repairs were conducted by the MTI during the initial investigation that did not require further work by Neptune, and cases where the Neptune work order had been created but not yet executed due to reasonable work order prioritization.

Notwithstanding the results above, interviews suggested that notes/comments left in work orders by MTIs and contractors were not consistently recorded and they often created challenges for WOCs to understand the context of the work order. Program management is aware of this issue and new procedures are being developed to address this.

## **Finding 6: Contract Management**

***There is no established contractor performance management framework and limited contractual mechanisms for managing and overseeing the performance of the City's outsourced billing agent.***

The Program has two (2) primary contracts in place:

- 1) Contract between the City and Neptune for the supply, delivery, installation, and maintenance of new and existing water meters, managed by CS&CO, Hamilton Water, Public Works; and
- 2) Contract and renewal agreement between the City and Alectra (formerly Horizon Utilities) for the staffing, administration, operation, and maintenance of the meter reading and billing services and service expenses, managed through Corporate Finance.

The audit team reviewed the contract and agreements to become familiar with the obligations of all parties including the City, Neptune, Alectra, and related subcontractors. However, the audit team is not trained or licensed in the law profession. Therefore, the review of the Program contracts and agreements was limited to identifying areas of potential non-compliance by any of the named parties, where there may be conflicts, or contract language where interpretations may be nebulous or no longer relevant. The objective was to highlight and recommend areas of the contracts for future legal expert review and identify sections which might be revised for better clarity in future contracts and best serve the City.

### ***Billing Services Contract***

The City has a suite of policies, procedures and processes in place related to billing and the management of customer accounts (e.g., *City of Hamilton Water and Wastewater/Storm Arrears Policy; Water and Wastewater / Storm Back-billing Policy; Escalated Billing Procedure; Processing ICI Meter Issue Letters; Water Operations Clerks – Water Billing Inquiries; New Meter Installation and Account Set Up Flowchart*; etc.). Alectra is responsible for performing billing services on behalf of the City as detailed in their renewal agreement, effective January 1, 2020 (Original contract was effective January 1, 2015 and expired December 31, 2019). As part of these services, Alectra is required to follow some of the City's policies and procedures, while they can rely on their own internal processes not covered under the noted policies and procedures (e.g., account set-up, transfer and closure).

Through the renewal of the billing services agreement, most terms and conditions remained in place from the original contract and a variety of terms and conditions were amended. However, in some cases these amendments missed opportunities to strengthen contract terms and mechanisms.

One of the most impactful cases of this is related to contract key performance indicators (KPIs). Within Alectra's renewal agreement, three (3) KPIs were identified for measurements to be developed against in conjunction with the City as part of the term of the contract. The identified KPIs included meter reading accuracy, percentage of estimated accounts and tax roll transfer accuracy. Alternatively, the original contract identified five (5) KPIs to be measured, which were not identical to those in the renewal agreement.

It also defined a timeline for the establishment of related standards and targets for those KPIs (second year of the term), as well as an interval for measurement of Alectra's performance against them (during the third year of the term and annually thereafter). This additional language regarding targets and performance measurement intervals was



removed as a part of the renewal agreement. As a result, these KPIs were not formally established as part of the contract when the agreement between the City and Alectra was renewed in 2020.

Additionally, the dispute resolution terms and conditions from the original contract remained in the renewal. However, no amendments were made to further strengthen this contract mechanism by adding terms to allow the City to take corrective action in the event that Alectra fails or defaults in the performance of work as defined in the contract.

It should also be noted that, while terms were amended as a part of the renewal agreement to strengthen the City's right to audit or inspect Alectra's operations, the City has never exercised this right in its management and oversight of Alectra's performance as the billing services agent.

Further, there is no dedicated and experienced contract manager tasked with the responsibility of managing and overseeing Alectra to ensure compliance with the requirements of their contract and the quality expectations of the City. The contract is managed by the City's Senior Policy Advisor, Financial Planning; however, until recently, this individual was not fully dedicated to the management and oversight of Alectra, until the identification of the 2021-22 large billing issues.

In response to the large billing issues, the City and Alectra have established bi-weekly meetings where Alectra provides the City with updates on key program billing metrics, as well as their progress against them. These meetings are led by the City's Meter Operations and attended by Finance. Meeting minutes are recorded for each of these meetings between the City and Alectra. However, for key program billing metrics discussed between the City and Alectra, no evidence was found of any established targets or related consequences for failure to meet targets. Similar meetings occur with the Program's meter operations contractor, Neptune, on a weekly basis.

Notwithstanding, there are no established operational meetings that are inclusive of all relevant program stakeholders (i.e., Hamilton Water, Neptune, Alectra, City Finance). As a result, the ability to share relevant program information to all key stakeholders involved is limited and the possibility that key information is not being raised to key stakeholders in a timely manner is increased. Moreover, since the contract authority for the Alectra contract rests with City Finance, Hamilton Water is limited at times in their ability to provide oversight of Alectra or to elicit appropriate action/response when issues are raised. Currently there is no mechanism inclusive of all relevant program stakeholders and contractors to discuss key objectives, risks and outcomes for the year as part of the Water Meter Program.

Overall, contract management and oversight of the billing services agent has been more reactive than proactive, which has increased the likelihood of Program risks being realized. This, as well as a lack of prescriptiveness in Alectra's contract, is evidence that oversight mechanisms in place to oversee and manage billing and customer management activities have been ineffective. This has manifested in several ways, examples of which include:

- 1) Alectra did not consistently provide required reporting (e.g., Consecutive Estimate reporting) as identified in the root-causes of the 2021-22 large billing issues;



- 2) Alectra implemented and adopted a new billing system without consulting/informing the City of Hamilton, and did not effectively migrate the City's historical customer consumption data; and
- 3) Alectra's automated system was generating work orders for meters that did not require maintenance due to there being an issue with "No Problem Found" work orders (the same problem was found in a comparative municipality who used the same billing agent).

As a result of these limitations, the impact for the City is that there is a higher risk of billing discrepancies, inefficient use of the program budget (i.e., higher labour costs to fix issues or triage non-issues) and reputational damage resulting from customer complaints.

#### RECOMMENDATION 4:

The City should ensure that all vendor contracts establish performance management frameworks, including minimum standards, KPIs and performance reporting; and have sufficient contract mechanisms, including corrective actions clauses where performance does not meet minimum standards, to oversee vendor performance. This includes establishing a dedicated and experienced contract manager tasked with the responsibility of managing and overseeing contract and vendor performance.

**Priority:** High

#### RECOMMENDATION 5:

The City should implement a regular operational meeting attended by all relevant program stakeholders to ensure consistency and alignment of information and progress to support program oversight and delivery.

**Priority:** Medium

### Finding 7: Corrective Action for 2021-22 Billing Issues

***The Program has implemented preventative and corrective actions that address the identified root-causes of the 2021-22 large billing issues; however, there are gaps in the City's root-cause analysis that should be addressed to increase the effectiveness of these actions.***

In response to the large billing issues identified the Water Meter Program conducted a root-cause analysis of the issues and developed the following set of corresponding corrective actions and preventative actions:

CORRECTIVE / PREVENTATIVE ACTION	DESCRIPTION	STATUS
Corrective	Issuance of a vendor non-compliance for Neptune.	Completed (March 30, 2022)
Corrective	Creation of critical process procedure for meter operations.	Completed (April 30, 2022)
Corrective	Update of the <i>Water Operations Clerks – Processing Work Orders from AUC</i> procedure (PW-WW-CS-CS-P-011-042) and provide training to staff in LMD.	Completed (April 15, 2022)
Corrective	Update of the <i>Processing Consecutive Estimates Related Tasks</i> procedure (PW-WW-CS-CS-P-020-018) and provide training to staff in LMD.	Completed (May 1, 2022)
Preventative	Work with AUC to fix the data transfer issues.	Completed (June 15, 2022)
Preventative	Once the data transfer issues are resolved, review of the manual AUC CE report to the automated CE report from IPS to determine the best process for meter operations.	Completed (July 1, 2022)

The audit confirmed through documentation review and consultations with program management that all corrective and preventative actions identified by the City have been implemented.

In addition to the actions noted above, Hamilton Water also introduced the *2022 Large Meter Inspection* project to ensure that all large meters are operating effectively. This project is a Program priority and Hamilton Water has made appropriate progress to date.

Overall, the actions implemented by the City support the correction of issues that contributed to the 2021-22 large billing issues and the prevention of future issues; however, it should be noted that for some corrective and preventative actions, the audit was unable to fully assess effectiveness in preventing future billing issues due to the recentness of their implementation and lack of measurable results as of the period of the audit. Moreover, gaps were noted in the root-cause analysis that indicate that the corrective and preventative actions identified by Hamilton Water are incomplete and therefore not fully effective in eliminating the risk of future large billing issues.

### ***Contractor Inspections***

One of the root-causes of the billing issues at one site was that Neptune did not properly program the meter in question, which was confirmed through the vendor non-conformance letter that was issued to that organization. However, not included in root-cause analysis was the fact that Hamilton Water did not schedule an inspection of Neptune's work, which is required for large meters as per the *Water Meter 38mm Above* procedure. This was confirmed through interviews and had Hamilton Water inspected Neptune's work in a timely manner upon completion of the maintenance activities, the improper meter programming could have been identified earlier.

### ***Contract Management***

The second significant gap that was not identified in the root-cause analysis by Hamilton Water was the lack of an established contractor performance management framework and limited contractual mechanisms for managing and overseeing the performance of the City's outsourced billing agent, Alectra. Ultimately, this resulted in issues with reporting by the contractor, improper migration of City data and information without prior notice, and operational inefficiencies that are further described in Finding 6: Contract Management.

For example, one of the root causes of the billing issues identified by Hamilton Water was that when the data transfer issues associated with the migration of Alectra's new billing system were identified by Alectra, there was no resolution implemented in a timely manner. Had a contractor performance management framework, as well as contractual mechanisms such as corrective actions been established and leveraged, it's likely that the contractor issues experienced would have been proactively identified and addressed.

### ***Zero Consumption Meters***

The third gap identified in the root-cause analysis and corresponding corrective actions and preventative actions is related to those accounts that are being estimated at zero consumption. As noted in the root-cause analysis, Alectra switched billing systems, and in that process, historical consumption data was not migrated to the new system. In doing so, Hamilton Water's business requirements were not effectively identified or considered by Alectra during this business transformation initiative; however, the larger implication is that when an account is estimated (i.e., in scenarios when an actual meter read cannot be obtained), it is estimated based on the historical consumption of that meter.

If there is no historical consumption data, that means that the customer will receive a bill only for the fixed rate fees on their account and may not be billed for any water consumption (i.e., the account may be underbilled) since the estimate was zero consumption. In other scenarios, customers were not being billed at all. This presents a significant risk, especially for large meters, as there is the potential for additional billing discrepancies.

Hamilton's Meter Operations has capability to produce a zero-consumption report, which as of January 2022 shows the following meters with zero consumption:

METER SIZE	ESTIMATED ZERO CONSUMPTION	ACTUAL ZERO CONSUMPTION
SMALL (<= 25MM)	907	2,077
INTERMEDIATE (38 & 50MM)	106	148
LARGE (>= 100MM)	39	77
TOTALS	1,052	2,302
	<b>3,354</b>	

It should be noted that it is possible that the actual consumption on any given meter could be zero (i.e., a customer is on an extended vacation and therefore their property is not consuming any water). Notwithstanding, the meters that are being estimated at zero consumption pose a significant risk, especially the 145 combined intermediate and large meters whose actual consumption tends to be higher due to their size.

To address this risk Hamilton Water offered to provide the data to Alectra whose billing system is currently under a code freeze, whereby modifications are not permitted to the system and therefore restrict the ability to create new reports to analyze data, but this was rejected by City Finance. The rationale was that:

- 1) Alectra is responsible for reviewing zero consumption and producing work orders; and
- 2) Corporate Finance does not have capacity to review these reports.

Although both rationales are true this should not void the Program’s responsibility to oversee and manage this risk. Initiatives such as the *2022 Large Meter Inspection* project may help to mitigate this risk. It is clear; however, that Alectra is unable to fulfill their responsibilities of reviewing zero consumption assets and producing work orders accordingly due to their system code freeze so an alternative solution is required. As a result, these zero consumption assets continue to pose a risk of future large billing issues such as those experienced in 2021-22. For example, the incorrect billing estimations at 50 Charlton was a compounding factor to the significant underbilling associated with this account between 2019-2022 (\$343,000). This is another example of how the absence of a contractor performance management framework and other oversight mechanisms has resulted in a greater risk exposure for Hamilton’s Water Meter Program.

**RECOMMENDATION 6:**

The City should develop a program KPI to track City inspections of Contractor (Neptune) activities.

**Priority:** Medium

### RECOMMENDATION 7:

The City should develop a report of all intermediate and large meter assets that are currently being estimated at zero consumption to identify, prioritize and investigate any accounts that are at risk of being improperly billed.

**Priority:** High

### RECOMMENDATION 8:

The City should perform follow-up assessments of the effectiveness of implemented corrective and preventative actions on at least an annual basis to ensure they are effectively addressing identified root causes of 2021-22 large billing issues.

**Priority:** Medium

## Finding 8: Data Transfer and Reporting

***Data transfer and reporting between Hamilton Water, Alectra, and Neptune are highly manual processes resulting in operational inefficiencies.***

The Water Meter Program relies on data and information provided through reporting by its Program stakeholders to support effective and efficient operations. Many of these reports are manually developed and processed by WOCs, including the Alectra Daily reports, Neptune Production reports, and Top 100 reports.

Alectra Daily reports are Excel documents created by Alectra and provided to Hamilton Water on a daily basis. They document the water meters that Alectra has been unable to read for a number of reasons, including stopped meters, missing pads, lack of access to the property, etc. WOCs receive these Alectra daily reports and check for an existing work order for the identified issue in each line item of the report. If no existing work order is found a new one is created by the WOC based on the information provided in the Alectra daily report for that item. Neptune Production reports are Excel documents that provide an overview of work orders completed by Neptune, which are provided to Hamilton Water on a daily basis. There are multiple types of Neptune production reports, each one representing a different category of work completed by Neptune.

The Top 100 report outlines a list of the City's top 100 water accounts by consumption, which are developed by Alectra and received by Hamilton Water on a monthly basis. These reports are used to review consumption history and try to proactively address issues with these accounts if there are discrepancies in their month-to-month consumption trends.

Overall, the volume of manual data transfer and reporting processes between Program stakeholders is contributing to measurable inefficiencies and data integrity risks within Hamilton's Water Meter Program. For example, the Top 100 report is provided in a PDF

format and can be 200+ pages long, rendering it challenging for Program staff to identify consumption discrepancies effectively and efficiently compare it to other report formats.

Another example concerns the Neptune Production report. Upon completion of a maintenance activity on a given meter, Neptune will provide an updated actual read on that meter in the Neptune Production report. If the maintenance activity was a meter change out this report will include the new asset ID of the new meter. The WOCs will then manually transcribe the data contained in these reports into IPS Hansen. However, due to the volume of manual reporting and the inefficiency of this process, a backlog of report processing has emerged.

As of September 14, 2022, the oldest report waiting to be processed was from July 6, 2022, meaning that this backlog is over two months long. With recent turnover and retention issues identified in the WOC role (currently, only one WOC for the entire Program), management is expecting this backlog to grow. Moreover, as this data is manually entered into the system, there is a high risk of human error, meaning either meter reads or asset IDs may be incorrectly entered into the asset management system.

To the credit of Hamilton Water there has been some automation introduced recently. For example, the Consecutive Estimates reports, which are monthly reports providing a list of all water meter accounts for which consumption data has been estimated for three or more consecutive months, was recently automated. It is currently in the process of being evaluated by Program management to determine if this approach is the best path forward. Additionally, for most production reports relating to small meter work, automation is in place to process and close out work orders, as well as add/update any required information within IPS Hansen. However, any larger meter work orders are required to be manually processed and closed out by a WOC. Lastly, pilot projects such as the *Mach 10 Project* and the *CMIU* bring the potential for more automated reporting should they be successful and eventually rolled out more broadly across Hamilton Water's jurisdiction.

Nevertheless, these current inefficient processes and reporting backlogs negatively impacts the effectiveness of overall Program operations, including the accuracy of bills being sent to customers. If there is a backlog of Alectra daily reports that means that work orders for meter maintenance may not be conducted in a timely enough manner to fix a potentially critical issue. If there is a backlog in Neptune Production reports accurate meter reads and new asset IDs might not be communicated to Alectra in time for them to produce accurate bills against the right asset in the current billing cycle. If customers receive inaccurate bills or delayed maintenance on their meters it will likely lead to more customer billing inquiries and complaints. This is a feedback cycle that will continue to negatively impact the program holistically if management does not reduce report processing backlogs by hiring more WOCs in the short-term and introducing more efficient automated processes in the long-term.

#### **RECOMMENDATION 9:**

Where possible, the City should examine opportunities to automate the processing and transfer of key data and information from program reporting into the City's asset

management system, which is currently being manually performed by WOCs. Further, the implementation of formalized data validation tools would support accuracy of data and reporting. Opportunities to automate the processing, transfer, and validation of Water Meter Program data into the City's asset management system should be evaluated as a part of requirements for the procurement of a new billing solution/service provider.

**Priority:** High

## 4 AUDIT CONCLUSION

The City of Hamilton's Water Meter Program is undergoing a period of rapid transformation, both in response to the 2021-22 large billing issues and the fact that their billing agent, Alectra, has notified the City that they are discontinuing their water billing services. Although these issues have brought on a wide array of challenges, they have also presented new opportunities to increase the operational effectiveness and efficiency of the Program as a service provider to the residents of the City of Hamilton.

The audit has identified opportunities for improvement for Hamilton's Water Meter Program. Although the Program has documented a strong operational procedure framework that clearly defines roles and responsibilities, the audit identified gaps in the policy framework that should be aligned to current procedures and practices. Further, the Program has begun to use data to support the management and oversight of operations through the development of key program metrics. However, program reporting and key program metrics lack contextualization against established targets, baselines, outcomes, timelines, as well as lack clear methods for collection, reporting, and related accountabilities.

A noted strength of the Program includes the implementation of a proactive maintenance program, which is on target to achieve the expected number of completed annual proactive maintenance work orders for 2022 and the execution of two pilot projects to test new meter technology with a view to modernizing the Program, further aligning with industry best practices.

The audit observed ineffective, and in some cases, insufficient contract management mechanisms with regards to the City's billing agent, as evidenced by the absence of a contractor performance management framework, a sufficient governance structure, and a dedicated contract manager. It was also found that there is little to no contract mechanisms in place to identify, manage, and rectify poor vendor performance.

The Program has experienced high levels of staff turnover, both at the supervisory and frontline levels. This, combined with inefficient manual data transfer and reporting processes, has created a processing backlog of key operational reporting. This backlog increases the risk of inaccurate bills being sent to customers which in-turn could increase the risk of customer complaints and reputational damage to the City of Hamilton's Water Meter Program.

Lastly, in response to the identified 2021-2022 large billing issues, a root-cause analysis was performed by Hamilton Water that identified and implemented corrective and preventative actions to address the root causes. Overall, the actions implemented by the City support the correction of issues that contributed to the billing variances and the prevention of future issues; however, it should be noted that for some corrective and preventative actions, the audit was unable to fully assess effectiveness in preventing future billing issues due to the recentness of their implementation and lack of measurable results as of the period of the audit. As such, these actions should be reviewed by the City in the future to ensure that they are in fact effective in addressing root causes.



Moreover, gaps were noted in the root-cause analysis which indicates that the corrective and preventative actions identified by Hamilton Water are incomplete and therefore not fully effective in eliminating the risk of future large billing issues. One such example includes the fact that there are some water meters being estimated at zero consumption which may mean that these meters are being improperly billed for their actual consumption. As such, the City should take action to ensure these accounts are being appropriately billed.

## Appendix A COMPARATIVE PRACTICES ASSESSMENT

As part of the audit, comparative practices were identified through the review and comparison of meter programs from three (3) comparator municipalities. The municipalities for comparison were City of London, Ontario; City of Markham, Ontario; and Regional Municipality of Halton, Ontario. The audit team conducted consultations/walkthrough with representatives from the comparator municipality's water meter program to identify best practices in each of the audit control areas. In some cases, documentation was provided and reviewed accordingly. To maintain confidentiality of comparator municipalities interviewed, identifiers have been removed.

CITY OF HAMILTON	COMPARATOR MUNICIPALITY #1	COMPARATOR MUNICIPALITY #2	COMPARATOR MUNICIPALITY #3
<b>GOVERNANCE AND REPORTING STRUCTURES</b>			
<ul style="list-style-type: none"> <li><b>Governance Structure:</b> Meter Operations (Hamilton Water) responsible for water meter program management. This includes 2.5 WOC positions, 3 Scheduler/Dispatcher positions, 3 MTIs and 2 supervisors.</li> </ul>	<ul style="list-style-type: none"> <li><b>Governance Structure:</b> Finance team is responsible for water meter program management. This includes 2.5 staff responsible for consumption management/reporting and 30 full-time water operators; however, these operators provide services to all municipal water functions and not all operators are capable of water meter</li> </ul>	<ul style="list-style-type: none"> <li><b>Governance Structure:</b> Dedicated administrative team of two (2), including a Controller position. This also includes two (2) plumbers and four (4) meter servicers in place.</li> </ul>	<ul style="list-style-type: none"> <li><b>Governance Structure:</b> Finance team is responsible for water meter program management. This includes Supervisor, three (3) Analysts, and two (2) Senior Clerks.</li> </ul>

CITY OF HAMILTON	COMPARATOR MUNICIPALITY #1	COMPARATOR MUNICIPALITY #2	COMPARATOR MUNICIPALITY #3
	maintenance and repairs.		
<ul style="list-style-type: none"> <li>• <b>Governance Meetings:</b> Internal weekly and monthly governance meetings.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Governance Meetings:</b> Biweekly meeting with vendors individually.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Governance Meetings:</b> Daily internal program meetings occur.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Governance Meetings:</b> Quarterly governance meetings take place.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Program Reporting:</b> Program statistics and KPIs are established, but no targets set.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Program Reporting:</b> Previous audit recommendations have been made to incorporate additional oversight over program reporting. As a result, there are now eight (8) people responsible for reviewing reports. No formal program KPIs established.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Program Reporting:</b> There is reporting on program staffing levels, which was introduced during the Covid-19 pandemic.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Program Reporting:</b> Track program statistics and KPIs.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Risk:</b> No program risk register in place.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Risk:</b> No program risk register in place.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Risk:</b> No program risk register in place.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Risk:</b> Unclear whether program risk register in place.</li> </ul>
VENDOR MANAGEMENT			
<ul style="list-style-type: none"> <li>• <b>Vendors:</b> Vendor in place for meter operations (Neptune).</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Vendors:</b> Vendor in place for meter operations (Neptune).</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Vendors:</b> Vendor in place for meter reading and billing.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Vendors:</b> Four (4) vendors in place for</li> </ul>

CITY OF HAMILTON	COMPARATOR MUNICIPALITY #1	COMPARATOR MUNICIPALITY #2	COMPARATOR MUNICIPALITY #3
<p>Vendor in place for meter reading and billing (Alectra).</p>	<p>Vendor in place for meter reading and billing (Alectra).</p>		<p>meter reading and billing.</p>
<ul style="list-style-type: none"> <li>• <b>Contract Oversight:</b> Meter Operations team is responsible for contract management oversight of meter operations vendor. Finance team is responsible for contract management oversight of billing services agent.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Contract Oversight:</b> Meter Operations team is responsible for contract management oversight of meter operations vendor and billing services agent.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Contract Oversight:</b> Water Demand Office is responsible for contract management oversight of meter operations vendor and billing services agent. Dedicated point of contact for the vendor is established.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Contract Oversight:</b> Finance is responsible for contract management oversight.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Vendor Performance:</b> No formal KPIs in place for vendor contracts.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Vendor Performance:</b> No formal KPIs in place for vendor contracts.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Vendor Performance:</b> There is a service level agreement in place for the vendor, which outlines performance measurements/expectations related to service delivery. These include costs, scheduling, and service delivery and could include timeliness in providing reports, delivery time on Service Change Request, customer feedback, or</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Vendor Performance:</b> There are established KPIs in place, including: number of estimated accounts, dollar value of write-offs, number of calls, call response time, etc.</li> </ul>

CITY OF HAMILTON	COMPARATOR MUNICIPALITY #1	COMPARATOR MUNICIPALITY #2	COMPARATOR MUNICIPALITY #3
		actions taken to address issues.	
<ul style="list-style-type: none"> <li><b>Contract Mechanisms:</b> Right to audit clause in place.</li> </ul>	<ul style="list-style-type: none"> <li><b>Contract Mechanisms:</b> No right to audit clause with Neptune contract. Included right to audit clause with Alectra contract as part of contract amendment.</li> </ul>	<ul style="list-style-type: none"> <li><b>Contract Mechanisms:</b> Right to audit clause in place.</li> </ul>	<ul style="list-style-type: none"> <li><b>Contract Mechanisms:</b> Right to audit clause in place. Contract includes technology change notice requirement.</li> </ul>
<ul style="list-style-type: none"> <li><b>Contractor Invoicing:</b> Monthly invoicing occurs for vendors.</li> </ul>	<ul style="list-style-type: none"> <li><b>Contractor Invoicing:</b> Monthly invoicing occurs for vendors.</li> </ul>	<ul style="list-style-type: none"> <li><b>Contractor Invoicing:</b> Monthly invoicing occurs for vendors.</li> </ul>	<ul style="list-style-type: none"> <li><b>Contractor Invoicing:</b> Monthly invoicing occurs for vendors.</li> </ul>
<ul style="list-style-type: none"> <li><b>Best Practices:</b> Does not share best practices among vendors.</li> </ul>	<ul style="list-style-type: none"> <li><b>Best Practices:</b> Does not share best practices among vendors.</li> </ul>	<ul style="list-style-type: none"> <li><b>Best Practices:</b> Does not share best practices among vendors.</li> </ul>	<ul style="list-style-type: none"> <li><b>Best Practices:</b> Since there are multiple vendors, best practices among them are identified more easily and incorporated by others.</li> </ul>
<b>PROJECT MANAGEMENT AND METER MAINTENANCE</b>			
<ul style="list-style-type: none"> <li><b>Number of Accounts:</b> Services approximately 160,000 meters.</li> </ul>	<ul style="list-style-type: none"> <li><b>Number of Accounts:</b> Services approximately 85,000 meters.</li> </ul>	<ul style="list-style-type: none"> <li><b>Number of Accounts:</b> Services approximately 123,000 meters.</li> </ul>	<ul style="list-style-type: none"> <li><b>Number of Accounts:</b> Services approximately 165,000 meters.</li> </ul>

CITY OF HAMILTON	COMPARATOR MUNICIPALITY #1	COMPARATOR MUNICIPALITY #2	COMPARATOR MUNICIPALITY #3
<ul style="list-style-type: none"> <li>• <b>Meter Operations Responsibility:</b> Meter operations are outsourced, although municipality staff (MTIs) perform meter inspections.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Meter Operations Responsibility:</b> Meter operations are outsourced, although municipality staff perform meter maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Meter Operations Responsibility:</b> Meter operations (including installation and maintenance) is conducted in-house.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Meter Operations Responsibility:</b> Meter reading issues are initiated by billing services agents and entered into the public works system. Based on system information, work orders are created manually by municipality staff.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Work Order Management:</b> Alectra initiates work orders, WOCs assign and manage work orders, and MTIs execute work orders. IPS/Hansen system is used for work order management.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Work Order Management:</b> Automated work order management system which vendors have direct access to.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Work Order Management:</b> Program Supervisor is responsible for work order management and oversight.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Work Order Management:</b> Public works team is responsible for assigning work orders.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Inspections:</b> There are inspections of meter operations contractor work performed.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Inspections:</b> There are no inspections of meter operations contractor work performed.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Inspections:</b> Inspections are not required since operations is in-house, however meter installation is included in the municipality's housing inspections</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Inspections:</b> Inspections are conducted on hardware (ad hoc) and large meter maintenance programs.</li> </ul>

CITY OF HAMILTON	COMPARATOR MUNICIPALITY #1	COMPARATOR MUNICIPALITY #2	COMPARATOR MUNICIPALITY #3
		checklist for all new homes.	
<ul style="list-style-type: none"> <li>• <b>Enforcement:</b> By-laws are not leveraged to enable access to meters.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Enforcement:</b> Exploring opportunities to charge customers more where refusals are made to incentivize access to meters.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Enforcement:</b> By-laws are leveraged to enable access to meters.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Enforcement:</b> By-law makes participation in meter maintenance mandatory. Customers receive communications, which identify the potential involvement of by-law enforcement. These are dealt on a case-by-case basis, and decisions would be made by water operations management.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Large Meter Preventative Maintenance:</b> Large meter maintenance program (100mm and above) and large meter inspection project in place.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Large Meter Preventative Maintenance:</b> No preventative maintenance program in place.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Large Meter Preventative Maintenance:</b> No preventative maintenance program in place.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Large Meter Preventative Maintenance:</b> Large meter maintenance program (75mm and above) in place that is outsourced.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Master Satellite Meters/Sub-metering:</b> Municipality uses master</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Master Satellite Meters/Sub-metering:</b> No master satellite meters/sub-metering.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Master Satellite Meters/Sub-metering:</b> One master satellite meter/sub-metering.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Master Satellite Meters/Sub-metering:</b> No master satellite meters/sub-metering.</li> </ul>

CITY OF HAMILTON	COMPARATOR MUNICIPALITY #1	COMPARATOR MUNICIPALITY #2	COMPARATOR MUNICIPALITY #3
satellite meters/sub-metering.			
BILLING AND CUSTOMER MANAGEMENT			
<ul style="list-style-type: none"> <li>• <b>Billing Responsibility:</b> Meter reading and billing services are outsourced.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Billing Responsibility:</b> Meter reading and billing services are outsourced.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Billing Responsibility:</b> Meter reading and billing services are outsourced.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Billing Responsibility:</b> Meter reading and billing services are outsourced to four (4) local vendors in each of the City's four (4) regions.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Customer Penalties:</b> Double historical consumption in cases of customer refusals.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Customer Penalties:</b> Desire to establish penalties for customer refusals, however billing services agent has not agreed.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Customer Penalties:</b> Unclear whether customer penalties are used.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Customer Penalties:</b> By-law enforces customer penalties, as required.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Consecutive Estimate:</b> There is a consecutive estimate policy in place, whereby residential/ICI is every two (2) months.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Consecutive Estimate:</b> There is a consecutive estimate policy in place, whereby residential is every two (2) months and commercial is monthly.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Consecutive Estimate:</b> There is a consecutive estimate policy in place which occurs after three (3) months.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Consecutive Estimate:</b> There is a consecutive estimate policy in place, whereby residential is every twelve (12) months and commercial is every six (6) months. If consecutive estimates are used for accounts, the billing services agents will review</li> </ul>



CITY OF HAMILTON	COMPARATOR MUNICIPALITY #1	COMPARATOR MUNICIPALITY #2	COMPARATOR MUNICIPALITY #3
			electrical consumption and billing for the properties to identify whether properties are vacant.
<ul style="list-style-type: none"> <li>• <b>Customer Account Management:</b> Account set up/closure managed by vendor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Customer Account Management:</b> Account set up/closure managed by vendor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Customer Account Management:</b> Two (2) customer service representatives and one (1) Supervisor in place, who take phone calls from customers, manage work orders, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Customer Account Management:</b> Account set up/closure managed by vendors.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Flat Rate:</b> Minimum charges for accounts on a monthly basis, regardless of consumption, for unmetered properties. Processes in place for new builds to ensure timely metering.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Flat Rate:</b> Exploring opportunities to include minimum charges for accounts on a monthly basis, regardless of consumption.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Flat Rate:</b> Minimum charges for accounts on a monthly basis, regardless of consumption.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Flat Rate:</b> Only some flat rate accounts in place and no new flat rate accounts are being approved.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Meter Reading:</b> Manual reads conducted by vendor's subcontractor, with some AMI technology being piloted.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Meter Reading:</b> Manual reads conducted by vendor's subcontractor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Meter Reading:</b> Leverages drive-by meter reading.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Meter Reading:</b> Each vendor uses their own meter reading processes and/or technology.</li> </ul>

CITY OF HAMILTON	COMPARATOR MUNICIPALITY #1	COMPARATOR MUNICIPALITY #2	COMPARATOR MUNICIPALITY #3
<ul style="list-style-type: none"> <li>• <b>Billing Validation:</b> Billing processes are managed by the vendor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Billing Validation:</b> Billing processes are managed by the vendor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Billing Validation:</b> Unclear whether billing validation occurs.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Billing Validation:</b> Municipality undertakes a revenue assurance process on a daily basis, where billing and customer account information provided by the vendors is validated. Multiple reports are reviewed regularly including multi-residential, low consumption, zero consumption report, etc.</li> </ul>

## Appendix B      AUDIT CONTROL ASSESSMENT SCALE

Based on the evidence collected during our audit, we formally assessed the effectiveness of each practice described within the Audit Program using a four-point scale, provided below.

SCALE	DEFINITION
NOT EFFECTIVE AT ALL – 1	Significant management attention is needed to improve these practices.
SOMEWHAT EFFECTIVE – 2	Some parts of this element are in place, but key deficiencies exist.
MOSTLY EFFECTIVE – 3	Most parts of this element are working as intended, but more work is needed in some areas.
FULLY EFFECTIVE – 4	No action is required. Everything is working as intended.

We consolidated findings and observations with formal substantiation provided through fully indexed and peer reviewed working papers. For each line of inquiry that comprises the Audit Program, we documented observations and findings using the following scheme.

HEADING	CONTENT
CRITERIA	Provide a summary of the expected practice, as specified in the review program.
CONDITION	Summarize the observed condition of the practice or area being reviewed, as determined by the outcome of the review procedures.
CAUSE	Identify the probable causes for any deficiencies or instances of non-compliance, as determined through the outcome of the review procedures.
EFFECT	Detailed the potential impact of the deficiency in terms of risk, as determined through analysis of risk and control.

## Appendix C      AUDIT CONTROL ASSESSMENT

CONTROL AREA	AUDIT CRITERIA	CONTROL ASSESSMENT
A. GOVERNANCE AND REPORTING	A.1: The City has established governance structures, frameworks, roles and responsibilities that are working effectively, staffed with the appropriate capacity, to enable management and oversight of the Water Meter Program.	SOMEWHAT EFFECTIVE – 2
	A.2: The City has established a Water Meter Program policy and procedure framework which is effectively managed and communicated with appropriate City staff.	MOSTLY EFFECTIVE - 3
	A.3: The City has an effective reporting framework in place to report on program risks, intended objectives, expected efficiencies, cost savings and service improvements.	MOSTLY EFFECTIVE – 3
	A.4: The City has established appropriate communication channels between all relevant Water Meter Program stakeholders in order to support program oversight and delivery.	SOMEWHAT EFFECTIVE - 2
	A.5: The governance and reporting structures for the City align with industry best practices.	MOSTLY EFFECTIVE – 3
B. VENDOR MANAGEMENT	B.1: The City has effective vendor management frameworks and mechanisms (including KPIs, service-level agreements (SLAs), communication channels, audit and inspection rights, and remedies) in place to oversee contractor performance related to the Water Meter Program.	SOMEWHAT EFFECTIVE - 2
	B.2: The City ensures the accurate and timely invoicing of Water Meter Program contractors.	FULLY EFFECTIVE - 4
	B.3: The vendor management framework and mechanisms for the City align with industry best practices.	MOSTLY EFFECTIVE – 3
C. PROGRAM OPERATIONS MANAGEMENT	C.1: The City effectively manages work orders (i.e., creation, execution, and verification of work) to allow for completion of program	FULLY EFFECTIVE - 4

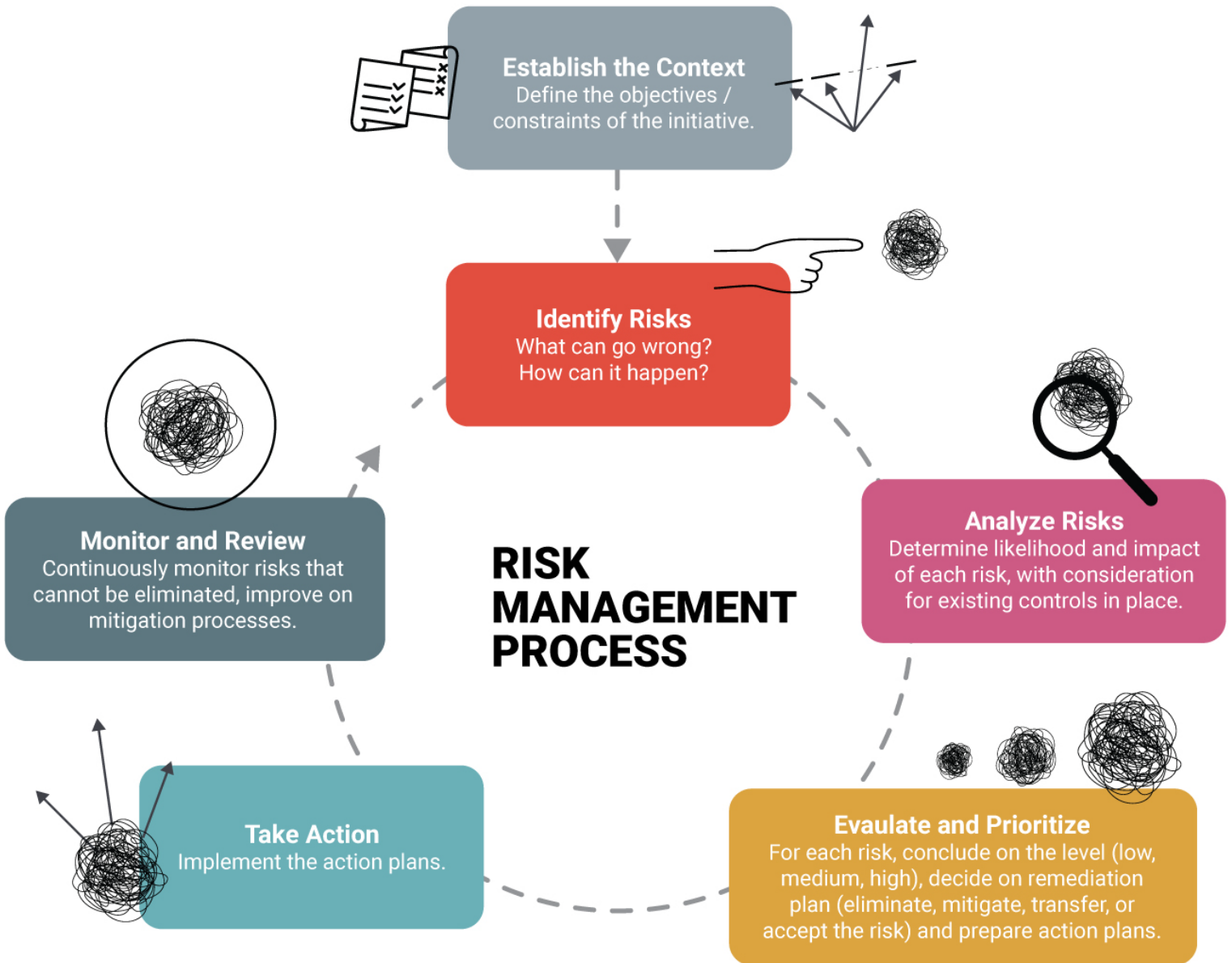
CONTROL AREA	AUDIT CRITERIA	CONTROL ASSESSMENT
	operations in a fulsome, accurate, and timely manner.	
	C.2: Data integrity and transfer processes exist between the City and the City’s contractors that are designed and operating effectively to allow for completion of program operations in a fulsome, accurate, and timely manner.	SOMEWHAT EFFECTIVE - 2
	C.3: Work order and data integrity processes and procedures for the City align with industry best practices.	MOSTLY EFFECTIVE – 3
D. BILLING AND CUSTOMER MANAGEMENT	D.1: The City has established effective billing processes and controls to identify, mitigate, and resolve billing issues and errors in a timely manner.	SOMEWHAT EFFECTIVE – 2
	D.2: The City has established policies, processes, and procedures to effectively manage customer accounts, inquiries, complaints, or site access.	MOSTLY EFFECTIVE – 3
	D.3: Billing policies, processes, and procedures for the City align with industry best practices.	MOSTLY EFFECTIVE – 3

## Appendix D      RECOMMENDATION AND MANAGEMENT ACTION PLAN PRIORITY SCALE

The following scale has been used to assess the priority associated with recommendations noted as part of the audit to facilitate management’s action planning.

PRIORITY	MANAGEMENT RESPONSE
HIGH	The risks identified have a high level of exposure and should be addressed in the immediate or short-term, as a result of significant deficiencies in control structures and systems or required financial adjustments that are material to the organization.
MEDIUM	The risks identified have a medium level of exposure and should be addressed in a timely manner to ensure that they do not escalate or result in a higher level of exposure for the organization.
LOW	The risks identified represent lower priority or minor process improvement observations, which should be addressed where practical to improve the overall efficiency and/or effectiveness of the operations of the organization.

# Risk Management Process







Hamilton

Office of the City Auditor

# Hamilton Municipal Cemeteries Trust Funds Audit



**January 19, 2023**

**Office of the City Auditor  
Nancy Hu, Senior Auditor  
Brigitte Minard, Deputy City Auditor  
Charles Brown, City Auditor**



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## Executive Summary

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- 1 Staff from the Financial Planning, Administration & Policy (FPAP or Finance) Division reached out to the Office of the City Auditor (OCA) regarding concerns over the accuracy and compliance of the amounts and processes related to Cemeteries Trusts reporting. FPAP and the Cemetery Administrative Office (CAO or Cemeteries) had several discussions regarding the process compliance and accuracy of the amounts in the Trusts but could not come to an agreement. As a result, OCA performed an audit focused on the processes at the CAO and FPAP that related to the recording of Cemeteries Trust financials.
  
- 2 Highlights of our findings are as follows:

Regarding trust management, we found that the City of Hamilton (COH) is not in compliance with timing and recordkeeping requirements as governed by the *Funeral Burial and Cremation Services Act (FBCSA)*. Additionally, our processes to allocate collected trust money has not been consistent over the years and there is money that has not been moved to the respective trust accounts as required by the *FBCSA*. In addition to not being compliant with the *Act*, there is the issue of lost interest earned on the trust over the years.
  
- 3 We also identified two issues related to the City's financial statements. First, we identified that revenue is being incorrectly recognized for prepaid services contract revenue and trust money collected. Prepaid contract services (payment for services in advance of a burial which can be done years in advance) revenue is being recognized when we receive full payment on the contract. However, it should only be recognized when services are provided - when a burial takes place. Additionally, money collected for the two trusts related to maintenance of cemetery property and markers is being recognized as revenue when it should be considered additions to the principal amounts in the trusts and not revenue.

The second issue that was identified is that there is a \$1.2 M "Due From" the COH to the Cemetery Trusts on the annual audited financial statements. This has been a relatively fixed amount for several years. This is a payable from the COH to the Cemetery Trusts. OCA made inquiries into this to understand why there is money that is owed from COH to the trusts, however, we have not received a clear explanation as to why it exists and what it is made up of. It is also unclear how this meets obligations of the City to keep its own monies separate from trust monies and to ensure the appropriate interest accrues to the trust.
  
- 4 The CAO is scheduled to switch from their current cemeteries management system to the City's new Enterprise Asset Management (EAM) system. Though there are aspects of cemeteries management which would work well with EAM (work orders, property inventory, etc.) there is revenue, liability and customer

contract management as well as trust tracking that are not an inherent part of EAM and will need to be customized. The switch is intended to be made in Q2/Q3 2023 which may be too soon considering the complexity of the financial aspects of the cemeteries management processes. It also appears that there may have been a lack of due diligence in deciding on the timing of the switchover.

- 5 OCA also identified issues related to non-compliance with the Council-Approved User Fee schedule. CAO was charging a lower fee than what was approved by City Council for a particular type of grave. OCA also identified where Cemeteries charged the prior year approved fees on a 2020 contract. Additionally, there appear to be some inconsistencies and informality regarding the applying of non-resident surcharges. The impact of these issues is lost revenue.
- 6 Finally, OCA performed a Cash Handling Audit on the CAO procedures and noted several areas of non-compliance with corporate policy. (Appendix C).
- 7 Overall, OCA has recommendations to bring the Cemeteries Trusts into compliance with the *FBSCA* and to address the financial statement issues noted and to improve governance and controls within the CAO and FPAP processes.

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## Introduction and Background

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- 8 Hamilton Municipal Cemeteries is one of the largest municipal cemetery organizations in Canada, serving families for over 150 years (first burial was in 1850). The City of Hamilton operates 69 cemeteries across the greater Hamilton area. The total revenue recognized for Cemeteries in 2021 was reported as \$2,737,910 for cemetery sales.
- 9 The City of Hamilton is required to operate their cemeteries in compliance with the *Funeral, Burial and Cremation Services Act (FBCSA)*, 2002. The Bereavement Authority of Ontario (BAO) is a government delegated authority administering provisions of the *FBCSA*. Per the *FBCSA*, the City is required to set up three trusts related to the management of cemetery property, services, and supplies. They are the Cemetery Care & Maintenance Trust Fund, the Cemetery Monument Care Trust Fund, and the Pre-Need Assurance Trust Fund. At the end of 2021, the total market value of all three trust funds' investment portfolio was \$21,612,245. Additionally, there is a total balance of \$802,572 in the respective trusts bank accounts at the end of 2021.

- 10 There is an annual reporting process required by the BAO from all cemetery operators to provide information on the required trusts. The objectives of the annual reporting requirements are:
- to make sure cemetery operators put aside the legislatively required amount when selling interment, or scattering rights (a percentage or a fixed amount depending on the rights) into their care and maintenance funds;
  - the funds are properly accounted for on an annual basis; and
  - to ensure income generated from the funds is being used for the upkeep of the cemeteries in perpetuity.

### What is a Trust?

A trust is an arrangement that allows one party, the trustee, to hold assets on behalf of another party – the beneficiary. Trustees have a fiduciary responsibility to act in the interest of beneficiaries in accordance with the rules of the trust. In the case of the Cemeteries Trust, the City of Hamilton has a duty to protect the assets of the trust and to follow the regulations of the Bereavement Authority of Ontario.

- 11 The BAO has licensing and enforcement duties and non-compliance penalties for municipalities may be up to \$250,000.
- 12 The COH had an inquiry by the BAO in 2016 regarding a discrepancy they noted between the closing balance and the opening balance on the City's annual BAO reports submitted in 2014 and 2015. As a result of the inquiry, two key financial compliance issues were identified:
- Capital Gains had been removed for trust-related revenues from the Trust Fund beginning in 2010. This is not allowed per the *FBCSA*. Capital gains is considered principal and should stay in the trust. Only interest earned on the trusts can be used for care and maintenance of cemetery property and markers. The amount of capital gains returned to the trust after the BAO's inquiry was \$195,863.
  - The amount of deposits reported by the City was not actually put in the Trusts. The amounts missing were from prepayment installment plans and Social Services lots.

The issues identified by the BAO were addressed by making adjustments to the trusts.

- 13 The importance of maintaining sound stewardship over trusts cannot be overemphasized. Besides the fact trusts are a fiduciary relationship, there are also regulatory requirements governing cemeteries management that add complexity and risk. Additionally, funerals are a vulnerable time for individuals, so the care taken with the money collected for burials also has reputational risk for the City associated with it.

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## Audit Objective

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- 14 The overall objective of the audit was to:
- Gain an understanding of the current process related to the revenue collected by the City of Hamilton Cemeteries Administrative Office and the financial processes to record the revenues and trust fund allocations.
  - Evaluate our compliance with the *FBCSA* with regards to the management of our trust monies.

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## Audit Scope

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- 15 The audit scope was focused on the Cemeteries Administrative Office (CAO or Cemeteries) and Financial Planning, Administration & Policy (FPAP or Finance) processes to collect and record sales revenue and to allocate the applicable trust money to their respective trusts. The focus of the audit was on 2021 financial processes and information, with historical data and records reviewed as appropriate and reasonable.

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## What We Did

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- 16 OCA performed the following procedures:
- Gained an understanding of and assessed the processes and controls over contract sales, cash handling, and financial recording in the Cemeteries as processes that feed into the cemetery trusts.
  - Gained an understanding of and assessed the process and controls over financial recording in Finance with a focus on cemetery trust allocations.
  - Interviewed the BAO regarding the regulations and guidelines established by the *FBCSA* regarding cemetery trust management.
  - Reviewed the processes related to the 2016 BAO inquiry to determine if the issues identified are currently correct.

- Performed additional testing and review of procedures in areas tangential to the above processes as deemed relevant to the scope of the audit.

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## How We Did It

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- Reviewed the applicable regulations and guidelines in the *FBCSA* for COH cemetery trusts;
- Interviewed relevant staff;
- Interviewed and consulted with the BAO's Registrar and Financial Compliance Manager;
- Examined Cemeteries and Finance financial reports and supporting documentation;
- Gained access to and used the cemetery management software (HMIS) for testing; and
- Performed testing on a sample of contracts and monthly financial records.

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## What the Scope Did Not Include

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The audit is not an exhaustive review of compliance against the full *FBCSA*. OCA did not review the non-financial operational processes at the Cemeteries Administrative Office. As noted above, the scope was limited to processes relevant to cemeteries trust management.

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## Key Terms

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19 **Funeral, Burial and Cremation Services Act (FBCSA), 2002** - Legislation that governs all Bereavement Sector activity in Ontario. The *FBCSA* along with its related legislation helps regulate bereavement service providers and helps ensure consumer protection when making bereavement-related purchase decisions.

**The Bereavement Authority of Ontario (BAO)** - A government delegated authority administering provisions of the *FBCSA*. The BAO was established as a delegated administrative authority (DAA) on January 16, 2016. The BAO regulates and supports licensed: funeral establishment operators, directors and preplanners; cemetery, crematorium, and alternative disposition operators; transfer service operators; and bereavement sector sales representatives across Ontario.

**Cemeteries Care & Maintenance Trust Fund (C&M)** - A trust fund established in accordance with the *FBCSA* that helps ensure the long-term upkeep of a cemetery. A cemetery operator is required to make contributions to the fund from the sale of property such as in-ground graves, crypts, tombs, niches, and scattering rights. The *FBCSA* outlines how much you need to contribute from the sale of each of these items. This will be either a percentage of the item's price (e.g. 40% of the price) or a set dollar amount – whichever is greater. Only the interest earned on the fund is used for the care and maintenance of graves, crypts, tombs, and niches.

**Cemeteries Monument Care Trust Fund (MC)** - A trust fund established in accordance with the *FBCSA* that provides funds to maintain, stabilize, secure and preserve markers and monuments. A cemetery operator is required to make contributions to the fund from the sale of markers and monuments. The *FBCSA* outlines how much you need to contribute from the sale of each of these items. It is a set dollar amount based on the size. The interest earned on the fund is used for the care of the markers and monuments.

**Pre-Need Assurance Trust Fund** - A trust fund established in accordance with the *FBCSA* that holds funds received by a cemetery operator for services and supplies (excludes in-ground graves, niches, etc. which is covered by the Cemeteries Care & Maintenance Trust Fund) in advance of an actual burial. The interest earned over time on the initial amount paid into the fund covers price increases over the years up until the burial or cremation is needed.

**Grave and Lot** - A grave is a single burial space while a lot is one or more contiguous burial spaces.

**Niche and Columbarium** - A niche is a final resting place for ashes after cremation and is an individual compartment in a columbarium.



**PPP or Pre-Payment Plan** - A payment plan of usually 12 or 24 months, offered by the CAO, to pay for cemetery property or services in advance.

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## Detailed Findings

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### Non-Compliance with BAO Trust Requirements

#### Care & Maintenance Trust Fund (C&M)

- <sup>20</sup> In 2021, staff from the Cemeteries Administrative Office (CAO or Cemeteries) and Financial Planning, Administration & Policy (FPAP or Finance) Division realized their process to allocate installment payments for Prepayment Plans (PPP) received for property was not in compliance with the *FBCSA*'s requirement that C&M trust money must be put into the C&M trust account within 60 days of receipt. Prior to 2021, all PPP payments were put in the Pre-Need Trust account even if a payment was for property and a portion should have been put in the C&M trust account. Beginning in March of 2021, when a PPP payment was received for a property purchase, the applicable trust percentage (40% for lots/graves and 15% for niches) of the payment was put into the C&M trust account and the remaining amount of each payment goes to the operating bank account. The process is now compliant with the *FBCSA*'s requirement.
- <sup>21</sup> While the procedure has been corrected, there is still the issue of reinstating the previously incorrectly allocated funds to their proper balances including interest. For active contracts (PPP payment plans that have not been completed) that started prior to 2021, there was discussion between CAO and FPAP as to how to correct the amounts previously paid for property and put incorrectly into the Pre-Need trust. Finance staff suggested a one-time adjustment to move all previously paid PPP payments applicable amounts to the C&M trust account and operating account. CAO and FPAP could not agree on the amount to adjust so the money was left in the Pre-Need Trust account and remains uncorrected.
- <sup>22</sup> In our opinion, the money left in the Pre-Need Trust account which should be allocated to the C&M Trust account for active contracts that started prior to 2021 is not compliant with the requirement that all C&M trust money should be put into the C&M trust account within 60 days of receipt. Additionally, because those amounts were in the Pre-Need Trust account instead of the C&M trust account, interest that would have been earned in the C&M trust will be permanently lost if the payments to be reallocated only consist of the initial contract amount.



## Pre-Need Trust Money

- 23 The current record-keeping processes in place are not compliant with the *FBCSA*'s regulations for providing information to individual purchasers for their funds held in the Pre-Need Trust, for paying out any extra trust money that remains after supplies or services are provided, or for refunds.
- 24 Per the *FBCSA*, "an operator may hold prepaid trust money in a pooled trust fund only if the records maintained for the fund permit the tracking and reporting on funds in the fund on an individual contract basis." Additionally, if a purchaser requests, the trustee (the COH) must be able to provide them with a statement that accurately sets out the current value of their money.
- 25 The records at the time of purchase are kept at an individual contract level in HMIS, however, once the money is put in the Pre-Need trust account, there is no process to track the interest earned at the individual contract level which must be provided to the purchaser upon request. When Pre-Need services or a refund is needed, a manual "back" calculation is done in a spreadsheet to determine what interest was earned over time on the initial contract amount paid.
- 26 However, the spreadsheet's information for the calculation is not reflective of the actual interest earned by the trust over time and therefore information given to customers will be inaccurate. The spreadsheet calculates an annual interest rate based on an annual prime rate less 1.75%. Several inquiries were made regarding the origins of this method and inputs, but the process owners did not know the how the spreadsheet and/or the calculation was developed. Interest earned on the contract amount paid (i.e. the principal) would include interest earned by the Trust Bank Account as well as any interest/income earned from securities lending activity, and bond interest from the trust fund itself.

## Inconsistencies in Trust Allocations for Pre-Payment Plan Installments

- 27 In addition to reviewing the current 2021 process for Pre-payment Plans (PPP) trust allocations, OCA reviewed a random selection of months from prior years to understand what was being done prior to the new 2021 process. Most of the current staff responsible for the audited processes in Cemeteries and Finance started around 2016-2017. OCA went back as far as 2017 and found that from 2017 to present, at the end of the PPP plan's contract term, Finance staff would record journal entries to take the Total Contract Value out of the Pre-Need Trust (as noted above, all PPP payments, regardless of the purchase, were put in the Pre-Need Trust prior to 2021) and move it to the Cemeteries Operating Account with the intention of reallocating amounts to the appropriate trusts. During the period reviewed, allocations to the proper trusts were not consistent and money that should have been allocated to their respective trusts appear to have been left

in the Cemeteries Operating Account for those years. This results in a shortfall in funding that should have gone to the Trust.

28 • **Care & Maintenance Trust Fund (C&M):**

From January 2017-May 2017 when the Total Contract Value was taken out of the Pre-Need Trust, the C&M portion was not put into the C&M Trust. An adjustment was made in June 2017 to correct for these months and for 2014-2016. The adjustment was not only the C&M from the PPP portions but also the Special Income portions (payments for lots/graves for individuals under Ontario Disability Support Program-ODSP and Ontario Works-OW, Low Income) that were also not previously contributed (see the Special Income C&M Trust Adjustments issue below).

29 Though OCA did not review the financial records prior to 2014, we inquired with Finance staff if they adjusted for years prior to 2014. They claimed this issue was identified and an adjustment made as part of the BAO inquiry in 2016/17 and at the time the BAO only asked them to correct back to 2014. OCA reviewed BAO emails regarding this issue, and it appears that the BAO only identified the discrepancy back to 2014. The erroneous treatment went back further but has not been corrected. Regardless of the BAO requirement, the City has an obligation to the individuals who paid the C&M fees to ensure the money goes to the trust.

30 • **Monument Care Trust Fund (MC):**

From January 2017 to April 2020, the MC fees from PPP contracts that ended during this period were included in amounts moved to the C&M trust noted above instead of the MC trust. Thus, the funds went to the wrong trust. There was an adjusting entry in May 2020 for the prior months in 2020 (January to April) to reallocate the fees to MC trust, however, this was only the principal amount and did not include any interest accrued during that period. For 2017-2019 there is still \$800 in the C&M trust that needs to be reallocated to the MC trust. OCA did not go back prior to 2017, however, we inquired with Finance if they knew if similar adjustments were made prior to 2017 and they did not know. There may need to be adjustments for 2016 and prior. While the amount may not be significant, it is important that all monies be allocated to the trust in order to ensure long-term sustainability.

31 • **Pre-Need Trust:**

When the Total Contract Value was taken out of the Pre-Need trust at the end of the PPP contract terms, Pre-Need amounts were not put back into the trust. There was an adjustment done in 2020 to correct from January-May 2020 (the correct process of recording the interment/Pre-Need amounts started in June

2020 to present); however, it does not appear that prior years were corrected. These amounts should be corrected and put back into the Pre-Need trust.

- 32 In addition to not being in compliance with *FBSCA* requirements for trusts (money not being contributed to the applicable trusts and lost interest), there are other financial impacts of this issue. For the last ten years, the Cemeteries operating account has been at a surplus, however, given the issues identified above, this may not really be the case. Additionally, these errors would impact the long-term planning and budgeting for Cemeteries as the information to forecast subsequent years' revenues may be based on inaccurate information.
- 33 Based on available information, OCA estimated the lost interest for these shortfalls in funding for each trust to be -

Care & Maintenance	\$125,000
Monument Care Trust Fund	\$400
Pre-Need	\$89,000
<b>Total Over All Three Trusts:</b>	<b>\$214,400</b>

Note: Based on investment return rates going back only to 2010 through to 2021.

OCA did not look at information prior to 2010 but there may be additional impacts due to lost interest for the periods prior as well.

## Finance's Lack of Involvement in the Annual Financial Reporting to the BAO

- 34 There is an annual financial reporting requirement for cemetery operators to report each year's financial activity on the two maintenance trusts (C&M and MC) and the Pre-Need trust. Cemeteries Administration staff independently completes and submits this report with no formal review from the Financial Planning, Administration & Policy (FPAP) Division. FPAP or the Financial Services Division should be involved in all financial regulatory reporting that is done on behalf of the City of Hamilton.

## Financial Statement Issues

### Revenue Recognition

- 35 Revenue from Pre-Need sale contracts and C&M and MC trust money is not being properly recognized per Public Sector Accounting Board (PSAB) standards.

#### Revenue Recognition

Typically, revenue is recognized when a critical event has occurred or when a product or service has been delivered to a customer. The revenue recognition principle using accrual accounting requires that revenues are recognized when realized and earned – not when cash is received. If revenue is recognized before it is earned (before the actual service or product has been delivered), revenue is considered overstated.

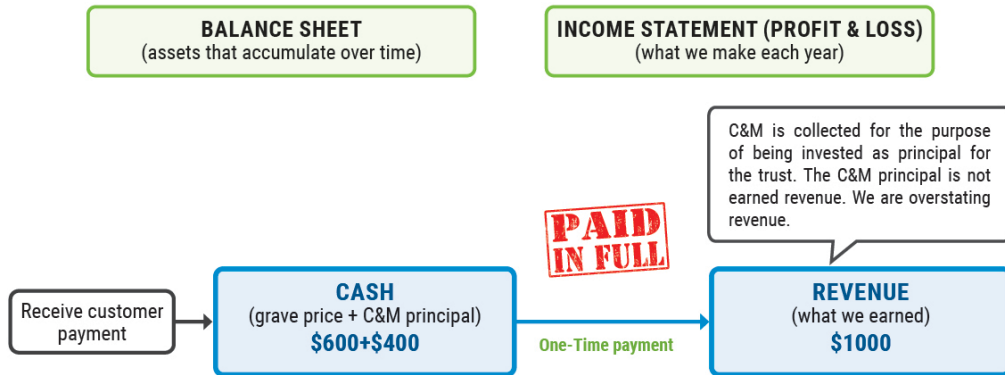
- 36 OCA identified that Pre-Need revenue and C&M and MC trust money is being recognized as follows:
- For Pre-Need contracts, revenue is being recognized when it is paid in full (either when one-time full payments are received, or Pre-Payment Plan (PPP) payments are completed).
  - For C&M and MC trust amounts, the principal is being recognized when it is paid in full (one-time and PPP payments).
- 37 OCA confirmed with the City's current external auditors (KPMG) the following regarding revenue recognition requirements:
- For Pre-Need contracts, revenue should not be recognized until the funds are applied to a service performed (i.e. when the burial is performed/supplies provided).
  - For C&M and MC trust amounts, the principal should not be recognized as revenue. The principal is added to the trust. The principal should never be recognized as revenue only the interest income earned in the trust is recognized.
- 38 Recognizing revenue too early results in overstatement of revenue which makes it look like the City has more assets than it actually does. It gives an impression of a stronger financial situation than may be the case. A revenue recognition error that is considered "material" would require a restatement to the City's annual financial statements for all prior years this has been done incorrectly. OCA estimated for 2021, the total amount of revenue overstatement is approximately \$900K. FPAP will need to consult with its external auditors to determine whether restatement is required based on the auditor's materiality.

The below diagrams are included to illustrate the gap between the current revenue recognition process and the correct process for one scenario of a one-time payment.

### Revenue Recognition for One-Time Payment for Property (Current Process)

#### GRAVE/LOT PURCHASE EXAMPLE

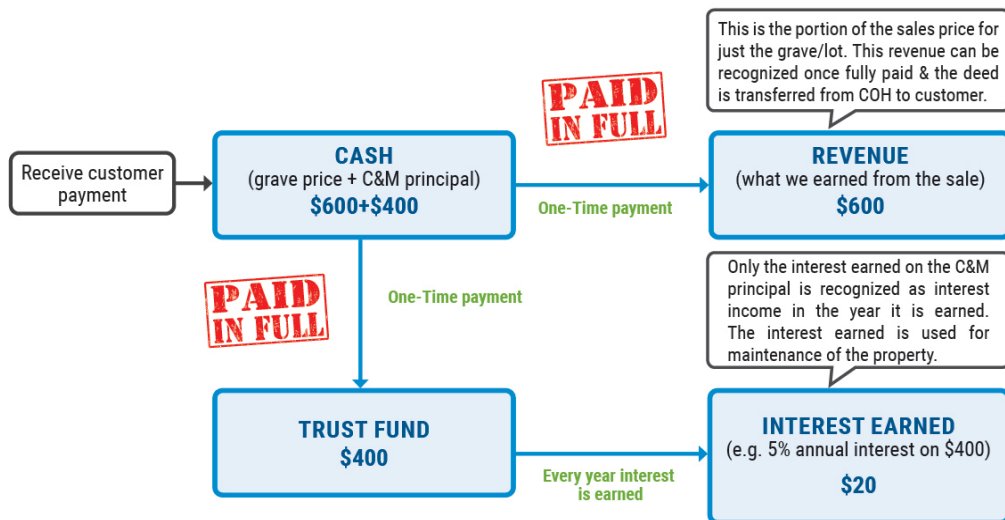
(For grave/lot purchases 40% of sale price is required to go to the Care & Maintenance (C&M) trust)



### Revenue Recognition for One-Time Payment for Property (Correct Process)

#### GRAVE/LOT PURCHASE EXAMPLE

(For grave/lot purchases 40% of sale price is required to go to the Care & Maintenance (C&M) trust)



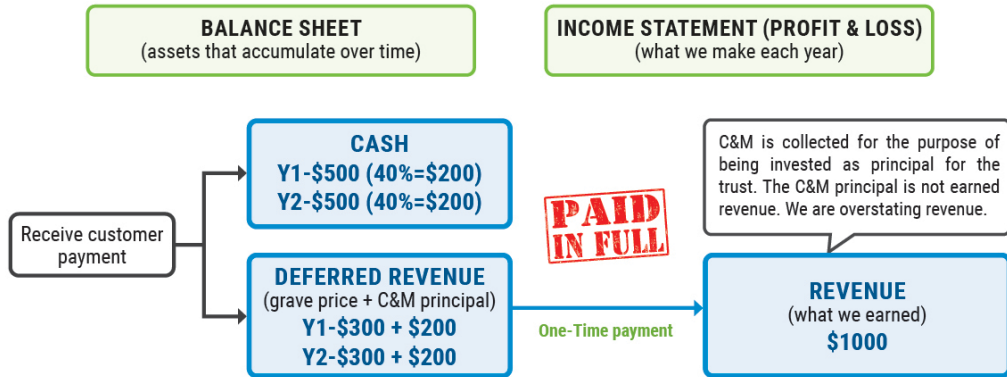
Note: This diagram utilizes plain language. The City follows PSAB (Public Sector Accounting Board) accounting standards where the Balance Sheet is called the "Statement of Financial Position" and the Income Statement is called the "Statement of Operations".

The below diagrams are included to illustrate the gap between the current revenue recognition process and the correct process for one scenario of a pre-payment plan (PPP).

### Revenue Recognition for Pre-Payment Plan (PPP) for Property (Current Process)

#### GRAVE/LOT PURCHASE EXAMPLE

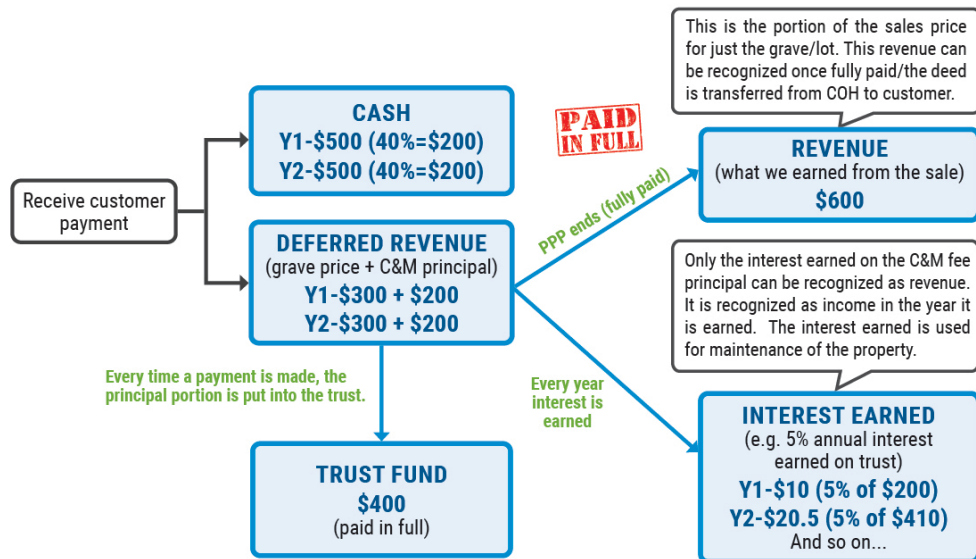
(For grave/lot purchases 40% of sale price is required to go to the Care & Maintenance (C&M) trust)



### Revenue Recognition for Pre-Payment Plan (PPP) for Property (Correct Process)

#### GRAVE/LOT PURCHASE EXAMPLE

(For grave/lot purchases 40% of sale price is required to go to the Care & Maintenance (C&M) trust)



Note: This diagram utilizes plain language. The City follows PSAB (Public Sector Accounting Board) accounting standards where the Balance Sheet is called the "Statement of Financial Position" and the Income Statement is called the "Statement of Operations".



## Due From Balance on 2020 Financial Statement for Cemeteries Trusts

- 39 There is a \$1.23M Due From the City of Hamilton (COH) to the Cemeteries Trust reported as part of the 2020 audited Financial Statement for the COH (at the time of reporting, the 2021 financial statements are available, and this balance is now \$1.2M). This is money that the City of Hamilton (COH) owes to the three Cemeteries Trusts. OCA inquired about this with Financial Services (FS) in May 2022 and they needed time to investigate this in conjunction with Financial Planning, Administration & Policy (FPAP), however, they confirmed the money had not been transferred to the Cemeteries Trusts. OCA also reached out to the City's external auditors and they were not sure what the source of the balance was. They had information on the amounts owed to each trust and they said they verified the amounts were on the City's books, but no other work was done.

### What is a "Due From"?

A "Due From" listed as an asset in the financial statements of the Cemeteries Trust represents monies that are owed to Trust – in this case by the City. This balance has been outstanding at over \$1M for multiple years. This raises concerns that fiduciary responsibilities have not been met in that these funds are supposed to be placed under Trust administration in a timely manner so it can be invested for the benefit of Cemetery customers.

In late July 2022, FPAP responded they had identified all the department IDs (DEPTIDs) that go into the Due From balance on the financial statement but would need more time to investigate and figure out what correcting entries need to be made and would reconvene with Financial Services in mid-September to go over next steps. FPAP met with Accounting Services in September and per FPAP, a draft of a standard operating procedure was created by Accounting Services for transactions that make up the Due From related to HST rebates and AP. However, this does account for entire balance of the \$1.2 M Due From.

- 40 OCA made several requests to management to understand this balance. It is OCA's understanding from FPAP management that no further analysis has been completed since the initial identification of the DEPTID balances in late July that go into the Due From balance. As of report finalization, OCA cannot conclude on this issue or its impact until more information is provided.

## Special Income C&M Trust Allocation Adjustments

- 41 During the course of OCA's review of the process to allocate payments to the respective trusts, we found that for cemetery lot purchases paid for by Special Income (ODSP and OW), the C&M trust portion for these purchases included an Inter-Business Unit Balancing transaction (i.e. a Due To/Due From, or DTDF)) up

until May 2017. Per Finance staff, PeopleSoft automatically generates an Inter-Business Unit Balancing transaction whenever there are transactions between two Business Units. In this case between HAMTN (City of Hamilton) and CTRUS (City Trusts).

As noted above, as part of the BAO inquiry in 2016/2017, it was identified that C&M portions from Special Income purchases were not being put into the C&M trust account. In June 2017, adjusting entries were made back to 2014 and the process was changed to ensure that future Special Income C&M Trust contributions would be moved to the trust in compliance with FBSCA requirements; however, the Inter-Business Unit Balancing transactions were being used to record Special Income C&M trust amounts prior to 2014 and those years were not adjusted.

- 42 Finance staff did not know why the Special Income C&M Trust contributions were recorded with the DTFD line item prior to 2017 and were not sure of what the process on ODSP/OW's side was to pay for Special Income burial services and graves. There are no standard operating procedures that document OW's process for payment of ODSP and Low-Income burial services and graves, and how the transactions should be recorded by Cemeteries Finance staff. Without awareness of the whole process, Finance cannot be assured transactions are recorded accurately and appropriately. In addition, there is also the cost of the services and graves that ODSP/OW also pays for, which need to be accounted for.
- 43 Additionally, though OCA has not been able to confirm if the pre-2014 unadjusted DTFD transactions is part of the Due From balance from the City to the C&M Trust noted above, it should be included in FPAP's review of this balance.

## **Cemeteries Management System and Current Processes**

- 44 The Cemeteries Administrative Office (CAO) is scheduled to switch from their current cemetery management software application, Hanlon Management Information Systems (HMIS) to the new Enterprise Asset Management (EAM) system with a target of January 2023 (Q1). Initially, CAO was scheduled to transition to EAM later, however, the application developer for HMIS, Batesville, is also discontinuing the Windows-based HMIS version that is used by Cemeteries, at the end of 2022. They are requiring all current users to switch to their cloud-based version at that time. Rather than pay the additional start-up costs to move to the cloud version, the transition to the EAM system was moved up.
- 45 EAM is primarily an asset management application. Work orders and Property Inventory are two aspects of Cemeteries operations that may be a good fit with EAM but HMIS is a cemetery management software that is much more than asset management. There are liabilities and revenues from the sale of cemetery supplies, services, and property, trust fund calculations and tracking, and



customer contract management including refunds and installment plan payments that are not regular functions of EAM which will need to be customized.

- 46 As of reporting, the process to begin design and creation of the customized functions has just begun, and conversations have been primarily with the CAO. Finance was not consulted for their processes for this transition. The deadline to switch over is intended to be Q2/Q3 2023. This would be after the design and creation of the customized functions which require a testing phase and a data migration phase. The deadline would appear to be fraught with risk.
- 47 Until EAM is implemented, CAO will continue using the unsupported (as of January 1, 2023) Windows version of HMIS. This means there will be no fixes to any functional or security issues. Additionally, HMIS is currently being housed on a Windows 2016 server, for which mainstream support ended in January 2022. This means we will continue to receive security updates, but any functional issue support will be at a cost. This may pose a risk to the information stored in HMIS and to the application itself.
- 48 Per CAO staff, an internal review was performed which included the COH's EAM consultant and IT Business Applications staff. IT Security staff were not directly involved in the review. Per CAO staff, the EAM consultant advised that because the HMIS cloud system is hosted in the USA and the City is not permitted to store information outside of Canada, Cemeteries could not use the cloud-based version of HMIS. The EAM consultant stated this is due to the Patriot Act that conflicts with Canadian legislation (PIPEDA-Personal Information Protection and Electronic Documents Act).
- 49 OCA reached out to Legal & Risk Management Services to confirm this information and they said it is a preference/best practice that data stay in Canada but not a requirement. PIPEDA governs private and federal organizations. MFIPPA is the privacy legislation that governs municipalities (and the legislation to which the City is bound). There is nothing per MFIPPA that prohibits data from being transferred outside Canada. Additionally, we were not able to identify any IT policy that prohibits this.
- 50 The switch to EAM does not appear to have adequately considered the customization that is needed, and the sensitivity and historical breadth of the information in the HMIS database. IT Security should have been involved to properly assess the risks of using an unsupported software for an extended period. Additionally, given the financial and trust aspects of cemeteries management that are a key part of the process and the fiduciary obligations of the City, Finance should also be heavily involved in the design of the new EAM system for cemeteries.
- 51 The current process for recording monthly revenue is very manual and spreadsheet intensive for both Cemeteries and Finance portions, which puts the City at a high risk of human error. It appears that part of the reason for this is that the older Windows version of HMIS the City uses is either missing the functionality to mitigate this and/or the system is not being used in a way that

allows Cemeteries and Finance to rely on reports run out of the system. Instead, there is currently a manual transfer of information in the system that gets sent to Finance to perform a similarly manual process. Further, there is the challenge that EAM customizations should not be mapped to the way current processes are being done. Rather they should be mapped to the improved processes, otherwise there is risk for the same issues identified in this report.

## By-Law Issues

### Council-Approved Prices Not Charged

- 52 The price for a Premium Preferred Grave was listed as \$2,956 on the 2022 Price list on the Hamilton Municipal Cemeteries website. Per the 2021 and 2022 Approved User Fees, the price for this type of grave is \$3,015. OCA also saw this pricing on one contract sample. Per Cemeteries staff, it was an internal decision to charge a different price than on the Council-Approved User Fees list.
- 53 Additionally, Cemeteries staff can override the prices set in HMIS. Each year, when Council approves the new user fees, the applicable updates are made in HMIS; however, the fees are not locked and can be overridden. Staff are required to ask approval from the Supervisor to do this; however, it is often a verbal approval, and not documented. OCA found one contract where a prior year fee was charged via verbal approval.
- 54 The annual Council-approved user fees must be charged, and departments do not have discretion to charge different prices. There may be loss revenue if prices charged are not consistent and it is important that staff follow Council direction for approved pricing.

### Non-Resident Fees

- 55 Per the annual Council-approved user fees, a 25% non-resident surcharge is required to be applied on Property Sales for all non-residents. Per Cemeteries staff, if the purchaser or deceased has a relative with a Hamilton municipality address, the non-resident surcharge is waived. Resident vs. Non-Resident charges are not reviewed by a supervisor. It appears to be an honour system with the purchaser charged or not charged based on this.
- 56 Additionally, for one contract OCA sampled, there was no Hamilton municipality address listed and no non-resident surcharge applied to the contract total. It is unknown if this is an isolated incident or not.

## Cemetery By-Law BAO Compliance

- 57 The current contract clause regarding property sales (lots, graves, niches, etc.) cancellations/refunds needs to be updated. Per Cemeteries staff, no refunds are given after 30 days once the property is paid in full, however, the contract does not state this. The contract term does not reflect our current policy and is a misrepresentation of our procedures.
- 58 Additionally, per the *FBCSA*, the municipality's By-laws should state the process for property refunds. The current practice is to not buy back the lot; however, this is not documented in the current Cemetery By-Laws.

## Process and Procedures

- 59 Neither the Cemeteries Administrative Office (CAO) nor Financial Planning, Administration & Policy (FPAP) have documented standard operating procedures for their current processes around cemetery sales and trust administration. As noted above, the processes in both areas are very manual and spreadsheet reliant which puts them at high risk for human errors that may remain undetected. Additionally, the formulas used in the spreadsheets are not locked to prevent unintended changes. Finally, the key staff currently have no back-up to perform their duties when they are not at work.
- 60 The objective of having formally documented standard operating procedures is to help guide the organization's operations to fulfill departmental objectives. Given the manual processes and compliance requirements for cemeteries financial management, documented procedures are important for consistency and completeness of what needs to be done. It also serves as a document for transfer of knowledge for new employees.

## Other Issues

### Trust Investments

- 61 The three Cemeteries Trusts (C&M Trust, MC Trust, and Pre-Need Trust) all receive income from what is referred to as "securities lending activities" overseen by Royal Trust (part of RBC Wealth Management). Securities lending involves the owner of shares or bonds transferring them temporarily to a borrower. In return, the borrower transfers other shares, bonds, or cash to the lender as collateral and pays a borrowing fee. The City Trust Fund earns a portion of the fee as income to the trusts. Per the Council-approved investment policy (Report FCS19074,

Appendix A-Reserve Revenue Funds Trust Accounts Statement of Investment Policies and Procedures, Section 6-Trust Accounts: Permitted Investments), securities lending is not listed as one of the types of permitted investments.

- 62 Most of the investments in the trusts are Provincial and Guaranteed, Municipal, and Corporate bonds. There is some common stock, but not of significant amounts. The income earned by the cemeteries trusts from securities lending is minimal. For 2021, over all three trusts, the COH earned \$4,936 from securities lending. As noted earlier, the total market value as of the end of 2021 of all three trusts was \$21,612,245.
- 63 During OCA's review of the Cemeteries Trusts securities lending activities, we reviewed the Securities Lending Agreement (SLA) between the City and Royal Trust. The SLA applies to all securities lending activities for the City and not just the Cemeteries Trusts. The agreement appears to be out of date. As a result, the City may be exposed to unnecessary risks or loss of income from being able to maximize earnings from securities lending. OCA identified the following issues with the SLA:
- It was signed over 19 years ago in January 2003.
  - The agreement terms state that notices should be sent by first class mail, personal delivery, or facsimile transmission, which is not in line with modern business practices.
  - The list of Securities Borrowers includes Lehman Brothers which no longer exists.
  - In general, the terms seem to give Royal Trust significant autonomy and authority and did not offer a lot transparency to their processes or decision-making.
  - There was an amendment to the Agreement in March 2019 which updated the fee for services to 40% of fees collected from securities borrowers, down from 50%. This amendment was reviewed by Legal Services. Per management in the City's Investments Section, the fee was renegotiated in 2019 as that was the going market rate. This is only change noted in the amendment.

## **General Ledger Account Recording**

- 64 Lot sales and marker setting revenues are recorded in specific DEPTIDs for the specific cemetery (e.g. Eastlawn Cemetery revenue from lot sales is recorded in the revenue account specifically for this cemetery). However, niches/columbarium revenue are not recorded in the specific cemetery where it is located. It is not clear why this is done for lots but not niches/columbarium. Per FPAP staff this procedure was inherited and there may have been a historical reason, but they do not know what it is. Essentially "it has always been done this way" was the rationale provided to us.

- 65 Depending on the reason and impact for the specific revenue coding above, for three refund samples OCA reviewed, the refunds were coded to the wrong cemetery's revenue account. For example, a refund for Mt. Hamilton Cemetery interment fees was recorded in the revenue account for Ancaster Cemetery.
- 66 It is not clear what the impact is of the above two issues if we do not know the reasoning for the differences in revenue coding. If there is no financial impact or purpose for booking revenue to specific cemeteries, then this would help reduce the amount of work for month end financials. If there is a purpose, the procedure for recorded revenue should be documented in a standard operating procedure.

## **Retention of Documentation Improvements**

- 67 For some verification support that was requested during the audit, Cemeteries staff was not able to provide information until they went into the office as some records are kept in hard copy (BAO reports, refunds, etc.).

Also, during the course of the audit, OCA noted that supporting documentation for Finance staff entries were not attached in PeopleSoft and had to be requested, which in some cases involved searching through old emails. The monthly workbooks are very large and are available on their shared drive. This support is not needed to be attached as the information is accessible but any one-time journal entries, especially for adjustments, should be attached to the journal entry.

- 68 Proper retention of reporting and supporting documentation is important for historical recordkeeping and compliance purposes. Hard copies are at risk for accidental loss, misfiling, or destruction. Additionally, records should be kept in compliance with the City's Records Retention By-law (By-Law No. 11-040 To Establish Retention Periods for Records of the City of Hamilton and 21-055 To Amend By-law No. 11-040, to Establish Retention Periods to Records of the City of Hamilton).

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## **Recommendations**

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- 69 Please refer to Appendix "B" to Report AUD23001 for a list of Recommendations and the related Management Responses that will strengthen governance and oversight of the Hamilton Municipal Cemeteries Trusts-related processes.

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## Conclusion

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- 70 The OCA has brought forward several observations and recommendations to strengthen controls, improve processes, and ensure compliance and accuracy in both Cemeteries Administrative Office and Financial Planning, Administration & Policy processes related to cemetery trusts management.
- 71 The OCA would like to thank the Cemeteries Administrative Office and Financial Planning, Administration & Policy staff and other participants for their contributions throughout this audit. We look forward to following up with management in the future to see the progress of their action plans and their impact on improving the processes and compliance for cemetery trust management.

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**Office of the  
City Auditor**

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Alternate report formats available upon request.



Hamilton

Office of the City Auditor

# **Hamilton Municipal Cemeteries Trust Funds Audit**

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# **Recommendations and Management Responses**

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**January 19, 2023**

**Office of the City Auditor  
Nancy Hu, Senior Auditor  
Brigitte Minard, Deputy City Auditor  
Charles Brown, City Auditor**



## Introduction

The following 17 recommendations will correct errors and improve processes and controls to ensure compliance and accuracy in both the Cemeteries Administrative Office (CAO or Cemeteries) and Financial Planning, Administration & Policy Division (FPAP or Finance) processes for cemetery trusts management.

## Recommendation 1

We recommend that a review of prior year trust allocations (as far back as there are available records) for completed Prepayment Plan (PPP) contracts be considered and an adjustment made to ensure all applicable money collected from cemetery sales is allocated to the correct trusts. All adjustments and support should be reviewed by FPAP management.

A one-time adjustment should be made to bring any currently active PPP contracts into compliance with the *Funeral Burial and Cremation Services Act (FBCSA)* by moving all applicable trust amounts into the respective trusts. As the responsible party for recording the financial activity for Cemeteries, FPAP should have the authority to make the decision on the amount to record.

## Management Response

### Agree

It is recognized that the old process that was being used was incorrect and has been corrected for 2021 onward. By the time the audit report is approved in 2023, most active PPPs will be closed so there will not be many open contracts (estimated at \$25,000). Interest adjustments identified in other recommendations in this report and management responses will be considered.

**Estimated Completion:** September 30, 2023

## Office of the City Auditor Comment

In addition to interest adjustments, trust principal amounts collected and not properly allocated to the applicable trusts (incorrectly put into the operating account) should be adjusted. As noted in our report, the impact of not having the principal amounts properly allocated is estimated to have resulted in \$214K in lost interest.

## Recommendation 2

To meet the record-keeping requirements of the *FBCSA* for the Pre-Need Trust, consider moving the trusts to individual trusts and tracking. If our current banking provider, does not provide this service, there are other financial institutions that currently offer the service.

Alternatively, a process could be put in place to more accurately calculate the interest earned on the Pre-Need trust amounts.

Currently, CAO staff calculates and provides an amount to be taken out of the trust and transferred to the operating account to FPAP when Pre-Need services are needed. This calculation should be done by FPAP staff and reviewed by FPAP management.

## Management Response

### Agree

Collaborative FPAP/CAO Response:

Best practices from other municipalities will be researched. The processes to setup and manage individual Pre-Need Trust accounts with a financial institution will be reviewed and assessed against the current processes. The current processes include a separate database in a Microsoft Excel spreadsheet where individual trusts and accumulated interest are tracked. FPAP staff and Cemetery Office staff can implement new procedures immediately to update the interest rate and reconcile the spreadsheet to external sources.

**Estimated Completion:** June 30, 2023

## Recommendation 3

There is no oversight or involvement from FPAP for the annual BAO regulatory reporting for the Cemetery Trusts. We recommend that it be clearly defined who is to be involved in the collection and validation of the information and who has the authority to complete this type of annual reporting on behalf of the City.

The reporting is a combination of annual sales detail and trust amounts collected. It is recommended that Cemeteries and Finance staff work together to gather the information and the report be reviewed by both Cemeteries and Finance management prior to submission. The final submission should be approved by Finance.

## Management Response

### Agree

A Standard Operating Procedure (SOP) will be created to define roles and responsibilities between FPAP and Cemetery Office staff. An annual meeting to review the report prior to submission will be part of the SOP and scheduled with defined staff and management. SOP to be completed by July 1, 2023, and annual meeting to be held thereafter.

**Estimated Completion:** July 1, 2023

## Recommendation 4

We recommend that FPAP in conjunction with Financial Services (FS) review all current and prior year revenue recognition for transactions related to Cemeteries operations and trusts. Consider consulting the City's external auditors regarding the process to restate prior year revenues.

Additionally, current processes should be updated to ensure proper revenue recognition in the future.

## Management Response

### Agree

FPAP staff and Cemeteries Office staff will review the revenue recognition requirements under the FBSCA financial reporting and municipal financial reporting. Staff will update processes and procedures. Staff will analyze old transactions to adjust trust fund revenues, City municipal revenues for cemeteries and other accounts. Staff will consult with the External Auditors on the process to restate prior year revenues.

**Estimated Completion:** September 30, 2023

## Recommendation 5

We recommend that work continue to determine why the \$1.2M Due From the City of Hamilton (COH) to the Cemeteries Trust exists and to ensure any amounts which should go to the Cemeteries Trusts are properly allocated to the applicable trust. This issue may be related to Recommendation 6.

## Management Response

### Agree

Initial analysis up to 2021 already started, on the Due From the City of Hamilton to Cemeteries Trusts, will be restarted. With creation of the new City of Hamilton in 2001, transactions back to 2000 should be available for analysis but, depending on the volume of transactions, the exercise may be time consuming. Interest adjustments identified in other recommendations in this report and management responses will be considered. Current practices have already been corrected to prevent a repeat of this issue once required adjustments are made.

**Estimated Completion:** December 31, 2023

## Recommendation 6

We recommend that FPAP include the impact of the Inter-Business Unit Balancing transaction that was part of the journal voucher to record Special

Income C&M Trust amounts to determine if these are part of the total that makes up the Due From amount owed to the C&M Trust. Additionally, since adjustments to move the Special Income portions of the C&M Trust amount were needed to move those amounts to the trust, FPAP should also review to determine if an adjustment needs to be made to the years prior to 2014 to bring the C&M Trust up-to-date and to be in compliance with the *FBSCA* requirements.

Related to this, standard operating procedures need to be developed to document the current procedure to book the Special Income revenue and C&M Trust amounts. The procedures should include the process in the OW's Division to pay for the Special Income burial services and graves including any limitations which may exist for covering this expense. The procedures should include a process to communicate to FPAP if this should happen.

## Management Response

### Agree

The analysis of past transactions in other recommendations affecting the Due from City to Cemeteries Trust will include Special Income Transactions. The appropriate SOP's will be updated too.

**Estimated Completion:** December 31, 2023

## Recommendation 7

We recommend the processes and procedures in CAO and FPAP be improved to address the risks identified in the audit report prior to the customizing of these processes in the City's new Enterprise Asset Management (EAM) system. This would ensure we are making the best and most efficient use of the customizations available for the new system. For example, consideration should be made when the switch to EAM is implemented to allow for reports to be run so Finance can independently pull financial transactions for booking transactions. Finance should also be involved in the EAM development. Cemeteries may also want to consider obtaining subject matter expertise of cemeteries management software and *FBSCA* to help build the EAM system for them.

Additionally, we recommend a risk assessment be performed with IT Security to ensure all risks with using an unsupported version of HMIS on a limited-supported server are known and considered in the event of delays to the implementation.

## Management Response

### Agree

The EAM business case that was presented to Council prior to the project being approved is based on eliminating non-value-added activities from the business.

The project will therefore improve, standardize and optimize processes for the business areas as the processes are configured into the system. The EAM system is highly configurable and does not require or involve customization. In the next stage of the project, the EAM team will be working with Cemeteries to elaborate and drill down on their required area specific workflows. These sessions will be held with Cemeteries, Finance, subject matters experts and other project team members including technical resources. Furthermore, current manual processes not included in HMIS, such as Trust Management, will be configured within the EAM system enabling the reduction of errors and cycle time. Finance will have access to the system so that they may adjust as required. The project will also be able to handle and, if desired, automate the month end requirement that is currently conducted in Excel, and trigger an email to happen under prescribed parameters.

The EAM team welcomes a Subject Matter Expert (SME) of cemeteries management software and *FBSCA* to inform the configuration.

A Risk Assessment will be completed with IT security in order to better understand the unsupported version of HMIS and the limited support server.

**Estimated Completion:** September 30, 2023

## Recommendation 8

We recommend that the CAO charge the Council-Approved user fees for all transactions. Any price changes should be submitted as part of the annual budget process for Council approval. Cemeteries staff do not have the authority to waive or reduce fees.

## Management Response

### Agree

Agree, once prices are set only Council can approve waiving or reducing fees that are within the City's authority to set; some fees are legislated, and should a change occur the CAO would need to comply and neither Council or the CAO can waive or change those fees. Staff are currently charging the approved fees.

**Estimated Completion:** Completed

## Recommendation 9

We recommend that a standard operating procedure be implemented for non-resident fees. It should include both validation and record retention requirements.

## Management Response

### Agree

The creation of a Standard Operating Procedure (SOP) is underway with some progress to date. The matter of non-resident fees is complicated by Hamilton's ownership of Woodlands Cemetery, that falls within the boundaries of Burlington. Staff will prepare a recommendation report for Council consideration on how to address non-resident fees for Hamilton-owned Cemeteries.

**Estimated Completion:** July 1, 2023

## Recommendation 10

We recommend that the City's Cemetery By-Laws be updated to include a policy for refunds for lots/graves or niches/columbariums to ensure compliance with the *FBCSA*. The City can decide if it will refund a purchase or not, but the decision should be documented in the By-laws and, the contract clause in the contract for refunds should be updated accordingly.

## Management Response

### Agree

The By-law will be updated and submitted to BAO for approval in order to become compliant with this recommendation and the legislation. When the legislation changed a few years ago, it was determined that Hamilton would not buy back lots/graves or niches/columbariums, however the By-law was not updated at that time. It is anticipated that a staff report will be brought to Public Works Committee in Q2 2023. Once the By-law is approved by Council, it requires BAO review and approval, which staff estimate will take an additional 2-3 months. If changes are required by the BAO, a revised By-law and report to committee will be required.

**Estimated Completion:** September 30, 2023

## Recommendation 11

We recommend that the CAO address the issues identified in the Cash Handling portion of the audit (as listed in Confidential Appendix "C" to Report AUD23001) to be compliant with the Council-approved City-Wide Cash Handling Policy and Guidelines.

## Management Response

### Agree

Management agree that separation of duties to ensure proper oversight of cash and financial matters is important. However, separation of duties is a challenge with Cemeteries office because there are not many staff in the administration area to provide layers of approval. The Supervisor of Cemeteries does now ensure management review and sign-off of contracts and other documents where changes are required. This ensures documentation is clear for approvals. Additionally, updates to Standard Operating Procedures (SOP's) and creation of new SOP's to reflect the requirements of the cash handling policy is ongoing.

**Estimated Completion:** September 1, 2023

## Recommendation 12

We recommend that the CAO and FPAP Division document standard operating procedures for their respective processes for their current processes around cemetery sales and trust administration. The processes should ensure that compliance requirements are addressed and there is adequate segregation of duties. Included in the procedures should be more management oversight over processes (e.g. management review over any adjustments to the trusts, a periodic review of deposits and refunds, etc.).

## Management Response

### Agree

Management agree that Standard Operating Procedures (SOP's) be updated or created where there are none, to ensure management oversight and segregation of duties is clear and compliant. This is being addressed in Recommendation 11 as well as others related to SOP's to define roles and responsibilities between Cemeteries and Finance interactions.

**Estimated Completion:** December 31, 2023

## Recommendation 13

We recommend that the Council-approved investment policy either be updated to allow for security lending for trusts or this practice be discontinued for trusts to comply with the current policy.

While completing the above, the risks of securities lending should be assessed for all trusts which earn income in this manner.

## Management Response

### Agree

While the inclusion of securities lending is missing from section 5 of the Statement of Investment Policies and Procedures (SIPP, Appendix "A" to Report FCS19074), securities lending is permitted in the custodian agreements through a separate securities lending agreement. Securities lending revenue is minimal. The existing agreement will be reviewed for the impact of cancelling and ceasing lending of cemetery trust securities.

**Anticipated Completion:** June 30, 2023

## Recommendation 14

We recommend that Legal Services review the current Securities Lending Agreement and determine if there could be more advantageous or transparent terms which could be negotiated in addition to updating the terms to be current (e.g. update the list of Security Borrowers, etc.).

## Management Response

### Agree

Under recommendation 13, FPAP staff are looking to cease lending of cemetery trust securities so Legal Services will not be needed to negotiate terms for a new agreement.

**Anticipated Completion:** September 30, 2023

## Recommendation 15

We recommend that FPAP determine the purpose of the allocation of revenue to specific cemeteries and include this in their standard operating procedures. If there is no impact to financial reporting or budgeting, discontinue this to streamline the financial reporting process. This should also extend to the refund process.

## Management Response

### Agree

FPAP staff will discuss with CAO Manager/Superintendent to understand if there is requirement to have separate cost centres or Dept IDs for each cemetery or general cemetery costs and revenues.

**Estimated Completion:** June 30, 2023



## Recommendation 16

We recommend that Cemeteries staff ensure copies of BAO reports and all contract file information is saved electronically and that Finance ensures that journal entries in PeopleSoft include applicable attachments, particularly for any one-time entries or adjustments to financial records.

### Management Response

#### Agree

Cemeteries staff are working on the transition to digital filing and good progress is being made. All contracts are digital and reporting to the BAO is now digital per the BAO processes. Cemeteries records are nearing completion of transition to digital with scanning of archive files. FPAP staff will ensure supporting documents are saved with PeopleSoft journals.

**Estimated Completion:** June 30, 2023

## Recommendation 17

On the BAO website, there is a Compliance Self-Evaluation Checklist for Cemetery Operators that covers the breadth of the *FBCSA* requirements over all of cemeteries management. OCA recommends that Cemeteries and Finance review this checklist to understand what other areas or processes applicable to the COH cemeteries that may require improvements to be in compliance with the *FBCSA*.

Additionally, Finance should consider reaching out to the BAO directly for any questions and being less reliant on Cemeteries staff to make inquiries. This could help develop a relationship with the BAO independently of the Cemeteries staff.

### Management Response

#### Agree

Management agree to undertake the self-assessment and follow any recommendations. Finance staff and Cemetery staff can have specific independent discussions with the BAO as required to clarify process and ask questions. It will be a priority to ensure ongoing collaboration and coordination between Cemetery and Finance staff, to be clearly defined through Standard Operating Procedure (SOP) to be created per Recommendation 3.

**Estimated Completion:** July 1, 2023

# **CITY OF HAMILTON**

**2023**

**ADVISORY COMMITTEES**

**BUDGET SUBMISSION FORM**

**COMMITTEE AGAINST RACISM**

**PART A: General Information**

**ADVISORY COMMITTEE MEMBERS:**

<b>Taimur Qasim</b>	
<b>Marlene Dei-Amoah</b>	
<b>Simone McWatt</b>	
<b>Tyrone Childs</b>	
<b>Phillip Jeffrey</b>	

**MANDATE:**

The Committee Against Racism is a volunteer Advisory Committee of the City of Hamilton, appointed by Council. Members comprise residents of the City of Hamilton, representing diverse background and cultures. The mandate of the Committee Against Racism is to advise, advocate and consult on relevant issues in the community of Hamilton relating to racism and its consequences, including anti-racism strategies.

**PART B: Strategic Planning**

**STRATEGIC OBJECTIVES:**

1. Make recommendations and give advice to the City of Hamilton’s staff and Council on issues relating to racism, equity, diversity and inclusion as well as issues relating to anti-racism.
2. Encourage every person, regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, creed or any other grounds based on the Ontario Human Rights Code (OHRC), to participate in programs and services for the improvement of community relations and the fulfilment of Human Rights.
3. Work actively with institutions and all other relevant organizations, including educational institutions, Police Services, Emergency Services, public, private, voluntary sector and all levels of government to advise, consult, advocate and to promote proactive measures pertaining to racism and its impacts.
4. Consult with individuals and/or groups with respect to complaints regarding racism and to make referrals within the community for complainants.
5. Initiate and facilitate discussions between individuals and/or groups to address issues and concerns of racism and/or while promoting respect and understanding in the community.

**ALIGNMENT WITH CORPORATE GOALS:**

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
1) <b>Community Engagement &amp; Participation</b>	X	2) <b>Economic Prosperity &amp; Growth</b>	X
3) <b>Healthy &amp; Safe Communities</b>	X	4) <b>Clean &amp; Green</b>	
5) <b>Built Environment &amp; Infrastructure</b>	X	6) <b>Culture &amp; Diversity</b>	X
7) <b>Our People &amp; Performance</b>			

**PART C: Budget Request**

**INCIDENTAL COSTS:**

Monthly meeting expenses (photocopying, refreshments, advertising, postage, etc.)	
<b>SUB TOTAL</b>	<b>\$ 900</b>

**SPECIAL EVENT/PROJECT COSTS:**

Initiatives by the Committee, including the following: 1) Days of recognition such as, Lincoln Alexander Day, Black History Month, Emancipation Day, and other days related to the mandate of anti-racism 2) Supporting City of Hamilton initiatives related to anti-racism 3) Support of anti-racism related community events	
<b>SUB TOTAL</b>	<b>\$ 8000</b>

<b>TOTAL COSTS</b>	<b>\$ 8900</b>
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<b>Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)</b>	
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<b>TOTAL 2023 BUDGET REQUEST (net of reserve funding)</b>	<b>\$ 8900</b>
<b>PREVIOUS YEAR (2022) APPROVED BUDGET (2022 Request \$ 8900)</b>	<b>\$ 8900</b>

**CERTIFICATION:**

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

**Representative's Name:** **Taimur Qasim**

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**Signature:** *Taimur Qasim*

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**Date:** Dec 23, 2022

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**Telephone #:** 365-323-5348

# **CITY OF HAMILTON**

**2023**

**ADVISORY COMMITTEES**

**DRAFT BUDGET SUBMISSION FORM**

**Advisory Committee for Immigrants & Refugees**

## **PART A: General Information**

### **ADVISORY COMMITTEE MEMBERS:**

<b>Name</b>	
Aref Alshaikhahmed	
Dina Honig	
Rami Safi	
Eisham Abdulkarim	
Dorar Abuzaid	
Ammira Ali	
Jennie Hamilton	

### **MANDATE:**

Makes recommendations to City Council and staff about policies, procedures and guidelines that address the needs of immigrants and refugees within the City of Hamilton.

**PART B: Strategic Planning**

**STRATEGIC OBJECTIVES:**

1. Review and comment on pertinent reports, proposed legislation and studies that affect immigrants and refugees.
2. Be consulted by City of Hamilton staff and Council on the review, development and implementation of City policies, procedures, programs and services that affect, directly or indirectly, immigrants and refugees.
3. Facilitate, organize and promote open lines of communication with the school boards, police services, City of Hamilton, (e.g. Public Health Services, Healthy and Safe Communities, etc.) and other relevant organizations to provide advice and recommendations about the service needs of newcomers, immigrants and refugees.
4. Make presentations, host workshops and/or open houses to educate service providers, police, Ontario Works, school boards, settlement agencies, employment agencies, professional regulating bodies and other relevant services and programs about immigrant and refugee issues.
5. Develop relationships with the Access to Fair Trades Office and training institutions to gain a better understanding of their processes and find some common ground that will assist newcomers and immigrants in their pursuit of timely certification and upgrading.
6. Complement and collaborate with the work of the City of Hamilton’s Volunteer Advisory Committees.

**ALIGNMENT WITH CORPORATE GOALS:**

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
<b>1) Community Engagement &amp; Participation</b>	X	<b>2) Economic Prosperity &amp; Growth</b>	X
<b>3) Healthy &amp; Safe Communities</b>	X	<b>4) Clean &amp; Green</b>	X
<b>5) Built Environment &amp; Infrastructure</b>	X	<b>6) Culture &amp; Diversity</b>	X
<b>7) Our People &amp; Performance</b>	X		



**PART C: Budget Request**

**INCIDENTAL COSTS:**

Monthly Meetings Expenses (photocopying, refreshments, advertising, postage, etc.)	\$1,500
<b>SUB TOTAL</b>	<b>\$1,500</b>

**SPECIAL EVENT/PROJECT COSTS:**

Special project	\$2,000
<b>SUB TOTAL</b>	<b>\$2,000</b>

<b>TOTAL COSTS</b>	<b>\$3,500</b>
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Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)	\$
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<b>TOTAL 2023 BUDGET REQUEST (net of reserve funding)</b>	<b>\$3,500</b>
<b>PREVIOUS YEAR (2022) APPROVED BUDGET (2022 Request \$3500)</b>	<b>\$3,500</b>

**CERTIFICATION:**

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

**Representative's Name:** Jennie Hamilton

**Signature:** Jennie Hamilton

**Date:** December 19, 2022

**Telephone #:** 905-518-7850

# **CITY OF HAMILTON**

**2023**

**ADVISORY COMMITTEES**

**BUDGET SUBMISSION FORM**

**HAMILTON MUNDIALIZATION COMMITTEE**

**PART A: General Information**

**ADVISORY COMMITTEE MEMBERS:**

<b>Anthony Macaluso (Chair)</b>	
<b>Rosemary Baptista (Co-Chair)</b>	
<b>Jan Lukas</b>	
<b>Rein Ende</b>	
<b>Robert Semkow</b>	
<b>Patricia Semkow</b>	

**MANDATE:**

The purpose of the Hamilton Mundialization Committee shall be:

- a) to promote Hamilton as "A World (Mundialized) City" dedicated to global awareness, international cooperation, and world law
- b) to further the work of the United Nations through publicity and education and to have the United Nations flag always flown with the Canadian flag the City Hall
- c) to undertake twinning programs in international cooperation with like-minded municipalities in this and other countries to foster an understanding of the increasing interdependence of the municipalities, peoples, and countries of the world
- d) to involve Hamilton residents of different cultures, especially those from the countries of our sister communities, to share in our multicultural programs
- e) to include representatives from City Council in the Committee for implementing the above programs.

**PART B: Strategic Planning**

**STRATEGIC OBJECTIVES:**

The Hamilton Mundialization Committee’s goals and objectives include:

- Facilitating and supporting peace initiatives and the twinning relationships between Hamilton and its ten twin-cities around the world.
- Assisting Council in implementing its Mundialization resolution
- Complementing and affirming the objectives of the City’s "Strengthening Hamilton Community Initiative"
- Supporting any and all relationships with the City of Hamilton's Twin Cities

In alignment with the Committee’s mandate, key deliverables include leading the following efforts, activities, and initiatives:

- Ongoing Kaga/Hamilton events commemorating the 50+ year relationship between Kaga and Hamilton (Dundas)
- Anniversary twinning events or other twinning events as identified
- Racalmuto Regional events
- World Citizenship Award
- Photo Contest
- Hiroshima- Nagasaki Vigil

The Committee provides an ongoing review of Mundialization relationships and processes thereof. The benefit of participation is the enhancement of relationships between the residents of our twin communities both locally and internationally and the residents of the city of Hamilton.

**ALIGNMENT WITH CORPORATE GOALS:**

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
1) Community Engagement & Participation	X	2) Economic Prosperity & Growth	X
3) Healthy & Safe Communities	X	4) Clean & Green	X
5) Built Environment & Infrastructure	X	6) Culture & Diversity	X
7) Our People & Performance	X		

**PART C: Budget Request**

**INCIDENTAL COSTS:**

Monthly Meetings Expenses (photocopying, refreshments, advertising, postage, etc.)	\$1,500.00
<b>SUB TOTAL</b>	<b>\$1,500.00</b>

**SPECIAL EVENT/PROJECT COSTS:**

Hiroshima — Nagasaki Vigil, World Citizenship Award and/or photo contest, other twinning events (e.g., Racalmuto events)	\$2,390.00
Kids for Kaga support for exchange program	\$2,000.00
<b>SUB TOTAL</b>	<b>\$4,390.00</b>

<b>TOTAL COSTS</b>	<b>\$5,890.00</b>
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<b>Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)</b>	<b>\$ n/a</b>
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<b>TOTAL 2023 BUDGET REQUEST (net of reserve funding)</b>	<b>\$5,890.00</b>
<b>PREVIOUS YEAR (2022) APPROVED BUDGET (2022 Request \$5,890.00)</b>	<b>\$5,890.00</b>

**CERTIFICATION:**

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

**Representative's Name:** Anthony Macaluso

**Signature:** *Anthony Macaluso*

**Date:** December 19, 2022

**Telephone #:** Staff liaison Amy Majani – 1-365-323-5348

# **CITY OF HAMILTON**

**2023**

**ADVISORY COMMITTEES**

**BUDGET SUBMISSION FORM**

**Hamilton Women and Gender Equity Committee BUDGET 2023**

**PART A: General Information**

**ADVISORY COMMITTEE MEMBERS:**

<b>Deanna Allain, Chair</b>	<b>Heather Platt</b>
<b>Melanie Cummings</b>	<b>Stephanie Scardellato</b>
<b>Anne Davey</b>	<b>Gagan Batra</b>
<b>Adriana Harris</b>	<b>Jan Lukas</b>
<b>Autumn Getty</b>	<b>Julie Turner</b>
<b>Pascale Marchand</b>	
<b>Kathleen Shannon</b>	
<b>Yulena Wan</b>	<b>Councillor Representative, Nrinder Nann</b>

**MANDATE:**

The Hamilton Women and Gender Equity Committee is a Council mandated advisory committee of the City of Hamilton. Serving and acting as an advisory committee of Council relating to matters pertaining to women, non-binary and gender diverse to provide input with respect to matters of municipal concern.

The Committee is empowered by City Council and is responsible to City Council for its services; it reports to City Council on issues and concerns pertaining to women, non-binary and gender diverse communities through the Audit, Finance and Administration Committee.

**PART B: Strategic Planning**

**STRATEGIC OBJECTIVES:**

To define, investigate, study and make recommendations on issues of concern affecting women of the City of Hamilton and other matters of social or municipal concern including matters referred to this Committee by City Council, staff and City of Hamilton committees.

To inform citizens of the City of Hamilton on issues affecting women and non-binary individuals and groups. To actively encourage women and non-binary folks to participate in all aspects of society and support them in their life choices.

To advise citizens of the City of Hamilton of decisions made by City Council which may impact on women and non-binary individuals including matters of social concern and those referred to City Council by this Committee.

To review the progress and measure of success of the Committee and its activities on a regular basis.

**ALIGNMENT WITH CORPORATE GOALS:**

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
<b>1) Community Engagement &amp; Participation</b>	Y	<b>2) Economic Prosperity &amp; Growth</b>	Y
<b>3) Healthy &amp; Safe Communities</b>	Y	<b>4) Clean &amp; Green</b>	Y
<b>5) Built Environment &amp; Infrastructure</b>	Y	<b>6) Culture &amp; Diversity</b>	Y
<b>7) Our People &amp; Performance</b>	Y		

**PART C: Budget Request**

**INCIDENTAL COSTS:**

Monthly meeting expenses (photocopying, refreshments, advertising, postage, etc.)	
<b>SUB TOTAL</b>	<b>\$1,000.00</b>

**SPECIAL EVENT/PROJECT COSTS:**



<ul style="list-style-type: none"> <li>• Initiatives to be determined by the Committee that further advance Women &amp; Gender Equity issues within the City of Hamilton</li> <li>• Partnership in the development and sharing of community resources and information</li> <li>• Subsidizing membership participation in workshops / conferences relevant to committee objectives</li> <li>• Additional Special Event/Project Cost of \$2,000.00 (for International Women’s Day and other civic participation initiatives)</li> </ul>	
<b>SUB TOTAL</b>	<b>\$2,500.00</b>

<b>TOTAL COSTS</b>	<b>\$3,500.00</b>
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<b>TOTAL 2023 BUDGET REQUEST (net of reserve funding)</b>	<b>\$3,500.00</b>
<b>PREVIOUS YEAR (2022) APPROVED BUDGET (2022 Request \$3,500.00)</b>	<b>\$3,500.00</b>

**CERTIFICATION:**

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

**Representative’s Name:** Deanna Allain

**Signature:** Deanna Allain

**Date:** December 14, 2022

**Telephone #:** 905-546-2424 ext. 2178 (Inquiries will be fielded through the Staff Liaison)



**Hamilton**

Office of the City Auditor

# **Water Meter Program Audit and Water Billing Service Transition Project**

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# **Recommendations and Management Responses**

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**January 19, 2023**

**Office of the City Auditor  
Jacqui De Jesus, Senior Auditor  
Brigitte Minard, Deputy City Auditor  
Charles Brown, City Auditor**

## Introduction

As a result of the audit completed by BDO Canada LLP on behalf of the Office of the City Auditor, opportunities for improvement were identified and nine recommendations were made (as noted in Appendix “A” to Report AUD23002).

The Office of the City Auditor requested management responses from the Hamilton Water Division in the Public Works Department with input from the Financial Planning, Administration and Policy Division in the Corporate Services Department.

## Recommendation 1

The City should perform a job evaluation review of the key administrative and supervisory roles within the Program to validate the appropriateness of competency requirements, job descriptions and compensation level within the organization structure of the program.

## Management Response

### Agree

Hamilton Water will leverage a consultant to complete a municipal comparison of the Meter Operations organizational structure, job duties, responsibilities and associated compensation. With the results of the municipal comparison City staff will work with Human Resources and Labour Relations specialists in order to make any necessary updates to the organizational structure of the Meter Operations Business Unit which will include, but is not limited to, a review of job titles, responsibilities, duties and compensation.

Responsibility – Hamilton Water

**Estimated Completion:** Q2 2024

## Recommendation 2

The City should review its program policy and procedures framework to address identified gaps, as well as identify opportunities to strengthen the framework and enhance authorities to better meet the needs of the City and support appropriate enforcement action.

## Management Response

### Agree

1. Consecutive Estimates Policy and other Corporate Finance Billing Policies – review and update as necessary.  
Responsibility – Corporate Finance
2. Waterworks By-law – Review opportunity to enforce private property repairs required for meter-related repairs, installations and maintenance activities  
Responsibility – Hamilton Water
3. Master/Satellite Program – review program process and evaluate if a new and dedicated procedure is required for this program. If required, create new procedure.  
Responsibility – Hamilton Water
4. All program policies and procedure will be updated for accuracy upon completion of the Alectra billing contract.  
Responsibility – Corporate Finance and Hamilton Water

**Estimated Completion:** 1. Q4 2023; 2. Q2 2023; 3. Q4 2023; 4. Q4 2024

## Recommendation 3

The City should develop and implement their program performance management regime by ensuring that each key metric has documented baselines, targets, timeframes for measurement and an outline of how/when the metric would be measured, including the applicable data source and accountabilities.

## Management Response

### Agree

We are in the process of creating automated metrics in a dashboard environment to generate the operational metrics that have been developed and refined over the past 8 months. Now that Meter Operations has 8 months of data to track the operations we are focusing on staffing and training and will then establish meaningful KPIs, including targets and baselines, based on approved and sustainable service levels.

**Estimated Completion:** Q4 2024

## Recommendation 4

The City should ensure that all vendor contracts establish performance management frameworks, including minimum standards, KPIs and performance reporting; and have sufficient contract mechanisms, including corrective actions clauses where performance does not meet minimum standards, to oversee vendor performance. This includes establishing a dedicated and experienced contract manager tasked with the responsibility of managing and overseeing contract and vendor performance.

## Management Response

### Agree

#### Alectra Contract (Corporate Finance)

With the support of Kaihen, Corporate Finance is working through procurement and contract negotiations for the vendors that will be providing services when the future billing solution is implemented. The vendor contracts are to include the recommended clauses re minimum standards, KPIs and performance reporting; and ensure there are corrective contract mechanisms where performance does not meet minimum standards. Additionally, Kaihen will be supporting the City as it adopts a Target Operating Model (TOM) for a utility billing organization structure. This will include a dedicated vendor management to oversee vendors' performance.

Responsibility – Corporate Finance

#### Meter Maintenance Contract (Hamilton Water)

The current contract will be reviewed to ensure that appropriate language is in place to manage performance standards, including minimum reporting standards, KPIs and performance reporting and corrective action clauses. Gaps will be identified and the updated in the next iteration of the contractual documents. Hamilton Water will also review the contract management responsibilities, identifying who is responsible for these tasks, and evaluate if a dedicated and experienced contract manager is required for improved management of this contract.

Responsibility – Hamilton Water

**Estimated Completion:** Q1 2025

## Recommendation 5

The City should implement a regular operational meeting attended by all relevant program stakeholders to ensure consistency and alignment of information and progress to support program oversight and delivery.

## Management Response

### *Disagree-Agree*

*Staff will hold at least 2 meetings/year with all stakeholders*

~~*Operational meetings are held between Neptune and Hamilton Water on a weekly basis, as well as Alectra Hamilton Water and Corporate Finance on a biweekly basis. Hamilton Water will continue with these operational meetings with a continual improvement mindset, focusing on efficient process operations, transparent work management (supported by relevant and meaningful metrics and KPIs) and open communication.*~~

~~*As the City moves through the Water Billing Transition project, we will ensure to implement internal stakeholder meetings (Hamilton Water and Corporate Finance) to ensure seamless operation between Meter Reading, Billing and Meter Operations.*~~

~~*City staff are of the opinion that there is no value-added benefit to an “all players” operational meeting (including Alectra, Neptune, Hamilton Water and Corporate Finance). As such, we will continue with the current Operational meeting structure.*~~

~~*Expected Completion: N/A Ongoing – First meeting will be scheduled Q1 2023*~~

## Office of the City Auditor Comment

As noted in the audit report (Appendix “A” to Report AUD23002):

“the ability to share relevant program information to all key stakeholders involved is limited and the possibility that key information is not being raised to key stakeholders in a timely manner is increased. Moreover, since the contract authority for the Alectra contract rests with City Finance, Hamilton Water is limited at times in their ability to provide oversight of Alectra or to elicit appropriate action/response when issues are raised. Currently there is no mechanism inclusive of all relevant program stakeholders and contractors to discuss key objectives, risks and outcomes for the year as part of the Water Meter Program.”

It is our opinion that these stakeholder meetings would add value and would not be particularly time consuming if a schedule of quarterly meetings (or similar) was utilized.

## Recommendation 6

The City should develop a Program KPI to track City inspections of Contractor (Neptune) activities.

## Management Response

**Agree**

KPIs will be developed and tracked to track City inspection of contractor (Neptune) activities.

Responsibility – Hamilton Water

**Estimated Completion:** Q1 2023

## Recommendation 7

The City should develop a report of all intermediate and large meter assets that are currently being estimated at zero consumption to identify, prioritize, and investigate any accounts that are at risk of being improperly billed.

## Management Response

**Agree**

Hamilton Water has created a monthly QA report to identify zero consumption estimates. This monthly report will be shared with Alectra through Corporate Finance for action on the zero consumption estimates until such time that Alectra can recreate their own zero consumption estimates report through CC&B (Alectra reporting estimated for Q2 2023). Alectra will action this report and provide an update on this metric at the monthly operational meeting with Hamilton Water and Corporate Finance. Priority will be given to large and intermediate water meters (greater than 38mm).

Responsibility – Corporate Finance

**Estimated Completion:** Q1 2023

## Recommendation 8

The City should perform follow-up assessments of the effectiveness of implemented corrective and preventative actions on at least an annual basis to ensure they are effectively addressing identified root causes of 2021-22 large billing issues.

## Management Response

### Agree

The root cause of the 2021-2022 large billing issues has been addressed by updating Meter Operations process and procedures as outlined in the self-declared non-conformance. These procedures have been set for annual review.

Responsibility – Hamilton Water

**Estimated Completion:** Q4 2023

## Recommendation 9

Where possible, the City should examine opportunities to automate the processing and transfer of key data and information from program reporting into the City's asset management system, which is currently being manually performed by WOCs. Further, the implementation of formalized data validation tools would support accuracy of data and reporting. Opportunities to automate the processing, transfer, and validation of Water Meter Program data into the City's asset management system should be evaluated as a part of requirements for the procurement of a new billing solution/service provider.

## Management Response

### Agree

Upon design and implementation of the new CIS billing system (Corporate Finance) and PW EAM (Public Works, Hamilton Water), the City of Hamilton will be prioritizing system integrations and process automations with the intent to automate data transfers, reporting and analytics for both the billing and meter operations programs.

Responsibility – Corporate Finance and Hamilton Water

**Estimated Completion:** Q1 2025





## **EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 23-001**

1:30 p.m.

Thursday, January 18, 2023

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Regrets:** Councillor N. Nann – Personal

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

**1. Red Hill Family Centre Annual Licensing Inspection (HSC23001) (Ward 5) (Item 9.1)**

That Report HSC23001, respecting the Red Hill Family Centre Annual Licensing Inspection, be received.

**2. *Fixing Long-Term Care Act, 2021 (FLTCA)* and Ontario Regulation 246/22 (HSC23008) (Wards 7 and 13) (Item 9.2)**

That Report HSC23008, respecting *Fixing Long-Term Care Act, 2021 (FLTCA)* and Ontario Regulation 246/22, be received.

**3. 2023 Budget Submission LGBTQ Volunteer Advisory Committee (CM23001) (City Wide) (Item 11.1)**

- (a) That the LGBTQ Advisory Committee 2023 base budget submission attached as Appendix “A” to Emergency and Community Report 23-001 in the amount of \$4,050.00, be approved and referred to the 2023 budget process for consideration.
- (b) That, in addition to the base funding, a one-time budget allocation for 2023 of \$2,000, for training around anti-racism, anti-oppression, and other topics related to the committee’s mandate, to be partially funded by the

LGBTQ Advisory Committee reserve (\$1,300), be approved and referred to the 2023 budget process for consideration.

**4. Standardization of Paramedic Emergency Service Vehicles (HSC23002)  
(City Wide) (Item 11.2)**

- (a) That Demers Braun Crestline Ambulance Manufacturer Inc. (Demers) ambulance vehicles certified for use in the Province of Ontario be designated a standardized Good for Hamilton Paramedic Service pursuant to City Procurement Policy, Section 4.14, Policy # 14 Standardization, with this designation to be reviewed no later than December 31, 2030;
- (b) That ambulance vehicle original equipment ambulance parts be obtained on a single source basis from Demers Braun Crestline Ambulance Manufacturer Inc or its authorized agents pursuant to City Procurement Policy 11 through to December 31, 2030;
- (c) That the Chief, Hamilton Paramedic Service, or designate, be authorized and directed to enter into and sign, on behalf of the City of Hamilton, any negotiated agreements and necessary associated documents with the Demers Braun Crestline Ambulance Manufacturer Inc., or its authorized agents with content acceptable to the City Solicitor for the purchase of ambulance vehicles and related original equipment and ambulance parts, subject to Procurement Policy, Section 4.2, Policy # 2 Approval Authority;
- (d) That the Chevrolet Tahoe Special Service Vehicle (SSV) and Ford Interceptor Special Service Vehicle (SSV) be designated a Standardized Good for Hamilton Paramedic Service pursuant to City Procurement Policy, Section 4.14, Policy # 14 Standardization, with this designation to be reviewed in 2030;
- (e) That all Hamilton Paramedic Service Emergency Vehicles Specializations, upfitting, associated specialized vehicle equipment repairs and parts be obtained on a single source basis from Rowland Emergency and Specialty Vehicles Inc. pursuant to City Procurement Policy # 11 through to December 31, 2030;
- (f) That the Hamilton Paramedic Service be authorized to utilize the Province of Ontario's enterprise-wide Vendor of Record (VOR) arrangements and volume licensing agreements available for vehicle purchasing along with accessing the Ontario Police Cooperative Purchasing Group negotiated pricing for Special Service Vehicles pursuant to City Procurement Policy # 12;
- (g) That the Chief, Hamilton Paramedic Service, or designate, be authorized and directed to enter into and sign, on behalf of the City of Hamilton, any negotiated agreements and necessary associated documents with Rowlands Emergency and Specialized Vehicles with content acceptable to the City Solicitor for the purchase of ambulance service emergency

vehicle specializations, upfitting, associated specialized vehicle equipment repairs and parts, subject to Procurement Policy, Section 4.2, Policy # 2 Approval Authority;

- (h) That the Chief, Hamilton Paramedic Service, or designate, be authorized to amend any Contracts executed and any ancillary documents identified in (a) through (g) above as required if a supplier(s) identified in Report HSC23002 undergoes a name change.

**5. Affordable Housing Funding Program (AHFP) (HSC23003) (City Wide) (Item 11.4)**

- (a) That the Affordable Housing Funding Program (AHFP) attached as Appendix "B" to Emergency and Community Services Committee Report 23-001 be adopted:
- (b) That Development Charge By-law No. 19-142 be amended to delete section 25(e) referring to affordable housing development charge exemption given the adoption of the Affordable Housing Funding Program, as set out in recommendation above;
- (c) That an annual budget of \$4 M to be funded from the net levy be referred to the 2023 Tax Operating Budget process for the primary purpose of funding the Affordable Housing Funding Program in accordance with the Program Guidelines outlined in Appendix "A" to Report HSC23003;
- (d) That subject to approval of Recommendations (a) and (b) above, the Affordable Housing Funding Program (AHFP) Reserve Fund Policy attached as Appendix "C" to Emergency and Community Services Committee Report 23-001 be approved and the Reserve Fund be established subject to the terms outlined in the Policy and that unused funds for the current financial year be transferred to the Reserve;
- (e) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to execute and administer the Affordable Housing Fund Program (AHFP) including entering into any or all agreements required to deliver the AHFP in a form satisfactory to the City Solicitor and content satisfactory to the General Manager of the Healthy and Safe Communities Department; and,
- (f) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized to revise the Affordable Housing Fund Program (AHFP) Guidelines attached as Appendix "A" to Report HSC23003 as necessary to ensure efficient delivery of the Program; *and*
- (g) *That the General Manager of the Healthy and Safe Communities Division report to the 2023 Operating Budget on the sufficiency of the 4 M dollars*

*of funding, in the context of need with recommended alternatives for consideration at that time.*

**6. Hamilton Alliance for Tiny Shelters Site Options and Considerations (HSC22015(b)) (City Wide) (Item 11.6)**

- (a) That staff be directed to review City-owned lands, including parks, based on the considerations identified in Appendix “A” to Report HSC22015(b), and identify a list of candidate properties for a Tiny Shelter development, and provide the candidate properties to HATS for their review and prioritization;
- (b) That staff report back to the Emergency and Community Services Committee (ECS) with respect to the top three most appropriate City-owned lands that generally address the considerations in Appendix “A” to Report HSC22015(b) and that have been identified as suitable by HATS;
- (c) That staff include in the report back the approach proposed by HATS for a HATS-led community engagement process with respect to any identified sites; and,
- (d) That should HATS identify any new privately-owned lands that have been not previously considered but are available for a Tiny Shelter development, that staff review them against the same considerations identified in Appendix “A” to Report HSC22015(b), and report back to the Emergency and Community Services Committee under the same process identified in (a), (b) and (c).

**7. Winter Response Strategy (HSC23012) (City Wide) (Item 11.7)**

- (a) That staff be authorized to implement an immediate Winter Response Strategy, to March 31, 2023, to support vulnerable individuals within the homelessness serving systems as follows:
  - (i) A designated Recreation Centre (Benetto) to operate between 8:00 a.m. and 10:00 p.m. during statutory holidays and inclement weather events resulting in centre closure to support up to 10 individuals, estimated to be a total of 9 days, at an approximate cost of \$65 K;
  - (ii) 21 additional low-barrier daily overnight warming spaces provided through The HUB to ensure equitable access for vulnerable, unsheltered and hidden homeless populations across the City through contractual agreements at an approximate cost of \$250 K;
  - (iii) Additional low-barrier daily overnight warming spaces to ensure equitable access for vulnerable, unsheltered and hidden homeless populations across the City through contractual agreements with

community agencies and faith-based groups, at an approximate cost of \$100 K;

- (b) That recommendation (a) respecting the immediate Winter Response Strategy for Q1 2023, be accommodated within the Housing Services 2023 Operating Budget and if necessary, a funding source will be identified through 2023 Year End reporting;
- (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 grant(s) outlined above on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department or their designate and in a form satisfactory to the City Solicitor.
- (d) That staff report back to the August 17, 2023 Emergency and Community Services Committee meeting with recommendations for an annual winter response strategy.

**8. 2023 Budget Submission - Housing and Homelessness Advisory Committee (HSC22056) (City Wide) (Item 11.8)**

That the Housing and Homelessness Advisory Committee 2023 base budget submission attached as Appendix "D" to Emergency and Community Services Committee Report 23-001 in the amount of \$1,000 be approved and referred to the 2023 budget process for consideration.

**9. Housing Stability Benefit Team Staffing (HSC23005) (City Wide) (Item 15.1)**

- (a) That the direction provided to staff in Closed Session, respecting Report HSC23005, Housing Stability Benefit Team Staffing, be approved; and,
- (b) That Report HSC23005, respecting Housing Stability Benefit Team Staffing, remain confidential.

**FOR INFORMATION:**

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

The Committee Clerk advised the following changes to the agenda:

**5. COMMUNICATIONS**

- 5.3 Don Seymour, Executive Director, Wesley, respecting the Housing Alliance for Tiny Shelters (HATS)

Recommendation: Be received and referred to Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)), for consideration.

- 5.4 Advisory Committee for Persons with Disabilities, respecting the Hamilton Alliance for Tiny Shelters Proposal

Recommendation: Be received and referred to Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)), for consideration.

- 5.5 Philip Shanks, respecting the Tiny Homes Proposal

Recommendation: Be received and referred to Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)), for consideration.

- 5.6 Medora Uppal, Co-Chair of the Women's Housing Planning Collaborative (WHPC), respecting Improved Shelter Crisis Response and Resourcing of the Homeless Sector

Recommendation: Be received

- 5.7 Kim Martin, Executive Director, Social Planning and Research Council of Hamilton, respecting the Hamilton Alliance for Tiny Shelters Proposal

Recommendation: Be received and referred to Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)), for consideration.

- 5.8 Graham Cubitt, Director, Projects and Development, Indwell, respecting the Hamilton Alliance of Tiny Shelters (HATS)

Recommendation: Be received and referred to Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)), for consideration.

## **6. DELEGATION REQUESTS**

- 6.1 Delegations respecting Tiny Shelters and Homelessness in the City of Hamilton (for today's meeting)

c. Graham Cubitt, Hamilton is Home

d. Marty Umanetz, Hamilton Alliance for Tiny Shelters (HATS)

e. James Kemp

f. Julia Kollek, Hamilton Alliance for Tiny Shelters (HATS)

- g. Brenda Duke
- h. Sue VanEgdom, Hamilton Alliance for Tiny Shelters (HATS)
- i. Jean Fair

- 6.3 Kayla Hagerty, respecting Warming Centres in the City of Hamilton (for today's meeting)
- 6.4 Kevin Gonci, Golden Horseshoe Track and Field Council, respecting the 2023 ParticipACTION Community Challenge (for a future meeting)
- 6.5 Marcie McIlveen, HAMSMART, respecting Safe Use in Shelter and the Need for a Second Consumption and Treatment Services Site (for a future meeting)

The Delegation from David Kipp, Construction Technology Teacher, Westdale Secondary, Highschool has been WITHDRAWN

## **8. STAFF PRESENTATIONS**

- 8.2 Housing and Homelessness Advisory Committee Annual Presentation

## **9. CONSENT ITEMS**

- 9.3 Seniors Advisory Committee Minutes - December 2, 2022

## **11. DISCUSSION ITEMS**

- 11.7 Winter Response Strategy (HSC23012) (City Wide)
- 11.8 2023 Budget Submission - Housing and Homelessness Advisory Committee (HSC22056) (City Wide) (Item 8.2) – moved from Staff Presentations
- 11.3 Proposal for Drop-In Services Post March 2023 (HSC23006) (City Wide) (Item 11.3) WITHDRAWN, to be considered at the March 23, 2023 meeting

## **CHANGE IN THE ORDER OF ITEMS**

- 11.5 Report HSC220015(b), respecting Hamilton Alliance for Tiny Shelters Site Options and Considerations, was moved up on the agenda to be discussed prior to the consideration of HSC22015(a), respecting a Hamilton Alliance for Tiny Shelters Proposal.

That the agenda for the January 18, 2023 Emergency and Community Services Committee meeting be approved, as amended.

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

None.

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

**(i) December 1, 2022 (Item 4.1)**

The Minutes of the December 1, 2022 meeting of the Emergency and Community Services Committee, were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

The following Communication Items be approved, as presented:

**(i) Resignation from the Seniors Advisory Committee (Item 5.1)**

Recommendation: Be received

**(ii) Walter Furlan, respecting a Hamilton Alliance for Tiny Shelters project (Item 5.2)**

Recommendation: Be received

**(iii) Don Seymour, Executive Director, Wesley, respecting the Housing Alliance for Tiny Shelters (HATS) (Added Item 5.3)**

Recommendation: Be received and referred to the consideration of Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)).

**(iv) Advisory Committee for Persons with Disabilities, respecting the Hamilton Alliance for Tiny Shelters Proposal (Added Item 5.4)**

Recommendation: Be received and referred to the consideration of Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)).

**(v) Philip Shanks, respecting the Tiny Homes Proposal(Added Item 5.5)**

Recommendation: Be received and referred to the consideration of Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)).

**(vi) Medora Uppal, Co-Chair of the Women's Housing Planning Collaborative (WHPC), respecting Improved Shelter Crisis Response and Resourcing of the Homeless Sector (Added Item 5.6)**

Recommendation: Be received



- (vii) Kim Martin, Executive Director, Social Planning and Research Council of Hamilton, respecting the Hamilton Alliance for Tiny Shelters Proposal (Added Item 5.7)

Recommendation: Be received and referred to the consideration of Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)).

- (viii) Graham Cubitt, Director, Projects and Development, Indwell, respecting the Hamilton Alliance of Tiny Shelters (HATS) (Added Item 5.8)

Recommendation: Be received and referred to the consideration of Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)).

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

The following Delegation Requests, be approved, as presented:

- (i) Delegations respecting Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)) (for today's meeting) (Item 6.1)
  - (a) Denise Davy (Item 6.1(a))
  - (b) Jeff Willmer, A Better Tent City Waterloo (Item 6.1(b))
  - (c) Graham Cubitt, Hamilton is Home (Added Item 6.1(c))
  - (d) Marty Umanetz, Hamilton Alliance for Tiny Shelters (HATS) (Added Item 6.1(d))
  - (e) James Kemp (Added Item 6.1(e))
  - (f) Julia Kollek, Hamilton Alliance for Tiny Shelters (HATS) (Added Item 6.1(f))
  - (g) Brenda Duke (Added Item 6.1(g))
  - (h) Sue VanEgdom, Hamilton Alliance for Tiny Shelters (HATS) (Added Item 6.1(h))
  - (i) Jean Fair (Added Item 6.1(h))
- (ii) Sally Palmer, Hamilton Social Work Action Committee and the Campaign for Adequate Welfare & Disability Benefits, respecting the Nutritious Food Basket Report (for a future meeting) (Item 6.2)

- (iii) Kayla Hagerty, respecting Warming Centres in the City of Hamilton (for today's meeting) (Added Item 6.3)
- (iv) Kevin Gonci, Golden Horseshoe Track and Field Council, respecting the 2023 ParticipACTION Community Challenge (for a future meeting) (Added Item 6.4)
- (v) Marcie McIlveen, HAMSMART, respecting Safe Use in Shelter and the Need for a Second Consumption and Treatment Services Site (for a future meeting) (Added Item 6.5)

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

- (i) The following Delegations addressed the Committee respecting Item 11.6, Hamilton Alliance for Tiny Shelters site Options and Considerations (HSC22015(b)):
  - (a) Denise Davy (Added Item 7.1(a))
  - (b) Jeff Willmer, A Better Tent City Waterloo (Added Item 7.1(b))
  - (c) Graham Cubitt, Hamilton is Home (Added Item 7.1(c))
  - (d) Marty Umanetz, Hamilton Alliance for Tiny Shelters (HATS) (Added Item 7.1(d))
  - (e) James Kemp (Added Item 7.1(e))
  - (f) Julia Kollek, Dan Bednis and Tom Cooper, Hamilton Alliance for Tiny Shelters (HATS) (Added Item 7.1(f))
  - (g) Brenda Duke (Added Item 7.1(g))
  - (h) Sue VanEgdom, Hamilton Alliance for Tiny Shelters (HATS) (Added Item 7.1(h))
  - (i) Jean Fair (Added Item 7.1(h))
- (ii) The following Delegations addressed the Committee respecting warming centres in the City of Hamilton:
  - (i) Kayla Hagerty (Added Item 7.3)

The following Delegations, were received:

- (a) Denise Davy (Added Item 7.1(a))
- (b) Jeff Willmer, A Better Tent City Waterloo (Added Item 7.1(b))

- (c) Graham Cubitt, Hamilton is Home (Added Item 7.1(c))
- (d) Marty Umanetz, Hamilton Alliance for Tiny Shelters (HATS) (Added Item 7.1(d))
- (e) James Kemp (Added Item 7.1(e))
- (f) Julia Kollek, Dan Bednis and Tom Cooper, Hamilton Alliance for Tiny Shelters (HATS) (Added Item 7.1(f))
- (g) Brenda Duke (Added Item 7.1(g))
- (h) Sue VanEgdom, Hamilton Alliance for Tiny Shelters (HATS) (Added Item 7.1(h))
- (i) Jean Fair (Added Item 7.1(h))
- (j) Kayla Hagerty (Added Item 7.3)

For further disposition, refer to Items 7 and 8 respectively.

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

**(i) Hamilton Veterans Committee - 2022 Annual Report (Item 8.1)**

Mike Rehill, Chair of the Hamilton Veterans Committee provided the Committee with the Hamilton Veterans Committee - 2022 Annual Report.

The Presentation respecting the Hamilton Veterans Committee - 2022 Annual Report, was received.

**(ii) Housing and Homelessness Advisory Committee Annual Presentation (Added Item 8.2)**

Violetta Nikolskaya, Chair of the Housing and Homelessness Advisory Committee provided the Committee with the Housing and Homelessness Advisory Committee Annual Presentation.

The Presentation respecting the Housing and Homelessness Advisory Committee Annual Presentation, was received.

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

**(i) Seniors Advisory Committee Minutes - December 2, 2022 (Item 9.3)**

The Seniors Advisory Committee Minutes - December 2, 2022, were received.

**(i) DISCUSSION ITEMS (Item 11)**

**(i) Affordable Housing Funding Program (AHFP) (HSC23003) (City Wide) (Item 11.4)**

- (a) That the Affordable Housing Funding Program (AHFP) attached as Appendix "A" to Report HSC23003 be adopted:
- (b) That Development Charge By-law No. 19-142 be amended to delete section 25(e) referring to affordable housing development charge exemption given the adoption of the Affordable Housing Funding Program, as set out in recommendation above;
- (c) That an annual budget of \$4 M to be funded from the net levy be referred to the 2023 Tax Operating Budget process for the primary purpose of funding the Affordable Housing Funding Program in accordance with the Program Guidelines outlined in Appendix "A" to Report HSC23003;
- (d) That subject to approval of Recommendations (a) and (b) above, the Affordable Housing Funding Program (AHFP) Reserve Fund Policy attached as Appendix "B" to Report HSC23003 be approved and the Reserve Fund be established subject to the terms outlined in the Policy and that unused funds for the current financial year be transferred to the Reserve;
- (e) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to execute and administer the Affordable Housing Fund Program (AHFP) including entering into any or all agreements required to deliver the AHFP in a form satisfactory to the City Solicitor and content satisfactory to the General Manager of the Healthy and Safe Communities Department; and
- (f) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized to revise the Affordable Housing Fund Program (AHFP) Guidelines attached as Appendix "A" to Report HSC23003 as necessary to ensure efficient delivery of the Program;

Report HSC23003, respecting the Affordable Housing Funding Program (AHFP), was **amended** to add a new subsection (g), as follows:

- (g) *That the General Manager of the Healthy and Safe Communities Division report to the 2023 Operating Budget on the sufficiency of the 4 million dollars of funding, in the context of need and recommend alternatives for the consideration at that time.***

For further disposition, refer to Item 5

- (ii) Hamilton Alliance for Tiny Shelters Proposal (HSC22015(a))(City Wide) (deferred from the December 1, 2022 meeting) (Item 11.5)**

That Report HSC22015(a) respecting a Hamilton Alliance of Tiny Shelters Proposal, be DEFERRED to the February 16, 2023 meeting of the Emergency and Community Services Committee.

- (j) PRIVATE AND CONFIDENTIAL (Item 15)**

That the Committee move into Closed Session to discuss Item 15.1 respecting a Housing Stability Benefit Team Staffing (HSC23005), and Item 15.2 respecting the Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Round 3 (HSC20056(c)), pursuant to Section 9.3, Sub-section (b), (h) and (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (b), (h) and (i) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City or local board employees; information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them; and a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization

- (i) Housing Stability Benefit Team Staffing (HSC23005) (City Wide) (Item 15.1)**

For further disposition refer to Item 9.

- (ii) Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Round 3 (HSC20056(c)) (Item 15.2)**

That Report HSC20056(c), respecting the Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Round 3, be REFERRED to Council for consideration.

**(k) ADJOURNMENT (Item 16)**

There being no further business, the Emergency and Community Services Committee be adjourned at 8:45 p.m.

Respectfully submitted,

Councillor B. Clark  
Chair, Emergency and Community Services  
Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk

# **CITY OF HAMILTON**

**2023**

**ADVISORY COMMITTEES**

**BUDGET SUBMISSION FORM**

**LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER (LGBTQ)  
ADVISORY COMMITTEE**

## **PART A: General Information**

### **ADVISORY COMMITTEE MEMBERS:**

<b>Rebecca Banky</b>	<b>Jake Maurice</b>
<b>Gregory Cousins</b>	<b>Violetta Nikolskaya</b>
<b>James Diemert</b>	<b>Ashley Paton</b>
<b>William Fujarczuk</b>	<b>Kieran Thiara</b>
<b>Autumn Getty</b>	<b>Terri Wallis</b>
<b>Lisa-Marie Johnston</b>	<b>Kyle Weltz</b>
<b>Shaiden Keaney</b>	<b>Councillor Maureen Wilson</b>
<b>Keston Roberts</b>	

### **MANDATE:**

The LGBTQ Advisory Committee for the City of Hamilton exists to eliminate barriers experienced by LGBTQ communities by giving voice to the perspectives of LGBTQ individuals and evaluating the City on its related efforts. The Committee does this by making recommendations to Council and staff in order that the City of Hamilton will excel in providing services to and interfacing with members of the LGBTQ communities.

The Committee is empowered by City Council and is responsible to City Council for its services; it reports to City Council on issues and concerns pertaining to the LGBTQ communities through the Emergency & Community Services Committee.



## PART B: Strategic Planning

### STRATEGIC OBJECTIVES:

To provide opportunities for members of Hamilton's diverse LGBTQ communities to share stories, impart information, raise concerns and recommend changes as they relate to the way the City develops by-laws, policies, programs and services that impact LGBTQ communities, through the appropriate Standing Committee of Council.

To provide advice and recommendations to City council and staff with respect to the implementation of by-laws, policies, programs and services that impact LGBTQ communities.

To educate and increase the awareness and understanding of City Council and staff on issues that impact LGBTQ communities.

To facilitate access to accurate information about LGBTQ communities, including an up-to-date list of LGBTQ positive spaces, programs, resources and organizations.

To acknowledge and respect the diversity of Hamilton's LGBTQ communities, including those voices not represented at the Committee table, with respect to gender identity, sexual orientation, age, ability, ethno-cultural background and socio-economic status.

To review the progress and measure of success of the Committee and its activities on a regular basis.

### ALIGNMENT WITH CORPORATE GOALS:

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
<b>1) Community Engagement &amp; Participation</b>	Y	<b>2) Economic Prosperity &amp; Growth</b>	
<b>3) Healthy &amp; Safe Communities</b>	Y	<b>4) Clean &amp; Green</b>	
<b>5) Built Environment &amp; Infrastructure</b>		<b>6) Culture &amp; Diversity</b>	Y
<b>7) Our People &amp; Performance</b>	Y		

## PART C: Budget Request

### INCIDENTAL COSTS:

Monthly meeting expenses (photocopying, refreshments, advertising, postage, etc.)	
<b>SUB TOTAL</b>	<b>\$750.00</b>

### SPECIAL EVENT/PROJECT COSTS:

<ul style="list-style-type: none"> <li>• Partnership in the development and sharing of community resources and information</li> <li>• Social marketing regarding positive spaces, including materials, focus groups, awareness, etc.</li> <li>• Partner with community groups for awareness campaigns at significant events in Two Spirit and LGBTQIA+ communities</li> <li>• Subsidizing membership participation in workshops / conferences relevant to committee objectives</li> <li>• Partner with organizations providing support to members of Two Spirit and LGBTQIA+ communities during the COVID-19 pandemic</li> <li>• Additional Special Event/Project Cost of \$2,000.00 (to come from the Committee's reserve) for Committee training around anti-racism, anti-oppression, and other topics related to the Committee's mandate</li> </ul>	
<b>SUB TOTAL</b>	<b>\$3,300.00</b>

<b>TOTAL COSTS</b>	<b>\$4,050.00</b>
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<b>Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)</b>	<b>\$1,300.00</b>
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<b>TOTAL 2023 BUDGET REQUEST (net of reserve funding)</b>	<b>\$4,050.00</b>
<b>PREVIOUS YEAR (2022) APPROVED BUDGET (2022 Request \$4,039.20)</b>	<b>\$4,039.20</b>

### CERTIFICATION:

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

**Representative's Name:** **Rebecca Banky**  
\_\_\_\_\_

**Signature:** *Rebecca Banky*  
\_\_\_\_\_

**Date:** **November 25<sup>th</sup> 2022**  
\_\_\_\_\_

**Telephone #:** **289-925-2353**  
\_\_\_\_\_

## Affordable Housing Funding (AHFP) Program Guidelines

### 1. Background

The City of Hamilton continues to face a significant housing crisis and all municipalities across Canada are being creative in finding solutions to address this issue. While it is understood that there is no single solution to the housing affordability crisis, the Affordable Housing Funding Program (AHFP) is anticipated to reduce financial barriers by providing forgivable loans to Non-Profit organisations that are interested in developing affordable housing in the City of Hamilton. AHFP will be used to pay for overages and cost overruns of existing City funded projects (e.g. RHI); cover municipal development charges (DCs), where applicable, for affordable housing units (if required); pay for pre-development costs including site design and feasibility studies, and facilitate due diligence, capital costs and potentially acquisition. The AHFP targets only not-for-profit organizations.

### 2. Program Description

The AHFP has been developed to reduce financial barriers that non-profit organizations and housing co-operatives face when developing affordable housing; improve their competitiveness when applying for CMHC funding; increasing the financial viability and promoting longer affordability period of the projects.

The AHFP funding will be awarded through a competitive Request for Proposal (RFP) process to eligible non-profit housing organizations. Staff will evaluate submissions based on various factors including:

- The Project being an existing City funded project with additional financial constraints (e.g. projects being implemented through Rapid Housing Initiative);
- Pre-development costs for projects going through site plan approvals; due diligence and acquisitions in that priority;
- Capital funding of affordable housing projects; and,
- Other costs to support affordable housing projects to be financially viable.

The funding will be advanced in the form of a forgivable loan and the advance conditions or criteria will be set out in the forgivable loan agreement between the successful applicant and the City of Hamilton.

The loan will be secured against title for a 25-year period and will be 100% forgiven at the end of 25-year affordability period with the amount decreasing by 20% every five years from the date in which occupancy is granted by the City of Hamilton’s Building Division provided all the terms and conditions of the forgivable loan provided in the agreement are adhered to by both City of Hamilton and the proponent.

If funding is to be repaid for any reason, the repayment of the unforgiven amount of the loan, and applied interest will be repaid in accordance with the City's External Loan Guidelines.

### 3. Mandated City financial responsibilities for RHI projects

Under the Rapid Housing Initiative (RHI), the City is mandated to cover overages and cost overruns of RHI funded projects. Should overages result from a project where the City is responsible for payment of such costs, City may use this funding outside of an application or competitive process to cover these costs.

### 4. Program overview

#### 4.1 Funding Amount and availability:

AHFP will have annual funding of \$4 M available at the start of the City's financial year and will be distributed to selected projects. The disbursement of the available funding will be subject to the alignment of City's housing objectives and at the sole discretion of the General Manager of the Healthy and Safe Communities Department. Should a situation arise where affordable housing developments fail to align with the City's housing objectives, the funding for the year may be withheld and reallocated appropriately in the following year.

#### 4.2 Additional funding and Stacking:

The AHFP has no limitations on stacking with other municipal incentives programs, grants, loans or funding from other levels of government for capital project development and operational expenses such as housing subsidies. Applicants are encouraged to seek other additional funding available either locally within the City or through upper levels of government including the following sources:

- i. Canadian Mortgage and Housing Corporation (CMHC) offers flexible funding and financing opportunities to assist in the development in Affordable Housing. There are a range of funding and financing tools, and it is recommended that applicants review these opportunities in addition to the City of Hamilton Affordable Housing Funding. More information can be found on the CMHC webpage - <https://www.cmhc-schl.gc.ca/en>
- ii. The Province of Ontario provides several different funding programs that assist in both new Affordable Housing development, retrofits, repairs and rent supplements. More information can be found on the Province's webpage - <https://www.ontario.ca/page/affordable-housing-ontario>
- iii. Federation of Canadian Municipalities (FCM) offers funding for organizations to complete housing plan, studies, undertake pilot and capital projects. Details can be found on this website <https://fcm.ca/en/funding>

- iv. Community Housing Transformation Centre (CHTC) - backed by National Housing Strategy, CHTC offers grants to community housing providers, community-housing service providers and community organizations up to \$500,000 – more information can be found on this website - <https://centre.support/>
- v. City of Hamilton's Economic and Development Incentives – City has opportunities for aiding with partial relief of development costs (within a Community Improvement Plan area – CIP) environmental remediation, cultural heritage, urban design and property tax grants to those looking to invest in Hamilton's future. City planning tools and links to incentives can be found on this website - [Hamilton, Ontario: Where Innovation Goes To Work - Invest in Hamilton](#)

In addition to other requirements, applicants will be required to confirm that they have applied for available funding opportunities both from City and other upper levels of government including details of how much they are eligible to receive.

## 5. Eligible Costs and Expenses

AHFP will consider applications in the following order of priority:

- 5.1 Overage and overruns:  
Under this category, expenses may include additional costs on an affordable housing currently under construction resulting from an unpredicted cost increases related to such matters as construction materials Cost increases that result from a change in scope of the project are not included
- 5.2 Development Charges (DCs):  
Applicants will be eligible for funding for development charges as they relate to the *Development Charge Act* or the *Education Act*, provided that these charges are not covered under any other program or legislation where the DCs are waived or paid. If a residential project that meets the City's definition of Affordable Housing is exempt under legislative changes, an application for DC relief for the residential units will be eligible and only the affordable units (within the development) would be considered. With the enactment of Bill 23, it is anticipated that only DC costs re-dating Bill 23 will be eligible.
- 5.3 Capital Costs:  
This funding will support proponents' development proposals as it relates to capital build costs, top-ups and/or be City of Hamilton financial partnership/contribution required for other sources of funding, including but not limited to CMHC Co-Investment funding program.
- 5.4 Predevelopment Costs:

Predevelopment costs may include soft and hard costs required to move an affordable housing projects to "shovel ready". Examples of pre-development costs may include but are not limited to; payment of professional and consultation fees, studies, surveys, architectural designs, site plan approvals, demolition costs, environmental and archaeological study costs.

5.5 Acquisition, Due diligence & feasibility:

This funding will focus on supporting proponents' exploration of a potential for the development of affordable housing. Approved funding can be used to acquire the proposed development property and the fees associated with the acquisition; financial support to complete due diligence and feasibility studies prior to the purchase of the property to ensure that the site will be a viable affordable housing project. The funds may also be used for best use analysis, building condition assessment, preliminary environmental studies, and any other study reasonably associated with the due diligence for acquisition of property.

6. Minimum Eligibility Requirements:

- i. Applicants must be a registered Non-Profit organization, charity or housing co-operative that will own and operate the development subject of the funding request. For profit organizations are ineligible for this funding and will not qualify;
- ii. Applicants must demonstrate an understanding of residential housing development; operation of a rental housing unit(s) or ability to retain the services of an organization/consultants with this experience;
- iii. Funding must be used towards the development of affordable housing in the City of Hamilton;
- iv. Units must be maintained as affordable for the minimum of 25 years, Affordable rents established at or below 80% AMR for applicable AHFP units for the entire affordability period;
- v. Financial viability - Applicants will demonstrate financial viability or a path towards financial viability through their capital and operating proformas;
- vi. Projects can be new constructions including new building or addition to an existing building and a conversion of an existing non-rental building or portion thereof into an affordable housing project;
- vii. Applicants must be seeking to build a minimum of 5 units with the project;
- viii. Entire project must be purpose rental built for the entire affordability period; and,
- ix. Development readiness - projects that can demonstrate that a building permit will be drawn in the year that they have applied will score higher in the evaluation of the funding request.

7. Overview of Application and Award Process:

City of Hamilton's AHFP will be offered to eligible affordable housing developers through a competitive process. The application period will be open for a minimum of 30 calendar days. The program will target only non-profit affordable housing organizations interested

in supporting the City's housing objectives and priorities at the time. Submission or scoring of the project does not necessarily guarantee funding.

Below is a highlight of the key evaluation criteria that each applicant will be scored against. Note that the City might add further details to align it with current priorities;

- (a) Type of funding support required (project overruns; Development Charges, pre-development, due diligence, feasibility studies or acquisition);
- (b) Qualifications and experience of the development team;
- (c) Type of the organisation (Charity, Non-profit, Co-op, community housing organisation)
- (d) Site status (encumbrances, zoning permissions, conditions and assessments);
- (e) Development schedule (how close to shovel readiness including status of all required planning and reasonable development timetable);
- (f) Financial viability and cost effectiveness (amount of funding already secured and complete funding overview);
- (g) Development concepts (construction typology, details of unit size, design special features, energy efficiency details);
- (h) Target population/groups in the community;
- (i) Tenant selection (Access to Housing Waitlist, By-Name Priority List); and,
- (j) Affordability in terms of rents and affordability period.

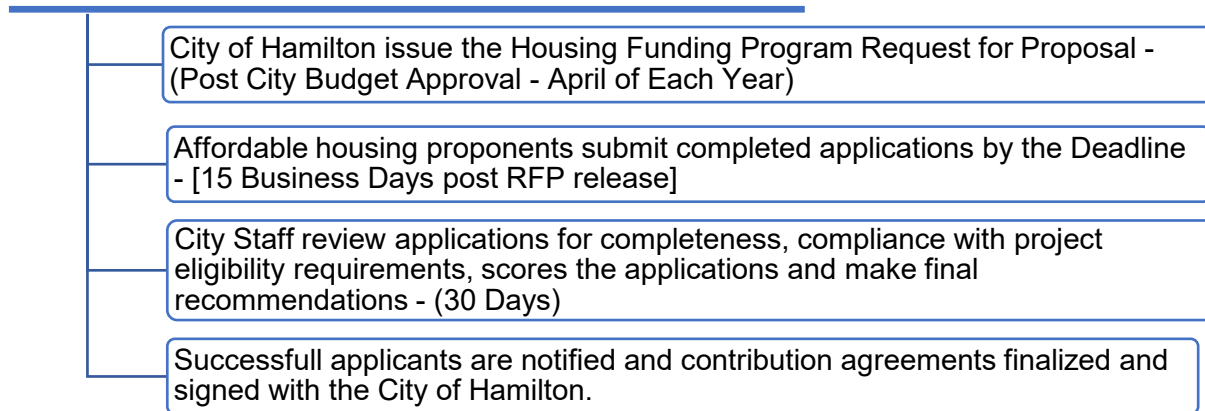
Further details of the above evaluation criteria will be provided in the application process.

Evaluation review will be completed within 30 business days following the closure of the application submission period date. Housing Services staff will rank the submitted project in accordance of highest passing score in the Evaluation Matrix. A Conditional Letter of Commitment will be issued to the successful applicant, indicating next steps and the timeline to achieve next steps, prior to signing AHFP Forgivable Loan Agreement with City of Hamilton.

The annual release of the application is to ensure the most accurate information and documentation is communicated to the applicants and reflect the City's Strategic Plan and Housing and Homelessness Action Plan goals. In addition, the annual process will capture new milestones that could have been achieved by the proponent over the previous year.



## 7.2 Application process



After the deadline for the applications, City of Hamilton staff will review all submitted Applications to ensure completeness and that the Eligibility Requirements (Section 6 above) are met. The City may seek additional information as necessary, but is not obligated to do so, in order to determine in its sole and absolute discretion if an application meets or complies with the minimum requirements.

All applications that meet the minimum eligibility requirements will be scored against the preferred Evaluation Criteria above. A Review Panel set up by City Staff will review all scored applications to make a final recommendation for successful projects. While the highest scoring application(s) are likely to be best positioned for approval, the Review Panel will also consider City of Hamilton's housing objectives as established by Council priorities, available funding and other relevant planning documents in making a final selection of successful projects.

Following the approval of applications, applicants will be required to accept the funding as allocated and enter into a contribution agreement with the City of Hamilton that outlines the terms of the commitment. A forgivable loan agreement will also include a charge to secure the funding which will be registered on title of the property. The forgivable loan agreement will include among others the following:

- The amount of City's funding being provided;
- The number of Affordable Units to be provided, Affordable Unit rental rates and duration of affordability;
- Requirements for tenant income verification by applicant at initial occupancy and unit turnover;
- Requirements for annual reporting by applicant;
- Requirements for applying rental rate increases; and;
- Other terms and conditions as required in sole and unfettered discretion of the City.

### 7.3 Reapplication

Applicants who are not successful in the current year can reapply in subsequent years. Successful applicants in the current year will also be eligible to reapply the following year with different projects or with the same project but for a different funding use than that applied for the previous year. For example, a project may apply and be successful for pre-development funding and then the following year apply and be successful for capital funding.

### 7.4 No Successful Applicant

If there are no applicants or upon review of the submissions there are no eligible projects, funding will not be awarded. The City is not required to provide funding to any project which it deems unsatisfactory and reserves the right to reallocate the funding to the subsequent year.

### 7.5 AHFP Annual Reporting

The AHFP will require annual reporting for the duration of the affordability period to ensure compliance with the terms and conditions of the Program. A standardized AHFP Rental Unit Monitoring Report will be required. In cases where the City is already collecting an annual occupancy report under another funding source, every effort will be made to consolidate the reporting providing the AHFP requirements are fully met. The AHFP Rental Unit Monitoring Report will report on previous calendar year's actual monthly rent paid by tenants, target populations, and vacancy data. These forms will be provided by the Housing Services Division by the third week of January for completion and will be due to the Housing Services Division on the 15<sup>th</sup> of March or nearest business day after.

## 8. Definition of Key Program Terms:

### 8.1 Affordable Housing:

The term "Affordable housing" is used in this program to mean a broad term that encompasses all types of housing that persons or households with low or moderate incomes can access without spending an inordinate proportion of their income. Affordable housing may include Ownership Housing and Affordable Rental Housing;

- (a) Affordability of rental housing can be defined based on a proportion of a person or household's income or based on a percentage of the average or median market rent, for a defined area. Often, the definition includes a threshold in the position of households on the income spectrum, the most universal with low- and moderate-income households being at or below the 60<sup>th</sup> income percentile for renters living in a defined area. Different documents define affordable housing slightly differently but for the purposes of the AHFP affordable rental housing will mean;

Housing that costs 30% or less of gross household income for households with a low to moderate income. Low to moderate income for renters is defined as income at or below the 60<sup>th</sup> income percentile for renters in the City of Hamilton, and for owners the 60<sup>th</sup> income percentile for all Hamiltonians; and/or;

- (i) Rents at or below 80% average market rent (AMR) for the geographical area will be given priority in the application process for units applying AHFP;
- (ii) Rents above 80% but below 125% AMR may still qualify for program

### 8.2 Overages

"Overages" means cost incurred on a project that are initially greater than the initial budget to which the project was approved, and where the City as the "Recipient" or "Service Manager" is contractually obligated to supplement the project budget.

### 8.3 Top ups

Top up means additional funding needed to complete a construction project which has previously had Service Manager's commitment and requires additional funding to complete the project within the approved scope.

### 8.4 In year expense

The term "in-year Expense" means an unexpected construction expense incurred on an affordable housing project under construction in excess of the contingency but within the original scope of the project.

### 8.5 Shovel Ready

The terms shovel ready means an affordable housing construction project that is considered to be at an advanced enough stage of development for physical construction to begin.

### 8.6 Acquisition

The term 'acquisition' means the process of taking possession of all, or part of a tangible asset, property including land for the purpose of developing affordable housing or converting an existing project into an affordable housing project.


### 8.7 Fund stacking

For the purpose of the AFHP fund stacking means the approach of utilizing multiple City, provincial or federal programs or funding to offset a greater portion of project expenses.


## 9. Questions Related to this program can be directed to:

Via Email to:	<a href="mailto:affordablehousing@hamilton.ca">affordablehousing@hamilton.ca</a>
Via Telephone Number	(905) 546-2424 Extensions 4711 or 4557 or 1554

This document is available in alternate formats upon request.

<b>Affordable Housing Funding Program Reserve Fund Policy - DRAFT</b>	 Hamilton	<b>Healthy and Safe Communities Department</b>
Policy No: CoH23-AHFP01		Housing Services Division, Investment in Affordable Housing and Neighbourhood Development
Page 1 of 2		Approval: January 2023

<b>POLICY STATEMENT</b>	This Policy sets out the guidelines for the sources and uses for the balance in the Affordable Housing Funding Program Reserve Fund.
<b>PURPOSE</b>	To fund initiatives that advance the City's Housing and Homelessness Action Plan.
<b>SCOPE</b>	This Policy applies to all City employees who manage financial resources.
<b>PRINCIPLES</b>	<p>The following principles apply to this Policy:</p> <p><b>Authority:</b></p> <ul style="list-style-type: none"> <li>• The General Manager of Healthy and Safe Communities has the authority to recommend the use of the Affordable Housing Funding Program Reserve Funds to Council to fund expense related to the development of affordable housing.</li> </ul> <p>The <b>source of funds</b> that may be transferred to this Reserve include:</p> <ul style="list-style-type: none"> <li>• City levy</li> <li>• Any net revenues associated with the Residential Vacant Unit Tax.</li> <li>• Annual Council approved operating budget transfer to reserve.</li> <li>• A portion of the year-end operating budget surplus, subject to final approval of the Tax and Rate Operating Budget Variance Report by Council.</li> <li>• Investment income earned on the reserve's balance as per policies and procedures.</li> </ul> <p>The <b>use of funds</b> from this Reserve is not permitted if other sources of funding are available. Uses will be limited to:</p> <p>Funding new and innovative projects and initiatives approved by Council that directly supports the implementation of the City's Housing and Homelessness Action Plan.</p>
<b>RESERVE BALANCE TARGET LEVEL</b>	N/A

<b>Affordable Housing Funding Program Reserve Fund Policy - DRAFT</b>	 <b>Hamilton</b>	<b>Healthy and Safe Communities Department</b>
Policy No: CoH23-AHFP01		Housing Services Division, Investment in Affordable Housing and Neighbourhood Development
Page 2 of 2		Approval: January 2023

<b>GOVERNING LEGISLATION</b>	<p>There is no legislation governing the use of this Reserve.</p> <p>The Reserve Fund was established in 2023 through Report HSC23003</p>
<b>RESPONSIBILITY FOR THE POLICY</b>	Housing Services Division, Investment in Affordable Housing and Neighbourhood Development Program Staff
<b>POLICY HISTORY</b>	N/A

DRAFT

# **CITY OF HAMILTON**

**2023**

**ADVISORY COMMITTEES**

**BUDGET SUBMISSION FORM**

**Housing and Homelessness Advisory Committee**





## **PART A: General Information**

### **ADVISORY COMMITTEE MEMBERS:**

<b>Eileen Campbell</b>	<b>Leisha Dawson</b>
<b>Morgan Stanek</b>	<b>Sandy Leyland</b>
<b>Violetta Nikolskava</b>	<b>Michael Slusarenko</b>
<b>Thomas Mobley</b>	<b>Michael Power</b>
<b>Tony Manganiello</b>	<b>Rhonda Mayer</b>
<b>Shaun Jamieson</b>	<b>Mary-Ellen Crechiola</b>
<b>Julia Verbitsky</b>	<b>Lance Dingman</b>

### **MANDATE:**

Communicate and work to address the needs of citizens within the community for whom barriers exist to accessing safe, suitable, and affordable housing, including the supports needed to enable citizens to obtain and retain their homes, and;

Support the City of Hamilton's 10-year Housing and Homelessness Action Plan by providing information, advice, and recommendations to the Emergency & Community Services Committee regarding the Action Plan's successful and meaningful implementation.

## **PART B: Strategic Planning**

### **STRATEGIC OBJECTIVES:**

The following objectives have been established for the HHAC to facilitate its efforts in achieving the mandate.

1. Assist with the coordination and implementation of Council approved recommendations, including the City of Hamilton's 10-year Housing and Homelessness Action Plan.
2. Ensure that recommendations regarding issues relating to people who are experiencing homelessness or who may be at risk of becoming homeless are brought forward to Council in a timely manner.
3. Devise and recommend to Council innovative and preventative measures to assist in addressing homelessness within the community;
4. Identify emerging trends, potential gaps and best practices in emergency housing needs.

5. Provide Council and staff with information, advice, and recommendations about residential landlord and tenant issues and policies that would improve the overall well-being of tenants in Hamilton and support landlords in the provision of safe, quality, and affordable rental units.
6. Identify housing-related supports available in the community and facilitate relationship-building between community partners, citizens and government to ensure that people have the individualized supports needed to help them obtain and retain housing.
7. Regularly update Council about homelessness and affordable housing issues through the discussion and analysis that takes place at HHAC.
8. Respond to requests and direction from staff and Council.
9. Collaborate and cooperate with other City of Hamilton committees and community groups doing work around issues that impact homelessness and affordable housing to stay apprised of relevant initiatives and contribute information and advice as needed.

**ALIGNMENT WITH CORPORATE GOALS:**

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
<b>1) Community Engagement &amp; Participation</b>	X	<b>2) Economic Prosperity &amp; Growth</b>	
<b>3) Healthy &amp; Safe Communities</b>	X	<b>4) Clean &amp; Green</b>	
<b>5) Built Environment &amp; Infrastructure</b>		<b>6) Culture &amp; Diversity</b>	
<b>7) Our People &amp; Performance</b>			

**PART C: Budget Request**

**INCIDENTAL COSTS:**

Meeting costs – meeting room, refreshments, photocopying, printing, parking, transportation	1,000
<b>SUB TOTAL</b>	<b>\$1,000</b>

**SPECIAL EVENT/PROJECT COSTS:**

N/A	0
<b>SUB TOTAL</b>	<b>\$0</b>

<b>TOTAL COSTS</b>	<b>\$1,000</b>
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<b>Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)</b>	<b>\$2,995</b>
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<b>TOTAL 2023 BUDGET REQUEST (net of reserve funding)</b>	<b>\$ 1,000</b>
<b>PREVIOUS YEAR (2022) APPROVED BUDGET (2022 Request \$ )</b>	<b>\$1,000</b>

**CERTIFICATION:**

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

**Representative's Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Telephone #:** \_\_\_\_\_



**GENERAL ISSUES COMMITTEE  
(2023 TAX SUPPORTED CAPITAL BUDGET)  
REPORT 22-022**

9:30 a.m.

November 25, 2022 – January 20, 2023  
Council Chambers, City Hall, 2<sup>nd</sup> Floor  
71 Main Street West, Hamilton, Ontario

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**November 25, 2022**

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

**Absent:** J. P. Danko, T. Jackson – Personal

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**December 5, 2022**

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

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**January 20, 2023**

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

**Absent:** Councillor T. McMeekin - Personal

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**THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 22-022, AND  
RESPECTFULLY RECOMMENDS:**

**Council – January 25, 2023**

**1. Hamilton Light Rail Transit (LRT) Project Capital Budget Overview (PED22202) (City Wide) (Item 7.1) (November 25, 2022)**

That Report PED22202, respecting the Hamilton Light Rail Transit (LRT) Project Capital Budget Overview, be received.

**2. Completion of Design Work of Item “4032320222 - York Road and Newman Road Improvements (Item 7.2) (December 5, 2022)**

That staff be directed to report to the Public Works Committee upon the completion of design work of item “4032320222 - York Road and Newman Road Improvements” including alternatives for consideration.

**3. The Canada Community Building Fund (CCBF) Projects Update (PW21073(a)) (City Wide) (Item 7.1) (January 20, 2023)**

That Report PW21073(a), respecting The Canada Community Building Fund (CCBF) Projects Update, be received.

**4. Cycling Infrastructure 2023 (PED23042 / PW23008) (City Wide) (Item 7.2) (January 20, 2023)**

That Report PED23042 / PW23008, respecting Cycling Infrastructure 2023, be received.

**5. Ecosystem Services Study (PED23048) (City Wide) (Added Item 7.4) (January 20, 2023)**

That Report PED23048, respecting the Ecosystem Services Study, be received.

**6. 2023 Tax Supported Capital Budget (FCS22081) (City Wide) (Item 7.3) (January 20, 2023)**

(a) That the 2023 Tax Supported Capital Levy in the amount of \$142,959,430 be approved, inclusive of the following increases to the net levy;

- (i) \$5,000,000 (0.50%) for discretionary block funded projects principally for rehabilitation and replacement investments and to transition to the expected outcomes of the Strategic Asset Management Policy and Asset Management Plan;
- (ii) \$2,500,000 (0.25%) for dedicated annual funding towards the implementation of the Climate Change Action Strategy;

- (iii) \$53,140 (0.01%) to fund the debt servicing costs associated with the City's share of the approved Investing in Canada Infrastructure Program Transit Stream projects for 2023;
  - (iv) \$774,290 (0.08%) to fund the debt servicing costs associated with the West Harbour Waterfront strategic initiatives in 2023;
  - (v) \$869,000 (0.09%) to fund the debt servicing costs associated with the Hamilton Paramedic and Central Stores facility project approved in 2022;
- (b) That the 2023 Tax Supported Capital Budget and Financing Plan, attached as Appendix "B" to Report FCS22081, in the amount of \$251,838,300 be approved with the following funding sources:
- (i) \$2,692,000 from government grants and subsidies;
  - (ii) \$2,485,200 from other external sources;
  - (iii) \$18,771,150 from Development Charges Reserves;
  - (iv) \$454,750 from Community Benefit Charges Reserve;
  - (v) \$6,250,000 from Rate Supported Revenues;
  - (vi) \$40,702,910 from Reserves;
  - (vii) \$3,792,000 from Work-in-Progress and other internal transfers;
  - (viii) \$101,598,290 from the 2023 Tax Supported Capital Levy;
  - (ix) \$183,000 from the 2023 Hamilton Police Service Operating Budget;
  - (x) \$5,300,000 from Hamilton Utilities Corporation (HUC) / Alectra Dividends;
  - (xi) \$35,537,000 from Canada Community Building Fund Reserve (112213);
  - (xii) \$6,500,000 from the Unallocated Capital Levy Reserve (108020);
  - (xiii) \$7,772,000 from Tax Supported Debenture Financing;
  - (xiv) \$19,800,000 from Development Charge Supported Debenture Financing;

- (c) That the Tax Supported Discretionary Net Capital Funding Forecast 2024–2032, attached as Appendix “C” to Report FCS22081, which assumes the following, be approved, in principle, and re-visited by Council each budget year:
  - (i) \$11,180,000 (1.12%) in each year from 2024 to 2032 to transition to the expected outcomes of the Strategic Asset Management Policy and Asset Management Plan;
  - (ii) \$645,000 (0.06%) in 2024, \$2,463,000 (0.25%) in 2025, \$938,000 (0.09%) in 2026, \$59,000 (0.01%) in 2027, \$2,513,000 (0.25%) in 2028, \$118,000 (0.01%) in 2029, \$9,119,000 (0.91%) in 2031 and \$8,042,000 (0.80%) in 2032 to fund additional debt servicing costs;
- (d) That the operating budget and full-time equivalent (FTE) impacts of the 2023 Tax Supported Capital Budget, estimated at \$3.2 M and 15.39 FTE positions, included in Appendix “D” to Report FCS22081 be referred to the 2023 Tax Supported Operating Budget and 2024 to 2026 Multi-Year Outlook deliberations for consideration;
- (e) That the General Manager, Finance and Corporate Services, be authorized and directed to negotiate and confirm the terms for the placement and issuance of all debenture issue(s), in either a public or private market and / or bank loan agreements and debenture issue(s), in and / or variable interest rate bank loan agreement and debenture issue(s), in an amount not to exceed \$29,072,000 Canadian currency, as attached in Appendix “B” to Report FCS22081, which includes \$7,772,000 in Tax Supported municipal debt and \$19,800,000 in Development Charges municipal debt;
- (f) That the General Manager, Finance and Corporate Services, be authorized to engage the services of all required professionals to secure the terms and issuance of the debenture issue(s) described in recommendation (e) and (g) including, but not limited to, external legal counsel and fiscal agents;
- (g) That the General Manager, Finance and Corporate Services, is authorized and directed, on behalf of the City of Hamilton, to enter into and / or execute, all agreements and necessary ancillary documents to secure the terms and issuance of the debenture issue(s) described in recommendations (e) and (g), on terms satisfactory to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;

- (h) That staff be authorized and directed to prepare all necessary By-Law(s) for Council's consideration, for the purpose of authorizing debenture issue(s) described in Recommendation (e).
- 

**November 24, 2022:**

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

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

The agenda for the November 25, 2022 General Issues Committee (Budget) meeting, was approved, as presented.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) CONSENT ITEMS (Item 5)**

**(i) Requirements for the Implementation of a 311 Customer Service Call Platform (FCS22058) (City Wide) (Item 5.1)**

That staff be directed to review the 311 Customer Service Call Platform to determine the costs associated with having the 311 system operated by staff 24 hours per day, 7 days per week, and report back to the General Issues Committee during the 2023 operating budget process.

**(d) STAFF PRESENTATIONS (Item 6)**

**(i) Corporate Asset Management 2023 Capital Budget Presentation (Item 6.1)**

Patricia Leishman, Director, Corporate Asset Management, Public Works, provided the presentation respecting the Corporate Asset Management 2023 Capital Budget.

The General Issues Committee recessed for 10 minutes.

The presentation, respecting the Corporate Asset Management 2023 Capital Budget, was received.



**(ii) 2023 Tax Supported Capital Budget (FCS22081) (City Wide) (Item 6.2)**

Mike Zegarac, General Manager, Finance & Corporate Services, provided the presentation respecting Report FCS22081 - 2023 Tax Supported Capital Budget.

The General Issues Committee recessed for lunch at 11:45 for 45 minutes.

The presentation respecting Report FCS22081 - 2023 Tax Supported Capital Budget, was received.

That staff be directed to report back to a January 2023 General Issues Committee (Budget) meeting on the expenditures of the Canadian Community Building Fund.

That consideration of Report FCS22081, respecting the 2023 Tax Supported Capital Budget, be DEFERRED to the December 5, 2022 General Issues (Budget) meeting.

**(e) ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee adjourned at 3:01 p.m.

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**December 5, 2022:**

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

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

**3. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

3.2 December 2, 2022

**4. COMMUNICATIONS**

4.1 Correspondence from Elizabeth Selizardo respecting the Hamilton Alliance for Tiny Shelters (HATS) Proposal

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for consideration when preparing the forthcoming staff report respecting the same matter.

- 4.2 Correspondence from Marshia Hopmans respecting the Hamilton Alliance for Tiny Shelter (HATS) Proposal

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for consideration when preparing the forthcoming staff report respecting the same matter.

## **7. DISCUSSION ITEMS**

- 7.1 Upgrade of 911 System to the Next Generation 911 Messaging Service Delivery (FCS20082(a) / HSC20045(a) / PW22087) (City Wide)

The agenda for the December 5, 2022 General Issues Committee (Budget) meeting, was approved, as amended.

### **(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

### **(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)**

#### **(i) November 25, 2022 and December 2, 2022 (Items 3.1 and 3.2)**

The minutes of the November 25, 2022 and the December 2, 2022 General Issues Committee meetings, were approved, as presented.

### **(d) COMMUNICATION ITEMS (Item 4)**

The following Communication Items, respecting the Hamilton Alliance for Tiny Shelters (HATS) Proposal, were received and referred to the General Manager of Healthy and Safe Communities for consideration when preparing the forthcoming staff report respecting the same matter:

- (i) Correspondence from Elizabeth Selizardo respecting the Hamilton Alliance for Tiny Shelters (HATS) Proposal (Item 4.1)
- (ii) Correspondence from Marshia Hopmans respecting the Hamilton Alliance for Tiny Shelter (HATS) Proposal (Item 4.2)

**(e) DISCUSSION ITEMS (Item 7)**

**(i) Upgrade of 911 System to the Next Generation 911 Messaging Service Delivery (FCS20082(a) / HSC20045(a) / PW22087) (City Wide) (Item 7.1)**

That staff be directed to report back to the General Issues Committee regarding the relocation of community space (Saltfleet Room) and long-term plans for the Municipal Service Centre at the Former Stoney Creek City Hall Building (Municipal Service Centre).

**(ii) 2023 Tax Supported Capital Budget (FCS22081) (City Wide) (Item 7.2)**

**1. Cycling Master Plan / Active Transportation**

That staff be directed to report back to the General Issues Committee:

- (a) with an update on the status of the Cycling Master Plan including the date of completion;
- (b) to identify what portion of the City's transportation budget is used to fund active transportation;
- (c) to identify all funding sources to-date for the fulfillment of the Cycling Master Plan;
- (d) to identify what other jurisdictions are doing in terms of efforts to invest in their active transportation infrastructure;
- (e) with options available to accelerate the completion of the Cycling Master Plan by 25% to 50%; and,
- (f) to identify the corporate policies (such as the Vision Zero Action Plan, Complete Street Design Manual and Climate Action Plan) that would be used to inform the active transportation investments.

**3. Sidewalk Replacements**

That staff be directed to evaluate the different funding models for sidewalk replacements, and review how to delineate the replacement of sidewalk bays, as part of future capital/operating budgets, for easier reference, and report back to the General Issues Committee.

That consideration of Report FCS22081, respecting the 2023 Tax Supported Capital Budget, be DEFERRED to the January 20, 2023 General Issues (Budget) meeting.

**(f) ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee adjourned at 12:50 p.m.

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**January 20, 2023:**

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

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

**7. DISCUSSION ITEMS**

7.4 Ecosystem Services Study (PED23048) (City Wide)

**CHANGE TO THE ORDER OF ITEMS:**

That Item 7.4, Report PED23048, respecting Ecosystem Services Study be considered prior to Item 7.3, Report FCS22081, respecting the 2023 Tax Supported Capital Budget.

The agenda for the January 20, 2023 General Issues Committee (Budget) meeting, was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)**

**(i) December 5, 2022 (Item 3.1)**

The minutes of the December 5, 2022 General Issues Committee Budget meeting, were approved, as presented.

**(d) MOTIONS (Item 8)**

**(i) Accelerated Implementation of the Cycling Master Plan (Added Item 8.1)**

That staff initiate an Integrated Active Transportation Delivery Team comprised of staff from Planning and Economic Development (PED) and Public Works (PW) with the goal of filling connectivity gaps and accelerated implementation of the Cycling Master Plan and report to 2023 operating budget on financial implications of such an accelerated plan.

**(e) ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee Budget adjourned at 12:46 p.m.

Respectfully submitted,

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Councillor Brad Clark  
Chair, General Issues Committee Budget

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

# CITY OF HAMILTON MOTION

Council: January 25, 2023

**MOVED BY COUNCILLOR M. WILSON.....**

**SECONDED BY COUNCILLOR .....**

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

WHEREAS, the age and condition of Hamilton’s water/wastewater/stormwater systems requires ongoing investment;

WHEREAS, Hamilton’s discrepancy of wealth in terms of income means that there are members of our community who have an issue of affordability; and

WHEREAS, continuing to pursue a sustainable and generationally equitable funding formula for our water/wastewater/stormwater systems while providing a focused and intentional subsidy program will assist those made vulnerable by fulfilling this responsibility and maintain the City’s commitment to uphold the integrity of our systems.

THEREFORE, BE IT RESOLVED:

That staff be directed to assess the existing subsidy provision available to Hamilton residents in relation to the City’s water, wastewater and stormwater rate based services in order to enable the City of Hamilton to meet its existing and future asset management provisions to uphold the integrity of the infrastructure.

# CITY OF HAMILTON

## MOTION

Council Date: January 25, 2023

MOVED BY COUNCILLOR M. TADESON.....

SECONDED BY COUNCILLOR .....

### Council Membership on Sub-Committees for the 2022-2026 Term of Council

- (a) That the following Committees' Terms of Reference, be **amended** to reflect the following membership compositions:
- (i) Business Improvement Area Sub-Committee - **three (3)** members of Council;
  - (ii) Community Benefits Protocol Sub-Committee – **five (5)** members of Council;
  - (iii) Non-Union Compensation Sub-Committee – **two (2)** members of Council;
  - (iv) Open for Business – **three (3)** members of Council;
  - (v) Physician Recruitment and Retention Steering Committee – **two (2)** members of Council; and
  - (v) Procurement Sub-Committee – **five (5)** members of Council;
- (b) That the Corporate Policy respecting the Appointment of Citizens to the City's Local Boards, be **amended** to add flexibility of the membership compositions of the Standing Committee Interview Sub-Committees, as follows:

#### **Selection Process for Advisory Committees (excluding the Hamilton Indigenous Advisory Committee)**

13. A minimum of **two (2)** members of each Standing Committee (**plus alternates, where applicable**) are appointed to the respective Standing Committee Interview Sub-Committee whose mandate will be to:
- (i) Review citizen member applications for the City's Advisory Committees (excluding the Hamilton Indigenous Advisory Committee);
  - (ii) Applicants are shortlisted with assistance of staff, where appropriate, based on the applicant information provided;

- (iii) Interview candidates;
  - (iv) Make recommendations to the respective Standing Committee for the appointment of citizen members to the various Advisory Committees (excluding the Hamilton Indigenous Advisory Committee). These recommendations are ratified by Council.
- (c) That the Council Member appointments to the following Sub-Committees, for the 2022-2026 Term of Council, be approved:
  - (i) Advisory Committee for Persons with Disabilities
    - (1) Councillor Tadeson
  - (ii) Agricultural and Rural Affairs Sub-Committee
    - (1) Councillor Clark
    - (2) Councillor Beattie
    - (3) Councillor Tadeson
    - (4) Councillor Cassar
    - (5) Councillor A. Wilson
    - (6) Councillor McMeekin
  - (iii) Airport Sub-Committee
    - (1) Councillor Beattie
    - (2) Councillor Cassar
    - (3) Councillor Francis
    - (4) Councillor Hwang
    - (5) Councillor McMeekin
    - (6) Councillor Pauls
    - (7) Councillor Spadafora
    - (8) Councillor Tadeson
  - (iv) Business Improvement Area Sub-Committee
    - (1) Councillor Hwang
    - (2) Councillor Pauls
    - (3) Councillor M. Wilson
  - (v) Cleanliness and Security in the Downtown Core Task Force
    - (1) Councillor Kroetsch
    - (2) Councillor M. Wilson
  - (vi) Community Benefits Protocol Sub-Committee
    - (1) Councillor Hwang
    - (2) Councillor Kroetsch



- (3) Councillor Nann
  - (4) Councillor Tadeson
  - (5) Councillor M. Wilson
- (vii) Cross-Melville District Heritage Committee (Dundas)
  - (1) Councillor A. Wilson
- (viii) Development Charges Stakeholders Sub-Committee
  - (1) Mayor Horwath
  - (2) Councillor Cassar
  - (3) Councillor Clark
  - (4) Councillor Danko
  - (5) Councillor Hwang
  - (6) Councillor M. Wilson
- (ix) Expanding Housing and Support Services For Women, Non-Binary and Transgender Community Sub-Committee
  - (1) Councillor Kroetsch
  - (2) Councillor Nann
  - (3) Councillor A. Wilson
  - (4) Councillor M. Wilson
- (x) Facility Naming Sub-Committee
  - (1) Councillor Cassar
  - (2) Councillor Francis
  - (3) Councillor Jackson
  - (4) Councillor A. Wilson
- (xi) Glanbrook Landfill Co-ordinating Committee
  - (1) Councillor Tadeson (Ward 11)
- (xii) Governance Review Sub-Committee
  - (1) Councillor Clark
  - (2) Councillor Danko
  - (3) Councillor Hwang
  - (4) Councillor Kroetsch
  - (5) Councillor Nann
  - (6) Councillor M. Wilson
- (xiii) Grants Sub-Committee
  - (1) Councillor Francis
  - (2) Councillor Jackson
  - (3) Councillor Kroetsch

- (4) Councillor Nann
  - (5) Councillor Tadeson
  - (6) Councillor M. Wilson
  
- (xix) Greater Bay Area Sub-Committee
  - (1) Mayor Horwath
  - (2) Councillor Cassar
  - (3) Councillor Hwang
  
- (xx) Hamilton Future Fund Board of Governors
  - (1) Councillor Cassar
  - (2) Councillor Hwang
  - (3) Councillor Nann
  - (4) Councillor A. Wilson
  - (5) Councillor M. Wilson
  
- (xxi) Hamilton - Oshawa Port Authority - City of Hamilton Liaison Committee
  - (1) Mayor Horwath
  - (2) Councillor Francis
  - (3) Councillor Hwang
  - (4) Councillor Nann
  
- (xxii) Hamilton Police Services Board Selection Committee
  - (1) Mayor Horwath
  - (2) Councillor Kroetsch
  - (3) Councillor Nann
  - (4) Councillor Pauls
  - (5) Councillor Spadafora
  - (6) Councillor M. Wilson
  
- (xxiii) Hamilton Water Sub-Committee
  - (1) Councillor Cassar
  - (2) Councillor Hwang
  - (3) Councillor A. Wilson
  - (4) Councillor M. Wilson
  
- (xxiv) Hamilton-Wentworth Catholic District School Board (HWCD SB) Liaison Committee
  - (1) Mayor Horwath
  - (2) Councillor Beattie
  - (3) Councillor Tadeson

- (xxv) Hamilton-Wentworth District School Board (HWDSB) Liaison Committee
  - (1) Mayor Horwath
  - (2) Councillor Francis
  - (3) Councillor Spadafora
  
- (xxvi) Interview Sub-Committee to the Audit, Finance and Administration Committee
  - (1) Councillor Clark
  - (2) Councillor Hwang
  
- (xxvii) Interview Sub-Committee to the Board of Health
  - (1) Mayor Horwath
  - (2) Councillor Nann
  - (3) Councillor M. Wilson
  - (Alternate) Councillor Cassar
  - (Alternate) Councillor Hwang
  
- (xxviii) Interview Sub-Committee to the Emergency and Community Services Committee
  - (1) Councillor Clark
  - (2) Councillor Hwang
  - (3) Councillor Jackson
  - (Alternate) Councillor Kroetsch
  - (Alternate) Councillor Nann
  
- (xxix) Interview Sub-Committee to the General Issues Committee
  - (1) Councillor Hwang
  - (2) Councillor Nann
  - (Alternate) Councillor Cassar
  
- (xxx) Interview Sub-Committee to the Public Works Committee
  - (1) Councillor Cassar
  - (2) Councillor Francis
  - (3) Councillor M. Wilson
  
- (xxxi) Light Rail Transit Sub-Committee
  - (1) Mayor Horwath
  - (2) Councillor Cassar
  - (3) Councillor Danko
  - (4) Councillor Francis
  - (5) Councillor Hwang
  - (6) Councillor Kroetsch
  - (7) Councillor M. Wilson

- (xxxii) Mayor's Intelligent Community Sub-Committee
  - (1) Mayor Horwath
  - (2) Councillor Cassar
  - (3) Councillor Hwang
  
- (xxxiii) Non-Union Compensation Sub-Committee
  - (1) Councillor Kroetsch
  - (2) Councillor A. Wilson
  
- (xxxiv) Open for Business
  - (1) Councillor Cassar
  - (2) Councillor Hwang
  - (3) Councillor M. Wilson
  
- (xxxv) Physician Recruitment and Retention Steering Committee
  - (1) Councillor Hwang
  - (2) Councillor Tadeson
  
- (xxxvi) Procurement Sub-Committee
  - (1) Councillor Danko
  - (2) Councillor Hwang
  - (3) Councillor Kroetsch
  - (4) Councillor A. Wilson
  - (5) Councillor M. Wilson
  
- (xxxvii) School Board Properties Sub-Committee
  - (1) Councillor Beattie
  - (2) Councillor Francis
  - (3) Councillor Jackson
  - (4) Councillor Kroetsch
  - (5) Councillor Tadeson
  - (6) Councillor M. Wilson
  
- (xxxviii) Selection Committee for Agencies, Boards and Sub-Committees
  - (1) Councillor Cassar
  - (2) Councillor Clark
  - (3) Councillor Francis
  - (4) Councillor Jackson
  - (5) Councillor Kroetsch
  - (6) Councillor Nann
  - (7) Councillor Tadeson
  - (8) Councillor A. Wilson
  - (9) Councillor M. Wilson

(xxxix) Transit Area Rating Review Sub-Committee

- (1) Councillor Cassar
- (2) Councillor Clark
- (3) Councillor Hwang
- (4) Councillor McMeekin
- (5) Councillor Tadeson
- (6) Councillor A. Wilson

(xl) Truck Route Sub-Committee

- (1) Councillor Cassar
- (2) Councillor Jackson
- (3) Councillor Kroetsch
- (4) Councillor Nann
- (5) Councillor Tadeson
- (6) Councillor A. Wilson
- (7) Councillor M. Wilson

(xli) Waste Management Sub-Committee

- (1) Councillor Francis
- (2) Councillor Tadeson
- (3) Councillor A. Wilson

(xlii) Wentworth Lodge Heritage Trust Fund

- (1) Councillor A. Wilson (Ward 13)

(xliii) West Harbour Development Sub-Committee

- (1) Mayor Horwath
- (2) Councillor Cassar
- (3) Councillor Kroetsch
- (4) Councillor Spadafora

# CITY OF HAMILTON MOTION

City Council: January 25, 2023

**MOVED BY COUNCILLOR M. FRANCIS.....**

**SECONDED BY COUNCILLOR T. MCMEEKIN.....**

**Hamilton Library Board of Directors**

WHEREAS Councillor Francis was appointed to the Hamilton Library Board of Directors on November 16, 2022;

WHEREAS Councillor Francis at this time wishes to resign from the Hamilton Library Board of Directors due to a scheduling conflict; and

WHEREAS Councillor McMeekin wishes to replace Councillor Francis on the Hamilton Library Board of Directors.

THEREFORE BE IT RESOLVED:

- (a) That Councillor Francis' resignation, be received; and
- (b) That Councillor McMeekin be appointed to the Hamilton Library Board of Directors for the remainder of the 2022-2026 Term of Council.

# CITY OF HAMILTON MOTION

City Council: January 25, 2023

**MOVED BY COUNCILLOR J.P. DANKO.....**

**SECONDED BY COUNCILLOR .....**

### **Appointments to the Sole Voting Member of the Hamilton Tourism Development Corporation**

(a) That the Council Member appointments to the following Sole Voting Member group, for the 2022-2026 Term of Council, be approved:

(i) Sole Voting Member of the Hamilton Tourism Development Corporation

- (1) Mayor A. Horwath
- (2) Councillor M. Wilson
- (3) Councillor C. Kroetsch
- (4) Councillor N. Nann
- (5) Councillor T. Hwang
- (6) Councillor M. Francis
- (7) Councillor T. Jackson
- (8) Councillor E. Pauls
- (9) Councillor J.P. Danko
- (10) Councillor B. Clark
- (11) Councillor J. Beattie
- (12) Councillor M. Tadeson
- (13) Councillor C. Cassar
- (14) Councillor A. Wilson
- (15) Councillor M. Spadafora
- (16) Councillor T. McMeekin

(b) That the City Solicitor be directed to prepare the appropriate by-laws and any ancillary documents, as may be required, to give effect to the Council Member appointments to the Sole Voting Member group, for the 2022-2026 Term of Council, as shown above in sub-section (a).

# CITY OF HAMILTON MOTION

City Council: January 25, 2023

**MOVED BY COUNCILLOR B. CLARK.....**

**SECONDED BY COUNCILLOR .....**

### **Authorization to Execute Resolutions in Writing on Behalf of the City of Hamilton as the Sole Shareholder or Sole Voting Member**

WHEREAS, authorization is required to execute the necessary corporate resolutions on behalf of the City of Hamilton as the sole shareholder or sole voting member in order to appoint members of Council to the boards of directors for the following City-owned corporations:

- (i) Hamilton Utilities Corporation;
- (ii) The Hamilton Street Railway Company;
- (iii) Hamilton Renewable Power Inc.;
- (iv) Hamilton Enterprises Holding Corporation;
- (v) CityHousing Hamilton Corporation;
- (vi) Hamilton Farmers' Market Corporation; and
- (vii) Hamilton Tourism Development Corporation.

THEREFORE BE IT RESOLVED:

That Item 10.2 of the minutes of November 16, 2022 Council meeting be **amended** by adding a new sub-section (i) as follows:

### **10.2 Council Membership on Shareholder and Sole Voting Member Groups, Agencies, Boards and Tribunals for the 2022-2026 Term of Council**

***(i) That the Mayor and City Clerk be authorized and directed to execute the necessary corporate resolutions in writing on behalf of the City of Hamilton as the sole shareholder or sole voting member in order to appoint members of Council to the boards of directors for the following City-owned corporations, all in a form acceptable to the City Solicitor:***

- (i) Hamilton Utilities Corporation;***
- (ii) The Hamilton Street Railway Company;***
- (iii) Hamilton Renewable Power Inc.;***
- (iv) Hamilton Enterprises Holding Corporation;***
- (v) CityHousing Hamilton Corporation;***
- (vi) Hamilton Farmers' Market Corporation; and***
- (vii) Hamilton Tourism Development Corporation.***



# CITY OF HAMILTON

## M O T I O N

City Council: January 25, 2023

**MOVED BY COUNCILLOR M. WILSON.....**

**SECONDED BY COUNCILLOR.....**

**Amendment to Item 3 of Board of Health Report 22-008, respecting Physician Recruitment and Retention Steering Committee Report 22-002 – August 5, 2022, which was approved at Council on August 12, 2022**

WHEREAS, it is necessary to authorize the Medical Officer of Health to execute any and all agreements, amendments and ancillary documents necessary to transfer the Hamilton Physicians program to the Greater Hamilton Health Network, in a form satisfactory to the City Solicitor.

THEREFORE, BE IT RESOLVED:

That Item 3 of Board of Health Committee Report 22-008 respecting the Physician Recruitment and Retention Steering Committee Report 22-002 – August 5, 2022, be **amended**, by adding a new sub-section (a)(i)10, to read as follows:

- 3. Physician Recruitment and Retention Steering Committee Report 22-002 - August 5, 2022 (Item 10.1)**
  - (a) Working Group of the Physician Recruitment and Retention Steering Committee Report 22-001 (Item 1)
    - (i) Proposal to Transfer Program into the Greater Hamilton Health Network & Formalize Existing Funding Relationships (Item 4.1)
      - (10) That the Medical Officer of Health be authorized to execute any and all agreements, amendments and ancillary documents necessary to transfer the Hamilton Physicians program to the Greater Hamilton Health Network, in a form satisfactory to the City Solicitor.**

Main Motion, as ***Amended***, to read as follows:

**3. Physician Recruitment and Retention Steering Committee Report 22-002 - August 5, 2022 (Item 10.1)**

- (a) Working Group of the Physician Recruitment and Retention Steering Committee Report 22-001 (Item 1)
  - (i) Proposal to Transfer Program into the Greater Hamilton Health Network & Formalize Existing Funding Relationships (Item 4.1)
    - (1) That Physician Recruitment and Retention Program (Hamilton Physicians), with the support of the Greater Hamilton Health Network, attached as Appendix A to Physician Recruitment and Retention Steering Committee Report 22-002, be transferred to the Greater Hamilton Health Network (GHHN), as an independent department therein, reporting to the Executive Director of the GHHN, on a date mutually agreed upon and no later than February 28, 2023, attached to Working Group of the Physician Recruitment and Retention Steering Committee Report 22-001 as Appendix B to Physician Recruitment and Retention Steering Committee Report 22-002;
    - (2) That from the date of the transfer, Physician Recruitment and Retention Program (Hamilton Physicians) staff will become employees of the Greater Hamilton Health Network (GHHN):
      - (aa) with the same terms and conditions of employment;
      - (bb) from which time they will adhere to GHHN policies; and
      - (cc) may have the opportunity to become permanent employees of the GHHN;
    - (3) That the Key Performance Indicators (KPI) of the Physician Recruitment and Retention Program (Hamilton Physicians) will remain unchanged upon the initial transfer of the Program to the Greater Hamilton Health Network (GHHN) and any future changes will require approval of the Executive Council of the GHHN and that the GHHN provide an annual report to the Board of Health on the KPIs;

- (4) That the following be transferred to the Greater Hamilton Health Network (GHHN):
  - (aa) All existing property purchased by Hamilton Physicians, including all office furniture, equipment and supplies;
  - (bb) Administration for payroll and expenses;
  - (cc) The balance of the City of Hamilton's current contribution to the Physician Recruitment and Retention Program (Hamilton Physicians) operating budget of \$75,000;
  - (dd) Payments from existing funding partnership arrangements;
  - (ee) All Physician Recruitment and Retention Program (Hamilton Physicians) surplus funds (as of May 31, 2022, this amount is \$515,116.05), net any outstanding liabilities; and
  - (ff) The Hamilton Physicians brand, which will be maintained by the Greater Hamilton Health Network (GHHN);
- (5) That the Greater Hamilton Health Network will commit all budgeted future Physician Recruitment and Retention Program (Hamilton Physicians) funding payments to physician recruitment and retention efforts;
- (6) That the Greater Hamilton Health Network (GHHN) will pursue formal funding arrangements with the Physician Recruitment and Retention Program (Hamilton Physicians) current partners and with other stakeholders, including the other municipalities within its mandate;
- (7) That an ad-hoc working group, be established, as follows:
  - (aa) The ad-hoc working group shall consist of one representative from each of the Physician Recruitment and Retention Program stakeholders
  - (bb) The ad-hoc working group shall report to the Working Group of the Physician Recruitment and Retention Steering Committee;

- (cc) The ad hoc working group shall investigate the details of the program transfer from the Hamilton Physicians partnership to the Greater Hamilton Health Network (GHHN) including, but not limited to, those considerations set out in subsections (a) through (f);
  - (dd) The ad hoc working group shall be disbanded on the successful and final transfer of the Physician Recruitment and Retention Program to the GHHN;
  - (ee) The Working Group of the Physician Recruitment and Retention Steering Committee shall develop and approve the terms of reference for the ad hoc working group;
- (8) That the Physician Recruitment and Retention Steering Committee:
- (aa) be established for the 2022-2026 Term of Council; and
  - (bb) be disbanded upon the transfer of the Physician Recruitment and Retention Program to the Greater Hamilton Health Network; and
- (9) That the Executive Director of the Greater Hamilton Health Network, or their designate, be invited to attend the next meeting of the Recruitment and Retention Steering Committee; **and**
- (10) ***That the Medical Officer of Health be authorized to execute any and all agreements, amendments and ancillary documents necessary to transfer the Hamilton Physicians program to the Greater Hamilton Health Network, in a form satisfactory to the City Solicitor.***

# CITY OF HAMILTON MOTION

Council: January 25, 2023

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR.....

**Amendment to Item 7 of Emergency and Community Services Committee Report 22-012 respecting the Adaptation and Transformation of Services for People Experiencing Homelessness Update 6 (HSC20020(f)) (City Wide) REVISED**

WHEREAS, on August 12, 2022 Council approved a grant to Mission Services of Hamilton Inc., (“Mission Services”) for capital improvements for the provision of an emergency shelter for men containing 58 permanent emergency shelter beds and 50 transitional beds on the property known municipally as 400 King Street East (the “Property”);

WHEREAS, subsequent to Council’s approval staff became aware that Mission Services would not be undertaking the capital improvements but instead would be purchasing the Property with the capital improvements completed for the provision for 58 permanent emergency shelter beds and 32 transitional beds and after purchase would construct and addition which would contain 36 emergency shelter beds;

WHEREAS, once the construction of the addition is completed the Property would be organized to contain 58 permanent emergency shelter beds and 50 transitional beds; and

WHEREAS, the provision of the grant to Mission Services is required for the purchase of the Property.

THEREFORE, BE IT RESOLVED:

That Item 7(a)(i)1 of Emergency and Community Services Committee Report 22-012 respecting the Adaptation and Transformation of Services for People Experiencing Homelessness Update 6 (HSC20020(f)) (City Wide), be **amended**, as follows:

(a) That staff be authorized to implement an interim plan for homelessness system service levels at an approximate cost of \$5.472M for additional pressures in 2022 and to the end of March 2023, as follows:

(i) In 2022:

1. Subject ***to such conditions as the General Manager of Healthy and Safe Communities deems appropriate***, provide a one-time grant to a maximum amount of \$3.04 M to Mission Services ***to purchase the property known municipally as 400 King Street East (the “Property”) for the purpose of operating*** a new men’s emergency shelter location at ***the Property instead of at Mission Services’ current shelter location at 325 James St. North, and which possesses, at the time of closing of the sale, the necessary capital improvements for the relocation and operation of an emergency shelter for men containing 58 permanent emergency beds and 32 transitional beds;***

**Main Motion, as Amended to read as follows:**

**7. Adaptation and Transformation of Services for People Experiencing Homelessness Update 6 (HSC20020(f)) (City Wide) (Item 10.3)**

- (a) That staff be authorized to implement an interim plan for homelessness system service levels at an approximate cost of \$5.472M for additional pressures in 2022 and to the end of March 2023, as follows:

- (i) In 2022:

1. Subject ***to such conditions as the General Manager of Healthy and Safe Communities deems appropriate***, provide a one-time grant to a maximum amount of \$3.04 M to Mission Services ***to purchase the property known municipally as 400 King Street East (the “Property”) for the purpose of operating*** a new men’s emergency shelter location at ***the Property instead of at Mission Services’ current shelter location at 325 James St. North, and which possesses, at the time of closing of the sale, the necessary capital improvements for the relocation and operation of an emergency shelter for men containing 58 permanent emergency beds and 32 transitional beds;***

2. Ancillary costs, including security and damages, associated with the rental of hotel rooms for expanded temporary emergency shelter for single men and women, in the approximate amount of \$500 K;

- (ii) From January to March 2023, addressing the needs of community members accessing the emergency shelter system through:

1. Interim capacity of up to 100 additional beds in the women’s emergency shelter system as needed, by extending temporary emergency shelter operations at 378 Main Street

East (the former Cathedral Boys School) at an approximate cost of \$334 K monthly for an approximate total of \$1 M;

2. Maintaining increased interim emergency shelter capacity of up to 24 beds in the men's system, by increasing the overflow capacity of the new Mission Services men's shelter by up to 24 additional beds in the approximate monthly amount of \$58.3 K for an approximate total of \$175 K;
  3. Extending four temporary emergency shelter beds at Salvation Army men's shelter at an approximate cost of \$22 K; and;
  4. Continuation of enhanced drop-in services including but not limited to The Living Rock Ministries, Mission Services of Hamilton Inc., Wesley Urban Ministries Inc. and The Hamilton Young Women's Christian Association (YWCA) in the approximate monthly amount of \$245 K for an approximate total of \$735 K;
- (b) That staff be directed to pursue full recovery from senior levels of government for the costs identified in recommendation (a) as they are associated to COVID and that recommendations will be coming back through the Year End report outlining what has been funded and what requires additional funding;
- (c) That staff be directed to bring a business case forward to Council through the 2023 budget process detailing a phased transition plan over the remaining nine months of 2023 for the emergency shelter system; and,
- (d) That the Mayor, on behalf of City Council, correspond with the Federal Minister of Housing and Diversity and Inclusion and the Provincial Minister of Municipal Affairs and Housing to advocate for additional transitional COVID-19 funding resources to support ongoing housing and homelessness systems responses, address budgetary shortfalls, and mitigate impacts on the City.
- (e) That the General Manager of the Healthy and Safe Communities Department be directed and authorized, to enter into, execute and administer all agreements and documents necessary to implement the grants outlined in Recommendation (a) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department and in a form satisfactory to the City Solicitor.

# CITY OF HAMILTON MOTION

City Council: January 25, 2023

**MOVED BY COUNCILLOR C. KROETSCH.....**

**SECONDED BY COUNCILLOR .....**

**Hamilton Waterfront Trust Board of Trustees**

WHEREAS, Council appointed three members of Council to the Hamilton Waterfront Trust Board of Trustees at the 2022 Inaugural meeting, with the intention to recruit two citizen members, as per past practice; and

WHEREAS, the Hamilton Waterfront Trust Deed of Trust states that the City will appoint all of the Trustees of the Hamilton Waterfront Trust Board of Directors which shall be no fewer than 5, and each appointed for a four-year term consistent with the term of Council, with each Trustee being a resident of the City of Hamilton.

THEREFORE BE IT RESOLVED:

That Councillor Hwang, be appointed to the Hamilton Waterfront Trust Board of Trustees, for the remainder of the 2022-2026 Term of Council.



# CITY OF HAMILTON

## MOTION

Council: January 25, 2023

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY MAYOR A. HORWATH.....

**Amendment to the By-law 21-021, A By-law to Govern the Proceedings of Council and Committees of Council**

WHEREAS, current Council and Committee meetings have been excessive in length; and

WHEREAS, the *Employment Standards Act* stipulates the City’s legal obligations with respect to City staff's basic entitlements;

THEREFORE, BE IT RESOLVED:

(a) That By-law No. 21-021, be ***amended***, by including the following subsections:

**3.2 Regular Council Meeting Times**

**(4) *A meeting of Council shall adjourn after being in session for eight (8) hours;***

**(5) *A meeting of Council will recess for 30 minutes within the first five (5) hours of a meeting, in accordance with the Employment Standards Act;***

**(6) *Notwithstanding subsection 3.2(4), Council may extend the meeting for a specified period of time, with majority of the Members of Council present and voting in the affirmative.***

**5.6 Standing Committee Meeting Times**

**(4) *A meeting of Committee shall adjourn after being in session for eight (8) hours;***

**(5) *A meeting of Committee will recess for 30 minutes within the first five (5) hours of a meeting, in accordance with the Employment Standards Act;***

- (6) *Notwithstanding subsection 5.6(4), Committee may extend the meeting for a specified period of time, with a majority of the Members of Committee present and voting in the affirmative.***

# CITY OF HAMILTON

## MOTION

Council: January 25, 2023

MOVED BY COUNCILLOR J. BEATTIE.....

SECONDED BY COUNCILLOR.....

**Amendment to Item 4(a) of Public Works Committee Report 22-004, respecting Appropriation Transfer of Funds for Dewitt Road - Highway 8 to Barton Street (PW22014) (Ward 10)**

WHEREAS, Council on March 30, 2022, approved Item 4(a) of Public Works Committee Report 22-004, respecting Appropriation Transfer of Funds for Dewitt Road - Highway 8 to Barton Street (PW22014) (Ward 10), that the General Manager of Public Works be authorized and directed to award Tender C15-76-21 (HS) Dewitt Road and Highway 8 - Sewer, Watermains, Roadway, Curb and Sidewalk Reconstruction to Coco Paving Inc. in the amount of \$4,173,238 (not including contingency and non-refundable HST) and that the General Manager of Public Works be authorized to execute, on behalf of the City of Hamilton, all agreements and other documents necessary to implement this award on confirmation that each such agreement be in a form satisfactory to the City Solicitor;

WHEREAS, the award of the contract C15-76-21(HS) could not completed as the time open for acceptance of the Request for Tenders had expired and in discussions with the lowest compliant bidder, GIP, the vendor was not agreeable to extending the irrevocability of its bid due to significant cost increases and pressures experienced in the construction market and supply chain and therefore could no longer hold their price; and

WHEREAS, staff need to re-tender the project for Dewitt Road and Highway 8 - Sewer, Watermains, Roadway, Curb and Sidewalk Reconstruction.

THEREFORE, BE IT RESOLVED:

That Item 4 of the Public Works Committee Report 22-004, respecting Appropriation Transfer of Funds for Dewitt Road - Highway 8 to Barton Street (PW22014) (Ward 10), be **amended**, in order to re-tender the project the project for Dewitt Road and Highway 8 - Sewer, Watermains, Roadway, Curb and Sidewalk Reconstruction, by deleting Sub-section (a), as follows:

~~‘(a) — That the General Manager of Public Works be authorized and directed to award Tender C15-76-21 (HS) Dewitt Road and Highway 8 - Sewer, Watermains, Roadway, Curb and Sidewalk Reconstruction to Coco Paving Inc. in the amount of \$4,173,238 (not including contingency and non-refundable HST) and that the General Manager~~

~~**of Public Works be authorized to execute, on behalf of the City of Hamilton, all agreements and other documents necessary to implement this award on confirmation that each such agreement be in a form satisfactory to the City Solicitor; and,**~~

Main Motion, as **Amended**, to read as follows:

**4. Appropriation Transfer of Funds for DeWitt Road - Highway 8 to Barton Street (PW22014) (Ward 10) (Item 10.2)**

- (a) That the budget and financing plan for DeWitt Road Sanitary Sewer – Highway 8 to Barton Street project (# 5162171025), totaling \$3,261,000, be amended and approved from the following sources referenced in Appendix “A” to Public Works Committee Report 22-004:
  - (i) \$1,700,000 from rate revenues as approved in the 2021 and 2022 capital budgets;
  - (ii) An additional \$780,500 from the Linear Wastewater Development Charges Reserves (\$483,910 from Reserve #110340 and \$296,590 from Reserve #110341);
  - (iii) A capital budget appropriation of previously approved Linear Wastewater Development Charges of \$200,000 from the 2017 Intensification Infrastructure Upgrades project (#5161796011);
  - (iv) A capital budget appropriation of previously approved Linear Wastewater Development Charges of \$200,000 from the 2019 Intensification Infrastructure Upgrades project (#5161996011); and
  - (v) A capital budget appropriation of previously approved rate revenues of \$380,500 from the DeWitt Road Sanitary Sewer – Barton Street to South Service Road project (#5162280280).

# COUNCIL COMMUNICATION UPDATES

**December 2, 2022 to January 19, 2023**


Council received the following Communication Updates during the time period listed above, the updates are also available to the public at the following link: <https://www.hamilton.ca/government-information/information-updates/information-updates-listing>, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Item Number	Date	Department	Subject
1	December 2, 2022	Corporate Services	Chedoke Creek Spill Legal Expenses
2	December 5, 2022	Planning and Economic Development	Noise Enforcement Team Update (City Wide)
3	December 6, 2022	Healthy and Safe Communities	Central Memorial Recreation Centre Construction Update (City Wide)
4	December 6, 2022	Public Works	Grindstone Creek Watershed Natural Asset Project - HW.22.12 (City Wide)
5	December 6, 2022	Public Works	City Hall Pedestrian Access Walkway (Wishbone Structure) Repairs Communication Update (Ward 2) (EFFM22-02)
6	December 8, 2022	Healthy and Safe Communities	Rapid Housing Initiate Round 3 (RHI3) (City Wide)
7	December 12, 2022	Public Health	Respiratory Illness Dashboard Updates – December 2022
8	December 14, 2022	Healthy and Safe Communities	Bennetto Recreation Centre Construction Update (City Wide)
9	December 21, 2022	Public Works	Chedoke Creek Remediation - MECP Order Extension - HW.22.13
10	January 5, 2023	Planning and Economic Development	Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (City Wide)
11	January 5, 2023	Healthy and Safe Communities	Enterprise Canada Consultation with Councillors on Renoviction Review (City Wide)
12	January 9, 2023	Planning and Economic Development	Quarterly Update (October - December 2022) Loans/Grants Approved by the General Manager of Planning and Economic Development (Wards 1, 2, 3 and 4)
13	January 12, 2023	Healthy and Safe Communities	Hamilton's Early Childhood Educator Marketing Strategy (City Wide)
14	January 13, 2023	Public Works	2022 Tree Planting Update (City Wide) (ES23002)

15	January 13, 2023	Planning and Economic Development	Discovery Centre Site (Opportunity Study): Community Survey - Results Summary (Ward 2)
16	January 16, 2023	Planning and Economic Development	2023 Hamilton Winterfest Program Update (City Wide)
17	January 16, 2023	City Manager's Office	City Dashboard - Beta Release (City Wide)
18	January 19, 2023	Healthy and Safe Communities	Hamilton Paramedic Service Awarded Grant from Firehouse Subs Public Safety Foundation of Canada (City Wide)



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	December 2, 2022
<b>SUBJECT:</b>	Chedoke Creek Spill Legal Expenses
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Lisa Shields City Solicitor Corporate Services Department
<b>SIGNATURE:</b>	

This Communication Update is to provide Members of Council with information regarding the legal expenses incurred by the City since the retention of legal counsel in August 2018 with respect to the Chedoke Creek spill. At the November 30, 2022, General Issues Committee Meeting, it was requested that this information be made public.

This is to advise that as of today's date, the City has incurred legal expenses in the amount of \$195,000, with unbilled work in progress of approximately \$40,000, exclusive of HST.

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## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	December 5, 2022
<b>SUBJECT:</b>	Noise Enforcement Team Update (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	<i>Monica Ciriello</i>

This update is to inform the Mayor and Members of Hamilton City Council on the discontinuance of the joint Municipal Law Enforcement (MLE) and Hamilton Police Service (HPS) Noise Enforcement Team.

### BACKGROUND

The joint Noise Enforcement Team was established in 2015 as a result of Report PED14254 - Establishment of a Specialized By-law Enforcement Unit. One MLE officer and one HPS officer would be dispatched to noise calls on Thursdays, Fridays, and Saturdays (May to September) and Fridays – Saturdays (October to April) from 9 p.m. – 5 a.m.

As demonstrated by the chart below, the joint Noise Enforcement Team responded to most complaints during the summer months.

2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Grand Total
MLE/HPS Project	72	62	51	73	130	126	97	74	136	65	49	935

The chart below outlines the total number of Administrative Penalty Notice (APN) charges for contraventions of the Noise Control By-law No. 11-285 issued by MLE officers, inclusive of daytime and evening noise complaints. Each noise APN charge is a total of \$100.00.

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<b>2022 Noise By-Law APS Charges</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Oct</b>	<b>Nov</b>	<b>Grand Total</b>
make noise likely to disturb inhabitants	3	-	1	-	1	1	1	1	1	4	13
make unreasonable noise	4	3	10	4	2	1	1	-	1	-	26
permit noise likely to disturb inhabitants	-	-	-	-	-	-	3	1	1	1	6
permit unreasonable noise to be made	-	-	-	-	2	1	3	-	-	2	8
<b>Grand Total</b>	<b>7</b>	<b>3</b>	<b>11</b>	<b>4</b>	<b>5</b>	<b>3</b>	<b>8</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>53</b>

**MOVING FORWARD**

HPS has advised MLE of their ongoing staffing challenges, and as such, HPS is redeploying officers to the frontline to manage the increased demand for service.

Due to this development, beginning January 1, 2023, HPS will no longer be participating in the joint Noise Enforcement Team. HPS will only be responding to noise complaints for:

1. extenuating circumstances;
2. a public safety component; or,
3. if an MLE officer requires assistance.

To adapt to these circumstances, as of January 1, 2023, MLE officers will continue enforcement of evening noise complaints and proactive enforcement. Two MLE officers will log-on with HPS dispatch on Thursdays, Fridays and Saturdays (May to September) and Fridays – Saturdays (October to April) from 6 p.m. – 1 a.m. to address noise complaints. In addition to this shift, MLE will continue to take noise complaints from Monday – Friday between the hours of 8:30 a.m. – 4:30 p.m. MLE will continue to maintain proactive noise monitoring and reporting of problem properties, which is conducted by officers during the aforementioned shifts.

Based on the findings of a consultation report in 2008, it was recommended that Municipal Law Enforcement Officers’ hours of operation should not exceed 1:00 a.m. due to safety reasons, as it was found that majority of noise calls beyond this time required police involvement. As such, MLE officers do not work past 1:00 a.m. unless part of a special project or in joint enforcement with HPS.

**SUBJECT: Noise Enforcement Team Update (City Wide) - Page 3 of 3**

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Residents of the City can report noise complaints by contacting **905-546-2782 option 2** or the City of Hamilton Contact Centre **905-546-2489**. Noise complaints outside of scheduled shifts can be directed to the HPS non-emergency line **905-546-4925** and response times will be set by the HPS Priority Response System.


If you have any questions respecting this communication, please contact Monica Ciriello, Director, Licensing and By-law Services, by phone at Ext. 5809 or by email at [Monica.Ciriello@hamilton.ca](mailto:Monica.Ciriello@hamilton.ca).

**APPENDICES AND SCHEDULES ATTACHED**

N/A



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	December 6, 2022
<b>SUBJECT:</b>	Central Memorial Recreation Centre Construction Update (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Angela Burden General Manager Healthy and Safe Communities Department
<b>SIGNATURE:</b>	

Central Memorial Recreation Centre was temporarily closed in August 2022 to complete scheduled construction work and maintenance. The Recreation Division is pleased to share construction is complete and the facility is prepared to reopen for community drop-in programming beginning December 12, 2022.

With the reopening being so close to the holidays, relocated registered programs will continue at Norman Pinky Lewis Recreation Complex and Bernie Morelli Recreation Centre for the remainder of the fall season ending this week. The Winter season begins January 9, 2023 and registration for winter programs will take place on December 7, 2022 at 8:00 a.m. via [www.hamilton.ca/registration](http://www.hamilton.ca/registration).

As this facility is heavily used by renters of the gym and pool space, Recreation staff have notified user groups by phone and email. Signage has also been placed outside of the facility to inform the community of the reopening.

Reopening details will also be shared on the City's website, social media and with media.

The following maintenance work was completed at the facility:

- Deep cleaning and grouting of the pool
- Grouting of the men's shower area
- Stripping and refinishing of the gym floor
- Scraping and painting of the beams over the pool

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**SUBJECT: Central Memorial Recreation Centre – Construction Update (City Wide)  
- Page 2 of 2**

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- Painting bench legs in change rooms
- Painting the craft room wall
- Parking lot resurfacing
- Upgrades to the fire alarm system
- Elevator modernization (replacement of equipment, accessibility upgrades and new interior cab finishes) – **available later in December 2022, pending final inspection**

Should you require further information, please contact Dawn Walton, Manager, Business Support, Recreation Division via email at [dawn.walton@hamilton.ca](mailto:dawn.walton@hamilton.ca) or by telephone at (905) 546-2424 ext. 4755.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Central Memorial Recreation Centre Images



**Parking Lot Resurfacing**



**Gymnasium Refinishing**




**Pool Beam Repainting and Deep Clean**





## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	December 6, 2022
<b>SUBJECT:</b>	Grindstone Creek Watershed Natural Asset Project - HW.22.12 (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Cari Vanderperk Director, Watershed Management Public Works Department
<b>SIGNATURE:</b>	

In January 2019, Municipal Natural Assets Initiative (MNAI) partnered with the Friends of the Greenbelt Foundation and solicited expressions of interest for local governments to host a pilot project located in a watershed within or originating within Ontario's Greenbelt. Through this project, MNAI would offer scientific, financial, and municipal services management expertise.

Municipal natural assets refers to the stock of natural resources or ecosystems, such as forests and wetlands, that contribute to the provision of one or more services. For example, a wetland stores excess rainwater that is slowly released over time while pollutants are removed and peak flood volumes are decreased. At the local level, we all rely heavily on nature's services to improve our physical health, safety and overall quality of life.

The objective of the MNAI in Ontario's Greenbelt Project was to "help participating local governments identify, prioritize, value, and manage key natural assets. This would result in the natural assets providing core services such as storm water management in a cost-effective and reliable manner for the long-term, which can in turn: save money relative to engineered alternatives; reduce risk and potential liability and result in sustainable service delivery to the community."

Unlike traditional infrastructure, natural assets often extend beyond the boundaries of a single jurisdiction and require collaboration between conservation authorities, municipal departments, private property owners, and adjacent municipalities. As a result, in the

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spring of 2019 with Conservation Halton taking the lead, the Cities of Hamilton and Burlington, and the Royal Botanical Gardens put forward a successful proposal for the Grindstone Creek watershed. Grindstone Creek, with headwaters in Hamilton, flows through parts of Waterdown and urban Burlington to its mouth in Hamilton Harbour/Burlington Bay.

The purpose of the project was to explore the value of natural assets in Grindstone Creek in addressing natural resource issues, with a focus on storm water management. Subsequently, on November 19, 2019, a Memorandum of Understanding was signed by the Project Partners with the scope of the Natural Assets Management Project within the Grindstone Creek watershed defined as:

- Identifying:
  - (a) natural assets of interest
  - (b) the ecosystem functions of the identified assets
  - (c) the municipal services derived from the ecosystem function
- Determining scenarios to model (climate change, land use intensification)
- Determining beneficiaries of the services provided by the natural assets
- Determining the economic value of the functions provided by the natural assets

From 2019 to 2021, the Grindstone Creek Project produced data, modeling, and strategies for all Project Partners which included:

- Developing an interactive, web-based inventory with information on location, size, and extent of natural assets in the Grindstone Creek watershed, condition of natural assets, and risks to natural assets
- Modelling to assess role of natural assets in flood reduction (peak flow attenuation and infiltration)
- A valuation of how natural assets contribute to stormwater management and co-benefits
- Scenario development to consider future states of the watershed and analyses to inform continual improvement
- Recommended next steps to advance comprehensive natural assets management efforts

The MNAI has estimated the total value of the natural assets, for stormwater management, within the Grindstone Creek watershed at approximately \$2 billion. This dollar value reflects capital costs of implementing equivalent engineered infrastructure assets to provide the same stormwater management services. Operational costs, such as monitoring and maintenance, were not estimated and are an additional cost to be considered in the future.

To support effective decision-making, the project considered six scenarios including climate change impacts and different management and land-use practices. The project

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documents also established a replicable methodology and process to understand, measure, and value natural assets at a watershed scale. As a result the Grindstone Creek watershed was also estimated to provide an annual service value of approximately \$34 million in co-benefits, including recreation, erosion control, habitat biodiversity, atmospheric regulation, and climate mitigation. Most importantly, the project revealed how important collaboration across a range of organizations was to be able to pursue the management of natural assets at a watershed scale.

The final report, and subsequent summary report, have been completed and posted at [www.mnai.ca/grindstone-creek-watershed-natural-assets-management-project/](http://www.mnai.ca/grindstone-creek-watershed-natural-assets-management-project/). The summary report provides a concise account of the findings including the ten recommendations, starting on page 22, that fall under the following categories:

- Improving watershed governance and strategy
- Restoring natural assets in high-risk areas
- Specific asset management-based activities

Next steps for the Project Team include assessing each recommendation. The recommendations that fall under the purview of the City of Hamilton will be addressed in the City of Hamilton Watershed Action Plan process. That process includes a collaborative effort with our community partners and agencies to plan, develop and execute municipally driven watershed improvement actions. Any financial or resource requirements will also be determined throughout the City of Hamilton Watershed Action Plan process. An Information Report will also be prepared for this initiative in Q1 2023 and brought forward to Public Works Committee.

The City's Corporate Asset Management team continues to be informed on the project and will be further consulted based on the evaluation of the identified recommendations.

It is clear that proper natural asset/land management cannot be achieved if it is confined within one's political boundary. The ability to effectively support nature's services relies on a combined, strategic effort from neighbouring stewards. Hamilton Water will continue to participate and collaborate with area stakeholders to further advance the City's commitment to environmental stewardship.

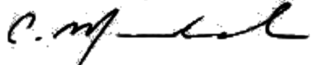
## **APPENDICES AND SCHEDULES ATTACHED**

Not Applicable.





## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	December 6, 2022
<b>SUBJECT:</b>	City Hall Pedestrian Access Walkway (Wishbone Structure) Repairs Communication Update (Ward 2) (EFFM22-02)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>SUBMITTED BY:</b>	Craig Murdoch Acting Director, Energy Fleet & Facilities Maintenance Public Works Department
<b>SIGNATURE:</b>	

This Communication Update is to advise members of Council and City Hall staff of upcoming work to complete concrete repairs on the Wishbone Structure on the South side of City Hall.

As part of routine inspections and maintenance of the pedestrian access walkway located between the City Hall parking lot and second floor entrance, City staff discovered concrete spalling in sections of the walkway. Spalling concrete is a common problem where parts of the surface peels, breaks or chips away making it more susceptible to damage and if serious enough, can put structural integrity at risk. City staff engaged the services of a structural engineering consultant (J.P. Samuel & Associates Inc.), to evaluate the structural integrity of the pedestrian access walkway (Wishbone Structure) at City Hall and the consultant has recommended that concrete repairs be undertaken immediately at numerous locations of the elevated wishbone roadway at the south side of City Hall, to avoid damaging the structural integrity of the walkway, prevent any future damage and ensure no loose debris could fall on to the walkway below.

A copy of the consultant's recommendation letter is attached as Appendix A. The contents of the structural engineer's letter stipulate the required repairs that need to be conducted immediately, to mitigate the risk of structural issues, including stability concerns over time that could cause a risk to the health and safety of pedestrians travelling under the bridge.

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**SUBJECT: City Hall Pedestrian Access Walkway (Wishbone Structure) Repairs  
Communication Update (Ward 2) (EFFM22-02) – Page 2 of 3**

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Staff are undertaking the following actions in order to proactively mitigate the risk of structural impacts to the pedestrian bridge, and ensure it remains safe for users travelling on and below the pedestrian access walkway:

- Facility operations is taking immediate steps in the week of December 5, 2022 to barricade and sign the areas of risk to allow maintaining pedestrian access during construction;
- The recommended contractor will prepare shop drawings to erect scaffolding for the repair work to be executed. This scaffolding will also provide and maintain safe passage of pedestrian access on the south side of City Hall. City staff will share plans showing access and egress based on the construction phasing once these are prepared by the contractor;
- The repair work is anticipated to commence immediately once the scaffolding shop drawings are approved and building permit for the repairs is issued. The repair work is expected to take four to six months to complete and will be wrapped up by the end of spring 2023;
- The pedestrian Wishbone Structure remains safe to use and access to the second floor City Hall entrance via the Wishbone Structure will be maintained. Access to the back entrance of the first floor of City Hall will be maintained with scaffolding and protective measures in place;
- There will be no impacts to parking at City Hall, however, additional facility trucks will be present while work is underway;
- Staff will keep members of Council and City Hall staff apprised as construction progresses related to any operational impacts. While access impacts are not anticipated, changes in access to City Hall and/or parking will be shared on the City's corporate social media channels and via [www.hamilton.ca](http://www.hamilton.ca) web alert.

The work will be phased in order to minimize disruptions to daily operations.

The drawings and specifications detailing the required structural repairs are ready to be issued to the recommended Contractor (Triple Crown Enterprises) for immediate repair. Triple Crown Enterprises (TCE) is a City used General Contractor, with experience in completing similar concrete repair and remediation work and are available to mobilize immediately.

For further information please contact Janet Warner, Acting Manager, Strategic Planning & Capital Compliance, Public Works Department at 905-546-2424, Extension 7041.

**SUBJECT: City Hall Pedestrian Access Walkway (Wishbone Structure) Repairs  
Communication Update (Ward 2) (EFFM22-02) – Page 3 of 3**

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**APPENDICES AND SCHEDULES ATTACHED:**

Appendix A: J.P. Samuel & Associates Structural Engineers Letter

# JP SAMUEL AND ASSOCIATES INC.

## STRUCTURAL ENGINEERS

1377 Cormorant Road, Suite 204, Ancaster, ON  
(647) 671-8530, [jsamuel@jpsamuel.com](mailto:jsamuel@jpsamuel.com), [www.jpsamuel.com](http://www.jpsamuel.com)

November 23rd 2022

Mr. Brad Merritt  
Facilities Supervisor  
Public Works  
Energy Fleet & Facilities Management,  
City of Hamilton

**RE: Structural review of Existing Concrete Entrance Structure at the rear of the Building Located at 71 Main St. W, Hamilton, ON  
Our Project No. 2022-JPS-101**

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We were requested by the City of Hamilton to review the structural integrity of the existing concrete structure at the rear entrance of the building located at 71 Main St. W., Hamilton, ON.

The objective of this structural condition assessment is to determine the existing condition of the structure by observing visible signs of deterioration and to quantify and qualify the current structural condition and provide mitigation measures. Compliance of any buildings or other elements on the property to existing or past building codes or any other regulations, statutes, requirements by law or similar matters is not under the scope of this assessment and report.

Within this report is a detailed review of components of the building structure which are relevant to the structural assessment. The report includes any items of concern which were identified by the building owner, along with items which were identified during our on-site visual review.

Based on the current condition of the structure, it is our recommendation that repairs be completed immediately where specified in this report. Until these urgent repairs are completed, access to the entrance structure should be restricted. We note that the state of the concrete at a few locations is an immediate falling hazard. We have provided safety precaution recommendations to the owner.

J.P. Samuel & Associates accepts no liability for injury sustained for the unsafe conditions which were observed during our site review. Our review is solely based on the information collected on-site through visual observation. Comments and conclusions are therefore based on our visual observations only.

During our review, no physical or destructive testing was performed. Comments and conclusions are therefore based on our understanding of the site review.

We performed a visual review of the slab soffits, columns and other areas of concern that were visible at the time of our site walkthrough. The structure was also surveyed for any obvious signs of damage in the form of abnormal cracks, displacements, and signs of deterioration where readily visible during our walk-through. A few pictures are included below identifying the structural damage to the elements of the entrance structure.

# JP SAMUEL AND ASSOCIATES INC.

## STRUCTURAL ENGINEERS

1377 Cormorant Road, Suite 204, Ancaster, ON  
(647) 671-8530, [jsamuel@jpsamuel.com](mailto:jsamuel@jpsamuel.com), [www.jpsamuel.com](http://www.jpsamuel.com)



Figure 1: Partly Damaged Column and Slab

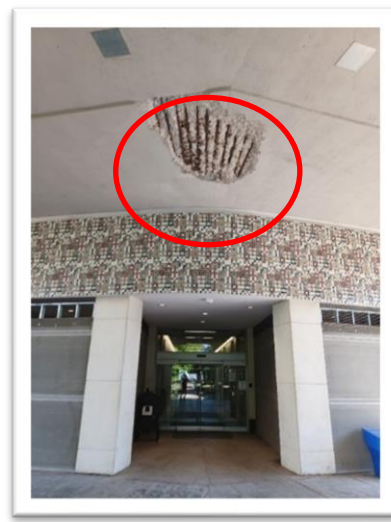


Figure 2: Spalled Concrete

Our observations based on our site visit as below:

- The portion of the structural elements and areas identified in the attached drawings need to be repaired immediately as they may lead to a catastrophic structural damage and also are safety hazards.
- Barricades and adequate caution signage should be provided and not removed until concrete repairs identified in the drawings are undertaken.
- The deteriorated slab soffits are an immediate safety hazard and tenant/pedestrian access should be prohibited until repairs are completed.
- To prevent any catastrophic structural failures and to prevent injuries, it is our recommendation that concrete repairs should begin immediately in conjunction with the application of permit to perform the concrete repairs.

J.P. Samuel & Associates accepts no liability for injury sustained for the unsafe conditions which were observed during our site review. Should you have any concerns or questions regarding the contents of this document, please do not hesitate to contact our office.

Regards,

**J.P. Samuel & Associates Inc.**

A handwritten signature in black ink, appearing to read "James Samuel".

**James Samuel, P. Eng.**



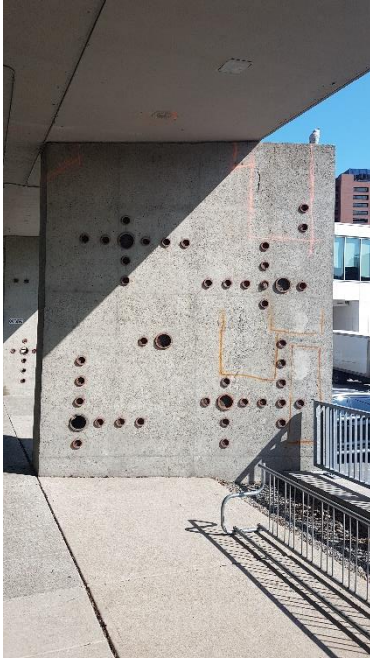


# JP SAMUEL AND ASSOCIATES INC.

## STRUCTURAL ENGINEERS


1377 Cormorant Road, Suite 204, Ancaster, ON  
(647) 671-8530, [jsamuel@jpsamuel.com](mailto:jsamuel@jpsamuel.com), [www.jpsamuel.com](http://www.jpsamuel.com)

### Appendix A: Additional site photos





## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	December 8, 2022
<b>SUBJECT:</b>	Rapid Housing Initiate Round 3 (RHI3) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Angela Burden General Manager, Healthy and Safe Communities
<b>SIGNATURE:</b>	

Good Morning Mayor and Members of Council,

In November, the federal government announced the third round of the Rapid Housing Initiative (RHI). By way of background, as stated on the RHI website,

*“RHI provides funding to facilitate the rapid construction of new housing and the acquisition of existing buildings for the purpose of rehabilitation or conversion to permanent affordable housing units. The \$1.5 billion funding for the third round of RHI will be divided into two streams: **Project Stream** and **Cities Stream**. This investment is expected to create at least 4,500 more affordable housing units for Canadians in severe housing need across the country, with 25% of investments going towards women-focused housing projects.”*

This program round includes \$1 billion in funding under the Project Stream (competition for funds nationwide) and \$500 million under the Cities Stream (funding allocated to each City to deliver a specific number of units). The Cities Stream funding is the same amount as Round 2 announced in June 2021 but is now spread over 41 cities instead of 30 cities in previous rounds.

Staff in our Housing Services division have been working since the announcement to understand the criteria and CMHC priorities. As the timelines do not lend themselves to a Request for Proposal (RFP) process, we are in the process of reviewing projects and having conversations with providers about specific projects with respect to how and if these projects meet criteria.

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**SUBJECT: Rapid Housing Initiate Round 3 (RHI3) (City Wide) - Page 2 of 2**

Under the Cities Stream, CMHC has stressed that the most important criteria is tenant occupancy by November 2024, preferably earlier, and confirmed financial viability. Providers can submit directly to the Project Stream, which has more aggressive criteria and timelines, but support from the municipality is encouraged. In our role as Service Manager, the City is obligated to ensure that construction timelines and financial viability are realistic and achievable – failure to deliver on projects can impact the funding that Hamilton receives in the future.

Please note that the funding allocation and number of units required is confidential until such time that CMHC has publicly announced the City of Hamilton funding, however we can share that the financials work out to approximately 265K per door. Given the rise in construction costs, and the obligation for the municipality to cover construction overages, this funding is far less than ideal, and staff will be evaluating projects thoroughly for financial viability and making recommendations cautiously.

We will be bringing a report to Emergency and Community Services in January 2023, which will include recommendations on which projects Council support for this round of funding.

Details of the RHI3 program can be found through the following website: <https://www.cmhc-schl.gc.ca/en/professionals/project-funding-and-mortgage-financing/funding-programs/all-funding-programs/rapid-housing>

Warmly,

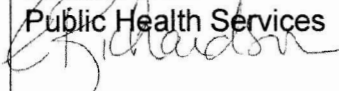
Angie





Hamilton

## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members Board of Health
<b>DATE:</b>	December 12, 2022
<b>SUBJECT:</b>	Respiratory Illness Dashboard Updates – December 2022
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Dr. Elizabeth Richardson, MD, MHSc, FRCPC Medical Officer of Health Public Health Services
<b>SIGNATURE:</b>	

### Update related to Scarsin COVID-19 forecasting

There are a growing number of factors that are contributing to the level of COVID-19 spread in the City of Hamilton as shared with the Board of Health Members on Tuesday, November 30, 2022<sup>1</sup>. To reflect these changes, Hamilton Public Health Services will adjust our reporting to focus on the most helpful and accurate respiratory illness information, based on the respiratory illnesses circulating locally.

The Scarsin COVID-19 forecasting can no longer be relied on to capture the complexity of the situation and will be discontinued. A note will be added to the applicable webpage to this end. The City of Hamilton will conclude the contract with the Scarsin Corporation early, which will have the additional benefit of saving approximately \$13,500 for the City and its ratepayers.

Scarsin COVID-19 forecasting has been a valuable tool utilized by Hamilton Public Health Services and its healthcare partners since February 2021 to understand the potential future trajectory of COVID-19 in Hamilton. This forecasting was shared as part of previous Board of Health meetings, beginning April 19, 2021. Starting in July 2022, it was published to the City's Respiratory Virus Transmission Status<sup>2</sup> biweekly on Wednesdays. Hamilton Public Health Services will adjust the content of the Respiratory Virus Transmission Status in Hamilton and continue to publish it weekly online, so that community members can understand trends related to the presence of respiratory

<sup>1</sup> Board of Health Communication Update: (2022-11-29) Scarsin Forecast Update Frequency Effective November 30, 2022 (<https://www.hamilton.ca/sites/default/files/2022-11/comm-update-Scarsin-Forecast-Update-Frequency-Effective-November-30-2022.pdf>)

<sup>2</sup> Respiratory Virus Transmission Status in Hamilton (<https://www.hamilton.ca/people-programs/public-health/diseases-conditions/coronavirus-covid/covid-19-data#transmission-status>)

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illnesses and how individuals can layer up and protect themselves with effective public health measures.

**Updates to Hamilton Public Health Services suite of respiratory illness and COVID-19 vaccine data reporting tools**

Hamilton Public Health Services is planning to launch several enhancements to its current suite of data reporting web tools the week of December 12, 2022, including a new open data resource located on Hamilton's Open Hamilton platform<sup>3</sup> that will enable the community to track active respiratory and enteric illness outbreaks within the City of Hamilton in one easily accessible location. This resource will be updated Monday to Friday (excluding statutory holidays) and will include a list of active and recently declared-over respiratory and enteric outbreaks in the City of Hamilton, beyond COVID-19. Up until this week, Hamilton Public Health Services only published COVID-19 outbreaks to the City's website.

Hamilton Public Health Services is also launching an influenza focused dashboard where community members will be able to monitor the existing COVID-19 Status of Cases<sup>4</sup> as well as local data related to influenza including total flu cases by type (A & B), total weekly new flu cases by type (A & B), the seven day average of new cases and influenza by report date. The influenza focused dashboard will be refreshed weekly on Tuesdays (delayed one day if a statutory holiday).

In addition, the current City of Hamilton COVID-19 Vaccine Distribution dashboard<sup>5</sup> will be enhanced to reflect current public health guidance to stay up to date with COVID-19 vaccination. Staying up to date means that community members have completed their primary series and have received a booster dose in the last six months.

These enhancements align with the City of Hamilton's commitment to transparency and sharing relevant and timely analysis with the community.

Should you have any questions related to the above information, please contact Dr. Bart Harvey, Associate Medical Officer of Health at (905) 546-2424, Ext 3571 or [bart.harvey@hamilton.ca](mailto:bart.harvey@hamilton.ca).

**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable.

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<sup>3</sup> Open Hamilton platform (<https://open.hamilton.ca>)

<sup>4</sup> COVID-19 Status of Cases (<https://www.hamilton.ca/people-programs/public-health/diseases-conditions/coronavirus-covid/covid-19-data#status-of-cases>)

<sup>5</sup> City of Hamilton COVID-19 Vaccine Distribution Dashboard (<https://www.hamilton.ca/people-programs/public-health/diseases-conditions/coronavirus-covid/covid-19-data#vaccine-distribution>)



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	December 14, 2022
<b>SUBJECT:</b>	Bennetto Recreation Centre Construction Update (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Angela Burden General Manager Healthy and Safe Communities Department
<b>SIGNATURE:</b>	

Bennetto Community Centre was temporarily closed in October to complete scheduled construction work and maintenance. The Recreation Division is pleased to share construction is complete and the facility is prepared to reopen for registered and drop-in programming beginning January 9, 2023.

Registration for winter programs is now available via [www.hamilton.ca/registration](http://www.hamilton.ca/registration).

Recreation staff will be notifying user groups by email and phone as well posting signage at the facility to inform the community of the reopening this week (week of December 12, 2022).

Reopening details will also be shared on the City's website, social media and with media.

The following maintenance work was completed at the facility:

- Replacement of portions of the roof
- Removal and reinstallation of existing HVAC ductwork units

We want to extend our thanks and appreciation to our colleagues in the Energy, Fleet and Facilities Management division of Public Works for their efforts in completing this work and enabling our winter season programming to open as planned.

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**SUBJECT: Bennetto Recreation Centre Construction Update (City Wide) - Page 2  
of 2**

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Should you require further information, please contact Dawn Walton, Manager, Business Support, Recreation Division via email at [dawn.walton@hamilton.ca](mailto:dawn.walton@hamilton.ca) or by telephone at (905) 546-2424 ext. 4755.



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	December 21, 2022
<b>SUBJECT:</b>	Chedoke Creek Remediation - MECP Order Extension - HW.22.13
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Cari Vanderperk Director, Watershed Management Public Works Department
<b>SIGNATURE:</b>	

On December 4, 2020, the City of Hamilton (City) was served a Director's Order by the Ministry of the Environment, Conservation and Parks (MECP), to conduct targeted dredging in Chedoke Creek by December 31, 2022. The targeted dredging will remediate the impacts of the Main/King combined sewer overflow discharge that occurred between January 2014 and July 2018, which discharged 24 billion litres of combined sewage.

On December 9, 2022, the City requested a 12-month extension under Item #6 of the Ministry of Environment, Conservation and Parks (MECP) Director's Order No.1-PE3L3 (Order) which imposed a deadline for the completion of the approved Chedoke Creek Workplan (Targeted Dredge) of December 31, 2022. The formal request to extend the deadline was made after evaluating project completion scenarios including engagement with permitting agencies regarding extensions to associated permits.

On December 20, 2022, the MECP Director approved the City's requested deadline extension to December 31, 2023, with all other items in the Order remaining in effect, and unaltered. The City will continue to progress through the permitting and approvals process and will inform the various internal and external stakeholders of this amendment to the Order.

Work to begin the targeted dredging of Chedoke Creek had begun in July 2022, before being paused on August 18, 2022, when representatives of the Haudenosaunee Development Institute (HDI) arrived on site and stated that they were exercising their

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treaty rights to attend the site. After several unsuccessful attempts to restart the project safely, the City agreed on October 6 to allow all contractors for the project to move to standby, and not continue to attempt dredging works until further notice. At this time, all communications from the City to the HDI were being conducted through representative Legal Counsel.

The City have entered into environmental monitoring agreements with both the Mississaugas of the Credit First Nation and the Six Nations of the Grand River Elected Council. Conversations with the Huron-Wendat Nation continue with the terms of a monitoring agreement in place, and the City is awaiting a signed agreement.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix A - Letter from MECP dated 12/20/2022 - Director's Order 1-PE3L3  
Amendment

Ministry of the Environment, Conservation  
and Parks  
Drinking Water and Environmental  
Compliance Division  
West Central Region  
Hamilton District Office

119 King Street West, 9<sup>th</sup> Floor  
Hamilton, Ontario L8P 4Y7

Ministère de l'Environnement de la Protection  
de la nature et des Parcs  
Division de la conformité en matière  
d'eau potable et d'environnement  
Direction régionale du Centre-Ouest  
Bureau de district de Hamilton

119 rue King Ouest, 9<sup>e</sup> étage  
Hamilton (Ontario) L8P 4Y7



December 20, 2022

Cari Vanderperk  
Director, Watershed Management  
Hamilton Water  
Public Works, City of Hamilton  
E-Mail: Cari.Vanderperk@hamilton.ca

Dear Cari Vanderperk:

**Re: Extension Request of Item No.6 of Director's Order No.1-PE3L3**

I am in receipt of your letter dated October 6, 2022, and subsequent correspondence dated December 9, 2022, in which the city is requesting an extension of the compliance date specified in Item No. 6 of the Director's Order from December 31, 2022 to December 31, 2023.

I have reviewed your request and supplementary correspondence from your consultant WSP, '*Chedoke Creek - Targeted Dredge, Completion Scenarios, December 9, 2022*'. Based on my review of the file history and documents provided to support the city's request, I understand there are many complexities, challenges, and delays that the City of Hamilton and its contractors have experienced undertaking the in-water dredging work in Chedoke Creek pursuant to the Chedoke Creek Workplan.

Given the complexities of the required work, required work permit extensions and to ensure there is appropriate time provided to facilitate ongoing discussions with Indigenous communities that have interest in the Chedoke Creek Workplan, I agree that an extension is required.

Having considered your submissions and further to our discussions held on November 23<sup>rd</sup> and December 6<sup>th</sup>, 2022, I am of the view that the compliance date can be extended.

As such, pursuant to my authority under sections 157.3 of the *Environmental Protection Act*, s.16.4 of the *Ontario Water Resources Act*, and sections 49 and 54 of the *Legislation Act, 2006*, I hereby alter the compliance date in Item No. 6 as requested so that Item No. 6 now reads as follows:

6. By December 31, 2023, complete the approved Chedoke Creek Workplan.

All other Items in the order remain in effect, and unaltered. This order alters and constitutes part of Director's Order No. 1-PE3L3, issued on December 4, 2020. You may require a hearing before the Ontario Land Tribunal in respect of this amendment to the compliance date in accordance with the *Environmental Protection Act* and the *Ontario Water Resources Act*. If you require a hearing, you have 15 days after the service of this letter to serve notice upon the OLT and the Director.

I encourage you to inform the various stakeholders who are interested in the work that is to be completed pursuant to my order, of this amendment.

If you have any questions concerning this amendment to Director's Order No. 1-PE3L3, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to be 'S. Burt', is centered within a light gray rectangular box.

Stephen Burt


District Manager & Director appointed for the purposes of s.157.3 EPA, s.16.4 OWRA.

Cc. Lubna Hussain, Director, West Central Region, MECP  
Elizabeth Chee Sing, Supervisor, MECP  
Nick Winters, Director, Hamilton Water  
Susan Girt, Compliance & Regulations Manager, Hamilton Water





## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	January 5, 2023
<b>SUBJECT:</b>	Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Abdul Shaikh Acting General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

The Province of Ontario has issued decisions on recently proposed amendments to the Greenbelt Plan and to the Greenbelt Area Boundary Regulation (ERO Posting 019-6216 and 019-6217). In addition to the decision on the November 4th proposals, the Province has also issued decision on postings relating to the addition of Urban River Valleys (URVs) to the Greenbelt Plan. ERO 019-4485 and 19-4483. Decisions were issued through a letter to City Council on December 16, 2022 (Appendix “A”) and through December 21, 2022, updates to the four ERO postings noted above. The location of the additions and removals from the Greenbelt Plan are shown in Appendix “B”.

### Proposed Changes to the Greenbelt Plan in 2022

#### Removal of Lands from the Greenbelt Plan Area – November/December 2022 Initiative

On November 4, 2022, the Province requested comments on proposed changes to the Greenbelt Plan through the Environmental Registry of Ontario. The proposals included the removal of 7,400 acres (2,995 ha) of land from the Greenbelt Plan Area in Ontario to be used to build housing in the near term.

Within the City of Hamilton, approximately 795 hectares of lands were identified for potential removal at the following locations:

- Lands located south of Garner Road West, west of Fiddlers Green Road, east of Shaver Road in the vicinity of Book Road (‘Book Road Lands’) (727 ha in size);

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**SUBJECT: Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (City Wide) - Page 2 of 5**

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- Lands located south of White Church Road East, west of Miles road, north of Chippewa Road East, east of Upper James Street (“Whitechurch lands”) (64 ha in size); and,
- Lands located at 331 and 339 Fifty road, at the north west corner of Barton Street and Fifty Road (“Fifty Road Lands”) (4 ha in size).

Through the November 4, 2022 ERO posting, the Province indicated that should these lands be removed from the Greenbelt Plan, significant progress on approvals and implementation is to be achieved by the end of 2023, with construction to begin no later than 2025. The Province also expects that proponents would fully fund necessary infrastructure upfront. If these conditions are not met, the ERO posting indicates that the government will begin the process to return the properties back to the Greenbelt Plan. However, this requirement has not been enshrined in policy or legislation.

On November 30, 2022, City Council approved the following recommendations:

- “(a) That the City does not support the removal of lands from the Greenbelt Plan because removal of the lands contradicts the vision and goals of the Greenbelt Plan to provide permanent protection to the natural heritage and water resource systems that are crucial to sustain ecological and human health and build resilience to and mitigate climate change and the City has no requirement for additional lands to accommodate housing growth to 2051 given the recent expansions to the urban area approved through Official Plan Amendment No. 167, and further;
- (b) That Report PED22213 be forwarded to the Ministry of Municipal Affairs and Housing (MMAH) to be considered as part of the City of Hamilton’s comments on Environmental Registry of Ontario (ERO) Postings 019-6216 and 019-6217 respecting proposed amendments to the Greenbelt Plan.”

The Staff Report and Council-adopted recommendations were forwarded to the Province prior to the November 4<sup>th</sup> commenting deadline.

In addition to Council’s recommendations forwarded to the Province, staff comments concluded that two of the three parcels (Whitechurch and Book Road) do not meet the Province’s own criteria that the lands be serviceable and that there was no information in the proposal to understand timing of development and phasing in relation to the Urban Expansion areas and financing of development.

**SUBJECT: Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (City Wide) - Page 3 of 5**

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Addition of Urban River Valleys (URVs) to the Greenbelt Plan – March/April 2022 Initiative

On March 24, 2022, the Province requested comments on proposed changes to add urban river valleys to the Greenbelt Plan Area including two river valleys in Hamilton (ERO Posting 019-4485 and 019-4483). Ideas for adding more URVs to the Greenbelt Plan Area were also solicited through ERO 019-4803. Together, these postings are known as the “Growing the Greenbelt” initiative.

Within the City of Hamilton, Battlefield Creek and Stoney Creek were proposed by the Province to be added to the Greenbelt Plan area.

On June 8, 2022 City Council approved the following recommendation:

- “(a) That the City of Hamilton supports the inclusion of Stoney Creek and Battlefield Creek in the Greenbelt Plan as Urban River Valleys as part of the Provincial “Growing the Greenbelt” initiative, as identified on Appendix “A” attached to Report PED21064(a);
- (b) That, in addition to Stoney Creek and Battlefield Creek, the City of Hamilton recommends the inclusion of Coldwater (Ancaster) Creek, as identified on Appendix “B” attached to Report PED21064(a), to the Greenbelt Plan as an Urban River Valley;
- (c) That Report PED21064(a) be forwarded to the Ministry of Municipal Affairs and Housing (MMAH) to be considered as part of the City of Hamilton’s comments on Environmental Registry of Ontario (ERO) Postings #019-4485, 019-4483, and 019-4803 respecting Growing the Size of the Greenbelt and Urban River Valleys.”

Staff comments were submitted prior to the April 23, 2022 commenting deadline comments. The Staff Report and Council-adopted recommendations were forwarded to the Province following Council ratification in June.

**Provincial Decision on Proposed Changes to the Greenbelt Plan**

Greenbelt Plan Removals

Through updates to ERO Postings 019-6216 and 019-6217 and confirmed through the December 16, 2022 letter from the Minister of Municipal Affairs and Housing (Appendix “A”), the Province has issued its decision on proposed changes to the Greenbelt Plan. In the City of Hamilton, all lands proposed for removal through the ERO postings have been removed from the Greenbelt Plan.

**SUBJECT: Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (City Wide) - Page 4 of 5**

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The lands remain in the Rural Area of Hamilton and are designated as “Agriculture, “Rural”, or “Specialty Crop”, and are zoned to reflect the Official Plan designations.

**Addition of Urban River Valleys to the Greenbelt Plan**

On December 21, 2022, through updates to ERO postings 019-4843 and 019– 4845 and the November 4, 2022 postings of 019-6216 and 6217, the Province has issued its decision on the addition of urban river valleys to the Greenbelt Plan. The Province has added 13 new Urban River Valleys to the Greenbelt. In the City of Hamilton, Battlefield Creek and Stoney Creek have been added. The province did not add Coldwater Creek (Ancaster Creek) to the Greenbelt Plan as an URV as recommended by City Council.

**Mapping**

The updated Greenbelt Area Boundary Regulation (O.reg. 59/05) was posted and came into effect on December 14<sup>th</sup> making references to mapping. On December 21,2022 an update to ERO Posing 19-6217 provided links to Boundary Regulation mapping to show “Removals from the Protected Countryside (2022)” and “Additions to the Urban River Valleys (2022)”. The mapping in the Greenbelt Plan document is not yet available from the Province.

The Greenbelt Area Boundary Regulation mapping can be accessed through the following Links:

Removals from the Protected Countryside 2022:

<https://www.ontario.ca/page/greenbelt-maps#removals-from-protected-countryside-2022>

Additions to the Urban River Valleys:

<https://www.ontario.ca/page/greenbelt-maps#additions-to-urv-areas-2022>

Provincial Greenbelt Open Data Portal:

<https://geohub.lio.gov.on.ca/datasets/lio::greenbelt-outer-boundary/explore?location=43.171471%2C-79.872792%2C12.00>

**Next Steps**

Staff will be reviewing the decision in more detail over the coming weeks and considering the implications of the three former Greenbelt parcels on the City’s overall growth targets, land budget and future secondary planning needs. Furthermore, as the Rural Hamilton Official Plan mapping, designations and policy framework for these lands was predicated on the lands being within the Greenbelt Plan Area, it will be necessary to review the applicable RHOP schedules to determine what, if any,

**SUBJECT: Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (City Wide) - Page 5 of 5**

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amendment to the RHOP are required. A report to Planning Committee will be brought forward with this analysis and recommended actions.

For further information please contact Christine Newbold, Manager of Sustainable Communities by phone at (905) 546-2424 Ext. 1279, or by email at [Christine.Newbold@hamilton.ca](mailto:Christine.Newbold@hamilton.ca).

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" - December 16, 2022 - Letter from Steve Clark, Minister of Municipal Affairs and Housing

Appendix "B" - Greenbelt Removals and Additions, 2022

**Ministry of Municipal  
Affairs and Housing**

Office of the Minister

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

**Ministère des Affaires  
Municipales et du Logement**

Bureau du ministre

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



Ontario

December 16, 2022

Dear Head of Council, Municipal Chief Executive Officer and Clerk, and AMO Staff

**Re: Greenbelt Amendments and Revocation of the Central Pickering Development Plan and O. Reg. 154/03**

The government is committed to taking bold action to address Ontario's housing supply crisis by building 1.5 million homes over the next 10 years.

That is why the government has taken further action to support this goal by making changes to the Greenbelt and revoking the Central Pickering Development Plan and the associated Minister's Zoning Order (O. Reg. 154/03) to help build at least 50,000 new homes, while leading to an overall expansion of the Greenbelt by approximately 2,000 acres.

Further to the letters sent on Nov 4, 2022 regarding proposed amendments to the Greenbelt and the letter on October 25, 2022 regarding the proposed revocation of the CPDP, I am writing to provide an update that the government has approved Amendment No. 3 to the Greenbelt Plan (by OIC 1745/2022), amended the Greenbelt Area boundary (O. Reg. 59/05), and revoked the Central Pickering Development Plan (by OIC 1746/2022). The amendments were approved as proposed without modifications.

As Minister, I approved the related amendments to the Oak Ridges Moraine Conservation Plan (O. Reg. 140/02) and revoked the Central Pickering Development Planning Area and the related Minister's Zoning Order (O. Reg. 154/03).

Information on the Greenbelt Area boundary regulation, and the Oak Ridges Moraine Conservation Plan, and the revocation of the Central Pickering Development Plan and Minister's Zoning Order can be found at:

- Designation of Greenbelt Area (O. Reg. 567/22) - <https://www.ontario.ca/laws/regulation/r22567>
- Oak Ridges Moraine Conservation Plan (O. Reg. 568/22) - <https://www.ontario.ca/laws/regulation/r22568>
- Zoning Area - Regional Municipality of Durham, Part of The City of Pickering (O. Reg. 566/22) - <https://www.ontario.ca/laws/regulation/r22566>

Further details on these changes, including updated mapping, will be available online soon.

Thank you to those municipalities who provided feedback. The province looks forward to continued collaboration with municipal partners to get more homes built faster.

Sincerely,



Steve Clark

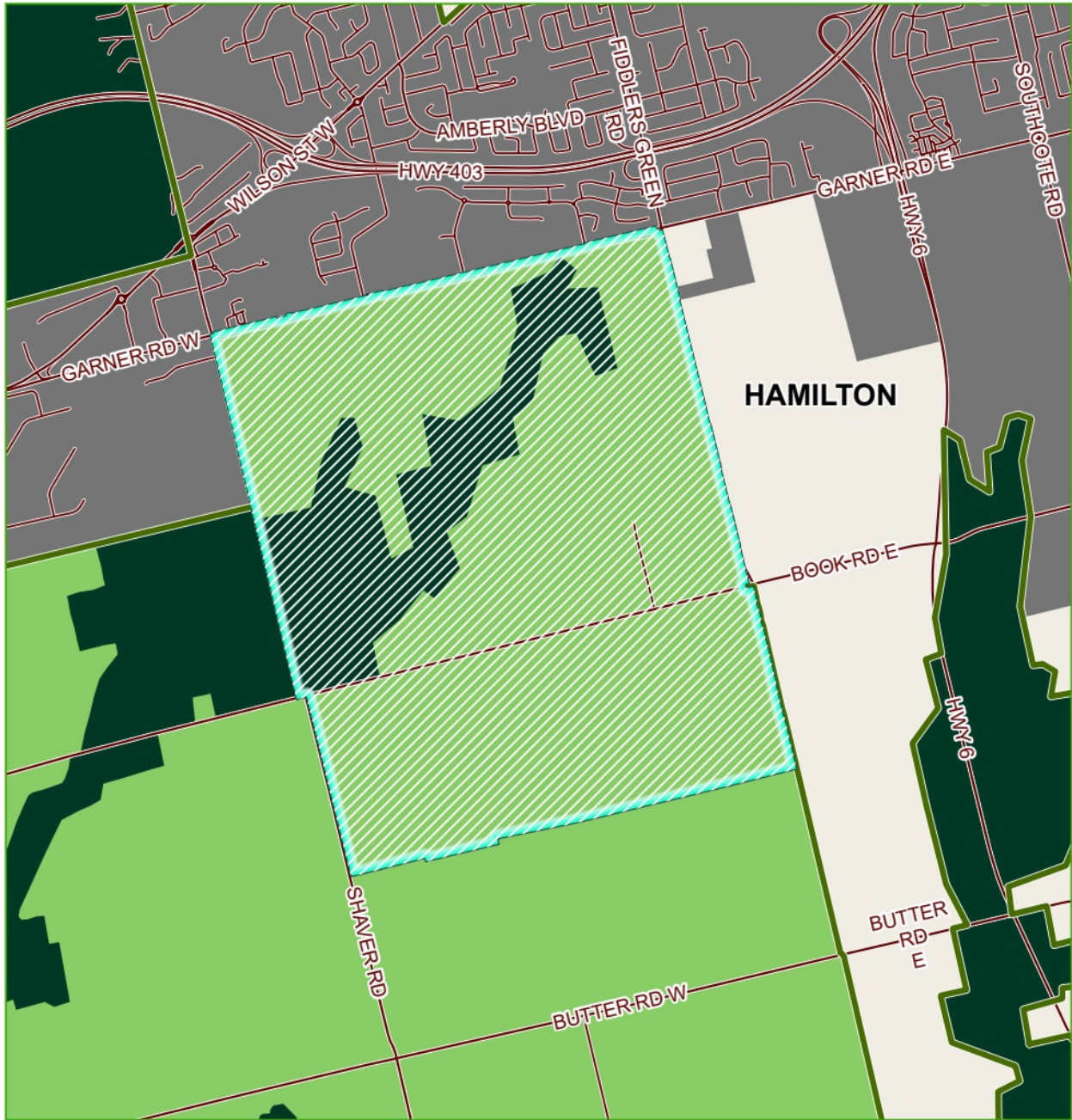
Minister

- c. Kate Manson-Smith, Deputy Minister, Municipal Affairs and Housing  
Sean Fraser, Assistant Deputy Minister, Municipal Affairs and Housing, Planning and Growth Division  
Hannah Evans, Assistant Deputy Minister, Municipal Services Division



# Attachment 2 – Greenbelt Removals and Additions, 2022

Map 1 - Lands Removed from Greenbelt Plan – (Map 9 – ERO Postings 19-6216 and 19-6217)

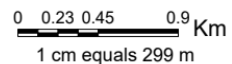


**LEGEND**



- Greenbelt Area\*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Settlement Areas Outside the Greenbelt
- Municipal Boundary
- Road or Highway

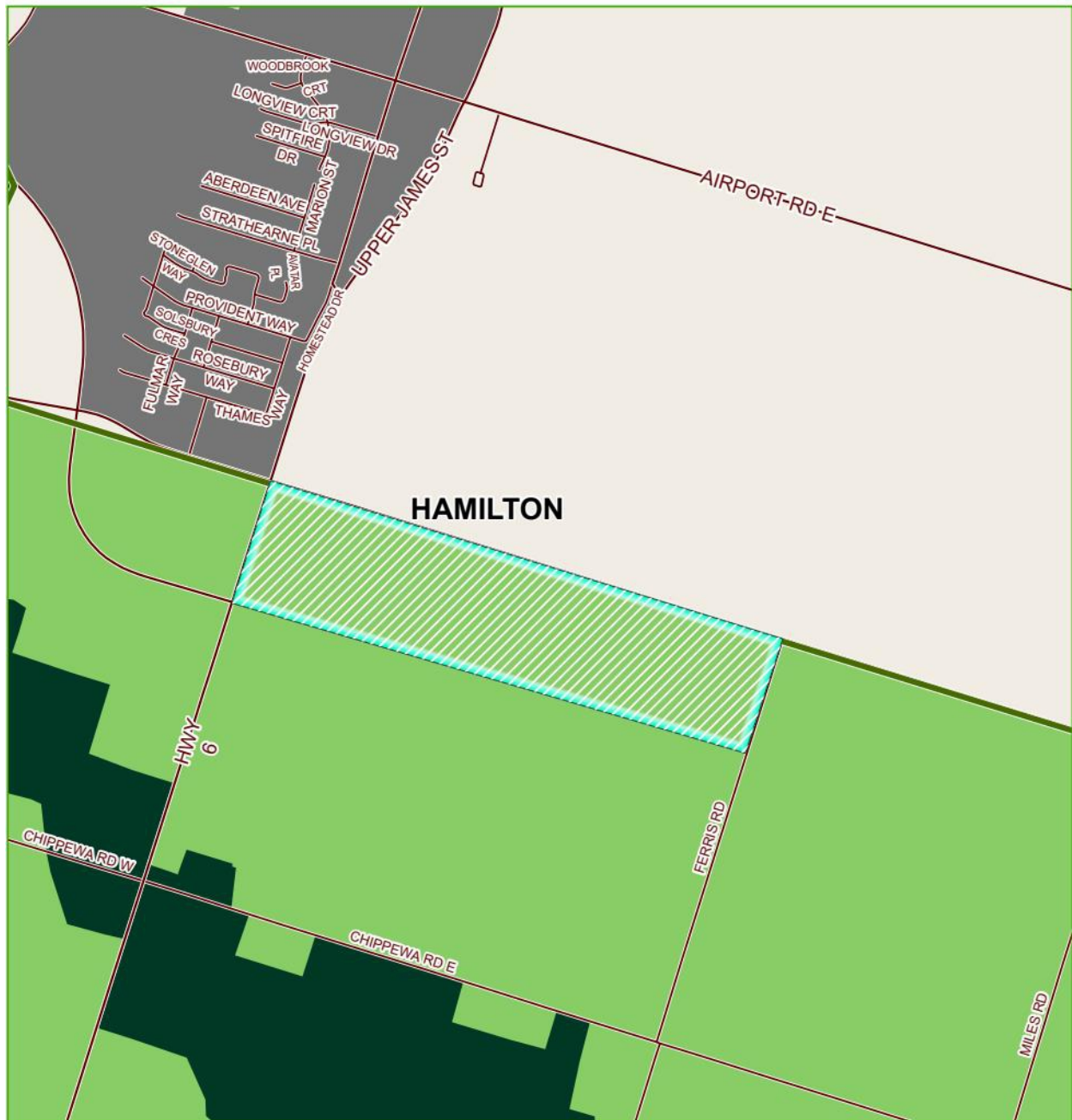
- Proposed Modifications**
- Greenbelt Redesignation
  - Greenbelt Removal
  - ORM Redesignation





# Attachment 2 – Greenbelt Removals and Additions, 2022

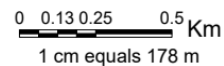
Map 2 - Lands Removed from Greenbelt Plan – (Map 10 – ERO Postings 19-6216 and 19-6217)



**LEGEND**

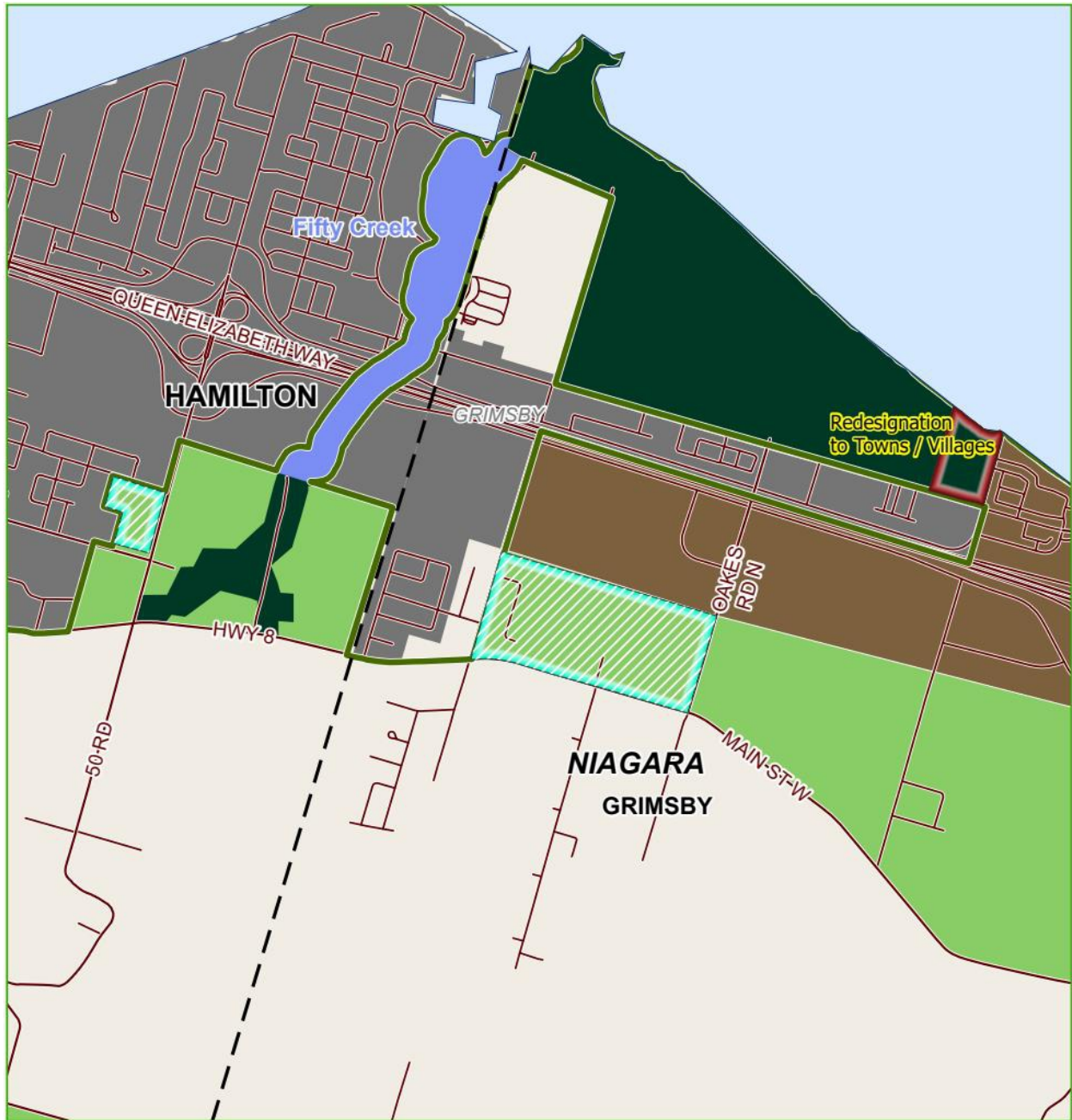


- |  |                               |
|--|-------------------------------|
| Greenbelt Area*                        | <b>Proposed Modifications</b> |
| Protected Countryside                  | Greenbelt Redesignation       |
| Natural Heritage System                | Greenbelt Removal             |
| Towns/Villages                         | ORM Redesignation             |
| Urban River Valleys                    |                               |
| Settlement Areas Outside the Greenbelt |                               |
| Municipal Boundary                     |                               |
| Road or Highway                        |                               |



# Attachment 2 – Greenbelt Removals and Additions, 2022

Map 3 - Lands Removed from Greenbelt Plan – (Map 11 – ERO Postings 19-6216 and 19-6217)



**LEGEND**



- |  |                               |
|--|-------------------------------|
| Greenbelt Area*                        | <b>Proposed Modifications</b> |
| Protected Countryside                  | Greenbelt Redesignation       |
| Natural Heritage System                | Greenbelt Removal             |
| Towns/Villages                         | ORM Redesignation             |
| Urban River Valleys                    |                               |
| Settlement Areas Outside the Greenbelt |                               |
| Municipal Boundary                     |                               |
| Road or Highway                        |                               |

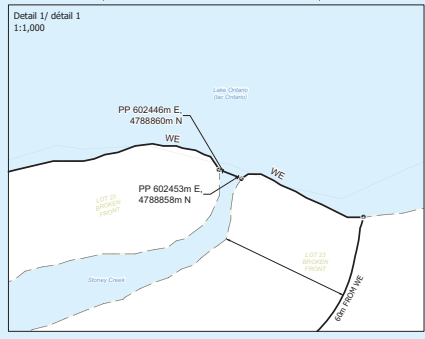
0 0.15 0.3 0.6 Km  
1 cm equals 206 m





# Attachment 2 – Greenbelt Removals and Additions, 2022

Map 4 – Urban River Valley Addition to the Greenbelt (Sheet 2 – Province of Ontario – Greenbelt Maps, Urban River Valley Area Additions, 2022



DATA SOURCE: Land Information Ontario Warehouse (April 2022), other information of record with the Ministry of Northern Development, Mines, Natural Resources and Forestry and Land Registry Offices.

SOURCE DE DONNÉES : Entrepôt de données sur les terres de l'Ontario (janvier 2022), autres données enregistrées auprès du ministère du Développement du Nord, des Mines, des Richesses naturelles et des Forêts et des bureaux d'enregistrement foncier.

**Ontario** Ministry of Municipal Affairs and Housing  
Ministère des Affaires municipales et du Logement

**THE GREENBELT**  
Plan of the Boundary of the 2022 Urban River Valley Area Additions

IN THE GEOGRAPHIC TOWNSHIPS OF CLARKE, DARLINGTON, ETOBICOKE, MARKHAM, SALTLEET, SCARBOROUGH, TRAFALGAR, WHITEY AND YORK

**LA CEINTURE DE VERDURE**  
Plan des limites aux ajouts à la zone des vallées fluviales urbaines - 2022

DANS LES CANTONS GÉOGRAPHIQUES DE CLARKE, DARLINGTON, ÉTOBICOKE, MARKHAM, SALTLEET, SCARBOROUGH, TRAFALGAR, WHITEY ET YORK

Sheet 2 of 13  
Feuille 2 de 13

CAUTION: THIS IS NOT A PLAN OF SURVEY. AVERTISSEMENT: CE N'EST PAS UN PLAN D'ENVIRONNEMENT.

Produced By / Élaboré par : Office of the Survey General / Bureau de l'arpenteur général © Queen's Printer for Ontario and its licensors, 2022. © Imprimeur de la Reine pour l'Ontario et ses concédants, 2022.

**Legend / légende**

Regulated Limit - limite réglementée

2017 Urban River Valley Area Additions - ajouts à la zone des vallées fluviales urbaines 2017

Niagara Escarpment Plan Area - zone visée par le plan d'aménagement de l'escarpement du Niagara

Protected Countryside - campagne protégée

Provincial Park - parc provincial

Geographic Township - canton géographique

Geographic Lot Fabric - composition du lot géographique

Upper-Tier Municipality - municipalité de palier supérieur

Lower-Tier/Tier-2 Municipality - municipalité de palier inférieur/palier unique

Ownership Parcel - parcelle de propriété

Plan Boundary - limite visée par le plan

Road - route

Watercourse - cours d'eau

Waterbody - plan d'eau

Waterfront - front de mer

**Abbreviations / Abréviations**

Centreline - CL - ligne médiane

Extension - EXT - prolonge

Highway - HWY - route

Intersection - INT - intersection

Limit - LIM - limite

North/South/East/West - N/S/E/W - nord/sud/est/ouest

See Note 8 - N.E.P.A. - voir note 8

Part - PART - partie

Centreline - CL - ligne médiane

Extension - EXT - prolonge

Highway - HWY - route

Intersection - INT - intersection

Limit - LIM - limite

North/South/East/West - N/S/E/W - nord/sud/est/ouest

See Note 8 - N.E.P.A. - voir note 8

Part - PART - partie

Water's Edge - WE - ligne des eaux

**NOTES:**

1. Survey instructions from the Surveyor General of Ontario must be obtained prior to establishing any of the boundaries on the ground.

2. This Plan has been prepared from the best available information but without the benefit of survey. The absolute and relative positional accuracy of the data shown here has not been verified. This Plan should not be relied upon for the location of legal boundaries, including parcel limits and areas, or as a guide for navigation.

3. Portions of the land described herein may be subject to concurrent planning policies, regulations or standards as amended from time to time. Where necessary, consult the conflict provisions within the applicable governing legislation.

4. "50m FROM W/E" means a fixed (non-ambulatory) boundary as determined from a perpendicular offset from water's edge (or the confluence thereof) of the identified subject waterbody as at date of regulation.

5. A coordinate prefixed by "TP" denotes a turning point or vertex on a boundary segment.

6. A coordinate prefixed by "PP" denotes a production point on a boundary segment that is to be produced to an intersection.

7. The area of land designated as Parts 1 to 34, both inclusive, on a plan entitled "Plan of the Boundary of the 2017 Urban River Valley Area Additions" dated May 4, 2017 and filed on that date with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources and Forestry, O. Reg. 140/17, s. 1 (2).

8. The Niagara Escarpment Plan Area shown on Niagara Escarpment Plan Maps 1 to 8, which are all dated April 12, 2017 and filed on that date in the offices of the Niagara Escarpment Commission, O. Reg. 140/17.

**NOTES:**

1. Il faut obtenir les instructions relatives à l'arpentage du Bureau de l'arpenteur général de l'Ontario avant de déterminer quelque limite que ce soit au sol.

2. Ce plan a été élaboré en se fondant sur les meilleurs renseignements disponibles, mais sans avoir effectué de levés. La précision de la localisation absolue et relative des données indiquées ici n'a pas été vérifiée. Il ne faut pas se fier à ce plan pour l'emplacement des limites légales, y compris les limites de parcelles et les superficies, ni comme guide pour la navigation.

3. Des parties des terrains décrits ici peuvent être assujetties à des politiques, règlements ou normes de planification concourants, tels que modifiés de temps à autre. Si nécessaire, consulter les dispositions relatives aux conflits dans la législation applicable.

4. « 50m FROM W/E » signifie une limite fixe (qui ne change pas), telle que déterminée par une ligne décalée perpendiculaire au bord de l'eau (ou la confluence) du plan d'eau identifié à la date du règlement.

5. Une coordonnée précédée du préfixe « TP » indique un point d'effacement d'un segment de limite qui doit être produit jusqu'à une intersection.


6. Une coordonnée précédée du préfixe « PP » indique un point de production sur un segment de limite qui doit être produit jusqu'à une intersection.

7. Le territoire désigné comme les Parties 1 à 34, inclusivement, sur un plan intitulé « Plan des limites aux ajouts à la zone des vallées fluviales urbaines - 2017 », en date du 4 mai 2017 et déposé à cette date au Bureau de l'arpenteur général de l'Ontario au ministère des Richesses naturelles et des Forêts, Règl. de l'Ont. 140/17, par. 1(2).

8. La zone visée par le plan d'aménagement de l'escarpement du Niagara indiquée sur les cartes 1 à 8 du plan d'aménagement de l'escarpement du Niagara, en date du 12 avril 2017 et déposée à cette date au bureau de la Commission de l'escarpement du Niagara, Règl. de l'Ont. 140/17.



## COMMUNICATION UPDATE

<b>TO:</b>	Chair and Members Emergency and Community Services Committee
<b>DATE:</b>	January 5, 2023
<b>SUBJECT:</b>	Enterprise Canada Consultation with Councillors on Renoviction Review (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Angela Burden General Manager Healthy & Safe Communities Department
<b>SIGNATURE:</b>	

In April 2021, Council Report [HSC19011\(a\)](#) recommended some enhancements to the existing [Tenant Defence Fund Program](#) and addressed renovictions as a system-wide issue that impacts some of the most vulnerable renters in the City of Hamilton. Subsequent to that, in December 2021 Council approved Report [HSC20020\(d\)](#) “Adaptation and Transformation of Services for People Experiencing Homelessness Update 4”. In this report, one of the approved recommendations speaks to the retention of a consultant to assist with the evaluation of the feasibility of implementing a bylaw here in Hamilton that would be adapted from one developed in New Westminster, British Columbia.

In the Residential Tenancies Act a landlord may apply to terminate a tenancy on the basis that the landlord needs vacant possession to do extensive repairs or renovations. Renovictions refers to the bad faith practice of landlords pursuing evictions that result in the permanent displacement of an existing tenant for unit improvements that did not actually require displacement, or the landlord did not give the tenant first right of refusal to move back into the unit following the renovation.

New Westminster British Columbia has a licensing by-law regarding rental units and addresses the issue of renovations. This legislation requires any landlord who is doing renovations to obtain every building permit, plumbing permit, development permit, special development permit or heritage alteration permit required. Additionally, the landlord must also enter into a new tenancy agreement with the tenant on the same terms or better for a comparable rental unit in the same building. If they are unable to accommodate in the same

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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: Enterprise Canada Consultation with Councillors on Renoviction Review (City Wide) - Page 2 of 2**

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building, they must make other arrangements in writing for the tenants' temporary accommodation during the renovation.

Given the challenges around jurisdictional differences among provinces and the legal challenges a bylaw must overcome, staff have retained a consultant, Enterprise Canada, to complete engagement and a thorough analysis of the options for implementation of an approach similar to the New Westminster, BC bylaw in Ontario and/or other best practices related to the issue of renovictions.


As part of their review, Enterprise Canada will be conducting interviews with key stakeholders throughout the City, including members of Council. As such, representatives from Enterprise Canada will be reaching out to your offices in the next few weeks to arrange 30-minute (max) interviews with each of you and/or your office designates to ensure your voice is also heard during this consultation around the renovictions issue. This important work is focused on how to end bad faith practice of renovictions and create supports to ensure good landlords can fulfil their obligations while improving units.

Since the ending of the 2<sup>nd</sup> provincial moratorium on evictions during the Covid19 pandemic, Housing Services has heard from tenants and community advocates about the issues around renovictions. The consultation work with Enterprise Canada will inform policy changes to address this issue. We appreciate this is an important issue for the community. The outcome of the review and staff report is expected to come back to Council for consideration Q2 2023.

Should you require further information, please contact James O'Brien, Manager Housing Sustainability and Investment Roadmap via email at [James.OBrien@hamilton.ca](mailto:James.OBrien@hamilton.ca) or by telephone at (905) 546-2424 ext. 3728.



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	January 9, 2023
<b>SUBJECT:</b>	Quarterly Update (October - December 2022) Loans/Grants Approved by the General Manager of Planning and Economic Development (Wards 1, 2, 3 and 4)
<b>WARD(S) AFFECTED:</b>	Wards 1, 2, 3 and 4
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

On September 29, 2021, City Council enacted By-law 21-165, being a by-law to delegate authority to the General Manager of Planning and Economic Development (GM) to approve grants/loans to a maximum of \$200,000 per grant/loan under financial incentive programs provided under the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (2021) and the *Ontario Heritage Act*. Programs subject to this delegated authority are:

- Barton/Kenilworth Planning and Building Fees Rebate Program
- Barton/Kenilworth Revitalization Grant Program;
- Commercial District Housing Opportunities Program;
- Commercial District Revitalization Grant Program;
- Commercial Vacancy Assistance Program;
- Gore Building Improvement Grant Program;
- Hamilton Heritage Conservation Grant Program; and
- Hamilton Heritage Property Grant Program.

On a quarterly basis, staff provide to City Council details of the grants/loans approved by the GM over the previous quarter.

During the months of October - December 2022, the General Manager approved the following:

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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: Quarterly Update (October – December 2022) Loans/Grants Approved by the General Manager of Planning and Economic Development (Wards 1, 2, 3 and 4)**

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- Three grant applications under the Commercial District Revitalization Grant Program in the total amount of \$37,415.47;
- One grant application under the Hamilton Commercial Vacancy Grant Program in the amount of \$10,000; and,
- Two grant applications under the Barton Kenilworth Revitalization Grant Program in the amount of \$43,496.84.

The total estimated value of the proposed work under the Commercial District Revitalization Grant Program is \$71,973.34. Therefore, the City's grant represents 51.99% of the total improvement costs. The properties that are being improved under the Program are located within the Ottawa Street Business Improvement Area and the Locke Street Business Improvement Area.

The total estimated value of the proposed work under the Hamilton Commercial Vacancy Assistance Grant Program is \$55,064.90. Therefore, the City's grant represents 18.16% of the total improvement costs. The property that is being improved under the Program is located within the Downtown Hamilton Business Improvement Area.

The total estimated value of the proposed work under the Barton Kenilworth Revitalization Grant Program is \$86,052.07. Therefore, the City's grant represents 50.55% of the total improvement costs. The properties that are being improved under the Program are located within the Barton Village Business Improvement Area and the Barton Street East Commercial Corridor.

Please refer to Appendix "A" - Loans / Grants approved by General Manager (October - December 2022), attached to this Communication Update, for a more detailed description of each property and the proposed improvements.

If you require any further information on the above matter, please contact Carlo Gorni, Co-ordinator, Urban Renewal Incentives by e-mail at [Carlo.Gorni@hamilton.ca](mailto:Carlo.Gorni@hamilton.ca) or at (905) 546-2424 Ext. 2755.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Loans / Grants approved by General Manager (October - December 2022)

## Loans and Grants Approved by General Manager October - December, 2022)

## Commercial District Revitalization Grant Program

FILE NO.	APPLICANT / BUSINESS	ADDRESS	PROPOSED IMPROVEMENTS	TOTAL VALUE OF PROPOSED WORK	GRANT AMOUNT	DATE OF GM APPROVAL	WARD	BIA/CIPA
OTT 02/22	Applicant/Owner: 6577041 Canada Inc. (Rob Balla) Business: Balla Media	294 Ottawa Street North, Hamilton	Installation of new signage; installation of new windows and doors; painting of façade; washing of masonry; repair of upper soffit and wood fascia; and repair of decorative corbel	\$ 23,142.40	\$ 10,000.00	2-Dec-22	4	Ottawa Street BIA
LOC 01/21	Applicant/Owner: GMAD Housing Corp. (David Webster) Business: Webster Financial	207 Locke Street South, Hamilton	Installation of new signage; cleaning of brick; new entrance at front and side of building; installation of new windows; installation of new front porch; exterior painting; and Professional fees	\$ 30,703.20	\$18,351.60	6-Dec-22	1	Locke Street BIA
OTT 03/22	Applicant/Owner: 2779342 Ontario Inc. (Chad Chabot, Lise-Anne Gregoire) Business: Fairly Frosted Bakery	76-78 Ottawa Street North, Hamilton	Replacement of existing street level window and wall with three-panel bi-folding door system	\$ 18,127.74	\$9,063.87	16-Dec-22	4	Ottawa Street BIA
<b>Total</b>				<b><u>\$71,973.34</u></b>	<b><u>\$37,415.47</u></b>			

## Hamilton Commercial Vacancy Assistance Grant Program

FILE NO.	APPLICANT / BUSINESS	ADDRESS	PROPOSED IMPROVEMENTS	TOTAL VALUE OF PROPOSED WORK	GRANT AMOUNT	DATE OF GM APPROVAL	WARD	BIA/CIPA
CVA 01/22	Applicant: Stage Hospitality Inc. Owner: 2238394 Ontario Ltd. Business: Vacant	31 John Street North, Hamilton	Installation of 1-hour firestop framing and drywall in basement, main floor, annex washroom and kitchen	\$ 55,064.90	\$10,000.00	18-Nov-22	2	Downtown Hamilton BIA
<b>Total</b>				<b><u>\$55,064.90</u></b>	<b><u>\$10,000.00</u></b>			



**Barton Kenilworth Revitalization Grant Program**

APPLICANT / BUSINESS	ADDRESS	PROPOSED IMPROVEMENTS	TOTAL VALUE OF PROPOSED WORK	GRANT AMOUNT	DATE OF GM APPROVAL	WARD	BIA/CIPA
BKRG 04/22 Applicant/Owner: Thuan Van Dang Business: Vacant	668 Barton Street East, Hamilton	Installation of new storefront including new door and windows; and installation of new second storey windows	\$50,172.00	\$25,086.00	November 27 2022	3	Barton Village BIA
BKRG 01/22 Applicant/Owner: 11822667 Canada Inc. Business: Vacant	719 Barton Street East, Hamilton	a. Renovation of basement including installation of new ceiling and bathroom floor (work is associated with a commercial floor area) b. Installation of new sink, flooring, trim and paint in ground floor commercial unit c. Replace external residential entry doors d. Replace residential entry door on 2nd floor e. Installation of ductless air conditioning in residential and commercial units f. Professional Fees	\$35,880.07	\$18,410.84	2-Dec-22	3	Barton Street East Commercial Corridor
<b>Total</b>			<b><u>\$86,052.07</u></b>	<b><u>\$43,496.84</u></b>			



# COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	January 13, 2023
<b>SUBJECT:</b>	Hamilton's Early Childhood Educator Marketing Strategy (City Wide)
<b>WARD(S) AFFECTED:</b>	City-Wide
<b>SUBMITTED BY:</b>	Angela Burden General Manager Healthy and Safe Communities Department
<b>SIGNATURE:</b>	

## Background

The Children's and Community Services Division has received one-time funding from the Ontario Ministry of Education to support the Early Years' community in sustaining, enhancing, growing and attracting the workforce, which is primarily staffed by early childhood educators (ECEs).

As a part of this funding, the City of Hamilton as the Consolidated Municipal Service Manager (CMSM) for the Early Years' system in Hamilton, worked with its counterparts in 40+ municipalities across the province through a cooperative procurement process. A marketing and creative agency was hired to create a marketing toolkit that could be leveraged to recognize the important role of early childhood educators. Following its development, materials were adapted to local corporate brand standards to align with a province-wide public education campaign starting January 16, 2023. Approximately 45 municipalities across Ontario will be participating in the campaign.

This campaign will raise awareness of the role ECEs have in Hamilton, particularly highlighting the value of the work they do every day. Pointing residents to [www.hamilton.ca/ECE](http://www.hamilton.ca/ECE), the campaign will seek to educate them on:

- How the role of an ECE contributes to the economy
- How someone could become an ECE
- Links to Ontario college programs
- The system of supports available to ECEs
  - ASCY (Affiliated Services for Children and Youth), the local professional resource centre in Hamilton

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**SUBJECT: Hamilton's Early Childhood Educator Marketing Strategy (City Wide) -  
Page 2 of 2**

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- College of ECEs

Campaign materials will be shared across a variety of channels, including social media, radio, paid print and digital advertising, and signage across the city, as well as sharing with relevant community stakeholders to spread the word.

Should you require further information, please contact Jessica Chase, Director Children's Services and Community Services Division at (905) 546-2424 ext. 3590 or via email at [Jessica.Chase@hamilton.ca](mailto:Jessica.Chase@hamilton.ca).



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	January 13, 2023
<b>SUBJECT:</b>	2022 Tree Planting Update (City Wide) (ES23002)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Cynthia Graham Acting Director, Environmental Services Public Works Department
<b>SIGNATURE:</b>	

The purpose of this Communication Update is to provide a summary of the various tree planting programs administered through the Forestry and Horticulture section in 2022.

Trees in the urban environment are important assets that contribute to many ecosystem benefits and services, including air and water filtration, carbon storage, storm water run-off mitigation, temperature moderation, cultural significance, improved aesthetics, and increased property values.

The City of Hamilton Public Tree bylaw outlines the goal of the Forestry and Horticulture section to increase the City's urban tree canopy to over 35%. A 2018 analysis of the urban tree canopy indicated that canopy coverage is approximately 21%. Further to the programs and initiatives administered by the Forestry and Horticulture section, the draft Urban Forest Strategy will provide recommendations to protect and grow the urban tree canopy.

The City of Hamilton's (City) Forestry and Horticulture Section tree planting services are administered throughout the municipality through several programs and initiatives.

The tree planting programs and initiatives are supported mainly by funding from City sources through the capital budget and through revenues generated through canopy loss and public tree removal permits. To a lesser extent, but no less important, funding is provided through Councillor motions utilizing ward specific discretionary funds.

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The following table provides details of the total 2022 trees planted:

2022 Program / Initiative Summary			
Name	Description	Target	Actuals
Street Tree Planting	Replacement of trees within the public right of way removed through maintenance activities, and requests for street trees through the free Street Tree Planting Program.	2275	2366
Subdivision Tree Planting	Planting of street trees within new subdivisions (1 tree per standard lot and 3 trees per corner lot).	100	415
EAB Management Plan	Replacement of Ash trees removed through the Emerald Ash Borer Management Plan (year 10 of 10-year program) with a target of 1:1 replacement for trees removed.	2581	2948
Community Planting	Community groups and volunteer participate in tree planting events within publicly owned parks. Volunteers plant trees, and the Forestry section oversees the events, supplies the small native trees, wood chip mulch, water and planting tools for the volunteers.	1500	1970
Naturalization Plantings	Planting of native trees to expand urban forest canopy on public lands.  In 2022, this mainly included tree planting within the Lincoln Alexander Parkway interchanges.	1081	1311
Free Tree Giveaway	Program provides a free small native tree to Hamilton residents to plant on their private property.	3000	3536
Councillor Motions	Tree planting supported through Ward specific Discretionary Funds.  In 2022, this included 12 trees in Ward 3 for Hamilton City Housing and 117 in Ward 8 for the Hamilton Public and Catholic School Boards.	0	129
Total		10,537	12675

Overall planting targets for 2022 were tentatively set similar to previous years at 10,000 to 12,000 trees. As outlined above the total number of trees added to the City's forest canopy was 12,675. This is a significant number of trees, and will ensure an increase in the urban forest canopy.

Staff review the past planting achievement in order to set future targets. The total number of trees planted in 2019 was 8,857, in 2020 it was 12,218, and in 2021, 17,908 trees were planted. The contributing factor to the increase in 2021 was the high number

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of Emerald Ash Borer (EAB) replacements required to ensure the 10-year EAB Management Plan program met the 1:1 removal to replacement target. Staff continue to strengthen relationships within the community and these efforts led to significant increases in the number of trees added to the City's tree canopy. The Community Planting program has averaged 941 trees each year over the past 3 years. In 2022, 1970 trees were planted. This significant improvement is due to increased requests for events, creation of a program webpage and pilot projects utilizing the Miyawaki method of planting, which requires a large number of trees to be planted tightly together to encourage competition. The Free Tree Giveaway ran for a second year and exceeded the overall target of 3000 trees. Programs like these will be paramount in increasing the urban canopy as funding for the EAB Management Plan has ended.

Recognizing that number of trees planted is not the only factor in determining a successful urban forest, the Forestry and Horticulture section reviews data on newly planted trees to measure overall mortality rates. Although there is no specific standard, within the industry, mortality rates lower than 10% are considered acceptable since successful tree establishment is affected by several factors including site factors, quality of nursery stock, installation and aftercare. Data collection formally began in 2018 to a random sample of trees planted in the previous year. Staff reviewed the condition of the sample of trees to determine an overall mortality rate. Previous years data reported 7% to 9% mortality of newly planted trees. The value represents trees that were either dead or in poor condition and therefore required replacement. In 2022, the review was completed on all trees rather than a sample, and this was made possible through the process improvement of an accurate tree inventory. Data showed higher mortality than previous years, with dead trees totalling 10.7% of trees planted in 2021 and 2.5% were in poor condition. There are multiple factors that may have led to the increased value, however staff believe the two main factors are the drought conditions experienced this past summer and the review of all trees rather than a sample size. This review will continue annually, and the information will be reported through future updates.

In late 2022, due to the mortality noted, the extended period of drought and the concerns received staff reviewed the contracted services for watering newly planted trees completed. Staff have made changes to the distribution of work to contractors, number of water applications within a season, quality control process, and contract administration. The work will be re-tendered in early 2023 with the updates outlined.

Additional planned improvements in 2023 include the creation of a process to report on mortality of all publicly owned trees within the right of way, parks and cemeteries to aide in urban forest management. Staff also plan to review the approved species list in conjunction with species composition to ensure biodiversity and resiliency and look for patterns in mortality.

**SUBJECT: 2022 Tree Planting Update (City Wide) (ES23002) - Page 4 of 4**

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A summary of the various tree planting programs administered through the Forestry and Horticulture section in 2023 will be provided to Council in 2023 Tree Planting Communication Update.

For further information please contact Robyn Pollard, Manager of Forestry and Horticulture by phone at (905) 546-2424 Ext. 3919, or by email at


[Robyn.Pollard@hamilton.ca](mailto:Robyn.Pollard@hamilton.ca)

**APPENDICES AND SCHEDULES ATTACHED**

N/A



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	January 16, 2023
<b>SUBJECT:</b>	Discovery Centre Site (Opportunity Study): Community Survey - Results Summary (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

The purpose of this Communication Update is to inform Council that in accordance with the July 19, 2022 staff report entitled “Discovery Centre Strategy Framework: Strategy Development Process Update and Next Steps (Opportunity Study) (PED21090(c))”, a community engagement survey has been conducted regarding the Discovery Centre, and a summary of the results of the survey is being posted on the City’s Waterfront Redevelopment project webpage at [hamilton.ca/discoverycentre](http://hamilton.ca/discoverycentre). A copy of the summary is also attached as Appendix “A” to this Communication Update.

### BACKGROUND

In February 2022, the City commenced work to develop a strategy for the Hamilton Waterfront Trust Centre (former Canadian Marine Discovery Centre Museum) property and adjacent lands. The lands are known municipally as 47 and 57 Discovery Drive (hereon referred to as the “Site”). The strategy for these lands will define a new vision for the future of the Site and will include a set of actions to implement the vision.

Concurrently to commencing work to develop the longer term strategy for the Site, City Council also authorized staff to negotiate and finalize a lease agreement related to a portion of the Discovery Centre building for a time period of up to five-years between the City and Waterfront Shores Corporation (WSC). The purpose of the agreement is to enable WSC to establish a temporary sales centre within a portion of the Discovery Centre building. This enables the building to be used as a sales centre until the future vision for the Site is confirmed. The WSC is now in progress of obtaining building permits to enable building modifications for the sales centre.

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## **SUBJECT: Discovery Centre Site (Opportunity Study): Community Survey - Results Summary (Ward 2) - Page 2 of 3**

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As part of developing the strategy for the Site, the Discovery Centre Site Opportunity Study process was initiated. In July 2022, City Council directed staff to initiate a community and stakeholder consultation process as part of the Study. The consultation process included conducting a community survey during the Summer and early Fall of 2022.

The goal of the survey was to gain community perspectives informing the development of a preliminary option for the future use of Site. The survey included questions to explore community members' perspectives about:

- What is important in making decisions about the Site;
- What amenities or features would serve as a draw to the Site;
- What are some concerns; and,
- What a future vision includes for the Site.

The survey was promoted through a number of channels including City of Hamilton social media, on-site signage, Engage Hamilton website, City's Waterfront Redevelopment website and subscribers list notifications, and by leveraging various other City communication channels.

### **SURVEY FINDINGS**

Over 1,400 survey responses were received from the Community. The results have been compiled into a Results Summary, attached as Appendix "A".

One of the key findings of the Survey was that the strong majority of respondents feel that a high degree of public use throughout the day year-round, and ensuring public accessibility are important decision-making factors about the future of the Site. Also, respondents felt that amenities or features such as open space, restaurants (fast casual and fine dining), gallery or museum, meeting or event spaces, shops and retail, and library would serve as a draw to visiting the Site.

### **NEXT STEPS**

Staff will report the results of the Discovery Centre Site Opportunity Study through a staff report to the West Harbour Development Sub-Committee in Spring 2023. The upcoming staff report will:

- Present the comprehensive findings of the community and stakeholder consultation process that occurred over the Summer and Fall of 2022;
- Provide a summary of the consultation with the Hamilton Public Library as well as heritage stakeholders;
- Present preliminary options for the future of the Site; and,

**SUBJECT: Discovery Centre Site (Opportunity Study): Community Survey -  
Results Summary (Ward 2) - Page 3 of 3**


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- Provide the findings of the commercial market assessment of the Site.

For more information about the Discovery Centre Site: Strategy Development Process, please contact Andrea Smith, Senior Consultant (Municipal Land Development Office) by phone at (905) 546-2424 Ext. 6256 or by email at [Andrea.Smith@hamilton.ca](mailto:Andrea.Smith@hamilton.ca).

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Communications Update (Community Survey – Results Summary)



# **Discovery Centre Site (Opportunity Study) Community Survey**

**~ Results Summary**

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The Hamilton waterfront is a place where ... ..	9
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## SURVEY RESULTS SUMMARY

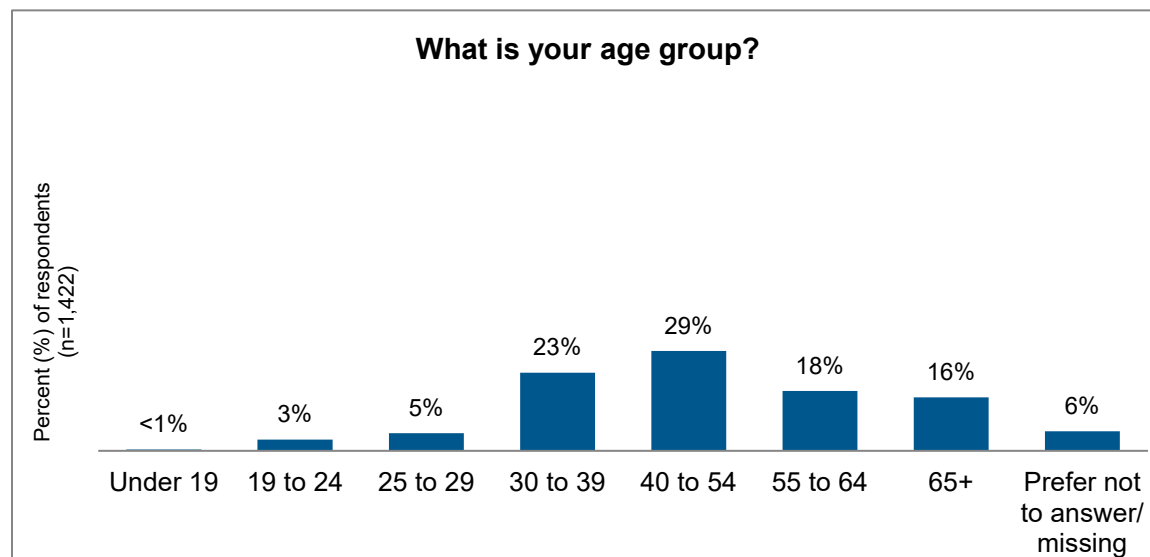
### Survey Method

The Discovery Centre Site (Opportunity Study) Community Survey was made available online between August 8, 2022 and October 3, 2022. During this time, 1,419 surveys were fully or partially completed online.

Paper copies of the survey were also provided in branches of the Hamilton Public Library. Three (3) completed paper surveys were collected, coded electronically and combined with the online survey data set for analysis.

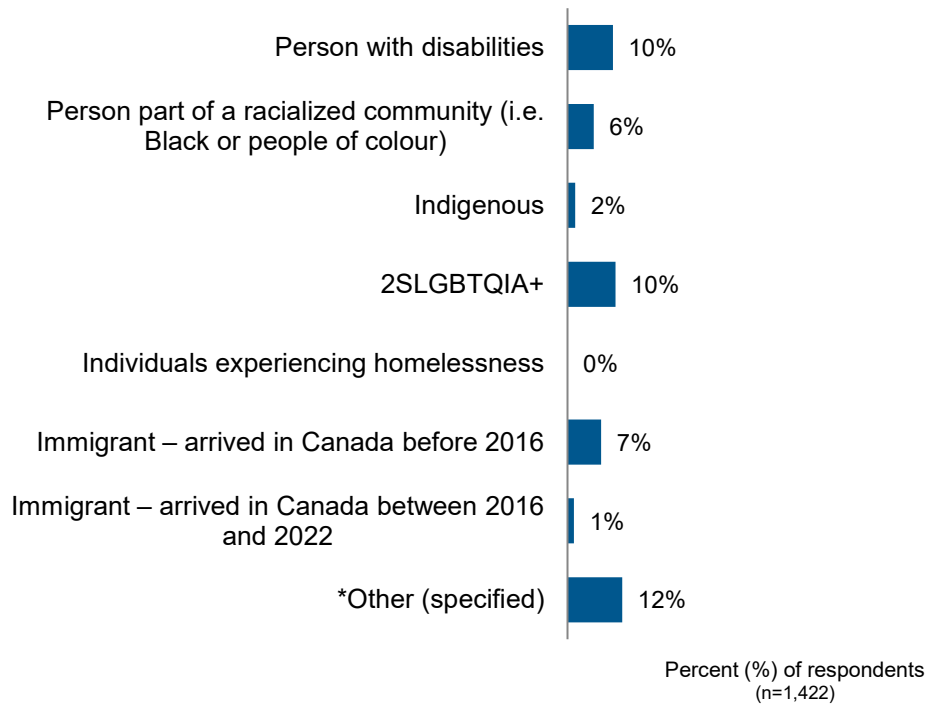
This document provides a summary of the 1,422 surveys collected. The universe of respondents (n) is provided for all questions. All text responses have been reviewed, summarized and presented either by most common themes or word clouds.

### The Respondents



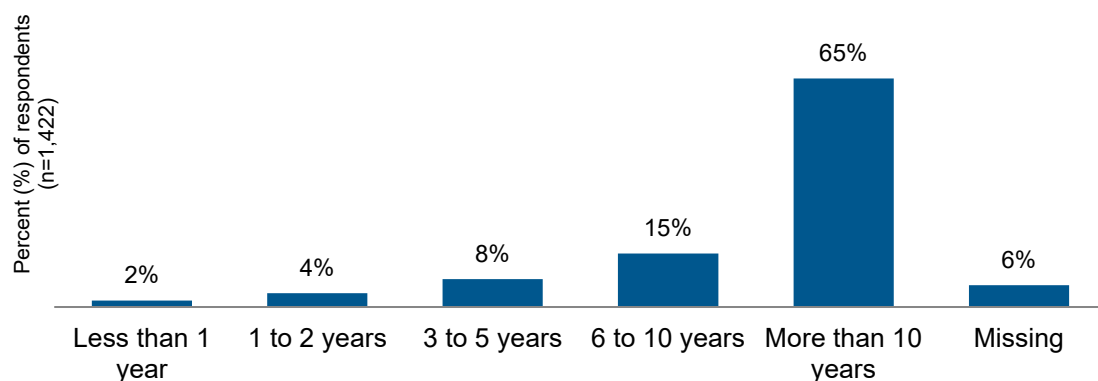
### Do you identify as any of the following?

\*Multi-response

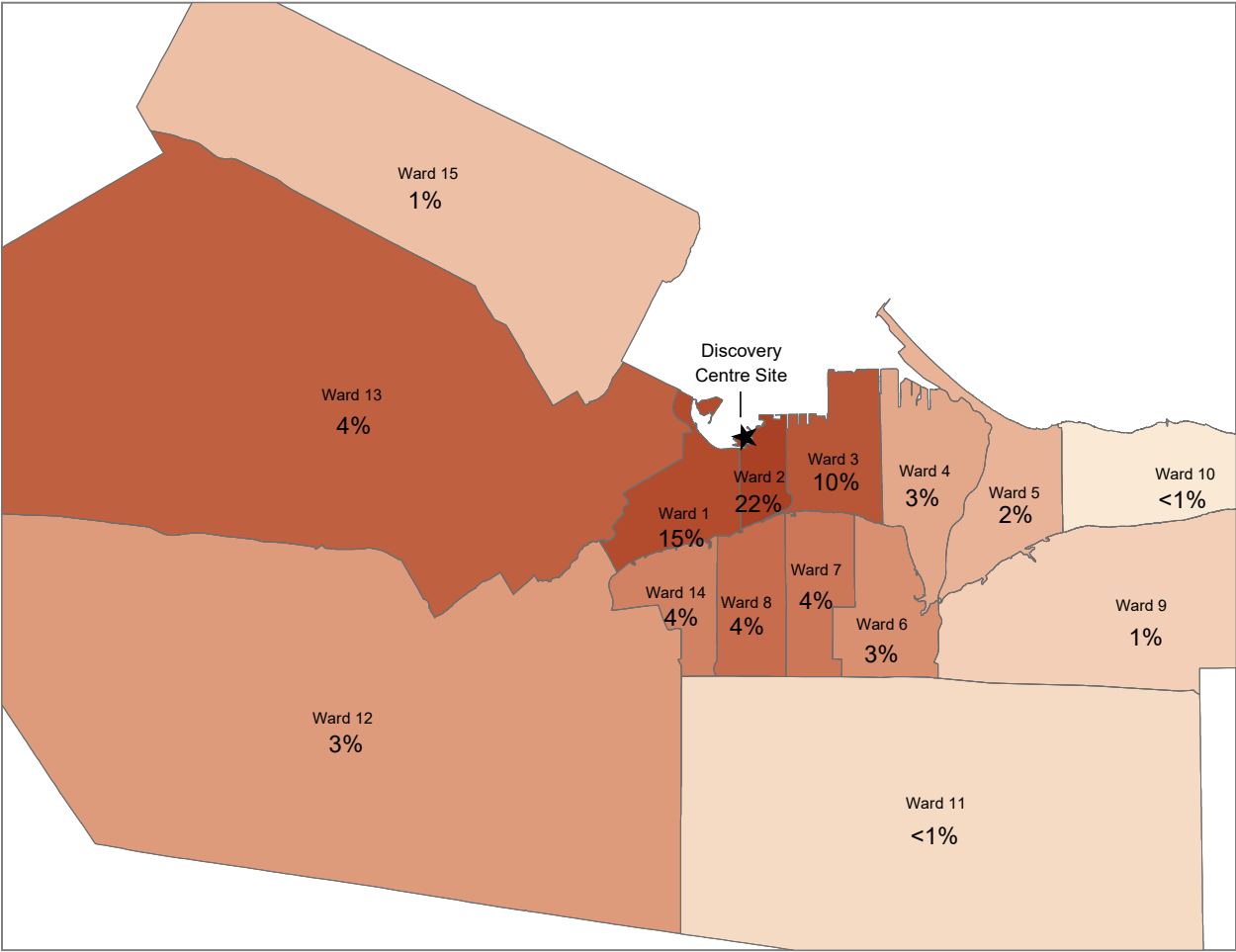


\*Other (specified) includes responses such as Canadian, caucasian/white, Hamiltonian, senior and other responses.

### How long have you lived in Hamilton?



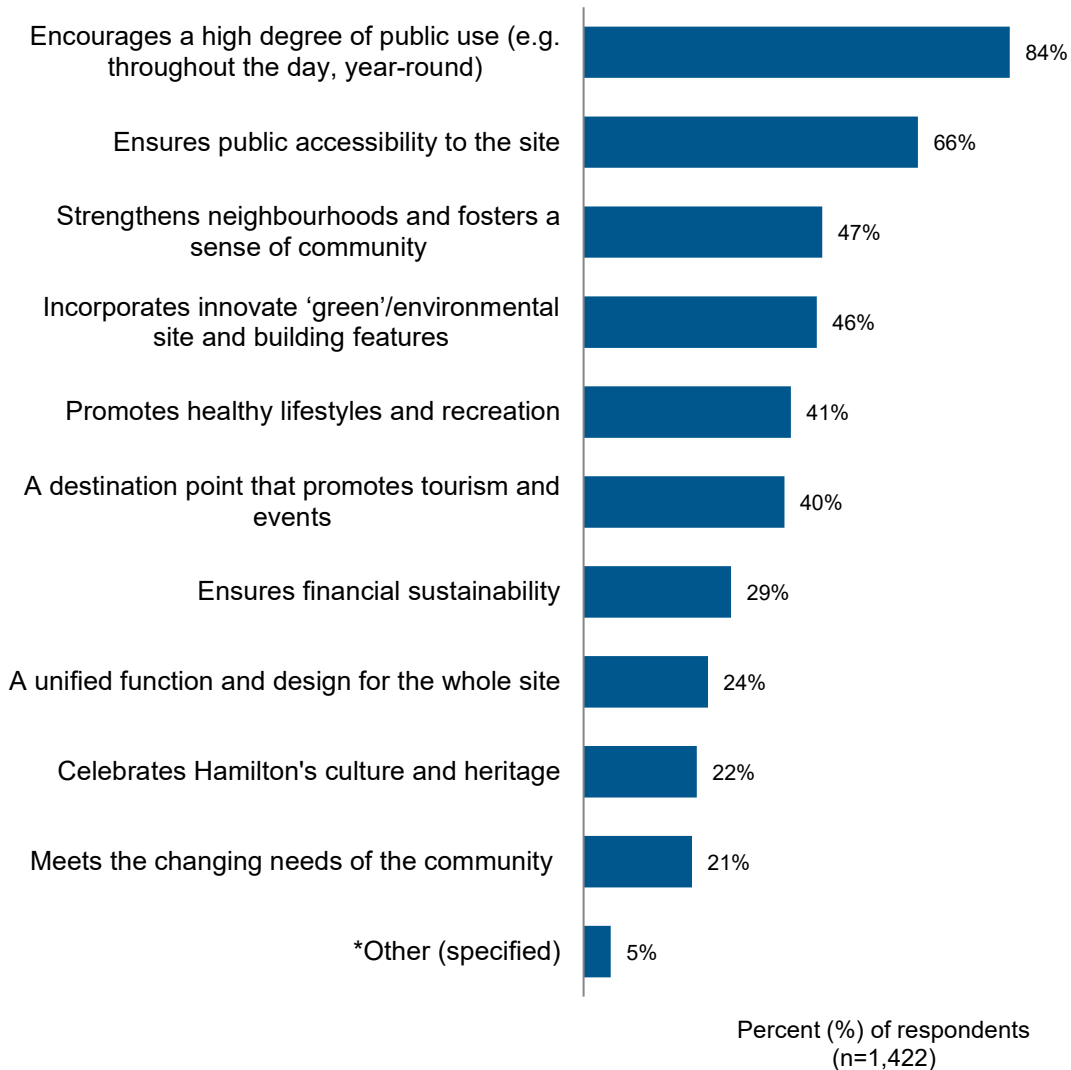
The following map shows the distribution of respondents by Ward based on the postal code provided by respondents. Note that the totals across Wards do not add up to 100% as only approximately 77% of respondents provided a valid postal code that could be mapped.



## Discovery Centre Site Questions

**What do you feel is most important to consider in making decisions about the future of the site?**

\*Multi-response up to 5 selections



\*Other (specified) includes responses related to restaurants/food, educational, multi-use/purpose and other responses.



What do you feel is most important to consider in making decisions about the future of the site? - Celebrates Hamilton's culture and heritage – please specify features or ideas that would best represent Hamilton.

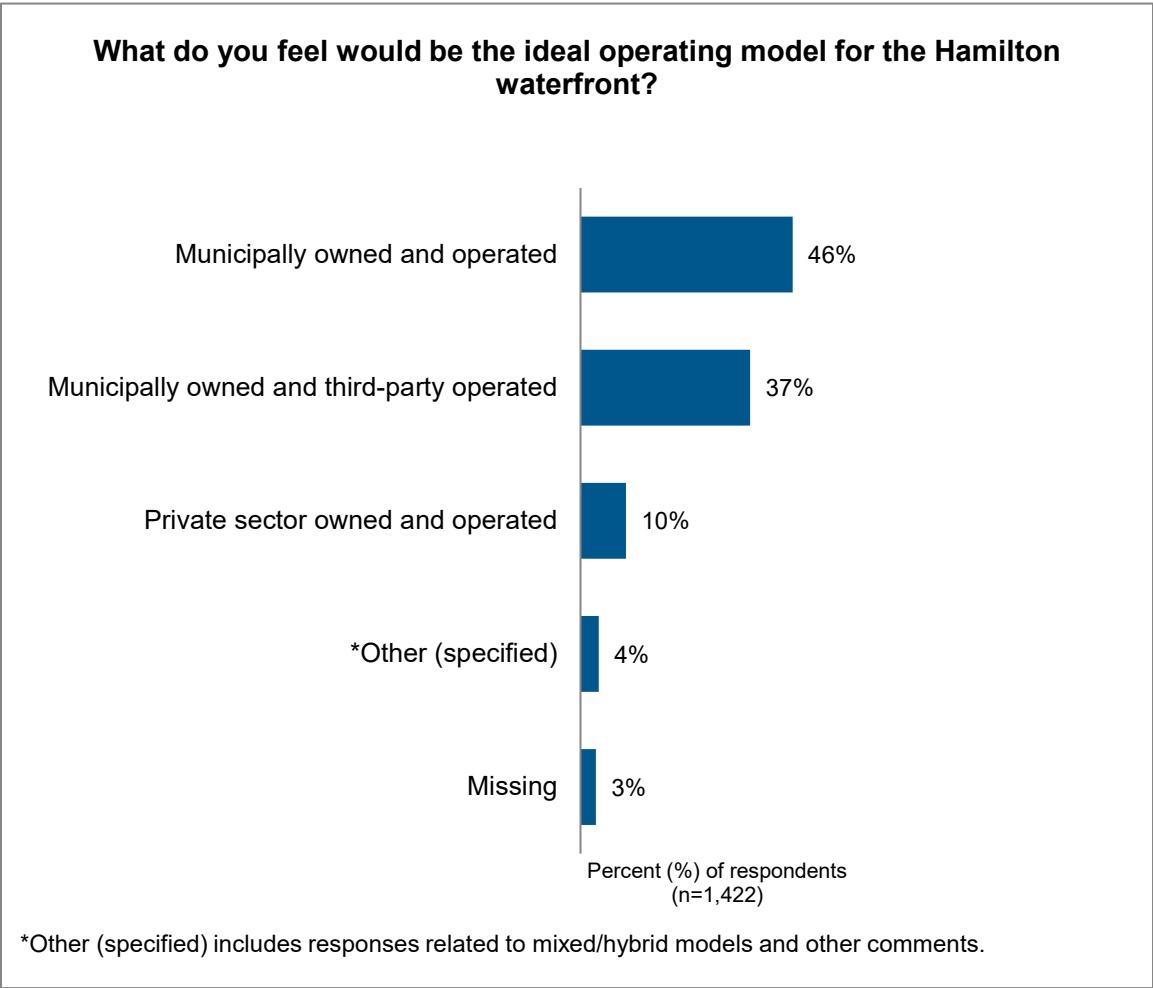
The 30 most commonly used words in responses to this question are shown in the word cloud below.

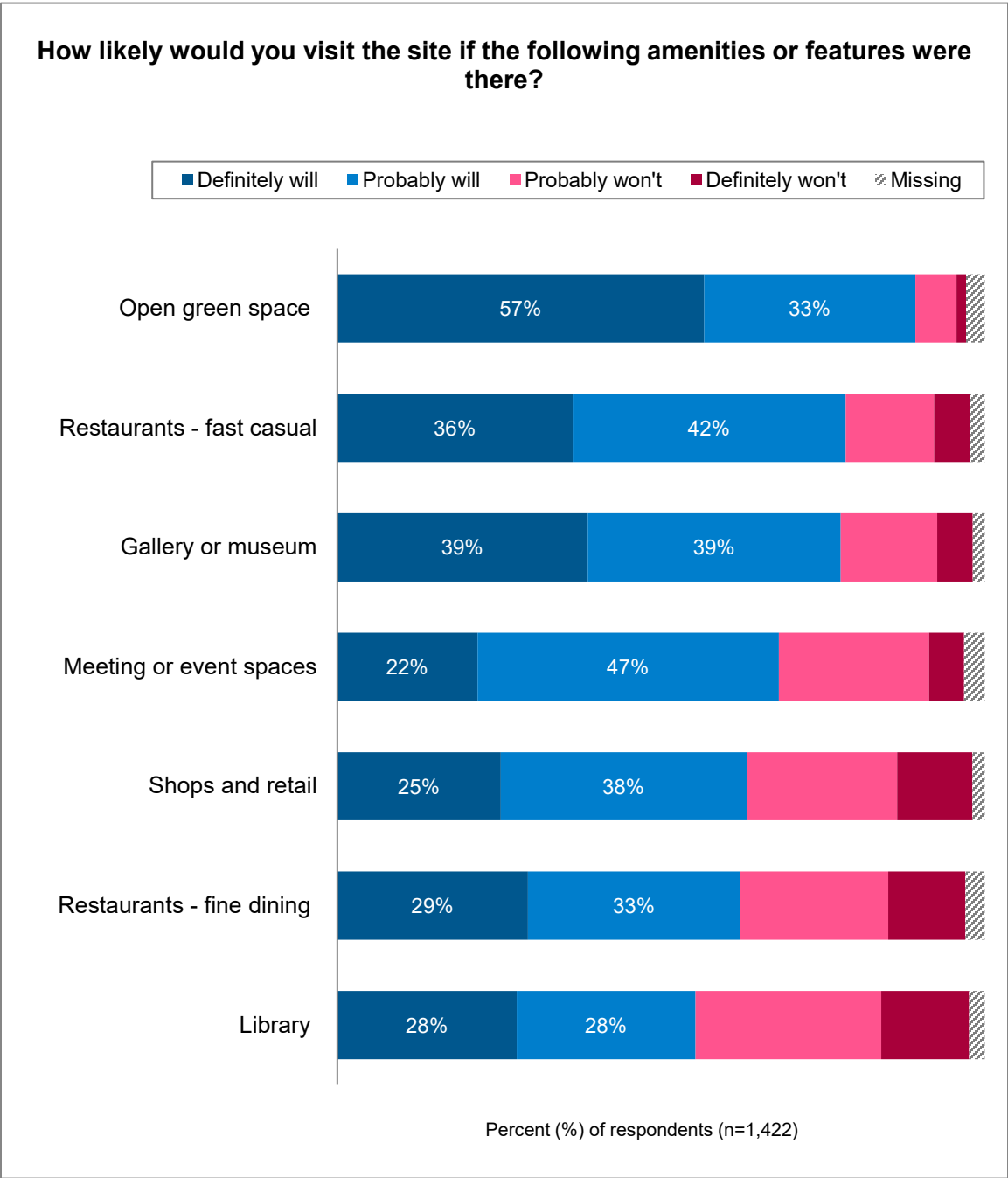


What do you feel is most important to consider in making decisions about the future of the site? - A destination that promotes tourism and events – please specify types/examples of events

The 30 most commonly used words in responses to this question are shown in the word cloud below.

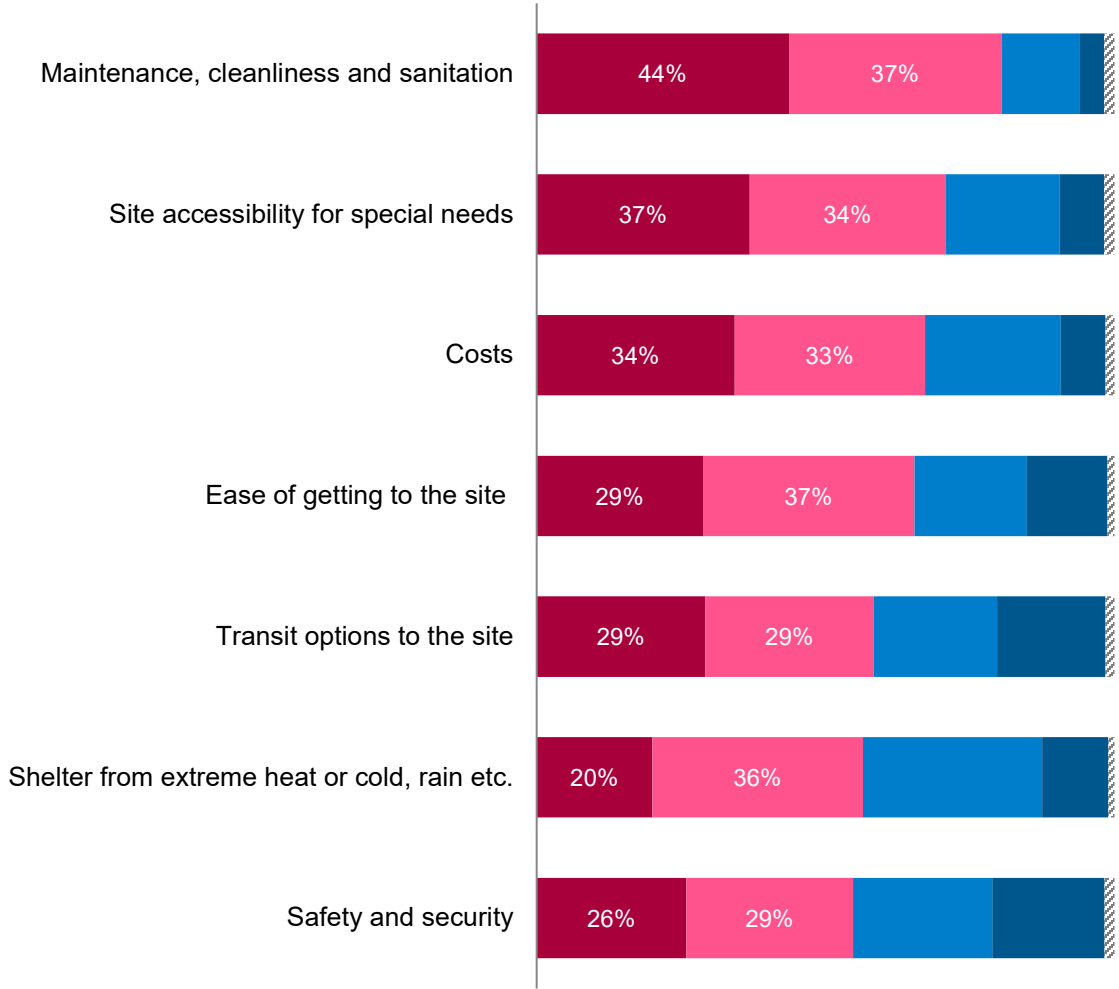






**How concerned are you about each of the following when thinking about visiting or spending time at the site?**

■ Very concerned ■ Concerned ■ Slightly Concerned ■ Not at all concerned ▨ Missing



Percent (%) of respondents (n=1,422)

**What can help make the site a welcoming, accessible, and safe place for everyone to enjoy?**

There were 913 responses to this question. The following table provides a summary of the most common themes of responses to this question. The themes are presented with the more common ones listed first.

<b>Response Theme</b>	<b>Includes comments and concerns primarily related to ...</b>
User fees	<ul style="list-style-type: none"> <li>- access, events etc. should be free</li> <li>- ensuring fees/costs are low or affordable</li> </ul>
Accessibility accommodations	<ul style="list-style-type: none"> <li>- ensuring site is accessible for persons with disabilities or special needs</li> <li>- wheel chair accommodations, ramps, no steps</li> </ul>
Parking	<ul style="list-style-type: none"> <li>- availability of and/or access to parking</li> <li>- free parking</li> <li>- ample/lots of parking</li> </ul>
Transit	<ul style="list-style-type: none"> <li>- ensuring transit options are available to the site</li> <li>- HSR, DARTS, shuttles</li> </ul>
Green space	<ul style="list-style-type: none"> <li>- ensuring there is green space</li> <li>- trees, landscaping, gardens, flowers</li> </ul>
Food options	<ul style="list-style-type: none"> <li>- restaurants or food options</li> <li>- café or coffee shop</li> </ul>
Cleanliness and maintenance	<ul style="list-style-type: none"> <li>- ensuring area is clean and maintained</li> <li>- providing garbage and recycling bins</li> </ul>
Washrooms	<ul style="list-style-type: none"> <li>- providing washrooms</li> <li>- clean and maintained washrooms</li> </ul>
Walkability	<ul style="list-style-type: none"> <li>- paths, paved sidewalks, trails</li> <li>- pedestrian friendly/safety</li> </ul>
Lighting	<ul style="list-style-type: none"> <li>- ensuring there is lighting, area is well-lit</li> </ul>
Security	<ul style="list-style-type: none"> <li>- having on site security and/or police presence</li> <li>- surveillance cameras</li> </ul>
Cycling/Biking	<ul style="list-style-type: none"> <li>- ensuring area is bike friendly/accessible</li> <li>- providing bike parking/racks</li> <li>- having cycling/bike lanes</li> </ul>


Response Theme	Includes comments and concerns primarily related to ...
Accessibility	- ensuring site is accessible
Multi-use	- multi-use/function, variety of options, changing uses,
Shelter and shade	- providing shade, shelter or covered areas - covered/indoor areas that protects against heat, cold, rain etc.
Seating	- ensuring there are benches, seating areas
For everyone	- ensuring there is a range of activities, events or space for everyone, people of all ages, diverse and different groups


Tell us what your vision for the Hamilton waterfront is by completing the following sentence. The Hamilton waterfront is a place where ...

Responses provided to complete this sentence most often contained the words or variations of the 30 words shown in the word cloud below.



## APPENDIX A: SURVEY TOOL



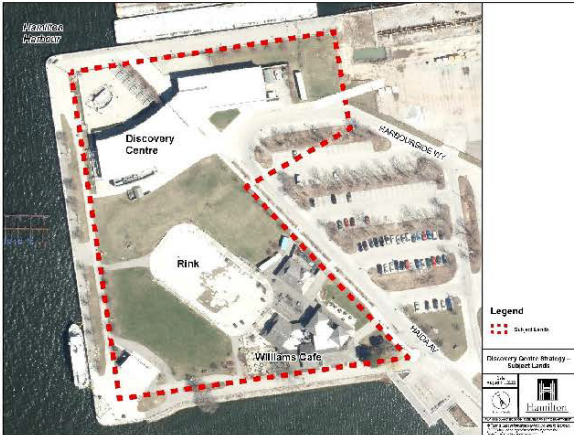


Discovery Centre Site:  
**OPPORTUNITY STUDY**

### West Harbour (Pier 8) Community Survey – Discovery Centre Site Opportunity Study

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The City has begun an Opportunity Study as part of defining a new vision for the former Canadian Marine Discovery Centre and adjacent lands (Site pictured below). Site is known municipally as 47 and 57 Discovery Drive.



Several factors including the closure of the museum, the change in property ownership from federal to municipal government, property use constraints, along with the passage of time since the policy and zoning regulations were originally established provides an opportunity to re-examine options of the use of the Site.

Your feedback is an important part of assessing options and will be considered as part of the decision-making process in developing a strategy for the Site.


Important information about the survey:

- The survey will take approximately 5 to 10 minutes to answer.
- Participation is voluntary and you may skip any question you do not want to answer.
- Responses will be kept confidential and will only be reported at an aggregate level that will not identify individuals.

If you have any questions or concerns about the survey, please contact:

Andrea Smith  
Senior Consultant - West Harbour  
[andrea.smith@hamilton.ca](mailto:andrea.smith@hamilton.ca)

For more Information about the Discovery Centre strategy development process or to complete the survey online visit [www.engage.hamilton.ca/discoverycentre](http://www.engage.hamilton.ca/discoverycentre) or scan the QR code.



Page 1 of 4



Discovery Centre Site:  
**OPPORTUNITY STUDY**



## West Harbour (Pier 8) Community Survey – Discovery Centre Site Opportunity Study

What do you feel is most important to consider in making decisions about the future of the site?

Select your **top 5** items.

- A unified function and design for the whole site
- Encourages a high degree of public use (e.g. throughout the day, year-round)
- Ensures financial sustainability
- Ensures public accessibility to the site
- Strengthens neighbourhoods and fosters a sense of community
- Incorporates innovative 'green'/environmental site and building features
- Meets the changing needs of the community
- Promotes healthy lifestyles and recreation
- Celebrates Hamilton's culture and heritage  
Please specify features or ideas that would best represent Hamilton:  
\_\_\_\_\_
- A destination point that promotes tourism and events  
Please specify types/examples of events:  
\_\_\_\_\_
- Other, please specify:  
\_\_\_\_\_

What do you feel would be the ideal operating model for the Hamilton waterfront?

- Municipally owned and operated
- Municipally owned and third-party operated
- Private sector owned and operated
- Other: \_\_\_\_\_





Discovery Centre Site:  
**OPPORTUNITY STUDY**



**West Harbour (Pier 8)  
Community Survey – Discovery Centre Site  
Opportunity Study**

The opportunity study will identify various options for the future of this site and will require input from stakeholder groups and the community. Land use and financial feasibility will also need to be considered in assessing options.

How likely would you visit the Site if the following amenities or features were there?

	Definitely won't	Probably won't	Probably will	Definitely will
Library	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gallery or museum	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Meeting or event spaces	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Open green space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restaurants - fast casual	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restaurants - fine dining	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Shops and retail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How concerned are you about each of the following when thinking about visiting or spending time at the Site?

	Not at all concerned	Slightly concerned	Concerned	Very concerned
Shelter from extreme heat or cold, rain etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transit options to the site	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ease of getting to the site	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Safety and security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintenance, cleanliness, and sanitation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Site accessibility for special needs (e.g. wheelchair, vision, hearing etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Costs (e.g. admission fees, parking etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What can help make the Site a welcoming, accessible, and safe place for everyone to enjoy?

Tell us what your vision for the Hamilton waterfront is by completing the following sentence.

The Hamilton waterfront is a place where \_\_\_\_\_



Discovery Centre Site:  
**OPPORTUNITY STUDY**



## West Harbour (Pier 8) Community Survey – Discovery Centre Site Opportunity Study

If you are comfortable, please tell us a little about yourself.

What is your age group?

- Under 19
- 19 to 24
- 25 to 29
- 30 to 39
- 40 to 54
- 55 to 64
- 65+
- Prefer not to answer

Do you identify as any of the following?

*Select all that apply.*

- Person with disabilities
- Person part of a racialized community (i.e. Black or people of colour)
- Indigenous
- 2SLGBTQIA+
- Individuals experiencing homelessness
- Immigrant – arrived in Canada before 2016
- Immigrant – arrived in Canada between 2016 and 2022
- Other, please specify: \_\_\_\_\_
- I do not identify with any of the above
- Prefer not to answer


What is your postal code? \_\_\_\_\_

How long have you lived in Hamilton?

- Less than 1 year
- 1 to 2 years
- 3 to 5 years
- 6 to 10 years
- More than 10 years



## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	January 16, 2023
<b>SUBJECT:</b>	2023 Hamilton Winterfest Program Update (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
<b>SIGNATURE:</b>	

The City of Hamilton's Winterfest Program (Winterfest) is a three-week festival each February with free and affordable (low-cost) in-person and online culture and recreation events and activities. This year the festival is presenting more than 60 events from February 2 to 20 (Family Day), including:

### Community Events

Dozens of community partners organize events from ice skating and pancake breakfasts to concerts, exhibitions and more at indoor and outdoor venues across the city.

### Winterfest Hub at Jackson Square

Produced by Cobalt Connects Creativity (Cobalt), the Jackson Square rooftop is being reimaged by artists and will include light-based sculptural and mural works, live concerts and an outdoor skating rink. The Art Gallery of Hamilton and Hamilton Public Library will collaborate to produce Hub Family Day programming.

### Signature Events

In addition to the Hub and Community Events, Winterfest features several Signature Events such as Hamilton Fashion Week and FROST BITES by the Hamilton Festival Theatre Company.

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Through the City's procurement Request For Proposals process, Cobalt was awarded a five-year contract (2019 to 2023) to coordinate and market Winterfest, with the City providing support services to the festival. As per its contractual responsibilities, Cobalt will send out a Winterfest media release detailing event programming on Monday, January 16.

For more information, visit [www.hamiltonwinterfest.ca](http://www.hamiltonwinterfest.ca) or contact Ryan McHugh, Manager of Tourism and Events by e-mail at [Ryan.McHugh@hamilton.ca](mailto:Ryan.McHugh@hamilton.ca) or by telephone at (905) 546-2424 Ext. 4132.

**APPENDICES AND SCHEDULES ATTACHED**

None.

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## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	January 16, 2022
<b>SUBJECT:</b>	City Dashboard - Beta Release (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Cyrus Tehrani Chief Digital Officer & Director of Innovation City Manager's Office
<b>SIGNATURE:</b>	

As part of the City's efforts to promote transparency, continue to expand its Open Data inventory and advance its data capabilities, the City of Hamilton has launched a City Dashboard (Beta Release), now available at [www.hamilton.ca/citydashboard](http://www.hamilton.ca/citydashboard).

The City Dashboard beta release provides information about the community, the services provided by the City and the City's strategic priorities, bringing together various public-facing data that the City currently reports on into one central place on hamilton.ca. The City Dashboard data replaces static data that previously existed as part of the service profiles, with the aim to improve access, transparency and accountability.

A dynamic data visualization tool designed to facilitate storytelling through data, the City Dashboard:

- Consolidates demographic and City service performance data into a consistent format that allows for expansion and growth in data reporting
- Allows for tracking core metrics over time
- Creates transparency and clarity around data the City is using to inform program decisions and system planning
- Helps to streamline responses to data requests by pointing people to one data source
- Includes data notes that define what the data represents, why the data is important, an assessment of performance, and links to additional information and contacts

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

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

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- Aims to ensure underlying data sets in the City Dashboard are also available via City's Open Data Portal at [open.hamilton.ca](https://open.hamilton.ca).

The City Dashboard presents data in an interactive format, connected to the City's Open Data program, to contribute to building trust and confidence in City government by ensuring information used in decision-making is readily available and accessible to Council and the public.

The information presented shows data tracking over time where applicable and highlights where the City is doing well and where we can focus more attention to ensure we meet the needs of our community.

At launch, there are 78 measures incorporated into the City Dashboard, divided into three core sections:

- **Our City:** This section includes key demographic characteristics of the population of the City of Hamilton, consisting of 19 measures
- **Our Services:** This section includes performance data about services that the City provides, consisting of 59 measures
- **Our Priorities:** This section (to be updated in 2023) will include metrics in support of strategic goals and priorities adopted by the new term of Council

As the City's performance, continuous improvement and innovation journey evolves, new data sets and reporting capabilities will continue to be added, including reference to levels of service and targets, with enhancements to the user experience. Evolving our digital assets further supports the City's commitment to inclusion, openness, transparency, dialogue and building a sense of belonging.

Note that metrics included in the City Dashboard do not reflect the totality of performance related work of the City, nor all the data monitored internally to support decision-making.

The Dashboard will be reviewed in its entirety on an annual basis during Q1 each year. Where data is more readily available, the data is updated more frequently as applicable. Some data, such as data that is tied to census data, is updated less often.

Questions about the City Dashboard can be directed to [performance@hamilton.ca](mailto:performance@hamilton.ca).

Questions related to the data within the dashboard can be directed to the respective contacts noted within the Dashboard itself.

Questions about the City's Open Data program can be directed to [opendata@hamilton.ca](mailto:opendata@hamilton.ca).



# COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	January 19, 2023
<b>SUBJECT:</b>	Hamilton Paramedic Service Awarded Grant from Firehouse Subs Public Safety Foundation of Canada (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Michael Sanderson Chief, Hamilton Paramedic Service Healthy and Safe Communities Department
<b>SIGNATURE:</b>	

## BACKGROUND

The Hamilton Paramedic Service (HPS) has once again been successful in being awarded a grant from the Firehouse Subs Public Safety Foundation of Canada. The mission of the Firehouse Subs Public Safety Foundation of Canada is to provide funding for lifesaving equipment, and educational opportunities to first-responders and public safety organizations.

In 2020, HPS received over \$20,000 to establish Hamilton's first ever Paramedic Bike Unit to be able to access people in medical distress in hard-to-reach places such as mass gathering events. Hamilton is home to many large-scale events such as Super Crawl and the Around the Bay Road Race. Paramedics on bikes are equipped with medical supplies and can navigate through crowds more rapidly and safely than a full-sized ambulance.

This year, HPS has received a grant of \$55,170 from the Firehouse Subs Public Safety Foundation of Canada to contribute to the purchase of an emergency medical response ATV. While paramedics on bikes can rapidly access the patient to provide basic medical care, an ATV is required to extricate the patient from the crowd. An emergency medical response ATV can manoeuvre quickly both through crowds and across all terrains and has the capacity to carry a patient, two paramedics, medical equipment, and a modified stretcher.

Paramedics will provide medical care as the patient is removed from an area that is difficult to reach by ambulance and taken to an awaiting ambulance that will transport them to the hospital. Thus, the patient receives continuous medical care from the time paramedics reach them, throughout extrication with the ATV and while being

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**SUBJECT: Hamilton Paramedic Service Awarded Grant from Firehouse Subs Public Safety Foundation of Canada (City Wide) - Page 2 of 2**

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transported to the hospital. This equipment enables paramedics to take a response approach that has the potential to save lives when every minute matters.

This grant is one of 22 Firehouse Subs Public Safety Foundation of Canada has awarded to public safety organizations during the most recent grant cycle. The 22 grants will provide critical lifesaving equipment valued at more than \$518,000 across Ontario. The Firehouse Subs Public Safety Foundation of Canada has awarded 306 grants to public safety organizations since 2015.

On January 31, 2023, Hamilton Firehouse Subs restaurant owners, will present the Hamilton Paramedic Chief with a cheque to acquire an ATV that will be outfitted for emergency medical response. The cheque dedication will take place at the HPS administration building between 2:00 p.m. and 3:00 p.m.

HPS is grateful to be awarded this grant that will be used to enhance the lifesaving capabilities of our paramedics as they work tirelessly to keep the Hamilton community healthy and safe.

Should you require further information, please contact Chief Michael Sanderson at (905) 546-2424 ext. 7741 or at [Michael.Sanderson@hamilton.ca](mailto:Michael.Sanderson@hamilton.ca).

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**Authority:** Item 3, General Issues Committee  
Report 22-021 (FCS22054)  
CM: December 7, 2022  
Ward: City Wide  
**Bill No. 001**

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

**To Amend City of Hamilton By-law No. 22-275,  
being a By-law to Impose Fees and Charges Respecting the Use of the City of  
Hamilton Sanitary Sewage System and to Implement a Wastewater Abatement  
Program**

**WHEREAS** Council enacted a by-law to establish and maintain a list of all of its water and wastewater/storm services and activities on the use of property subject to fees or charges, as well as, the amount of each fee or charge;

**AND WHEREAS** Council wishes to amend By-law No. 22-275;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule "A" of By-law 22-275 is deleted and replaced with the new Schedule "A" attached to this by-law.
3. Schedule "B" of By-law 22-275 is amended by replacing the page entitled "City of Hamilton- 2022 Private Fire Line Rates" with the page entitled "City of Hamilton- 2023 Private Fire Line Rates", attached as Schedule "B" to this by-law.
4. This By-law shall come into effect on the day it is passed.
5. In all other respects, By-law 22-275 is confirmed.

**PASSED** this 25<sup>th</sup> day of January, 2023.

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A. Horwath  
Mayor

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A. Holland  
City Clerk

**CITY OF HAMILTON**  
**2023 WATER AND WASTEWATER/STORM FEES AND CHARGES**  
**Effective January 1, 2023**

**A) Daily Water & Wastewater/Storm Fixed Charges**

The fixed daily charge is not related to the direct costs of consumption and are not dependent upon or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the water, wastewater and storm systems.

Meter Size	Water Rate	Wastewater/ Rate	Storm
15 mm	\$ 0.43	\$	0.47
16 mm	\$ 0.43	\$	0.47
20 mm	\$ 0.43	\$	0.47
21 mm	\$ 0.43	\$	0.47
25 mm	\$ 1.08	\$	1.18
38 mm	\$ 2.15	\$	2.35
50 mm	\$ 3.44	\$	3.76
75 mm	\$ 6.88	\$	7.52
100 mm	\$ 10.75	\$	11.75
150 mm	\$ 21.50	\$	23.50
200 mm	\$ 34.40	\$	37.60
250 mm	\$ 49.45	\$	54.05
300 mm	\$ 73.10	\$	79.90

**B) Metered Water Consumption Charges**

Water consumption shall be charged on a per cubic metre basis at the rates indicated in the table below. The total monthly Water Consumption Charge is the sum of usage in all blocks at the rate for each block.

Consumption Block	Monthly Water Consumption (m3)	Residential Meter Size <25mm	Residential Meter Size =>25mm and Commercial, Institutional & Industrial
		Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.98	1.96
2	>10	1.96	1.96

**C) Wastewater/Storm Treatment Charges**

Wastewater/Storm Treatment Charges are based on metered water consumption and the cost of wastewater collection and treatment, and stormwater management. Charges are on a per cubic metre basis at the rates indicated in the table below. The total monthly Wastewater/Storm Treatment Charge is the sum of usage in all blocks at the rate for each block.

Treatment Block	Monthly Water Consumption (m3)	Residential Meter Size <25mm	Residential Meter Size =>25mm and Commercial, Institutional & Industrial
		Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.98	1.96
2	>10	1.96	1.96

**D) Non-Metered Annual Water & Wastewater/Storm Rate**

Flat Rate Water Customers Annual Rate: \$715.40

Flat Rate Wastewater/Storm Customers Annual Rate: \$715.40

Combined Flat Rate Water & Wastewater/Storm Customers Annual Rate: \$1,430.80

## City of Hamilton - 2023 Private Fire Line Rates

This service shall consist of permanent unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow protection devices.

### Unmetered Service

Size of Connection		Monthly Rate
mm	inches	
25	1	\$ 4.30
38	1.5	\$ 9.88
50	2	\$ 17.18
75	3	\$ 38.66
100	4	\$ 68.72
150	6	\$ 154.63
200	8	\$ 274.89
250	10	\$ 274.89
300	12	\$ 274.89

**Authority:** Item 14, Committee of the Whole  
 Report 01-003 (FCS01007)  
 CM: February 6, 2001  
 Wards: 1,2,3,4,5,11,12,13  
**Bill No. 002**

**CITY OF HAMILTON**  
**BY-LAW NO. 23-**  
**To Amend By-law No. 01-218, as amended,**  
**Being a By-law To Regulate On-Street Parking**

**WHEREAS** Section 11(1)1 of the *Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

**AND WHEREAS** it is necessary to amend By-law No. 01-218, as amended.

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

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
8 - No Parking	E	Jackson	North	120 feet east of Walnut to 68 feet easterly	Anytime	Deleting
8 - No Parking	E	Queen	East	King to Main	Anytime	Deleting
8 - No Parking	A	Blasdell Court	East	41 metres south of Braithwaite Avenue to 6 metres south thereof	Anytime	Adding
8 - No Parking	A	Donnelly Street	East	29 metres south of Kendrick Court to 6 metres south thereof	Anytime	Adding
8 - No Parking	E	Jackson Street East	North	21 meters east of Walnut Street South to 37 metres east thereof	Anytime	Adding
8 - No Parking	A	Panabaker Drive	West	51 metres south of Braithwaite Avenue to 6 metres south thereof	Anytime	Adding
8 - No Parking	A	Panabaker Drive	West	36 metres north of Vansickle Street to 6 metres north thereof	Anytime	Adding
8 - No Parking	D	Provident Way	East & North	70 metres south of Fairey Crescent to 25 metres south and east thereof	Anytime	Adding

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

8 - No Parking	G	Queen Street South	East	17 metres south of King Street West to 15 metres south thereof	Anytime	Adding
8 - No Parking	D	Rosebury Way	North	29 metres west of Pinnacle Court to 6 metres west thereof	Anytime	Adding
8 - No Parking	D	Rosebury Way	East & North	48 metres south of Provident Way to 30 metres south and east thereof	Anytime	Adding
8 - No Parking	B	Sunrise Crescent	North & East	200 metres north of the west intersection with Pleasant Avenue to 20 metres west and north thereof	Anytime	Adding
8 - No Parking	A	Vinton Road	West	22 metres south of Weaver Drive to 6 metres south thereof	Anytime	Adding
8 - No Parking	A	Vinton Road	West	32 metres south of Guest Street to 6 metres south thereof	Anytime	Adding
8 - No Parking	A	Whittington Drive	North	30 metres west of the east intersection with Vinton Road to 6 metres west thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
12 - Permit	E	Carrick Ave.	West	38m south of King St. to 6m southerly	Anytime	Deleting
12 - Permit	E	Carrick Ave.	East	40m south of King St. to 6m southerly	Anytime	Deleting
12 - Permit	E	Grosvenor Avenue North	East	82 metres south of Barton Street East to 6 metres south thereof	Anytime	Deleting
12 - Permit	E	Maplewood Ave.	South	25m east of Gilmour Pl. to 6m easterly	Anytime	Deleting
12 - Permit	E	Mary	East	from 72m north of Robert to 5.7m northerly	Anytime	Deleting
12 - Permit	E	Norman	East	from 20.5m north of Campbell to 6m northerly	Anytime	Deleting
12 - Permit	E	Norman	East	Commencing 164 feet south of Argyle and extending 14 feet southerly therefrom	Anytime	Deleting
12 - Permit	E	Paling	East	from 63.3m south of Vansitmart to 6.1m southerly	Anytime	Deleting
12 - Permit	E	Picton St.	North	From 15.2m east of MacNab St. to 6m easterly	Anytime	Deleting
12 - Permit	E	Ray St.N.	West	from 15m south of York Blvd. and extending 6m southerly.	Anytime	Deleting
12 - Permit	E	Cameron Avenue North	East	22 metres north of Roxborough Avenue to 6 metres north thereof	Anytime	Adding
12 - Permit	E	Clyde Street	West	101 metres north of Cannon Street East to 6 metres north thereof	Anytime	Adding

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

12 - Permit	E	<b>Clyde Street</b>	West	64 metres north of Cannon Street East to 6 metres north thereof	Anytime	Adding
12 - Permit	E	<b>Comet Avenue</b>	West	54 metres south of Beach Boulevard to 6 metres south thereof	Anytime	Adding
12 - Permit	E	<b>MacAulay Street East</b>	North	39 metres east of John Street North to 6 metres east thereof	Anytime	Adding
12 - Permit	E	<b>Mars Avenue</b>	North	34 metres east of Douglas Avenue to 6 metres east thereof	Anytime	Adding
12 - Permit	E	<b>Mary Street</b>	East	59 metres south of Robert Street to 6m south thereof	Anytime	Adding
12 - Permit	E	<b>Tuxedo Avenue North</b>	East	124 metres north of Dunsmure Road to 6 metres north thereof	Anytime	Adding
12 - Permit	E	<b>Weir Street North</b>	West	60 metres north of Britannia Avenue to 6 metres north thereof	Anytime	Adding

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
13 - No Stopping	F	<b>Jasper Drive</b>	Both	Bonita Drive to Gray Road	8:00 a.m. to 4:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	<b>Queen</b>	East	King to Main	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	<b>Queen</b>	West	George to Main	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	<b>Queen St. S.</b>	West	King St. W. to George St. S.	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	<b>Queen Street</b>	East	Main Street to 23m south of York Boulevard	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	<b>Queen Street</b>	West	Main Street to Canada Street	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	D	<b>Viking Drive</b>	Both	Regional Road 56 to 37 metres west thereof	Anytime	Deleting
13 - No Stopping	F	<b>Jasper Drive</b>	North	Bonita Drive to Gray Road	8:00 a.m. to 4:00 p.m. Monday to Friday	Adding
13 - No Stopping	E	<b>Queen Street North</b>	East	King Street West to York Boulevard	4:00 p.m. to 6:00 p.m. Monday to Friday	Adding
13 - No Stopping	E	<b>Queen Street South</b>	West	King Street West to Canada Street	4:00 p.m. to 6:00 p.m. Monday to Friday	Adding
13 - No Stopping	E	<b>Queen Street South</b>	East	Main Street West to 32 metres south of King Street West	Anytime	Adding

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
23 - Special Enf. Area	D	<b>Armes Street</b>	Both	McWatters Street to Pumpkin Pass	September 1 - June 30	Adding
23 - Special Enf. Area	D	<b>Bradley Avenue</b>	Both	Magnificent Way to Windwood Drive	September 1 - June 30	Adding

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

23 - Special Enf. Area	D	<b>Fall Fair Way</b>	Both	Valiant Circle to 110m north of Pumpkin Pass	September 1 - June 30	Adding
23 - Special Enf. Area	D	<b>Fletcher Road</b>	Both	35 metres north of McWatters Street to 35 metres south of Pumpkin Pass	September 1 - June 30	Adding
23 - Special Enf. Area	D	<b>Great Oak Trail</b>	Both	Magnificent Way to Windwood Drive	September 1 - June 30	Adding
23 - Special Enf. Area	D	<b>Magnificent Way</b>	Both	Bradley Avenue to Great Oak Trail	September 1 - June 30	Adding
23 - Special Enf. Area	D	<b>McWatters Street</b>	Both	Fletcher Road to Armes Street	September 1 - June 30	Adding
23 - Special Enf. Area	D	<b>Pumpkin Pass</b>	Both	Hitching Post Ridge to Fall Fair Way	September 1 - June 30	Adding
23 - Special Enf. Area	D	<b>Pumpkin Pass</b>	Both	Fletcher Road to Armes Street	September 1 - June 30	Adding
23 - Special Enf. Area	D	<b>Windwood Drive</b>	Both	Bradley Avenue to Great Oak Trail	September 1 - June 30	Adding
23 - Special Enf. Area	E	<b>Dundurn Street</b>	Both	63 metres south of Herkimer Street to Homewood Avenue	September 1 - June 30	Adding
23 - Special Enf. Area	E	<b>Homewood Avenue</b>	Both	Dundurn Street South to 155 metres west thereof	September 1 - June 30	Adding
23 - Special Enf. Area	E	<b>Stanley Avenue</b>	Both	Dundurn Street South to 95 metres west thereof	September 1 - June 30	Adding
23 - Special Enf. Area	E	<b>Stanley Avenue</b>	Both	Dundurn Street South to 20m east thereof	September 1 - June 30	Adding

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 25<sup>th</sup> day of January 2023.

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A. Horwath  
Mayor

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A. Holland  
City Clerk

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A. Holland  
City Clerk

**Authority:** Item 4, Public Works Committee  
Report 23-001 (PW23005)  
CM: January 25, 2023  
Ward: City Wide  
**Bill No. 003**

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

**To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18<sup>th</sup> day of September 2001, the Council of the City of Hamilton enacted By-law 01-215 to regulate traffic;

**AND WHEREAS** on the 13<sup>th</sup> day of April 2022, the Council of the City of Hamilton approved Item 5 of Public Works Committee Report 22-005 to amend By-law 01-215;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Section 1 of By-law 01-215 is amended by adding a new definition as follows:  
  
"large heavy vehicle" means a heavy vehicle possessing more than four axles, whether those axles are lifted or lowered in contact with the road surface;
3. Section 56 of By-law 01-215 is amended by adding subsection (8)(a) under subsection (7), as follows:  
  
(8) (a) Notwithstanding Section 56 (2), no person shall drive or permit to be driven a large heavy vehicle within the area prescribed by Schedule 35, provided that this provision shall not apply to any vehicle operating under the authority of a permit issued pursuant to Section 55.
4. Section 56 of By-law 01-215 is further amended by adding a new subsection (8)(b) as follows:  
  
(8) (b) Schedule 35 describes the following:



To Amend By-law No. 01-215  
Being a By-law to Regulate Traffic

- (i) in column one thereof, the municipal name of the highway or part of a highway where large heavy vehicles are prohibited;
  - (ii) in column two thereof, the point at which the prohibition commences; and,
  - (iii) in column three thereof, the point at which the prohibition concludes.
5. Subsection 56 (3) of By-law 01-215 shall be amended by deleting the words “Section 56 (2)” and replacing them with “Subsections 56 (2) and 56 (8)(a)”.
  6. Subsection 56 (3b) of By-law 01-215 shall be amended by deleting the words “Subsection 56 (2)” and replacing them with “Subsections 56 (2) and 56 (8)(a)”.
  7. Subsection 56 (4) of By-law 01-215 shall be amended by deleting the words “Section 56 (2)” and replacing them with “Subsections 56 (2) and 56 (8)(a)”.
  8. Subsection 56 (6) of By-law 01-215 shall be amended by deleting the words “Section 56 (2)” and replacing them with “Subsections 56 (2) and 56 (8)(a)”.
  9. Appendix “A” to this By-law is hereby added to By-law 01-215 as Schedule 35 (Large Heavy Vehicle Prohibition) to prohibit large heavy vehicles from areas prescribed within.
  10. Schedule 27 (Truck Routes) of By-law No. 01-215, as amended, is hereby further amended by adding the following items, namely:

Highway	From	To	Times
Airport Road West	Glancaster Road	Airport Terminal Access	Full-time
Arkledun Avenue	St. Joseph's Drive	Jolly Cut	Full-time
Barton Street	McNeilly Road	Fifty Road	7AM-7PM
Bay Street North	Cannon Street West	Stuart Street	7AM-7PM
Carlisle Road	Highway 6 N	Milborough Line	7AM-7PM
Chatham Street	Dundurn Street South	Frid Street	7AM-7PM
Clappison Avenue	Dundas Street East	Parkside Drive	Full-time
Concession Street	Upper Wellington Street	Upper Wentworth Street	Full-time
Dundurn Street South	Main Street West	Chatham Street	7AM-7PM
Fiddler's Green Road	Garner Road West	Wilson Street East	7AM-7PM
Frid Street	Main Street West	Chatham Street	7AM-7PM
Garth Street	Rymal Road	Lincoln M. Alexander Parkway	7AM-7PM
Glancaster Road	White Church Road West	Airport Road West	Full-time
Hamilton Street N	Dundas Street East	Parkside Drive	7AM-7PM
Highland Road West	Pritchard Road	Upper Red Hill Valley Parkway	Full-time
John Street South	Hunter Street	Arkledun Avenue	Full-time

To Amend By-law No. 01-215  
Being a By-law to Regulate Traffic

Jolly Cut	Arkledun Avenue	Concession Street	Full-time
King Street West	Paradise Road South	Longwood Avenue North	7AM-7PM
Longwood Avenue North	King Street West	Main Street West	7AM-7PM
McNeilly Road	Barton Street	S Service Road	Full-time
Milborough Line	Derry Road	Carlisle Road	7AM-7PM
North Service Road	QEW ramp terminal	Drakes Drive	7AM-7PM
Queen Street North	York Boulevard	Stuart Street	7AM-7PM
Stuart Street	Bay Street North	Queen Street North	7AM-7PM
Upper Wellington Street	Mohawk Road East	Fennell Avenue East	7AM-7PM
Upper Wellington Street	Concession Street	Fennell Avenue East	Full-time
York Street	Main Street	King Street East/Cootes Drive	7AM-7PM

11. Schedule 27 (Truck Routes) of By-law No. 01-215, as amended, is hereby further amended by removing the following items, namely:

Highway	From	To	Times
Arkledun Avenue	St. Joseph's Drive	Jolly Cut	7AM-7PM
Arrowsmith Road	Bancroft Street	Centennial Parkway North	Full-time
Bancroft Street	Nash Road North	Arrowsmith Road	Full-time
Barton Street	McNeilly Road	Fifty Road	Full-time
Barton Street East	Sherman Avenue North	Ottawa Street North	Full-time
Bay Street North	Cannon Street West	Stuart Street	Full-time
Bay Street South	Main Street West	Hunter Street West	7AM-7PM
Belgraden Avenue	Seaman Street	South Service Road	Full-time
Biggar Avenue	Sherman Avenue North	Lottridge Avenue	Full-time
Birch Avenue	Barton Street East	Cannon Street East	7AM-7PM
Birge Street	Wellington Street North	Victoria Avenue North	Full-time
Blackheath Road	Hall Road West	Haldibrook Road	Full-time
Birmingham Street	Beach Road	Burlington Street East	Full-time
Burland Crescent	Parkdale Avenue North	Parkdale Avenue North	Full-time
Carlisle Road	Highway 6 N	Milborough Line	Full-time
Chatham Street	Dundurn Street South	Frid Street	Full-time
Commerce Court	Seaman Street	End limit	Full-time
Community Avenue	Pinelands Avenue	Teal Avenue	Full-time
Concession Street	Upper Wellington Street	Upper Wentworth Street	7AM-7PM
Constellation Drive	Lewis Road	End Limit	Full-time
Depew Street	Industrial Drive	Beach Road	Full-time
Dosco Drive	Arvin Avenue	End limit	Full-time
Dundurn Street South	Main Street West	Chatham Street	Full-time
Fiddler's Green Road	Garner Road West	Wilson Street East	Full-time
Freelton Road	Entire length		Full-time
Frid Street	Main Street West	Chatham Street	Full-time

To Amend By-law No. 01-215  
Being a By-law to Regulate Traffic

Garden Avenue	Teal Avenue	Pinelands Avenue	Full-time
Hall Road West	Highway 56	Bleackheath Road	Full-time
Hamilton Street N	Dundas Street East	Parkside Drive	Full-time
Highland Road West	Pritchard Road	Upper Red Hill Valley Parkway	7AM-7PM
Hilton Drive	Arvin Avenue	Barton Street	Full-time
Hunter Street East	Bay Street South	John Street South	7AM-7PM
Hunter Street East	John Street South	Wellington Street South	Full-time
James Street South	Main Street East	St. Joseph's Drive	7AM-7PM
John Street South	Hunter Street	Arkledun Avenue	7AM-7PM
Jolly Cut	Arkledun Avenue	Concession Street	7AM-7PM
Kenmore Avenue	Barton Street	Arvin Avenue	Full-time
Kenora Avenue	Barton Street East	Nash Road North	Full-time
Lanark Street	Warrington Street	End limit	Full-time
Millen Road (overpass)	Millen Road	Shoreview Place	Full-time
North Service Road	QEW ramp terminal	Drakes Drive	Full-time
Pinelands Avenue	Community Avenue	Garden Avenue	Full-time
Queen Street North	York Boulevard	Stuart Street	Full-time
Sanford Avenue	Main Street East	Barton Street East	Full-time
Shaw Street	Wentworth Street North	Victoria Avenue North	Full-time
Stuart Street	Bay Street North	Queen Street North	Full-time
Sydenham Road	King Street West	Highway 5	7AM-7PM
Teal Avenue	South Service Road	Garden Avenue	Full-time
Upper Wellington Street	Mohawk Road East	Fennell Avenue East	Full-time
Upper Wellington Street	Concession Street	Fennell Avenue East	7AM-7PM
Wentworth Street North	Brant Street	Main Street East	Full-time
Wilson Street	James Street North	Victoria Avenue North	Full-time
Winona Road	Barton Street	Vince Mazza Way	Full-time
York Boulevard	Bay Street North	James Street North	Full-time
York Street	Main Street	King Street East/Cootes Drive	Full-time
Young Street	Wellington Street South	James Street South	7AM-7PM

12. Subject to the amendments made in this amending By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
  
13. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 25<sup>th</sup> day of January, 2023.

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A. Horwath  
Mayor

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A. Holland  
City Clerk

Appendix "A" to Amending By-law 23-003

**Schedule 35 (Large Heavy Vehicle Prohibition)**

Highway	From	To
Arkledun Avenue	St. Joseph's Drive	Jolly Cut
Bay Street North	King Street West	York Boulevard
Bay Street South	Main Street West	King Street West
Cannon Street East	James Street North	Victoria Avenue North
Cannon Street West	James Street North	Bay Street North
Claremont Access Southbound	Upper James Street	Victoria Avenue South
Claremont Access Northbound	Wellington Street South	Upper James Street
Concession Street	Jolly Cut (West)	Upper Gage Avenue
John Street South	Main Street East	ST Joseph's Drive
Jolly Cut	Arkledun Avenue	Concession Street
King Street East	Wellington Street North	Red Hill Valley Parkway
King Street West	Dundurn Street North	Queen Street North
Main Street East	James Street South	Queenston Road
Main Street West	James Street South	Dundurn Street South
Parkdale Avenue North	Queenston Road	Barton Street East
Queen Street North	York Boulevard	King Street West
Queenston Road	Main Street East	Red Hill Valley Parkway
Sherman Avenue North	King Street East	Barton Street East
Sherman Avenue South	King Street East	Main Street East
Upper Gage Avenue	Concession Street	Fennell Avenue East
Upper James Street	Rosedene Avenue	Fennell Avenue East
Upper Wellington Street	Concession Street	Fennell Avenue East
Victoria Avenue North	King Street East	Ferrie Street East
Victoria Avenue South	King Street East	Claremont Access
Wellington Street North	Ferrie Street East	King Street East
Wellington Street South	King Street East	Claremont Access

**Authority:** Item 1, Planning Committee  
Report: 23-001 (PED23025)  
CM: January 25, 2023  
Ward: 5

**Bill No. 004**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-**

#### **To Establish City of Hamilton Land Described as Block 111, on Registered Plan 62M-965 as a Public Highway as part of Nashville Circle.**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and,

**WHEREAS** section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 111, on Registered Plan 62M-965 be established as a public highway to form part of Nashville Circle.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 25<sup>th</sup> day of January, 2023.

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A. Horwath  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 4, Planning Committee  
Report 23-001 (PED17203(c))  
CM: January 25, 2023  
Ward: City Wide  
**Bill No. 005**

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

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

**WHEREAS** pursuant to the provisions of Part IV of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") the Council of the City of Hamilton ("Council") may provide for a system of licences with respect to businesses;

**WHEREAS** the City of Hamilton has a Business Licensing By-law 07-170 which regulates a variety of businesses and Council deems it necessary to also regulate Short-Term Rentals;

**WHEREAS** pursuant to Section 10 of the *Municipal Act, 2001*, Council is exercising its authority to regulate Short-Term Rentals in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

**WHEREAS** section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence;

**WHEREAS** section 390 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it; and

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

1. That By-law 07-170 be amended by adding the following at the end of Section 6 (1) (e) (i), after Schedule 30 Transient Traders:  
Schedule 32            Short Term Rentals
2. That By-law 07-170 be amended by adding the following at the end of Section 30:  
Schedule 32            Short-Term Rentals
3. That By-law 07-170 be amended by adding Schedule 32 to the list of Schedules in Appendix "B" Departmental Policy Standard Character and Driving Record Criteria for Conditional Issuance and Refusal of Establishment and Trade Licence Applications or Renewals.

4. That By-law 07-170 be amended by adding Appendix A to this amending by-law as Schedule 32 – Short-Term Rentals;
5. That By-law 07-170 be amended by adding the following subsection after 27 (3):

27 (4) Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

6. That in all other respects, By-law 07-170 is confirmed; and
7. That the provisions of this by-law shall become effective on the date passed by Council.

**PASSED** this 25<sup>th</sup> day of January, 2023.

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A. Horwath  
Mayor

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A. Holland  
City Clerk



## Appendix A

### SCHEDULE 32

#### SHORT-TERM RENTALS

##### 1: DEFINITIONS

- 1.1 For the purposes of this Schedule and any forms, contracts or policies prepared in relation to this Schedule:

**“Building Code Act”** means the *Building Code Act*, 1992, S.O. 1992, c. 23;

**“Building Code”** means Ontario Regulation 332/12 established under the Building Code Act;

**“By-law”** means the City’s By-law No. 07-170, a By-law to License and Regulate Various Businesses, as amended, and includes this Schedule 32;

**“User Fees and Charges By-law”** means the City’s user fees and charges by-law, as amended and as approved annually by Council;

**“Fire Protection and Prevention Act”** means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4;

**“Fire Code”** means Ontario Regulation 213/07 established under the *Fire Protection and Prevention Act*;

**“Health Protection and Promotion Act”** means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7;

**“Operator”** means any individual who operates a Short-Term Rental and does not include a corporation;

**“Principal Residence”** means a dwelling unit owned or rented by an individual, either alone or jointly with others, where the individual is ordinarily resident, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving documentation related to identification, taxation and insurance purposes, driver’s licenses, income tax returns, medical plan documentation, vehicle registration and voter registration, or similar information;

**“Property Standards By-law”** means the City’s By-law No. 10-221, being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property, as amended, or any successor by-law thereto;

**“Reservation”** means a booking or commitment between an Operator and a person that a Short-Term Rental will be available for the person’s use for a specified period of time;

**“Schedule”** means this Schedule 32 under the By-law;

**“Short-Term Rental”** means all or part of a dwelling unit used to provide sleeping accommodations to the travelling public for any rental period that is less than 28 consecutive days in exchange for payment or other remuneration;

**“Short-Term Rental Broker”** means any person who advertises, facilitates the advertisement of, or brokers Short-Term Rental Reservations via the internet, or otherwise, and who:

- (1) receives payment, compensation, or any financial benefit, due to, as a result of, or in connection with a person making or completing a Short-Term Rental Reservation; or
- (2) collects, accesses, or holds information on the number of nights that Reservations of any Short-Term Rental are made or completed;

This definition does not include a person who facilitates or brokers Reservations for a Short-Term Rental that is the Principal Residence of that person or a Short-Term Rental that is located on the same property as the Principal Residence of that person.

In this definition, “person” includes multiple persons who, acting together, carry on the business of a Short-Term Rental Broker, despite the fact that no single one of those persons carries on the activity in its entirety, and such may be held jointly and severally responsible for each other’s actions.

**“Zoning By-Law”** means a by-law enacted by the City under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13.

## **2. APPLICATION**

2.1 This By-law does not apply to:

- (a) a hotel, motel, inn, resort, or bed and breakfast as defined and regulated by the Ontario Building Code and/or Zoning By-law;
- (b) a residence operated by a post-secondary institution;
- (c) an accommodation rented out to tenants in accordance with the *Residential Tenancies Act*, 2006, S.O. 2006, C. 17.

- (d) a home for special care operated under the authority of a licence issued under the *Homes for Special Care Act*, R.S.O. 1990, c. H. 12;
- (e) a long-term care home operated under the authority of a licence issued under the *Long-Term Care Homes Act*, 2007, S.O. 2007, c.8;
- (f) a retirement home operated under the authority of a licence issued under the *Retirement Homes Act*, 2010, S.O. 2010, c. 11; or
- (g) a boarding, lodging or rooming house, as defined in the Building Code and/or Zoning By-law.

### **3. PROHIBITIONS**

- 3.1 No person shall operate a Short-Term Rental unless they have obtained a licence to do so from the City.
- 3.2 No person shall operate a Short-Term Rental unless the Short-Term Rental is that person's Principal Residence or unless the Short-Term Rental is on the same property as the person's Principal Residence.
- 3.3 No person shall act as a Short-Term Rental Broker unless they have obtained a licence to do so from the City.
- 3.4 No person shall provide or advertise a Short-Term Rental without prominently displaying in each advertisement or listing:
  - (a) the Operator's licence number; and
  - (b) the maximum overnight guest limit as established by Section 4.8 of this Schedule;
- 3.5 No person shall fail to remove an advertisement for a Short-term Rental that is prohibited under this by-law within seven (7) days of becoming aware of the prohibition or receiving notice to do so by the Director.
- 3.6 No person shall provide or advertise a Short-Term Rental to a number of guests that is in excess of the overnight guest limit established in Section 4.8 of this Schedule.
- 3.7 No person shall provide or advertise a Short-Term Rental with a Short-Term Rental Broker that is not licenced in accordance with this By-law.
- 3.8 Every Short-Term Rental Broker and Operator is required to maintain insurance as specified in this Schedule.

- 3.9 No person who is required under this Schedule to maintain insurance shall fail to keep the policy in force for the period for which the licence is in effect, inclusive of any renewal period.
- 3.10 Any lapse in maintaining the insurance coverage required in this Schedule invalidates any licence issued under this By-law.

#### **4. OPERATORS**

- 4.1 To apply for an Operator's licence or its renewal, an applicant shall submit to the City the information required by this By-law, together with all applicable fees, as prescribed by the User Fees and Charges By-law.
- 4.2 An application for an Operator's licence shall be in a form approved by the Director and require the applicant to provide:
- (a) The Operator's name, phone number and e-mail address;
  - (b) The address of the Operator's Short-Term Rental;
  - (c) A floor plan showing the square footage of the residential unit in which the Short-Term Rental will be located including the number of bedrooms in the Short-Term Rental, along with the number of smoke alarms and carbon-monoxide detectors and their respective locations;
  - (d) A description of what parts of the property will be used for Short-Term Rental;
  - (e) A description of the type of building in which the Short-Term Rental is located;
  - (f) The number of off-street parking spaces available for the Short-Term Rental;
  - (g) The guest information package, as further described in section 4.15;
  - (h) A detailed fire escape plan;
  - (i) Proof of adequate insurance coverage in accordance with section 4.16;
  - (j) Approval of condo board and/or owner of property, if applicable
  - (k) Statutory declaration that the property is in compliance and will be maintained in compliance with the *Fire Protection and Prevention Act* and any regulations made thereunder including the Fire Code;
  - (l) Zoning verification for secondary dwelling units;
  - (m) The name and telephone number of an emergency contact person who will be available 24 hours a day during rental periods;

- (n) List of companies used to advertise the listing;
  - (o) Government-issued identification that is satisfactory to the Director to demonstrate the Short-Term Rental is the Operator's Principal Residence or located on the same property as the Operator's Principal Residence;
  - (p) The applicant's original criminal record, provided that if no original criminal record exists, the applicant shall submit instead original certification from the police that no such record exists;
  - (q) A list of any criminal or provincial offences in all jurisdictions for which the applicant has been convicted and not pardoned and which do not appear on any original criminal record submitted; and
  - (r) Any other information or documents required by the Director.
- 4.3 No Short-Term Rental Operator's licence shall be issued to a corporation and no more than one Short-Term Rental Operator licence per Operator is permitted.
- 4.4 An applicant for an Operator's licence or its renewal shall be an individual who is 18 years of age or older.
- 4.5 All licences issued to Operators shall be issued a unique licence number and will be valid for one year after issuance. Operators may renew their licences annually by paying the applicable fees and submitting the required documents.

*Principal Residence Requirement:*

- 4.6 For the purpose of this By-law, an Operator shall be deemed to have only one Principal Residence at any time.
- 4.7 No Operator shall rent or advertise more than one dwelling unit as a Short-Term Rental on the property where the Operator's Principal Residence is located.

*Limitations regarding rentals*

- 4.8 No Operator shall exceed the maximum limit for overnight guests of two (2) persons per sleeping room. For the purpose of this requirement, children that are two (2) years old or younger are exempt.
- 4.9 Operators shall ensure that their respective secondary dwelling units comply with the Zoning By-law and are recognized by the City through the issuance of a building permit and undergo inspections to confirm compliance with the Property Standards By-law, *Building Code Act*, and *Electricity Act, 1998, S.O. 1998, c. 15, Sched. A*.
- 4.10 All Operators shall post their fire escape plan on all floors of their building in a conspicuous place.

- 4.11 All Operators shall have working smoke alarms and carbon monoxide detectors in their buildings in accordance with the Fire Code.

*Requirements regarding guests and collection of information*

- 4.12 Every Operator shall keep a record of each concluded transaction related to the Operator's Short-Term Rental for three years following the date of the transaction. A transaction is concluded on the last day of the rental period. The records retained shall include the following:

- (1) The number of nights the Short-Term Rental was rented;
- (2) The nightly and total price charged for each rental; and
- (3) Any other information required by the Director.

- 4.13 Every Operator shall provide the information referred to above to the City within 30 days of being requested to do so by the Director.

- 4.14 Every Operator shall provide the guest who made the reservation with an information package for each rental period:

- (a) Electronically at the time of booking; and
- (b) Within the residential unit, in a printed document that is visible and accessible to all guests.

- 4.15 The information package prescribed above shall include:

- (a) contact information for the Operator or person who is available to receive communications from any guest during the rental period;
- (b) instructions for use of the 9-1-1 emergency system;
- (c) the name and address of the nearest two (2) hospitals or emergency medical services providing emergency care;
- (d) non-emergency contact information for Hamilton Police Service;
- (e) a floor plan for the residential unit indicating emergency evacuation routes and the location of safety equipment;
- (f) notice to guests of the presence of any system onsite that is making video or audio recordings or photographs;
- (g) instructions for solid waste disposal, to include information on the applicable waste collection day and instruction for composting and recycling;

- (h) instruction for legal parking onsite and in the vicinity of the property, as applicable; and
- (i) copy of the applicable Operator licence, occupancy limits and any conditions imposed on the licence.

### *Insurance*

- 4.16 Every Operator shall have and maintain Homeowners Insurance, Condominium Insurance, or Renters Insurance, as appropriate, that includes the following:
- (a) coverage for Short-Term Rental or home sharing activity that is appropriate for the nature of the property,
  - (b) Host Liability or Commercial General Liability coverage of not less than One Million Dollars (\$1,000,000.00) per occurrence for personal injury, bodily injury, death, and damage to property, and,
  - (c) a provision that the City will be notified with no less than thirty (30) days written notice of any cancellation.

## **5. SHORT-TERM RENTAL BROKERS**

- 5.1 To obtain a Short-Term Rental Broker licence with the City, an applicant shall submit to the City the information required in this By-law together with all applicable fees, as prescribed in the User Fees and Charges By-law.
- 5.2 A person may apply for a licence as a Short-Term Rental Broker by providing the Director with the following:
- (a) A completed application form prescribed by the Director containing:
    - (i) the full name of the applicant;
    - (ii) if the applicant is a corporation, the relevant duly certified incorporating documents and an updated certified copy of an annual return with a list of shareholders of the corporation;
    - (iii) If the applicant is a partnership, certified documents indicating the name of the partnership and the names and addresses of each partner; and
  - (b) Proof that the applicant is eighteen (18) years of age or older, if the applicant is a natural person;

- (c) The address of a place of business in the Province of Ontario, which is not a post office box, to which the Director may send during business hours any notice or documentation or communication that may be required under this By-law and which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication;
  - (d) The name, telephone number and e-mail address of a designated representative;
  - (e) Proof of insurance as required under this Schedule;
  - (f) Details of the process by which the company will remove advertisements for a Short-Term Rental if its Operator has not obtained a licence from the City;
  - (g) Details of the company's procedure for dealing with problem Operators and responding to complaints; and
  - (h) Any other information or documents required by the Director.
- 5.3 In any of the above required information changes during the term of the licence, the Short-Term Rental Broker shall notify the City at its earliest convenience.
- 5.4 A Short-Term Rental Broker licence shall be valid for five (5) years and may be renewed by paying the applicable fees and submitting the required documents pursuant to this By-law.

#### *Data Collection*

- 5.5 A Short-Term Rental Broker shall execute an agreement with the City governing the collection, use, disclosure and retention of information on Short-Term Rentals, Operators and guests, on terms satisfactory to the Director and City Solicitor.
- 5.6 If required by law, a Short-Term Rental Broker shall obtain the consent of the Operators and guests for the collection, use and potential disclosure of the Operator's and guest information to and by the City for the purpose of the administration of this By-law, as amended from time to time, or its successor by-laws.
- 5.7 Every Short-Term Rental Broker shall keep a record of each concluded transaction in relation to a Short-Term Rental listed or advertised on its platform in the city of Hamilton for three years following the last day of the rental period. A transaction is concluded on the last day of the rental period. The records retained shall include the following:
- (a) The listing identification number and corresponding licence number of each Short-Term Rental listing for which it has provided Short-Term Rental Broker services;



- (b) The total number of nights each Short-Term Rental listing has been rented in each calendar year or part thereof;
  - (c) The total amount of revenue collected for accounts associated with each Short-Term Rental listing in each calendar year, or part thereof;
  - (d) The total number of complaints received by the Short-Term Rental Broker in respect of each Short-Term Rental in each calendar year or part thereof; and
  - (e) Any other information required by the Director.
- 5.8 No Short-Term Rental Broker shall fail to remit to the Director the records required above every three (3) months during the licence term.
- 5.9 No Short-Term Rental Broker shall fail to make available to the Director the records or information required pursuant to this Schedule for a specific Short-Term rental listing within seven (7) days following a request to do so.
- 5.10 Every Short-Term Rental Broker shall make available to the City the number of Short-Term Rental listings or advertisements that have been removed from its platform in accordance with section 3.5 of this Schedule.
- 5.11 Every Short-Term Rental Broker shall maintain and make publicly available its procedure for dealing with complaints it receives about nuisances, criminal activity, and or contravention of federal, provincial or municipal law related to a Short-Term Rental.
- 5.12 Every Short-Term Rental Broker shall have and maintain a system for receiving and responding to complaints from the public.
- 5.13 Every Short-Term Rental Broker shall convey any communications issued by the Director that relate to the requirements of this By-law to all Operators listing or advertising their Short-Term Rental with the Short-Term Rental Broker in a format and manner prescribed by the Director.

*Insurance*

- 5.14 Each Short-Term Rental Broker shall have and maintain:
- a) **Commercial General Liability Insurance** subject to limits of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes: blanket contractual liability, premises and operations liability, products and completed operations liability, contingent employers liability; personal injury, owners and contractors protective coverage; broad form property damage; occurrence property

damage; employees as additional insured, and cross liability and severability of interest provision to the satisfaction of the City;

- b) **Comprehensive Crime Insurance**, broad form coverage *endorsed to include third parties* to adequately protect against loss of monies, securities or other properties, while such property is in the Broker's care, custody, and control, for dishonesty, disappearance and destruction, to protect against incidents arising out of but not limited to theft, robbery or burglary; having a limit of not less than \$50,000) for Employee Dishonesty (Commercial Blanket Form A), Loss inside the Premises, and Loss outside the Premises and Computer Funds Transfer Fraud.
- c) **Cyber Liability and Privacy Breach Liability** insurance in an amount of not less than \$1,000,000 per occurrence, to protect against privacy breach and violations as a result of but not limited to unauthorized access to or wrongful disclosure or dissemination of any private information, failure to properly handle, manage, store, destroy or control personal or confidential information and include the failure to comply with any privacy laws;
  - i. extend to include the costs associated with notification of affected parties including credit monitoring costs for those individuals, regardless if required by statute as well as any third party fines or penalties or costs imposed as a result of any privacy or cyber breach including judgements, settlements, or defense of any regulatory action involving a breach of privacy;
  - ii. Privacy breach expenses including crisis management and credit monitoring expenses related to electronic and non-electronic breaches to a limit of not less than \$1,000,000;

5.15 The insurance provided in accordance with the above shall name the City as additional insured.

5.16 The insurance provided in accordance with the above shall include an endorsement to provide the City with no less than 30 days prior notice of any cancellation.

## **6. GENERAL REQUIREMENTS**

6.1 No person shall enjoy a right in the continuance of a licence and at all times the value of a licence shall be the property of the City.

6.2 No person shall sell or transfer a licence issued under this Schedule.

- 6.3 No person licensed under this Schedule shall advertise, promote or carry on business under any name other than that endorsed upon that person's licence.
- 6.4 The City shall, upon receipt of an application for a licence, or its renewal, investigate as necessary with respect to the application and shall:
- (1) if there are any reasonable grounds to believe that the applicant may not be entitled to the issuance or renewal of a licence based on the criteria identified in this By-law, send notice of this fact to the applicant; or
  - (2) subject to the provisions of this By-law, issue or renew the licence, with or without conditions and send the appropriate notice to the applicant.
- 6.5 In addition to the criteria in section 12 of By-law 07-170, the Director shall issue or renew a license to any person who meets the requirements of this By-law, except where:
- (1) the conduct, or past conduct, of the person affords the Director reasonable grounds to believe that the person has not or will not carry on the Short-Term Rental or the Short-Term Rental Broker business in accordance with applicable law or with honesty and integrity;
  - (2) the applicant is a corporation and its conduct or the conduct of its officers, directors, employees, or agents afford reasonable grounds to believe that its business has not been, or will not be carried on in accordance with law or with integrity and honesty;
  - (3) The Director reasonably believes that the issuing of a license to a person could be adverse to the public interest;
  - (4) The Director reasonably believes that the carrying on of the Short-Term Rental or Short-Term Rental Broker business by the applicant has resulted, or will result, in a breach of this By-law, a Zoning By-law or any other law;
  - (5) The Director has reasonable grounds to believe that the premises, advertising, or platform in respect of which the licence is required have not complied or will not comply with the provisions of this By-law, a Zoning By-law or any other law;
  - (6) The lot and/or building on which the Short-Term Rental is situated is subject to an order, or orders, made pursuant to (or by): the Property Standards By-law, the *Building Code Act*; the *Fire Protection and Prevention Act*; the *Health Protection and Promotion Act* or any regulations made thereunder;
  - (7) The Short-Term Rental, the building in which it is situated, or the lot on which the building is situated is not in compliance with the applicable Zoning By-law;

- (8) The person or the subject lot is indebted to the City by way of fines, penalties, judgements or outstanding (past due) property taxes; or
  - (9) The conduct of the applicant or other circumstances afford reasonable grounds to believe that the operation of the Short-Term Rental or the acting as Short-Term Rental Broker by the applicant has infringed, or would infringe, the rights of other members of the public, or has endangered, or would endanger, their health and safety.
- 6.6 Where an applicant for a Short-Term Broker licence is a corporation or a partnership, section 6.5 shall apply to any of the officers or directors of the corporation or partners in the partnership.
- 6.7 The Director may deny the issuance or renewal of a license where the applicant has been convicted within the past five (5) years of a criminal offence for which a pardon has not been granted.
- 6.8 The collection, use, disclosure, transmission, retention and destruction of personal information by any Operator or Short-Term Rental Broker must be conducted in accordance with the requirements of PIPEDA.

## **7. ENFORCEMENT**

- 7.1 Notwithstanding anything else in this By-law, for the purpose of investigating compliance with the By-law, the Director may audit or examine all books, records and any account, voucher, letter, facsimile, and electronic or other document held by a Short-Term Rental Broker or Operator that relates or may relate to information that is or should be in the person's books or records.
- 7.2 A Short-Term Rental Broker and Operator shall comply with all audit directions given by the Director within the time he or she specifies, including;
- (a) Giving the Director all reasonable assistance with their audit or examination;
  - (b) Answering all questions relating to the audit or examination either orally or, if the Director requires, in writing, on oath or affirmation, or by statutory declaration;
  - (c) Attending at a premise or place where the business is carried on or any City office for the purposes of giving the Director reasonable assistance and answering questions related to the audit or examination; and
  - (d) Producing on oath or affirmation or otherwise all books, letters, accounts, invoices, financial statements, electronic or such other documents as the Director considers necessary to determine compliance with this By-law.

- 7.3 Any person authorized by the Director may at all reasonable times and in accordance with any applicable requirements in the *Municipal Act, 2001*, as amended, inspect any premises used for the carrying on of any business in respect of which a person is required to be licensed under this Schedule.
- 7.4 No person who has or is required to have a licence under this Schedule shall obstruct or permit to be obstructed the making of the inspection.
- 7.5 If requested by the City, an inspection shall be scheduled and conducted within seven (7) days of the City's request.

## **8. DIRECTOR AUTHORITY AND ADMINISTRATIVE PROVISIONS**

- 8.1 The Director may, at their discretion, issue interpretation bulletins or guidelines on matters relating to this Schedule, including its enforcement or application
- 8.2 The Director may establish standards and guidelines applicable to the issuance, renewal or entitlement to all licences issued under this Schedule.
- 8.3 The Director may delegate any authority or function provided for in this Schedule to any employee of the City designated by the Director.
- 8.4 All communication relating to this Schedule between the City and an applicant or licensee, shall be sent via e-mail to the e-mail address most recently provided to the City as part of the licensing process under this Schedule, except where another method is authorized by the Director.
- 8.5 Any e-mail sent in accordance with 8.4 shall be deemed for the purposes of this Schedule to have been received by the addressees on the day it is sent.
- 8.6 All records and information that must be maintained by a Short-Term Rental Broker or Operator or that may be audited, examined or collected by the City under this Schedule are deemed to be collected and properly used for the purposes of administrating and enforcing this By-law.

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

**To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council  
and Committees of Council**

**WHEREAS** Council enacted a Council Procedural By-law being City of Hamilton By-law No. 21-021;

**AND WHEREAS** it is necessary to amend By-law 21-021.

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

1. That By-law No. 21-021, be amended by including the following subsections:

(i) **3.2 Regular Council Meeting Times**

(4) A meeting of Council shall adjourn after being in session for eight (8) hours;

(5) A meeting of Council will recess for 30 minutes within the first five (5) hours of a meeting, in accordance with the Employment Standards Act;

(6) Notwithstanding subsection 3.2(4), Council may extend the meeting for a specified period of time, with a majority of the Members of Council present and voting in the affirmative.

(ii) **5.6 Standing Committee Meeting Times**

(4) A meeting of Committee shall adjourn after being in session for eight (8) hours;

(5) A meeting of Committee will recess for 30 minutes within the first five (5) hours of a meeting, in accordance with the Employment Standards Act;

(6) Notwithstanding subsection 5.6(4), Committee may extend the meeting for a specified period of time, with a majority of the Members of Committee present and voting in the affirmative.

2. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.

3. This By-law come into force on the day it is passed.

**PASSED** this 25th day of January, 2023.

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A. Horwath  
Mayor

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A. Holland  
City Clerk

**CITY OF HAMILTON**

**BY-LAW NO. 23-**

**TO AMEND BY-LAW NO. 11-040  
TO ESTABLISH RETENTION PERIODS FOR RECORDS  
OF THE CITY OF HAMILTON**

**WHEREAS** the Council of the City of Hamilton enacted by-law 11-040 being a By-law to Establish Retention Periods for Records of the City of Hamilton (“Records Retention By-law 11-040”), on January 26, 2011, pursuant to section 255, of the *Municipal Act*, 2001;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 10 of Report 23-001 of the Audit, Finance & Administration Committee, at its meeting held on the 19<sup>th</sup> day of January, 2023, amends the Records Retention By-law 11-040, as hereinafter provided;

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

1. That Schedule “A” to Records Retention By-law 11-040 as amended be further amended by amending column 6 on Page 4 (Council Legislative Services) as shown in Schedule “A” to this By-law.
2. This By-law comes into force on the day it is passed.

**PASSED** this 25<sup>th</sup> day of January, 2023.

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A. Horwath  
Mayor

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A. Holland  
City Clerk



Primary	Secondary	Tertiary	Series Title	Scope Notes	Active	Inactive	Total Retention	Vital Record	Archival Record	Responsible Department	Remarks
CO	06		Meeting Recordings	Records associated with audio and visual recordings of Council Meetings, Standing Committee Meetings, Subcommittee and Advisory Committee Meetings - maintained as a resource tool only - not considered the official records of Council/Committee proceedings.	T		P	N	Y*	Clerks	T=Term of Office *Only applied to Inaugural Meeting of Council  Subject to archival review at end of term of Council

**CITY OF HAMILTON**

**BY-LAW NO. 23-**

To Confirm the Proceedings of City Council at its meeting held on January 25, 2023.

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 25<sup>th</sup> day of January 2023, in respect of each recommendation contained in

General Issues Committee (Special) Report 22-024 – December 6, 2022,  
General Issues Committee (Special) Report 23-002 – January 12, 2023,  
General Issues Committee (Special) Report 23-003 – January 12, 2023,  
Board of Health Report 23-001 – January 16, 2023,  
Public Works Committee Report 23-001 – January 16, 2023,  
Planning Committee Report 23-001 – January 17, 2023,  
General Issues Committee Report 23-004 – January 18, 2023,  
Audit, Finance & Administration Committee Report 23-001 – January 19, 2023,  
and  
Emergency & Community Services Committee Report 23-001 – January 19, 2023

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

**PASSED** this 25<sup>th</sup> day of January, 2023.

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A. Horwath  
Mayor

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A. Holland  
City Clerk