



City of Hamilton

CITY COUNCIL AGENDA

24-009

Wednesday, April 24, 2024, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

Call to Order

1. APPROVAL OF AGENDA

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

2. DECLARATIONS OF INTEREST

3. CEREMONIAL ACTIVITIES

3.1 National Poetry Month

Lishai Peel, City of Hamilton's Poet in Place for 2024-2025

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 April 10, 2024

5. COMMUNICATIONS

- 5.1 Correspondence from the Town of Goderich requesting support for their resolution respecting the Recommended Phase-Out of Free Well Water Testing in the 2023 Auditor General's Report.
- Recommendation: Be endorsed.
- 5.2 Correspondence from the Honourable Arif Virani, Minister of Justice and Attorney General of Canada in response to Council's letter respecting the epidemic of gender-based violence and femicide.
- Recommendation: Be received.
- 5.3 Correspondence respecting the 2023 Auditor General Report - Proposed Phase Out of Free Well Water Testing:
- a. Conservation Halton
 - b. Niagara Peninsula Conservation Authority
 - c. Halton-Hamilton Source Protection Committee
- Recommendation: Be received.
- 5.4 Correspondence from Angela Pugliese, Advocate to Persons with Disabilities respecting affordable housing.
- Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.
- 5.5 Correspondence from Watson & Associates Economists Ltd. respecting the Assessment of Bill 185, Cutting Red Tape to Build More Homes Act, 2024.
- Recommendation: Be received and referred to the ***May 2, 2024 Audit, Finance and Administration Committee meeting for consideration.***
- 5.6 Correspondence from Daniel P. Chin, President, Hamilton and District Apartment Association respecting Vacant Unit Tax.
- a. Additional Correspondence
- Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for appropriate action.
- 5.7 Correspondence from Jordan Williams respecting Hamilton's Infrastructure.
- Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.
- 5.8 Correspondence respecting 140 Glen Echo Drive, Losani Homes Proposal:

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

- a. George & Donna Novkovic
- b. Penny Kozoriz
- c. Janet Saleh

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 24-005.

- 5.9 Correspondence from the City of Peterborough requesting support for their resolution respecting the Jurisdiction of Ontario's Ombudsman.

Recommendation: Be received.

- 5.10 Correspondence from the Municipality of West Perth requesting support for their resolution respecting the Conservation Authorities Act.

Recommendation: Be received.

- 5.11 Correspondence from the Municipality of St. Charles requesting support for their resolution respecting Carbon Tax.

Recommendation: Be received.

- 5.12 Correspondence from the Municipality of Huron Shores requesting support for their resolution Urging the Government to Promptly Resume Assessment Cycle.

Recommendation: Be received.

- 5.13 Correspondence from Hastings County requesting support for their resolution calling on the Ontario and Federal Government to implement sustainable infrastructure funding for small rural municipalities.

Recommendation: Be received.

6. COMMITTEE REPORTS

- 6.1 Hamilton Utilities Corporation Shareholder Report 24-001, April 15, 2024

- 6.2 Planning Committee Report 24-005, April 16, 2024

- 6.3 General Issues Committee Report 24-007, April 17, 2024

- 6.4 Audit, Finance and Administration Committee Report 24-006, April 18, 2024

- 6.5 Emergency and Community Services Committee Report 24-003, April 18, 2024

7. MOTIONS

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

7.1 Ward 13 Community Grants Q1 2024

7.2 Hamilton-Oshawa Port Authority – City of Hamilton Liaison Committee – Resignation, Amendment to the Terms of Reference and Appointment - REVISED

8. NOTICES OF MOTIONS

9. STATEMENT BY MEMBERS (non-debatable)

10. COUNCIL COMMUNICATION UPDATES

10.1 April 5, 2024 to April 18, 2024

11. PRIVATE AND CONFIDENTIAL

11.1 Closed Session Minutes - April 10, 2024

Pursuant to Section 9.3, Sub-section (a) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-section (a) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the City or a local board

11.2 Verbal Update on a Cyber Security Incident (no copy)

Pursuant to Section 9.3, Sub-section (a) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-section (a) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the City or a local board.

11.3 City Participation in a Coroner's Inquest (LS24003(a))

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

12. BY-LAWS AND CONFIRMING BY-LAW

12.1 057

To Authorize the Declaration of 5 Lake Avenue South, Stoney Creek as Surplus to the Requirements of the City of Hamilton and to Authorize the Disposition of 5 Lake Avenue South, Stoney Creek and 13 Lake Avenue South, Stoney Creek

Ward: 5

- 12.2 058
To Amend By-law No. 23-162, a By-law to Prescribe Standards for the Maintenance and Occupancy of Property
Ward: City Wide
- 12.3 059
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)
Ward: 1, 3, 13, 14
- 12.4 060
Respecting Removal of Part Lot Control, Block 49, Registered Plan of Subdivision No. 62M-1295, Municipally Known as 126 Picardy Drive and 132, 134, 136 and 138 Lormont Boulevard, Stoney Creek
PLC-24-001
Ward: 9
- 12.5 061
Respecting Removal of Part Lot Control, Blocks 33, 34, 35, and 36, Registered Plan of Subdivision No. 62M-1295, Municipally Known As 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237 and 239 Lormont Boulevard, Stoney Creek
PLC-24-002
Ward: 9
- 12.6 062
A By-law to Establish a Vacant Unit Tax
Ward: City Wide
- 12.7 063
To Confirm the Proceedings of City Council

13. ADJOURNMENT

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



CITY COUNCIL MINUTES 24-008

9:30 a.m.
April 10, 2024
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor A. Horwath
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,
M. Spadafora, M. Tadeson, and A. Wilson

Absent

With Regrets: Councillor Pauls - Personal

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

APPROVAL OF THE AGENDA

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

5. COMMUNICATIONS

5.3 Correspondence respecting Mayor Horwath's Veto:

(d) Joshua Weresch

Recommendation: Be received.

7. MOTIONS

7.4 Halton Conservation Authority Board of Directors – Resignation and Appointment - REVISED

8. NOTICES OF MOTION

8.1 Amendment to Item 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide)

12. BY-LAWS AND CONFIRMING BY-LAW

054 Safe Apartment Buildings By-law
Ward: City Wide

055 Renovation Licence and Relocation By-law
Ward: City Wide

(Hwang/Nann)

That the agenda for the April 10, 2024 meeting of Council be approved, as amended.

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

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

There were no declarations of interest.

APPROVAL OF MINUTES OF PREVIOUS MEETING
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4.1 March 27, 2024

(Kroetsch/Beattie)

That the Minutes of the March 27, 2024 meeting of Council be approved, as presented.

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

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

That Council Communications 5.1 to 5.11 be approved, as presented as follows:

- 5.1 Correspondence from Melanie Davis, Manager, Office of the CAO & Board, Niagara Peninsula Conservation Authority respecting New *Conservation Authorities Act* Legislative and Regulatory Requirements - NPCA Housekeeping Policy Amendments and Transition Plan.

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

- 5.2 Correspondence from Councillor Jeff Beattie resigning from the Hamilton Farmers' Market Board of Directors.

Recommendation: Be received and referred to the consideration of Item 7.3.

- 5.3 Correspondence respecting Mayor Horwath's Veto:

- (a) Kim Zivanovich
- (b) Steve Collura
- (c) Gabriel Nicholson
- (d) Joshua Weresch

Recommendation: Be received.

- 5.4 Correspondence from the City of Brantford requesting support for their resolution respecting Home Heating Sustainability.

Recommendation: Be received.

- 5.5 Correspondence from the Township of Warwick requesting support for their resolution respecting Securing access to natural gas for our community and Ontario.

Recommendation: Be received.

- 5.6 Correspondence from the Town of Shelburne requesting support for their resolution respecting the eradication of all forms of racism especially Islamophobia and antisemitism.

Recommendation: Be received.

- 5.7 Correspondence from Prince Edward County requesting support for their resolution respecting a call for action to meet the deadline of an Accessible Ontario by 2025.

Recommendation: Be received.

- 5.8 Correspondence from the Township of Adelaide Metcalfe requesting support for their resolution respecting a Request to increase Tile Drain Loan Limit.

Recommendation: Be received.

- 5.9 Correspondence from the Township of Clearview requesting support for their resolution respecting the endorsement of Bill C-63 in the House of Commons.

Recommendation: Be received.

- 5.10 Correspondence from the Township of Terrace Bay requesting support for their resolution the call on both ROMA & OGRA boards to re-establish a combined OGRA & ROMA annual conference.

Recommendation: Be received.

- 5.11 Correspondence from Nadia and David Hamilton respecting the Enactment of *Municipal Act* Charges By-laws Storm Sewer Work on Ospry Drive from Intersection with Shaver Road to Serving Easement, in the City of Hamilton.

Recommendation: Be received and referred to the consideration of Item 12.2 (Bill 046).

Result: Motion on the Communication Items, as presented, 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
- NOT PRESENT - 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/Francis)

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

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

- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 12 Councillor Craig Cassar
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 8 Councillor John-Paul Danko
- YES - Ward 5 Councillor Matt Francis
- YES - Mayor Andrea Horwath
- YES - Ward 4 Councillor Tammy Hwang
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 2 Councillor Cameron Kroetsch
- YES - Ward 15 Councillor Ted McMeekin
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - 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 HEALTH COMMITTEE REPORT 24-003
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(M. Wilson/Nann)

That Public Health Committee Report 24-003, being the meeting held on Tuesday, April 2, 2024, be received and the recommendations contained therein be approved.

Result: Motion on the Public Health Committee Report 24-003, 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
NOT PRESENT - 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 24-004

(Spadafora/Nann)

That Public Works Committee Report 24-004, being the meeting held on Tuesday, April 2, 2024, be received and the recommendations contained therein be approved.

Result: Motion on the Public Works Committee Report 24-004, 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
NOT PRESENT - 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 REPORT 24-006

(M. Wilson/Tadeson)

That General Issues Committee Report 24-006, being the meeting held on Wednesday, April 3, 2024, be received and the recommendations contained therein, be approved.

Result: Motion on the General Issues Committee Report 24-006, CARRIED by a vote of 15 to 0, as follows:

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

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

AUDIT, FINANCE AND ADMINISTRATION (SPECIAL) COMMITTEE REPORT 24-005
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(Hwang/Spadafora)

That Audit, Finance and Administration (Special) Committee Report 24-005, being the meeting held on Thursday, April 4, 2024, be received.

(M. Wilson/A. Wilson)

That Item (f)(i)(b) and (c) respecting 2024 Development Charges Background Study and By-law Update - Open House Feedback (FCS23103(a)), be lifted from the Information Section and added as Item 1 of the Audit, Finance and Administration (Special) Committee Report 24-005, as follows:

1. **2024 Development Charges Background Study and By-law Update - Open House Feedback (FCS23103(a)) - Referred from Council, March 27, 2024 (Item 6.1)**
 - (b) Staff be directed to include, within the 2024 Development Charges By-law Report to the Audit, Finance and Administration Committee on May 2, 2024:**
 - (i) an analysis for the possibility of exempting City Development Charges for non-profit Daycare Centres operating under the Child Care and Early Years Act, 2014;**
 - (ii) an analysis of the City Development Charge rate that would be applicable to buildings constructed on municipally owned lands and operated or managed by TradePort International Corporation (TradePort) under the terms of the Airport Lease between the City and TradePort within the Airport Employment Growth District compared to similar airports such as Kitchener and London; and**
 - (c) Staff be directed to include, within the 2024 Development Charges By-law Report to the Audit, Finance and Administration Committee on May 2, 2024, an analysis for the possibility of the following scenarios for the first year of the Development Charge By-laws prior to moving to Staff Recommended rate and policy changes:**
 - (i) maintain the current City Development Charges rates, adjusted for indexing, along with the 40% exemption for Residential**

development Downtown Community Project Area, the 37% exemption for all Industrial development, and maintaining the 50% expansion exemption for detached industrial expansions;

- (ii) updating the City Development Charges Rates but maintaining the current 40% exemption for Residential development Downtown Community Project Area, the 37% exemption for all Industrial development, and maintaining the 50% expansion exemption for detached industrial expansions; and*
- (iii) the financial impact to the tax levy in the first year as well as the long-term financial economic uplift should either of these scenarios be adopted by Council.*

Result: Motion to Lift Item (f)(i)(b) and (c) and add it as Item 1 of the Audit, Finance and Administration (Special) Committee Report 24-005, CARRIED by a vote of 14 to 1, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
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
NOT PRESENT - 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

Upon Council's request, Item 1 was voted on separately, as follows:

- 1. 2024 Development Charges Background Study and By-law Update - Open House Feedback (FCS23103(a)) - Referred from Council, March 27, 2024 (Item 6.1)**
 - (b) Staff be directed to include, within the 2024 Development Charges By-law Report to the Audit, Finance and Administration Committee on May 2, 2024:
 - (i) an analysis for the possibility of exempting City Development Charges for non-profit Daycare Centres operating under the Child Care and Early Years Act, 2014;
 - (ii) an analysis of the City Development Charge rate that would be applicable to buildings constructed on municipally owned lands and

operated or managed by TradePort International Corporation (TradePort) under the terms of the Airport Lease between the City and TradePort within the Airport Employment Growth District compared to similar airports such as Kitchener and London; and

- (c) Staff be directed to include, within the 2024 Development Charges By-law Report to the Audit, Finance and Administration Committee on May 2, 2024, an analysis for the possibility of the following scenarios for the first year of the Development Charge By-laws prior to moving to Staff Recommended rate and policy changes:
- (i) maintain the current City Development Charges rates, adjusted for indexing, along with the 40% exemption for Residential development Downtown Community Project Area, the 37% exemption for all Industrial development, and maintaining the 50% expansion exemption for detached industrial expansions;
 - (ii) updating the City Development Charges Rates but maintaining the current 40% exemption for Residential development Downtown Community Project Area, the 37% exemption for all Industrial development, and maintaining the 50% expansion exemption for detached industrial expansions; and
 - (iii) the financial impact to the tax levy in the first year as well as the long-term financial economic uplift should either of these scenarios be adopted by Council.

Result: Motion on Item 1 of the Audit, Finance and Administration (Special) Committee Report 24-005, CARRIED by a vote of 8 to 7, as follows:

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

Result: Motion on the balance of the Audit, Finance and Administration (Special) Committee Report 24-005, 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
NOT PRESENT - 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

PLANNING COMMITTEE REPORT 24-004

(Cassar/M. Wilson)

That Planning Committee Report 24-004, being the meeting held on Friday, April 5, 2024, be received and the recommendations contained therein be approved.

Result: Motion on the Planning Committee Report 24-004, 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
NOT PRESENT - 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/Hwang)

That Council rise from Committee of the Whole.

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
- NOT PRESENT - 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

MOTIONS

- 7.1 (i) Reconsideration of the decision that was approved at the March 29, 2023 Council meeting respecting Item 6.11(b), the Integrity Commissioner’s Report Regarding a Conflict of Interest Complaint Against Councillor Pauls dated March 23, 2023**

(Danko/McMeekin)

That Item 6.11(b) of the March 29, 2023 Council minutes respecting the Integrity Commissioner’s Report Regarding a Conflict of Interest Complaint Against Councillor Pauls dated March 23, 2023, and reads as follows, be reconsidered:

- (b) That the actions contained within the City of Hamilton Integrity Commissioner’s Report Regarding Complaints Against Councillor Pauls, March 23, 2023, be supported.

Result: Motion DEFEATED by a 2/3rds vote of 8 to 7, as follows:

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

YES - Ward 15 Councillor Ted McMeekin
NO - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
NO - Ward 13 Councillor Alex Wilson
NO - Deputy Mayor - Ward 1 Councillor Maureen Wilson

7.2 Ward 7 and Ward 8 Special Capital Re-Investment Discretionary Funds For Concession Street Business Improvement Area Hamilton Mountain Total Solar Eclipse Viewing Party

(Danko/Spadafora)

WHEREAS a total solar eclipse is when the moon passes completely between the Earth and the Sun resulting in a narrow shadow zone being cast on the Earth referred to as the path of totality;

WHEREAS on Monday, April 8, 2024, the City of Hamilton will directly lie in the path of totality;

WHEREAS the last total solar eclipse visible in Hamilton took place 99 years ago on January 24, 1925;

WHEREAS the next total solar eclipse visible in Hamilton will take place in 120 years on October 26, 2144;

WHEREAS a total solar eclipse provides an opportunity for Hamiltonians to gather, learn about astronomy and its environmental impact, and socialize via Total Solar Eclipse Viewing Parties; and

WHEREAS the Concession Street Business Improvement Area strives to highlight the social and cultural significance of Concession Street, increase economic activity on Concession Street, encourage a sense of community, as well as maximize the use of Mountain Park Avenue, Mountain Brow Boulevard, and Sam Lawrence Park as community spaces ideal for their beautiful vista, hiking, and birding.

THEREFORE, BE IT RESOLVED:

- (a) That a grant at an upset limit, not to exceed \$6,000 be provided to the Concession Street Business Improvement Area to subsidize costs for a Concession Street Business Improvement Area Total Solar Eclipse Viewing Party including protective solar eclipse viewing sunglasses, refreshments, entertainment, security, and clean-up, be funded equally by the Ward 7 Special Capital Re-Investment Discretionary Fund (3302109700) and the Ward 8 Special Capital Re-investment Discretionary Fund (3302109800);
- (b) That any funds allocated and distributed be exempt and not be counted toward any formula that restricts regular funding from the City including the City Enrichment Fund for the years 2024 and 2025; and

- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 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
- NOT PRESENT - 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 Hamilton Farmers' Market Board of Directors – Resignation and Appointment

(Kroetsch/A. Wilson)

- (a) That Council accept Councillor J. Beattie's resignation from the Hamilton Farmers' Market Board of Directors, effective immediately; and
- (b) That Councillor T. Hwang be appointed to the Hamilton Farmers' Market Board of Directors, for the remainder of the 2022-2026 Term of Council, 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
- NOT PRESENT - 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 Halton Conservation Authority Board of Directors – Resignation and Appointment - REVISED

(A. Wilson/Kroetsch)

- (a) That Council accept Councillor M. Wilson’s resignation from the Halton Conservation Authority Board of Directors, effective immediately; and
- (b) That Councillor J.P. Danko be appointed to the Halton Conservation Authority Board of Directors, for the remainder of the 2022-2026 Term of Council, 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
NOT PRESENT - 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 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide)

(M. Wilson/Kroetsch)

WHEREAS, at its meeting of June 21, 2023, City Council approved Item 2 of Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide);

WHEREAS, the Hamilton Opioid Action Plan was approved including municipal investment in an 18-month supervised consumption site in a men’s shelter pilot through a Call for Applications by the Housing Services Division and, resulted in no submissions from men’s shelter service providers;

WHEREAS, on January 15, 2024 the Public Health Committee deferred the consideration of Report HSC24001/BOH23021(a), respecting Hamilton Opioid Action Plan: Embedded Harm Reduction Pilot be to the April 2, 2024, Public Health Committee meeting, and directed Public Health Services staff to report back upon

further consultation with the Opioid Action Table and the Hamilton Drug Strategy Steering Committee;

WHEREAS, staff, as directed, consulted with the Hamilton Opioid Action Table and Hamilton Drug Strategy Steering Committee to develop a recommendation to reallocate the use of \$667,000 to implement Hamilton Opioid Action Plan goals within the next three months; and

WHEREAS, in the absence of a new safe consumption site, the Hamilton Opioid Action Table developed the following recommendation to reallocate the use of \$667,000, which have been endorsed by the Hamilton Drug Strategy Steering Committee, and will balance the current needs of our community by supporting an existing safe consumption site, bringing new harm reduction support to men's emergency shelters, and providing peer support to unhoused people who use substances, including those living in encampments.

THEREFORE, BE IT RESOLVED:

- (i) That Item 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide), **be amended**, to read as follows:
 2. **Hamilton Opioid Action Plan (BOH23021) (City Wide) (Item 8.2)**
 - (a) That the Hamilton Opioid Action Plan, attached as Appendix "A" to Report BOH23021, be approved;
 - (b) That the Public Health Services budgeted complement be increased by 1.0 FTE Health Strategy Specialist, with funding for the 2023 costs of \$39,048 to come first from any Public Health Services levy funded surplus, then from the Public Health Services Reserve (112219), and that the 2024 operating cost of \$116,760 be included in the 2024 Tax Operating Budget;
 - (c) That a one-year drug checking and surveillance system pilot be implemented in a manner satisfactory to the City Solicitor and that staff report back to the Public Health Committee in Q3 2024, at a cost of \$118,000 to be funded in 2023, first from any Public Health Services levy funded surplus, then from Public Health Services Reserve (112219), and that the 2024 operating costs of \$60,000 be included in the 2024 Tax Operating Budget;
 - (d) That ~~an 18-month pilot be implemented to provide a supervised consumption site in a men's shelter by Housing Services through a Call for Applicants, for a total cost of \$667,000 be used to balance the current needs of our community by supporting an existing safe consumption site, bringing new harm reduction support to men's emergency shelters, and providing peer support to unhoused people who use substances, including those~~

living in encampments, by initiating the following initiatives over the 2024-2025 budget years:

- (i) by authorizing and directing the General Manager Healthy & Safe Communities to implement an agreement in a form satisfactory to Legal Services for 12 months of bridge funding with the Young Women's Christian Association (YWCA) Hamilton for the Safer Use Space at a maximum cost of \$300,000;*
 - (ii) by authorizing the General Manager Healthy & Safe Communities to implement a 12-month pilot for Embedded Harm Reduction in Men's Emergency Shelters at a cost of \$300,000; and*
 - (iii) by authorizing the General Manager Healthy & Safe Communities to fund Peer Support to support unhoused people who use substances, including those living in encampments, through a Call for Applicants at a cost of \$67,000.*
- (e) That the cost of \$667,000, as outlined in subsection (d), be funded through the Early Years System Reserve (11218), as approved by the 2024 Tax Operating Budget \$120,000 for 2023 be funded from first from any Healthy and Safe Communities departmental levy funded surplus, then from Public Health Services Reserve (112219), and that the costs of \$547,000 be included in the 2024 and 2025 Tax Operating Budget;*
- (f) That the General Manager, Healthy and Safe Communities Department or delegate be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the initiatives outlined in subsection (d) ~~Call for Applicants for a shelter based supervised consumption space, including but not limited to spending caps, benefit frequency limits, or other controls necessary to ensure costs are contained within the approved budget;~~ and*
- (g) That Public Health Services report back with an evaluation of the initiatives, including the perspectives of people with lived experience, no later than Q4 of 2025.*

Upon Council's request, Item 2(d)(i) of Item 7.5, respecting the Amendment to Item 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide), was voted on separately, as follows:

2. Hamilton Opioid Action Plan (BOH23021) (City Wide) (Item 8.2)

- (d) That ~~an 18 month pilot be implemented to provide a supervised consumption site in a men's shelter by Housing Services through a Call for Applicants, for a total cost of \$667,000 be used to balance the current needs of our community by supporting an existing safe consumption site, bringing new harm reduction support to men's emergency shelters, and providing peer support to unhoused people who use substances, including those living in encampments, by initiating the following initiatives over the 2024-2025 budget years:~~
- (i) *by authorizing and directing the General Manager Healthy & Safe Communities to implement an agreement in a form satisfactory to Legal Services for 12 months of bridge funding with the Young Women's Christian Association (YWCA) Hamilton for the Safer Use Space at a maximum cost of \$300,000;*

Result: Motion on Item 2(d)(i) of Item 7.5, respecting the Amendment to Item 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide), CARRIED by a vote of 11 to 3, as follows:

NOT PRESENT - 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
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 2 Councillor Cameron Kroetsch
 YES - Ward 15 Councillor Ted McMeekin
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 NO - 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

Upon Council's request, Item 2(d)(iii) of Item 7.5, respecting the Amendment to Item 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide), was voted on separately, as follows:

2. Hamilton Opioid Action Plan (BOH23021) (City Wide) (Item 8.2)

- (d) That ~~an 18 month pilot be implemented to provide a supervised consumption site in a men's shelter by Housing Services through a Call for Applicants, for a total cost of \$667,000 be used to balance the current needs of our community by supporting an existing safe consumption~~

site, bringing new harm reduction support to men's emergency shelters, and providing peer support to unhoused people who use substances, including those living in encampments, by initiating the following initiatives over the 2024-2025 budget years:

(iii) by authorizing the General Manager Healthy & Safe Communities to fund Peer Support to support unhoused people who use substances, including those living in encampments, through a Call for Applicants at a cost of \$67,000.

Result: Motion on Item 2(d)(iii) of Item 7.5, respecting the Amendment to Item 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide), CARRIED by a vote of 9 to 5, as follows:

NOT PRESENT - 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
NO - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 7 Councillor Esther Pauls
NO - 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 balance of Item 7.5, respecting the Amendment to Item 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide),CARRIED by a vote of 14 to 0, as follows:

NOT PRESENT - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - 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
NOT PRESENT - 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 Early Release of 3rd Party Air Monitoring Report

(Clark/Jackson)

That staff be directed to release the independent 3rd Party Air Monitoring Report, one week prior to the scheduled release of the April 29, 2024, Public Health Committee agenda, to allow the public sufficient time to review.

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
NOT PRESENT - 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

NOTICES OF MOTION

8.1 Amendment to Item 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide)

(M. Wilson/Kroetsch)

That the Rules of Order be waived to allow for the introduction of a motion respecting an Amendment to Item 2 of the Public Health Committee Report 23-007, respecting Hamilton Opioid Action Plan (BOH23021) (City Wide).

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

YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
NO - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Deputy Mayor - Ward 1 Councillor Maureen Wilson

For further disposition of this matter, refer to Item 7.5

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(M. Wilson/Kroetsch)

That the listing of Council Communication Updates from March 22, 2024 to April 4, 2024, be received.

Result: Motion on the Council Communication Updates from March 22, 2024 to April 4, 2024 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
NOT PRESENT - 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

(Jackson/Danko)

That Council recess for 30 minutes until 12:30 p.m.

Result: Motion on 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
NOT PRESENT - 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

PRIVATE AND CONFIDENTIAL

Council determined that discussion of Item 11.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

11.1 Closed Session Minutes – March 27, 2024

(Kroetsch/Hwang)

That the Closed Session Minutes dated March 27, 2024 be approved, as presented, and remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
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
NOT PRESENT - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 7 Councillor Esther Pauls
NOT PRESENT - Ward 14 Councillor Mike Spadafora
NOT PRESENT - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Deputy Mayor - Ward 1 Councillor Maureen Wilson

(Cassar/Nann)

That Council move into Closed Session to discuss Items 11.2 respecting a Verbal Update on a Cyber Security Incident pursuant to Section 9.3, Sub-section (a) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-section (a) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the City or a local board.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
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
NOT PRESENT - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 7 Councillor Esther Pauls
NOT PRESENT - Ward 14 Councillor Mike Spadafora
NOT PRESENT - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Deputy Mayor - Ward 1 Councillor Maureen Wilson

11.2 Verbal Update on a Cyber Security Incident

(Spadafora/A. Wilson)

That the Verbal Update on a Cyber Security Incident, be received and remain confidential.

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

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

BY-LAWS AND CONFIRMING BY-LAW**(M. Wilson/Kroetsch)**

That Bills No. 24-045 to No. 24-056 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:

- 045 To Amend By-law No. 12-151, being a By-law Respecting the City of Hamilton's Cemeteries, as amended
Ward: City Wide
- 046 To Impose a Storm Sewer Charge Upon Owners of Land Abutting Osprey Drive from Intersection with Shaver Road to Servicing Easement, in the City of Hamilton
Ward: City Wide
- 047 To Impose Sanitary Sewer and Watermain Charges Upon Owners of Land Abutting Leavitt Boulevard from Dundas Street East to Approximately 400 Meters Southerly, in the City of Hamilton
Ward: City Wide
- 048 To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking
Wards: 1,2,3,11,13,14
Schedule 5 – Parking Metres
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking
Schedule 12 – Permit
Schedule 13 – No Stopping
Schedule 16 – Taxi Stand
- 049 To Amend By-law No. 24-036, Being a By-law to Establish Certain 2024 User Fees and Charges for Services, Activities or the Use of Property
Ward: City wide
- 050 To Adopt: Official Plan Amendment No. 202 to the Urban Hamilton Official Plan Respecting: Low Density Residential Policies in Secondary Plans
Ward: City Wide
- 051 To Amend Zoning By-law No. 05-200 for Updates and Amendments to the Low Density Residential (R1) and Low Density Residential – Small Lot (R1a) Zones, and Creation of a new Low Density Residential – Large Lot (R2) Zone, Repeal and Replacement of Section 5: Parking, and Associated Technical Amendments
Ward: City Wide
- 052 To Delete and Replace Section 5: Parking of Zoning By-law No. 05-200
Ward: City Wide
- 053 To Amend Zoning By-law No. 05-200 with respect to lands located at 81 and 87 Rymal Road East, Hamilton
Ward: City Wide

- 054 Safe Apartment Buildings By-law
Ward: City Wide
- 055 Renovation Licence and Relocation By-law
Ward: City Wide
- 056 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
- NOT PRESENT - 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

(Tadeson/Kroetsch)

That, there being no further business, City Council be adjourned at 1:43 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
- NOT PRESENT - 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

Respectfully submitted,

Mayor Andrea Horwath

Janet Pilon
Acting City Clerk

The Town of Goderich
57 West Street
Goderich, Ontario
N7A 2K5
519-524-8344
townhall@goderich.ca
www.goderich.ca

5.1



Wednesday, April 10, 2024

Matthew Pearson
Chair
Ausable Bayfield Maitland Valley Source Protection Committee
71108 Morrison Line
RR3, Exeter Ontario
N0M 1S5

SENT VIA EMAIL: mpearson@bmross.net

RE: Recommended Phase-Out of Free Well Water Testing in the 2023 Auditor General's Report

Dear M. Pearson,

Please be advised of the following motion passed at the Monday, March 18, 2024, Goderich Town Council Meeting:

Moved By: Councillor Segeren
Seconded By: Deputy Mayor Noel

That the Town of Goderich direct a letter to Minister Lisa Thompson requesting that the province not proceed with the recommended phase-out of free private well testing in Ontario;

And Further That area municipalities, the Minister of Environment Conservation and Parks, the Minister of Health and Long-Term Care, other Source Protection Committees, and local health units be forwarded the letter and asked for their support.

CARRIED

If you have any questions, please do not hesitate to contact me at 519-524-8344 ext. 210 or afisher@goderich.ca.

Yours truly,

A handwritten signature in cursive script that reads "Andrea Fisher".

Andrea Fisher
Director of Legislative Services/Clerk
/ar

cc. Premier Doug Ford premier@ontario.ca
Hon. Paul Calandra Paul.Calandra@pc.ola.org

The Town of Goderich
57 West Street
Goderich, Ontario
N7A 2K5
519-524-8344
townhall@goderich.ca
www.goderich.ca



MPP Lisa Thompson, Huron–Bruce lisa.thompsonco@pc.ola.org
MPP Andrea Khanjin, Minister of Environment Conservation and Parks
andrea.khanjin@pc.ola.org
MPP Stan Cho, Minister of Long-Term Care Stan.Cho@pc.ola.org
Ontario Municipalities

Minister of Justice
and Attorney General of Canada



Ministre de la Justice
et procureur général du Canada

The Honourable / L'honorable Arif Virani, P.C., M.P. / c.p., député
Ottawa, Canada K1A 0H8

April 5, 2024

Her Worship Andrea Horwath
Mayor
City of Hamilton

(by email)

Dear Madam Mayor:

Thank you for your correspondence, sent on behalf of the Hamilton City Council, concerning the epidemic of gender-based violence and femicide. Please excuse the delay in responding.

Gender-based violence is unacceptable and has no place in our country. The Government of Canada is committed to ending it in all forms, including intimate partner violence (IPV), and is working to address any gaps in the *Criminal Code* to ensure a robust justice system response.

While there is no single agreed-upon definition of “femicide” in the national or international context, the term is widely understood to refer to the killing of women, primarily by men, because of their gender. I agree with the United Nations and the Canadian Femicide Observatory for Justice and Accountability that femicide is the most extreme form of violence and discrimination against women and girls.

Under the *Criminal Code*, first and second degree murder are punishable by a mandatory penalty of life imprisonment. Similarly, manslaughter is punishable by a maximum penalty of life imprisonment, and parole ineligibility is based on the sentence imposed. In addition, the *Criminal Code* is designed to ensure that offenders of violence against women and girls receive sentences that are proportionate to the gravity of the offence and the degree of responsibility of the offender, taking into account aggravating factors. These can include evidence that the offence was motivated by bias, prejudice, or hate based on sex or gender identity or expression, or evidence that the offender abused their

intimate partner, a member of the victim's family, or a member of their own family. In convictions of second degree murder, the presence of aggravating factors may increase the offender's parole ineligibility period, and in convictions of manslaughter, aggravating factors may result in longer sentences. Justice Canada officials are currently examining ways to strengthen the criminal justice system's response to the murder of women.

Our government acknowledges the importance of identifying femicide to raise awareness and assist in developing appropriate responses. For this reason, Statistics Canada is working to track all gender-related homicides in Canada. In April 2023, Statistics Canada released a publication entitled *Gender-related homicide of women and girls in Canada* (<https://www150.statcan.gc.ca/n1/pub/85-002-x/2023001/article/00003-eng.htm>). Please be assured that departmental officials are working with Statistics Canada to determine what more can be done to improve our knowledge of femicide, including through enhanced data collection measures.

It may interest you to know that in November 2022, the federal, provincial, and territorial Ministers responsible for the Status of Women launched the National Action Plan to End Gender-Based Violence (<https://femmes-egalite-genres.canada.ca/en/gender-based-violence/intergovernmental-collaboration/national-action-plan-end-gender-based-violence.html>).

The National Action Plan was informed by more than 1 000 recommendations collected over years of engagement with Indigenous partners and a wide range of stakeholders, including victims, survivors, front-line service providers, community leaders, experts, academics, and civil society. This 10-year plan is a strategic framework for action to support victims, survivors, and their families, no matter where they live. Budget 2022 provided \$539.3 million over five years in funding, including \$525 million to support the provinces and territories in their efforts to implement the National Action Plan.

The Government of Canada has also worked with the provinces and territories to establish bilateral funding agreements. As of December 2023, bilateral agreements have been announced in all 13 jurisdictions. These agreements are flexible and support jurisdictions in addressing their respective challenges, needs, and individual priorities under five pillars that guide cross-country efforts to end gender-based violence: support for victims, survivors, and their families; prevention; responsive justice system; Indigenous-led approaches; and social infrastructure and enabling environment.

Responsibility for the implementation of the National Action Plan rests with my colleague the Honourable Marci Ien, Minister for Women and Gender Equality and Youth. Therefore, I have forwarded a copy of your correspondence to her for information and consideration.

I can assure you that the federal government is committed to ending the gender-based

violence epidemic. I welcome Hamilton City Council's motion, and I agree that more must be done to protect against gender-based violence. I appreciate the opportunity to engage with you on these important issues.

Thank you again for writing.

Sincerely,

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

The Honourable Arif Virani, P.C., M.P.
Minister of Justice and Attorney General of Canada

c.c.: The Honourable Marci Ien, P.C., M.P.
Minister for Women and Gender Equality and Youth

Report To: Halton-Hamilton Source Protection Committee
Report No.: SPC-24-03-09
From: Martin Keller, Senior Manager, Watershed Planning and Source Protection
Date: March 19, 2024
Subject: **2023 Auditor General Report – Proposed Phase Out of Free Well Water Testing**

Recommendation

THAT the Halton-Hamilton Source Protection Committee receives for information the staff report SPC-24-03-09 2023 Auditor General Report – Proposed Phase Out of Free Well Water Testing;

AND THAT the Halton-Hamilton Source Protection Committee direct staff to write a letter to the Minister of the Environment, Conservation, and Parks and the Minister of Health requesting that the province does not proceed with the recommended phase out of free private well water testing in Ontario.

Executive Summary

The 2023 Auditor General’s Value-for-Money audit of Public Health Ontario (PHO) recommended that PHO, in conjunction with the Ministry of Health, update and implement a plan to streamline public health laboratory operations. The plan included gradually discontinuing free private drinking water testing. The proposed phase out of free water testing for private drinking water is of concern. Private systems are not protected through legislated requirement under the *Safe Drinking Water Act, 2002*, and *Clean Water Act, 2006*, but are more likely to contribute to cases of gastrointestinal illness than municipal systems. In the Halton Hamilton Source Protection Region, about 50,000 resident do not receive water from municipal systems, with many relying on private drinking water system, including wells. Currently, both the City of Hamilton and Halton Region offer free well water testing. In 2012, a quarter of all samples from private residential wells and cisterns in Hamilton had unsafe levels of bacteria. Free private well water testing reduces barriers for residents to regularly test their wells. If implemented, the proposal to privatize well water testing will increase the risk for residents on private systems becoming ill.

Report

In December 2023 the Auditor General released its [Value-for-Money Audit of Public Health Ontario \(PHO\)](#). The audit, among other items, found that PHO’s laboratory sites were not operating efficiently. In 2017, PHO developed a plan collaboratively with the Ministry of Health to modernize its laboratory operations by consolidating resources into

fewer laboratory sites and discontinuing or restricting eligibility for certain tests. This plan has not been approved and implemented. According to the audit, implementation of this plan was put on hold due to the construction of the new London public health laboratory, as well as increased capacity required from all PHO laboratory sites for COVID-19. Audit recommendation #5 states that PHO, in conjunction with the Ministry of Health, should update and implement a plan within 12 months to streamline public health laboratory operations.

The 2017 plan proposed to gradually close six of the 11 public health laboratory sites (Hamilton, Kingston, Orillia, Peterborough, Sault Ste. Marie and Timmins) and changing the types of test offered at the PHO laboratory sites, including gradually discontinuing free private drinking water testing. Mitigating rising costs of maintaining facilities and establishing a more efficient operating model that reduces the rerouting of samples to other PHO laboratory sites are stated as the main reasons for the plan.

The proposed phasing out of free private drinking water well testing is of concern. Private drinking water systems do not have the legislated safeguards that are required for municipal, communal, and public systems under the *Safe Drinking Water Act, 2002*. Neither are the water sources of private drinking water systems protected through the source protection program under the *Clean Water Act, 2006*. Under the *Clean Water Act, 2006*, only municipal drinking water systems are mandated to be included in the source protection program. According to Health Canada's guidance on waterborne pathogens, private and small community water systems are vulnerable and recognized as being more likely to contribute to cases of human gastrointestinal illness than municipal systems.

In the Halton Hamilton Source Protection Region, 95% of the population receive their drinking water from municipal systems. The remaining 5%, or about 50,000 residents, receive their drinking water from non-municipal systems, many of them private drinking water wells. Testing of private well water is one of the only avenues for residents on private systems to ensure their drinking water is safe. Well water testing of private wells is the responsibility of each well owner. Currently, both the City of Hamilton Public Health Services and Halton Region Public Health offer free private drinking water testing through the PHO Hamilton laboratory site. The City of Hamilton Public Health Services recommends testing at least three times a year for bacteria. In 2012, about a quarter of all water samples from private residential wells and cisterns in Hamilton had unsafe levels of bacteria.

Free private well water testing is important to reduce barriers for residents to test their wells on a regular basis. Without free water testing, well owners would need to use commercial labs for a fee, which disincentivizes testing. Without regular testing, water quality is unknown, and residents are at increased risk of falling ill.

In the Walkerton Inquiry Report Part 2, Justice Dennis O'Connor concluded the privatization of laboratory testing of drinking water samples contributed directly to the E. coli O157:H7 outbreak in Walkerton, Ontario in May 2000. Twenty-four years later, there is a proposal to privatize water testing once again.

Signed & respectfully submitted:



Martin Keller
Senior Manager, Watershed Planning and Source Protection



Mardi Bergen
Source Water Information Coordinator, Watershed Planning and Source Protection



April 10, 2024

Hon. Sylvia Jones, Ontario Minister of Health

Hon. Andrea Khanjin, Ontario Minister of the Environment, Conservation and Parks

Hon. Lisa M. Thompson, Ontario Minister of Agriculture, Food and Rural Affairs

Via email: Sylvia.Jones@pc.ola.org
Andrea.Khanjin@pc.ola.org
Lisa.Thompson@pc.ola.org

RE: 2023 Auditor General Report on Public Health Ontario Recommending Gradual Discontinuation of Free Private Drinking Water Testing

Dear Ministers,

At the most recent Niagara Peninsula Source Protection Committee (SPC) meeting held on March 26, 2024, The Source Protection Committee (SPC) discussed the Ontario Auditor General's Value-for-Money Audit of Public Health Ontario released in December 2023. Recommendation 5 within the report states that Public Health Ontario (PHO), in conjunction with the Ministry of Health, update and implement a plan within 12 months to streamline public health laboratory operations:

https://www.auditor.on.ca/en/content/annualreports/arreports/en23/AR_publichealth_en23.pdf

As part of the recommendation, there is the suggestion in the report that the free private drinking water testing program that is provided by PHO be gradually discontinued. The discontinuation of this free program is of concern to the Niagara Peninsula SPC because it removes a free service available to those that don't benefit from legislated drinking water protections. The program provides valuable drinking water quality data to both researchers and the public. Discontinuation of the program would further disincentivize the testing of private drinking water systems, resulting in increased barriers to gathering valuable water quality data.

The SPC passed the following motions at the meeting held on March 26, 2024:

That the Source Protection Committee (SPC) DIRECT staff to draft correspondence requesting the Province not to proceed with the recommended phase out of the free drinking water testing program in Ontario;

And that the SPC circulate a copy of the correspondence to the Ontario Minister of Health, the Ontario Minister of the Environment, Conservation and Parks, the Ontario Minister of Agriculture, Food and Rural Affairs, and forward the letter to Niagara Region and all twelve of Niagara's lower-tier municipalities, the City of Hamilton, and Haldimand County.

The mandate of the SPC is to act as an independent multi-stakeholder committee with the goal of protecting our existing and future sources of drinking water. Despite private drinking water systems not being a part of that mandate, the SPC acts as stakeholders and professionals with a vested interest in the overall protection of all our drinking water sources. The PHO free private drinking water testing program has been a valuable resource to those that do not benefit from the protections and safeguards offered by the *Clean Water Act, 2006* and the *Safe Drinking Water Act, 2002*, in particular those in rural Ontario. The Province of Ontario, local municipalities and industry professionals have always recommended that owners of private drinking water systems utilize the free drinking water testing program as a starting point.

Further to the obvious benefit the program provides, the data collected from the program has been valuable to researchers as well. Researchers have identified multiple areas across Southern Ontario that have statistically significant instances of bacterial contamination in private drinking water samples, including the Niagara Peninsula. While there are likely several factors contributing to Niagara's high instances of bacterial contamination in private drinking water samples including, improperly constructed/spaced private water supply wells, and improperly designed and/or compromised septic systems to name a few, this revelation was only made available using the data collected from the free drinking water testing program offered by PHO.

Lastly, the removal of the free testing program will further disincentivize the testing of private drinking water and introduce barriers to those that rely on the program to determine the quality of their water supply. The Province of Ontario recommends testing private drinking water systems frequently to ensure the water is suitable for potable use and points to the free testing program provided by PHO. While private drinking water wells typically dominate the discussion when it comes to private drinking water quality,

cistern users also utilized the PHO free testing program. By discontinuing the program, private drinking water users would have to pay for private drinking water testing services to obtain any information about their water quality. This unfortunately disincentivizes testing as well as introduces financial barriers to those struggling with the increasing costs of living. If users begin to test their drinking water infrequently or not at all, this will likely result in increased incidents of water-borne illnesses.

In summary, the Niagara Peninsula SPC is concerned that the discontinuation of the free drinking water testing program provided by PHO will ultimately have a negative impact on the residents that rely on it in Ontario. While efficiency may be gained by reducing the number of laboratories, another method of submitting private drinking water samples to remaining laboratories should be considered. For example, facilities that already send samples to provincial laboratories (hospitals, public health units) could be considered as drop-off points for private water samples thus making use of centrally coordinated courier services. The Niagara Peninsula SPC, through this letter, would respectfully request that those responsible for making these decisions reconsider the discontinuation of the very important private drinking water testing program provided by Public Health Ontario.

Thank you for your time and consideration of this request.

Sincerely,



Bill Hodgson
Chair
Niagara Peninsula Source Protection Committee

CC: Niagara Region
City of Hamilton
Haldimand County
Municipalities of Grimsby, Lincoln, St. Catharines, Niagara-on-the-Lake, West
Lincoln, Pelham, Thorold, Welland, Niagara Falls, Wainfleet, Port Colborne and
Fort Erie



April 12, 2024

The Honourable Andrea Khanjin, Minister of the Environment, Conservation and Parks
The Honourable Sylvia Jones, Minister of Health

Via email: minister.mecp@ontario.ca
sylvia.jones@ontario.ca

RE: Recommended Phase Out of Free Well Water Testing

Dear Ministers,

The 2023 Auditor General's audit of Public Health Ontario (PHO) recommends that PHO, in conjunction with the Ministry of Health, update and implement a plan to streamline public health laboratory operations. In response, the Halton Hamilton Source Protection Committee passed the following resolution at their meeting on March 19, 2024:

***THAT** the Halton-Hamilton Source Protection Committee direct staff to write a letter to the Minister of the Environment, Conservation, and Parks, the Minister of Health, area municipalities, other Source Protection Committees and local health units requesting that the province does not proceed with the recommended phase out of free private well water testing in Ontario.*

The Halton Hamilton Source Protection Committee is concerned about the proposed phase-out of free water testing for private drinking water. Approximately 50,000 residents in the Halton Hamilton Source Protection Region rely on non-municipal water sources, like private wells, which lack legislative protection. Free testing reduces financial and logistical barriers for residents, enabling regular testing that helps ensure safe drinking water sources. The committee urges the province to not proceed with the phase-out, as outlined in the attached March 19, 2024 committee report.

Yours truly,

Robert Edmondson
Chair, Halton-Hamilton Source Protection Committee

Cc. Source Protection Committee Chairs and Program Managers
City of Hamilton Public Health
Halton Region Public Health



Halton-Hamilton
Source Protection Region

City of Hamilton, Town of Grimsby, Niagara Region, Township of Puslinch, County of Wellington, Halton Region, City of Burlington, Town of Halton Hills, Town of Milton, Town of Oakville, Peel Region, City of Mississauga

Report To: Halton-Hamilton Source Protection Committee
Report No.: SPC-24-03-09
From: Martin Keller, Senior Manager, Watershed Planning and Source Protection
Date: March 19, 2024
Subject: **2023 Auditor General Report – Proposed Phase Out of Free Well Water Testing**

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Signed & respectfully submitted:



Martin Keller
Senior Manager, Watershed Planning and Source Protection



Mardi Bergen
Source Water Information Coordinator, Watershed Planning and Source Protection

Friday March 7th, 2024

Madam Mayor Andrea Howarth
City of Hamilton
71 Main Street West
Hamilton, ON
L8P 4Y3

Dear Madam Mayor Andrea Howarth

I am sending this letter, on the crisis facing so many in Affordable Housing, it is estimated that the waitlist for Housing is close to 26 yrs. I have written to all levels of Government in regards, to this.

A home is the base from which we have the security to build our lives as we choose. We should be able to choose where to live, whom to see, and how to behave in our home. In our home we should have the privacy to reflect and relax in peace. We should have the autonomy to decorate and maintain our home as we see fit. Our home is the focus of our social network. These are all arguably essential prerequisites of mental health and well-being. They should be seen as necessary components of housing programs, not as privileges to which people “graduate.

Housing problems can lead to worse health outcomes, mental illness.

Shortfalls in housing in Ontario are linked to higher service use, more hospitalization, adverse health outcomes, more homelessness, and lower life expectancy.

Study after study has shown that housing not only resolves homelessness and increases housing stability, but also improves health and lowers public costs by reducing the use of publicly funded, crisis services, including shelters, hospitals, police resources, and Psychiatric Centers

When factoring in the cost of housing and eliminating outliers, they found that Affordable housing reduced each person's public costs approximately by \$1,145 per year.

Mayor Andrea Howarth, your compassion was much severed as you sat on the municipal non-profit housing corporation.

Affordable Housing is integrated throughout Hamilton and welcomed. There are people desperately waiting for Affordable Housing, we are speaking of evicted, renovicted, seniors, single parents, our most vulnerable in our community they deserve a place to live and be accepted into our communities, they pose no harm, they are participants and contribute. I am asking Mayor Andrea Howarth, to commit in recognizing this as a Crisis.

We need more Affordable Housing, to meet the needs.

The debate Parking over providing housing for people who are in desperate need, all space needs to be utilized in this crisis; Parking lots should be no exception.

Veteran's Lane, we have heard many speak of it, what better way to honor our Veterans, by giving people a place to live who are in need.

Thank you.

Angela Pugliese
Advocate to Persons with Disabilities



April 11, 2024

5.5

To Our Municipal Clients:

Re: Assessment of Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*

On behalf of our many municipal clients, we are writing to inform you of the Ontario Legislature's proposed changes to the *Development Charges Act* (D.C.A.) under Bill 185 (*Cutting Red Tape to Build More Homes Act*) and to Ontario Regulation 82/98 under the D.C.A. These proposed changes are with respect to:

- The definition of eligible capital costs (to include certain studies);
- The removal of the mandatory phase-in of charges;
- The process for minor amendments to development charge (D.C.) by-laws;
- A reduction of time for the D.C. rate freeze related to site plan and zoning by-law amendment planning applications;
- Modernizing public notice requirements; and
- Implementation of the Affordable Residential Unit exemptions.

Further details with respect to these proposed changes are provided below.

With respect to changes to the *Planning Act* arising from Bill 185, Watson will be preparing a subsequent letter summarizing the changes.

1. Revised Definition of Capital Costs

On November 28, 2022, the Province enacted Bill 23, *More Homes Built Faster Act*, which included a number of discounts, exemptions, and reductions to D.C.s. As part of this legislation, the definition of capital costs (subsection 5 (3) of the D.C.A.) was amended to remove studies, including D.C. background studies.

Bill 185 proposes to reverse the capital cost amendments of the *More Homes Built Faster Act* (Bill 23) by reinstating studies as an eligible capital cost. The following paragraphs are proposed to be added to subsection 5 (3) of the D.C.A.:

5. *Costs to undertake studies in connection with any of the matters referred to in paragraphs 1 to 4.*
6. *Costs of the development charge background study required under section 10.*



The proposed amendment will allow municipalities to fund studies, consistent with by-laws passed prior to the *More Homes Built Faster Act* (Bill 23). This will allow for the funding of master plans, D.C. background studies, and similar studies that inform the capital costs of the D.C. background study.

2. Removal of the Mandatory Phase-in

The *More Homes Built Faster Act* (Bill 23) required the phase-in of charges imposed in a D.C. by-law over a five-year term. D.C. by-laws passed after January 1, 2022, were required to phase-in the calculated charges as follows:

- Year 1 of the by-law – 80% of the charges could be imposed;
- Year 2 of the by-law – 85% of the charges could be imposed;
- Year 3 of the by-law – 90% of the charges could be imposed;
- Year 4 of the by-law – 95% of the charges could be imposed; and
- Years 5 to 10 of the by-law – 100% of the charges could be imposed.

Bill 185 proposes to remove the mandatory phase-in of the charges. It is proposed that this change would be effective for D.C. by-laws passed after Bill 185 comes into effect.

For site plan and zoning by-law amendment applications that were made prior to Bill 185 receiving Royal Assent, the charges payable will be the charges that were in place on the day the planning application was made (i.e., including the applicable mandatory phase-in).

Note, the Bill also proposes to allow minor amendments to D.C. by-laws that include these phase-in provisions. As provided in further detail below, these amendments would not require the preparation of a D.C. background study or undertake the statutory public process, and the amendments would not be subject to Ontario Land Tribunal appeal. This provision will only be available for a period of six months after Bill 185 takes effect.

3. Process for Minor Amendments to D.C. By-laws

Section 19 of the D.C.A. requires that a municipality must follow sections 10 through 18 of the D.C.A. (with necessary modifications) when amending D.C. by-laws. Sections 10 through 18 of the D.C.A. generally require the following:

- Completion of a D.C. background study, including the requirement to post the background study 60 days prior to passage of the D.C. by-law;
- Passage of a D.C. by-law within one year of the completion of the D.C. background study;
- A public meeting, including notice requirements; and
- The ability to appeal the by-law to the Ontario Land Tribunal.



Bill 185 proposes to allow municipalities to undertake minor amendments to D.C. by-laws for the following purposes without adherence to the requirements noted above (with the exception of the notice requirements):

1. To repeal a provision of the D.C. by-law specifying the date the by-law expires or to amend the provision to extend the expiry date (subject to the 10-year limitations provided in the D.C.A.);
2. To impose D.C.s for studies, including the D.C. background study; and
3. To remove the provisions related to the mandatory phase-in of D.C.s as discussed in section 2 of this letter.

Minor amendments related to items 2 and 3 noted above may be undertaken only if the D.C. by-law being amended was passed after November 28, 2022, and before Bill 185 takes effect. Moreover, the amending by-law must be passed within six months of Bill 185 taking effect.

Notice requirements for these minor amending by-laws are similar to the typical notice requirements, with the exception of the requirement to identify the last day for appealing the by-law (as these provisions do not apply).

4. Reduction of D.C. Rate Freeze Timeframe

Bill 108, *More Homes, More Choices Act, 2019*, which received Royal Assent on June 6, 2019, provided several changes to the D.C.A. including the requirement to freeze the D.C.s imposed on certain developments. This applied to developments that were subject to a site plan and/or a zoning by-law amendment application. The D.C. rate for these developments is “frozen” at the rates that were in effect at the time the site plan and/or a zoning by-law amendment application was submitted (subject to applicable interest). Once the application is approved by the municipality, if the date the D.C. is payable^[1] is more than two years from the approval date, the D.C. rate freeze would no longer apply.

Bill 185 proposes to reduce the two-year timeframe to 18 months and move this timeframe from being identified in O. Reg. 82/98 to being identified in the D.C.A. Transition provisions are included that require the two-year D.C. “freeze” for site plan and zoning by-law amendment applications that were approved prior to Bill 185 receiving Royal Assent to remain in effect.

^[1] In the case of Rental Housing and Institutional development, once the application is approved by the municipality, if the date the first building permit is issued is more than two years after the date of approval, the D.C. rate freeze would no longer apply.



Note that the streamlined process for minor amending by-laws does not appear to include the ability to amend D.C. by-laws to meet this legislative change.

5. Other Proposed Changes

Along with the proposed legislative changes outlined in Bill 185, the Province has identified related proposed regulatory changes regarding modernization of the public notice requirements. In addition, the Province has noted that implementation of the Affordable Residential Unit exemption will occur on June 1, 2024.

5.1 Modernizing Public Notice Requirements

The D.C.A. sets out the requirements for municipalities to give notice of public meetings and of by-law passage. These requirements are prescribed in sections 9 and 10 of O. Reg. 82/98 and include giving notice in a newspaper of sufficiently general circulation in the area to which the by-law would apply. The proposed regulatory changes would modernize public notice requirements by allowing municipalities to provide notice on a municipal website if a local newspaper is not available.

5.2 Implementing the Affordable Residential Unit Exemption

The More Homes Built Faster Act (Bill 23) identified an exemption for Affordable Residential Units. This exemption was subsequently revised through Bill 134, *Affordable Homes and Good Jobs Act, 2023*, which received Royal Assent on December 4, 2023. The exemption is summarized as follows:

- Affordable Rental: Where the rent is no greater than the lesser of the income based affordable rent^[1] set out in the Affordable Residential Units Bulletin and the average market rent identified in the Affordable Residential Units Bulletin.
- Affordable Owned Unit: Where the price of the residential unit is no greater than the lesser of the income-based affordable purchase price^[2] set out in the Affordable Residential Units Bulletin and 90% of the average purchase price identified in the Affordable Residential Units Bulletin.

^[1] Based on the 60th percentile of gross annual incomes for renter households in the applicable local municipality and where the rent is equal to 30% of the income of the household.

^[2] Based on the 60th percentile of gross annual incomes for households in the applicable local municipality and where the purchase price would result in annual accommodation costs equal to 30 per cent of the income of the household.



The Provincial Backgrounder has indicated that this exemption will come into force on June 1, 2024, and that the Affordable Residential Units Bulletin will be posted on Ontario.ca.

Note, no commentary has been provided on the Attainable Unit exemption at this time.

6. Summary Comments on the Proposed Amendments

Many of these changes to the D.C.A. appear positive for municipalities by assisting in ensuring that growth pays for growth to the extent possible. This is achieved by allowing for the inclusion of growth-related studies that will allow municipalities to appropriately plan for additional development. Furthermore, the removal of the mandatory phase-in provisions ensures discounts to D.C.s are not provided to development and redevelopment that municipalities do not aim to incentivize. The reduction in the D.C. rate freeze timeline helps to ensure development that is not proceeding quickly does not receive D.C. discounts. Additionally, the ability to make minor amendments to D.C. by-laws to align with the legislative changes without onerous administrative requirements will assist municipalities in aligning policies with the amended legislation quickly. Modernizing the public notice requirements further assists municipalities in areas where there is no local newspaper.

With respect to the implementation of the Affordable Residential Unit exemption on June 1, 2024, as stated in previous correspondence, while it is an admirable goal to create additional affordable housing units, further D.C., community benefits charge, and parkland exemptions will continue to provide further financial burdens on municipalities to fund these exemptions.

Watson will be providing a submission through the Environmental Registry of Ontario on these legislative changes. Watson will also be seeking an opportunity to speak as a delegation to the Standing Committee, if possible, to provide our comments on behalf of our municipal clients. We will continue to monitor the progress of Bill 185 through the legislature and will continue to keep our clients informed of any changes. If you have any questions, please do not hesitate to contact us.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

Daryl Abbs, MBE, PLE, Managing Partner
Andrew Grunda, MBA, CPA, CMA, Principal
Jamie Cook, MCIP, RPP, PLE, Managing Partner
Peter Simcisko, BA (Hons), MBE, Managing Partner
Sean-Michael Stephen, MBA, Managing Partner
Jack Ammendolia, BES, PLE, Managing Partner

April 11, 2024

Via Email to: mayor@hamilton.ca,

ward1@hamilton.ca, ward2@hamilton.ca, ward3@hamilton.ca,
ward4@hamilton.ca, matt.francis@hamilton.ca,
tom.jackson@hamilton.ca, esther.pauls@hamilton.ca,
ward8@hamilton.ca, brad.clark@hamilton.ca, jeff.beattie@hamilton.ca,
mark.tadeson@hamilton.ca, ward12@hamilton.ca, ward13@hamilton.ca,
mike.spadafora@hamilton.ca, ted.mcmeekin@hamilton.ca

Her Worship Mayor Andrea Horwath
and Members of Hamilton City Council

Hamilton City Hall
2nd Floor – 71 Main Street West,
Hamilton, Ontario L8P 4Y5

Dear Madam Mayor and Members of City Council:

Re: Vacant Unit Tax

The Hamilton and District Apartment Association (“HDAA”) is an association of residential property owners, managers and suppliers, and we represent the interests of private sector Rental Housing Providers in excess of 30,000 rental units throughout Hamilton, Burlington, Brantford, Guelph, Mississauga, Oakville, St. Catharines and into the Niagara Peninsula. The term “Residential Rental Housing Providers” comprises of some corporations that owns thousands of rental units, to other small business owners (i.e. electrician, accountants, teachers and etc.) that manages a rental property from one to five rental units, while working full-time. HDAA cares about our industry and encourages compliance with legislation and best practices to ensure our Tenants are provided with the best customer experience possible.

In prior years, HDAA had been consulted as a stakeholder in related matters pertaining to the rental housing industry. In our last letter of August 4th, 2022 to City Council, we have provided our thoughts which are still in dissent with respect the above-captioned matter.

The Vacant Unit Tax in Hamilton will have very insignificant short-term impact on housing availability and will be a train wreck. It will be very costly, and more trouble than it is worth, as witnessed in this year's Toronto Vacant Home Tax fiasco. Moreover, this will cause you to have many unforgiving constituents in your Wards for your next Municipal Election if you did not oppose the Vacant Unit Tax.

In light of the foregoing, on behalf of HDAA, I sincerely and respectfully recommend that all Members of City Council to prudently reconsider voting in the next General Issues Committee Meeting, for overturning the Vacant Unit Tax, for the reasons and/or consequences stated below:

1) Net Deficit resulting from the Vacant Unit Tax program

If City Staff is assuming an estimate of 880 properties paying the 1% Vacant Unit Tax, which is equivalent to 0.5% of the total residential properties (approximately 176,500 in the Residential Tax Class in 2021), then the net revenue over the next six years will be a total loss of \$532,427.00

While the desired outcome of the Vacant Unit Tax is to increase the availability of housing, if the Vacant Unit Tax is effectively moving vacant homes into occupied homes, this will result in a decreasing revenue from this source over time.

Furthermore, if revenue is collected but the number of vacant homes does not decrease, then the Vacant Unit Tax program would be deemed very unsuccessful.

Consequently, this Vacant Unit Tax program will not be sustainable, and have very marginal impact in helping address the current housing shortage, and more importantly, taxpayers' money will be wasted, which will not be received well by your constituents for the next Municipal Election.

2) Unknown number of empty properties

How the City Finance Staff has arrived to the assumption of “1,135 properties” is very questionable and has no validity.

According to The Public Record in 2022

(<https://www.thepublicrecord.ca/2022/02/census-2021-hamilton-population-data-unoccupied-units-and-student-housing/>), there were 233, 564 dwelling units (DU) in Hamilton, up from 222, 918 dwelling units in 2016 (an increase of 4.8%) per Statistics Canada census data.

Of the 233, 564 dwelling units, 222, 807 were “occupied by usual residents”, which leaves 10, 757 dwelling units that are not “occupied by residents”

There was a change in Statistic Canada methodology between the 2001 and 2006 censuses, which resulted in a reclassification change of existing dwelling units – E.g. a Single-Family Home that was identified as a “Single-detached” in 2001, may have been classified as a “Duplex” in 2006, if the enumerator detected the presence of a secondary suite (i.e basement apartment).

The 10, 757 dwelling units that are not “occupied by residents” as mentioned above, are not necessarily empty, and some are secondary suites that may be absorbed back by property owners for their personal use, and about 25% of these “unoccupied” dwelling units are student-occupied housing.

Students are not “usual residents” as they are counted by the census at their primary residence which are usually their family homes, and thus these Hamilton dwelling units are counted by the census as “unoccupied”.

The City of Hamilton have been estimating the number of students who live in the areas surrounding post-secondary campuses, because most students do not provide their student housing address.

Furthermore, renovation projects in Hamilton such as 180 Ottawa Street North (affordable housing units) were registered as “unoccupied units” in its dissemination block as per Censusmapper.ca which is an interactive map displaying the percentage of “unoccupied units” by dissemination block.

Based on the above-mentioned, for the City Finance Staff to make an assumption for “1,135 properties that would have to pay the Vacant Home Tax”, using the census data (which is not accurate) and also “following the same trend as Vancouver”, would be unacceptable and be construed as very irrational for decision-making.

It is very difficult to identify the number of empty properties that would be eligible for the tax in Hamilton. Furthermore, it is not accurate or ideal for Hamilton to simply make assumptions based on Toronto and Vancouver's unoccupied private dwellings, as there are major differences in the size and housing market availability and affordability between the respective cities. For the City of Hamilton to spend \$2.6 million in the first year, and \$2.2 million ongoing annually in subsequent years, for the span of 6 years, and then to have realized a much lower number of empty properties than their assumptions, would create a big net deficit, which is not good for Hamilton that already had a 2024 insufficient budget.

This will be a very costly and futile exercise, for trying to determine the number of vacant units in Hamilton, and will have very insignificant impact in creating more rental housing, and furthermore, it will not be an effective use of taxpayers' money, which will not be received well by your constituents for the next Municipal Election.

3) More Taxes discourage investments in Cities

Below are some taxes from Federal, Provincial, Municipal, all of which, applicable property owners (Canadians, non-Canadians, residents, and non-residents) pay:

- 1% Annual Federal Underused Housing Tax, effective as of January 1st, 2022.
- 25% Non-Resident Speculation Tax (NRST) in Ontario, effective as of October 25th, 2022.
- 5.79% property tax increase in Hamilton for 2024

On top of the above-mentioned taxes, property owners still have to pay insurance, maintenance, utilities.

If the purpose of the Hamilton Vacant Unit Tax is to target vacant properties, potentially owned by "speculators", and to create more rental housing, then this would be deemed as very marginal, because in Hamilton, 6% of the population are non-Canadian citizens, and only 1% are not residents.

Nonetheless, more taxes discourage investments in Cities, and thus Hamilton will not be able to grow and prosper economically if government tax policies are not favourable.

4) Many Distressed Seniors

Seniors are vulnerable, and some do not speak or read English, or do not have computers, and thus they will be emotionally distressed when faced with an unexpected vacant home tax bill. As witnessed in this year's Toronto Vacant Home Tax fiasco, Ward 5 Toronto City Councillor Frances Nunziata said "she has received hundreds of calls from many frustrated residents, mostly seniors, that were shocked and confused, when they received a tax bill for \$7000 to 8,000, and a lot of residents who actually declared, still received a tax bill." This huge error by Toronto City Staff, had caused many distressed seniors, in addition to their recent annual property tax increase. It will be very unwise for Hamilton to do the same as Toronto, and to experience the same aftermath, which will not be received very well by all your constituents for the next Municipal Election.

5) Many outraged Property Owners or Taxpayers

The implementation of the Vacant Unit Tax in Hamilton can be viewed as similar to the negative billing (i.e the precedent case of CRTC decision on usage-based internet billing which was overturned by the Canadian government). If Hamilton uses a Mandatory Declaration approach similar to Toronto, then residents who do not report their status as occupied or vacant to the City each year, would be automatically deemed vacant. As mentioned before, and as witnessed in the mess of Toronto's Vacant Home Tax this year, one third of homeowners missed the declaration deadline, and those who even submitted a declaration, still wrongfully received a huge Vacant Home Tax bill. More than 60,000 complaints were filed by property owners, and the Toronto Mayor Olivia Chow had apologized to all Toronto residents, and vowed to clean up the mess. Hamilton should not repeat this same mistake, and nonetheless, should not implement the Vacant Unit Tax, for the reasons and/or consequences stated above.

The Vacant Unit Tax in Hamilton will have very insignificant short-term impact in addressing the housing shortage. It will be another disruption to homeowners, buyers, sellers, taxpayers, and rental housing providers. If homeowners are working away from home for a year or two, under the current Landlord and Tenant Board problems, they will not rent out the property as they will have extreme difficulty in getting back possession.

Also, it will not significantly address the concerns of speculators because foreign investors who are looking to keep their money safe, will go to Toronto or Vancouver, and Hamilton is not on their radar.

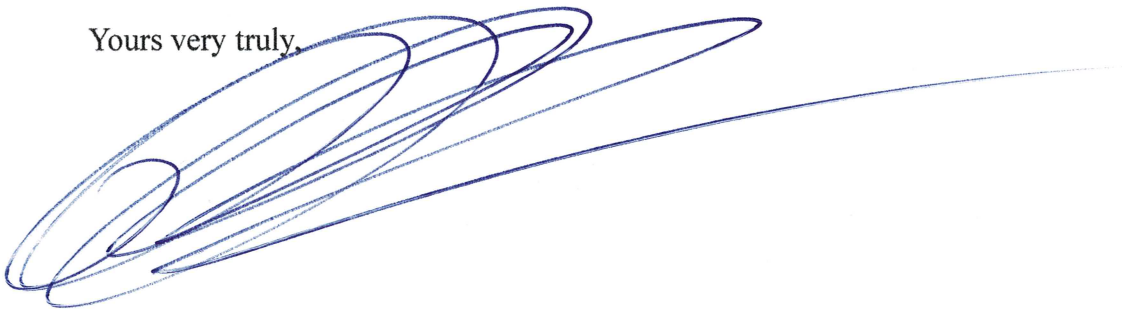
Furthermore, and suffice to say, there were historical periods in real estate when home prices were rising fast, and speculators were buying homes and keeping them to sell at a higher price. However, in these unprecedented times today, and with very high interest rates, it is nonsensical that any speculators are buying and keeping empty properties and expecting a price increase enough to cover carrying costs and sell for a profit at a later date. In these current market conditions, speculators do not feel confident, and thus homes are not empty for speculative reasons but for other reasons (for example: government interventions) and there are exceptions for most of those reasons.

Lastly, the Vacant Unit Tax will bring a very insignificant number of homes for rent or sale, and it will be an endless cost to the city.

With respect to the above-mentioned, on behalf of HDAA, I sincerely urge that all Members of City Council would significantly reconsider for overturning the Vacant Unit Tax in Hamilton in the next General Issues Committee Meeting.

Please call or write if you have any questions or concerns with the above-mentioned, or if you would like to further discuss the above-captioned matter.

Yours very truly,



Daniel P. Chin

President - Hamilton and District Apartment Association

5.6 (a)

Pilon, Janet

Subject: Vacant Unit Tax | Hamilton and District Apartment Association ("HDAA") Letter to Madam Mayor and Members of City Council

From: Daniel P. Chin

Sent: Tuesday, April 16, 2024 8:22 AM

To: Office of the Mayor <OfficeoftheMayor@hamilton.ca>; Ward 1 Office <ward1@hamilton.ca>; Ward 2 <ward2@hamilton.ca>; Office of Ward 3 City Councillor Nrinder Nann <ward3@hamilton.ca>; Ward 4 <ward4@hamilton.ca>; Francis, Matt <Matt.Francis@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Beattie, Jeff <Jeff.Beattie@hamilton.ca>; Tadeson, Mark <Mark.Tadeson@hamilton.ca>; Ward 12 Office <ward12@hamilton.ca>; Ward 13 <ward13@hamilton.ca>; Spadafora, Mike <Mike.Spadafora@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>

Subject: Re: Vacant Unit Tax | Hamilton and District Apartment Association ("HDAA") Letter to Madam Mayor and Members of City Council

Good Morning Madam Mayor and Members of City Council:

Further to my last letter sent via email of April 11, 2024 (which have still not received any correspondence from all parties as of this date, except from one Councillor), I shall further express our concerns in regard to the above-captioned matter, on behalf of Hamilton and District Apartment Association ("HDAA"), with reference to the National Post Article below captioned "*Tens of thousands of Torontonians caught in bureaucratic nightmare due to vacant home tax*" (published on April 10, 2024):

<https://nationalpost.com/opinion/axe-torontos-vacant-home-tax>

Do you have any grounds for disagreeing with the following (5) five statements in the National Post Article:

- 1) *"The rollout of the City of Toronto's vacant home tax has been nothing short of disastrous."*
- 2) *"It's rather ironic that a program meant in part to be a revenue generator is now eating up a growing amount of money."*
- 3) *"But Toronto is not Vancouver. It is not, as one magazine feature described the West Coast City, "a giant safety deposit box for China's elite.""*
- 4) *"Then there's this doozy of a line from the report: "There is no reliable estimate for the number of residential units that may be vacant in Toronto.""*
- 5) *"This means that the bulk of the administration of the vacant home tax for two years running has actually been spent on wrongly penalizing people and then cleaning up the mess afterwards."*

Furthermore, with respect to the Hamilton Vacant Unit Tax, are you going to support something that will be disastrous, eat up a growing amount of money, with no reliable estimate of the number of vacant units (that is only applicable to Vancouver), and last but not least, are you ready for cleaning up the mess afterwards?

Please write or call if you have any questions or concerns with the foregoing statements of the National Post Article.

Best Regards,
Daniel P. Chin

Pilon, Janet

Subject: Public Safety Concerns and Infrastructure Neglect

From: Jordan Williams

Sent: April 12, 2024 4:56 PM

To: clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>

Subject: Public Safety Concerns and Infrastructure Neglect

Dear Office of the City Clerk,

I am writing to express my deep concern about the deteriorating state of Hamilton's infrastructure and its significant impact on public safety. Broken roads increase the risk of accidents, overflowing sewage creates unsanitary conditions, and neglected public spaces become havens for crime.

These issues not only create an unpleasant environment for residents, but they also pose a serious threat to our well-being. The City Clerk's office plays a crucial role in facilitating open communication and ensuring citizen concerns are heard by the appropriate authorities.

Therefore, I request the following:

- **Placing Infrastructure Issues on the City Council Agenda:** I urge you to advocate for placing the critical issue of infrastructure neglect on the next City Council agenda. This will allow elected officials to discuss the problem, explore solutions, and allocate necessary resources for repairs and improvements.
- **Increasing Public Awareness:** I request your assistance in raising awareness among residents about the impact of infrastructure neglect on public safety. Consider encouraging residents to submit complaints and participate in public forums to share their concerns.

I believe a collaborative approach is crucial in addressing this crisis. Here are some suggestions:

- **Cross-Departmental Collaboration:** Encourage collaboration between Public Works, Community Services, and other relevant departments to develop a comprehensive plan for infrastructure repair that prioritizes public safety.
- **Community Engagement:** Facilitate open communication channels between the City and residents. Gather feedback through public meetings or surveys to understand the specific concerns of various communities regarding infrastructure issues.

The current situation demands immediate action. The Office of the City Clerk plays a vital role in ensuring the efficient and accountable operation of our city government. Your leadership in raising awareness and facilitating solutions is essential to tackling this public safety threat.

Thank you for your time and consideration.

Sincerely,

Jordan Williams

Concerned Citizen of Hamilton

Pilon, Janet

Subject: 140 Glen Echo Drive Losani Proposal

From: Janet Saleh

Sent: April 15, 2024 4:21 PM

To: clerk@hamilton.ca

Subject: 140 Glen Echo Drive Losani Proposal

140 Glen Echo Dr.

Writing to notify you I am **against** the Losani Proposal for an 8 storey cond0 and 4 story townhomes at 140 Glen Echo Drive. The reasons are as follows:

1. INFRASTRUCTURE : The infrastructure dates back to 1960.

a) Sewage and the drainage system is outdated. Viola Desmond new build had problems with the third floor washrooms that the toilets were not able to be flushed. How will the current system handle the children from the 264 condos that are being proposed?

b) The current Hydro is inadequate with outages consistently. How will this system withstand another 264 units plus the addition of EV's needing to be charged along with the EV charging needs of the Corman neighbourhood .

2. SCHOOL SYSTEM:

a) Viola Desmond Public School is currently over capacity with the current use of an additional 7 portable class rooms. Where will additional children from this condo unit be accommodated?

b) Glendale High School is over capacity. Built for 800 students and it currently has 1,200 students. Again, where will additional students from this condo unit be accommodated?

3. PROPERTY:

It is my impression that the Losani proposal will devalue the current property values to the single family homes most particularly those residents directly close to 140 Glen Echo. Do we have any idea what the devalued assessment will be and our current taxes reduced?

4. PARKING:

264 units with 1.2 parking spots per unit is 317 spots which is not adequate parking space. In our current social structure both adults have cars along with any young adults living at home . 264 units with 2 spots per unit is 528 parking spots. This proposal is minimally 211 spots short for parking. This computation does not take into consideration any visitor parking. Where are the cars parking who do not have any assigned spaces by the complex? Corman residents **do not** want multiple overflow vehicles from this complex parking in front of the homes on a continual basis.

5. EMERGENCY VEHICLES:

This complex has only one street access used for an entrance and exit. What happens if there is a fire, police or medical emergencies?

6. TRAFFIC:

a) Losani Homes notes that there is an HSR service with transit stops on Glen Echo Dr. I have lived in this survey since 2007 and have never seen transit stops or HSR. Glen Echo Dr. at time is completely impassable during Viola Desmond School times . There are multiple cars and buses.

b) Currently residents of Rainbow Dr. have difficulty exiting their driveways to access Nash Rd. Losani Homes notes that there would be no congestion in the Corman neighbourhood. With the increase of 264 units how will traffic flow not be an issue?

7. NOISE:

Losani Homes report notes the noise level from 140 Glen Echo would not be disruptive to the area. How would the addition of 264 units, roughly at minimum 528 people plus vehicles, not be disruptive? The homes across the road would definitely be disrupted with the amount of activity at the one access entrance from the street. It would be particularly disruptive with Emergency and police vehicles.

8. CONCLUSION:

I purchased my home in a low density, single family home area. I **do not want mid density** with an 8 storey unit in the middle of the Corman area. I would like to see single family homes of course, otherwise 2 storey homes or 2 storey townhouses would be a better fit.

Thank you

Best Regards

George & Donna Novkovic

emailed for Mr. & Mrs. G. Novkovic

Pilon, Janet

Subject: Glen Echo School site

From: Penny Kozoriz
Sent: April 15, 2024 5:51 PM
To: clerk@hamilton.ca
Subject: Glen Echo School site

Hello I am a resident at 160 Rainbow Drive, in Hamilton. I am aware there is a meeting tomorrow, Tuesday about Losani building 6 or 8 storey condo and 4 level townhouses. I am against this development for several reasons.

The traffic has increased over the passed year, the high school is very busy in the evening, not just school mornings and afternoons. Parking is also an issue, there are cars everywhere.

Also the ware and tire on the services concerns me, hydro, water, sewage. This is an older area and they have not been updated so I am worried adding 245 families to the mix.

Also the new Public school, Demond was built last year and is overcrowded already. There are 7 portables and as I understand there is currently an application for extending the parking now because of the problems there.

I am not opposed to development but I feel this project does not conform to the area, and will only add more problems and congestion. Common sense says it needs more research and information before it is approved.

As a Realtor, I am also concerned that my house value will drop. I am against it.

Penny Kozoriz
Broker

Apex Results Realty Inc.
905-332-4111 Office

Pilon, Janet

Subject: 140 Glen Echo Drive Losani Homes Proposal

From: Janet Saleh

Sent: April 15, 2024 4:13 PM

To: clerk@hamilton.ca

Subject: 140 Glen Echo Drive Losani Homes Proposal

140 Glen Echo Dr.

Writing to notify you I am **against** the Losani Proposal for an 8 storey cond0 and 4 story townhomes at 140 Glen Echo Drive. The reasons are as follows:

1. INFRASTRUCTURE : The infrastructure dates back to 1960.

a) Sewage and the drainage system is outdated. Viola Desmond new build had problems with the third floor washrooms that the toilets were not able to be flushed. How will the current system handle the children from the 264 condos that are being proposed?

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Thank you
Best Regards
Janet Saleh



April 11, 2024

Hon. Paul Calandra
Minister of Municipal Affairs and Housing
via Email:
minister.mah@ontario.ca

Re: Jurisdiction of Ontario's Ombudsman

The following resolution, adopted by City Council at their meeting on April 8, 2024, is forwarded for your information and necessary action.

That Council approve the recommendations outlined in [Report LSOCS24-005](#), dated April 2, 2024 of the Commissioner, Legislative Services, as follows:

- a) That the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, be requested to introduce a Bill to amend the Ombudsman Act to require the Ontario Ombudsman to provide to each municipality, if requested by the municipality, sufficient particulars of each investigation, matter or case respecting the municipality that is referred to in each of the Ombudsman's Annual Reports to permit the municipality to fully understand and address the subject matter of each such investigation, matter or case including:
 - i) a copy of each complaint, as applicable, redacted only to the extent of individuals' personal information contained therein;
 - ii) the identities of the municipality's employees, officers and members of Council with whom the Ombudsman was consulting in respect of the investigation, matter or case; and
 - iii) particulars of the outcome of the investigation, matter or case including the Ombudsman's findings, conclusions and recommendations, if any.
- b) That the City Clerk forward Council's resolutions resulting from Council's approval of these recommendations to Minister Calandra, MPP David Smith, the Association of Municipalities of Ontario and to the municipal Clerks of Ontario's municipalities.

Sincerely,

J. Kennedy

John Kennedy, City Clerk

cc: David Smith, MPP
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities

April 16, 2024

Conservation Authorities and
Natural Hazards Section
Ministry of Natural Resources and
Forestry – RPDPB
By E-mail: ca.office@ontario.ca

Matthew Rae
MPP for Perth-Wellington
By E-mail: matthew.rae@pc.ola.org

RE: Conservation Authorities Act

Please note that in response to the attached Ministry of Natural Resources and Forestry’s proposal “Regulation detailing new Minister’s Permit and Review powers under the Conservation Authorities Act” on April 5, 2024, Council of the Municipality of West Perth at its Regular Council Meeting held on April 15, 2024, passed the following resolution:

RESOLUTION: 122/24

Moved By: Councillor Trentowsky

Seconded by: Councillor Duck

CARRIED

“That the Council for the Municipality of West Perth recommends to the province that any proposed changes contemplated by the province be put on hold until such time that the planning statement is finalized by the province and communicated to the municipalities and that this motion be circulated to the Association of Municipalities of Ontario (AMO) All Ontario Municipalities for support.”

If you require further information, please do not hesitate to contact the Clerk’s Department.



Daniel Hobson
Manager of Legislative Services/Clerk
Municipality of West Perth

cc: Matthew Rae, MPP for Perth-Wellington
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities

Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act.

ERO (Environmental Registry of Ontario) number	019-8320
Notice type	Regulation
Act	Conservation Authorities Act, R.S.O. 1990
Posted by	Ministry of Natural Resources and Forestry
Notice stage	Proposal
Proposal posted	April 5, 2024
Comment period	April 5, 2024 - May 6, 2024 (31 days) Open
Last updated	April 5, 2024

This consultation closes at 11:59 p.m.

on:

May 6, 2024

Proposal summary

We are proposing a regulation specifying the circumstances under which the Minister may issue an order to prevent a conservation authority from making a permitting decision and make the permitting decision in the place of a conservation authority or may undertake a review of a conservation authority permitting decision.

Proposal details

Conservation authorities regulate development and other activities through a permitting process under the *Conservation Authorities Act* for the purposes of natural hazard management and to protect people and property from natural hazards, such as flooding and erosion. Each conservation authority implements the permitting framework based on provincial legislation, regulatory

requirements, and technical standards, as well as conservation authority board-approved policies that outline how the conservation authority administers regulations locally.

Recently proclaimed provisions in the *Conservation Authorities Act* and associated regulations came into effect on April 1, 2024, including new powers for the Minister to 1) issue an order to prevent a conservation authority from issuing a permit and to take over the permitting process in the place of a conservation authority, and 2) review a conservation authority permit decision at the request of the applicant.

The Ministry is proposing a regulation which would set out the circumstances under which these powers could be used. If the regulation is approved, public guidance would be made available on the criteria and processes outlined in the regulation.

1. Permits issued by the Minister

Existing requirements under the *Conservation Authorities Act* regarding permits issued by the Minister under section 28.1.1 include:

- The Minister may issue an order directing a conservation authority not to issue a permit to a specific individual to engage in a specified activity, or to persons who may wish to engage in a certain type or class of activity, that would be prohibited under section 28 without a permit.
- The Minister's decision to issue an order is discretionary, and it may be issued either before or after an application for a permit has been submitted to the relevant conservation authority.
- Notice of any order must be provided to affected conservation authorities, any person who applied for the permit in question prior to the order and be posted on the Environmental Registry of Ontario (ERO (Environmental Registry of Ontario)) within 30-days.
- If an order made, the Minister has the power to issue a permit in place of the conservation authority. When making a permitting decision, the Minister is required to satisfy the same criteria concerning natural hazards and public safety that are considered by conservation authorities. This includes whether the activity is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or

bedrock. It also must consider whether the activity is likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

- The Minister may refuse the permit or issue a permit subject to such conditions as the Minister determines are appropriate.

Proposed additional requirements that would be set out in regulation include:

- The Minister may make an order to prevent a conservation authority from making a permitting decision and take over the permitting process only if the development activity or type or class of permits pertains to or supports a specified provincial interest, including:
 - Housing (community, affordable and market-based)
 - Community services (health, long-term care, education, recreation socio-cultural, security and safety, environment)
 - Transportation infrastructure
 - Buildings that facilitate economic development or employment
 - Mixed use developments
- If a proponent wishes to petition the Minister to issue an order, the proponent must submit a request to the Minister that would include information on:
 - Overview of proposed development.
 - Why the Minister's involvement is requested (e.g., development of provincial interest, timing/urgency; permitting process to date if applicable; other barriers) and preferable to the standard process in the *Conservation Authorities Act*.
 - Indication of whether the local municipality has endorsed the project and the request for Minister's involvement (e.g., by municipal letter or resolution).
 - Status of other required project approvals including the extent of any engagement with the conservation authority in the permitting process that the applicant has had to date.

2. Permits reviewed by the Minister

Existing requirements under the *Conservation Authorities Act* relating to requests for review under section 28.1.2 regarding permits where there is an order made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* and section 28.1 regarding all other conservation authority permits include:

- An applicant who has been refused a permit or had conditions attached to a permit by a conservation authority to which the applicant objects can, within 15-days of receiving reasons for the authority's decision, submit a request to the Minister for the Minister to review the authority's decision. Alternatively, an applicant also has the option to appeal the authority's decision to the Ontario Land Tribunal.
- After receiving a request, the Minister has 30-days in which to decide whether or not they intend to conduct a review. If the Minister decides to conduct the review, a notice shall be posted on the ERO (Environmental Registry of Ontario) within 30-days of a reply indicating the Minister intends to review the decision by the authority. If the Minister does not reply within 30-days of the request, this is deemed to indicate that the Minister does not intend to conduct a review.
- After conducting a review, the Minister may confirm or vary the authority's decision or make any decision that the Minister considers appropriate, including issuing the permit subject to conditions.
- The Minister is required to base the decision on same criteria concerning natural hazards and public safety that are considered by conservation authorities. This includes whether the activity is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock. It also must consider whether the activity is likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

Proposed additional requirements that would be set out in regulation include:

- The Minister may conduct a review of a conservation authority permit decision only if the development activity pertains to or supports a development of specified provincial interest, including:
 - Housing (community, affordable and market-based)

- Community services (health, long-term care, education, recreation socio-cultural, security and safety, environment)
- Transportation infrastructure
- Buildings that facilitate economic development or employment
- Mixed use developments

Note: This criteria would not apply to permit reviews under section 28.1.2 regarding permits where there is an order made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act*.

- The request submitted to the Minister for a review would include information on:
 - Overview of proposed development.
 - If the request relates to conditions imposed by the conservation authority to which the applicant objects, identification of the specific conditions that are subject to the request for review, the changes requested to the conditions and the rationale in support of the requested changes.
 - If the request relates to an authority's decision to refuse a permit, the rationale in support of requesting that the Minister varies the decision and issues the permit.
 - Why the Minister's involvement is requested (e.g., development of provincial interest, timing/urgency; permitting process to date; other barriers) and preferable to alternative mechanisms in the *Conservation Authorities Act*.
 - Indication of whether the local municipality has endorsed the project and/or the request for Minister's involvement (e.g., by municipal letter or resolution).
 - Status of other required project approvals.

Regulatory impact analysis

By clearly communicating the circumstances under which the Minister would consider whether to issue an order to prevent a conservation authority from making a permitting decision and to make permitting decisions in place of a conservation authority or to review a conservation authority permitting decision, this proposal would ensure that development proponents pursue the appropriate permitting channel. Efficiently navigating the permitting process is

expected to help save proponents time and resources. We expect that there will be some minor administrative costs for development proponents based on the time needed to learn about and understand the proposed changes.

Supporting materials

Related links

Conservation Authorities Act

(<https://www.ontario.ca/laws/statute/90c27#BK43>)

O. Reg. 41/24: Prohibited Activities, Exemptions and Permits

(<https://www.ontario.ca/laws/regulation/240041>)

View materials in person

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Get in touch with the office listed below to find out if materials are available.

MNRF - RPDPB - Resources Development Section

300 Water Steet

2nd Floor South

Peterborough, ON

K9J 3C7

Canada

Comment

Let us know what you think of our proposal.

Have questions? Get in touch with the contact person below. Please include the ERO (Environmental Registry of Ontario) number for this notice in your email or letter to the contact.

[Read our commenting and privacy policies. \(/page/commenting-privacy\)](/page/commenting-privacy)

Submit by mail

Conservation Authorities and
Natural Hazards Section

Ministry of Natural Resources and
Forestry - RPDPB

300 Water Street

2nd Floor South Tower

Peterborough, ON

K9J 3C7

Canada

Connect with
US

Contact

Conservation Authorities and
Natural Hazards Section

 ca.office@ontario.ca

The Corporation of the Municipality of St. Charles
RESOLUTION PAGE



Regular Meeting of Council

Agenda Number: 8.8.

Resolution Number 2024-076

Title: Resolution stemming from February 21, 2024 Regular Meeting of Council - Item 10.1 - Correspondence #27

Date: March 20, 2024

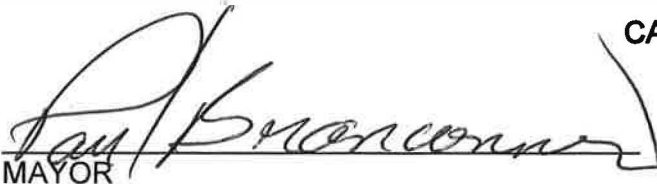
Moved by: Councillor Pothier

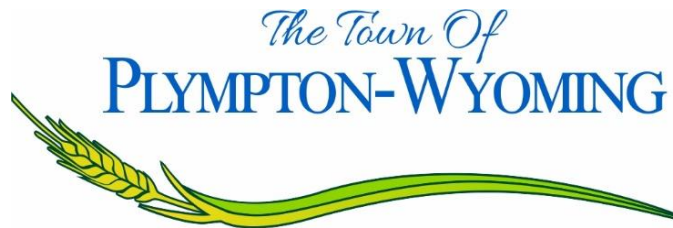
Seconded by: Councillor Loftus

BE IT RESOLVED THAT Council for the Corporation of the Municipality of St.-Charles hereby supports the Resolution passed by the Corporation of the City of Sarnia on January 15, 2024; and the support resolution passed by the Corporation of the Town of Plympton-Wyoming on February 14, 2024, regarding Carbon Tax;

AND BE IF FURTHER RESOLVED THAT a copy of this Resolution be sent to Prime Minister, Justin Trudeau; Premier Doug Ford; the Association of Municipalities of Ontario (AMO); our local Member of Parliament (MP); our local Member of Provincial Parliament (MPP); and all Ontario Municipalities.

CARRIED


MAYOR



The Right Honourable Justin Trudeau
Prime Minister of Canada
80 Wellington Street
Ottawa, ON K1A 0A2
Justin.trudeau@parl.gc.ca
(sent via e-mail)

February 15th, 2024

Re: Carbon Tax

Please be advised that the Council of the Town of Plympton-Wyoming, at its meeting on February 14th, 2024, passed the following motion supporting the resolution from the City of Sarnia regarding Carbon Tax.

Motion #12

Moved by Councillor John van Klaveren

Seconded by Councillor Mike Vasey

That Council support correspondence item 'o' from the City of Sarnia regarding Carbon Tax.

Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at eflynn@plympton-wyoming.ca.

Sincerely,

Ella Flynn
Executive Assistant – Deputy Clerk
Town of Plympton-Wyoming

Cc: All Ontario municipalities



**THE CORPORATION OF THE CITY OF SARNIA
City Clerk's Department**

255 Christina Street N. PO Box 3018
Sarnia ON Canada N7T 7N2
519-332-0330 (phone) 519-332-3995 (fax)
519-332-2664 (TTY)
www.sarnia.ca clerks@sarnia.ca

January 19, 2024

The Right Honourable Justin Trudeau
Prime Minister of Canada
80 Wellington Street
Ottawa, ON K1A 0A2
Justin.trudeau@parl.gc.ca

Dear Prime Minister:

Re: Carbon Tax

At its meeting held on January 15, 2024, Sarnia City Council adopted the following resolution:

Whereas the federal government recently increased the carbon tax in April 2023 and will almost triple it by 2030; and

Whereas the Parliamentary Budget officer has admitted that when fiscal and economic impacts of the federal fuel charge are considered that the vast majority of households will see a staggering loss; and

Whereas this tax flows through from producers to transporters to the grocery store floor for our citizens; and

Whereas this tax does very little to reduce pollution and emissions; and

Whereas two thirds of Canadians are approximately \$200 away or less from not being able to pay all their bills at the end of the month; and

Therefore, be it resolved that Sarnia City Council write a Letter to the Federal government (and copied to other Municipalities for their consideration) strongly urging them to cancel the carbon tax which is financially hurting our citizens at a time

when affordability concerns are at an all-time high to ease the financial and inflationary pressure on our Citizens.

Your consideration of this request is respectfully requested.

Yours Sincerely,

A handwritten signature in cursive script, appearing to read 'Amy Burkhart', written in black ink.

Amy Burkhart
City Clerk

cc: All Ontario Municipalities



April 12, 2024

Resolution #24-12-02 – Urging the Government to Promptly Resume Assessment Cycle

The Council of the Corporation of the Municipality of Huron Shores passed Resolution #24-12-02 at the Regular Meeting held Wednesday, April 10th, 2024, as follows:

“WHEREAS the assessment cycle is an essential process for maintaining the fairness and predictability of property taxes in our province;

AND WHEREAS the pause in the reassessment cycle has created uncertainty and instability in property taxation, impacting both residential and commercial property owners;

AND WHEREAS the government has delayed an assessment update again in 2024, resulting in Ontario’s municipalities continuing to calculate property taxes using 2016 property values;

AND WHEREAS both current and outdated assessments are inaccurate, increase volatility, and are not transparent;

AND WHEREAS frequent and accurate reassessments are necessary to stabilize property taxes and provide predictability for property owners, residents, and businesses alike;

AND WHEREAS the staff at the Municipal Property Assessment Corporation would benefit from further skills enhancement and training in assessments, recognizing the importance of ensuring accurate evaluations for 100% of our municipality;

AND WHEREAS the Government has announced a review of the property assessment and taxation system with a focus on fairness, equity, and economic competitiveness, and therefore further deferring new property assessment;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Huron Shores hereby calls upon the Premier to promptly resume the assessment cycle to ensure the stability and predictability of property taxes while the Government conducts its review of the property assessment and taxation system, or respond with an alternative method for every municipality in Ontario to achieve fair taxation;

AND THAT all Municipalities in Ontario and their constituents are encouraged to apply pressure to the Premier, daily, weekly, and monthly, to resolve the situation before it causes undo stress to everyone in the Municipality;

AND THAT a copy of this resolution be forwarded to the Premier, the relevant provincial authorities, the Municipal Property Assessment Corporation, and all municipalities in Ontario for their consideration, to make proper changes as quickly and efficiently as possible.”

Should you require anything further in order to address the above-noted resolution, please contact the undersigned

Yours truly,

A handwritten signature in black ink that reads "Roberts". The signature is written in a cursive, flowing style.

Natashia Roberts

CAO/Clerk
NR/KN

Cc: Premier of Ontario, the relevant provincial authorities, the Municipal Property Assessment Corporation, and all municipalities in Ontario



Office of the Warden, C.A.O. & Clerk
Hastings County

235 Pinnacle St. Postal Bag 4400,
Belleville ON K8N 3A9

Tel: (613) 966-1311

Fax: (613) 966-2574

www.hastingscounty.com

April 17, 2024

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

Delivered via email

doug.fordco@pc.ola.org

premier@ontario.ca

RE: Hastings County Motion regarding sustainable infrastructure funding for small rural municipalities

Please be advised that Hastings County Council, at its meeting held on March 28, 2024, passed the following resolution:

WHEREAS Ontario's small rural municipalities face insurmountable challenges to fund both upfront investments and ongoing maintenance of their capital assets including roads and bridges and water wastewater and municipally owned buildings including recreational facilities and libraries;

WHEREAS in 2018, the Ontario government mandated all Ontario municipalities to develop capital asset management plans with the stipulation that they be considered in the development of the annual budget;

WHEREAS small rural municipalities (of 10,000 people or less) are facing monumental infrastructure deficits that cannot be adequately addressed through property tax revenue alone;

WHEREAS the only application approved through the recently awarded Housing Accelerator Fund to a small rural municipality was to Marathon Ontario, who received an allocation of \$1.9 million dollars while over \$1.369 billion going to Ontario's large urban centres, resulting in a 0.2% investment in rural Ontario;

WHEREAS the Ontario Government has committed \$9.1 billion to Toronto alone to assist with operating deficits and the repatriation of the Don Valley and Gardner Expressway;

WHEREAS small rural Ontario cannot keep pace with the capital investments required over the next 20 years unless both the Provincial and Federal Governments come forward with new sustainable infrastructure funding;

WHEREAS it is apparent that both the Federal and Ontario Governments have neglected to recognize the needs of small rural Ontario;

NOW THEREFORE BE IT RESOLVED THAT Hastings County call on the Ontario and Federal Government to implement sustainable infrastructure funding for small rural municipalities;

AND THAT small rural municipalities are not overlooked and disregarded on future applications for funding;

AND THAT both the Federal and Ontario Governments begin by acknowledging that there is an insurmountable debt facing small rural municipalities;

AND THAT both the Federal and Ontario Governments immediately commission a Working Group that includes a member of the Eastern Ontario Wardens Caucus, to develop a plan on how to deal with the impending debt dilemma;

AND FINALLY THAT this resolution be forwarded to The Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Sean Fraser, Minister of Housing, Infrastructure and Communities of Canada; Michel Tremblay Acting President and CEO, Canada Mortgage and Housing Corporation; The Honourable Doug Ford, Premier of Ontario; The Honourable Kinga Surma, Ontario Minister of Infrastructure; The Honourable Paul Calandra, Ontario Minister of Municipal Affairs and Housing; MP Shelby Kramp-Neuman, Hastings-Lennox Addington; MPP Ric Bresee Hastings-Lennox Addington, AMO, ROMA, FCM, Eastern Ontario Wardens' Caucus and all Municipalities in Ontario.

If you have any questions regarding the above motion, please do not hesitate to contact me directly.

Sincerely,



Cathy Bradley
Director of Legislative Services



**HAMILTON UTILITIES CORPORATION
SHAREHOLDER MEETING
REPORT 24-001**

11:30 am

April 15, 2024

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

Present: Deputy Mayor M. Wilson (Chair)
Councillors J. Beattie, C. Cassar, M. Francis, T. Hwang, T. Jackson,
T. McMeekin, E. Pauls, M. Spadafora, and A. Wilson

Absent: Councillors J.P. Danko, N. Nann, M. Tadeson – Personal
Mayor A. Horwath, Councillors B. Clark, C. Kroetsch – City Business

THE HAMILTON UTILITIES CORPORATION SHAREHOLDER PRESENTS REPORT 24-001 AND RESPECTFULLY RECOMMENDS:

1. Approval of KPMG as Auditor for Alectra (Item 5.1)

WHEREAS the City of Hamilton is the sole shareholder of the Corporation (the “Sole Shareholder”);

AND WHEREAS the Corporation owns 17.31% of the issued and outstanding share capital of Alectra Inc. (“Alectra”);

AND WHEREAS Section 3.05(iv) of the Shareholder Direction and Unanimous Shareholder Declaration from the Sole Shareholder to the Corporation (the “USD”) requires the Corporation to provide written notice to the Sole Shareholder in relation to each request for an approval received by the Corporation as a shareholder of Alectra pursuant to the Alectra USA (as hereinafter defined);

AND WHEREAS Section 2.21(1)(j) of Alectra’s Unanimous Shareholders’ Agreement (the “Alectra USA”) requires special shareholder approval to appoint the auditor for Alectra;

AND WHEREAS the Corporation has provided written notice to the Sole Shareholder (attached hereto as Schedule “A”) to request the Sole Shareholder’s approval in

relation to the appointment of KPMG as the auditor for Alectra (the “Request”).

NOW THEREFORE the Council of the City of Hamilton, acting in its capacity as representative of the Sole Shareholder of the Corporation, RESOLVES AS FOLLOWS:

1. APPROVAL OF KPMG AS AUDITOR FOR ALECTRA

BE IT RESOLVED:

- (i) That the Request be and the same is hereby received by the Sole Shareholder; and
- (ii) That the Request is hereby approved by the Sole Shareholder and KPMG is hereby approved by the Sole Shareholder to serve as the auditor for Alectra until the close of the next annual meeting of the shareholders of Alectra; and
- (iii) That the Mayor and City Clerk are hereby authorized and directed to sign and/or dispatch and deliver any agreements, documents, notices, articles and/or certificates to be signed and/or dispatched or delivered to give effect to the foregoing or to take any action deemed necessary in respect of any of the foregoing.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

The agenda for the April 15, 2024 Hamilton Utilities Corporation Shareholder was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) June 8, 2023 (Item 3.1)

The Minutes of the June 8, 2023 Hamilton Utilities Corporation Shareholder meeting, were approved, as presented.

(d) ADJOURNMENT (Item 9)

There being no further business, the Hamilton Utilities Corporation Shareholder meeting, adjourned at 11:35 a.m.

Deputy Mayor Maureen Wilson
Chair, Hamilton Enterprises Holding
Corporation Shareholder

Angela McRae
Legislative Coordinator
Office of the City Clerk



**PLANNING COMMITTEE
REPORT
24-005**

April 16, 2024
9:30 a.m.

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

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

Absent with Regrets: Councillors J.P. Danko and M. Tadeson – Personal

**THE PLANNING COMMITTEE PRESENTS REPORT 24-005 AND RESPECTFULLY
RECOMMENDS:**

**1. Detached Additional Dwelling Unit Building Permit Process (PED24036)
(City Wide) (Item 9.1)**

That report PED24036 respecting Detached Additional Dwelling Unit Building Permit Process, be received.

2. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton (PED24055) (Ward 1) (Item 9.2)

That report PED24055 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton, be received.

3. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton (PED24071) (Ward 5) (Item 10.1)

- (a) That Official Plan Amendment application UHOPA-24-001, by MHBC Planning Ltd. (c/o Dave Aston, Agent), on behalf of Losani Homes (Glen Echo) Ltd., Owner, to redesignate the subject lands from “Institutional” to “Neighbourhoods” in the Urban Hamilton Official Plan to permit an eight storey multiple dwelling and three, four-storey multiple dwellings containing a total of 264 units, on lands located at 140 Glen Echo Drive, as shown in Appendix “A” attached to Report PED24071, be DENIED on the following basis:
- (i) That the proposed Official Plan Amendment is not consistent with the Provincial Policy Statement, does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and does not comply with the general intent of the Urban Hamilton Official Plan as:
- (1) The proposal is premature as it has not been demonstrated that adequate infrastructure capacity is available to service the proposed development;
 - (2) It does not include a mix of unit sizes suitable for a range of household sizes within the multiple dwellings;
 - (3) It results in overshadowing and blocking of light on a sensitive land use;
 - (4) It is not compatible with the surrounding area and does not enhance the character of the existing neighbourhood;
 - (5) It does not meet the intent of the function or design policies for Medium Density Residential areas in the “Neighbourhoods” designation;
 - (6) It does not meet the intent of the City’s intensification policies;
 - (7) It does not meet the intent of the City’s urban design policies; and,
 - (8) It is not considered to be good planning as the height, massing, and scale results in an overdevelopment of the site;

(b) That Zoning By-law Amendment application ZAC-24-004, by MHBC Planning Ltd. (c/o Dave Aston, Agent), on behalf of Losani Homes (Glen Echo) Ltd., Owner, for a change in zoning from the Community Institutional (I2) Zone and Neighbourhood Park (P1) Zone to a site specific Mixed Use Medium Density (C5) Zone, to permit an eight storey, 192 unit multiple dwelling, and three, four-storey multiple dwellings containing 72 units, with 277 underground parking spaces, 41 surface parking spaces, and one driveway access from Glen Echo Drive, on lands located at 140 Glen Echo Drive, as shown in Appendix "A" attached to Report PED24071, be DENIED on the following basis:

(i) That the proposal is not consistent with the Provincial Policy Statement, does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and does not comply with the general intent of the Urban Hamilton Official Plan as:

- (1) The proposal is premature as it has not been demonstrated that adequate infrastructure capacity is available to service the proposed development;
- (2) It does not include a mix of unit sizes suitable for a range of household sizes within the multiple dwellings;
- (3) It results in overshadowing and blocking of light on a sensitive land use;
- (4) It does not meet the intent of the function or design policies for Medium Density Residential areas in the "Neighbourhoods" designation;
- (5) It does not meet the intent of the City's intensification policies;
- (6) It does not meet the intent of the City's urban design policies;
- (7) It is not compatible with the surrounding area and does not enhance the character of the existing neighbourhood; and,
- (8) It is not considered to be good planning as the height, massing, and scale results in an overdevelopment of the site.

4. Bill 165, Keeping Energy Costs Down Act, 2024 (PED24052) (City Wide) (Item 11.1)

(a) That Council adopt the submissions and recommendations, as attached in Appendix "A" to Report PED24052, regarding the *Keeping Energy Costs Down Act, 2024*, a bill proposing amendments to the Ontario Energy Board Act, 1998;

- (b) That the Director of the Office of Climate Change Initiatives and the City Solicitor be authorized to make the submissions and recommendations regarding these proposed amendments to the *Ontario Energy Board Act, 1998*, as attached in Appendix “A” to Report PED24052.

5. Rental Housing Licensing Pilot Program Update (PED21097(e)) (Wards 1, 8 and part of 14) (Item 11.2)

That report PED21097(e) respecting Rental Housing Licensing Pilot Program Update, be received.

6. Demolition Control Area By-law Process (PED24075) (City Wide) (Item 11.3)

That report PED24075 respecting Demolition Control Area By-law Process, be received.

7. 455 King Street East and 457 - 459 King Street East Demolition and Administrative Updates to By-Law 23-162, a By-Law to Prescribe Standards for the Maintenance and Occupancy of Property (PED24048) (Ward 3) (Item 11.4)

- (a) That Licensing and By-law Services be authorized to demolish the vacant and adjoining properties located at 455 King Street East and 457- 459 King Street East, in Hamilton and that the associated fees for carrying out the work be added to the property tax rolls for the corresponding properties; and,
- (b) That the amending By-law to City of Hamilton By-Law 23-162, a By-law to Prescribe Standards for the Maintenance and Occupancy of Property, attached as Appendix “A” to Report PED24048 be approved, which increases the maximum dollar amount that the Director of Licensing and By-Law Services is authorized to approve for completion of necessary work required for compliance with Property Standards Orders from \$20,000 to \$50,000.

8. Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough (PED24034) (Ward 13) (Item 11.5)

- (a) That Council gives approval to the following actions, as detailed in Report PED24034, respecting Committee of Adjustment Consent application FL/B-23:82 and Minor Variance application FL/A-23:312 submitted by Arcadis c/o Mike Crough, on behalf of Theresa and William Slemko (owners), for the lands located at 764 Valens Road, Flamborough, as shown on Appendix “A” attached to Report PED24034, granted by the

Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (i) That Council of the City of Hamilton proceed with the appeal to the Ontario Land Tribunal against the decision of the Committee of Adjustment to approve Consent application FL/B-23:82 and Minor Variance application FL/A-23:312; and,
- (ii) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Land Tribunal hearing in opposition to the decision of the Committee of Adjustment to approve Consent application FL/B-23:82 and Minor Variance application FL/A-23:312.

9. Appeal to the Ontario Land Tribunal (OLT) for lands located at 1400 South Service Road, Stoney Creek, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-21-018) and Zoning By-law Amendment Application (ZAC-21-039) (LS24006) (Ward 10) (Item 15.1)

- (a) That the directions to staff in Closed Session respecting Report LS24006 be approved;
- (b) That closed session recommendations (a) to (e) of Confidential Report LS24006 remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS24006, including Appendices "B" and "C" hereto, remain confidential.

10. Appeal to the Ontario Land Tribunal for lands composed of Part of Lot 8, Concession 4, municipally known as 619 Centre Road, Hamilton for a lack of decision on the proposed plan of subdivision (25T-201003) (LS12031(a)) (Ward 15) (Item 15.2)

- (a) That the directions to staff in Closed Session respecting Report LS12031(a) be approved;
- (b) That closed session recommendations (a) and (b) to Report LS12031(a) remain confidential until such time as they are made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS12031(a) remain confidential.

11. Appeal to the Ontario Land Tribunal for lands located at 392, 398, 400, 402, 406 and 412 Wilson Street East & 15 Lorne Avenue for Lack of Decision of Site Plan Control Application (DA-23-011) (LS24002(a)) (Ward 12) (Item 15.3)

That Report LS24002(a) respecting Appeal to the Ontario Land Tribunal for lands located at 392, 398, 400, 402, 406 and 412 Wilson Street East & 15 Lorne Avenue for Lack of Decision on Site Plan Control Application (DA-23-011), be received and remain confidential.

12. Appeal to the Ontario Land Tribunal (OLT-22-004759) for Lands Located at 405 James Street North, for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) (LS23012(b)/PED24059) (Ward 2) (Item 15.4)

- (a) That the directions to staff in Closed Session respecting Report LS23012(b)/PED24059 be approved;
- (b) That closed session recommendations (a) and (b) to Report LS23012(b)/PED24059 remain confidential until such time as they are made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS23012(b)/PED24059 remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

5.2 Correspondence respecting 764 Valens Road (Item 11.5)

- (i) Bruce and Karen McKnight
- (ii) Craig and Kim Albers

Recommendation: Be received and referred to the consideration of Item 11.5

5.3 Anthony Salemi, West End Home Builders' Association, respecting Detached Additional Dwelling Units (Item 9.1)

Recommendation: Be received and referred to the consideration of Item 9.1.

6. DELEGATIONS

- 6.2 Wayne MacPhail, Strathcona Shadow Dwellers, respecting 200 Market Street / 55 Queen S. North (Item 9.2) (For today's meeting) - MOVED Delegation request from Item 9.2 (a)

9. CONSENT ITEMS

- 9.1 Detached Additional Dwelling Unit Building Permit Process (PED24036) (City Wide) - Revised
- 9.2 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton (PED24055) (Ward 1) - Revised

10. PUBLIC HEARINGS

- 10.1 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton (PED24071) (Ward 5)

(a) Added Written Submissions (Added Item 10.1(b)):

- (i) Susan Gaziano
- (ii) Lyndon George
- (iii) Carmelo Gaziano
- (iv) Peter Fleming
- (v) Jane Leach
- (vi) Chris Melnyk
- (vii) Sharon Estok
- (viii) Sarah Barrett
- (ix) Ann Robertson
- (x) Christine and Bill Tait
- (xi) Alison D'Atri
- (xii) Keith Phillips
- (xiii) Maureen Nichol
- (xiv) Wayne Davis
- (xv) Dan and Debbie Connon
- (xvi) Shelley and John Hussey
- (xvii) Suzy Lee

(b) Registered Delegations:

- (i) Joao Borges

(c) Staff Presentation

11. DISCUSSION ITEMS

11.5 Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough (PED24034) (Ward 13)

(a) Staff Presentation

15. PRIVATE AND CONFIDENTIAL

15.4 Appeal to the Ontario Land Tribunal (OLT-22-004759) for Lands Located at 405 James Street North, for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) (Ward 2) (LS23012(b)/PED24059)

The agenda for the April 16, 2024, 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) April 5, 2024 (Item 4.1)

The Minutes of the April 5, 2024 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Various Communications (Item 5.1 and Added Items 5.2 and 5.3)

The following communication items were approved as follows:

(1) Correspondence from Louis Nguyen respecting a Request to Reconsider the Short-Term Rental Requirements (Item 5.1)

Recommendation: Be received with the Committee being informed that the issue has been resolved.

(2) Correspondence respecting 764 Valens Road (Item 11.5) (Added Item 5.2)

- (a) Bruce and Karen McKnight
- (b) Craig and Kim Albers

Recommendation: Be received and referred to the consideration of Item 11.5, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough (PED24034) (Ward 13)

- (3) Anthony Salemi, West End Home Builders' Association, respecting Detached Additional Dwelling Units (Item 9.1) (Added Item 5.3)

Recommendation: Be received and referred to the consideration of Item 9.1, respecting Detached Additional Dwelling Unit Building Permit Process (PED24036) (City Wide)

(e) DELEGATION REQUESTS (Item 6)

(i) Various Delegation Requests (Items 6.1 and 6.2)

(a) Delegation Requests respecting 764 Valens Road (Item 11.5) (Item 6.1)

- (1) Theresa Slemko, respecting 764 Valens Road (For today's meeting) (Item 6.1 (i))
- (2) Stephen Churm, respecting 764 Valens Road (For today's meeting) (Item 6.1 (ii))

(b) Wayne MacPhail, Strathcona Shadow Dwellers, respecting 200 Market Street / 55 Queen St. North (Item 9.2) (for today's meeting) (Item 6.2)

Delegation Requests Items 6.1 and 6.2, were approved for today's meeting.

(f) DELEGATIONS (Item 7)

(i) Various Delegations (Added Items 7.1 and 7.2)

The following Delegations addressed the Committee:

- (a) Delegations respecting 764 Valens Road (Item 11.5) (Added Item 7.1)
- (1) Theresa and William Slemko (Added Item 7.1 (i))

(2) Stephen Churm (Added Item 7.1 (ii))

(b) Wayne MacPhail, Strathcona Shadow Dwellers, respecting 200 Market Street / 55 Queen St. North (Added Item 7.2)

The following Delegations were received:

(a) Delegations respecting 764 Valens Road (Item 11.5) (Added Item 7.1)

(1) Theresa Slemko, respecting 764 Valens Road (Added Item 7.1(i))

(2) Stephen Churm, respecting 764 Valens Road (Added Item 7.1(ii))

(b) Wayne MacPhail, Strathcona Shadow Dwellers, respecting 200 Market Street / 55 Queen St. North (Item 9.2) (Added Item 7.2)

(g) CONSENT ITEMS (Item 9)

(i) Detached Additional Dwelling Unit Building Permit Process (PED24036) (City Wide) (Item 9.1)

Jorge Caetano, Manager – Plan Examination, addressed the Committee, respecting Detached Additional Dwelling Unit Building Permit Process, with the aid of a PowerPoint presentation.

The presentation from Jorge Caetano, Manager – Plan Examination, respecting Detached Additional Dwelling Unit Building Permit Process, was received.

For disposition of this matter, refer to Item 1.

(ii) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton (PED24055) (Ward 1) (Item 9.2)

Alaina Baldassarra, Planner I, addressed the Committee, respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton, with the aid of a PowerPoint presentation.

The staff presentation from Alaina Baldassarra, Planner I, respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton, was received.

For disposition of this matter, refer to Item 2.

(h) PUBLIC HEARINGS (Item 10)

In accordance with the *Planning Act*, Chair C. Cassar 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 C. Cassar 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 an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton (PED24071) (Ward 5) (Item 10.1)

- (a)** Spencer Skidmore, Area Planning Manager, addressed the Committee, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton, with the aid of a PowerPoint presentation.

The presentation from Spencer Skidmore, Area Planning Manager, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton, was received.

- (b)** Stephanie Mirtitsch with MHBC Planning was in attendance, and indicated they are not in support of the staff report.

The presentation from Stephanie Mirtitsch with MHBC Planning, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton, was received.

- (c) Registered Delegations:
 - (1) Joao Borges (Added Item 10.1 (b)(i)) advised he did not wish to address the Committee.

- (d) Chair Cassar called three times for public delegations and the following people came forward:
 - (1) Tilda Bodo – Opposed (Added Item 10.1(b)(ii))
 - (2) Jane Withers – Opposed (Added Item 10.1(b)(iii))
 - (3) Michelle Hamilton – Opposed (Added Item 10.1(b)(iv))

- (e) (a) The following public submissions regarding this matter were received and considered by the Committee:
 - (i) Written Submissions (Added Item 10.1(a)):
 - (1) Susan Gaziano – Opposed (Added Item 10.1(a)(i))
 - (2) Lyndon George – Opposed (Added Item 10.1(a)(ii))
 - (3) Carmelo Gaziano – Opposed (Added Item 10.1(a)(iii))
 - (4) Peter Fleming – Opposed (Added Item 10.1(a)(iv))
 - (5) Jane Leach – Opposed (Added Item 10.1(a)(v))
 - (6) Chris Melnyk – Opposed (Added Item 10.1(a)(vi))
 - (7) Sharon Estok – Opposed (Added Item 10.1(a)(vii))
 - (8) Sarah Barrett – Opposed (Added Item 10.1(a)(viii))
 - (9) Ann Robertson – Opposed (Added Item 10.1(a)(ix))
 - (10) Christine and Bill Tait – Opposed (Added Item 10.1(a)(x))
 - (11) Alison D'Atri – Opposed (Added Item 10.1(a)(xi))
 - (12) Keith Phillips – Opposed (Added Item 10.1(a)(xii))
 - (13) Maureen Nichol – Opposed (Added Item 10.1(a)(xiii))
 - (14) Wayne Davis – Opposed (Added Item 10.1(a)(xiv))

- (15) Dan and Debbie Connon – Opposed (Added Item 10.1(a)(xv))
- (16) Shelley and John Hussey – Opposed (Added Item 10.1(a)(xvi))

(ii) Delegations:

- (1) Tilda Bodo – Opposed (Added Item 10.1(b)(ii))
- (2) Jane Withers – Opposed (Added Item 10.1(b)(iii))
- (3) Michelle Hamilton – Opposed (Added Item 10.1(b)(iv))

(b) The public meeting was closed.

For disposition of this matter, refer to Item 3.

The Committee recessed from 12:38 p.m. to 1:10 p.m.

(i) **DISCUSSION ITEMS (Item 11)**

(i) **Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough (PED24034) (Ward 13) (Item 11.5)**

David Bonaventura, Planning Technician I, addressed the Committee, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough, with the aid of a PowerPoint presentation.

The presentation from David Bonaventura, Planning Technician I, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough, was received.

For disposition of this matter, refer to Item 8.

(j) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) Outstanding Business List (Item 14.1)

The following changes to the Outstanding Business List, were approved:

(a) Items to be Added:

- (1) 23BB - Battery Energy Storage Proposals (Item 15). Item (c) referred to the Planning Committee by the General Issues Committee on November 15, 2023 and November 21, 2023.
- (2) 24B - Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12) (Item 11.3). Item (b) referred to the Planning Committee by the Public Works Committee on February 20, 2024.

(b) Items to be Removed:

- (1) 22D - Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) (Addressed as Item 8 on PC Report 23-019)
- (2) 22R - Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200 (PED22154) (Addressed as Item 4 on PC Report 24-003)
- (3) 23E - Industrial/Commercial Proactive Pilot Project (PED23236) (City Wide) (Addressed as Item 9 on PC Report 23-019)
- (4) 23K - Waterfront Ambassador Program (PED23237) (City Wide) (Addressed as Item 10 on PC Report 23-019)
- (5) 23CC - Implementation of Canada Mortgage and Housing Corporation Housing Accelerator Fund Incentive Programs and Associated Updates to the Housing for Hamilton Community Improvement Plan (PED23143(c)) (City Wide) (Addressed as Item 4 on PC Report 24-002)

- (6) 24A - Non-Statutory Public Meeting for Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006 Appealed to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1065 Paramount Drive, Stoney Creek (PED24028) (Ward 9) (Addressed as Item 1 on PC Report 24-002)

(k) PRIVATE & CONFIDENTIAL (Item 15)

The Committee moved into Closed Session for Items 15.1, 15.2, 15.3 and 15.4 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 lands located at 1400 South Service Road, Stoney Creek, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-21-018) and Zoning By-law Amendment Application (ZAC-21-039) (LS24006) (Ward 10) (Item 15.1)**

For disposition of this matter, refer to Item 9.

- (ii) **Appeal to the Ontario Land Tribunal for lands composed of Part of Lot 8, Concession 4, municipally known as 619 Centre Road, Hamilton for a lack of decision on the proposed plan of subdivision (25T-201003) (LS12031(a)) (Ward 15) (Item 15.2)**

For disposition of this matter, refer to Item 10.

- (iii) **Appeal to the Ontario Land Tribunal for lands located at 392, 398, 400, 402, 406 and 412 Wilson Street East & 15 Lorne Avenue for Lack of Decision on Site Plan Control Application (DA-23-011) (LS24002(a)) (Ward 12) (Item 15.3)**

For disposition of this matter, refer to Item 11.

- (iv) **Appeal to the Ontario Land Tribunal (OLT-22-004759) for Lands Located at 405 James Street North, for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) (Ward 2) (LS23012(b)/PED24059) (Item 15.4)**

For disposition of this matter, refer to Item 12.

(I) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee, adjourned at 3:56 p.m.

Councillor C. Cassar, Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 24-007

9:30 a.m.

April 17, 2024

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

Present: Mayor A. Horwath
Deputy Mayor M. Wilson (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, and A. Wilson

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 24-007 AND RESPECTFULLY RECOMMENDS:

1. **Light Rail Transit Operations Models (PED23166(b)) (City Wide) (Item 8.1)**
 - (a) That the City endorse Operations Model 2 (Municipality performs passenger interface activities) to be selected as the City's preferred LRT operations model;
 - (b) That within the first 5 years, staff begin the process of preparing the City to transition to Operations Model 4, where the Municipality assumes all aspects of operational activities from the third party, at the 10-year mark; and,
 - (c) That staff seek approval from Council, at the appropriate time, to enter negotiations with Metrolinx and the Province of Ontario, to transition fully the operations of the LRT to the City of Hamilton.

2. **Business Improvement Area Sub-Committee Report 24-003 - April 9, 2024 (Item 9.1)**

That the Business Improvement Area Sub-Committee Report 24-003 - April 9, 2024, be received.

3. Environmental Remediation and Site Enhancement Redevelopment Grant Application ERG-23-06, 71 Rebecca Street, Hamilton (PED24073) (Ward 2) (Item 10.1)

- (a) That Environmental Remediation and Site Enhancement Redevelopment Grant Application ERG-23-06, submitted by HiRose (Rebecca) Inc. (Melrose Investments Inc./Rosehaven Homes), owner of the property 71 Rebecca Street, Hamilton be approved for an Environmental Remediation and Site Enhancement Redevelopment Grant not to exceed \$5,160,501 for estimated eligible remediation costs to be provided over a maximum of ten years, in accordance with the terms and conditions of the Environmental Remediation and Site Enhancement 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 Redevelopment Agreement together with any ancillary documentation required, to give effect to the Environmental Remediation and Site Enhancement Redevelopment Grant for HiRose (Rebecca) Inc. (Melrose Investments Inc./Rosehaven Homes) owner of the property 71 Rebecca Street, Hamilton in a form satisfactory to the City Solicitor;
- (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including but not limited to: Deciding on actions to take in respect of events of default and executing any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement 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.

4. Revenue Sources to Fund Council Priorities and Ongoing Operating and Capital Works (FCS24022) (City Wide) (Outstanding Business List Item) (Item 10.2)

That Report FCS24022, Revenue Sources to Fund Council Priorities and Ongoing Operating and Capital Works, be received.

5. City of Hamilton advocacy at the Great Lakes St. Lawrence Cities Initiative Annual General Meeting taking place in Montreal, Quebec in May 2024 (Item 11.1)

WHEREAS the Great Lakes and St. Lawrence Cities Initiative is a binational coalition of over 240 U.S. and Canadian mayors, Councillors and local officials working to advance the protection and restoration of the Great Lakes and St. Lawrence River Basin.

WHEREAS the Cities Initiative and local officials integrate environmental, economic and social agendas and sustain a resource that represents approximately 20 percent of the world's surface freshwater supply, provides drinking water for 40 million people, and is the foundation upon which a strong regional economy is based.

WHEREAS the City of Hamilton has a robust government relations strategy and as part of that process, advocacy and alignment with other municipalities at the federal level is integral to sustainability, economic prosperity and success;

WHEREAS participation on behalf of the City of Hamilton supports the Term of Council Priorities

THEREFORE, BE IT RESOLVED:

- (a) That Councillor A. Wilson be selected as the City of Hamilton's representative at the Great Lakes St. Lawrence Cities Initiative Annual General Meeting taking place in Montreal, Quebec from May 15 – 17, 2024; and,
- (b) That Council assumes all costs associated with attendance for Councillor A. Wilson for the Great Lakes St. Lawrence Cities Initiative Annual General Meeting taking place in Montreal, Quebec from May 15 – 17, 2024 from the General Legislative Budget (300100).

6. Revitalizing Hamilton Tax Increment Grant Application Criteria Exception for the Property Municipally Known as 75 James Street South, Hamilton (Item 11.3)

WHEREAS the Revitalizing Hamilton Tax Increment Grant Program (the Program) is intended to incentivize property owners within strategic commercial districts to develop, redevelop or otherwise improve properties and/or buildings in a manner that will support the broader revitalization of the commercial district as well as generate new municipal property tax revenue through increased property assessments;

WHEREAS Applicants must meet Council approved Program eligibility and grant criteria;

WHEREAS Program applications are subject to a comprehensive review by the City of Hamilton's Economic Development Division and approval of all Program applications are at the absolute discretion of City Council and subject to the availability of funds.

WHEREAS above grade improvements/developments commenced prior to submitting an application are ineligible under this Program.

WHEREAS the development at 75 James Street South, Hamilton received final Site Plan Approval making the development otherwise eligible under the Program; and,

WHEREAS Fengate Hamilton Lands GP Inc., the registered owner of 75 James Street South, proceeded with above grade development prior to formally submitting an application for the Program and would like to apply for the Program subsequent to the above-grade construction commencing on-site;

THEREFORE, BE IT RESOLVED:

- (a) That, on a one-time basis, staff be directed to accept the Program application submitted by Fengate Hamilton Lands GP Inc., the registered owner of 75 James Street South; and,
- (b) That staff be directed to review, process and bring a report back to the General Issues Committee for consideration with a recommendation on the application submitted by Fengate Hamilton Lands GP Inc., respecting 75 James Street South, in accordance with all other applicable Council approved Program terms.

7. Verbal Update on a Cyber Security Incident (No copy) (Item 14.3)

That the Verbal Update on a Cyber Security Incident, be received and remain confidential.

8. Legal Update Regarding Judicial Review Application - Urban Boundary Expansion (LS16029(j)) (City Wide) (Item 14.4)

That Report LS16029(j), respecting a Legal Update Regarding Judicial Review Application - Urban Boundary Expansion, be received and remain confidential.

9. Overtime Policy Amendments During the Cyber Security Incident (HUR24009) (City Wide) (Item 14.5)

- (a) That the directions provided to staff in Closed Session respecting Report HUR24009, Overtime Policy Amendments During the Cyber Security Incident, be approved and remain confidential; and,
- (b) That Report HUR24009, Overtime Policy Amendments During the Cyber Security Incident, remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.1 Correspondence from Steve Levene, Chief Operation Officer - Rapid Transit, Metrolinx, respecting Clarity on Decision Behind Operator Role(s) for the Hamilton Light Rail Transit program.

Recommendation: Be received and referred to consideration of Item 8.1.

- 5.2 Correspondence respecting Item 8.1, Report PED23166(b), Light Rail Transit Operations Models, from the following individuals:

- (a) Robyn Deshaies
- (b) Mary Love
- (c) Mary Henderson
- (d) Caitlin Craven, Executive Director, Hamilton Centre for Civic Inclusion
- (e) Shania Ramharrack-Maharaj, Stop Sprawl Students
- (f) Tara Bursey, Executive Director, Workers Arts and Heritage Centre
- (g) Medora Uppal, CEO, YWCA Hamilton
- (h) Hamilton-Brantford Building & Construction Trades Council
- (i) Canadian Union of Postal Workers (CUPW) Local 548
- (j) Hamilton & District Labour Council

Recommendation: Be received and referred to consideration of Item 8.1.

6. DELEGATION REQUESTS

- 6.1 Delegation Requests, respecting Light Rail Transit, for today's meeting, from the following individuals:

- (g) James Kemp (Virtually)
- (h) Michael Marson (In-Person)
- (i) Ian Borsuk, Environment Hamilton (Virtually)
- (j) Tracey Langille, CUPW Local 548 (In-Person)
- (k) T.H. Ponders (In-Person)
- (l) Don McLean, Hamilton 350 Committee (Virtually)
- (m) Declan Withers (In-Person)
- (n) Clint Crabtree, ATU Local 279 (Virtually)

- (o) Evan Ubene (In-Person)
- (p) Christine McNabb, Council of Canadians - Hamilton Chapter (Virtually)
- (q) Shelagh Pizey-Allen, TTCriders (Virtually)

6.2 Delegation Request from Jeffrey McCabe, All Hands on Deck, respecting homeless and addiction issues (For a future meeting)

8. STAFF PRESENTATIONS

8.2 Goods Movement Strategy (PED24049) (City Wide) – WITHDRAWN

11. MOTIONS

11.2 Request for Funding Agreement to the Provincial Government – WITHDRAWN

11.3 Revitalizing Hamilton Tax Increment Grant Application Criteria Exception for the Property Municipally Known as 75 James Street South, Hamilton - REVISED

CHANGE TO THE ORDER OF AGENDA ITEMS:

Item 14.5 - Overtime Policy Amendments During the Cyber Security Incident (HUR24009) (City Wide) to be considered immediately follow Item 14.3 - Verbal Update on a Cyber Security Incident (No copy)

The agenda for the April 17, 2024 General Issues Committee meeting, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Deputy Mayor M. Wilson relinquished the Chair to Councillor C. Kroetsch to declare a disqualifying interest.

Deputy Mayor M. Wilson declared a disqualifying interest to Item 7.1 - Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., respecting Hamilton Tax Increment Grant Program in relation to 75 James Street South, Hamilton (In-Person) (Approved December 6, 2023) and Item 11.3 - Revitalizing Hamilton Tax Increment Grant Application Criteria Exception for the Property Municipally Known as 75 James Street South, Hamilton, as her husband has a business relationship with Fengate Hamilton Lands GP Inc.

Deputy Mayor M. Wilson assumed the Chair.

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

The following minutes of the General Issues Committee meetings, was approved, as presented:

- (i) March 27, 2024 – Special (Item 4.1)**
- (ii) April 3, 2024 (Item 4.2)**

(d) COMMUNICATIONS (Item 5)

Communications Items 5.1 and 5.2, were approved, as follows:

- (i) Correspondence from Steve Levene, Chief Operation Officer - Rapid Transit, Metrolinx, respecting Clarity on Decision Behind Operator Role(s) for the Hamilton Light Rail Transit program (Added Item 5.1)**

Recommendation: Be received and referred to consideration of Item 8.1.

- (ii) Correspondence respecting Item 8.1, Report PED23166(b), Light Rail Transit Operations Models, from the following individuals (Added Item 5.2):**

- (1) Robyn Deshaies (Added Item 5.2(a))
- (2) Mary Love (Added Item 5.2(b))
- (3) Mary Henderson (Added Item 5.2(c))
- (4) Caitlin Craven, Executive Director, Hamilton Centre for Civic Inclusion (Added Item 5.2(d))
- (5) Shania Ramharrack-Maharaj, Stop Sprawl Students (Added Item 5.2(e))
- (6) Tara Bursey, Executive Director, Workers Arts and Heritage Centre (Added Item 5.2(f))
- (7) Medora Uppal, CEO, YWCA Hamilton (Added Item 5.2(g))
- (8) Hamilton-Brantford Building & Construction Trades Council (Added Item 5.2(h))
- (9) Canadian Union of Postal Workers (CUPW) Local 548 (Added Item 5.2(i))
- (10) Hamilton & District Labour Council (Added Item 5.2(j))

Recommendation: Be received and referred to consideration of Item 8.1.

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Requests, were approved, as follows:

- (i) Delegation Requests, respecting Light Rail Transit, for today's meeting, from the following individuals (Item 6.1):**

- (1) Brian Connolly, ATU Canada (Virtually) (Item 6.1(a))
Council – April 24, 2024

- (2) Eric Tuck, ATU Local 107 (In-Person) (Item 6.1(b))
- (3) Karl Andrus, Hamilton Community Benefits Network (In-Person) (Item 6.1(c))
- (4) Mason Fitzpatrick, CUPE Local 3906 (In-Person) (Item 6.1(d))
- (5) Anthony Marco, Hamilton & District Labour Council (In-Person) (Item 6.1(e))
- (6) Stephen McBride (In-Person) (Item 6.1(f))
- (7) James Kemp (Virtually) (Added Item 6.1(g))
- (8) Michael Marson (In-Person) (Added Item 6.1(h))
- (9) Ian Borsuk, Environment Hamilton (Virtually) (Added Item 6.1(i))
- (10) Tracey Langille, CUPW Local 548 (In-Person) (Added Item 6.1(j))
- (11) T.H. Ponders (In-Person) (Added Item 6.1(k))
- (12) Don McLean, Hamilton 350 Committee (Virtually) (Added Item 6.1(l))
- (13) Declan Withers (In-Person) (Added Item 6.1(m))
- (14) Clint Crabtree, ATU Local 279 (Virtually) (Added Item 6.1(n))
- (15) Evan Ubene (In-Person) (Added Item 6.1(o))
- (16) Christine McNabb, Council of Canadians - Hamilton Chapter (Virtually) (Added Item 6.1(p))
- (17) Shelagh Pizey-Allen, TTCriders (Virtually) (Added Item 6.1(q))

- (ii) **Delegation Request from Jeffrey McCabe, All Hands on Deck, respecting homeless and addiction issues (For a future meeting) (Added Item 6.2)**

(f) DELEGATIONS (Item 7)

Due to a declared conflict Deputy Mayor M. Wilson relinquished the Chair to Councillor C. Kroetsch.

- (i) **Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., respecting Hamilton Tax Increment Grant Program in relation to 75 James Street South, Hamilton (In-Person) (Approved December 6, 2023) (Item 7.1)**

Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., addressed the Committee respecting Hamilton Tax Increment Grant Program in relation to 75 James Street South, Hamilton.

The Delegation from Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., respecting Hamilton Tax Increment Grant Program in relation to 75 James Street South, Hamilton, was received.

Deputy Mayor M. Wilson assumed the Chair.

(ii) Delegations respecting Light Rail Transit (Item 7.2)

(1) The follow delegates addressed the Committee respecting Light Rail Transit:

- (a) Stewart Klazinga, ACORN Hamilton (Virtually) (Item 7.2(a))
- (b) Ritch Whyman (Virtually) (Item 7.2(b))
- (c) Brian Connolly, ATU Canada (In-Person) (Added Item 7.2(c))
- (d) Eric Tuck, ATU Local 107 (In-Person) (Added Item 7.2(d))
- (e) Karl Andrus, Hamilton Community Benefits Network (In-Person) (Added Item 7.2(e))
- (f) Mason Fitzpatrick, CUPE Local 3906 (In-Person) (Added Item 7.2(f))
- (g) Anthony Marco, Hamilton & District Labour Council (In-Person) (Added Item 7.2(g))
- (h) Stephen McBride (In-Person) (Added Item 7.2(h))
- (i) James Kemp (Virtually) (Added Item 7.2(i))
- (j) Ian Borsuk, Environment Hamilton (Virtually) (Added Item 7.2(k))
- (k) Tracey Langille, CUPW Local 548 (In-Person) (Added Item 7.2(l))
- (l) T.H. Ponders (In-Person) (Added Item 7.2(m))
- (m) Declan Withers (In-Person) (Added Item 7.2(o))
- (n) Clint Crabtree, ATU Local 279 (Virtually) (Added Item 7.2(p))
- (o) Evan Ubene (In-Person) (Added Item 7.2(q))
- (p) Christine McNabb, Council of Canadians - Hamilton Chapter (Virtually) (Added Item 7.2(r))
- (q) Don McLean, Hamilton 350 Committee (Virtually) (Added Item 7.2(n))
- (r) Shelagh Pizey-Allen, TTCriders (Virtually) (Added Item 7.2(s))
- (s) Michael Marson (In-Person) (Added Item 7.2(j))

(2) The following delegations respecting Light Rail Transit, were received:

- (a) Stewart Klazinga, ACORN Hamilton (Virtually) (Item 7.2(a))
- (b) Ritch Whyman (Virtually) (Item 7.2(b))
- (c) Brian Connolly, ATU Canada (In-Person) (Added Item 7.2(c))
- (d) Eric Tuck, ATU Local 107 (In-Person) (Added Item 7.2(d))
- (e) Karl Andrus, Hamilton Community Benefits Network (In-Person) (Added Item 7.2(e))
- (f) Mason Fitzpatrick, CUPE Local 3906 (In-Person) (Added Item 7.2(f))
- (g) Anthony Marco, Hamilton & District Labour Council (In-Person) (Added Item 7.2(g))
- (h) Stephen McBride (In-Person) (Added Item 7.2(h))
- (i) James Kemp (Virtually) (Added Item 7.2(i))
- (j) Ian Borsuk, Environment Hamilton (Virtually) (Added Item 7.2(k))
- (k) Tracey Langille, CUPW Local 548 (In-Person) (Added Item 7.2(l))
- (l) T.H. Ponders (In-Person) (Added Item 7.2(m))

- (m) Declan Withers (In-Person) (Added Item 7.2(o))
- (n) Clint Crabtree, ATU Local 279 (Virtually) (Added Item 7.2(p))
- (o) Evan Ubene (In-Person) (Added Item 7.2(q))
- (p) Christine McNabb, Council of Canadians - Hamilton Chapter (Virtually) (Added Item 7.2(r))
- (q) Don McLean, Hamilton 350 Committee (Virtually) (Added Item 7.2(n))
- (r) Shelagh Pizey-Allen, TTCriders (Virtually) (Added Item 7.2(s))
- (s) Michael Marson (In-Person) (Added Item 7.2(j))

(3) Recess

The General Issues Committee recessed for 50 minutes until 1:45 p.m.

(g) PRESENTATIONS (Item 8)

(i) Light Rail Transit Operations Models (PED23166(b)) (City Wide) (Item 8.1)

Steve Robichaud, Acting General Manager of Planning and Economic Development provided background information and introduced Abdul Shaikh, Director of Hamilton LRT Project Office, and Mike Murray, Strategic Advisor on the LRT Project and former CAO of Waterloo Region, who provided the presentation respecting Report PED23166(b), Light Rail Transit Operations Models.

(1) The presentation respecting Report PED23166(b), Light Rail Transit Operations Models, was received.

(2) The Report Recommendations were put on the floor, as follows:

That the City endorse Operations Model 2 (Municipality performs passenger interface activities) to be selected as the City's preferred LRT operations model with the right to opt-in (transition) to Operations Model 4 (Municipality performs all aspects of Operational activities except facility operations) after an initial 10-year term.

(3) That the recommendation in Report PED23166(b), Light Rail Transit Operations Models, **be amended as follows**, and **by adding subsections (b) and (c)**:

(a) That the City endorse Operations Model 2 (Municipality performs passenger interface activities) to be selected as the City's preferred LRT operations model ~~with the right to opt-in (transition) to Operations Model 4 (Municipality performs all aspects of Operational activities except facility operations) after an initial 10-year term.~~

- (b) *That within the first 5 years, staff begin the process of preparing the City to transition to Operations Model 4, where the Municipality assumes all aspects of operational activities from the third party, at the 10-year mark; and,*
- (c) *That staff seek approval from Council, at the appropriate time, to enter negotiations with Metrolinx and the Province of Ontario, to transition fully the operations of the LRT to the City of Hamilton.*

For disposition of this matter, refer to Item 1.

(4) Recess

The General Issues Committee recessed for 15 minutes until 4:45 p.m.

(h) MOTIONS (Item 11)

- (i) The General Issues Committee meeting of April 17, 2024 was extended past the 5:30 pm curfew, up to an additional 1.5 hours.
- (ii) **Revitalizing Hamilton Tax Increment Grant Application Criteria Exception for the Property Municipally Known as 75 James Street South, Hamilton (Item 11.3)**

Due to a declared conflict Deputy Mayor M. Wilson relinquished the Chair to Councillor Kroetsch.

Deputy Mayor M. Wilson assumed the Chair following the conclusion of the vote.

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

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

The amendment to the Outstanding Business List, was approved, as follows:

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

Revenue Sources to fund Council Priorities and Ongoing Operating and Capital Works

Added: August 14, 2023 at GIC - Item 11.2

Completed: April 17, 2024 at GIC - Item 10.3

(j) PRIVATE & CONFIDENTIAL (Item 14)

Committee determined that discussion of Items 14.1 and 14.2 was not required in Closed Session; therefore, the matters were addressed in Open Session, as follows:

The following Closed Session minutes were approved and remain confidential:

(i) Closed Session Minutes – March 27, 2024 - Special (Item 14.1)

(ii) Closed Session Minutes – April 3, 2024 (Item 14.2)

(iii) Shannon Parker and Bryson Tan of Deloitte were permitted to attend the Closed Session portion of the General Issues Committee Meeting.

(iv) Committee moved into Closed Session Pursuant to Section 9.3, Sub-sections (a), (d), (f) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2) sub-sections (a), (d), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to the security of the property of the City or a local board; labour relations or employee negotiations; 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 City or a local board.

(v) Verbal Update on a Cyber Security Incident (No copy) (Item 14.3)

For disposition of this matter, refer to Item 7.

(vi) Legal Update Regarding Judicial Review Application - Urban Boundary Expansion (LS16029(j)) (City Wide) (Item 14.4)

For disposition of this matter, refer to Item 8.

(vii) Overtime Policy Amendments During the Cyber Security Incident (HUR24009) (City Wide) (Item 14.5)

For disposition of this matter, refer to Item 9.

(k) ADJOURNMENT (Item 15)

There being no further business, the General Issues Committee adjourned at 6:21 p.m.

Respectfully submitted,

Deputy Mayor Maureen Wilson
Chair, General Issues Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 24-006

9:30 a.m.
April 18, 2024
Council Chambers
Hamilton City Hall

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

Absent with

Regrets: Councillors B. Clark and M. Tadeson – Personal

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 24-006 AND RESPECTFULLY RECOMMENDS:

1. Report of the 2023 Remuneration and Expenses as Required under Section 284 of the *Municipal Act* (FCS24019) (Item 9.1)

That Report FCS24019, respecting Report of the 2023 Remuneration and Expenses as Required under Section 284 of the *Municipal Act*, be received.

2. Auditor General Reporting of Serious Matters to Council (Case #73367) (AUD24003) (Item 14.2)

That Report AUD24003, respecting Auditor General Reporting of Serious Matters to Council (Case #73367), be received and remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

14. PRIVATE AND CONFIDENTIAL

14.2(a) Auditor General Reporting of Serious Matters to Council (Case #73367) (AUD24003) - Presentation

The agenda for the April 18, 2024 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) Approval of Minutes of the Previous Meeting (Item 4.1)

The following Minutes were approved, as presented:

- (1) February 22, 2024
- (2) April 4, 2024 - Special

(d) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Minutes – February 22, 2024

The Closed Minutes of the February 22, 2024 meeting were approved, as presented.

The Audit, Finance and Administration Committee moved into Closed Session, pursuant to Section 9.3, Sub-sections (a) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (a) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to the security of the property of the City or a local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(ii) Auditor General Reporting of Serious Matters to Council (Case #73367) (AUD24003) (Item 14.2)

The presentation from Charles Brown, Auditor General, respecting Auditor General Reporting of Serious Matters to Council (Case #73367) in closed session, was received and shall remain confidential.

For further disposition of this matter, refer to Item 2.

(e) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee, was adjourned at 10:27 a.m.

Respectfully submitted,

Councillor Tammy Hwang, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 24-003

1:30 p.m.
Thursday, April 18, 2024
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with

Regrets: Councillors B. Clark and N. Nann - Personal

THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 24-003 AND RESPECTFULLY RECOMMENDS:

1. **Community Safety and Well-Being Situation Table (HSC24006) (City Wide) (Item 10.1)**
 - (a) That the City enter into a Collaboration and Information Sharing Agreement or Agreements with the Community Safety and Well-Being Situation Table participants in accordance with the terms and conditions described in this report; and,
 - (b) That the City enter into a Risk-driven Tracking Database Agreement with His Majesty the King in right of Ontario as represented by the Solicitor General (the "Ministry") in accordance with the terms and conditions described in this report; and,
 - (c) That the General Manager of the Healthy and Safe Communities Department or designate be authorized and directed to execute the Agreement(s) in recommendation (a), together with any amendments, renewals, or ancillary documents necessary, all in a form satisfactory to the City Solicitor; and,
 - (d) That the General Manager of the Healthy and Safe Communities Department or designate be authorized and directed to execute the Agreement in recommendation (b), together with any amendments, renewals, or ancillary documents necessary, all in a form satisfactory to the City Solicitor.

2. Queen Victoria Elementary School Nutrition Program (Ward 2) (Item 11.1)

WHEREAS, in 2023 funds from the Ward 2 Non-Property Tax Revenue Account (3301609602) were allocated to organizations that address poverty and food insecurity, including Compass Community Health, 541 Eatery & Exchange, and Helping Hands Street Mission;

WHEREAS, the Queen Victoria Elementary School Nutrition Program is a breakfast program run by the Hamilton Foundation for Student Success for students at Queen Victoria Elementary School in Ward 2;

WHEREAS, nearly 10% of children at Queen Victoria Elementary School experience food insecurity and receive food packages from Food4Kids Hamilton;

WHEREAS, the Queen Victoria Elementary School Nutrition Program received some support through Tastebuds Hamilton, Hamilton Bulldogs, PC Children's Charity, Oakrun Farm Bakery, and other donors;

WHEREAS, the program costs \$1.00 per student for 580 students for 194 school days for a total of \$112,520.00 per school year;

WHEREAS, the Queen Victoria Elementary School Nutrition Program is trying to grow the program so that every child can be offered a meal without singling out those who need it more than others; and

WHEREAS, they are building a pool of volunteers to increase fundraising efforts, but need time to do so, and the need is imminent, with a \$6,000 shortfall in the 2023-24 school year

THEREFORE, BE IT RESOLVED:

- (a) That up to \$6,000 be allocated from the Ward 2 Non-Property Tax Revenue Account (3301609602) to the Hamilton Foundation for Student Success; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

The agenda for the April 18, 2024 Emergency and Community Services Committee meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no Declarations of Interest.

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

(i) February 8, 2024 (Item 4.1)

The Minutes of the February 8, 2024 meeting of the Emergency and Community Services Committee, were approved, as presented.

(d) ADJOURNMENT (Item 15)

There being no further business, the Emergency and Community Services Committee adjourned at 2:07 p.m.

Respectfully submitted,

Councillor Alex Wilson
Chair, Emergency and Community Services
Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON

MOTION

Council Date: April 24, 2024

MOVED BY COUNCILLOR A. WILSON.....

SECONDED BY COUNCILLOR

Ward 13 Community Grants Q1 2024

WHEREAS the Ward 13 Community Grants program closed for Q1 on March 29th, 2024, with a total of 19 applications;

WHEREAS a review of applications submitted during this time found that 14 applications were eligible and approved for Q1 as assessed by the Ward 13 Community Grants Team; and

WHEREAS the following \$56,325 constitutes the complete issuance of community grants for Q1, with 4 applications deferred for further rounds of community grants.

THEREFORE, BE IT RESOLVED:

- (a) That the Hamilton Naturalists Club Tews Park Barn Swallow Project, which provides a nesting site for at-risk barn swallows in Tews Park, Greensville be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$4000;
- (b) That the Dundas Valley School of Arts Community Youth Art Exhibition, developed in collaboration with the Routes Youth Centre, be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$3288;
- (c) That the Dundas Girls Softball League Equipment Fund and Affordable and Accessible Participation Initiatives be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$5000;
- (d) That the Dundas Cactus Parade communications and website development project be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$2000;
- (e) That the Hamilton Jewish Family Services Tackling Poverty Through Hygiene project be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$5000;

- (f) That the Westover Women's Institute Hall Restoration Fund be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$5000;
- (g) That the Dundas Community Services Dementia Friendly City Program be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$5000. In 2023, DCS received \$65,851 from the City Enrichment Fund to support multiple programs supporting seniors and community members. The funding received from the City of Hamilton is for established programs and services;
- (h) That the Highland Park Faith Community and St Mark's United Church Community Café Project be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$4000;
- (i) That Kids for Kaga's Youth Exchange Local Education Program be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$3000;
- (j) That Flamborough Information and Community Services Community (Flamborough Connects) Events and Guide Project be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$4712;
- (k) That Action 13's Repair Café; Mushroom Growing Workshops; Earth to Kitchen; and Greenblock Growing Initiative be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$5000;
- (l) That the Soil, Seed, & Sustainability project, with funds to be held by Action13, be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$325;
- (m) That the Downtown Dundas BIA's Live and Local Open Streets Festival be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$5000;
- (n) That the Dundas Blues Hockey Program's accessibility and affordability initiatives be funded from the Ward 13 Non-Property Tax Revenue Account [3301609613] at an upset limit, including contingency, not to exceed \$5000
- (n) That any funds allocated and distributed through the Ward 13 Community Grants Program be exempt on a one-time basis and not be counted toward any formula that restricts regular funding from the City including the City Enrichment Fund or the One-Time Enhancement Grant (e.g. the City's 30% formula); and
- (o) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

COUNCIL COMMUNICATION UPDATES


April 5, 2024 to April 18, 2024

Council received the following Communication Updates during the time period listed above, the updates are also available to the public on City's website, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Item Number	Date	Department	Subject
1	April 5, 2024	Planning and Economic Development	Update to the Conservation Authorities Act for the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario (Ontario Regulation 41/24) (City Wide)
2	April 8, 2024	Planning and Economic Development	75 Ferrie Street East - Contractor Invoice (Ward 2)
3	April 14, 2024	Corporate Services	2024 Building Faster Fund Allocation
4	April 15, 2024	Public Works	City of Hamilton Watershed Action Plan Public Engagement (City Wide) HW2403
5	April 16, 2024	Planning and Economic Development	Introduction of Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (City Wide)
6	April 17, 2024	Public Works	Mountain Drive Park Soils Finding (ES2402) (Wards 6 and 7)
7	April 18, 2024	Planning and Economic Development	Status of Major Transit Station Area Planning, Inclusionary Zoning, and the Family Friendly Housing Strategy (City Wide)



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	April 5, 2024
SUBJECT:	Update to the <i>Conservation Authorities Act</i> for the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario (Ontario Regulation 41/24) (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to provide Council with a summary of the most recent Provincial update to the *Conservation Authorities Act* as it relates to the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario, and how the changes impact the development review processes within the City of Hamilton.

The Province's recent efforts to increase housing supply and streamline development approvals processes began in 2017 and included the proclamation of legislation such as Bill 23, *More Homes Built Faster Act*, which resulted in changes to the *Conservation Authorities Act*. Staff presented a detailed summary of comments on Bill 23 through Report PED22207 to Planning Committee on November 29, 2022.

On February 16, 2024, the Provincial government posted a decision that further implements the proposed regulatory changes to the *Conservation Authorities Act*. Ontario Regulation 41/24 is intended to streamline regulatory requirements to focus on natural hazards and public safety, to clarify where certain development activities are prohibited within the Act instead of within the individual Conservation Authority regulations, and to include new regulation making authority with respect to the updated permitting framework.

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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: Update to the *Conservation Authorities Act* for the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario (Ontario Regulation 41/24) (City Wide) - Page 2 of 5

City staff met with the four Conservation Authorities that have jurisdiction within the City of Hamilton (Hamilton Conservation Authority, Niagara Peninsula Conservation Authority, Grand River Conservation Authority, and Conservation Halton) on March 25, 2024, to better understand the changes to the Conservation Authority development regulations. The new legislation includes broader policy level impacts to municipalities, updates to delegated authority for permits and hearings, and the Conservation Authorities' transition plans for active and new development applications.

Updated rules for the protection of people and property from natural hazards

Communication from the Ministry of Natural Resources and Forestry, attached as Appendix "A", advised that effective April 1, 2024, updated permitting related provisions of the Act will come into effect, supported by a new Ontario Regulation (O. Reg.) 41/24: Prohibited Activities, Exemptions and Permits. The new rules will apply to all conservation authorities and, among other changes, will identify prohibited activities and refine the regulated areas where a conservation authority issued permit is required.

Key changes under O. Reg. 41/24 include:

1. Updating some definitions and areas where development activities are prohibited, while maintaining important provincial standards. Notable amendments include:
 - a. An updated definition of Watercourse to remove "identifiable depression in the ground" and replaced it with:
 - "a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs."
 - b. The removal of the definition of Pollution.
 - c. Reducing the regulated area adjacent to wetlands from 120 metres for provincially significant wetlands to 30 metres for all wetlands.
2. Requirements for mapping of regulated areas to be made available online and for public notification to be given of any mapping changes.
3. Exemptions from the requirement for a conservation authority permit for some low-risk activities, subject to certain conditions, such as sheds, removable docks, garage rebuilds, fencing, and agricultural drainage.
4. Limiting the conditions that can be included on a permit to matters related to natural hazards and public safety and general permit administration.

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SUBJECT: Update to the *Conservation Authorities Act* for the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario (Ontario Regulation 41/24) (City Wide) - Page 3 of 5

5. Service standards for permit issuance including pre-consultation and confirmation of complete applications within 21-days and requiring annual reporting on permitting statistics including reporting on the level of conservation authority compliance with new regulatory requirements.
6. Enabling applicants to appeal to the Ontario Land Tribunal if a permit decision is not made within 90-days or appeals of permitting fees charged by conservation authorities to the Ontario Land Tribunal.
7. Enabling Minister of Natural Resources and Forestry's tools regarding the review of permit decisions and the issuance of permits.
8. Updated enforcement powers and provisions regarding offences provisions under the act, including stop work orders and increased penalties.

As required by O. Reg. 41/24, the Conservation Authorities must provide a transition plan to allow for existing applications and permits to proceed under the current policies and procedures. All applications submitted on, and after April 1, 2024, will follow the new legislative and regulatory framework while active development applications will continue under the rules and regulations that were in place at the time of submission. The Hamilton Conservation Authority and Conservation Halton provided a memo (attached as Appendix "B") on March 15, 2024, to the City of Hamilton with respect to the legislative and regulatory changes and the effect on their development permitting.

A decision notice is now available at the Environmental Registry of Ontario, posting #019-2927: [Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario | Environmental Registry of Ontario](#).

Impacts to the City of Hamilton

While the changes primarily affect if a permit is, or is not, required from the applicable Conservation Authority, the City's Official Plan policies and zoning remain in force and effect. The primary impact is a shift from a joint City-Conservation Authority role in evaluating applications to a city only role as a result of removing the authority to regulate certain impacts of a development on watercourses and/or wetlands as well as the removal of lands from all Conservation Authorities' regulated area.

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Based on Official Plan mapping, polices and implementing zoning, the review and evaluation of development applications from a natural heritage perspective will remain the same. While the Conservation Authorities will primarily be concerned with hydrological impacts to wetlands under their new role, under the Provincial Policy Statement the City retains the authority to require an Environmental Impact Study for lands outside of the 30 metre distance/buffer from a wetland or provincially significant wetland. The requirement and review of these studies will ensure no-negative impact to features and functions from a development on adjacent lands. The City will maintain the discretion for requiring an Environmental Impact Study within the 120 metre buffer zone dependent on the surrounding context and existing conditions.

In Report PED22207, staff flagged the potential capacity implications that could result from Bill 23. At this time, there are two positions dedicated to the specialized expertise in ecology and natural heritage planning and three positions with expertise in infrastructure planning engineering. The most recent legislation reduces the role of the Conservation Authorities further within the development review process and places additional stress on current staffing resources. The increased review functions placed on City staff may result in the need for additional staffing resources in the Planning and Economic Development Department and possible processing delays due to resourcing.

Next steps

The Conservation Authorities will conduct an in-depth review of the regulated area mapping which may require an update. It is anticipated that there will be a reduction in the overall net regulated area as a result of the regulation area reduction from 120 metres to 30 metres around a wetland. In addition, Conservation Authority staff will update policies and procedure documents for intaking and reviewing development applications and issuing permits.

Through Phase 2 of the City's Municipal Comprehensive Review Planning staff will undertake a review of the Urban and Rural Hamilton Official Plan Natural Heritage System policies. Staff will assess the adjacent land distances, including Provincially Significant Wetlands, to provide clarity on when an Environmental Impact Statement will be required for a development application. Further, measures to ensure sub-watershed studies are scoped and reviewed to prevent negative impacts on water quality downstream from development will be included.

Staff will also be assessing if there will be the need for additional staffing resources to complete the additional review function and if there will be delays in reviewing/approving applications due to resourcing.

SUBJECT: Update to the *Conservation Authorities Act* for the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario (Ontario Regulation 41/24) (City Wide) - Page 5 of 5

Please contact Anita Fabac, Acting Director, Planning and Chief Planner with any questions or comments or to set up a meeting to discuss the update to the *Conservation Authorities Act* at Anita.Fabac@hamilton.ca or by phone at (905) 546-2424 Ext. 1258.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - February 16, 2024, Communication from the Ministry of Natural Resources and Forestry

Appendix “B” - Hamilton Conservation and Conservation Authority Memos to the City of Hamilton Planning Directors, Chief Building Official and Public Works Directors

From: ca.office (MNRF) <ca.office@ontario.ca>

Sent: Friday, February 16, 2024 3:52 PM

To: ca.office (MNRF) <ca.office@ontario.ca>

Cc: Keyes, Jennifer (MNRF) <jennifer.keyes@ontario.ca>

Subject: Update: Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario – Ministry of Natural Resources and Forestry and Extension of Minister's Fee Direction

This message is being sent on behalf of Jennifer Keyes, Director, Resources Planning and Development Policy Branch, MNRF

Good afternoon:

I am writing to inform you of recent updates under the *Conservation Authorities Act* (the act) regarding the regulation of development for the protection of people and property from natural hazards in Ontario. Amendments to the act that were made in recent years to update the conservation authorities permitting framework and associated regulations will come into effect on April 1, 2024. These changes will clarify and streamline regulatory requirements to focus on natural hazards and public safety and provide greater transparency in the permitting process.

Updated rules for the protection of people and property from natural hazards

Effective April 1, 2024, updated permitting related provisions of the act will come into effect, supported by a new Ontario Regulation (O. Reg.) 41/24: Prohibited Activities, Exemptions and Permits, which set out prohibited activities and areas where a conservation authority permit is required, exemptions for permits for certain low-risk activities, the process for applying for a conservation authority permit, and service requirements for conservation authorities in reviewing permit applications. The new rules will apply to all conservation authorities and replace the existing 36 conservation authority-specific regulations.

Key changes include:

1. Updating some definitions and areas where development activities are prohibited, while maintaining important provincial standards.
2. Requirements for mapping of regulated areas to be made available online and for public notification to be given of any changes.
3. Exemptions from the requirement for a conservation authority permit for some low-risk activities, subject to certain conditions, such as sheds, removable docks, garage rebuilds, fencing, and agricultural drainage.
4. Limiting the conditions that can be included on a permit to matters related to natural hazards and public safety and general permit administration.
5. Service standards for permit issuance including pre-consultation and confirmation of complete applications within 21-days and requiring annual reporting on permitting statistics including reporting on the level of conservation authority compliance with new regulatory requirements.

6. Enabling applicants to appeal to the Ontario Land Tribunal (OLT) if a permit decision is not made within 90-days and appeals of permitting fees charged by conservation authorities to the OLT.
7. Enabling Minister of Natural Resources and Forestry's tools regarding the review of permit decisions and the issuance of permits.
8. Updated enforcement powers and offence provisions under the act, including stop work orders and increased penalties.

A decision notice is now available at the Environmental Registry of Ontario, posting #019-2927: [Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario](#).

Minister's Fee Direction

I would also like to notify you that the Minister has extended his Direction (through the issuance of a new Direction) to conservation authorities to not change any fees charged as part of their programs and services associated with planning, development, and permitting. This extended direction is in effect as of January 1, 2024, until December 31, 2024.

If you have any questions, please reach out to the Ministry of Natural Resources and Forestry at ca.office@ontario.ca.

Sincerely,

Jennifer Keyes
Director, Resources Planning and Development Policy Branch
Ministry of Natural Resources and Forestry
ca.office@ontario.ca

Please Note: As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

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Memorandum

TO: City of Hamilton Planning Directors, Chief Building Official & Public Works Directors

FROM: Mike Stone, Acting Director, Watershed Management Services, Hamilton Conservation Authority (HCA)

DATE: March 15, 2024

RE: Legislative and Regulatory Changes Affecting HCA's Development Permitting (Effective April 1, 2024)

On February 16, 2024, a new Minister's regulation, *Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits*, under the *Conservation Authorities Act* (CA Act) was approved by the Province. This regulation takes effect April 1, 2024, and will replace all existing individual CA development regulations, including HCA's "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*" regulation (O. Reg. 161/06). The enactment of O. Reg. 41/24 will also coincide with the proclamation of associated sections within the CA Act regarding the regulation of development.

Notwithstanding these changes, much of the development regulation process remains the same. HCA will continue to require permit applications for proposed development, interference and alteration activities in regulated areas as defined under the CA Act and O. Reg. 41/24. The administration of O. Reg. 41/24 is a required program of the HCA, as per Section 21.1.1 of the CA Act and *Ontario Regulation 686/21: Mandatory Programs and Services*.

Key Changes

While much of the CA development regulation process remains the same, there are a number of changes which may be of interest, including:

- The regulated area around wetlands will be consistent at 30 m, including around provincially significant wetlands (formerly 120 m).
- The definition of a (regulated) *watercourse* has been amended from ***an identifiable depression in the ground in which a flow of water regularly or continuously occurs to a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs.***

- Certain low-risk activities that meet specific size and/or location requirements will be exempt from requiring a permit. Attachment A outlines exempt activities, per section 5 of O. Reg. 41/24. (Note: applicants are encouraged to consult with HCA to confirm exemptions prior to undertaking work).
- The list of complete application requirements has been revised, and now includes fee submission and landowner authorization. No new technical studies can be requested once an application is deemed complete.
- CA permitting decisions are now focused on natural hazards, public health and safety and property damage. Consideration of *Conservation of Land* and *Pollution* 'tests' (i.e. natural heritage matters) have been removed.
- New administrative review and appeal mechanisms are available to permit applicants.

It is worth noting that the legislative and regulatory changes made did not enact, at this time, exemptions for activities authorized under the *Planning Act*.

Implementation & Transition

In order to support implementation of the legislative and regulatory changes taking effect April 1, 2024, HCA will be reviewing and updating mapping, policy, procedure and administrative documents and resources as required and on a priority basis. This will include updates to HCA's regulated mapping to reflect changes in wetland and watercourse limits, as well as review and update of policy and procedure documents for development review and permitting. HCA will keep the City apprised of these updates as they become available.

HCA is working to develop transitional procedures to assist staff in moving from the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* regulation (O. Reg. 161/06) to the new *Prohibited Activities, Exemptions and Permits* regulation (O. Reg. 41/24). In general, it is expected that for permit applications submitted prior to the enactment of O. Reg. 41/24, the existing permitting process will be followed, and that new applications submitted on or after April 1, 2024 will follow the processes outlined under the new legislative and regulatory framework. HCA is committed to minimizing disruptions to the development permitting review and approvals process as we transition to the new regulatory environment.

Plan Review Services

There are no changes to HCA's planning services at this time. HCA continues to provide mandatory programs and services related to reviewing and commenting on applications and other matters under the *Planning Act*, and for proposals under various other Acts, as *Ontario Regulation 686/21: Mandatory Programs and Services*. The City should continue to circulate planning applications and other matters, including technical reports to CAs so that we may review and comment on natural hazards and wetland matters per O. Reg. 686/21.

Fee Schedule

There have been no changes to the fee provisions of the CA Act, and the attached fee schedule for 2024 meets the requirements of the Act for programs and services for which a CA may charge fees. Notwithstanding this, the Minister has issued a direction to freeze CA fees for planning and permitting for 2024. As a result, HCA has not increased fees from 2023 and the attached planning and permitting fee schedule will remain in effect for 2024 (Attachment B).

HCA appreciates the strong working relationship it has with the City and will continue to work to provide excellent client service. Please do not hesitate to contact the undersigned with any questions or concerns regarding these changes or the transition process.

Mike Stone, MCIP, RPP
Acting Director, Watershed Management Services
Hamilton Conservation Authority
(905) 525-2181, ext. 133
mike.stone@conservationhamilton.ca

MEMO

TO: Municipal Planning Directors & Chief Building Officials

FROM: Kellie McCormack, Director, Planning & Regulations
kmccormack@hrca.on.ca; 905.336.1158 ext. 2228

DATE: March 8, 2024

SUBJECT: Legislative and Regulatory Changes Affecting CH's Development Permitting (Effective April 1, 2024)

On February 16, 2024, a new Minister's regulation (*Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits*), under the *Conservation Authorities Act (CA Act)*, was approved by the Province. *O.Reg. 41/24* replaces Conservation Halton's (CH) existing "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation (*O.Reg. 162/06*) and comes into effect on April 1, 2024. The enactment of *O.Reg. 41/24* coincides with the proclamation of associated sections within the *CA Act*.

While *O. Reg. 41/24* represents a single regulation for all Conservation Authorities (CAs), much of the CA regulatory process remains the same. **CH will continue to require permit applications for development, interference, and alteration activities in regulated areas, as defined under the CA Act and in O.Reg. 41/24.** The administration of *O. Reg. 41/24* is a Mandatory Program and Service of a CA, as per Section 21.1.1 of the *CA Act* and as stipulated in *O.Reg. 686/21: Mandatory Programs and Services*.

Key Legislative & Regulatory Changes (O.Reg. 41/24)

While many of CH's regulatory requirements and processes remains the same, some of the key changes that may be of interest include that:

- The regulatory allowance in CH's minor urban valley systems in Burlington and Oakville will increase from 7.5 metres from the hazard limit to 15 metres, as well as in select areas in CH's major valley systems where the regulatory allowance will increase to 15 metres (i.e., North Oakville East/West, Boyne, and Derry Green Secondary Plan Areas);
- The regulated area around Provincially Significant Wetlands and wetlands greater than 2 hectares will decrease from 120 metres from the limit of the wetland to 30 metres from the limit of all wetlands;
- Certain low-risk activities that meet specific requirements will no longer require permits (see Attachment One for further details; note: applicants are encouraged to confirm exceptions with CH prior to carrying out the work);



- CAs have prescribed timelines to deem an application complete (or incomplete) after receiving an application and associated fee (21 days) or to make a decision on a permit, once deemed complete (90 days); and
- New administrative review and appeal mechanisms are available to permit applicants.

Among other things, some of the key actions required to implement the CA Act-related changes include: 1) updates to CH's regulatory mapping with revised regulation limits; 2) updates to regulatory and legislative references on all applications, forms, website, templates, technical guidelines, maps, etc.; 3) re-delegation of permit approvals to senior staff; 4) re-appointment of Provincial Offences Officers; 5) conformity reviews/updates to CH's regulatory and land use policies; and 6) development of a procedures document.

Transition & Implementation

The transition period from the release of *O.Reg. 41/24* to when the changes come into effect is limited (April 1, 2024). As such, CH staff is prioritizing the items that need to be addressed immediately (e.g., mapping, application forms, notifications) and those that will need to be completed over the coming months (e.g., procedures document). CH's updated regulatory mapping will be posted for April 1, 2024 and our GIS department will send updated mapping to municipalities shortly thereafter. We are also working on a transition procedure for any permit applications or appeals submitted or underway prior to the new *CA Act* provisions and regulation coming into effect. We will keep our partners, stakeholders, and the public informed as we work to develop and update our implementation support materials and to ensure that disruptions to development approval processes are minimized.

Plan Review Services

There are no changes to CH's planning services at this time. **Municipalities must continue to circulate CH on *Planning Act* applications for CH to provide mandatory (Category 1) programs or services related to reviewing and commenting on natural hazard and wetland related matters, and for proposals under Acts referred to in Section 6 (2) of *O.Reg. 686/21*.**

We look forward to continuing to work with you and providing excellence in customer service. We will be in touch as we work to transition to this new legislative and regulatory framework.

If you have any questions or concerns, please feel free to contact the undersigned.

Kellie McCormack, MCIP, RPP
Director, Planning & Regulations
2596 Britannia Road West, Burlington, ON L7P 0G3
kmccormack@hrca.on.ca
905.336.1158 ext. 2228

Attachment One


Excerpt from [O. Reg. 41/24: Prohibited Activities, Exemptions and Permits](#) as of [DATE]

Note: Applicants are encouraged to confirm exceptions with the CA prior to carrying out the work.

5. Paragraph 2 of subsection 28 (1) of the Act does not apply to,
- (a) the construction, reconstruction, erection or placement of,
 - i. a seasonal or floating dock that,
 - A. is 10 square metres or less,
 - B. does not require permanent support structures, and
 - C. can be removed in the event of flooding,
 - ii. a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
 - iii. agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
 - iv. a non-habitable accessory building or structure that,
 - A. is incidental or subordinate to the principal building or structure,
 - B. is 15 square metres or less, and
 - C. is not within a wetland or watercourse, or
 - v. an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;
 - (b) the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
 - (c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area where subsection 28 (1) of the Act applies;
 - (d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;
 - (e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the Conservation Authorities Act Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and
 - (f) the reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	April 8, 2024
SUBJECT:	75 Ferrie Street East - Contractor Invoice (Ward 2)
WARD(S) AFFECTED:	Ward 2
SUBMITTED BY:	Alan Shaw Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to advise Council of the Final Invoice respecting 75 Ferrie Street East, Hamilton.

Subsequent to the Building Divisions involvement with the unsafe building at 75 Ferrie Street East, Hamilton, comprised of a new, 2 storey single family dwelling, partially constructed, and completely framed to the roof, under a valid building permit, the City's Building Division has received final costs associated with the emergency work completed.

On January 10, 2024, a Building Inspector from the City's Building Division attended 75 Ferrie Street East after reports of an unsafe building. Upon arrival, the inspector noted that the building was in a state of imminent collapse or failure. Under section 15.9(4) of the *Ontario Building Code Act*, an Unsafe Order was issued requiring immediate attention to make the building safe. The owner was not immediately available to commence the necessary work, and due to the safety risk, the building posed to the adjacent properties, the Building Division promptly directed its' emergency stand-by contractor (under contract) to commence the urgent work.

Throughout the duration of making the building safe, the Building Division was in close communication with all the owners, engineer, and contractor. The owner was given the option to take care and control of the site on numerous occasions, however, were unable to fulfil the expectations of making the building safe.

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SUBJECT: 75 Ferrie Street East - Contractor Invoice (Ward 2) - Page 2 of 2

The entire process of shoring and restoring the property to safe conditions occurred from January 10th to February 15th, 2024. Ultimately, under direction from our contractors' engineer, as well as some direction from the owner's engineer, it was decided to remove the roof, second floor walls, and re-align the main floor walls, with second floor still in place, and provide adequate bracing to stabilize the structure. The site has since been cleaned up, and ultimately has been deemed safe for the owner, and members of the public.

The final invoices have been received, and we are providing them to you as many members of the public were affected by this incident and the details may be of interest. It is important to note, that these costs are not absorbed by the City of Hamilton, rather all costs associated with making a building safe, as a result of an unsafe order to comply are assessed as a priority lien on the property owners' taxes, in accordance with section 15.9(10) of the *Ontario Building Code Act*, and section 1 of the *Municipal Act*, 2001. While the City will pay its contractors invoices, pursuant to the active contract, those costs will then be sent to the Municipal Tax office to be assessed on the tax role.

Subject	Pre-tax	Post Tax
Engineers Reports	\$37,742.92	\$42,649.50
Engineers Reports	\$52,008.52	\$58,769.63
TOTALS	\$89,751.44	\$101,419.13
PPC - Contractor's invoice	\$170,436.27	\$192,592.99

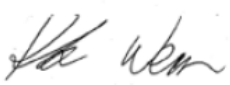
If you require any further information on the above matter, please contact Alan Shaw, Director, Building and Chief Building Official by e-mail at Alan.Shaw@hamilton.ca or at (905) 546-2424 Ext. 2574.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.



COMMUNICATION UPDATE

TO:	Mayor and Members of City Council
DATE:	April 14, 2024
SUBJECT/REPORT NO:	2024 Building Faster Fund Allocation
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Kirk Weaver Acting Director, Financial Planning, Administration and Policy Corporate Services
SIGNATURE:	

PURPOSE

To advise City Council of the City of Hamilton's (the City) 2024 allocation and future requirements for reporting on the use of funds under the Province of Ontario's (the province) Building Faster Fund, as well as summarizing the amount received relative to the amount that was estimated and approved through the City's 2024 budget.

INFORMATION

On March 22, 2024, the Province recognized the City for exceeding its 2023 housing target, with 120 per cent of the target achieved in 2023 and announced the City's allocation of \$17,587,390. Construction started on a total of 4,142 new housing units in the City in 2023 compared to the provincial target of 3,447. This included a diverse range of housing across the entire City, including rental units, ownership units, affordable housing, low-rise, mid-rise and high-rise. These results for 2023 represent one of the highest levels of new housing construction ever in the City. The province has set a target for Hamilton of 47,000 new units by 2031. Annual housing targets for the City will increase in the next two years of the program from the 3,447 target for 2023.

Through the approval of its 2024 budget, the City had assumed \$15,800,000 in revenues from the Building Faster Fund. The 2024 Capital Financing Plan included a four-year phase-in strategy for the lost development charge revenues resulting from the *More Homes, More Choice Act, 2022*, which incorporated revenue assumptions for the Building Faster Fund based on the City's share of the provincial housing target and the province's promise to make municipalities "whole" due to the new legislation. In

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In addition to the revenues assumed in 2024, the City included \$11,300,000 in revenues from the Building Faster Fund in the 2025 and 2026 budget projections. Original revenue assumptions were based on all municipalities meeting their respective housing targets while actual allocations are made only to municipalities that met or exceeded its target.

In communicating the 2023 funding allocation, the Ministry of Municipal Affairs and Housing informed the City that it must submit an Investment Plan for approval and have a signed Transfer Payment Agreement in place to receive allocation funding under the program. Further details on the requirements of an Investment Plan have not yet been shared.


The 2024 allocation of \$17,587,390 is \$1,787,390 greater than the budgeted revenues from the Building Faster Fund in 2024. Subject to the requirements in the required Investment Plan, the \$1,787,390 surplus could be invested towards additional housing-enabling infrastructure or applied in the affordability strategy for the 2025 budget to offset the revenues lost through the *More Homes, More Choice Act*. Table 1 details the assumptions approved in the City’s 2024 budget in comparison to the recent announcement for the City’s allocation under the Building Faster Fund.

TABLE 1
Building Faster Fund Allocation in Comparison to 2024 Budget

	2024 Budget (\$)	2024 Allocation (\$)	2025 Budget (\$)	2026 Budget (\$)	2027 Budget (\$)
Tax Supported Budget	11,250,000	11,250,000	6,750,000	6,750,000	-
Rate Supported Budget	4,550,000	4,550,000	4,550,000	4,550,000	-
Unallocated	-	1,787,390	-	-	-
Total	15,800,000	17,587,390	11,300,000	11,300,000	-



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	April 15, 2024
SUBJECT:	City of Hamilton Watershed Action Plan Public Engagement (City Wide) HW2403
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Cari Vanderperk Director, Watershed Management Public Works Department
SIGNATURE:	

Reducing point source contamination into Hamilton Harbour has been a major investment focus over the past few decades and with the completion of the Woodward Avenue Wastewater Treatment Plant upgrades, a shift of focus on non-point source contamination is required. Non-point-source contamination of watersheds comes from many sources and are more challenging to identify and address. An example is urban and rural runoff that carries contaminants into our natural water bodies during rain events.

In order to continue progressing toward improved conditions in Hamilton Harbour, a collaborative effort is required to plan, develop, and execute watershed actions that are within the care and control of the City of Hamilton (City). By bringing together a group of experts from partner agencies, Indigenous representatives, as well from departments across the City, previous reports and data have been analyzed and projects are being prioritized that will support the efforts to delist Hamilton Harbour as an Area of Concern, as identified by the International Joint Commission.

Hamilton Water has retained the consultation services of AECOM to review the proposed actions and support ongoing partner and public engagement. Public engagement is an important aspect of this work and will commence from April 15th to August 15th. Once public input is received the City of Hamilton Watershed Action Plan (Watershed Action Plan) will be further refined, and a recommendation report will be brought forward to the General Issues Committee for approval later this year.

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**SUBJECT: City of Hamilton Watershed Action Plan Public Engagement
HW2403 (City Wide) - Page 2 of 3**

The purpose of this Communication Update is to advise Council on upcoming public engagement activities related to the Watershed Action Plan. Following an engagement plan, developed by City staff and partners, and in consultation with the Community Engagement Team, an Engage Hamilton webpage was launched on April 15, 2024.

The Engage Hamilton webpage includes a project timeline, a Frequently Asked Questions section and information on upcoming virtual and in-person engagement events along with a short survey, all of which can be found via the following link:

- <https://engage.hamilton.ca/watershedactionplan>

The public is invited to attend the first virtual public information meeting on Thursday May 2, 2024, from 6:30 p.m. to 8:00 p.m. to learn more about the Watershed Action Plan and ask questions. The virtual public meeting will be recorded with the video posted on Engage Hamilton shortly after the event. Registration is required through the Engage Hamilton webpage noted above.

The following in-person, pop-up type engagement opportunities are planned in the coming months:

- Sunday, May 26th – Open Streets Hamilton – King Street Downtown
- Saturday, June 22nd – Carlisle Optimist Club Duck Dash – Courtcliffe Park
- Sunday, June 23rd – Open Streets Hamilton – King Street Downtown
- Monday, July 1, 2024 – Canada Day – Bayfront Park

The in-person pop-up events were identified through the engagement plan as an important approach to engagement for the Watershed Action Plan. Traditional engagement methods, such as public open houses, are often scheduled at inconvenient locations and times. Pop-ups reduce this barrier and allow a broad audience to provide comments and ask questions. A fulsome Consultation Report (or Summary Report) will be developed which will include an overview of the engagement activities, including comments received and how input was considered for all Watershed Action Plan engagement events.

Hamilton Harbour represents one of the largest natural features in the community and should be safe and accessible to all residents. Addressing non-point contamination issues within the watersheds will further change the status of health, safety, and image within the City. Population growth, greenfield development and urbanization, agricultural production, and a changing climate will continue to exert pressure on the quality and supply of water resources. Addressing existing and emerging watershed quality issues is critical for all who live, work, and recreate in the City.

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**SUBJECT: City of Hamilton Watershed Action Plan Public Engagement
HW2403 (City Wide) - Page 3 of 3**


City staff are available to meet one-on-one with Councillors to review details of the proposed Watershed Action Plan within each Ward as requested. If you have any questions regarding this communication or to set up a meeting, please contact Cari Vanderperk, Director, Watershed Management at Cari.Vanderperk@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

N/A



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	April 16, 2024
SUBJECT:	Introduction of Bill 185, <i>Cutting Red Tape to Build More Homes Act, 2024</i> (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to provide Council with an update on Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*.

On April 10, 2024, the province introduced Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. The legislation proposes to amend 15 various Acts, including the *Development Charges Act, Municipal Act* and *Planning Act*.

The Government of Ontario has requested public comments by May 10, 2024.

Summary of Proposed Changes

- **Removing Barriers for Additional Residential Units (Environmental Registry of Ontario 019-8366)**

The proposed changes allow “as-of-right” the use of up to three units per lot in existing residential areas province-wide to any parcel of land where residential uses with full municipal water and sewage services (except for legal non-conforming uses such as existing houses on hazard lands). For all other areas (outside areas that are fully serviced), the proposed framework is discretionary.

Changes were also proposed to remove certain barriers (i.e., development charges, parkland requirements, minimum unit sizes and parking requirements) to encourage the creation of more additional residential units.

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An enhanced regulation-making authority is proposed which would provide the Minister with broader authority to remove municipal zoning by-law barriers that may be limiting the development of Additional Residential Units to help create additional residential units, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot.

Link to Environmental Registry of Ontario Posting:
[Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 \(Bill 185\): Removing Barriers for Additional Residential Units | Environmental Registry of Ontario](#)

- **Municipal Planning Data Reporting (Environmental Registry of Ontario 019-8368)**

The Ministry is proposing to expand the list of municipalities to include 21 additional municipalities with provincially assigned housing targets. If the Ministry proceeds with this amendment, the regulation will apply to 50 municipalities across Ontario.

The proposed amendments are related to the information that is reported on a quarterly and annual basis. The amendments aim to enable municipalities to report on the status of various planning applications more accurately. Additionally, proposed amendments seek information on proposed and approved housing units. The proposed amendments include a requirement to prepare a summary table, which outlines key statistics for each quarterly report and a requirement to publish this summary to their webpage and update the summary each quarter beginning October 1, 2024.

Link to Environmental Registry of Ontario Posting:
[Proposed Amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting | Environmental Registry of Ontario](#)

- **Proposed *Planning Act* and *Municipal Act* Changes (Environmental Registry of Ontario 019-8369)**

Reduce Parking Minimums

The proposal is to remove the requirement to have a minimum amount of parking spaces for developments located within Protected Major Transit Station Areas or other areas around rail and rapid bus stations that are designated for higher density (e.g., Major Transit Station Areas). The proposed change would let homebuyers decide parking spaces for new residential development near higher order transit, based on market needs.

Enhancing Framework for Additional Residential Units

The proposal is to enhance the Minister’s regulation-making authority to remove zoning barriers to building small multi-unit residential to assist with creating additional residential units, such as basement suites, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot.

Community Infrastructure and Housing Accelerator

Remove the Community Infrastructure and Housing Accelerator tool to avoid unnecessary duplication with a revised process for requesting and issuing minister’s zoning orders. The proposal includes transition rules to permit Community Infrastructure and Housing Accelerator orders that have been made to date to continue functioning as municipal zoning by-laws. The proposal includes a revised process for how requests for zoning orders will be received and considered.

Use It or Lose It Tools

The proposal is for a new “use it or lose it” tool to enhance and expand a municipality’s ability to address to support the allocation of housing-enabling infrastructure.

The proposal is to create a new municipal servicing management tool which would explicitly authorize municipalities to adopt policies by by-law to formalize how water and sewage servicing of an approved development is managed to enable servicing capacity to be allocated / reallocated to other projects if the approved development has not proceeded after a specified timeline and the servicing is needed elsewhere in the service area. This by-law would not be appealable to the Ontario Land Tribunal.

The proposal includes creating a Minister’s regulation-making authority to enable the Minister to provide exemptions for individual or classes of approved developments.

The proposal is to enhance lapsing authority for approvals of draft plans of subdivision/condominiums and site plan. For subdivision / condominium approvals the proposal would require approval authorities to impose a lapsing condition. The proposal would create Minister’s regulation-making authority to set timelines for lapsing provisions and establish exemptions from lapsing provisions.

For site plan control approvals, the proposal would enable a municipal “authorized person” to apply a lapsing condition when approving a new site plan

control application and create Minister's regulation-making authority to set timelines for lapsing provisions and establish exemptions from lapsing provisions.

Third Party Appeals

The proposal is to limit third-party appeals for official plans, official plan amendments, zoning by-laws, and zoning by-law amendments.

Bill 109 Fee Refund Provisions

The proposal is to remove the fee refund provisions for zoning by-law amendment and site plan control applications.

Municipal Pre-Application Process (Pre-Consultation)

The proposal is to make pre-application consultation voluntary at the discretion of the applicant and allow an applicant to challenge complete application requirements to the Ontario Land Tribunal at any time, rather than only having a time-limited window once a municipality rejects an application as not being "complete".

Settlement Area Boundary Expansions

The proposal is to allow applicants to appeal a municipality's refusal or failure to make a decision on a privately requested official plan or zoning by-law amendment that would change the boundary of an "area of settlement" outside of the Greenbelt Area.

Facilitating Standardized Housing Designs

The proposal is to create regulation-making authority that would enable the establishment of criteria to facilitate planning approvals for standardized housing. The proposed changes would only apply on certain specified lands, of a minimum lot size, such as urban residential lands with full municipal servicing outside of the Greenbelt Area. The proposal includes the identification of elements of the *Planning Act* that could be overridden and/or certain planning barriers that could be removed if the criteria are met.

Upper-Tier Planning Responsibilities

Identifies July 1, 2024, as the effective date of the upper-tier planning changes for Peel Region, Halton Region, and York Region. The upper-tier planning changes for the remaining four municipalities (i.e., Waterloo, Durham and Niagara Regions, and Simcoe County) would come into force later, upon

proclamation. The government intends to move forward with bringing the changes into effect for the remaining upper-tier municipalities by the end of 2024.

Expedited Approval Process for Community Service Facility Projects

The proposal is to create regulation-making authority to enable a streamlined approvals pathway for prescribed class(es) of “community service facility” projects (public schools K-12, hospitals, and long-term care facilities) that support the creation of complete communities.

Exempt Universities from the *Planning Act*

The proposal is to exempt publicly assisted universities from the *Planning Act* for university-led student housing projects on and off campus.

Link to Environmental Registry of Ontario Posting:

[Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes \(Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*\) | Environmental Registry of Ontario](#)

- **Newspaper Notice Requirements and Housekeeping Changes (Environmental Registry of Ontario 019-8370)**

Notices

The proposal is to amend regulations under the *Development Charges Act*, and the *Planning Act* to enable municipalities to give notice of a proposed new/amending by-law or passage of a by-law on a municipal website, if a local newspaper is not available.

The ministry is also working to identify best practices for public engagement, including how municipalities engage culturally diverse communities through non-English and French languages.

Third-Party Appeals

The proposal is to limit appeal rights for official plans, official plan amendments, zoning by-laws and zoning by-law amendments. The proposed changes would amend provisions that require notices related to official plan and zoning by-law matters to include certain statements.

Prescribed Time Period Regarding New Evidence Introduced at an Ontario Land Tribunal Hearing

Changes are proposed that would re-establish the prescribed time for a municipality to review new evidence introduced in a hearing at the Ontario Land Tribunal. This change would enable the provisions related to sending new information and material back to a municipality, reintroduced through Bill 108 to operate effectively and expediently.

Link to Environmental Registry of Ontario Posting:

[Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 \(Bill 185\): Newspaper Notice Requirements and Consequential Housekeeping Changes | Environmental Registry of Ontario](#)

- **Changes to the *Development Charges Act* (Environmental Registry of Ontario 019-8371)**

Repeal the Mandatory Five-Year Phase-In of Development Charge Rates

The proposal is to repeal the mandatory phase-in of Development Charge rates to apply to Development Charge by-laws passed since January 1, 2022. For municipalities that passed Development Charge by-laws on or after November 28, 2022, that incorporated the phase-in of Development Charge rates, the proposal would permit them to amend their Development Charge by-laws through a time-limited streamlined process (e.g., no requirement to redo the background study).

A municipality choosing to amend its Development Charge by-laws for this purpose would have six months to pass an amending by-law. Afterwards it would still need to give notice of the Development Charge by-law amendment. Further, it would enable municipalities to continue to exercise their discretion to phase-in Development Charges.

This proposal would not impact those developments where planning applications have been submitted and the Development Charge rates have been frozen (i.e., locked).

Reinstate Studies as an Eligible Capital Cost for Development Charges

The *More Homes Built Faster Act, 2022* removed the cost of studies as an eligible capital cost that municipalities could recover through Development Charges and as part of its transition rules, it enabled municipalities to continue to collect Development Charges to recover the cost of studies until they passed a

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new Development Charge by-law. The proposal is that the cost of studies be reinstated as an eligible Development Charge capital cost to enable municipalities to fund these costs to plan for growth.

For Development Charge by-laws passed on and after November 28, 2022, this proposal would permit municipalities to reinstate the cost of studies as part of their Development Charge rates through a time-limited streamlined process. This would be the same process, outlined above, for by-law amendments to eliminate the mandatory phase-in of its Development Charge rates.

Streamlined Process for Extending Development Charge By-Laws

The *More Homes Built Faster Act, 2022* amended the requirement to update and replace a Development Charge by-law from at least once every five years to at least once every 10 years. The proposal is that municipalities could extend their existing Development Charge by-laws using a streamlined process without having to prepare a new background study and undertake most of the procedural requirements associated with passing a new or amended Development Charge by-law, but not change the Development Charge rates. Municipalities seeking to update Development Charge rates would be subject to the regular Development Charge by-law process.

Reduce the Time Limit on the Development Charge Freeze

Through the *More Homes, More Choice Act, 2019*, Development Charges were set when a site plan application (or zoning application if no site plan application was made) is submitted to the municipality. Once the application is approved, a time limit of two years applies to the frozen Development Charges. The proposal is to reduce the timeframe of the Development Charge freeze period from two years to 18 months to encourage developers to obtain a building permit more quickly.

Link to Environmental Registry of Ontario Posting:

[Changes to the Development Charges Act, 1997 to Enhance Municipalities' Ability to Invest in Housing-Enabling Infrastructure | Environmental Registry of Ontario](#)

- **Proposed Provincial Planning Statement (Environmental Registry of Ontario 019-8462)**

The province is proposing new and updated policies for comment based on feedback received during the previous consultation on the proposed Provincial Planning Statement.

The updated proposed Provincial Planning Statement consists of policies grouped under the general headings of:

- Generate increased housing supply.
- Make land available for development.
- Provide infrastructure to support development.
- Balance housing with resources.

Should the province adopt the policies, the province would consequentially revoke the Provincial Policy Statement and A Place to Grow, as well as amend regulations under the *Places to Grow Act, 2005*. The province is also proposing a consequential administrative amendment to the Greenbelt Plan so that that policies in the current Greenbelt Plan are maintained should the Provincial Policy Statement, 2020 and A Place to Grow be revoked.

Link to Environmental Registry of Ontario Posting:

[Review of proposed policies for a new provincial planning policy instrument. | Environmental Registry of Ontario](#)

Next Steps

As identified on its Environmental Registry of Ontario website, the province is only providing a 30-day commenting period, from April 10, 2024, to May 10, 2024.

To provide a comprehensive response to the Province, the Planning Division will be consulting with other City Departments to coordinate the City's comments on the legislative changes proposed through the Bill. The comments will be submitted to the Province prior to May 10, 2024. Staff will prepare a report to Planning Committee providing a detailed analysis and comments provided to the province on the applicable proposed changes.

As Bill 185 impacts 15 diverse Provincial Acts, City Departments may be providing separate updates to Council discussing potential implications of the legislation as it relates to their respective departments.


If you require any further information on the above matter, please Anita Fabac, Acting Director of Planning and Chief Planner by email at Anita.Fabac@hamilton.ca or by phone at (905) 546-2424 Ext. 1258.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	April 17, 2024
SUBJECT:	Mountain Drive Park Soils Finding (ES2402) (Wards 6 and 7)
WARD(S) AFFECTED:	Wards 6 and 7
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	

PURPOSE

To advise City Council that soils that do not meet parkland standards were identified at Mountain Drive Park, and to outline next steps.

INFORMATION

As part of standard due diligence soil testing for the Mountain Drive Park redevelopment (the next phase includes a new spray pad, sun shelter, walkways, and playground replacement), soil tests have revealed that some of the park's soils exceed the Ministry of Environment, Conservation and Parks soil standards for parkland. The City has formally notified the Ministry of Environment, Conservation and Parks of the findings.

In order to understand the extent of impacted soils, additional testing will begin this week. The area of the park where impacted soils are currently known will be fenced off to prevent access by members of the public out of an abundance of caution. The area spans from the western parking lot to the edge of the new washroom building to the east, and from the path on the north side to Concession Street to the south, including the play structure. As a result, there will be no access to the play structure until the redevelopment is completed, which is expected to begin Summer 2024 and be finished in Spring 2025.

We recognize this will be an inconvenience to residents and ask for patience while the testing is completed. Residents are encouraged to visit other nearby parks with

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SUBJECT: Mountain Drive Park Soils Finding (ES2402) (Wards 6 and 7) - Page 2 of 2

playgrounds such as Peace Memorial Park, Eastmount Park, and Highview Park.

Staff will report back once the extent of the impacted soils is known with estimates of additional costs required for remediation. Remediation measures will be built into plans for the redevelopment of the park and will mitigate the risks found.

If you have any questions regarding this Communication Update, please contact Wes Kindree, Manager of Landscape Architectural Services (LAS), at Wes.Kindree@hamilton.ca.




Figure 1 – Limits of Temporary Fencing, No Public Access

APPENDICES AND SCHEDULES

N/A



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	April 18, 2024
SUBJECT:	Status of Major Transit Station Area Planning, Inclusionary Zoning, and the Family Friendly Housing Strategy (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to advise Council of the status of the Planning Division's work on establishing Major Transit Station Areas, Inclusionary Zoning and a Family Friendly Housing Strategy, three initiatives that are aligned with and support the City's goals to see the development of more affordable and suitable housing through transit-oriented intensification.

Note that all projects are interrelated and that all are being completed by the Sustainable Communities Section within the Planning Division.

Major Transit Station Area Planning

The [Major Transit Station Areas](#) planning project is a component of the City's Municipal Comprehensive Review workplan that will implement policies under the Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2019, as amended, for transit supportive densities around the planned Light Rail Transit and GO Transit rail stations. The Growth Plan requires achievement of minimum density targets of 160 persons and jobs per hectare combined for areas around the LRT stops, and 150 persons and jobs per hectare combined for areas around the GO Transit rail stations.

As discussed further below in this update, the *Planning Act* permits the implementation of Inclusionary Zoning policies within Protected Major Transit Station Areas, a subset of Major Transit Station Areas.

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SUBJECT: Status of Major Transit Station Area Planning, Inclusionary Zoning and the Family Friendly Housing Strategy (City Wide) - Page 2 of 4

Originally initiated in 2018, the workplan for the Major Transit Station Areas project was temporarily put on pause until 2022 due to uncertainty at the time regarding the Light Rail Transit project. The workplan resumed in the summer of 2022 and was revised to incorporate recent changes to Growth Plan policies, specifically the increase in Major Transit Station Area boundaries from 500 metres up to approximately 800 metres from a higher order transit station or stop. The density planning assumptions were also updated to reflect changes to density and height policies in the Urban Hamilton Official Plan through Official Plan Amendment 167. Dillon Consulting is retained by the City to assist in modelling the density of the Major Transit Station Areas, and development of policy recommendations to achieve the required densities.

Staff Report PED23105 was presented to Planning Committee in September 2023 and included the draft Major Transit Station Areas report completed by Dillon Consulting and recommended direction to undertake community consultation on the draft findings.

In the fall of 2023, Sustainable Communities staff in the Planning Division undertook a series of engagement activities to share information about the project and collect feedback from residents, community-serving organizations, and the development industry. Internal staff engagement was also undertaken to understand the intersection of this work with that of other departments at the City.

Staff are working with Dillon Consulting to incorporate all necessary changes to the final Major Transit Station Areas modelling and density outputs. Staff plan to bring forward a final report and Official Plan Amendment to Council to establish both Major Transit Station Areas and Protected Major Transit Station Areas in Q3 of 2024. It is important to note that Official Plan Amendments to implement Major Transit Station Area and Protected Major Transit Station Areas require approval from the Ministry of Municipal Affairs and Housing which is anticipated to take several months. Inclusionary Zoning regulations cannot be implemented until this Provincial approval is issued.

Inclusionary Zoning

In 2022, with the recommencement of the Major Transit Station Areas planning project, the City of Hamilton began exploring the feasibility of adopting the tool known as [Inclusionary Zoning](#) to help increase the supply of affordable housing in Hamilton. Inclusionary Zoning is a land-use planning tool that a local municipality may use to require affordable housing units (IZ units) to be included in market-rate developments within Protected Major Transit Station Areas.

Before the City of Hamilton can adopt Inclusionary Zoning, the Province requires completion of a Housing Needs Assessment and Market Feasibility Study, to confirm housing needs and assess potential impacts Inclusionary Zoning may have on the overall housing market. A peer review of the Market Feasibility Study is also required.

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SUBJECT: Status of Major Transit Station Area Planning, Inclusionary Zoning and the Family Friendly Housing Strategy (City Wide) - Page 3 of 4

As noted previously in this memorandum, implementation of Inclusionary Zoning is dependent on finalization of the Major Transit Station Areas planning and approval of all identified Protected Major Transit Station Areas by the Province.

The Provincially required Housing Needs Assessment was completed and presented to Planning Committee on February 14, 2023 (PED23044(a)). The Market Feasibility Study and the Peer Review have since been completed as well and will be brought forward for endorsement in Q2 2024 along with some preliminary policy and zoning framework information and a proposed public engagement strategy.

Pending Council direction, public outreach and engagement will be initiated in Q3 of 2024, continuing into Q4 2024. Following this engagement period Hamilton's approach to Inclusionary Zoning will be refined and updated to reflect the findings of the consultation. A second shorter phase of engagement is planned to occur in Q1 of 2025 to garner feedback on an updated policy and zoning framework along with an implementation approach. A final recommendation report, including a more detailed implementation/administration process is anticipated to be presented to Planning Committee by the beginning of Q2 of 2025, which generally aligns with timing expectations for a Provincial decision on the Major Transit Station Areas work.

Family Friendly Housing Strategy

The [Family Friendly Housing](#) project is a City of Hamilton initiative that is looking at ways to provide and encourage an adequate supply of housing suitable for larger households and families with children, particularly within strategic intensification areas.

The Family Friendly Housing Strategy work was initiated in 2021. On September 21, 2021, Planning Committee received Staff Report PED21207, containing a discussion paper titled "Encouraging Family Friendly Housing in Hamilton". The discussion paper outlined numerous planning-related actions for family friendly housing that could be considered for Hamilton. Following receipt of this report, staff was directed to undertake consultations for the purpose of developing a planning strategy for family friendly housing. Staff undertook a broad series of consultations in 2022 which was used to develop a draft strategy.

In November 2022, the Province issued a decision on the City's Municipal Comprehensive Review which resulted in a large expansion of the City's urban boundary. This prompted further work being needed to understand future residential growth distribution, and significant staff resources had to be redirected towards work on urban expansion areas. As such, the Family Friendly Housing Strategy was not advanced in 2023. In December 2023, Bill 150 was passed which reversed the previous Urban Boundary Expansions and established an 80% intensification target for areas within the City's urban boundary. As a result, work is recommencing on the strategy

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SUBJECT: Status of Major Transit Station Area Planning, Inclusionary Zoning and the Family Friendly Housing Strategy (City Wide) - Page 4 of 4

with a focus on ensuring intensification addresses the needs of larger households and is designed to support the well-being of households with children. The strategy will identify various planning related actions to be advanced in the short and medium terms and is expected to be completed by Q4, 2024.

Additional Information

- The Planning Division will continue to update City Council on the status of these projects, including anticipated timing of public consultations and Planning Committee reports.
- All three projects are proceeding under the current provincial legislative and policy framework. With the recent introduction of Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* and release of an updated draft Provincial Planning Statement on April 10, 2024, the Planning Division will be assessing potential implications to these projects as part of its preparation of comments on these changes.

For further information please contact Dave Heyworth, Manager of Sustainable Communities by phone at (905) 546-2424 Ext. 1279, or by email at Dave.Heyworth@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.

Authority: Section 284.11.1 of the
Municipal Act, 2001
Bill No. 057

CITY OF HAMILTON

BY-LAW NO. 24-

To authorize the declaration of 5 Lake Avenue South, Stoney Creek as surplus to the requirements of the City of Hamilton and to authorize the disposition of 5 Lake Avenue South, Stoney Creek and 13 Lake Avenue South, Stoney Creek

WHEREAS the City of Hamilton is committed to addressing the housing crisis by helping facilitate the building of more affordable housing; and

WHEREAS the Government of Ontario has set a target of 47,000 new units to be constructed in the City of Hamilton by 2031; and

WHEREAS the City of Hamilton is the owner of two properties located on Lake Avenue just south of King Street East in the downtown of Stoney Creek, with lot-area of 0.15 acres (5 Lake Avenue South) and 0.92 acres (13 Lake Avenue South) respectively; and

WHEREAS the two sites are part of an existing municipal surface parking lot which extends east to Mountain Avenue South; and

WHEREAS both sites have C5-Mixed-use Medium Density zoning in place; and

WHEREAS subsection 284.11.1 (2) of the *Municipal Act, 2001* provides, in part, that if the head of council is of the opinion that a by-law under the *Municipal Act, 2001* could potentially advance a prescribed provincial priority, the head of council may propose the by-law to the council and require the council to consider and vote on the proposed by-law at a meeting; and

WHEREAS pursuant to Ontario Regulation 530/22, building 1.5 million new residential units by December 31, 2031 is a provincial priority prescribed for the purposes of subsection 284.11.1(2) of the *Municipal Act, 2001*; and

WHEREAS the head of council for the City of Hamilton is of the opinion that the passage of a by-law declaring 5 Lake Avenue South, Stoney Creek as surplus and authorizing the disposition of lands municipally known as 5 Lake Avenue South, Stoney Creek advances the prescribed provincial priority of building 1.5 million homes by 2031; and

To authorize the declaration of 5 Lake Avenue South, Stoney Creek as surplus to the requirements of the City of Hamilton and to authorize the disposition of 5 Lake Avenue South, Stoney Creek and 13 Lake Avenue South, Stoney Creek

WHEREAS the head of council for the City of Hamilton is of the opinion that the passage of a by-law authorizing the disposition of lands municipally known as 13 Lake Avenue South, Stoney Creek advances the prescribed provincial priority of building 1.5 million homes by 2031;

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

1. That the property known as 5 Lake Avenue South, Stoney Creek be declared surplus to the requirements of the City of Hamilton, in accordance with the “Procedural By-law for the Sale of Land” being By-law No. 14-204, for the purposes of achieving the City’s affordable housing objectives.
2. That the Housing Secretariat be authorized and directed to use an open process to select a non-profit housing provider and that the Real Estate Section of the Planning and Economic Development Department then be authorized and directed to negotiate an agreement for the disposition of 5 Lake Avenue South, Stoney Creek for net nominal value consideration for the purpose of affordable housing, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and the General Manager of Planning and Economic Development, and in a form satisfactory to the City Solicitor.
3. That the Housing Secretariat be authorized and directed to use an open process to select a non-profit housing provider and that the Real Estate Section of the Planning and Economic Development Department then be authorized and directed to negotiate an agreement for the disposition of 13 Lake Avenue South, Stoney Creek for net nominal value consideration for the purpose of affordable housing, on terms and conditions satisfactory to the General Manager of Healthy and Safe Communities and the General Manager of Planning and Economic Development, and in a form satisfactory to the City Solicitor.
4. That the Mayor and City Clerk be authorized and directed to execute all required agreements and ancillary documents to effect the disposition of 5 and 13 Lake Avenue South, Stoney Creek, with such terms and conditions in a form satisfactory to the City Solicitor.
5. That the City Solicitor be authorized to complete any transactions on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable.

To authorize the declaration of 5 Lake Avenue South, Stoney Creek as surplus to the requirements of the City of Hamilton and to authorize the disposition of 5 Lake Avenue South, Stoney Creek and 13 Lake Avenue South, Stoney Creek

PASSED this 24th day of April, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk



Hamilton

Reasons for By-law Proposed pursuant to 284.11.1(2) of the *Municipal Act, 2001*

DATE: April 24, 2024
TO: Members of City Council
AND TO: Janet Pilon, Acting City Clerk

WHEREAS pursuant to 284.11.1(2) of the *Municipal Act, 2001* (the “Act”), if the Mayor is of the opinion that a by-law could potentially advance a prescribed provincial priority, the Mayor may propose a by-law to the council and require the council to consider and vote on the proposed by-law at a meeting; and

WHEREAS pursuant to 284.11.1(3) of the Act, the Mayor shall provide a copy of any by-law proposed under 284.11.1(2) of the Act, together with the Mayor’s reasons for the proposal, to the clerk and to each member of council;

THEREFORE, in accordance with 284.11.1(3) of the Act, I, Andrea Horwath, Mayor of the City of Hamilton, provide the following reasons for the proposal of a By-law to authorize the declaration of 5 Lake Avenue South, Stoney Creek as surplus to the requirements of the City of Hamilton and to authorize the disposition of 5 Lake Avenue South, Stoney Creek and 13 Lake Avenue South, Stoney Creek (the “By-law”).

The reasons for the proposal of the By-law are as follows:

1. 5 Lake Avenue South, Stoney Creek, could accommodate a three-storey building with a footprint of approximately 4,736 square feet, yielding 24 self-contained studio-units, tenant amenity area, and eight parking spaces;
2. 13 Lake Avenue South, Stoney Creek, could accommodate a five-storey building with a footprint of approximately 6,351 square feet, yielding 43 self-contained one-bedroom units, tenant amenity area, common area, and 22 parking spaces;
3. 5 and 13 Lake Avenue South, Stoney Creek have direct access to transit and other amenities;

4. 5 and 13 Lake Avenue South, Stoney Creek have C5-Mixed-use Medium Density zoning in place, permitting the residential use and building form proposed;
5. 13 Lake Avenue South, Stoney Creek was declared surplus in 2018 and has been identified as a site for affordable housing since that time; and
6. making 5 and 13 Lake Avenue South, Stoney Creek available for the development of affordable housing will advance the provincial priority set out in paragraph 1 of section 1 of O. Reg. 580/22 of “building 1.5 million new residential units by December 31, 2031”.

Andrea Horwath
Mayor, City of Hamilton

Authority: Item 7, Planning Committee Report 24-005 (PED24048)
CM: April 24, 2024 Ward: City Wide

Bill No. 058

CITY OF HAMILTON

BY-LAW NO. 24-

To Amend By-law No. 23-162, a By-law to Prescribe Standards for the Maintenance and Occupancy of Property

WHEREAS; Council enacted the Property Standards By-law 23-162 on September 13, 2023; and

WHEREAS this By-law amends By-law No. 23-162 to increase the Director's authority to carry out work necessary for compliance with property standards orders issued under By-law 23-162.

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

1. That By-law 23-162 be amended by repealing subsection 31 (7) and replacing it with the following:
"31 (7) Where the cost of doing the work necessary for compliance with the property standards order under subsection 31 (4):
 - (a) does not exceed \$50,000.00, the Director is authorized to carry out the work;
 - (b) does exceed \$50,000.00, the Director shall seek authorization from City Council to carry out the work."
2. That in all other respects, By-law 23-162 is confirmed; and
3. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this 24th day of April, 2024.

A. Howarth
Mayor

J. Pilon
Acting City Clerk

Authority: Item 14, Committee of the Whole Report 01-003 (FCS01007)
CM: February 6, 2001 Ward: 1,3,13,14

Bill No. 059

CITY OF HAMILTON

BY-LAW NO. 24-

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

WHEREAS Section 11(1)1 of the *Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*,

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

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

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	E	Golfwood Drive	West	Atkins Drive to Venetian Drive	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
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To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 2 of 2

12 - Permit	<i>E</i>	Poulette Street	East	39 metres south of Hunter Street West to 6 metres south thereof	Anytime	Deleting
12 - Permit	<i>B</i>	Princess Street	West	21 metres south of Melville Street to 6 metres south thereof	Anytime	Adding
12 - Permit	<i>E</i>	Garfield Avenue North	East	56 metres north of King Street East to 6 metres north thereof	Anytime	Adding

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 24th day of April 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Authority: Item 12, Committee of the Whole Report 01-033 (PD01184)
CM: October 16, 2001 Ward: 9

Bill No. 060

CITY OF HAMILTON

BY-LAW NO. 24-

**Respecting Removal of Part Lot Control
Block 49, Registered Plan of Subdivision No. 62M-1295, Municipally Known
As 126 Picardy Drive and 132, 134, 136 and 138 Lormont Boulevard, Stoney
Creek**

WHEREAS the sub-section 50(5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Subsection 5 of Section 50 of the *Planning Act*, for the purpose of creating five lots for street townhouse dwellings (Parts 1 to 7 inclusive) and two maintenance easements (Parts 6 and 7 inclusive) as shown on Deposited Reference Plan 62R-22278, shall not apply to the portion of the Registered Plan of Subdivision that is designated as follows, namely:

Block 49, Registered Plan of Subdivision No. 62M-1295, in the City of Hamilton.

2. This By-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.

3. This By-law shall expire and cease to be of any force or effect on the 24th day of April 2026.

PASSED this 24th day of April, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

PLC-24-001

Authority: Item 12, Committee of the Whole Report 01-033 (PD01184)
CM: October 16, 2001 Ward: 9

Bill No. 061

CITY OF HAMILTON

BY-LAW NO. 24-

**Respecting Removal of Part Lot Control
Blocks 33, 34, 35, and 36, Registered Plan of Subdivision No. 62M-1295,
Municipally Known As 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205,
207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237
and 239 Lormont Boulevard, Stoney Creek**

WHEREAS the sub-section 50(5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Subsection 5 of Section 50 of the *Planning Act*, for the purpose of creating 28 lots for street townhouse dwellings (Parts 1 to 29 inclusive) and one maintenance easement (Part 29) as shown on Deposited Reference Plan 62R-22280, shall not apply to the portion of the Registered Plan of Subdivision that is designated as follows, namely:

Blocks 33, 34, 35 and 36, Registered Plan of Subdivision No. 62M-1295,
in the City of Hamilton.
2. This By-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This By-law shall expire and cease to be of any force or effect on the 24th day of April 2026.

Respecting Removal of Part Lot Control, Blocks 33, 34, 35, and 36, Registered Plan of Subdivision No. 62M-1295, Municipally Known As 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237 and 239 Lormont Boulevard, Stoney Creek

PASSED this 24th day of April, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

PLC-24-002

Authority: Item 7.3 - REVISED, Motion
CM: January 24, 2024 Ward: City Wide

Bill No. 062

**CITY OF HAMILTON
BY-LAW NO. 24-**

A By-law to Establish a Vacant Unit Tax

WHEREAS section 338.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "*Municipal Act*"), provides that the Minister of Finance may, by regulation, designate municipalities as having the ability to pass a by-law to impose a tax in the municipality on the assessed value, as determined under the *Assessment Act*, R.S.O. 1990, Chapter A.31, as amended ("*Assessment Act*"), of vacant units that are classified in the residential property class and that are taxable under that Act for municipal purposes;

AND WHEREAS O. Reg. 458/22 as amended, designates the City of Hamilton as a municipality that may impose an optional tax on vacant residential units;

AND WHEREAS section 338.2(2) of the *Municipal Act* provides that a by-law established by a designated municipality to impose a vacancy tax shall satisfy the criteria contained within that section;

AND WHEREAS section 338.2(3) of the Act further provides that a by-law established by a designated municipality to impose a vacancy tax may establish additional requirements as Council considers appropriate;

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

NOW THEREFORE, THE COUNCIL OF THE CITY OF HAMILTON HEREBY ENACTS AS FOLLOWS:

PART 1 – TITLE AND DEFINITIONS

Short Title

1. This By-law may be referred to as the "Hamilton Vacant Residential Unit Tax By-law" or the "Vacant Residential Unit Tax By-law".

Definitions

2. In this By-law:

“**Assessment Act**” means the *Assessment Act*, RSO 1990, cA.31, as amended.

“**By-law**” means this By-law.

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

“**Council**” means the municipal Council of the City of Hamilton.

“**CVA**” means the Current Value Assessment of the Residential Property, as determined under the *Assessment Act* for the Taxation Year.

“**Complainant**” means a person who has filed a complaint pursuant to Part 6 of this By-law and also means a person who has appealed from the disposition of a complaint pursuant to Part 7 of this By-law.

“**Declaration**” means the annual declaration to be made in respect of every Residential Unit by its Owner as required in this By-law in the form prescribed therefor by the Program Administrator.

“**Declaration Due Date**” means the 31st day of March of the year following the Vacancy Year in respect of which the Declaration is made.

“**Late Declaration Cut-off Date**” means the 30th day of April of the year following the Vacancy Year in respect of which the Declaration is made.

“**Deemed Vacant Unit**” means a Residential Unit that has been deemed to be a Vacant Unit pursuant to Part 3 of this By-law.

“**Director**” means the City’s Director of Financial Planning, Administration and Policy and their designate or successor.

“**Exemption**” means each circumstance for exemption from Tax set out in Section 8 of this By-law.

“**Notice of Appeal**” means a notice of appeal submitted pursuant to Part 7 of this By-law in the form prescribed therefor by the Program Administrator.

“**Notice of Complaint**” means a notice of complaint submitted pursuant to Part 6 of this By-law in the form prescribed therefor by the Program Administrator.

“**Notice of Determination**” means notification from the Program Administrator of the decision made in respect of a Complaint under Part 6 of this By-law.

“**Notice of Tax**” means a notice issued to the Owner levying Tax on a Vacant Unit pursuant to this By-law and includes a tax bill.

“**Non-Profit Housing Unit**” means:

- (a) a Residential Unit in or that is a “designated housing project” as defined in section 2 of the *Housing Services Act, 2011*, S.O. 2011, c. 6, Sched. 1, as amended, or a “Part VII.1 housing project” as defined in section 101.1 of the *Housing Services Act, 2011*, S.O. 2011, c. 6, Sched. 1, as amended,
- (b) a Residential Unit owned by:
 - (i) a corporation to which the *Not-for-Profit Corporations Act, 2010*, S.O. 2010, c. 15, as amended applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* S.C. 2009, c. 23, as amended applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act, 2022*, c. 21, Sched. 3, s. 4, as amended;
 - (iv) CityHousing Hamilton Corporation.

“Occupant” means any person occupying a Residential Unit with the permission of the Owner, including without limitation an Owner and a Tenant.

“Owner” means the registered legal owner of a Residential Unit.

“Payment Date” means the date as indicated on a Notice of Tax.

“Principal Residence” means a Residential Unit in which a person is ordinarily resident. A person may only have one Principal Residence, but a Residential Unit may be the Principal Residence of more than one person.

“Principal Resident” means a person who occupies a Residential Unit as a Principal Residence.

“Program Administrator” means a City employee responsible for the administration and enforcement of this By-law.

“Residential Property” means a property or a portion of a property that is classified in the residential property tax class, categorized in one of the property codes set out in Schedule “A” and taxable under the *Assessment Act*.

“Residential Unit” or **“Unit”** means a dwelling unit as indicated on the assessment roll for the Residential Property.

“Tax” means the tax imposed by this By-law including all penalties, fees, charges and interest that are or may be added to such a tax under this By-law.

“Taxation Year” means the year following the Vacancy Year.

“Tenant” means a person who occupies a Residential Unit pursuant to a written lease or sublease, respecting possession of the Residential Unit for a consecutive term of at least 30 days.

“Vacant Unit” means a Residential Unit which, for more than 183 days in a given year, is not occupied for residential purposes by one or more Occupants and which does not fall under one of the exemptions listed in Part 2 of this By-law.

“Vacancy Year” means the calendar year for which the vacancy status of the Residential Unit is determined.

PART 2 – TAX FOR VACANT UNITS

Vacant Unit Tax

3. The Tax shall be imposed on every Residential Unit that is a Vacant Unit or Deemed Vacant Unit in accordance with this By-law.
4. The Tax shall be levied at a rate of one percent (1%) of the CVA for each Vacancy Year.
5. Every Owner of a Vacant Unit and every Owner of a Deemed Vacant Unit shall pay the Tax on or before the Payment Date.
6. For properties that have more than one Unit, the CVA will be proportioned equally amongst the number of Units as indicated in the assessment roll and the Tax will be applied on the Residential Units that are Vacant Units.
7. If the CVA of a Residential Property is changed after the assessment roll is returned, the applicable Tax for that Residential Property will be adjusted to reflect the revised assessed value unless the change was the result of a notice issued under sections 32, 33 or 34 of the *Assessment Act*.

Exemptions

8. Despite sections 3, 4, 5, 6, and 7 of this By-law, but subject to section 9 of this By-law, no Tax is payable by an Owner in respect of a Vacant Unit if any one of the following circumstances apply:
 - (a) **Principal Residence:** The Residential Unit is the Principal Residence of the Owner.

- (b) **Death of an Owner:** The Residential Unit was unoccupied for more than 183 days because of the death of the Owner. This exemption only applies to the year of death plus one subsequent year after the year of death.
 - (c) **Major Renovations:** The Residential Unit is undergoing repairs or renovations and the following conditions have been met:
 - i) occupation and normal use of the Residential Unit is prevented by the repairs or renovations for at least 183 days of the Vacancy Year; and
 - ii) all requisite permits have been issued for the repairs or renovations.
 - (d) **Sale of the property:** Legal ownership of the Vacant Unit has been transferred to an arm's length transferee in the Vacancy Year.
 - (e) **Resident in a Care Facility:** The Principal Resident of the Vacant Unit is residing in a hospital, long term care or supportive care facility for a period of an aggregate of at least 183 days during the Vacancy Year.
 - (f) **Court Order:** A court order is in force which prohibits occupancy of the Vacant Unit for at least 183 days of the Vacancy Year.
 - (g) **Non-Profit Housing Unit:** The Residential Unit is a Non-Profit Housing Unit.
9. Subject to Parts 6 and 7 of this By-law, if a Residential Unit is a Deemed Vacant Unit, it is taxable under this By-law despite any Exemption.

PART 3 – DECLARATION AND DEEMED VACANCY

Owner Declarations

- 10. On or before January 31st of the year following the Vacancy Year, the Program Administrator shall cause to be delivered to each Owner by mail or by any other means, or to be made available on-line through a publicly accessible website, a Declaration form and instructions for completion and submission of the completed Declaration either by mail or on-line or by any other format provided by the Program Administrator.
- 11. On or before the Declaration Due Date, every Owner, or authorized representative of the Owner, shall make a Declaration to the City for each Residential Unit of which they

are an Owner, advising the City, in respect of the Vacancy Year, whether the Residential Unit was:

- (a) a Vacant Unit; and
- (b) whether the Vacant Unit was subject to an Exemption.

12. A Residential Unit will be a Deemed Vacant Unit if an Owner fails to:

- (a) make the Declaration required under this By-law prior to the Late Declaration Cut-off Date or provide information or evidence demanded by the City pursuant to this By-law; and,
- (b) The failure is not reversed by way of a Complaint or Appeal under this By-law.

PART 4– ASSESSMENT AND COLLECTION

13. Following the Late Declaration Cut-off Date, the Program Administrator shall review each Declaration received pursuant to this By-law, determine the Tax payable in respect of each Vacant Unit and each Deemed Vacant Unit for the Taxation Year, and issue a Notice of Tax to the Owner setting out the amount of the Tax levied and the Payment Date.
14. The Program Administrator shall send by mail or registered mail or deliver by hand the Notice of Tax to the Owner at the Owner's last known address or at the address of the Residential Unit.
15. Subject to Parts 6 and 7 of this By-law, liability to pay any amount under this By-law is not affected by an incorrect, incomplete or omitted determination by the Program Administrator.
16. The Program Administrator is not bound by any information delivered by or on behalf of a person responsible for the payment of Tax under this By-law and may, despite any information that has been delivered or if no information has been delivered, determine the Tax payable.
17. Subject to Parts 6 and 7 of this By-law and the results of any audit under Part 8 of this By-law, a determination of the Tax is valid and binding despite any error, defect or omission in the determination of the Tax or in any proceeding related to it.

18. The Tax is payable within the time required by the Notice of Tax regardless of whether a complaint or appeal of the determination of the Tax is made.

PART 5–FEES

19. Owners who submit a Declaration after the Declaration Due Date, and on or before the Late Declaration Cut-off Date, may be charged a Late Declaration Fee outlined in the City's User Fees and Charges By-law. All administrative fees to be imposed under this By-law are as approved from the City's Council from time to time and included in the User Fees and Charges By-law.

PART 6 –COMPLAINT PROCESS

20. An Owner who objects to an assessment of the Tax, or any related determination by the Program Administrator, may serve a Notice of Complaint on the Program Administrator. The Notice of Complaint shall be in the form prescribed from time to time by the Program Administrator.
21. The following are the grounds upon which a complaint may be made by an Owner:
 - (a) That the Tax was incorrectly assessed as a result of errors or omissions by the Owner in completing its Declaration;
 - (b) That the Tax was incorrectly assessed as a result of errors or omissions by the City in the assessment or calculation of the Tax, including any determination or redetermination related thereto; or,
 - (c) That the Tax was assessed on the basis that the Residential Unit was a Deemed Vacant Unit as a result of a failure of the Owner to make the Declaration before the Late Declaration Cut-off Date, and the Residential Unit was not actually a Vacant Unit during the Vacancy Year.
22. A Notice of Complaint shall be served on the Program Administrator not later than 60 days after the billing date on the Notice of Tax.
23. The Notice of Complaint shall include the following information:

- (a) Identify the Residential Unit in respect of which it is made;
 - (b) Include the full name of the Complainant and a telephone number or e-mail address at which the Complainant may be contacted during regular business hours;
 - (c) Indicate whether the Complainant is the Owner or the authorized representative of the Owner, of the Residential Unit to which the complaint relates;
 - (d) If the Complainant is the authorized representative acting on behalf of the Owner, include information regarding the authority to act on behalf of the Owner and/or written authorization from the Owner;
 - (e) State the grounds on which the complaint is based;
 - (f) State why the Residential Unit should not be subject to the Tax based on the grounds of the complaint;
 - (g) Provide supplementary information and evidence to substantiate the grounds for the complaint; and
 - (h) Any other information required by the Program Administrator as determined from time to time.
24. A Notice of Complaint under this section shall be served by being filed online, being sent by electronic communication, sent by registered mail addressed to the Program Administrator or by such other method of service as the Program Administrator may determine from time to time.
25. Upon receipt of a Notice of Complaint, the Program Administrator may require the Complainant to provide any of the information or documentation described in Part 8 (Audit and Inspection) and failure to provide the required information within the time period specified in the demand will result in a dismissal of the complaint.
26. Upon receipt of the information required under Section 23, or if no information is required under Section 23, the Program Administrator shall reconsider the Tax and confirm, vacate or vary the Tax determination and shall provide the Owner with a Notice of Determination.
27. If the Complainant is successful, the City will rescind, fully or proportionally as required, the Taxes and the fees and charges related to the Tax within 120 days of

the date of the Notice of Determination and issue any applicable refunds in accordance with the provisions of this By-law.

PART 7 – APPEAL PROCESS

28. A Complainant may appeal the Notice of Determination by serving a Notice of Appeal to the Director not later than 60 days from the date of the Notice of Determination. The Notice of Appeal shall be in the form prescribed from time to time by the Program Administrator.
29. A Notice of Appeal shall include the following information:
 - (a) Identification of the Residential Unit in respect of which the request is made;
 - (b) The full name of the Complainant and a telephone number or e-mail address at which the Complainant may be contacted during regular business hours;
 - (c) Whether the Complainant is the Owner or the Residential Unit to which the appeal relates, or an authorized representative acting on behalf of the Owner;
 - (d) If the Complainant is an authorized representative acting on behalf of the Owner, include information regarding the authority to act on behalf of the Owner and/or written authorization from the Owner;
 - (e) State the grounds on which the appeal request is based;
 - (f) State why the Residential Unit should not be subject to the Tax based on the grounds of appeal; and
 - (g) Provide supplementary information and evidence to substantiate the grounds for the appeal.
30. The Complainant is entitled to raise by way of appeal only those issues raised in a Notice of Complaint regarding the Notice of Determination being appealed.
31. Despite section 30, the Director may review fresh evidence or new issues if, under the circumstances, the Director deems it fair to do so.
32. A Notice of Appeal shall be served on the City by being sent by registered, regular mail, or electronic communication, addressed to the Director or by such method of

service that the Director may determine from time to time, in the form prescribed by the Director.

33. The Director shall review the Notice of Appeal, the decision of the Program Administrator, and any fresh evidence considered pursuant to section 31, and make a decision that shall dispose of the appeal.
34. The Director may dispose of an appeal by allowing or dismissing it, in whole or in part, and shall provide a written decision, with reasons, to the Complainant by mail or electronic communication.
35. The Director's decision regarding the appeal is final.
36. If the Complainant is successful, the City will rescind, fully or proportionally as required, the Taxes and the fees and charges related to the Tax within 120 days of the date of the decision and issue any applicable refunds in accordance with the provisions of this By-law.

PART 8 – AUDIT

37. The Program Administrator shall perform regular audits to ensure compliance with the By-law and provide periodic updates/reports to Council on compliance levels and audit findings.
38. The Program Administrator shall have the right to perform audits of any Residential Unit to ensure compliance with this By-law, for the relevant Vacancy Year and the two years preceding the relevant Vacancy Year. The Program Administrator shall make a further determination of the Tax payable under this By-law arising from the results of the audit, together with any interest imposed thereon, and shall mail a notice of such taxes to the Owner, if the Program Administrator finds that the Tax should have been issued and was not issued for a Vacant Unit or a Deemed Vacant Unit for one or more of (i) the Vacancy Year, and (ii) the two years preceding the current Vacancy Year.
39. Where it appears from an inspection, audit or examination of the books or account, records or documents of any person that this By-law has not been complied with, the person making the inspection, audit or examination shall calculate the Tax payable in such manner and form and by such procedure as the Program Administrator considers adequate and expedient, and the Program Administrator shall determine the Tax payable.

40. The Program Administrator may conduct an audit to verify that the Residential Property continues to meet the requirements set out in this By-law, that the information provided in the Declaration is accurate, that the property is or is not occupied, and to investigate compliance with this By-law. For the purposes of this audit, the Program Administrator may request additional information.
41. Every Owner shall retain all records and documents in respect of the occupation of, and in respect of any applicable exemption related to the Residential Unit for a period of no less than three years.
42. The Program Administrator may, for any purpose relating to the administration or enforcement of this By-law, serve on any Owner and any Occupant personally, by electronic communication, registered mail or by courier service, a written demand for information and/or evidence the Program Administrator considers necessary to determine compliance with this By-law for a period of up to two years following the relevant Vacancy Year.
43. The information or evidence required by the Program Administrator pursuant to this By-law may include but is not limited to:
 - (a) Copies or certified copies of:
 - i) Ontario vehicle registration and vehicle insurance documentation of any Occupant and Owner;
 - ii) Government-issued personal identification, including without limitation, driver's license and Ontario Identity Card of any Occupant and Owner;
 - iii) Income tax returns and income tax notices of assessment of any Occupant and Owner;
 - iv) Lease agreements for the Residential Property;
 - v) Death certificate;
 - vi) Employment contracts, pay statements or records of employment of any Occupant or Owner;
 - vii) Verification of residence in hospital, long term or supportive care facility in respect of an Occupant or Owner;
 - viii) Court orders prohibiting the rental of the Residential Property;
 - ix) Insurance certificates for homeowners or tenants' insurance;

- x) Building permits;
 - xi) Agreement of Purchase and Sale; and
 - xii) Title Transfer from the Land Registry Office.
- (b) Statutory declarations or affidavits regarding the status of the Residential Property.

Non-Compliance

44. As a result of the audit, if the Program Administrator has determined that the Tax was not assessed when it should have been assessed under this By-law, the Owner will receive a Notice of Tax and the Owner shall pay the Tax on or before the Payment Date.
45. If the Program Administrator determines that an Owner of a Residential Property has not complied with the requirements of an audit conducted under this By-law, additional fees and/or fines and penalties as applicable may apply under this By-law.

PART 9 – ADMINISTRATION AND ENFORCEMENT

Program Administrator and Director's Powers

46. The administration and enforcement of this By-law is assigned to the Director and the Program Administrator who shall perform the functions conferred upon them by this By-law.
47. In administering this By-law, the Director and/or Program Administrator may issue such interpretation bulletins and guidelines as they, from time to time, determine necessary or advisable. In the event of conflict between such interpretation bulletins and guidelines and this By-law, this By-law shall govern.
48. The Director and/or Program Administrator may approve the use and format of forms for any purpose of this By-law and the forms may provide for such information to be furnished as the Director and/or Program Administrator may require for the enforcement and proper administration of this By-law.

49. The Director and/or Program Administrator are not bound by any information delivered by or on behalf of a person responsible for the payment of Tax under this By-law and may, despite any information that has been delivered or if no information has been delivered, determine the Tax payable.

Penalties and Offences

50. Every person is guilty of an offence under this By-law who:
- (a) Makes, participates in, assents to or acquiesces in the making of a false or deceptive statements in a Declaration, report, statement, form or other document prepared, submitted or filed under or for the purposes of this By-law;
 - (b) Destroys, alters, mutilates, hides or otherwise disposes of any records or books of account in order to evade payment or remittance of Tax;
 - (c) Makes, assents to or acquiesces in the making of false or deceptive entries, or assents to or acquiesces in the omission to enter a material particular, in any records or books of account;
 - (d) Fails to comply with, interferes with, or otherwise contravenes Part 8 of this By-law.
51. Every person who is guilty of an offence under this By-law is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, as each may be amended from time to time.

Recovery of Tax

52. Upon default of payment of an amount due under this By-law, the Program Administrator shall add such unpaid amount to the property tax roll for the Residential Unit and the unpaid amount shall be collected in the same manner as property taxes. The provisions of City of Hamilton By-law 13-136, being a By-law to Impose Late Payment Charges for Non-Payment of Taxes, shall apply with necessary modifications to such unpaid amount.
53. Upon default of payment under this By-law, the Program Administrator may bring an action for the recovery of the amount in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought by and executed in the name of the City of Hamilton.

54. The use of any of the remedies provided by this part does not bar or affect any of the other remedies herein provided, and the remedies provided for the recovery and enforcement of the payment of any amount required under this By-law are in addition to any other remedies existing at law, and no action or other proceeding in any way prejudices, limits or affects any lien, charge or priority existing under the By-law or at law in favour of the City.
55. The Program Administrator may refer the collection of any Tax payable or required to be remitted to a bailiff or collection agency.

General

56. Schedule "A" attached hereto shall be and form a part of this By-law.
57. In this By-law, a reference to an Act, regulation or by-law, is to that Act, regulation or By-law as it is amended or replaced from time to time.
58. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the stated intention of Council that the remainder of this By-law shall continue to be in force.
59. This By-law shall be deemed to have come into force and effect on January 1, 2024.

PASSED this 24th day of April, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Schedule "A" – Eligible Property Codes

PROPERTY CODE	DESCRIPTION
201	Farm with residence – with or without secondary structures; no farm outbuildings
211	Farm with residence – with or without secondary structures; with farm outbuildings
221	Farm with residence—with commercial/industrial operation
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 residential homes sharing a common centre wall
332	Typically a Duplex - residential structure with two self-contained units
333	Residential property with 3 self-contained units
334	Residential property with 4 self-contained units
335	Residential property with 5 self-contained units
336	Residential property with 6 self-contained units
350	Row Housing, with 3 to 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)
473	Retail with more than one non-retail use
476	Commercial condominium (live/work)

**CITY OF HAMILTON
BY-LAW NO. 24-**

To Confirm the Proceedings of City Council at its meeting held on April 24, 2024.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 24th day of April 2024, in respect of each recommendation contained in

Hamilton Utilities Corporation Shareholder Report 24-001 – April 15, 2024,
Planning Committee Report 25-005 – April 16, 2024,
General Issued Committee Report 24-007 – April 17, 2024,
Audit, Finance and Administration Committee – April 18, 2024,
and
Emergency and Community Services Committee Report 24-003 – April 18, 2024,

considered by the 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 20th day of March, 2024.

A. Horwath

Mayor

J. Pilon

Acting City Clerk